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HOUSE OF REPRESENTATIVES—*Friday, October 24, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 24, 2003.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God our Father, because the joy and hope, the grief and anguish of the people of this age, especially of those who are poor or afflicted in any way are the joy and hope, the grief and anguish of all those who truly serve the public, we pray for those in government here in these United States, as well as those serving in foreign governments. May they be true to their calling.

Help all to learn from their mistakes in the past. By working tirelessly for that justice which will bring about true and lasting peace, may Your servants be encouraged to do what is right for the common good of all.

You reveal that those who hunger for justice and work for peace will surely be known as Your sons and daughters. In this we trust now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 52. Joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. Con. Res. 21. Concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 22, 2003 at 9:10 a.m.

That the Senate agreed to conference report S. 3.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Wednesday, October 22, 2003:

S. 3, to prohibit the procedure commonly known as partial-birth abortion;

S. 1591, to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building."

APPOINTMENT AS DIRECTOR OF OFFICE OF INTERPARLIAMENTARY AFFAIRS

The SPEAKER pro tempore. Pursuant to section 103(c) of Public Law 108–83 (2 U.S.C. 130–2), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of Ms. Martha C. Morrison as Director of the Office of Interparliamentary Affairs of the United States House of Representatives.

APPOINTMENT AS MEMBERS TO NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF UNITED STATES INTELLIGENCE COMMUNITY

The SPEAKER pro tempore. Pursuant to section 1002(b) of the Intelligence Authorization Act for fiscal year 2003 (50 U.S.C. 401 note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

Mr. HOEKSTRA of Michigan;

And from private life:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. K. Stuart Shea, Chantilly, Virginia;

Mr. Gardner G. Peckham, Chevy Chase, Maryland.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 21. Concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce; to the Committee on Energy and the Workforce.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 22, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 1900. To award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

Jeff Trandahl, Clerk of the House reports that on October 22, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 1474. To facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m., Tuesday, October 28, 2003.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 28, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4849. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Review by the National Futures Association of Disclosure Documents Required To Be Filed by Commodity Pool Operators for Publicly-Offered Commodity Pools—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4850. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4851. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Foreign Options Transactions—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4852. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Performance Data and Disclosure for Commodity Trading Advisors (RIN: 3038-AB39) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4853. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of the New York Mercantile Exchange, Inc. Petition for Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4854. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Amendment to Appendix C of Part 40 and Redesignation as Appendix D of Part 30—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4855. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Account Identification for Eligible Bunched Orders (RIN: 3038-AB93) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4856. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of Washington Mutual, Inc. and Its Various Subsidiaries Request for Relief—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4857. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Pool Operators—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4858. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of the New York Mercantile Exchange, Inc. and the Intercontinental Exchange, Inc., Petitions for Treatment of Floor Brokers and Floor Traders as Eligible Commercial Entities Pursuant to Section 1a(11)(C) of the Commodity Exchange Act—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4859. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Fiscal Period Change [Docket No. FV03-956-1 FR] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4860. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rate [Docket No. FV03-930-3 FR] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4861. A letter from the Administrator, Agricultural Marketing Service, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule—Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board [No. LS-03-03] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4862. A letter from the Administrator, Agricultural Marketing Service, Research and Promotion Branch, Department of Agriculture, transmitting the Department's final rule—Mango Promotion, Research, and Information Order; Subpart B-Referendum Procedures [Doc. # FV-02-708-FR] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4863. A letter from the Assistant Attorney General, Department of Justice, transmitting the Attorney General's 2002 Annual Report, pursuant to the Equal Credit Opportunity Act Amendments of 1976, as required by 15 U.S.C. 1691(f); to the Committee on Financial Services.

4864. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Controlled Substances Registration and Reregistration Application Fees [Docket No. DEA-232F] (RIN: 1117-AA70) received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4865. A letter from the Deputy Chief, Wireline Competition Bureau, TAPD, Federal Communications Commission, transmitting the Commission's final rule—Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Universal Service Fund [CC Docket No. 96-45] Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Telecommunications Relay Services Fund [CC Docket No. 03-123] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4866. A letter from the Chief, Fee Section, FOD, Office of Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Schedule of Application Fees [Gen Docket No. 86-285; FCC 02-202] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4867. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the

Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Station. (Ridgecrest, California) [MB Docket No. 03-145 RM-10730] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4868. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Bangs, Texas) [MB Docket No. 03-153 RM-10727] (DeBeque, Colorado) [MB Docket No. 03-154 RM-10736] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4869. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson and Pegram, Tennessee) [MB Docket No. 03-51 RM-10555] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4870. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commisison's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Avoca, Freeland and, Wilkes-Barre, Pennslyvania) [MB Docket No. 03-140 RM-10697] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4871. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.2029b) Table of Allotments, FM Broadcast Stations. (Cove, Arkansas) [MB Docket No. 03-143 RM-10726] (Robert Lee, Texas) [MB Docket No. 03-146 RM-10728] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4872. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mason and Fredricksburg, Texas) [MB Docket No. 03-14 RM-10629] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4873. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement [CC DOcket No. 97-213] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4874. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59) [GN Docket No. 01-74] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4875. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Review of Part 15 and other Parts of the Commission's Rules [ET Docket 01-278] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4876. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Amendment of Parts 2, 25 and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for the Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and the Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements [GEN Docket No. 98-68] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4877. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service [ET Docket No. 95-18] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4878. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commission's Rules to Further Ensure That Scanning Receivers Do Not Receive Cellular Radio Signals [ET Docket No. 98-76] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4879. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 2 of the Commission's Rules to Allocate the Band 33-36 GHz to the Fixed Satellite Service for Federal Government Use—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4880. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Rapid City, South Dakota and Gillette, Wyoming) [MM Docket No. 00-186; RM-9970] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4881. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad and Aguila, Arizona) [MM Docket No. 00-166; RM-9951; RM-10015; RM-10016] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4882. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Houston and Anchorage, Alaska) [MM Docket No. 01-37; RM-10065] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4883. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arthur, North Dakota) [MM Docket No. 01-12: RM-10039] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4884. A letter from the Secretary, Department of Commerce, transmitting the Department's report to Congress on the status of The World Intellectual Property Organization Copyright Treaty and The World Intellectual Property Organization Performances and Phonograms Treaty; to the Committee on International Relations.

4885. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-255, "Sense of the Council on Extending the Federal Assault Weapons Ban Resolution of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4886. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-249, "Sense of the Council Supporting District of Columbia Budget Autonomy Resolution of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

4887. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's FY 2003 annual report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

4388. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 030721177-3234-02; I.D. 060903C] (RIN: A648-AQ96) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4889. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Pelagic Sargassum Habitat of the South Atlantic Region [Docket No. 030430107-3236-02; I.D. 040703A] (RIN: 0648-AN87) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4890. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specification, General Category Effort Controls, and Permit Revisions [Docket No. 030613152-3235-02; I.D. 051903B] (RIN: 0648-AQ38) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4891. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 093003B] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4892. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area [Docket

No. 021212307-3037-02; I.D. 092303B] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4893. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Insore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 092403B] Recieved October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4894. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Bluefin Tuna Retention Limit [I.D. 092403C] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4895. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Coastal Fisheries Cooperative Management Act Provisions; Weakfish Fishery [Docket No. 030617155-3232-02; I.D. 051903D] (RIN: 0648-AR11) received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4896. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 101003A] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4897. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 100703E] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4898. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Ohio River, Miles 467.0 to 475.0 and Licking River, Miles 0.0 to 0.5; Cincinnati, OH [CGD08-03-036] (RIN: 1625-AA08) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4899. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Isle of Wight Bay, Ocean City, MD [CGD05-03-062] (RIN: 1625-AA08) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4900. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 03-023] (RIN: 1625-AA00) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4901. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operationl Illinois Waterway, Illinois [CGD08-03-026] (RIN: 1625-AA09) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4902. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Charles River, Dorchester Bay, and Saugus River, MA [CGD01-02-026] (RIN: 1625-AA09) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4903. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facilfty in the Gulf of Mexico in Mississippi Canyon 243 [CGD08-03-017] (RIN: 1625-AA72) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4904. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30391; Amdt. No. 3078] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4905. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BURKHART GROB LUFT-UND RAUMFAHRT GmbH & CO KG Models G103 TWIN ASTIR, G103 TWIN II, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes [Docket No. 2003-CE-35-AD; Amendment 39-13317; AD 2003-19-14] (RIN: 2120-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4906. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes, and Airbus A310 Series Airplanes [Docket No. 2003-NM-206-AD; Amendment 39-13319; AD 2003-20-01] (RIN: 2120-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4907. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-300 Series Airplanes Equipped with Certain Pratt & Whitney PW306B Engine Nacelles [Docket No. 2001-NM-319-AD; Amendment 39-13320; AD 2003-20-02] (RIN 2120-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4908. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. 2003-CE-26-AD; Amendment 39-13316; AD 2003-19-13] (RIN: 1220-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4909. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-47-AD; Amendment 39-13328; AD 2003-19-15] (RIN: 2120-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4910. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and methods of accounting. (Rev. Proc. 2003-79) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4911. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Miscellaneous excise taxes collected by return. (Rev. Proc. 2003-78) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4912. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2003-76) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4913. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2003-76) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4914. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, "To amend Title 38, United States Code, to strengthen the ability of the Secretary of Veterans Affairs to manage Veterans Health Administration medical personnel effectively, and for other purposes"; jointly to the Committees on Veterans' Affairs, the Judiciary, and Government Reform.

REPORTS OF COMMITTEE

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 1856. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, with an amendment (Rept. 108–326 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of Oct. 21, 2003]

Mr. MANZULLO: Committee on Small Business. H.R. 2802. A bill to reauthorize the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment; referred to the

Committee on Government Reform for a period ending not later than October 31, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X (Rept. 108–325, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1856. Referral to the Committee on Resources extended for a period ending not later than October 31, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BEREUTER:

H.R. 3373. A bill to direct the Secretary of the Interior to monitor the health of the Missouri River and measure biological, chemical, and physical responses to changes in river management and other significant variables; to the Committee on Resources.

By Mr. KENNEDY of Minnesota:

H. Res. 413. A resolution honoring Mother Teresa and her many contributions to the world through her mission; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. FROST.

H.R. 151: Mr. PALLONE.

H.R. 339: Mr. LAHOOD.

H.R. 373: Mr. GRIJALVA.

H.R. 737: Mr. GUTIERREZ.

H.R. 791: Mr. LARSON of Connecticut, Mr. SHAYS, and Mr. JEFFERSON.

H.R. 1013: Mr. NUNES.

H.R. 1300: Mr. MCGOVERN.

H.R. 1513: Mr. CRANE and Mr. MATHESON.

H.R. 1910: Mr. BISHOP of Georgia.

H.R. 2131: Mr. AKIN, Mrs. BIGGERT, Mr. BLUNT, Mr. COLLINS, Mr. GINGREY, Mr. HEFLEY, Mr. KLINE, Mr. LAHOOD, Mr. MCCRERY, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, MR. SHADEGG, Mr. TIAHRT, Mr. WICKER, Mr. TIBERI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BISHOP of Utah, Mr. CANNON, Mr. PEARCE, Mr. KENNEDY of Minnesota, and Mr. MCGOVERN.

H.R. 2173: Mr. CARDOZA, Mr. THOMPSON of Mississippi, and Mr. KIND.

H.R. 2176: Mr. KING of New York.

H.R. 2371: Mr. TURNER of Texas.

H.R. 2512: Ms. SLAUGHTER, Mr. BOEHLERT, Mr. NADLER, and Mr. SHAYS.

H.R. 2515: Mrs. NORTHUP.

H.R. 2683: Ms. BORDALLO.

H.R. 2768: Mr. RAMSTAD, Mr. HOUGHTON, and Mr. WEINER.

H.R. 2771: Mr. ENGEL.

H.R. 2869: Mr. CANNON.

H.R. 2949: Mr. EVANS, Mr. WELDON of Pennsylvania, Mr. GEORGE MILLER of California, and Mr. MCGOVERN.

H.R. 2959: Mr. FROST, Mr. CUMMINGS, and Mr. MCNULTY.

H.R. 3035: Mr. FRANK of Massachusetts, Mr. ENGLISH, and Mr. FROST.

H.R. 3208: Mr. RUPPERSBERGER.

H.R. 3247: Mr. GIBBONS.

H.R. 3277: Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. FROST, and Mrs. JO ANN DAVIS of Virginia.

H.R. 3352: Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. EHLERS, and Ms. BALDWIN.

H. Con. Res. 165: Mr. FILNER.

H. Con. Res. 218: Mr. MENENDEZ, Mr. FERGUSON, Mr. SAXTON, Mr. EVANS, and Mr. MURTHA.

H. Con. Res. 265: Mr. MENENDEZ and Mr. WATT.

H. Res. 300: Ms. MCCOLLUM.

SENATE—*Friday, October 24, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God who presides over the universe, thank You for Your goodness and Your love. Today, make us instruments for grace. Help us to draw strength from each other, to be quick to listen and slow to speak. Teach us to refuse to let this world squeeze us into its mold, but make us ambassadors of transformation. Fill our Senators with power and wisdom so that Your name will be praised throughout the Earth. Strengthen our minds and bodies.

And, Lord, today we give You a special thanks for the lives and legacies of Paul and Sheila Wellstone. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, under the order last night, the Senate will conduct a period of morning business until 10 a.m. Following morning business, we will begin consideration of the foreign operations appropriations measure.

ORDER OF PROCEDURE

Therefore, I now ask unanimous consent that following morning business today, the Senate begin consideration of H.R. 2800, the foreign operations appropriations bill. I further ask unanimous consent that other than the offering of a substitute, the bill be open for debate only during today's session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. With this agreement in place, the two managers will be here at approximately 10 this morning to begin debate on this appropriations measure. There will be no rollcall votes during today's session. As a reminder, a cloture motion was filed on the nomination of Michael Leavett to be Administrator of the Environmental Protection Agency. That vote will occur at 5:30 on Monday. In addition to that vote on Monday, I would expect consideration of amendments to the foreign operations bill. I will have more to say on that later, after I have consulted with the manager of that bill, the distinguished majority whip.

I have also repeated our desire to complete a number of other important issues as we press on during these final weeks. The objection to begin consideration of the fair credit reporting bill was removed and we reached a consent to be able to proceed to that measure. Unfortunately, we have been unable to reach a consent for the consideration of the Healthy Forests legislation, but we will continue to work on and for that agreement.

The CARE Act continues to be held up from proceeding to conference.

The deadline for action on the Internet tax moratorium is fast approaching and we really need to expedite that bill.

I mentioned the other day the importance of the Protection of Lawful Commerce In Arms Act. This bill has over 54 cosponsors and should be considered by the Senate before we adjourn.

Nominations, in particular judicial nominations—those nominations which have been held up—do demand our attention and should be given their due process on the floor of the Senate.

I mention all of these items while we continue the ongoing appropriations process. There is much work to do and little time in which to do it. Thus, we must make very efficient use of the Senate's time. I hope Members will help the leadership on both sides of the aisle as we go forward and schedule these remaining weeks. These individual pieces of legislation, as well as the appropriations bills, as well as those bills that are in conference, must get done before we depart.

MEASURE PLACED ON THE CALENDAR—S. 1781

Mr. FRIST. Mr. President, I understand S. 1781 is at the desk and is due for a second reading.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 1781) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

Mr. FRIST. I object to further proceeding.

The PRESIDENT pro tempore. It will be placed on the calendar for further action.

IRAQ PROGRESS

Mr. FRIST. Mr. President, I take just a couple of moments to comment on some of the activities in Iraq, especially in light of the donor conference that is underway as we speak. We know it is very important for the world to have a clear picture of the progress that is being made in Iraq today. My comments will really center, again very briefly, on that.

Not very many Americans have heard of Karada Street, I would wager. Karada Street is Baghdad's busiest commercial avenue, and something truly remarkable is happening there. Iraqis for the first time are enjoying the fruits of economic freedom. Not even a bomb blast at the Baghdad Hotel just a few blocks away from this now very busy commercial strip has dampened the growing activity. A number of our colleagues have traveled and are continuing to travel to Iraq, and they come back with those encouraging reports that we are just beginning to hear about these days.

Recently, ABC News reported that at one computer and data system company, trade is up 70 percent since sanctions were lifted in May. At the Al Farah used car lot, a 9-year-old Jeep sells for $1,000 less today than when Saddam was in power. Meanwhile, government workers at a Karada Street match factory have seen their salaries soar fivefold. The manager tells the news agency, "Now my salary is much better . . . I can buy anything I want now."

There is much more. Portable generators are selling at discounted prices. Why? Because electricity has become more reliable. Indeed, washing machine and air-conditioner sales are brisk. In a particularly vivid example of how things have changed since the fall of Saddam, a local ice cream shop that used to serve almost exclusively Saddam's circle is now open to any local resident who comes in for that cold treat.

All of these stories are out there and they all point to the dramatic, remarkable changes that are underway that are associated with tasting freedom for the first time in decades.

One of the freedoms Iraqis have been most enthusiastic to exercise is the freedom to express their views. Pollsters for a new Gallup poll reported last week that Iraqis were pleading to share their opinions, and almost every

Iraqi asked to participate in the survey volunteered to do so. Gallup's director of international polling told reporters that once they started talking, the Iraqis "went on and on."

It is not hard to imagine the exhilaration they must feel today, how their hearts must swell with the realization that they, for the first time in decades, are truly free—free from tyranny, free from torture, free from persecution, free to speak their minds and create a government of their own devising, for the people and by the people.

For the first time in a generation, the Iraqi people live free of the tyranny of Saddam Hussein. They have begun to develop democratic institutions of government. They are pursuing economic policies on trade and investment that are more liberal than any other country in the region. The Iraqi people have begun replacing that old Saddam currency with the new, unified dinar. They will have in their wallets a powerful symbol of their liberation, money to save or to spend as they choose, without Saddam's face mocking their hopes.

The Gallup poll I mentioned just a few minutes ago found that, even in Baghdad, the Iraqis want us to stay that course. That is because the Iraqis now have an opportunity, as do we, to change the course of history and bring peace and stability to the heart of the Middle East.

For the sake of Iraq, for the sake of America, we must continue to fight for freedom. Our Declaration of Independence tells us that all men are created equal. Now, in Iraq, we have the opportunity to once again realize that essential truth.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business until the hour of 10 a.m. with the time equally divided between the Senator from Texas, Mrs. HUTCHISON, or her designee, and the Democratic leader or his designee.

Who seeks recognition?

The Senator from Ohio.

ARMY PRIVATE FIRST CLASS BRANDEN F. OBERLEITNER

Mr. DEWINE. Mr. President, this past May, I came to the Senate Floor to commemorate the 58th Anniversary of the end of World War II in Europe. I had been asked by the surviving members of an Army Company—Company K of the 409th Regiment of the 103rd Infantry Division—to fly a flag over our U.S. Capitol building in honor of those in the company who died on the field of battle—those who did not return home—those who Bill Gleason, a Private in K Company, described this way:

> Some in our Company were denied the chance to reach old age. They didn't make it to adulthood. They never were old enough to vote in an election. They died then—there in France or Germany. . . . They are frozen in time as they were—forever youthful.

I have again flown flags over our U.S. Capitol and am here today on the Floor of the United States Senate to pay tribute to another soldier—another soldier who did not make it home—another soldier who will remain forever youthful.

Private First Class Branden F. Oberleitner was born on June 18, 1982, in Columbus, OH. He grew up in nearby Worthington, OH, and graduated from Thomas Worthington High School in 2001, just two short years ago. He was a beloved member of his class.

As a kid growing up, many of his friends and family described Branden as "ornery"—as an independent kid who liked to do things his own way. He didn't feel a need to "follow the crowd." He enjoyed looking for crabs with his friends and taking trips to Kentucky to explore in some of the local caves.

Branden valued friendship. Once you were Branden's friend, you were always his friend.

He was loyal.

Branden had an innate ability to fix things. He could intuitively find solutions to problems. Branden was a gifted mechanic and loved to work on cars—especially the 1988 Delta Oldsmobile that seemed to occupy a permanent place in the family driveway. Branden's friend and classmate, Tyler Louk, remembers him elbow-deep in grease working on that car night after night after night.

Branden dreamed of opening a bike shop someday with one of his friends. They were going to fix Harley's.

During high school, Branden started taking firefighting classes at the Delaware Area Career Center. He met a man there named Keith Luce, a retired firefighter and now a firefighter and EMT trainer, who had been an airborne trooper in Vietnam. Keith became an important role model, mentor, and trusted friend. The two developed a tight bond. They had a great deal in common and just seemed to speak the same language. Branden looked up to Keith—he respected him.

With Keith's support and encouragement, Branden thrived in his firefighter training courses. He took to it. He was adept at it. He had found something that really interested him and something that he was good at and enjoyed—something he could make a career out of when he was finished with high school.

Branden's life was taking on whole new dimensions. He was becoming a grounded, disciplined young man, who learned to take time to think things through.

He became focused and developed a sense of responsibility for himself and an appreciation for the needs of others. He wanted to make something of his life—he wanted to help others—he wanted to be of service to others.

The tragic terrorist attacks of September 11, 2001, brought further clarity to Branden's life and his plans for the future. Angered by the vicious attacks and compelled to protect others from future terrorist strikes, Branden enlisted in the United States Army. He joined B Company, 2nd Battalion, 502nd Infantry Regiment of the 101st Airborne Assault Division, based out of Fort Campbell, KY.

The call to arms resonated with Branden. "That's all he wanted to do," said friend Kevin Earhart, who worked with Branden at a local gas station before he enlisted. Military service became his passion. He was a good soldier—regimented and resolute. He quickly earned the respect of his unit. Known as "Obie," Branden served as an infantryman and back-up medic, where he was regarded as being both tactically and technically proficient. All in his unit endorsed his application for Officer Candidate School. His Captain, William Riley, described him as "a shining example of what a soldier should be." Family friend, William Owen described him as "a model soldier—a soldier others could count on, turn to, and laugh with."

This model soldier lost his life on June 5, 2003, when a rifle-propelled grenade hit his Humvee near the Sunni city of Fallujah, about 30 miles west of Baghdad. Branden and the rest of his Division were working to ensure the safety of U.S. peacekeeping forces on the ground in Iraq.

He was 20 years old.

As William Owen said at Branden's memorial service, "He has a Bronze Star, a Purple Heart, and the appreciation of all of us because he showed that Americans are not selfish, but selfless."

Branden Oberleitner was indeed selfless.

He defines honor.

He defines bravery.

He defines love of country.

As his father, Freeman Carmack said:

> It was my honor to have watched him grow into the man he became: A loving brother, son, and proud member of the 101st Airborne Assault.

Branden Oberleitner grabbed a lot out of life in an all too short amount of time.

He lived life well. He it lived deeply. He lived it fully.

My thoughts and prayers remain with Branden's family—his mother, with whom he was especially close, Iris Oberleitner; his father Freeman; brothers Lawrence and Andrew; sister Grace; grandparents Mr. and Mrs. Frank Carmack; and grandmother Dora Fassler.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, are we now moving, under a previous order, to the Foreign Operations bill?

The PRESIDING OFFICER. Yes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2800, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1965

(Purpose: In the nature of a substitute)

Mr. McCONNELL. Mr. President, I have a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1965.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment be agreed to and considered as original text for the purposes of further amendment; further, that no points of order be waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1965) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCONNELL. Mr. President, my friend from Vermont and I come to floor today hoping we can dispose of the Foreign Operations bill in short order. That short order will not be today, but we believe we will have a limited number of amendments and, hopefully, an opportunity to wrap this bill up within a day or so—Monday or Tuesday.

Our respective staffs have been burning the midnight oil reviewing the amendments that we are aware of, and I strongly encourage all Senators to offer their amendments on Monday so we can wrap this bill up as quickly as possible.

Let me just say a very few words about the measure before us.

While the Senate's allocation is $796 million below the President's request, it is also $970 million above the House of Representatives. Unfortunately, our conference allocation will be closer to the House level, which will make conferencing the bill that much more of a challenge.

This measure provides nearly $1.4 billion for the President's new HIV/AIDS, tuberculosis, and malaria initiative for those programs under the subcommittee's jurisdiction, which is $10 million above that request.

Up to $250 million is available for a contribution to the global fund, and $150 million is provided for the President's International Mother and Child HIV Prevention Initiative. This amount includes $700 million for the Global AIDS Initiative.

It provides $1 billion for the Millennium Challenge assistance, which is $300 million below the request, and $100 million for the famine fund.

The bill fully funds the request for numerous accounts, including international disaster assistance; transition initiatives; international narcotics control and law enforcement; migration and refugee assistance; nonproliferation, anti-terrorism, demining and related programs; international military education and training; and international organizations and programs.

The bill provides increased funding for the Child Survival and Health Programs Fund, development assistance, assistance for Eastern Europe and the Baltic States, and assistance for the independent states of the former Soviet Union.

Given the $796 million cut we had to make, this bill is below the request in the Economic Support Fund, Andean Counterdrug Initiative, Peace Corps, debt restructuring, foreign military financing, peacekeeping operations, and international financial institution accounts—all of those below the request. Most of those accounts are still funded, however, at or above their respective fiscal year 2003 levels.

Despite the cuts in the ESF and FMF accounts, full funding for Israel, Egypt, and Jordan is provided.

Let me say a word or two about the ACI and the Peace Corps. While ACI is funded at $660 million, we provide authority to transfer $37 million from the international narcotics account, resulting in a funding level that is equal to last year's. For the Peace Corps, we provide $310 million and authority to transfer $20 million from the Global AIDS Initiative to the Peace Corps for their HIV/AIDS activities abroad. This results in a funding level that is $29 million below the request.

Let me close by thanking my good friend from Vermont for his input to this bill. I know he does not agree with everything in it. Frankly, I don't either. But we have worked hard to craft a bill born of compromise. I thank him for the cooperation and courtesy he continues to extend as the ranking member of this subcommittee.

With that, Mr. President, once again let me say we hope to pass this bill very shortly after Monday.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my good friend, the senior Senator from Kentucky, for his comments. I agree with him; I hope if people have amendments they will let us know right away. We will, of course, have the usual managers' package.

Like most appropriations bills, this is a work of compromise. My friend from Kentucky and I have worked together for many years. Sometimes he is the chairman, and sometimes I am. We find common ground and we write bipartisan bills, which is the tradition of the Appropriations Committee.

I thank Chairman McCONNELL and his staff for working so cooperatively with me and my staff on this bill, and I urge all Members to support it.

I also thank Chairman STEVENS and Senator BYRD for the allocation that was given to us. While it falls short of the President's budget request, I know they did well by us under the circumstances.

Since the Senator from Kentucky has done a good job in summarizing the bill, I want to mention a few highlights.

First, it adds $23 million for child survival and health programs. These are the programs that provide lifesaving vaccines for diseases like polio and measles—diseases that we hardly ever see in this country but which kill or cripple millions overseas.

These programs help stop the spread of viruses like Ebola and SARS, reduce needless pregnancy-related deaths, and provide aid to blind children and orphans.

Second, the bill increases funding for development assistance by $78 million. These funds pay for everything from education, to agriculture research, to democracy building. This is the core of our foreign aid budget. The bill adds $20 million for Eastern Europe and the former Soviet Union. Both Senator McCONNELL and I feel strongly that the administration is reducing assistance to these regions too quickly.

The bill includes a very important provision to ensure greater transparency and accountability at the multilateral development banks.

As in the past, there are provisions which seek to promote human rights and the rule of law in Serbia, Central Asia, Latin America, and elsewhere.

I am concerned that much of the good work that Senator McCONNELL has done on this bill could be undone by our conference allocation.

Even a split with the House allocation, which is $17.1 billion, would lead to deep cuts in many programs that are important to the President and important to Senators.

Earlier this week, the memo from Secretary Rumsfeld reminded us all of the importance of foreign aid in combating terrorism.

In that memo he wrote:

> Are we capturing, killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting, training and deploying against us?

I suspect the answer to that question is no, and that should deeply concern each one of us.

Let me mention one example. In this bill we fund children's basic education. We use these funds to build schools and train teachers in countries such as Pakistan and Indonesia, to counter the influence of the madrassas.

One would think that a wealthy Nation like ours would spend billions on education, especially in Muslim countries. It is in our self-interest. But we could only provide $220 million in this bill for education, which is a mere $2 million above last year's level. It is also far less than most U.S. States spend, yet it is what we spend for the whole world.

There are many other examples of how this budget falls far short of what we should be doing to combat poverty and counter the influence of anti-American extremism.

Last week, we passed a supplemental appropriations for Iraq. It included more than $20 billion for reconstruction in that one country.

That is more than this entire foreign operations bill provides for the rest of the world.

If we are serious about building better relations with the Muslim world, and overcoming the hatred that is growing among the masses of impoverished people in those countries, we need to put our money where our mouths are.

The President's budget request for foreign operation is $18.8 billion. This bill contains $18.2 billion.

We have heard that our conference allocation may require us to cut hundreds of millions of dollars out of this bill.

If the President cares about this budget, he need to act now to protect it in conference. He needs to pick up the phone and call the Republican leadership in the House and Senate.

Without his help, deep cuts will be made to these programs. These cuts will not just hurt people overseas. They will hurt the United States.

I want to briefly mention the issue of AIDS. Chairman McCONNELL and I did the best we could to increase funding for HIV/AIDS in this bill, but we simply did not have enough to get to the level that many Senators wanted.

We have to do more. This is the worst public health crisis in history. There will be an amendment on this issue later, and I will have more to say on it then.

Again, I wish all my jobs and assignments in the Senate were as easy as working with the distinguished senior Senator from Kentucky who is a close personal friend. While we come from different political philosophies, we join together in what we believe is in the best interests of the United States in this area.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I checked with the Democratic side. They have no objection to Senator DEWINE being able to send an amendment to the desk.

I ask unanimous consent that Senator DEWINE be permitted to send an amendment to the desk.

The PRESIDING OFFICER. Without objection, is so ordered.

AMENDMENT NO. 1966

Mr. DEWINE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. DURBIN, Mr. COLEMAN, Mr. WARNER, Mr. DASCHLE, Mr. LEAHY, and Mr. GRAHAM of South Carolina, proposes an amendment numbered 1966.

Mr. DEWINE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase asistance to combat HIV/AIDS)

Insert where appropriate:

GLOBAL AIDS ASSISTANCE

SEC.—.For an additional amount for "Global AIDS Initiative", $289,000,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Mr. DEWINE. Mr. President, I rise this morning, along with my friends and colleagues, Senators DURBIN, COLEMAN, WARNER, DASCHLE, LEAHY, and GRAHAM of South Carolina, to offer an amendment that would increase this bill's current funding level for the global AIDS initiative by $289 million. This additional funding would bring the total fiscal year 2004 allocation to $2.4 billion. This $2.4 billion would allow us to meet our goal of providing at least $2 billion in bilateral aid, and it would also allow us to meet our current matching commitment to the Global Fund. This money in this amendment would be distributed by the new AIDS coordinator, Randall Tobias, for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, and malaria.

Mr. President, this clearly is the right thing to do. It is the right thing to do because AIDS is wiping out entire communities and, yes, we can truly say that AIDS has the potential to wipe out entire countries. It is the right thing to do because at least 8,000 people every single day—mothers, fathers, children, babies—are dying. And millions of others who are not on treatment, drugs, are suffering the painful effects of this disease.

It is the right thing to do because we, thank heavens, because of great medical science and research, now have the ability and the resources to fight HIV/AIDS. We need to do it, we cannot delay, and we must act.

We should be judged not just by what we do in society; I believe we should also be judged by what we don't do. We should be judged by what we are willing to tolerate. I say to my friends and colleagues in the Senate that we cannot tolerate inaction; we cannot, as a good and moral society, as a moral people, tolerate inaction. We, who have the ability to do something about this horrible crisis in the world today, must act.

With this amendment, we will be able to do so much good. So I say to my colleagues that we should not and we must not tolerate a world where so many people are suffering from HIV/AIDS. We must not tolerate a world where the suffering and dying occurs and we have the ability and the tools to help make a difference and to save lives.

As we have discussed on the Senate floor before—and so many of my colleagues have talked about it—time is not on our side. People worldwide are dying this very moment. I have seen firsthand the devastation of HIV/AIDS. I know my colleague in the chair has, and I know so many of my other colleagues have as well.

My wife Fran and I have traveled to a number of the 14 countries that President Bush has named to be the primary recipients of the global HIV/AIDS fund money. I know many of my colleagues, such as majority leader BILL FRIST, Senators DURBIN, CHAFEE, COLEMAN, ENZI, NELSON, WARNER, ALEXANDER, and so many others, have also witnessed firsthand the effects of AIDS in these nations. I have seen it in Haiti many times. I have also seen it in Guyana, Mozambique, Botswana, South Africa, Namibia. I have held in my arms babies who were dying of the disease. I have met mothers who have lost their children through AIDS, and I have met children who have lost their parents to AIDS. When you do this, as other Members know, you then can put a face on it. It is no longer just statistics; it is real people.

When you come back home from those trips, you continue to see in your mind's eye those faces, and you see those children, and some of those children, after you get back home, in a few days or weeks are no longer on this Earth. When you put a face on it and you put names to this disease, the moral imperative in fighting it becomes very clear.

There are things we can do right now, at this very moment, to fight HIV/AIDS. Fighting this global AIDS crisis cannot be business as usual, and it cannot be bureaucracy as usual. We cannot treat this crisis the same way we have other problems. This is an emergency.

Truly, if there is anything that comes before us today on the Senate floor, this is an emergency. We don't have the luxury of time, as President Bush has said so eloquently. For each moment we delay, people die, and they die every moment.

In our travels, Fran and I have seen groups, organizations, and individuals who are ready now to receive our money and our assistance, and that is the good news for us. There are people out there ready to go to work and who are working now—organizations, doctors, and nurses who have the ability to take the resources we can give them and get the job done. They are ready to go into action to deal with the HIV/AIDS problem. It is heartwarming to see them and talk with them because they are already doing such good work. They have proven track records. They are ready to go, and we just need to get them the money and allow them to get about the business of saving lives.

As we do fight this disease, we cannot be timid. We cannot be afraid of failure. We need to take some chances. In doing so, the reality is that there are going to be some mistakes made. This is a very big undertaking. No one has ever tried to do what we are doing in the world. The truth is, the world has not faced such a crisis. We probably have to go back in history to the bubonic plague or something in the Medieval period to see the world face such a medical crisis. The good news is, unlike those times, we have the ability to do something about it.

There will be some failures and there will be some foul-ups, but the fear of failure must not hold us back. We must move forward because lives are at stake.

There are several actions we can take now because we know they work. We talked about this on the Senate floor, but it is such a wonderful issue to talk about and such a wonderful thing to see in action, as I know the Chair and other Members have. We have the ability today to provide an HIV-positive pregnant woman with the care and drugs to ensure that she will not give birth to a child who is also HIV positive.

The statistics are very simple, the facts are very simple, and the remedy is so simple. If a woman today is pregnant and she is HIV positive, the odds are 30 percent she will give birth to a child who is HIV positive. In sub-Saharan Africa or in Haiti or in Guyana, there are programs today that will reduce those odds from 30 percent to 10 percent or as low as 5 percent or 4 percent. They can do that for as little as $3 or $4. I am not saying $3 or $4 a day, I am talking about the total cost of $3 or $4. That is phenomenal. For as little as $3 or $4 and for a little treatment and a little expertise and getting that mother in for treatment, we can save a child from being born HIV positive. We can save a child from being condemned to die a very tough and horrible death. We can do it. It is a miracle. So we must act.

These are some of the simple activities we can do, and do now, so long as the resources are available. This amendment will mean more people can be saved. It is as simple as that. More people will be saved by this amendment. In targeting health investments to fight HIV/AIDS, we can save lives. It is that simple. This amendment is an appropriate step, and I ask my colleagues for their support.

We will have the opportunity next week to further debate this amendment. As I conclude, I wish to thank all the cosponsors of this amendment. I thank Senator BILL FRIST who led our trip to Africa in August, which I think helped all of us fully understand not only the gravity of this crisis, but also it helped open our eyes to how many groups are out there, how many doctors are out there who have the ability to deliver the services and with whom we can work in the months ahead.

Yes, it is going to be tough. Yes, it is going to be difficult. We know the problems. We saw those problems. But it also showed us good people are out there, organizations are out there, and it showed us there is a path to get this work done.

I thank Majority Leader FRIST for taking a number of Senators with him to Africa and helping educate all of us. In this work against AIDS, he is a medical doctor who truly understands this disease.

I also thank Senator RICK SANTORUM. Senator SANTORUM has been a true advocate of trying to increase the dollars we are spending on this AIDS initiative. It was his idea to come up with these dollar figures, to increase this bilateral support. He worked these numbers and worked these numbers. He and I have talked now for the last month, going back and forth. I thank him for his commitment, for his passion, and his work in this area. We would not be where we are today without Senator RICK SANTORUM.

Finally, I thank my colleague, Senator DICK DURBIN, who could not be on the Senate floor today but who will be back Monday. I talked with him just a few moments ago by phone. He is someone who cares very passionately. Senator DURBIN and I have offered two other amendments on the Senate floor in the past, both of which we have been able to adopt, and we have seen them make a difference.

I traveled with Senator DURBIN to Haiti. We worked on these problems in the past. He also cares passionately about this issue. He is someone who is very results oriented and someone who has made a difference in this field. I thank Senator DURBIN for his commitment to the children and his commitment to this issue.

I conclude by thanking my colleagues, Senator MCCONNELL and Senator LEAHY, for bringing a very good bill to the floor. This is a bill that a lot of people do not pay attention to, but it is a bill that does a tremendous amount of good around the world. It is an instrument of foreign policy, which is very important, but it is also a bill that saves lives every year, and it is a bill that spends U.S. money well to help our commitment to the children of the world, as well as making sure the United States is well represented around the world. I thank Senator MCCONNELL and Senator LEAHY for working in a bipartisan way to bring this bill to the Senate floor.

We will be back in the Chamber next week to talk further about this amendment. I thank my colleague from Kentucky.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before the Senator leaves the floor, I wish to express my admiration to the Senator from Ohio for his passion and leadership on this issue, what is clearly the most important public health issue in the world today.

I listened carefully to his speech. It was quite moving, and I thank him for what he is doing in this area. It is extremely important to the world.

Mr. DEWINE. I thank my colleague.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

Mr. LEAHY. Mr. President, the fiscal year 2004 foreign operations bill includes $15,004,000 for a U.S. contribution to the International Fund for Agricultural Development, IFAD. Congress has been a strong supporter for IFAD since its inception, and these funds will enable IFAD to continue to expand its programs in the poorest countries.

Unfortunately, the Appropriations Committee report accompanying the bill neglected to address a concern which I suspect is shared by Senators on both sides of the aisle who support IFAD. IFAD is the seventh largest multilateral contributor to the enhanced Heavily Indebted Poor Countries Debt Initiative, HIPC DI. However, IFAD still does not have access to the core resources of the companion HIPC DI Trust Fund. Currently, IFAD has to absorb 87.2 percent of the cost for participating in HIPC DI, while other multilateral development banks with full access absorb much smaller percentages. For this reason, I urge the administration to work with other donors to enable IFAD to gain access to the core resources of the HIPC Trust Fund.

RULE OF LAW AND HUMAN RIGHTS PROGRAMS IN RUSSIA

Mr. LEAHY. Mr. President, page 45 of the committee report accompanying the fiscal year 2004 foreign operations bill, Senate Report 108-106, discusses rule of law and human rights programs in Russia. The report mentions the Russian American Judicial Partnership and the Russian American Rule of Law Consortium. The report failed to mention another important program, the American Bar Association's Central and East European Law Initiative, CEELI, which is involved in training Russian lawyers in the adversary system, law school curriculum development, and improvement of gender equity in the legal system. Each of these organizations is doing important work, and we want to be sure that despite the decline in our assistance program in Russia that funding for these types of programs are continued. There is no more effective way for the United States to contribute to the political and economic development of Russia than by strengthening the rule of law and respect for human rights.

COLLABORATIVE RESEARCH SUPPORT PROGRAMS

Mr. LEAHY. Mr. President, page 16 of the committee report accompanying the fiscal year 2004 foreign operations bill, Senate Report 108-106, discusses the Collaborative Research Support Programs. These programs, which involve 52 U.S. universities, have made immeasurable contributions in developing countries on a wide range of agriculture, environment, nutrition and development issues. USAID funds are leveraged with contributions from the universities and recipient countries.

For fiscal year 2003, the committee recommended funding for the CRSPs at a higher level than in fiscal year 2002. However, despite that recommendation, funding was essentially flat lined. For fiscal year 2004, the committee expresses its strong support for the CRSPs and recommends continued funding. I want to emphasize the importance of the CRSPs to the Congress, to the universities that participate, to the countries that benefit, and to U.S. foreign policy. We want USAID to expand its collaboration with U.S. universities that have research expertise on these issues. By that I mean that funding for the CRSPs should be increasing. An appropriate level for the CRSPs in fiscal year 2004 would be $25 million. I also urge USAID to seriously consider allocating up to $2 million to fund and establish a CRSP focused on water security.

AMERICAN UNIVERSITIES IN THE MIDDLE EAST

Mr. LEAHY. Mr. President, I want to clarify a sentence in the committee report, Report 108-106, accompanying S. 1426, the fiscal year 2004 foreign operations bill.

On page 38 of the report, under the heading "Middle East Partnership Initiative," the committee expresses support for using a portion of MEPI funds "for scholarships for needy Muslim students at the American University of Beirut." We do support that, but we intended to also mention the American University in Cairo and the Lebanese American University. Their omission was purely an oversight. I ask my friend from Kentucky, the subcommittee chairman, Senator MCCONNELL, if he agrees with me about this.

Mr. MCCONNELL. I do. My friend from Vermont is correct that this was an oversight. We intended to express support for the use of MEPI funds for scholarships for Muslim students at the other American universities in the Middle East, as well as at the American University of Beirut.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ WAR

Mr. CONRAD. Mr. President, this morning's Washington Post has a front-page story entitled "Inquiry Faults Intelligence on Iraq." The subheadline says, "The Threat From Saddam Hussein Was Overstated, Senate Committee Report Finds."

Many of us who voted against going to war against Iraq believed it was not in the national security interest of the United States to attack Iraq at this moment; that instead we ought to keep our eye on the ball and keep the pressure on al-Qaida and Osama bin Laden because it was al-Qaida and Osama bin Laden who attacked America on September 11, not Iraq.

I think this morning's report has increasing evidence that it was simply a misplaced priority to attack Iraq rather than keeping our full resources directed at taking down al-Qaida and holding Osama bin Laden accountable for his vicious attack on this country.

If we look across the evidence, I believe in many ways the United States simply made a mistake of judgment on what was most important. The President and his advisers believed—and I believe they sincerely believed—that the priority was to go after Iraq. They believed there was some link between Iraq and al-Qaida.

I think the evidence was always very thin for that and, in fact, the more we know, the more clear it is there really were not any strong linkages between Iraq and al-Qaida. In fact, it is unlikely that there would be because Saddam Hussein was secular, Osama bin Laden is a fundamentalist. In many ways, they are enemies; they are at odds.

It is very interesting that if one goes out and tries to ascertain what people of the country think, the polling shows 70 percent of Americans believe Saddam Hussein was behind September 11. Over half believe that Iraqis were the hijackers of the planes.

The fact is, not a single Iraqi was among the hijackers of the airliners that were turned into flying bombs. The vast majority of the 19 hijackers were Saudi Arabians, as, of course, is Osama bin Laden. I think 15 of the 19 were Saudis. Two were from the United Arab Emirates and there were other countries involved as well, but not a single Iraqi. That is the fact.

Another thing, we have now the President himself saying there is no evidence of a Hussein tie to September 11. It is very important we get the facts right when we make these judgments about going to war, especially when we are going to go on a preemptive war, when we attack first, something we have never done in the entire history of the United States. We have never attacked, without somebody attacking us first or attacking our allies first, but in this case we attacked first. As the Intelligence Committee report this morning suggests, we did so based on faulty intelligence and faulty evidence.

Another assertion that was made repeatedly was that there was a terrorist camp in Iraq that members of al-Qaida went to, but we knew then and we know now that that camp is in this place on the chart, which is the former Ansar al-Islam pocket. It is in Iraq. As this line shows, that camp is in a part of Iraq that Saddam Hussein did not control. In fact, this part of Iraq is controlled by the Kurds. The Kurds are our allies. So once again, this is a disturbing bit of information used in a way that I believe fundamentally misled people.

A second piece of intelligence was that Mohamed Atta, who was among the hijackers, supposedly met with the intelligence chief in Prague, in Czechoslovakia. That charge was repeated over and over.

Our intelligence agencies believe Mr. Atta was not in Prague at the time of that reported meeting..Instead, he was in the United States—again, evidence that simply does not support the case.

What we do know is that Osama bin Laden and al-Qaida organized that attack on the United States. That is who was responsible. That is who we should be going after.

The other thing that was asserted repeatedly was that there were weapons of mass destruction in Iraq. I do not fault the administration for making that case because, frankly, I believed there were probably biological and chemical weapons. I believed it because we know that the previous U.N. inspectors had catalogued weapons of mass destruction, biological and chemical weapons, but that was some years ago. Even then, there was no evidence that those weapons had been destroyed. So even though now we have not found them, I think it is understandable that people believed there were at least chemical and biological weapons.

The Soviet Union had biological and chemical weapons; we never attacked them. China had biological and chemical weapons; we did not attack them. North Korea has weapons of mass destruction, or at least they assert they do. We have not attacked them. In every one of those cases, we used containment. We used patience. We did not attack first.

In the case where we were attacked, we know who did that. It was not Iraq. It was not Iraqis. It was al-Qaida, led by Osama bin Laden.

It has now been 775 days since that attack on our country, and Osama bin Laden is still broadcasting tapes threatening Americans and our allies. It has been 775 days, and we have not brought him to justice. I believe that is the priority. I believe that should be our top goal. I believe we ought to find Osama bin Laden and the rest of the al-Qaida leadership and take them out.

Newsweek ran a story in which they identified a possible location in the Kunar Province between Afghanistan and Pakistan as a place where Osama bin Laden is reported to be hiding. This is a pretty small area of the country of Afghanistan, where they have narrowed it down through their investigative reporting as a place where Osama bin Laden is hiding.

What I find most disturbing is in that story, they said this:

> . . . bin Laden appears to be not only alive, but thriving. And with America distracted in Iraq, and Pakistani President Pervez Musharraf leery of stirring up an Islamist backlash, there is no large-scale military force currently pursuing the chief culprit in the 9/11 attacks . . .

I am here today to ask why not? Why is there not a large military force with an operation underway to find Osama bin Laden and to bring him to justice? That ought to be our top priority. If we have been distracted by Iraq, then that is exactly what this Senator feared when I voted against authorizing going to war against Iraq at this time. That is exactly what concerned this Senator, that a preemptive war against Iraq—a country that had a low level of threat against this country, according to our own intelligence agencies—has distracted us from going after the man and the organization that attacked this country. It was not Iraqis who attacked this country; it was al-Qaida that attacked this country. Saddam Hussein was not the leader of that operation, Osama bin Laden was the leader of that operation. It has been 775 days since that vicious attack on this country and we still have not brought him to justice.

What is far more disturbing to me is there is, apparently, no large scale military force currently pursuing the chief culprit in the 9/11 attacks. Why not? I think the American people deserve an answer to that question. I think the Members of this Chamber deserve an answer to that question. Why is there not a large-scale military operation underway to find Osama bin Laden and to hold him to account? That ought to be the priority. That ought to be in the highest interests of the national security of the United States.

Osama bin Laden engineered the attack on this country. I must say, last weekend, to see him in another tape, bragging about the damage he has done to this country—outrageous, absolutely outrageous. Let's go get Osama bin Laden and those who attacked this country. That ought to be our highest national security priority.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

DENISE GREENLAW RAMONAS

Mr. LOTT. Mr. President, the Senate works well when it is served by very competent and dedicated staff members—on our personal staff, the people who operate the elevators, the security people, the policemen, but most importantly our staff at the committee level and here on the floor of the Senate.

Over the past few years, I think most of the staff members know how much I have appreciated their good work because I have taken the time occasionally to say so and because I tried to make the Senate a family-friendly place. Although they may look like just part of the furniture, there are really some fine, dedicated people who spend long hours here who really live outside this Chamber. Sometimes I see members of our floor staff in other parts of the Capitol complex, or at Pentagon City, and I am shocked to see them out of the cave they work in. Far too often, we don't take the time to say "thank you" and "job well done" because you have made us look good, because you have served some State in our great Nation well, and because you made America a better place.

So I am here today to say thank you to one of our dedicated staff members who has now retired and is moving on to her next life—probably the third generation of her very important life—one who has served us well and one whom I will miss seeing on the floor of the Senate every day. That person is Denise Greenlaw Ramonas.

I first got to know Denise because she lives in my neighborhood, but also because she was such a competent assistant to PETE DOMENICI. I noticed her when Senator DOMENICI, one of the most able legislators in this body, would come to the floor to handle a budget resolution or piece of legislation, perhaps from the Subcommittee on Energy that he serves on of the appropriations committee or something on behalf of New Mexico. There was this obviously competent staff member working with him in the Senate. I learned to talk to her and listen to her when she was in the Senate with PETE DOMENICI.

Over the years, I got to know more about Denise. Denise is from Utah. She graduated from the University of Utah College of Law, receiving her juris doctorate degree. She also graduated magna cum laude from undergraduate school. She has had a number of outstanding experiences in her life including serving as a law clerk in a Houston law firm, one of the best in the state, the Boswell, O'Toole and Pickering law firm. She has been an instructor at the University of Utah College of Business. That clearly is an interesting experience. To be an instructor you have to know your subject matter and you get to work with young people. I have learned from personal experience, sometimes hard experience, students are tougher in their questioning than people you might talk to at a chamber of commerce or civic club. Being a professor is a challenge, I am sure.

She has worked for the Department of Business Regulation for the State of Utah. She was an adjunct professor, City College of Chicago, in West Berlin and Weisbaden, Germany. She also has a business on the side selling a line of women's clothes.

Beginning in 1982, she served as legislative assistant to Senator PETE DOMENICI, as I noted. She was legislative director to Senator DOMENICI from 1985 to 1991. Obviously she developed and executed legislative strategies on a wide range of domestic and international issues, including tax reform issues, the omnibus trade bill of 1998, the United States-Canada Free Trade Agreement, and gained a lot of valuable experience in that position with Senator DOMENICI. She was counsel to the minority for the Senate Budget Committee where she worked the closest with Senator DOMENICI but a lot of Senators, Democrats and Republicans, learned to know her and respect her.

Finally, from 1992 to 1996, she was general counsel to the Senate Budget Committee, a committee that has played a huge part in what the Senate has done over the last 20 years. Keep in mind, we did not have a Budget Committee until the late 1970s because we never got around to having a process where we add up how much we take in and how much we send out. Senator DOMENICI deserves a lot of credit for us eventually moving for the first time in 30 years to balanced budgets in the late 1990s and early in this century. Right there beside him, time and time again, was Denise Ramonas.

As majority leader, you do have some staff turnover occasionally and when we had a retirement here on our floor staff in 2001, I stole, once again from Senator DOMENICI, a great staff member. Over the years I think I have acquired about three of Senator DOMENICI's former staff members, and Denise Ramonas became assistant secretary to the majority serving on the floor, keeping track of the flow of legislation, making sure Senators were properly notified, keeping track of the votes. It is a demanding job with long hours, dealing with a clientele that is not always pleasant. But she did it with a smile, with a radiant beauty and with a high intellect. She served in that position from 2001 to October the 10th, I believe, was her final day.

I wish nothing but the best for Denise as she goes forward into the rest of her life seeking other opportunities. I am sure she will find some good ones and it will be rewarding to her.

I also thank her for her dedicated service over the years to this institution, particularly her years on the Senate floor. She did a great job. I personally appreciated it. So to Denise and her loved ones, I say a fond adieu and a great deal of thanks for your service here. I hope she will stay in touch with the Senate, with the Senators, and maybe even we will find a way to call on her services again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE SENATOR PAUL WELLSTONE

Mr. DAYTON. Mr. President, I want to thank the distinguished majority leader for setting aside time today for those of us who wish to share our tributes and thoughts regarding our colleague who, 1 year ago tomorrow, passed away in a tragic plane crash, Senator Paul Wellstone.

Paul was a friend of mine for over 20 years and my colleague, mentor, and partner here for the first 2 years of my term. It is hard to believe it was a year ago now that he boarded a small charter plane to go up to northern Minnesota and somehow, impossibly and horribly, it crashed as it was trying to land there. It was demolished by the impact and by a fire that killed all eight people on board—Senator Wellstone; his wife and partner of 39 years Sheila; his daughter Marcia; the associate chair of the Minnesota Democratic Party, Mary McEvoy; and two of Paul's trusted aides, Tom Lapic and Will McLaughlin; as well as the plane's two pilots.

I have felt deep sadness and futile anger many times as I have entered this Chamber during the past year and as I walk by Paul's desk—which to me will always be Paul's desk. I have always felt his absence at caucus lunches, committee hearings, and policy debates. Always I miss his courage, his eloquence, his passion, and his deep caring for other people and their well-being, especially for all the people who have most often been ignored or forgotten in the stampedes of the rich and powerful, which occur regularly around here.

Thousands of Minnesotans and other Americans have felt similar grief, despair, anger, hopelessness, and profound loss during this past year. No one in my lifetime has meant so much to so many people in Minnesota as Paul and Sheila Wellstone.

Paul once wrote that politics is not about left, right, or center; it is about speaking to the concerns and circumstances of people's lives. Paul practiced what he preached. He was both by gut instinct and by reasoned conviction a man of the people. The rich and the famous held no special sway over him. Senatorial trappings, perks, and offerings did not appeal to him.

Instead, he was drawn to the real people, everyday Americans going about their business in their homes, schools, farms, offices, and union halls. They were the people who aroused his personal passions and instructed his political purposes. Their misfortunes became his causes. Their injustices forged his remedies. Their hopes and dreams inspired his orations. He was their Senator, their champion, and their hero.

Paul liked to say he was the Senator for the little fellows, as he jokingly pointed at his own height. He may have been short, but he was in every other respect a big, big man, with a big heart, big ideas, big courage.

He became a towering political leader. His popularity and prestige were enormous in Minnesota, and they were growing nationwide, especially with people who were hungry for real leadership. Had he lived and had he won reelection, his star would be shining even more brightly than ever before, which is why the darkness surrounding his absence is so hard to bear for his family, his friends, and his followers.

His best was still to come. He understood, as he said, that people yearned for a politics that speaks to and includes them and that offers them something real. As Paul admonished his colleagues, especially those of us in his own caucus, the question is not how to communicate our agenda but whether we have an agenda worth communicating. Paul did.

Nothing illustrated better his greatness, his unfailing ability to rise up to the challenge, to summon his courage, and to act rightly than one of his last votes in the Senate a year ago. The Senate was about to begin its consideration of a resolution authorizing the President to initiate military action against Iraq. Paul was in the final weeks of a very tough reelection contest against my distinguished colleague from Minnesota who is presiding at this moment, and many of his friends and political advisers were urging Paul to support this resolution. Doing so, they said, would assure his victory. Voting against it, they warned, could seal his defeat.

Paul was still wrestling with this decision when an article appeared in one of the Capitol press reports which quoted an unnamed Senate aide as saying the Democratic caucus was trying to devise a political cover to help Paul and others in close reelections finesse this tough vote.

At a caucus meeting later that day, Paul was as furious as I had ever seen him. He wasn't seeking anyone's cover, he fumed. He had never tried to duck a difficult vote, and he refused to do so now. He finished by saying: Whether

Minnesotans agree with my decisions or not, they know I am doing what I believe is right. If I lose that trust, I have lost everything.

He left the meeting and went straight to the Senate floor and gave a powerful speech announcing he would vote against any resolution which gave the President complete and unilateral authority to start the war in Iraq.

In the following days, his last days on Earth, Paul was the most relaxed and upbeat I had seen him since his reelection campaign began. He was, of course, delighted with what he said were poll numbers which had boosted his standing after making that speech but, more importantly, he knew he had done what he believed was right. Principle had again prevailed over expediency. His integrity, his courage to stand up for his convictions, and his inspiring eloquence in speaking the truth were the essence of what he offered to the voters of Minnesota, and he knew he had reestablished that connection, that special bond that he and only he had with so many Minnesotans.

He boarded that plane a year ago tomorrow, hopeful and optimistic of a victory in 11 days. That we will never know. But I say: Paul, you were right. You were and you always will be a winner.

Ernest Hemmingway, in his book "Farewell to Arms," wrote:

> Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential vital quality of those who seek to change a world which yields most painfully to change.

The Senate body recognized Paul's rare greatness last year by authorizing $10 million for a project selected by Paul and Sheila's two surviving sons, David and Mark Wellstone, the Neighborhood House in St. Paul. Mr. President, $8.9 million was appropriated for fiscal year 2003 through the good efforts of my colleague, Senator COLEMAN. He and I share the hope that the remaining $1.1 million, to fulfill the Senate's commitment, will be appropriated for fiscal year 2004. It is a wonderful project, and it will benefit many people in Paul and Sheila's name for many years to come.

We can do something even more significant, even more befitting Paul's memory. We can pass the legislative initiative that was closest to his heart and to which he devoted himself in the last 5 years of his life, and that is mental health parity.

Senator DOMENICI, whose personal dedication to this just cause equals Paul's, has carried that torch forward. He has been joined by Senator KENNEDY who, like Paul, has also championed so many efforts to help those among us who are most in need. Senator DOMENICI informed me this week he is optimistic the bill will be considered by the Health, Education, Labor, and Pensions Committee within the next 2 weeks, and hopefully will be passed out of that committee and put on the Senate calendar where it might even be taken up and acted upon this year.

That is incredibly good news for Paul and Sheila's families for whom this means so much. It is incredibly good news to the many organizations throughout the country that have joined to help support and enact this critically important and needed legislation. It is most incredibly good news to the many Americans who will benefit from it, who will finally have access to the health care they need at prices they can afford.

Even then, however, the bill faces major obstacles. The House leadership is reportedly opposed to it; the White House is supposedly against it; the insurance companies hate it; and many health care providers would also prefer that it just not be passed.

So nothing has changed down here, Paul. It is the same battle: Profits for the bigger fellows versus services for the little fellows. Only this time, Paul Wellstone will not be able to champion the cause for the little fellows. He cannot come to this Senate floor every month, week, or even every day, if necessary, to remind us, to challenge us, to cajole us, to do what is best for most of our constituents. So all of us must do it without him and do it for him. Surely we can find it within ourselves to vote once for something to which Paul gave his entire life, and his life itself.

So, my friend and colleague, we will go on missing you. We will do our best without you to advance the causes which you have championed.

Somehow saying "rest in peace" does not seem to fit your style. So instead, I hope there is a great debating hall up in heaven, that you are seated with other great Senate voices such as Daniel Webster and Henry Clay. I hope your microphone cord is long enough for you to roam while you speak and that there are no time agreements limiting debate. Please keep your eye on the rest of us down here and, if you can, send us a little of your wisdom and your inspiration, especially when we face the choices between principles and expediency, profits and people, between what is easiest for us and what is best for everyone else, the people we are elected to serve. Keep reminding us, if you will, that as once said, inasmuch as ye have done so unto the least of these thy brethren, ye have done so unto me.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I rise today to pay tribute to a friend and former colleague, Paul Wellstone. I know we have just heard from the distinguished Senator from Minnesota, and I listened carefully to his message. He conveyed so much of what we all feel.

The Senator from Minnesota had the privilege of knowing Paul Wellstone very well, and that was indeed a privilege because everybody with whom he worked knew what an unusual and—I will use a trite word—fantastic fellow he was as a person.

It hardly seems possible that a year has passed since we received the terrible news that Paul and Sheila, his beloved wife—they were a great team—their daughter Marcia, and loyal staff members Tom Lapic, Mary McEvoy, and Will McLaughlin were also lost in that tragic plane crash. The crash also claimed the lives of the two pilots, Richard Conry and Michael Guess.

This weekend marks the first anniversary of this immeasurable loss to our country, and we pause for a moment to honor the memory of these extraordinary individuals. Our thoughts and prayers go out to their families and their loved ones.

Paul and Sheila Wellstone devoted their lives to giving a voice to the voiceless. He saw his mission in the Senate and his life as comforting the afflicted and, when necessary, afflicting the comfortable. That was Paul Wellstone in a nutshell. In social justice circles, it is called speaking truth to power.

Everyone admired Paul for the fact that he spoke from his heart. He cast his votes in this Chamber based on his deep beliefs. He had a strong moral compass, unwavering in his convictions, never changing his message to please any particular audience. One of his favorite expressions in that connection was an old Jewish proverb that you cannot dance at two weddings at the same time. He was always answering to the mission that he believed could mean something to most people.

He conformed his style somewhat after coming to the Senate, but he never sold out. He always had that kind of impish look, a half smile on his face, but often at the same time with a deeply furrowed brow. He never joined the establishment. He just had diplomatic relations with it.

During his time in the Senate, Paul led legislative battles to make health care more accessible, protect seniors' pensions from corporate raiders, and authored historic ethics and lobbying reform legislation that is now the law of the land. He has forever changed how we do business here on Capitol Hill.

He and Sheila were leaders in combating the scourge of domestic violence. Sheila was a working member of Paul's office and became a respected national voice in her own right as she traveled the country, dedicating herself to this important cause. In the year 2000, Paul teamed with his colleagues on the other side of the aisle to pass historic bipartisan legislation to prevent the international sex trafficking of women and girls, establishing the first ever penalty for those so despicable as to enslave and traffic in other people.

He teamed with our colleague, Senator DOMENICI, to require health insurance companies to provide more equitable coverage and benefits to people suffering from mental illness. It was the right thing to do, it was the fair thing to do, and he prevailed.

It is my hope that before the end of this Congress we are going to honor Paul Wellstone's fighting, fair-minded spirit by passing the Paul Wellstone Mental Health Parity Act into law. It would also be the right thing to do.

Paul Wellstone deeply loved his country and, speaking from my view of Paul Wellstone, his country loved him. Many people who did not know him as we had the privilege of doing, would so much respect him from hearing his fiery oration about what was right. And he stood up to anybody. He was willing to be the odd person out when it came to issues of significance. He wanted them always to be right.

He demanded that we be the best that we can be and was never more passionate than when he was trying to right a wrong, holding up a mirror to a government that has not always kept its promises—especially to its veterans. Paul worked tirelessly on behalf of veterans, helping to pass legislation to aid homeless veterans and to secure compensation for atomic veterans suffering from cancers due to radiation exposure during their military service.

In Paul's words:

> I am very proud that atomic veterans and their families will finally get the VA benefits and compensation they deserve, and also the recognition of the terrible personal sacrifices that they made on behalf of the nation, so long denied to them.

He continued:

> This has been a long fight, but one that was well worth it. This was a victory, not only for atomic veterans, it was a victory for justice, and for all of our Nation's citizen-soldiers. America is a safer place because of it.

One of the last votes Paul cast in this Chamber was for a multilateral approach to our situation in Iraq. During the debate, he argued as follows:

> Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies, with bipartisan congressional support, would be a sign of our strength.

Paul Wellstone will long be remembered for his strength: for his strength of mind, strength of spirit, and the steely tenacity and strength of his convictions. What gifts he gave to us all. He will forever be missed.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I rise today to commemorate the life of Senator Paul Wellstone and to urge the Senate Republican leadership to pave the way for the expeditious passage of the Paul Wellstone Mental Health Parity Act.

Earlier this week, I joined a number of my colleagues in sending a letter to the majority leader, urging him to set aside other business yesterday so we could take up and pass this very important legislation. I regret that could not be accomplished yesterday.

This Saturday, October 25, marks the 1-year anniversary of the tragic death of our dear colleague, Paul Wellstone, his lovely wife Sheila, and six others: his daughter Marcia; Mary McEvoy of St. Paul, a professor of educational psychology at the University of Minnesota and also the associate chairwoman of the State Democratic-Farmer-Labor Party; Tom Lapic, of Eden Prairie—Tom was Senator Wellstone's deputy State director and long-time associate and aide, and William McLaughlin, a 23-year-old who was Senator Wellstone's personal assistant and driver.

All of these individuals were dedicated, passionate public servants who shared Paul Wellstone's vision, his dedication and commitment to a better America, a place where opportunity was the heritage of all. For anyone who had the honor to serve with Paul and to see him here, his image and his memory still linger in this Chamber. To see him passionately and fearlessly fight for people—and not the wealthiest, but poorest, those who needed an opportunity to move ahead—that image of him stays with me and stays with so many of my colleagues.

Many times we would not agree. Many times we would differ. But no one in this Chamber doubted his passion, his commitment, and his selfless dedication to this country. He challenged us. In fact, Paul probably challenged his colleagues more than any other Member.

He would speak here when it was inopportune and inconvenient for him, but he would do it because he felt a commitment and a need to speak, to give voice to those who were voiceless in this country.

He believed the Government had not only the obligation but also the ability to help people—not just to cradle them from birth through their lives but to give them opportunities and skills so they could use these skills to better themselves and better the Nation.

He was enthusiastic about helping people lift themselves out of poverty, about bringing justice to those who had been victimized, and hope to those who were desperate.

He cared about all the issues that are before us in the Senate. But one issue he cared so much about, for which he advocated so strenuously and which he articulated so passionately, was the fact that our mental health system needs additional improvement; that there is disparity between the treatment given to those with physical pain and treatments given to those individuals with mental anguish.

He also was passionate in denouncing the stigma we attach to mental illness too often in this country. He fought effectively, and his efforts culminated in 1996 with the original Mental Health Parity Act. It was thought that this historic bill that would put mental health services on the same level as physical health services by essentially telling insurers whatever you do in terms of physical health problems you must also do in terms of mental health problems. However, it was discovered after passage of the Act that insurance companies and others were able to find ways to circumvent the law, so additional efforts would be necessary.

He stood up, along with our colleague and our friend Senator PETE DOMENICI of New Mexico, to lead the fight to make the parity law of 1996 even better, more effective, and stronger.

Last summer it appeared we were on the verge of a breakthrough when President Bush indicated he supported this concept of a mental health parity standard. Yet we are still without effective action.

I was very pleased to join Senator DOMENICI, Senator KENNEDY, and others to sign on to the Paul Wellstone Mental Health Equitable Treatment Act in honor of our esteemed colleague. But today, despite having 66 cosponsors, this legislation has not been brought to the floor of the Senate. We are indeed seeing tremendous strains on our health care system, but this is one of the most critical problems. There are those who say it is going to cost too much if we address mental health parity seriously. My argument is the costs today are immense, and if we don't deal with these mental health issues, it will continue to grow.

In my State of Rhode Island, we have a very active community mental health system. I suggest we probably have saved dollars over the course of the last couple of decades. But we can't do this unless we have a commitment to parity between physical health issues and mental health issues.

The majority leader has indicated that his preference is to do this through the committee process. We have a markup scheduled for next Wednesday on health care issues. That would be the ideal opportunity to schedule the Paul Wellstone legislation and do our best to pass it. Working with the majority leader and the chairman of the HELP committee, I hope we can do that, or certainly at the earliest possible opportunity have committee action to take up the Paul Wellstone bill.

There is one other area which Senator Wellstone was passionate about. In fact, I can hear him now. His desk was right behind me. He would prowl up and down the corridor, and go as far as the cord would let him go. He would speak out. One issue on which he spoke so eloquently was the issue of funding education—the No Child Left Behind Act. He was one of the few dissenters. He said prophetically this might be a good plan, but without resources it wouldn't work. Ironically, today we struggle to get those resources. He would say, we can't reform education on a tin cup. Unfortunately, we still seem to be passing around that tin cup rather than funding education robustly as we must.

I hope we can move aggressively on the Paul Wellstone Mental Health Parity Act. I hope also we can find those resources to fund education and the No Child Left Behind Act. In doing that, we will pay tribute to a Senator who honored us and honored his country with his public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I join with my colleagues here on the Senate floor today to mark the 1-year anniversary of the tragic death of our friend and beloved colleague, Paul Wellstone, and his wife Sheila.

As I look around the Chamber here in the Senate today, I see men and women of remarkable talents and ability. It is kind of a family here in the Senate. Regardless of our ideological beliefs or party preferences, we all understand what we went through to get here and how we work and what we have to do. We have our differences. We meet, we argue, and we vote. But underneath it all, the Senate is kind of a family. That is good. Like all families, we may have our squabbles, but like a family, I have a strong sense there is kind of a void in our midst. A very special Senator, a Member who played a unique role in this body, is missing. It is as though we are suffering from the phantom-limb syndrome. The phantom-limb syndrome is when a person loses a limb, and even as time goes on, sometimes it feels like it is there. When an issue of moral urgency and an issue of conscience comes to the Senate floor, I still expect to see Paul standing over there chopping the air with his hands, speaking with his own unique special passion, and urging us to do the right thing. Yes, it is like we have the phantom-limb syndrome. Once in a while, you expect to hear Paul speaking out here. He was truly the soul of the Senate.

No one wore the title of Senator better or used it less. He loved ordinary folks. Strangers would come up to him and call him Paul. I can't tell you how many times I would walk off the Senate floor and down the steps with him. We would go together back to the Hart Building or someplace. Policemen would come up. They might say Senator HARKIN, but they always called him Paul. People working on the grounds called him Paul. He took that as a sign that ordinary people knew he was one of them; that he was approachable; that he cared, all of which was Paul Wellstone to the core.

Paul had so many friends in my State of Iowa. Iowans knew him personally, and many more Iowans felt they knew him personally. I often said before his death and after that he was one of my best friends in and out of the State. But in truth, Paul Wellstone was one of those rare souls who so many saw as their best friend.

He had a powerful authenticity about him that made a miner on the Iron Range know he was as important to Paul as the President of the United States. Paul never had to proclaim his decency. It shone forth in great acts of political courage and in small acts of human kindness. He never had to say he cared. He never had to proclaim his compassion. We saw these qualities in him every day in dozens of ways—from his passionate speeches here on the Senate floor, standing up for those who otherwise had no voice, to the countless people he reached out to hug and to hear and to help all across Minnesota and all across the Nation.

Thirty years later, he retraced Robert Kennedy's journey to places of hunger and hurt in the heart of America. The hard-working folks he cared about most didn't have lobbyists or influence or money. But they had Paul Wellstone, and he truly was their best friend.

Paul always had a great sense of humor and a sense of perspective. He never took himself too seriously. One of his favorite stories, which I heard him tell many times, was the story of one of his early Senate speeches which he thought was rather eloquent and passionate. You can read about it in his book, "Conscience of a Liberal." Our friend, the senior Senator from South Carolina, who sits across the aisle from me, FRITZ HOLLINGS, approached him after the speech and said, "Young man, you remind me of Hubert Humphrey." Paul, as he told the story, swelled up with pride and thought this was wonderful until Senator HOLLINGS said, "You talk too much." Paul would love to tell that story. He would get that big grin and his eyes would squint and he would roar with laughter. As I said, he never took himself seriously.

Paul may have talked a lot, but he meant every word. He showed us that way to lead is by following your conscience. When injustice was proposed or unfairness was advancing or selfishness was on the march, Paul would go into battle. It was OK with him if he went into battle all by himself. Paul Wellstone may have suffered from a bad back, but he had a spine of steel.

Paul was the soul of the Senate. He believed politics could truly be a noble profession, putting principle above polls. Sometimes he cast votes that even some of his friends disagreed with—on war, welfare, education. And when he did, he was the mirror in which we, his colleagues, looked at ourselves and searched our own hearts as to the correctness of our own positions.

So 1 year later, we remember this political science professor whose measure of truth was never in political theory but in the impact our decisions have on real people. We remember the community organizer, the farm organizer, who understood how to bring people together, rural and urban, environmentalists and labor, Republicans and Democrats and, as I have often said, even Minnesotans and Iowans. We remember a leader, a proud Democratic-Farmer-Labor Party, a liberal who constantly reminded those who are Democrats that the real center of gravity of our party, the progressive ground of our being, is everyone should have a chance to reach their full potential.

We remember a man of principle who for all his convictions also had the rarest of gifts in politics: Paul actually sometimes came to the conclusion that the other person was right. He could partner with TED KENNEDY or PETE DOMENICI. He could fearlessly oppose Senator Jesse Helms' views yet become Jesse Helms' friend. It was all perfectly consistent with his guiding star. The decency Paul Wellstone demanded of society was the decency he lived out in his own life.

Paul once said politics is about what we create about what we do, what we hope for, and what we dare to imagine. Paul Wellstone did not just dare to imagine a better America, he helped to build one. Sure, he was willing to fight the lonely fight if he thought it was the right thing to do, but he also knew how to turn idealism into ideas and ideas into actions to improve people's lives: investing in education, expanding health care, fighting killer diseases like Parkinson's, helping homeless veterans and veterans exposed to radiation. Thanks to his hard work in the Senate, farmers have a better future. Because of what he demanded, mental illness will some day be treated equally in our health care system. Because of who he married, Sheila, and because of

Sheila's passionate charge, more women and children will find safe harbor from the scourge of domestic abuse.

Paul was a hopeful man. His campaign colors were always green. I always thought that was the color of springtime. It is also the color of hope. This picture captures Paul and Sheila Wellstone, standing on that green bus with all kinds of people around him, smiling, with Sheila standing by his side, and the American flag over his head waving proudly, with a big smile on his face. That was Paul Wellstone.

He bought this bus 13 years ago and used it in his campaigns time and time again. I often said he got that bus on his journey to build a better America. But he never wanted to be on the bus by himself. He never meant it to be a solo voyage. He wanted us all on board that bus.

Although Paul is no longer with us, we all must get on that bus, the bus of hope, the bus leading to a better America, a bus that is on a journey for justice, equality, a bus that is on a journey to ensure every individual in our society, no matter the circumstances of birth, has the potential to reach his or her full potential.

As we listen to the tributes this morning, it is clear our memories of Paul Wellstone remain rich and warm. His spirit is still very much with us. He still inspires us. He still calls us to conscience. He still makes us smile when we think of his puckish humor.

Today, 1 year later, let's agree that our period of grieving has passed. The darkness has dissipated. What remains is the light Paul radiated every day in this Chamber. He was truly the finest of human nature.

In addition to Paul and Sheila, six other wonderful people died in that plane crash 1 year ago. Paul would not want us 1 year later to just remember him or to just remember him and Sheila, because as he always said, we are all part of his family, the campaign workers, the people who flew him around. So we remember them, too: Their daughter, Marcia; Tom Lapic, who died, and was Paul's long-time trusted aide and served many years in Paul's Senate offices here in Washington and St. Paul. We remember and miss Tom today. He was also a member of our Senate family. We remember Mary McEvoy, a professor of early childhood education at the University of Minnesota, always by Sheila Wellstone's side; Will McLaughlin, 23 years old, Paul's driver. Again, Paul always reached out to bring young people into politics. We remember the two pilots, Richard Conry and Michael Guess, of that ill-fated plane.

Finally, there is one piece of Paul's legacy that is not complete, and it has been spoken of by the Senator from Minnesota, Mr. DAYTON, and I just heard Senator REED speak about it, and I know Senator LAUTENBERG spoke about it: the issue of mental health parity. Paul worked tirelessly to overcome the barriers to mental health treatment. Specifically, he championed legislation that would require group health plans to treat mental health benefits as generously as they do surgical or medical benefits. If Paul were here this morning, he would remind us how crucially important this is to millions of Americans. He and Sheila never faltered on this issue.

I can think of no better way to honor Paul's memory and to complete his legacy than to pass the Paul Wellstone Mental Health Equitable Treatment Act in this Congress. This bill passed the Senate overwhelmingly in the last Congress. It was attached to the appropriations bill in Labor, Health and Human Services, and Education Subcommittee. We took it to conference and the conferees would not agree to adopt it, but we were given assurances this would be addressed. Paul Wellstone was given assurances this would be addressed, that we would pass it in a form—maybe not in an appropriations bill—but pass it in a form that would then go to the House.

The bill today is supported by an overwhelming number of Senators. Madam President, 67 Senators now are supporting this bill, Republicans and Democrats, including 18 Republicans—at least that is my count on it anyway. So with that many supporting the bill, you would think we would not have much problem getting it through. The American people want this bill desperately. They have waited too long for its passage.

According to the Surgeon General's report, mental disorders collectively account for 15 percent of the overall burden of disease from all causes, and it is even more than the burden associated with all forms of cancer in our society. And yet, how many people burdened with mental disorders cannot get the help they need because their insurance carrier does not cover it and they cannot afford it?

We all know what happens. We know what happens when people have mental problems and they are not treated—things degenerate, families break up, domestic abuse happens, people lose their lives. Sometimes people are thrown in prison for long periods of time because in the beginning they did not get mental health treatment.

I have seen some figures that indicate that close to half of the people serving long-term prison sentences today are there because they have mental disorders—depression, schizophrenia, bipolar illnesses—which led them through a series of stages that culminated in probably some heinous crime. But in the beginning they did not get the mental health they needed.

So we have waited too long. It is critical we find an opportunity to bring up this bill and pass it before we adjourn this year.

Next week, the HELP Committee, of which I am a member, will be marking up legislation that will provide for parity in insurance coverage for recreational activities, such as riding a motorcycle or skiing. In other words, your insurance carrier has to give you the same coverage for any kind of injury that would happen to you if you were skiing or riding a motorcycle, or something like that, as if it happened purely accidentally some other way. It begs credulity that somehow we can cover that but cannot give mental health parity to people who, through no fault of their own, are suffering from mental illness in our country.

It is this Senator's intention to try to attach this bill to this piece of legislation. We have waited too long. I have been hearing all year that soon we are going to bring up this bill. We have 67 Senators on it. We have waited too long. It is the legacy of Paul Wellstone. We are going to get it passed. And yet, days go by, weeks go by, months go by, and nothing happens.

Now, I am too respectful of the Senate and of the agreements that are reached here to ask unanimous consent that we bring it up and pass it today. Some have suggested we do that in honor of Paul Wellstone, but I know that most Senators are not present. We are not voting today.

But I will say this. There will be some time before we leave this year when I intend to bring up the Mental Health Equitable Treatment Act and seek a vote on it, either through committee or on the floor, and somehow try to get it into a conference with the House before the year ends.

President Bush said last spring that he supported mental health parity. So if the White House supports it and the President supports it, and we have so many Senators and Members of the House support it, what is stopping us?

I know some of the big insurance companies and others are kind of opposed to it, but all of the studies we have seen show this is cost-effective. According to SAMHSA, undertreated and untreated mental disorders are costing this Nation over $200 billion a year in lost work, crimes, and incarceration. It is a huge impact on our society, and we have to respond. That is why we have to bring up this bill and get it passed.

I can think of no better time in which to talk about it—and to state, unequivocally, we are going to have a vote on this bill this year—than on this the first anniversary of the death of our beloved colleague, Paul Wellstone, his wife, and those who were with them on that tragic day.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, a number of us have come to the floor today to remember and celebrate someone most of us knew and many of us loved. Paul Wellstone believed that politics is about more than money; it is about more than power. As he said so often, in the last analysis politics is what we create by what we do, by what we hope for, by what we dare to imagine. Paul Wellstone dared to imagine so much.

There is a quote he loved from the famous abolitionist, Wendell Phillips. One day, after Phillips had given a speech, a friend told him: Wendell, you were on fire.

Phillips replied: Brother, I'm on fire because I have mountains of ice before me to melt.

Paul Wellstone saw good in everyone, including people whose politics he disagreed with strongly and who disagreed just as strongly with him, but Paul also saw injustice and he had the fire and the conviction to end it.

He used his wit, his charm, his astonishing organizing abilities and every ounce of his hyperkinetic energy to fight for people with few champions in places of power. He fought for family farmers on the edge of foreclosure. He fought for workers facing layoffs, for older people trying to decide which prescription to fill this month. He and Sheila, his indispensable partner, fought for women and children threatened by violence. He fought for teachers and coal miners, for Vietnam veterans. He fought for immigrant parents who work at less than minimum wage jobs and who worry about not being able to give their children what they need. He listened to them and looked them in the eye, and when he did he used to say he saw his own parents. He gave voice to the voiceless. He demanded fairness for those to whom life had been unfair. He gave people hope and courage.

He himself had that rarest sort of courage. It was a moral courage. Even when he knew the vote was likely to be 99 to 1, he was not afraid to speak and vote his conscience. It was a reflection of his respect for the people who elected him, that he trusted they would respect him for doing what he believed was right.

Saturday we mark the 1-year anniversary of the plane crash on the Iron Range that claimed the lives of Paul and Sheila Wellstone, their beloved middle child, Marcia Wellstone Marcus, their campaign aides and friends, Mary McEvoy, Tom Lapic, Will McLaughlin, and their pilots, Richard Conry and Michael Guess.

To keep their parents' work alive, Paul and Sheila's other two children, Mark and David, have started a progressive democracy organization. Through their advocacy, which they call, appropriately, Wellstone Action, the spirit of Paul and Sheila is very much alive.

If you go to the Wellstone Action Web site, you can read hundreds of messages from people the Wellstones inspired. One is from John Nichols, the editorial page editor of The Capital Times newspaper in Madison, WI, and the Washington correspondent for The Nation magazine. Mr. Nichols was in rural Wisconsin at a conference of family farm advocates. He had just finished giving the keynote address about the need for activists to go into politics when the news came. When he told the audience, he wrote:

> Cries of, "No" and "My God, my God" filled the room. Grown men felt for tables to keep their balance. Husbands and wives hugged one another and everyone began an unsuccessful effort to choke back tears. People wept in silence until finally a woman began to recite the Lord's Prayer for the son of Russian Jewish immigrants who had touched the lives and heart of solid Midwestern Catholic and Lutheran farmers who do not think of themselves as having many friends in Congress."

Another message is from a man who was a junior at St. Cloud State University in Minnesota. When he volunteered to help on Paul's first and improbable Senate campaign in 1990, they met when Paul visited the campus for a Fourth of July parade. He writes:

> It was stifling hot that day in St. Cloud—at least 95 degrees with stick-to-your-shirt humidity. The plan was for the two staffers and me to hand out Wellstone literature while Paul would walk along and wave to the crowd. Much to my amazement, Paul proceeded to run—not walk, not even jog, but to run from left to right, for the entire two-mile route, which took about an hour to complete—trying to shake the hand of every single parade-goer.
>
> Almost no one knew who he was—and most probably weren't likely Wellstone voters, anyway. Didn't matter. He even said that to people . . .
>
> "Vote for me or vote for someone else. Just make sure you vote in November." He was always moving, always smiling, always talking.

This former campaign volunteer wrote that when he got back to his dorm room he called a few friends and told them: You wouldn't believe the guy I just met. I don't think he has a prayer of winning but, by God, it is not going to be for lack of effort.

In the last few years Paul didn't run much. He had that pronounced limp that he and his doctors first attributed to old wrestling injuries but that turned out to be a symptom of multiple sclerosis. Even though he was in pain most of the time, his illness never dulled his sense of humor. He joked that at least he had gotten a progressive disease.

His efforts never flagged. Until the end he gave every ounce of energy he had to try to bring hope and help to others.

I have been told there is a tradition in Judaism, on the first anniversary of the death of someone you love, you pray his soul will find proper rest. Well, I loved—I loved Paul Wellstone. But it is still hard to imagine him at rest. I know, with absolute certainty, he would not want us to mark this first anniversary by resting or by talking. How many times did we hear Paul say:

> Intentions are good. But it's not intentions that count. What counts is action.

One of the injustices that made Paul Wellstone the most angry, that offended him the most deeply, was the stigma attached to mental illness and the discrimination and suffering people with mental health problems suffer as a result of that stigma. He thought it was cruel that people with mental health problems very often received lesser care than those with physical health problems. He was outraged by the terrible toll such discrimination often takes on the people with mental illness, and their families.

UNANIMOUS CONSENT REQUEST—S. 486

So, Madam President, now, in the name of Paul Wellstone, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 486, the Paul Wellstone Mental Health Equitable Treatment Act, the Senate proceed to its immediate consideration, and the motion to reconsider be laid upon the table.

I am told at the request and on behalf of the majority leader and others on the Republican side, there is an objection to this legislation. I acknowledge that and I present that objection on behalf of the majority leader at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Words alone are just not a fitting tribute to Paul Wellstone, It is the action that counts. I was deeply moved by Senator DOMENICI's beautiful eulogy for Paul last fall at the memorial for the Wellstones in Washington. In that eulogy Senator DOMENICI vowed to do everything he could to pass the Paul Wellstone Mental Health Equitable Treatment Act this year. He has worked very hard to keep that promise and we thank him for it. He and Senator KENNEDY introduced the Paul Wellstone Mental Health Equitable Treatment Act 8 months ago in the early days of this session. Unfortunately, despite the efforts of Senators DOMENICI and KENNEDY and many others, despite the support of 66 Senators, two-thirds of this Senate, including the distinguished Presiding Officer, despite the fact that the Senate voted overwhelmingly last year to pass this measure as an amendment to the Labor-HHS appropriations bill, the Paul Wellstone Mental Health Equitable Treatment Act remains stuck in committee today because of opposition from the insurance industry and its backers.

The insurance industry claims incorrectly that requiring insurers to treat mental illness the same way as they treat physical illness will drive up premiums so high that more people will lose their health insurance. That is not true. Those are the same kinds of scare tactics we have heard from that industry on other occasions.

As another of our departed friends, Senator Moynihan, used to say, everyone is entitled to their own opinion but they are not entitled to their own set of facts.

The truth is, two highly respected organizations have analyzed the Paul Wellstone Mental Health Equitable Treatment Act. The private accounting firm of PricewaterhouseCoopers predicts the bill would increase health insurance premiums by 1 percent—1 percent. That works out to $1.32 per month. I think most families would think that was a very good deal. The Congressional Budget Office predicts an even smaller increase, nine-tenths of 1 percent.

We also know from experience that requiring mental health parity in insurance has a negligible, if any, effect on premiums.

In 1999, President Clinton signed an executive order giving the 8 million Federal workers in the Federal Employees Health Benefits Plan the same protections the Wellstone bill would extend to others.

On the website of the Federal Office of Personnel Management, there is a list of "frequently asked questions" about mental health and substance abuse parity under the Federal Employees Health Benefits Plan. This is what that website says:

> Recent advancements in the treatment and management of mental illness have left no justifiable rationale for disparate treatment of mental illness. The National Institutes of Mental Health informed us that most diagnoses have well-established biological bases, diagnoses are reliable, and treatment is effective and affordable.

The website goes on to say:

> A growing body of research and actual industry experiences indicate that parity can be implemented without substantially increasing premiums, as long as it is coupled with efforts to manage the benefits.

Those are the facts.

In 1996, Congress passed the Mental Health Parity Act, which was also sponsored by Paul Wellstone and Pete Domenici. The 1996 act says that group health plans sponsored by employers with 50 or more workers cannot place annual or lifetime dollars limits on mental health benefits that are more restrictive than their limits for physical health care.

Paul Wellstone and PETE DOMENICI may have seemed like unlikely allies to some, but they shared a deep bond. They had both seen close family members struggle with serious mental illness.

So have many others. Fifty-four million Americans suffer from mental illness.

They include Republicans, Democrats and people who don't care a whit about party labels. No family is untouched by mental illness.

Four days ago I received an email from a man in Sioux Falls. His name is Jamie Snyder.

His wife Bonnie suffered severe abuse in her first marriage and, as a result, she suffers from post traumatic stress disorder. Nine years ago, her doctor and two other doctors—including the head of the American Psychological Association in South Dakota—said she needed to be hospitalized.

Unfortunately, a doctor who worked for Jamie Snyder's employer, which was self-insured—a doctor who was hundreds of miles away in another State and who never laid eyes on Bonnie Snyder—ruled that she didn't need to be hospitalized. So the Snyder's were left with an $8,000 hospital bill.

Jamie Snyder tried for years to resolve this dispute with his employer. When that failed, he hired an attorney and went to court—only to be told that he couldn't bring a claim because too much time had passed.

Then he started getting calls from bill collectors. In desperation, he signed an agreement with a collection agency that charges exorbitant interest rates. If he misses a payment for any reason, the agency garnishes his wages and adds huge penalties.

Since 1996, Jamie Snyder has paid $8,000 on his initial $8,000 bill. Yet today, he still owes the collection agency $15,950.

Bonnie Snyder still suffers from post-traumatic stress disorder, and now, on top of that, depression and agoraphobia. But she doesn't want to get counseling because she doesn't want to add to her family's debt.

The irony is that she has been on full disability since 1992. The government would rather pay her disability every month than see that she gets the help she needs to return to work and a full life.

Another family in Sioux Falls has a daughter who was always outgoing, socially active—a straight-A student. When she was a freshman in high school, she won debate competitions.

When she was a sophomore, she told her mother, "I'm a failure" and admitted she had thought about suicide. It took 4 months to get an appointment with a psychiatrist. Eventually, the young woman received treatment in another State. She was diagnosed with bipolar disorder.

Despite that diagnosis, the insurance company refused to pay for her treatment, so her mother was forced to take out a $20,000 mortgage on their home. After a long fight, the insurance company finally paid the bill.

Today, that young woman is a freshman in college. Medications help her control her illness. But they cost $3,000 a month.

She will probably need to take the medications for the rest of her life.

She is covered under her mother's health plan—for now. But that won't always be the case.

She and her mother worry about what will happen when she has to leave her mother's policy. Will she be able to get affordable insurance on her own?

If so, will it pay for the mental health care she needs to stay healthy?

That young woman knows about the Paul Wellstone Mental Health Equitable Treatment Act. She tracks its progress on the Internet.

She is counting on us to do the right thing and help end the stigma and discrimination that makes it even harder for her to live with a tough disease.

There is another young woman in college who is watching what we do on this bill. I know her. Her name is Erica Gitis-Miles. She is a junior at South Dakota State University, my alma mater.

Erica's birth mother drank heavily during her pregnancy and Erica has fetal alcohol syndrome as a result. Erica was neglected by her birth mother and severely abused by her birth mother's boyfriend. She was in and out of 13 foster care placements by the time she was 4 years old. She was adopted into a loving home when she was 7.

Fetal alcohol syndrome causes serious brain damage. Most people struck with that illness also have serious mental health problems.

Erica suffers recurrent depression. A year ago, during a serious depression, Erica cut herself. The doctors who treated her decided that she might be a danger to herself, so Erica was ordered held in a mental health unit for 72 hours.

Her parent's insurance company refused to pay for the hospitalization. They said Erica chose to hurt herself, so it was not their responsibility to pay for her care. So Erica and her parents are stuck with the bill.

She says she is fortunate. Her father is a medical doctor. But she worries about all the families who aren't able to help themselves as they helped her. Who, she asks, will help them?

The Mental Health Parity Act of 1996 was an important step forward. But we know that discrimination persists. Insurers have found new ways to restrict mental health benefits.

They continue to discriminate by limiting visits, and requiring higher co-pays and deductibles. And some even continue to impose lower annual and lifetime spending limits for mental illness—and make little effort to deny it.

The results can be devastating: unemployment, broken homes, shattered lives, poverty, poor school performance—even suicide.

A report earlier this year by the GAO showed that at least 12,000 parents a year are forced to give up custody of their children because they cannot get them the mental health care they need. What family values is that?

Wellstone Action has made passing the Paul Wellstone Mental Health Equitable Treatment Act its sole legislative priority for this year.

The Paul Wellstone Mental Health Equitable Treatment Act also has the support of 274 national organizations, including the American Academy of Pediatrics, the Alzheimer's Association, the National PTA, the Evangelical Lutheran Church in America, Catholic Charities, The National Association of Counties, the American Medical Association, the American Nurses Association, the American Association of Pastoral Counselors, The Christopher Reeve Paralysis Foundation, the National Rural Health Association, the National Organization on Fetal Alcohol Syndrome and many other groups.

I ask unanimous consent that the complete list be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

274 ORGANIZATIONS SUPPORTING THE WELLSTONE MENTAL HEALTH EQUITABLE TREATMENT ACT

Advocates for Youth
Alliance for Aging Research
Alliance for Children and Families
Alliance For Mental Health Consumers Rights
Alzheimer's Association
American Academy of Child and Adolescent Psychiatry
American Academy of Family Physicians
American Academy of Neurology
American Academy of Pediatrics
American Academy of Physical Medicine and Rehabilitation
American Academy of Physician Assistants
American Association for Geriatric Psychiatry
American Association for Marriage and Family Therapy
American Association for Psychosocial Rehabilitation
American Association of Children's Residential Centers
American Association of Pastoral Counselors
American Association of Practicing Psychiatrists
American Association of School Administrators
American Association of Suicidology
American Association on Mental Retardation
American Board of Examiners in Clinical Social Work
American College of Medical Genetics
American College of Mental Health Administration
American College of Nurse-Midwives
American College of Physicians
American Congress of Community Supports and Employment Services (ACCSES)
American Counseling Association
American Diabetes Association
American Family Foundation
American Federation of State, County and Municipal Employees
American Federation of Teachers
American Foundation for Suicide Prevention
American Group Psychotherapy Association
American Heart Association
American Hospice Foundation
American Hospital Association
American Humane Association
American Jail Association
American Managed Behavioral Healthcare Association (AMBHA)
American Medical Association
American Medical Rehabilitation Providers Association
American Medical Student Association
American Mental Health Counselors Association
American Music Therapy Association
American Network of Community Options and Resources
American Nurses Association
American Occupational Therapy Association
American Orthopsychiatric Association
American Osteopathic Association
American Pediatric Society
American Political Science Association
American Psychiatric Association
American Psychiatric Nurses Association
American Psychoanalytic Association
American Psychological Association
American Psychotherapy Association
American Public Health Association
American School Counselor Association
American School Health Association
American Society for Adolescent Psychiatry
American Society of Addiction Medicine
American Society of Clinical Pharmacology
American Therapeutic Recreation Association
American Thoracic Society
America's HealthTogether
Anna Westin Foundation
Anorexia Nervosa and Related Eating Disorders, Inc.
Anxiety Disorders Association of America
Association for the Advancement of Psychology
Association for Ambulatory Behavioral Healthcare
Association for Clinical Pastoral Education, Inc.
Association for Science in Autism Treatment
Association of Asian Pacific Community Health Organizations
Association of Jewish Aging Services of North America
Association of Jewish Family & Children's Agencies
Association of Maternal and Child Health Programs
Association of Medical School Pediatric Department Chairs
Association of University Centers on Disabilities
Association to Benefit Children
Attention Deficit Disorders Association
Autism Society of America
Barbara Schneider Foundation
Bazelon Center for Mental Health Law
Brain Injury Association of America, Inc.
Camp Fire USA
The Carter Center
Catholic Charities USA
Center for the Advancement of Health
Center for Women Policy Studies
Center on Disability and Health
Center on Juvenile and Criminal Justice
Central Conference of American Rabbis
Chicago Public Schools
Child & Adolescent Bipolar Foundation
Children and Adults with Attention-Deficit/Hyperactivity Disorder
Children's Defense Fund
Children's Healthcare Is a Legal Duty
Children's Hospital Boston
Child Welfare League of America
Christopher Reeve Paralysis Foundation
Church of the Brethren Washington Office
Clinical Social Work Federation
Coalition for Juvenile Justice
College of Psychiatric and Neurologic Pharmacists
Commission on Social Action of Reform Judaism
Corporation for the Advancement of Psychiatry
Council for Exceptional Children
Council of State Administrators of Vocational Rehabilitation
Council on Social Work Education
County of Santa Clara, CA
Cure Autism Now
Dads and Daughters
Depression and Bipolar Support Alliance
Disability Rights Education and Defense Fund, Inc.
Disability Service Providers of America
Division for Learning Disabilities (DLD) of the Council for Exceptional Children
Easter Seals
Eating Disorders Coalition for Research, Policy & Action
Employee Assistance Professionals Association
Epilepsy Foundation
Families For Depression Awareness
Families USA
Family Violence Prevention Fund
Family Voices
Federation of American Hospitals
Federation of Behavioral, Psychological & Cognitive Sciences
Federation of Families for Children's Mental Health
Freedom From Fear
Friends Committee on National Legislation (Quaker)
Harvard Eating Disorders Center
Human Rights Campaign
Inclusion Research Institute
Institute for the Advancement of Social Work Research
International Association of Jewish Vocational Services
International Association of Psychosocial Rehabilitation Services
International Community Corrections Association
International Dyslexia Association
International Society of Psychiatric-Mental Health Nurses
Ir's Alliance Fund
Jewish Federation of Metropolitan Chicago
Johnson Institute
Kids Project
Kristen Watt Foundation for Eating Disorder Awareness
Latino Behavioral Health Association
Learning Disabilities Association of America
Legal Action Center
Lutheran Ofc. for Governmental Affairs, Evangelical Lutheran Church in America
Lutheran Services in America
Medicare Rights Center
MentalHealth AMERICA, Inc.
NAADAC, The Association for Addiction Professionals
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance for Autism Research
National Alliance for the Mentally Ill
National Alliance for Research on Schizophrenia and Affective Disorders
National Alliance to End Homelessness
National Asian American Pacific Islander Mental Health Association

National Asian Women's Health Organization
National Assembly of Health and Human Service Organizations
National Association for the Advancement of Colored People (NAACP)
National Association for the Advancement of Orthotics & Prosthetics
National Association for Children's Behavioral Health
National Association for the Dually Diagnosed
National Association for Rural Mental Health
National Association of Anorexia Nervosa and Associated Disorders—ANAD
National Association of Case Management
National Association of Children's Hospitals
National Association of Community Health Centers
National Association of Counties
National Association of County Behavioral Health Directors
National Association of County and City Health Officials
National Association of Developmental Disabilities Councils
National Association of Mental Health Planning & Advisory Councils
National Association of Pediatric Nurse Practitioners
National Association of Protection and Advocacy Systems
National Association of Psychiatric Health Systems
National Association of School Nurses
National Association of School Psychologists
National Association of Social Workers
National Association of State Directors of Special Education
National Association of State Mental Health Program Directors
National Center for Policy Research for Women & Families
National Center on Institutions and Alternatives
National Coalition Against Domestic Violence
National Coalition for the Homeless
National Coalition of Mental Health Consumers and Professionals
National Committee to Preserve Social Security and Medicare
National Council for Community Behavioral Healthcare
National Council of Jewish Women
National Council of La Raza
National Council on the Aging
National Council on Alcoholism and Drug Dependence
National Council on Family Relations
National Council on Problem Gambling
National Council on Suicide Prevention
National Down Syndrome Congress
National Down Syndrome Society
National Eating Disorders Association
National Educational Alliance for Borderline Personality Disorder
National Education Association
National Exchange Club Foundation
National Foundation for Depressive Illness
National Health Council
National Health Law Program
National Hispanic Medical Association
National Hopeline Network
National Housing Conference
National Latino Behavioral Health Association
National Law Center on Homelessness & Poverty
National Leadership on African American Behavioral Health
National League of Cities
National Medical Association
National Mental Health Association
National Mental Health Awareness Campaign
National Multiple Sclerosis Society
National Network for Youth
National Organization for Rare Disorders
National Organization of People of Color Against Suicide
National Organization on Fetal Alcohol Syndrome
National Osteoporosis Foundation
National Partnership for Women and Families
National PTA
National Recreation and Park Association
National Rural Health Association
National Schizophrenia Foundation
National Senior Citizens Law Center
National Therapeutic Recreation Society
National Treatment and Research Advancements Association for Personality Disorder
Native American Counseling, Inc.
NETWORK, a Catholic Social Justice Lobby
NISH (National Industries for the Severely Handicapped)
Northamerican Association of Masters in Psychology
Obsessive Compulsive Foundation
Office & Professional Employees International Union
Older Adult Consumer Mental Health Alliance
Organization of Student Social Workers
Partnership for Recovery
People For the American Way
Presbyterian Church (USA), Washington Office
Prevent Child Abuse America
Rebecca Project for Human Rights
Renfrew Center Foundation
Samaritans Suicide Prevention Center
School Social Work Association of America
Service Employees International Union
Shaken Baby Alliance
Sjogren's Syndrome Foundation
Society for Adolescent Medicine
Society for Pediatric Research
Society for Personality Assessment
Society for Public Health Education
Society for Research on Child Development
Society for Social Work Research
Society for Women's Health Research
Society of Professors of Child and Adolescent Psychiatry
STOP IT NOW!
Suicide Awareness Voice of Education
Suicide Prevention Action Network USA
The Arc of the United States
Title II Community AIDS National Network
Tourette Syndrome Association
Treatment and Research Advancements Association for Personality Disorder
Union of American Hebrew Congregations
Unitarian Universalist Association of Congregations
United Cerebral Palsy Association
United Church of Christ, Justice and Witness Ministry
United Jewish Communities
United Methodist General Board of Church and Society
Volunteers of America
Wellstone Action
Working Assets
Women of Reform Judaism
Yellow Ribbon Suicide Prevention Program
Youth Law Center

Mr. DASCHLE. More than a year and a half ago, in a speech at the University of New Mexico with Senator DOMENICI by his side, President Bush said:

> Our country must make a commitment: Americans with mental illness deserve our understanding and they deserve excellent care. They deserve a health care system that treats their illnesses with the same urgency as physical illness.

In the great consensus-seeking spirit of Paul Wellstone, I must say I agree with the President. I appreciate his words. But words alone will not solve this problem. We urge the President to join us, help us take up and pass the Paul Wellstone Mental Health Equitable Treatment Act now, this year.

Paul was the champion of many causes, but no cause was more dear, more personal to him than making sure people with mental illness are treated fairly, are treated with dignity. Intentions are fine, but it is the actions that count. Millions of American families are counting on us to act for mental health parity. Let us agree to do it now as a tribute to Paul Wellstone, and let us keep his spirit alive.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, I come to the floor to close this week but more importantly to address and continue the comments and remarks that have been made with regard to the death on October 25th last year of Senator Paul Wellstone.

Senator Wellstone's plane, the plane he was flying in, was lost in the Minnesota wilderness on that day, October 25, with all eight passengers aboard, having lost their lives in a tragic accident: Senator Wellstone, his wife Shelia, his daughter Marcia, staff members, the two pilots.

Today, on the eve of that sad anniversary, we pause to remember Senator Wellstone and his remarkable, his tremendous contribution to this body and, indeed, to the United States of America.

I have tremendous respect for what he demonstrated both on the floor of the Senate and the many committee hearings we both attended, especially the Health, Education, Labor, and Pension Committee, where he focused so much of his attention and energy on mental health. I respected his tenacity, his intelligence, his commitment, his humor, his integrity.

He was a kind man, a gentle man, never mean-spirited or one to make personal attacks.

In this body, you look and you categorize certain people in terms of impressions. And the one word that summarizes my impression of Paul Wellstone is that he was a real idealist in the very best sense of the word—

principled and tough, a stalwart defender of his ideals.

In Minnesota and across the country, people will be celebrating Paul with a Wellstone World Music Day tribute. Here in the Senate, I think it is fitting we also acknowledge Paul's tireless work on behalf of those for whom he fought from early in the morning till late at night, those people who suffer from mental illness. He was their unflagging champion and mightily advanced the concept of the cause which, as a physician, I cherish; that is, fairness and equity.

I share his commitment to this important issue, and I look forward to working with Senator DOMENICI and Senators DASCHLE and KENNEDY; the chairman of the Health, Education, Labor, and Pensions Committee, Senator GREGG; indeed, all of my colleagues to ensure that mental health is appropriately addressed in this Congress.

I do join with my colleagues and the people of Minnesota in a real celebration of the life and the ideals of Senator Paul Wellstone. He was a wonderful man, a remarkable man, and an outstanding Senator.

Mr. KENNEDY. Madam President, Paul Wellstone was an extraordinary leader with a common touch. His dedication to the well-being of average Americans was unparalleled in Congress. He believed that all of our citizens, no matter how humble their beginnings or difficult their plight, had an equal right to happy, healthy, and full lives.

There was no issue more dear to his heart than ensuring access to health care for people with mental illness. He spent so much of his time here in the Senate working to improve the care and treatment they receive. For them, Paul Wellstone was their champion, their Senator. And in the Senate, Paul was our conscience, our guiding light.

Paul worked with Senator PETE DOMENICI on legislation to end the shameful discrimination in our society against mental illness. After Senator Wellstone's tragic death one year ago, Senator DOMENICI has continued with great diligence to urge the Senate to act. But the bill, the Senator Paul Wellstone Mental Health Equitable Treatment Act, is still being held hostage by the insurance industry and their allies.

We know that large numbers of Americans across the country with mental illness constantly face stigma and misunderstanding because of their illness. Even worse, they are often denied the treatment that can cure or relieve their debilitating conditions because they are victims of discrimination too. It is unacceptable that we continue to tolerate actions by insurance companies that deny medical care for mental illness, even though the same insurers readily cover treatment for physical illnesses that are more costly, less debilitating, and less curable. Mental illnesses are often treatable and curable, and it's time to end the widespread discrimination against them.

Equal treatment of the mentally ill is not just an insurance issue. It is a civil rights issue, too. Mental health parity is an issue of simple justice. The need for action is clear. One in five Americans will suffer some form of mental illness this year—but only a third will receive treatment. According to a report of the Surgeon General, at least 4 million children suffer from a mental illness that results in significant impairments at home, at school, and with other children. Families must often make impossible choices about how to pay for the care their child needs to live a normal life.

It is tragic when a child is diagnosed with any illness. It is heart wrenching for parents to watch their children suffer. The tragedy is even greater when insurance companies deny treatment for a child solely because the illness is a mental illness. It's wrong for insurance companies to apply modern medicine to physical diseases, but leave mental health in the dark ages.

Earlier this year, we received petitions signed by 30,000 young people asking Congress to provide affordable coverage for mental health treatment. The petitions were signed at concerts held across the country to raise awareness for suicide prevention.

It is long past time to end insurance discrimination, and guarantee all those with mental illness the coverage they deserve. The American people should not have to wait any longer. Paul's committed family members should not have to wait any longer. The Senate should not continue to delay action on this bill. It is time to pass it, and bring first class medicine to millions of Americans who have been second class patients for too long.

Mr. CORZINE. Madam President, exactly 1 year ago tomorrow, October 25, our Nation lost Senator Paul Wellstone, a truly great American and a hero to many. I remember that tragic day as if it were yesterday. The initial shock and pain of losing Paul has been transformed into a profound sadness akin to losing a parent—a brother. You never forget what they meant to your life. A year ago and to this day, millions of Americans still grieve and share this deep sense of loss.

I served with Paul for only 2 short years, but in that brief time, he became one of my closest friends. His enthusiasm was infectious, his values, uncompromised and his honor, unquestioned. His loss was a personal and painful one for me, and I miss him every day.

Indeed, Paul's loss was a tragedy for the entire United States Senate. As most would agree, there was no Senator quite like Paul Wellstone. He was unique. He left a void in this body that no one will ever fill.

What was it about Paul that made him so unique? It's hard to point to any one thing.

Perhaps it was his sincerity. Paul was a real, genuine person who never tried to be someone other than who he was. He said what he thought. He was the same man in the back rooms as under the glaring lights of the Senate floor. Paul was Paul.

Perhaps it was his humility. To say that Paul didn't put on airs would be an understatement. There simply wasn't an ounce of pretense to Paul—none. He wasn't trying to impress anyone. He wasn't impressed with himself. He should have been, but he wasn't.

Perhaps it was his empathy. Paul cared about other people, and he cared deeply. He spent his life helping others. It's what made him tick. It's what drove his politics. It's how he lived his life.

Perhaps more than his sincerity, more than his humility, and even more than his empathy, what made Paul—Paul was his passion.

To this day, Paul Wellstone was the most passionate public servant I have ever met. In a day and age when it is difficult to reconcile a public servant's actions with their statements, Paul was truly unique. His stirring words—"We should never separate the lives we live from the words we speak" were the compass by which he set his course. He didn't just speak about helping others, he did it. He didn't just preach about righting wrongs, he did it. He wasn't just talking about the need for social justice, human rights, civil rights, workers' rights, health care, education, environmental protection, and political reform. Paul was the most committed, compassionate, and tireless advocate for these causes I have ever met.

Paul's passions defined him as a human being, and you could not be around this Chamber for long without witnessing those passions first hand. He would come to this Chamber to speak, and it wouldn't be long before his voice would rise, his fist would pound the desk, and his finger would jab the air. When Paul spoke, he dominated the Chamber, and we listened.

No, we will not see another person like Paul Wellstone for a very long time. And this body, and our Nation, will be the worse for it.

In many ways, Paul was the conscience and soul of the Senate. When he saw something that wasn't right, he would speak out. He didn't wait for a cadre of his colleagues to approve. Often, that meant he upset some of us. Frequently, it meant he upset lobbyists and special interests. But, for millions of working Americans, Paul was the one voice on which they could always depend. And, they were grateful for him. Sometimes, all it took was Paul Wellstone to raise a wrong—to bring it into the sunlight for all to see—for it to be made right. He truly was our conscience and our soul, and he made a difference.

That is why I wanted to come to the floor to honor Paul's memory. These speeches are not what he would have sought. He probably would have been embarrassed. That said, he would have hoped we would come to advocate his causes—none more personal, none more passionate, than his quest for mental health parity.

Paul Wellstone was not only a hero. He was a model for all of us who are representatives of all the people. It's only right that we honor him here in this Chamber—where he stood for so many. Remembering who he was and what he stood for can only make us better Senators.

Sadly, unavoidably, it also reminds us of the terrible loss that this Senate and our Nation suffered on that heartbreaking day 1 year ago.

Paul—like all of us—I was blessed to know you and will always remember that you said, "Politics is what we create by what we do, what we hope for and what we dare to imagine." Thank you for daring to hope and imagine. I miss you. We all do.

Mrs. FEINSTEIN. Madam President, I rise today to speak in honor of our late friend and colleague, Senator Paul Wellstone, and to remember his wife, Sheila, their daughter, Marcia, the campaign staff and the pilots who died in a plane crash one year ago.

I speak today to praise Paul's work and to praise his passion, to praise his vision, and to praise his legacy. He was truly a great Senator and a great human being. His love of all people was his guiding principle. He is very much missed in the Senate, in this country, and especially in the great State of Minnesota.

Born in Washington, D.C., Paul began a journey that would take him from Virginia, to North Carolina, to Minnesota, and back to Washington, D.C. to serve in the United States Senate. His life experiences along the way back here developed and defined his political vision. Seeing his father cope with Parkinson's gave him insight into the failures of our health care system, and the struggle with his brother's mental illness fueled his desire to raise awareness and expand care for mental illness.

From the beginning of his service in the Senate, Paul left an impressive legacy. In his first Senate campaign in 1990, Paul was the only candidate to beat an incumbent Senator. During this campaign, he was the underdog. He was an unknown candidate challenging an incumbent; he was outspent 6-to-1 and he had never held elected office in his life.

Despite these odds, however, Paul battled, town by town, to be elected Senator from Minnesota. He traveled throughout the State on an old green school bus, making stump speeches and inspiring grassroots organization. In many ways, his campaign for Senate is an allegory for his entire political life. He was often viewed as the underdog, fighting for the little guys, against moneyed and powerful special interests, refusing to give up or accept defeat.

Paul once stated "I still believe Government can be used as a force for good in people's lives." A simple but profound statement, it guided him in his journey in public service. Whether he was advocating for universal healthcare, or fighting for victims of domestic violence, he truly believed that he, and the United States Senate, could do good in people's lives.

One need only listen to the tributes from the Members of this body to truly see that Paul himself was also a force of good in people's lives. Many people that were opposed to Paul politically and philosophically still respected him very much. Last year, Senator DOMENICI, an ally of Paul's in the fight for mental health parity, made a beautiful statement when he found out Paul had died. Senator LOTT, too, gave a wonderful tribute to Paul, praising his compassion and his optimism. It is truly a tribute to the character of Paul Wellstone that he was so respected, even by people who disagreed with him.

Paul loved the Senate and the Senators with whom he served. He was a master at delivering moving speeches, usually speaking when there were no Members in the Chamber to hear him speak. I remember that as he would speak, he would start to speak at his desk, not far from my own desk, and would walk back and forth behind the desks, up and down the aisle. He could not contain his excitement or his passion.

In his book, "Conscience of a Liberal," Paul wrote this about Diane Feldman, a member of his campaign staff:

> She told me that Minnesotans did not agree with me on every issue, but many of them admired my courage and integrity. I hope and pray that Minnesotans will always feel this way about me.

I believe that Minnesotans do admire and respect him for his courage and integrity. Most people that have met Paul Wellstone admire and respect him for his courage and integrity.

Paul was called a number of things in his career as a Senator: "the happy warrior," "the soul of the Senate," "embarrassingly liberal," "Senator softie." But I am truly honored to be able to call him a friend, and I consider myself lucky to have served in this distinguished body with such a great human being.

Mr. BAUCUS. Madam President, 1 year ago the Senate, Minnesota, and our Nation suffered a great loss. I remember that day clearly. I was in Great Falls attending the Montana Farmers Union Convention. I was in such disbelief.

Senator Wellstone, his wife Sheila, daughter Marcia, three of his staffers Mary McEvoy, Tom Lapic and Will McLaughlin, and two pilots tragically lost their lives in a plane crash in northern Minnesota.

Senator Wellstone, known to everyone simply as Paul, served his state of Minnesota for 12 years. Paul was a special person for whom I had the highest personal regard. Though I may not have always agreed with Paul on all the issues, I always respected him as he expressed his views with such passion and conviction.

Paul was frequently seen on the Senate floor giving impassioned speeches on different issues. He was always fighting for the little guy, the underdog. Whether it was providing disaster assistance for farmers and ranchers, working mental health parity, or helping the less fortunate in our society, Paul was always fighting for what he believed in. I was fortunate to sit with Paul on the Senate Agricultural Committee. Though Paul may not have sat at the head of the table, he made it clear that his message was important and that everyone heard it. I was proud and grateful to have Paul on my team fighting for natural disaster assistance for farmers in 2001 and 2002. Minnesota, Montana, and our Nation's agriculture producers benefited from his fight throughout the debate.

Paul embraced his work the same way he embraced his life and relationship with Sheila. With passion, dedication and conviction. I admired him greatly.

Paul loved his State and he loved his job as Senator, but most of all he loved his wife Sheila. And in order to understand Paul, one had to understand Paul and Sheila's relationship.

Paul and Sheila were a package deal. She was his world. I often saw the two of them walking the halls of the Senate together. And Paul always insisted that Sheila get credit for his successes. She was his rock. She was his life. She was his everything. It seems most appropriate that Paul and Sheila left this life together. He would have been lost without her.

On the 1-year anniversary of his passing, Paul is sorely missed. The Senate is not the same without him. The floor is a little quieter. The halls are no longer filled with his enthusiasm and passion for life and justice. Paul was a good man, a good senator, and a good friend. Paul Wellstone is deeply missed.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Madam President, it has been a year since we heard the terrible news of Paul Wellstone's death and trudged through, with broken hearts, the days and months that followed. Kind, compassionate, a voice for those without a voice, a bundle of energy, Paul Wellstone was unique, he was priceless, he was irreplaceable. When we learned of Paul's death, our grief was magnified by the deaths of the two women he loved most—his wife Sheila and his daughter Marcia—and by the deaths of his devoted aides, Tom Lapic, Will McLaughlin, and Mary McEnvoy.

Their loss still cuts deep. I vividly remember flying back from California to speak in the Senate about Paul, and being overcome by a sense of profound loss seeing the black shroud and flowers over the desk he loved, the launching pad for his extraordinary, impassioned speeches.

I want to read some of the statement I made that day, as what I said then remains true for me now.

"Paul was never afraid to speak out when it might be unpopular, nor was he afraid to be on the losing side of a Senate vote. He had courage. And when you told him that, when you said: 'Paul, you have courage,' he shrugged it off. He would say something like: 'What else could I do? It's just not right!' He would say that—determined, brave.

"Paul was a powerful man. His power did not come from his physical stature. He was strong but he was slight of build. His power did not come from generations of family wealth. He was not a man of moneyed wealth. His parents were immigrants: Leon and Minnie Wellstone. His power did not come from political connections. His connections were with regular people.

"Let me tell you where his power came. It came from a fierce dedication to justice and truth and honesty and righteousness. He gave comfort and he gave hope to those he touched. And he gave them some of his power—the power to see the possibilities of their own lives. Paul died on his way to give comfort and hope to those facing death. He was flying to a funeral service."

As his staff wrote at the time of his death, "He was a passionate visionary who never gave up hope that we could make the world a better place for everyone; a committed fighter for social justice who gave a voice to the voiceless; a man with a huge heart who lit up a room—and the hearts of others when he walked in. He was a man who valued others for who they were, not where they came from, or what they wore, or their position or social status. He was dedicated to the little guy in a business dominated by the big guys."

You cannot speak about Paul Wellstone without speaking about the center of his life—his wife Sheila, his children and grandchildren. Paul and Sheila were partners in the truest sense, and shared almost 40 years of love and affection for each other. They were inseparable, and it was obvious to anyone who saw them together, they were deeply in love. They were also partners in public service, and in their shared sense of idealism, values, and purpose. They died as they had lived—together, even probably holding hands.

Paul and Sheila adored their daughter Marcia, whose radiant smile could light up the darkness, and doted on her very special child and their grandson, Joshua. They reveled in their sons David and Mark, and were enormously proud of David's entrepreneurial spirit and the gift he had at being a good father, and Mark's skill with Spanish and his talent as a teacher in the classroom. All of their grandchildren—Joshua, Cari, Keith, Acacia, Sydney, and Matt—delighted them and brought boundless joy to their lives.

Today we say to Paul again: We will give comfort and hope to those you left behind by doing all that we can to continue your legacy and your dream. What a gift you gave us all. You are impossible to replace. We will always miss you.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Madam President, I rise today in memory of my dear friend and colleague, Senator Paul Wellstone. A year ago today, the Senate—indeed, the Nation—suffered the tragic passing of Senator Wellstone. With his loss, his efforts to establish full mental health parity were cut short. It is now time to build on Senator Wellstone's historic achievements in this policy area and put an end to the discrimination faced by individuals with mental illness once and for all.

I was a proud cosponsor of the landmark Mental Health Parity Act, which Congress passed in 1996 at Senator Wellstone's urging. This law establishes parity for annual and lifetime dollar limit coverage for mental health treatment. While its enactment marked an important victory in the fight to provide greater mental health treatment benefits, it is time to take the additional steps needed to truly provide mental health parity for all Americans.

The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003 (S. 486) requires health insurance coverage to provide equal coverage of mental health benefits as it does for medical and surgical benefits. This legislation will improve access to care for individuals who are living with mental illness by closing the loopholes used by insurance companies to limit coverage. I am a proud cosponsor of this important legislation. It should be the law. I call on Senate leadership to bring this bill up for a vote without delay as a fitting tribute to the memory of Senator Wellstone.

I also urge the Senate to address the current discrimination in Medicare that seriously restricts seniors' access to mental health benefits. Under Medicare, seniors and people with disabilities pay a 20 percent copayment for all Part B services except for mental health care services, for which patients are assessed a 50 percent copayment. In other words, when seniors visit a cardiologist for heart disease, an endocrinologist for diabetes treatment, or an oncologist for cancer treatment, they pay a 20 percent copayment for the cost of the visit. If, however, a senior citizen or a person with disabilities seeks treatment for a debilitating and possibly life threatening mental illness, they pay for half of the cost of care out of their own pockets. Consequently, Medicare beneficiaries, many of whom are on fixed incomes, face an insurmountable barrier in seeking treatment that could substantially improve or prolong their lives because of a discriminatory policy that treats mental health services and medical services differently.

We need to put an end to what is essentially discrimination by diagnosis. I, along with my colleague Senator SNOWE, introduced legislation that phases down the 50 percent copayment for mental health care services to 20 percent over 6 years. This legislation, entitled the Medicare Mental Health Copayment Equity Act (S. 853), will establish parity in the Medicare program and improve access to care for our senior and disabled beneficiaries living with mental illnesses.

In the memory of my dear friend, Senator Wellstone, I urge my colleagues to consider this legislation, in addition to the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003. Together, these two bills will eliminate the stigma of mental heath and establish mental health parity in both the private and public sectors. I ask for your support and hope that together we can fulfill Senator Wellstone's passionate vision by ending mental health discrimination for all individuals.●

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. NICKLES. Madam President, I rise in support of H.R. 2989, the Transportation, Treasury, and Independent Agencies Act for FY 2004, as reported by the Senate Committee on Appropriations.

I commend the distinguished Chairman and the Ranking Member for bringing to the Senate a carefully crafted spending bill within the Subcommittee's 302(b) allocation.

The pending bill provides $26.0 billion in general purpose discretionary budget authority, an $810 million decrease from FY2003. Including outlays from previously enacted legislation, the bill provides $33.4 billion in outlays, which represents a $1.9 billion increase from FY2003. These levels are at or below the subcommittee's 302(b) allocation.

For highways, including outlays from previously enacted legislation, $31.6 billion in discretionary outlays is provided, which is equal to the subcommittee's 302(b) allocation.

For transit, the bill provides $1.461 billion in BA and $6.632 billion in outlays including outlays from previously enacted legislation. Both BA and outlays are equal to or below the subcommittee's 302(b) allocation.

The pending bill provides $17.5 billion in mandatory budget authority and outlays, equal to the subcommittee's 302(b) allocation.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1589, TRANSPORTATION, TREASURY APPROPRIATIONS, 2004 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004 in millions of dollars]

	General purpose	Highways	Mass transit	Mandatory	Total
Senate-reported bill:					
Budget authority	26,038	0	1,461	17,518	45,017
Outlays	33,397	31,555	6,632	17,516	89,100
Senate Committee allocation:					
Budget authority	26,041	0	1,461	17,518	45,020
Outlays	33,397	31,555	6,634	17,516	89,102
2003 level:					
Budget authority	26,848	0	1,436	16,718	45,002
Outlays	31,458	31,264	6,551	16,722	85,995
President's request:					
Budget authority	26,172	0	1,290	17,518	44,980
Outlays	33,730	30,521	6,584	17,516	88,351
House-passed bill:					
Budget authority	26,324	0	1,424	17,518	45,266
Outlays	32,704	31,528	6,625	17,516	88,373
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	−3	0	0	0	−3
Outlays	0	0	−2	0	−2
2003 level:					
Budget authority	−810	0	25	800	15
Outlays	1,939	291	81	794	3,105
President's request:					
Budget authority	−134	0	171	0	37
Outlays	−333	1,034	48	0	749
House-passed bill:					
Budget authority	−286	0	37	0	−249
Outlays	693	27	7	0	727

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

RUNWAY INCURSIONS

Mr. COCHRAN. Mr. President, I would like to take the opportunity to clarify language included in the Transportation, Treasury and General Government Appropriations bill for fiscal year 2004. My distinguished colleague, the Chairman of the Transportation Appropriations Subcommittee, Senator SHELBY, worked to ensure that important funding was provided for the Federal Aviation Administration to address the problem of runway incursions at our Nation's airports.

I share his concern about reports of runway incursions and surface incidents. It is my hope that the FAA will use the funding provided to them to test new technologies that could significantly improve this situation. Testing at one of the 90 "hot spot" airports identified by the FAA should include accurate and reliable non-cooperative sensors, such as millimeter wave sensors, that can form a distributed radar and optical identification local network. The technologies tested should also include synchronized 2D and 3D graphic displays.

I would ask the chairman to clarify the funding provided by the subcommittee to address runway incursion prevention devices at our Nation's airports.

Mr. SHELBY. Indeed, my colleague from Mississippi is correct. The Senate bill does include funding for the Federal Aviation Administration to address problems of runway incursions, and it is my hope the FAA will perform testing as the Senator from Mississippi described.

Mr. COCHRAN. Mr. Chairman, thank you for clarifying this issue and for your leadership and support in addressing this important issue.

FAIR COMPETITIVE BID PROCEDURE

Mr. BROWNBACK. The House passed FY04 Transportation bill contains a provision to assist the States in initiating a Fair Competitive Bid Procedure for State-assisted intercity rail passenger operations. The objective of the provision is to allow States the option of providing competitive intercity passenger rail. The House provision provides limited funding that will permit the Secretary of Transportation to initiate a new Fair Competitive Bid Procedure that the States can utilize. The Secretary will then monitor the progress of this demonstration and make monthly reports to the House and Senate Committees on Appropriations.

I believe this is an excellent idea and was considering offering a similar amendment to this bill. However, I do not wish to delay the proceeding today, and this is already an item to be considered in conference.

I would like to know if the chairman has an opinion on the House State-assisted intercity rail service provision.

Mr. SHELBY. I share my colleague's support of a procedure that will encourage the States to initiate passenger service through a competitive bid process. I believe it is important that Congress examine whether a competitive process can preserve and expand intercity rail passenger service at reasonable prices. I pledge to the Senator from Kansas that I will work with the House conferees to pursue a provision that would introduce a uniform procedure to allow the States the option of providing competitive rail passenger service.

Mr. BROWNBACK. I thank the distinguished chairman and look forward to working with him on a fair bid proposal.

BORDER CROSSING

Ms. COLLINS. I would like to thank the managers of the bill for their leadership on this important legislation, and I greatly appreciate their efforts to improve our Nation's transportation infrastructure.

Mr. SHELBY. I appreciate the Senator's support, and I thank her for her leadership.

Ms. COLLINS. I would like to make my colleagues aware of a project of great importance, not just to my constituents in Maine, but to the rest of the country as well. The existing border crossing connecting Calais, ME to St. Stephen, New Brunswick is heavily congested and therefore causes significant traffic delays and creates serious security concerns for U.S. and Canadian travelers and cross-border commerce. The current crossing is the eighth busiest commercial crossing on the Canadian border and has seen truck traffic double over the last 10 years. Since 199 the Maine Department of Transportation, along with the Federal Highway Administration and the General Services Administration, has engaged in a comprehensive National Environmental Policy Act, NEPA, process to determine the location for a new, modern, efficient border crossing. As part of the overall project, the General Services Administration is responsible for designing and constructing a new border station. The Canadian Customs and Revenue Agency, CCRA, will be responsible for the design and construction of the border station on the Canadian side of the river. The Maine Department of Transportation and New Brunswick Department of Transportation, and the Canadian Customs and Revenue Agency have funding in place for their portions of the design. Therefore, it is crucial that funding for the GSA portion of the project be appropriated so that design and construction work can begin as soon as possible. I would ask that the Senator from Alabama work with me to ensure that this project moves forward as quickly as possible. Thank you, Mr. President. I yield the floor.

Mr. SHELBY. I acknowledge the Senator's request, and I pledge to work with her on this matter.

TERRORIST FIREARMS DETECTION ACT OF 2003

Mr. LEVIN. Madam President, I express my support for the Terrorist Firearms Detection Act, a bill introduced earlier this week by Senator KENNEDY. Originally passed in 1988, and sometimes called the "plastic gun" law, this Federal law makes it illegal for any person to manufacture, import, ship, deliver, possess, transfer or receive any firearm that is not detectable by walk-through metal detectors or the type of x-ray machines commonly used at airports.

Since September 11, 2001, the Congress has worked hard to improve the security of our borders, airports, government buildings, and communities. However, in just over 2 months, on December 10, this essential common sense gun safety legislation is set to expire. The Terrorist Firearms Detection Act would permanently reauthorize the plastic gun law. Plastic guns, whose production has been endorsed by the National Rifle Association, should only be used by our military and intelligence agencies and must never find their way back into our communities.

This legislation has the support of every major gun safety organization in the country, including the Brady Campaign to Prevent Violence United with the Million Mom March, Americans for Gun Safety, and the Violence Policy Center.

The overwhelming majority of my colleagues would agree that plastic guns pose a clear and present danger to our nation's aviation security, as well as governmental targets across the country. In fact, Pete Shields, the former president of Handgun Control, the predecessor organization to the Brady Campaign to Prevent Violence, said it well in testimony before the House Judiciary Committee in 1988.

> Weapons which evade security devices put us all at risk. Every airport, every courthouse, every public building which relies on screening devices for security will no longer be safe. At a time when our Nation is committing vast resources and energies to stopping terrorism and protecting our citizens abroad, we should not even consider making it easier for terrorists to operate in our own country.

I urge my colleagues in the Congress to act quickly to enact this legislation, and I also hope that President Bush will soon sign this important gun safety legislation into law.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Earlier this month, two men were slain in Stevens County, Washington. Russell Charles Markvardsen, 52, and Matthew Lee Raynor, 32, were shot to death at close range with a shotgun in their cabin in the Onion Creek area. The two men previously lived in a log home that was destroyed in a May 2002 fire that authorities investigated as a possible arson. At the time, the men told the Spokesman-Review newspaper in Spokane that they suspected arson because of possible prejudice against their homosexuality.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD POPULATION AND WATER SCARCITY

Mr. DURBIN. Madam President, the week of October 20–25 has been designated as World Population Awareness Week with the theme of "Water: Our Most Precious Natural Resource."

Because the world's 6 billion people are dependent on 1 percent of all the water on Earth, many fear a future where water scarcity will undermine political growth and lead to political and social unrest. Over the next 20 years the world's population is projected to increase to 7.2 billion, yet the average water supply is expected to drop by one-third in that same time period. World population is expected to balloon to 9 billion before leveling off.

Despite the looming future of water scarcity, consumption is increasing. The world's population has tripled in the past 100 years, but water use by humans has multiplied six times. Without a global commitment to sustainable water management, the world will see a large majority of its population living in areas where basic water requirements for drinking, cooking, or sanitation will be difficult or impossible to meet.

Acting on the global consensus that water scarcity must be a top development priority, the Population Institute has decided to dedicate the 19th World Population Awareness Week to the issue of water.

More than 80 nations, 165 organizations, 201 mayors, and 22 Governors have dedicated proclamations of World Population Awareness Week to highlighting the critical issue of water. Illinois Governor Rod Blagojevich has made such a proclamation and I wish to call it to my colleagues' attention. I ask unanimous consent the proclamation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Whereas, the world's population of 6.3 billion is projected to rapidly continue to increase to increase to nearly 9 billion before finally slowing down, and
>
> Whereas, the population of the United States currently exceeds 291 million, and it is estimated to increase to nearly 600 million by the year 2100; and
>
> Whereas, the Population Institute, founded in 1969, is an independent, educational nonprofit organization, dedicated to achieving a more equitable balance between the world's population, environment and resources; and
>
> Whereas, since 1985, the Population Institute has organized World Population Awareness Week to create public awareness of the startling trends in population growth, the detrimental effects that rapid population growth has on our planet, and the urgent need for action; and
>
> Whereas, the theme of World Population Awareness Week 2003 is "Water: Our Most Precious Resource," and
>
> Whereas, water is fundamental to sustaining life; and
>
> Whereas, 20 percent of the world's population currently faces a water shortage, a figure expected to rise to 30 percent by the year 2025:
>
> Therefore, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20–25, 2003 as WORLD POPULATION AWARENESS WEEK, and urge all citizens to conserve water whenever and whenever they can, and further reflect on ways to ensure adequate safe water supplies for future generations.

Mr. DURBIN. The week will be marked by events taking place at university campuses, community centers and civic institutions throughout the State to teach the residents of Illinois about the effects of a crowded planet.

In many hot spots around the world, there is simply a shortage of water. Some analysts predict that a major war over water is possible sometime in the future. Experts often cite the Middle East as an area where many water disputes could derail peace efforts or lead to another war. But there are critical water disputes the world over, and, as population increases, and potable water becomes yet more scarce, violent disputes over water become increasingly likely.

It is estimated that water shortages plague 20 percent of the world's population in at least 30 countries, and, it is estimated by 2025, as much as 30 percent of the world's population in 50 countries will face water shortages.

Even in places where there is enough water, it often is not clean enough to drink. An estimated 1.2 billion around the world lack an adequate, safe water supply, and 2.3 billion lack adequate sanitation. It is estimated that as many as 5 to 7 million people die every year from water-related diseases, including 2.2 million children under the age of 5.

Former Senator—and my friend and mentor—Paul Simon, has been a leader in the Senate and beyond in highlighting the need for better, cheaper ways to desalinate salt water. This is an area where improved technology has the potential to benefit millions of people and to help defuse brewing conflicts.

Many nations have begun to depend on desalinated water. For example, a number of Middle Eastern nations have come to depend in part on desalination, and the city of Los Angeles obtains a significant percentage of its water from desalination plants. But the technology is still expensive and out of reach for many nations, States, and municipalities.

But there are many "low tech" approaches that could conserve water in to promote the sustainable use of underground water aquifers, including drip irrigation or other agricultural practices that conserve water, water distribution systems that reduce leakage and evaporation, sewage systems that reduce water use, and many other solutions. Some of these solutions are expensive, but others require more changes in thinking and habits and a commitment of political determination than money.

That is why I want to bring this critical problem to my colleagues attention today. It is not hopeless. Awareness of the issue is the first step to implementing solutions, small and large, to be sure our descendants inherit a peaceful world with an adequate and safe supply of our most basic necessity—water.

PHARMACEUTICAL MARKET ACCESS ACT

Mr. JOHNSON. Madam President, while the pharmaceutical industry is the most profitable industry in the world, millions of uninsured and underinsured Americans continue to struggle to afford medicines they need when prices are out of reach.

The facts paint a disturbing picture. According to a 2002 Families USA report, the pharmaceutical industry has been the most profitable industry in the U.S. for the past 10 years, being five-and-one-half times more profitable than the average Fortune 500 companies. A Public Citizen June 2003 report found that in 2002, the top 10 drug companies netted profits of $36 billion, or more than one-half of all profits for Fortune 500 companies. While drug companies claim that their high prices support research and development one study found that eight major American pharmaceutical companies spent more than twice as much on marketing and administrative costs than on research and development.

And while powerful drug manufacturers continue to bring in high profits, American consumers continue to pay the highest prices in the world—three to ten times more than other developed countries pay. South Dakotans cross the border every day to go to Canada in the hopes of purchasing lower-priced drugs that will prevent them from having to make the tough decision of choosing between buying groceries or life-saving medications.

And the recent actions of many of our State leaders indicate that Americans are fed up with paying by far the highest dollar prices in the world for prescription drugs that often times their tax dollars helped to develop. State governments have resorted to taking matters into their own hands: Maine now allows the State to negotiate fairer drug prices for all residents using the buying power of its Medicaid program, several States including Illinois, Iowa and Minnesota are exploring the possibility of importing prescription drugs from Canada for State employees, and Minnesota's Attorney General filed a lawsuit against GlaxoSmithKline alleging that the pharmaceutical company is violating antitrust laws by "spearheading an industry-wide conspiracy" to prevent U.S. residents from reimporting U.S.-made prescription drugs at a lower cost from Canada.

The American people are fed up. They are demanding that Congress end the "sweetheart deal" that gives the powerful pharmaceutical industry a captive market. A recent poll taken by the Washington Post and ABC News found that two-thirds of Americans support the legal importation of FDA approved prescription drugs and I have joined several of my colleagues to introduce the Pharmaceutical Market Access Act which will do just that. I thank Senators DORGAN, STABENOW, DAYTON, PRYOR, LEVIN, FEINGOLD, SNOWE, JEFFORDS, and MCCAIN for staying committed and working with me on this very important issue.

This bill, which is the companion to House reimportation bill H.R. 2427 that passed with broad bipartisan support, will finally provide American consumers with immediate access to FDA-approved medicines in Canada, as well as other industrialized nations. It contains strong safety protections that will ensure that the U.S. drug supply remains safe. Innovative techniques such as counterfeit-resistant packaging and drug wholesaler pharmaceutical shipment testing will ensure this safety.

American consumers are already importing $500 million to $1 billion in prescription medicines from Canada and elsewhere. This is on top of the already $13 billion U.S. made prescription drugs already being reimported by pharmaceutical manufacturers under the authority found in the Prescription Drug Marketing Act of 1988. The Congressional Budget Office has estimated that the reimportation provisions found in this bill could provide approximately $40 billion over 10 years in savings to consumers. We need to bring these savings to the American people and finally eliminate the price disparity experienced in this country by passing a strong drug reimportation law and ensuring that it is actually implemented. Please support this important legislation.

Mrs. CLINTON. Madam President, I rise to express my strong opposition to S. 3.

This Senate is poised to criminalize a medical decision made between a woman and her physician. Despite claims to the contrary, the legislation before us today will ban many abortions routinely conducted in the second trimester because the simple truth is that "partial-birth abortion" is a political term, not a medical one.

The conference report returned to us by the conferees is different from the legislation passed by the Senate back in March in one critical way—it is stripped of Senator HARKIN's amendment affirming the law of the land—Roe v. Wade. This resolution made it clear that the policy of the Senate is for abortion to be legal, safe, and rare. And the conferees stripped out this language, making it clear that their true intent is to make abortion obsolete, regardless of the effects on women.

I remain perplexed—as I was in March—that this has risen to the top of our priority list. Back in March, we were about to send our troops to battle in Iraq, we were losing hundreds of thousands of jobs a month and long-term unemployment was climbing to the highest level in decades.

Well, the more things change the more they stay the same. Long-term unemployment is now at the highest level in 20 years. The number of Americans falling into poverty has increased for 2 straight years after a decade of decline. Six hundred thousand more people are unemployed than they were in March, and we have lost more than 200 U.S. soldiers since the war began.

Yet, we have found time to ban what should be a private medical decision between a woman and her doctor.

We also have to complete the most basic work of Congress—to pass the year's spending bills. At this point, we have considered Defense, Labor, HHS, Energy, Homeland Security and the Legislative Branch. But we still have left to consider Agriculture, Commerce-Justice-State, the District of Columbia, Foreign Operations, Transportation, and VA-HUD. We should bring these bills to the floor, debate them, modify them with amendments and then send them to conference. As we get closer and closer to our target adjournment date, I have to wonder why on earth we are not going full speed ahead to bring these bills to the floor?

We also have a Medicare prescription drug bill pending in conference. This is an issue that all of us hear about every time we go home. It is one of the most important issues to the American public—and has been so for years.

With so much uncertainty here at home, the Republican leadership has made the choice to debate how best to criminalize a medical procedure for women.

I have to ask myself: Why was this moment chosen for this debate? Why aren't we debating the steps we could take to help the 8.4 million Americans who are out of work? Why aren't we debating how we can balance our Federal budget and begin to diminish these overwhelming deficits and this increasing debt load we will leave on the backs of our children? Why are we not debating the necessity of our paying our bills? Why are we not debating how to provide an affordable, meaningful prescription drug benefit for elder Americans? Why aren't we debating how to help the 34 million Americans living in poverty?

As I travel around, talking with people in my State, that is what they talk to me about: What about this war, Senator CLINTON? What about homeland security? Are we as safe as we need to be here at home? Senator, what can we do about the jobs that are disappearing in the stagnant economy? How on Earth can we deal with this overwhelming budget deficit? What about not funding No Child Left Behind and the burdens that are begin put on public education as a result? When are we going to get around to a prescription drug benefit for our seniors who are suffering and having to face these large bills? What are we doing to protect our environment? We are, after all, stewards of our natural environment for future generations.

Those are the questions I am being asked. Not the ones posed by this legislation before us today.

But nevertheless we are considering this bill and little doubt that it will be approved. So, let us be very clear on what it is we are about to pass. The way this bill is written, the choice of language eliminates the distinction of trimesters. The vagueness makes this bill applicable to many other procedures in addition to the ones explicitly named. This bill is extreme, deceptive, and unconstitutional.

As my colleague from Pennsylvania stated back in March: This is the beginning of the end. And that is absolutely what he means. If this bill passes, it is the beginning of the end of Roe v. Wade. It is the beginning of the end of the right of women in this country to make the most personal and intimate decisions that any of us would ever be called upon to make.

Why did we ever have to do Roe v. Wade to begin with? Some States like mine, let abortion, as long as it was done safely and legally, occur under certain circumstances, before Roe. Why did we have to have a Supreme Court decision? We have to have it because in many parts of the country these kinds of decisions were not permitted to be made by individual women.

Look at the progress we have made. The U.S. abortion rate is now at the lowest level it has been since 1974. When I was First Lady, I helped to launch the National Campaign to Prevent Teen Pregnancy. We increased education and public awareness. And since 1991, teen pregnancy has also declined. We learned that prevention and education, teaching people to make good decisions, really did work. But that is not what we are talking about here. We are talking about those few rare cases.

We are talking about those few rare cases when a doctor had to look across a desk at a woman and say, "I hate to tell you this, but the baby you wanted, the baby you care so much about, that you are carrying, has a terrible abnormality."

I have to ask myself, why do we, as government officials, expect we can make these decisions? We know that people of means will always be able to get any health care procedure they deem necessary. That is the way it was before Roe v. Wade. That is the way it will be after this passes the Senate.

We are facing a moment of historic importance, but not about what we should be debating at this time in our history. I only wish this legislation were not before us. But now that it is, we have to educate the American public.

I will end by referring again to the young woman, Mrs. Eisen, who was in my office back in March. She is about 25 years younger than I am. She said: I had no idea that the decision I made with my husband and my doctor to deal with this genetic abnormality was something I could have never had under the laws of where I lived before. And that if this passes, it will become illegal in the future.

I said: Well, you didn't have to think about that. That was something that, thankfully, we took off the national agenda. But there are those who, from very deeply held beliefs, which I respect, would wish to substitute the Government's decision for what should be a difficult, painful, intimate, personal decision.

This bill is not only ill-advised, it is also unconstitional. I understand what the other side wants to do. They are hoping to get somebody new on the Supreme Court and to turn the clock back completely, to overrule Roe v. Wade.

Is this bill really about what the sponsors say, or is it, as they candidly admit, the beginning of the end—to go back in this country to back-alley abortions, to women dying from botched, illegal procedures? I think you can draw your own conclusions.

It is up to the American public to determine whether they want medical decisions being criminalized by this Senate.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM REITER

● Mr. COLEMAN. Mr. President, I was back home in St. Paul a couple weeks ago during our last recess, and on late Tuesday afternoon of that week, I met with my friend Randy Kelly, mayor of St. Paul.

Since I used to call his office my own, I look forward to these meetings. They give me the chance to get a first-hand update of the city. As my colleagues here in the Senate who also used to be in a mayor's office would attest, once you leave it's hard to not think and care about what you used to pay attention to so closely. A former mayor will always have an interest in the affairs and goings-on of his city.

On that note, the meeting I had with Mayor Kelly immediately began with what was to us a situation of great sadness for the city of St. Paul—the passing of Jim Reiter earlier that afternoon, a friend of ours and member of St. Paul's city council.

As you can imagine, this is unfortunate news to come home to. But during times like this, I think home is the best place for a person to be, surrounded by those who understand what it is like to lose the friend we all had in Jim.

Being with my family and reflecting with others on Jim's time and accomplishments at the council were consoling, as was reading the Twin Cities' newspapers the next two mornings and seeing their fitting recognition of Jim as a caring family man and dedicated servant to the people of St. Paul's North End and Como Park neighborhoods.

The papers reported that Jim "represented" these people at the city level, and that is true. But because I believe he did more than just represent the residents of these neighborhoods, I would use a different phrase to describe his efforts. I would say that Jim "took care of" these people.

For neighborhoods, he knew what was important, and that includes having both a sense of pride in where you live and a sense of safety. As a result, he saw to it that the housing conditions of his neighborhoods improved and that his residents had what all should—a library and a community center. He also made it a point to have police officers regularly patrolling the streets, and if they weren't present, Jim would take matters into his own hands by driving around in his "Crime Watch" car, a surplus police cruiser he bought with his city council car allowance.

Jim and I shared the same vision for St. Paul, and I couldn't have done what I did during my eight years as mayor without him. Jim understood my priorities to make St. Paul an even better place to live and work, and he made sure his ward measured up.

Not only has St. Paul's North End, Como Park area, and city council experienced a loss after Jim's passing, but so has the city as a whole, which was noticeable the next day when I went to a field hearing and saw flags lowered at half-staff throughout the city.

More importantly, he was my friend. I will miss his smile. I will miss his humor. I will miss his independent speech. I will miss him.

Finally, my thoughts are with Jim's family: his wife Darlene; son Jim Jr.; daughters Linda, Debby, Jean, and Kris; and his four grandchildren. Their husband, father, and grandfather was a true civic leader and a great friend that I—and I know many others—will never forget.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE REFERRED

The following bill was referred by unanimous consent, as follows:

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 21. Joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. NELSON of Florida, Mr. COCHRAN, and Mr. LOTT):

S. 1785. A bill to authorize the operation of National Guard counterdrug schools; to the Committee on Armed Services.

By Mr. KYL:

S.J. Res. 21. A joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax; read the first time.

ADDITIONAL COSPONSORS

S. 150

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 525

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 525, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 846

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1684

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1684, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 1741

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1741, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 1774

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1774, a bill to repeal the sunset provisions in the Undetectable Firearms Act of 1988.

S. 1778

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1778, a bill to authorize a land conveyance between the United State and the City of Craig, Alaska, and for other purposes.

S. RES. 250

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 250, a resolution commending the people and Government of Romania, on the occasion of the visit of Romanian President Ion Iliescu to the United States, for the important progress they have made with respect to economic reform and democratic development, as well as for the strong relationship between Romania and the United States.

AMENDMENT NO. 1939

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1939 proposed to H.R. 2989, a bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. NELSON of Florida, Mr. COCHRAN, and Mr. LOTT):

S. 1785. A bill to authorize the operation of National Guard counterdrug schools; to the Committee on Armed Services.

Mr. GRASSLEY. Mr. President, every day, police officers from departments of all sizes spend their days trying to make sure the people under their protection have a safe and secure place to live, work, and play. But those who wish to break our laws don't make this an easy task. The tactics, threats, and information available to the modern criminal continue to grow. Just as developments in technology, transportation, and communications have created new opportunities for businesses to enter new markets, develop new products, and discover new efficiencies, crooks have taken advantage of these same developments to further their personal desires.

Law enforcement has a responsibility to stay abreast of the latest developments, and this means learning the latest technologies and techniques used by criminals, as well as understanding and being able to effectively deploy countermeasures that have been developed. Staying on top of the game demands learning new techniques, understanding new technologies, and employing new tactics to counter the latest criminal scam.

The challenge, then, is in identifying where this training should come from. Most citizens expect cops to learn many of these skills on the job—you never see the detectives on "NYPD Blue" or in "Law and Order" take classes to improve their skills. But the truth of the matter is what while on the job training is an essential part of any law enforcement organization, additional schooling is also increasingly prevalent and necessary. Some departments have funds in their budgets to bring in outside experts to provide training. Some depend upon classes offered by State governments. But for a vast number of departments, particularly those serving smaller, rural populations, the only training opportunities available are offered by the National Guard.

Operating under the authority of Title 32, United States Code, Section 112, the National Guard actively supports local, State, and Federal law enforcement agencies and community based anti-drug coalitions. Over the past several years, the Guard has supported the establishment of five Counterdrug schools which facilitate valuable training for State and local law enforcement agencies. These schools are dedicated to teaching counterdrug-related skills to State and local law enforcement agencies and community-based organizations. The classes range from specialties such as how best to search a loaded semi tractor-trailer for narcotics to generally applicable classes on interviewing or surveillance techniques. They provide training to thousands of officers each year who would otherwise not be able to receive it for a lack of resources.

These schools, located in Pennsylvania, Florida, Iowa, Mississippi, and California, but serving law enforcement officers throughout the United States, have proved their effectiveness in developing training and educational opportunities for local law enforcement officials—opportunities that would not otherwise exist. The schools fill a need readily apparent in conversations with State and local law enforcement officers. The National Guard Counterdrug schools represent one of the few opportunities available to State and local law enforcement officers to improve the skills they need to be as effective as possible in maintaining the peace.

But in addition to law enforcement, community-based organizations also receive valuable training from the National Guard Schools, which allows them to be much more effective in their efforts. Almost any law enforcement officer will tell you that they would rather have a successful prevention effort, a way to convince kids that crime really doesn't pay, rather than having these kids begin a life of crime. Organized, motivated, effective community coalitions are a central, bipartisan component of our nation's drug demand reduction strategy.

The challenge the schools face is one of funding. They have been funded to date by Sate Plans funds from the Defense department and line items from Congress. The funding to each school has varied from year to year, making it exceedingly difficult for the schools and the law enforcement agencies they serve to know how many of what classes will be offered. And while I do not believe this should be an issue, there have been some questions raised as to whether the operation of these schools should be conducted by the Guard.

Today I am pleased to be joined by Senators HARKIN, COCHRAN, and NELSON in introducing legislation that addresses these challenges. This legislation will formally authorize the five schools, and create a separate budget account for the schools. The establishment of a single account for all five Counterdrug schools will stabilize the funding for the schools so they can more efficiently and effectively plan, manage, and execute training for the law enforcement officers and the communities they serve.

In addition, a single line item supporting these schools will relieve the need for each school having to depend upon a Congressional line item for funding for their activities. It will provide easier management, oversight, and the establishment of performance expectations of the Schools by both the National Guard and Congress. With better oversight, management, and creating a regular funding stream, the schools will be able to better serve the training needs of state and local law enforcement.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1965. Mr. McCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

SA 1966. Mr. DEWINE (for himself, Mr. DURBIN, Mr. COLEMAN, Mr. WARNER, Mr. DASCHLE, Mr. LEAHY, Mr. GRAHAM of South Carolina, and Mr. ALEXANDER) proposed an amendment to the bill H.R. 2800, supra.

SA 1967. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2800, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1965. Mr. McCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

For necessary expenses of the Office of Inspector General of the Export-Import Bank of the United States in carrying out the provisions of the Inspector General Act of 1978, as amended, $1,000,000.

EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2004.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $74,395,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2004.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $41,385,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2004 and 2005: *Provided further*, That such sums shall remain available through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004, and through fiscal year 2013 for the disbursement of direct and guaranteed loans obligated in fiscal year 2005.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2005.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2004, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,435,500,000, to remain available until September 30, 2005: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $150,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $345,000,000 for child survival and maternal health; $30,000,000 for vulnerable children; $500,000,000 for HIV/AIDS including not less than $22,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; $185,000,000 for other infectious diseases; and $375,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, $18,000,000 should be made available for the International AIDS Vaccine Initiative: *Provided further*, That of the funds appropriated under this heading, $60,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and the preceding proviso: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,423,000,000, to remain available until September 30, 2005: *Provided*, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That $220,000,000 should be allocated for basic education: *Provided further*, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $40,000,000 should be made available for plant biotechnology research and development: *Provided further*, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: *Provided further*, That of the funds appropriated under this heading, not less than $1,000,000 shall be made available for support of the United States Telecommunications Training Institute: *Provided further*, That of the funds appropriated under this heading, not less than $20,000,000 should be made available for the American Schools and Hospitals Abroad program: *Provided further*, That of the funds appropriated under this heading, up to $3,000,000 should be made available for support of the International Real Property Foundation: *Provided further*, That of the funds appropriated by this Act, $100,000,000 shall be made available for drinking water supply projects and related activities.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $235,500,000, to remain available until expended.

FAMINE FUND

For necessary expenses for famine prevention and relief, including for mitigation of the effects of famine, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $100,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading shall be available for obligation subject to prior consultation with the Committees on Appropriations.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000, to remain available until September 30, 2005, and to be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, to remain available until September 30, 2004, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,859,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $604,100,000, of which up to $25,000,000 may remain available until September 30, 2005: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2005: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, $100,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: *Provided further*, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $35,000,000, to remain available until September 30, 2005, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,415,000,000, to remain available until September 30, 2005: *Provided*, That of the funds appropriated under this heading, not less than $480,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That not less than $575,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That for fiscal year 2004, the Egyptian pound equivalent of $50,000,000 generated from funds made available by this paragraph or generated from funds appropriated under this heading in prior appropriations Acts, shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for costs associated with the relocation of the American University in Cairo: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, up to $5,000,000 may be made available for the Yitzhak Rabin Center for Israel Studies in Tel Aviv, Israel, and up to $5,000,000 may be made available for the Center for Human Dignity Museum of Tolerance in Jerusalem, Israel: *Provided further*, That of the funds appropriated under this heading, up to $1,000,000 should be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: *Provided further*, That of the funds appropriated under this heading that are made available for assistance for Pakistan, not less than $10,000,000 should be made available to support programs and activities conducted by indigenous organizations that seek to further educational, health, employment, and other opportunities for the people of Pakistan: *Provided further*, That of the funds made available for indigenous organizations pursuant to the previous proviso, $4,000,000 should be made available for the Pakistan Human Development Fund and $1,000,000 for the Amanut Society: *Provided further*, That $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $4,000,000 shall be made available only for American educational institutions for scholarships and other programs: *Provided further*, That notwithstanding section 634(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: *Provided further*, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste to support subsistence agriculture and other income generating opportunities, expand basic education and vocational training, strengthen the judiciary, promote good governance and the sustainable use of natural resources, and improve health care and other basic human services and physical infrastructure: *Provided further*, That of the funds appropriated under this heading, not less than $250,000 shall be made available to support the Commission to Investigate Illegal Groups and Clandestine Security Apparatus in Guatemala: *Provided further*, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for assistance for countries to implement and enforce the Kimberley Process Certification Scheme: *Provided further*, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: *Provided further*, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available during fiscal year 2004 for a contribution to the Special Court for Sierra Leone: *Provided further*, That of the funds appropriated under this heading, not less than $3,500,000 should be made available for East Asia and Pacific Environment Initiatives: *Provided further*, That of the funds appropriated under this heading, $10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: *Provided further*, That of the funds appropriated under this heading, $3,000,000 should be made available for the Foundation for Security and Sustainability: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

GLOBAL AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $700,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $250,000,000 may be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: *Provided further*, That such contribution shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That of the funds appropriated under this heading, $150,000,000 is made available for the International Mother and Child HIV Prevention Initiative: *Provided further*, That funds made available for HIV/AIDS programs and activities under the headings "Child Survival and Health Programs Fund", "Economic Support Fund", "Assistance for Eastern Europe and the Baltic States" and "Assistance for the Independent States of the Former Soviet Union" in this Act may be transferred to and merged with funds appropriated under this heading: *Provided further*, That of the funds appropriated under this heading, $20,000,000 may be apportioned directly to the Peace Corps to remain available until expended for necessary expenses to carry out activities to combat HIV/AIDS, tuberculosis and malaria: *Provided further*, That of the funds appropriated under this heading, not more than $8,000,000 may be made available for administrative expenses of the office of the "Coordinator of United States Government Activities to Combat HIV/AIDS Globally" of the Department of State.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $445,000,000, to remain available until September 30, 2005, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That of the funds appropriated under this heading that are made available for assistance for Bulgaria, $3,000,000 should be made available to enhance safety at nuclear power plants: *Provided further*, That of the funds appropriated under this heading, up to $1,000,000 should be made available for a program to promote greater understanding and interaction among youth in Albania, Kosovo, Montenegro and Macedonia: *Provided further*, That of the funds appropriated under this heading, and under the headings "Assistance for the Independent States of the Former Soviet Union" and "Economic Support Fund", not less than $50,000,000 shall be made available for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 629 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 629 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $596,000,000, to remain available until September 30, 2005: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That of the funds made available for the Southern

Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That of the funds appropriated under this heading, $20,000,000 shall be made available solely for assistance for the Russian Far East: *Provided further*, That not less than $3,000,000 shall be made available for programs and activities authorized under section 307 of the FREEDOM Support Act (Public Law 102–511): *Provided further*, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $20,000,000 shall be made available for nuclear reactor safety initiatives, of which $14,000,000 should be for simulator-related projects; and not less than $2,000,000 shall be made available for coal mine safety programs.

(c) Of the funds appropriated under this heading, $75,000,000 should be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than $75,000,000 shall be made available for assistance for Armenia.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

Independent Agencies

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $16,334,000, to remain available until September 30, 2005.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $18,689,000, to remain available until September 30, 2005: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $310,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2005: *Provided further*, That during fiscal year 2004 and any subsequent fiscal year, the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of 5 years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: *Provided further*, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed 5 years, and the percentage of appointments or assignments that can be made in excess of 5 years.

Department of State

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $284,550,000, to remain available until expended: *Provided*, That during fiscal year 2004, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, $20,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: *Provided further*, That of the funds appropriated under this heading, $7,105,000 should be made available for the International Law Enforcement Academy in Roswell, New Mexico: *Provided further*, That of the funds appropriated under this heading, not more than $25,117,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $660,000,000, to remain available until expended: *Provided*, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional $37,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: *Provided further*, That in fiscal year 2004, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: *Provided further*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That of the funds appropriated under this heading, not less than $250,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for alternative development/institution building including judicial reform, of which not less than $165,000,000 shall be made available for such purposes in Colombia: *Provided further*, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for judicial reform in Colombia: *Provided further*, That of the funds appropriated under this heading, in addition to funds made available pursuant to the previous proviso, not less than $2,500,000 shall be made available to protect human rights defenders in Colombia, not less than $2,500,000 shall be made available for the United Nations Office of the High Commissioner for

Human Rights in Colombia, not less than $10,000,000 shall be made available for assistance for the Colombian Attorney General's Human Rights Unit, and not less than $2,500,000 shall be made available for assistance for the human rights unit of the Colombian Procuraduria: *Provided further*, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency (EPA), certifies to the Committees on Appropriations that: (1) the herbicide mixture is being used in accordance with EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with the Colombian Environmental Management Plan for aerial fumigation; (2) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment; (3) complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims; and such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act that are made available for Colombia, shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 3204(b) through (d) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2004: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That funds appropriated under this heading that are available for the Bolivian military and police may be made available if the Secretary of State determines and reports to the Committees on Appropriations that (1) the Bolivian Government is vigorously investigating and prosecuting members of the Bolivian military and police who have been credibly alleged to have committed gross violations of human rights and is promptly punishing those found to have committed such violations; and (2) the Bolivian military and police are cooperating with such investigations and prosecutions: *Provided further*, That of the funds appropriated under this heading, not more than $16,285,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $760,197,000, which shall remain available until expended: *Provided*, That not more than $18,500,000 may be available for administrative expenses: *Provided further*, That not less than $50,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement: *Provided further*, That funds made available under this heading should be made available to international organizations for assistance for refugees from North Korea: *Provided further*, That funds made available under this heading should be made available for assistance for persons in Thailand who fled Burma for humanitarian or other reasons: *Provided further*, That none of the funds appropriated by this Act shall be provided to the central Government of Nepal until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Nepal is cooperating with the United Nations High Commissioner for Refugees and other appropriate international organizations on issues concerning the protection of refugees from Tibet.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $40,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $385,200,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for antiterrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $35,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, $19,300,000 shall be made available for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided further*, That notwithstanding the previous proviso, funds earmarked in the previous proviso that are not made available during fiscal year 2004 for a contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission shall be made available for a voluntary contribution to the International Atomic Energy Agency and shall remain available until September 30, 2005: *Provided further*, That of the funds made available for demining and related activities, not to exceed $690,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That the Secretary of State is authorized to provide not to exceed $250,000 for public-private partnerships for mine action by grant, cooperative agreement, or contract.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $12,000,000, to remain available until September 30, 2006, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113,

$195,000,000, to remain available until expended: *Provided*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That $75,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILLENNIUM CHALLENGE ASSISTANCE

(a) For necessary expenses in furtherance of the purposes applicable to the provision of economic assistance under the Foreign Assistance Act of 1961, up to $1,000,000,000, to remain available until expended, for assistance for countries that have demonstrated commitment to (1) just and democratic governance, (2) economic freedom, and (3) investing in the well-being of their own people.

(b) In addition to meeting the criteria contained in subsection (a), a country shall be eligible to receive assistance under this title if—

(1) it is eligible to receive loans from the International Development Association; and

(2) it is not ineligible to receive assistance under provisions of law that would prohibit assistance under part I of the Foreign Assistance Act of 1961.

(c) Prior to the initial obligation of funds appropriated in subsection (a), the President shall consult with the Committees on Appropriations with regard to the—

(1) criteria that will be used to select the countries to receive assistance from funds appropriated under this heading;

(2) inter-agency process by which such criteria have been developed and plans to continually refine those criteria;

(3) plans to ensure effective program, financial, and management oversight of the assistance provided under this heading; and

(4) plans to evaluate program performance.

(d) Among the criteria to be considered in determining the eligibility of a country for assistance under this title shall be a country's demonstrated commitment to economic policies that promote the sustainable use of natural resources.

(e) The President is authorized to establish within the Executive Branch, a corporation to be known as the Millennium Challenge Corporation (hereinafter in this title referred to as the "Corporation"). It shall be the responsibility of the Corporation to implement this title. The management of the Corporation and its functions, powers, and authorities shall be as contained in title II of S. 1240 as introduced in the Senate on June 11, 2003.

(f) Funds appropriated under this title may be made available notwithstanding any other provision of law other than the provisions of this title, and may be made available for the administrative expenses of the Corporation.

(g) Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

TITLE IV—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $91,700,000, of which up to $3,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Algeria, Cambodia, Nigeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,384,000,000: *Provided*, That of the funds appropriated under this heading, not less than $2,160,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $568,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, $206,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, $2,500,000 shall be made available for assistance for Armenia: *Provided further*, That of the funds appropriated by this paragraph, $15,000,000 shall be transferred to and merged with funds appropriated under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", and made available, in addition to amounts otherwise available for such purposes, as follows: $10,000,000, to remain available until expended, shall be made available to carry out the provisions of section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament; $2,000,000 shall be made available to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for the Small Arms/Light Weapons Destruction program; and $3,000,000 shall be made available as an additional contribution to the International Atomic Energy Agency: *Provided further*, That of the funds appropriated by this paragraph, not less than $17,000,000 shall be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" and made available for aircraft and related assistance for the Colombian National Police: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 615 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan, Guatemala and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That the authority contained in the previous proviso or any other provision of law relating to the use of funds for programs under this heading, including provisions contained in previously enacted appropriations Acts, shall not apply to activities relating to the clearance of unexploded ordnance resulting from United States Armed Forces testing or training exercises: *Provided further*, That the previous proviso shall not apply to San Jose Island, Republic of Panama: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $40,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $361,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2004 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2004 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $84,900,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE V—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $170,997,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $976,825,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,124,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $16,340,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $8,898,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $30,614,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $136,921,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,105,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,610,000.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $118,081,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,431,000, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $122,085,000.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,004,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $314,550,000: *Provided*, That of the funds appropriated under this heading, $120,000,000 shall be made available for a contribution to the United Nations Children's Fund, $11,428,500 shall be made available for a contribution to the United Nations Environment Program, $5,465,875 shall be made available for the United Nations Voluntary Fund for Victims of Torture, $3,621,250 shall be made available for the Organization of American States Fund for Strengthening Democracy, $1,937,975 shall be made available for International Contributions for Scientific, Educational and Cultural Activities, $1,000,000 shall be made available for the United Nations Center for Human Settlements, $1,500,000 shall be made available for the United Nations Fund for Human Rights, $6,732,750 shall be made available for International Conservation Programs, and $5,600,000 shall be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: *Provided further*, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE VI—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 601. Except for the appropriations entitled "International Disaster Assistance" and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 602. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to this Act, not to exceed

$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 604. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 606. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That, for the purposes of section 501 of Public Law 106–570, the terms "areas outside of control of the Government of Sudan" and "area in Sudan outside of control of the Government of Sudan" shall, upon conclusion of a peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, have the same meaning and application as was the case immediately prior to the conclusion of such agreement: *Provided further*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 609. (a) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(b) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 610. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this section may not be used in fiscal year 2004.

AVAILABILITY OF FUNDS

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the

United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 615. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2005.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 619. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2004, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 622. Up to $15,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: *Provided further*, That of the funds appropriated under title II of this Act, not less than $445,000,000 shall be made available for family planning/reproductive health.

AFGHANISTAN

SEC. 623. Of the funds appropriated by this Act, $600,000,000 shall be made available for assistance for Afghanistan, of which not less than $395,000,000 shall be made available for humanitarian, reconstruction, and related assistance: *Provided*, That of the funds made available pursuant to this section, not less than $164,000,000 should be from funds appropriated under the heading "Economic Support Fund" for rehabilitation of primary roads, implementation of the Bonn Agreement and women's development programs: *Provided further*, That of the funds made available pursuant to this section, not less than $4,500,000 shall be made available for the Afghan Human Rights Commission and not less than $2,500,000 shall be made available for the Afghan Judicial Reform Commission: *Provided further*, That of the funds made available pursuant to this section, not less than $10,000,000 shall be made available to support activities of the Afghan Ministry of Women's Affairs, including to improve the capacity and effectiveness of the Ministry: *Provided further*, That funds made available pursuant to this section shall be made available for training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations: *Provided further*, That not less than $2,500,000 shall be made available for assistance for Afghan communities and families that suffer losses as a result of the military operations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 625. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", "Peace Corps", "Millennium Challenge Assistance", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 626. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $35,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet: *Provided*, That not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China: *Provided further*, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: *Provided further*, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: *Provided further*, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than $25,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: *Provided*, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: *Provided further*, That not less than $3,000,000 of such funds shall be made available for programs and activities that provide professional training for journalists: *Provided further*, That notwithstanding any other provision of law, funds made available pursuant to the authority of this subsection may be made available to support the advancement of democracy and human rights in Iran: *Provided further*, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds made available under subsection (a), not less than $15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $15,000,000 shall be made available for such Fund to support the activities described in subsection (b): *Provided*, That funds made available in this section for such Fund are in addition to the $17,000,000 requested by the President for the Fund for fiscal year 2004.

(d) Of the funds made available under subsection (a), not less than $10,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $5,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (b): *Provided*, That the funds appropriated by this Act that are made available for the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation, and the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation, obligation, and expenditure of such funds.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 627. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 628. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 629. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 630. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 631. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or who have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 632. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 633. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 634. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of

1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2004, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) SHIPMENT OF HUMANITARIAN ASSISTANCE.—During fiscal year 2004, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

(h) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(i) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $6,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 635. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 636. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 637. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2004, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 638. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 639. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements or prohibitions contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 640. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 641. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 642. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 643. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 644. Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2003 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the Committees on Appropriations that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 645. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 646. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 647. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 648. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 649. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

TIBET

SEC. 650. The Secretary of Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

HAITI

SEC. 651. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 652. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States and that the Palestinian Authority has taken steps to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 653. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

ENVIRONMENT PROGRAMS

SEC. 654. (a) FUNDING.—Of the funds appropriated by this Act, not less than $485,000,000 shall be made available for environment programs: *Provided*, That of the funds appropriated under the heading "Development Assistance", not less than $165,000,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries: *Provided further*, That of the funds made available under the previous proviso, $1,500,000 shall be made available to improve the capacity of indigenous groups and local environmental organizations and law enforcement agencies to protect the biodiversity of indigenous reserves in the Amazon Basin region of Brazil, which amount shall be in addition to the amount requested in this Act for assistance for Brazil for fiscal year 2004: *Provided further*, That not later than 180 days after enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and other appropriate departments and agencies, and after consultation with appropriate nongovernmental organizations and governments, shall submit to the Committees on Appropriations a comprehensive, multi-year action plan for biodiversity conservation in the Amazon Basin region of South America: *Provided further*, That of the funds appropriated under the headings "Development Assistance" and "Andean Counterdrug Initiative", not less than $10,000,000 shall be made available in fiscal year 2004 to implement the action plan described in the previous proviso: *Provided further*, That funds appropriated by this Act under the heading "Child Survival and Health Programs Fund" should be used to fund child survival, health, and family planning activities of integrated population-health-environment programs, including in areas where biodiversity and endangered species are threatened, and funds appropriated by this Act under the heading "Development Assistance" should be used to fund environment, conservation, natural resource management, and sustainable agriculture activities of such integrated programs: *Provided further*, That of the funds appropriated by this Act, not less than $185,000,000 shall be made available to support policies and programs in developing countries and countries in transition that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs.

(b) CLIMATE CHANGE REPORT.—Not later than 45 days after the date on which the President's fiscal year 2005 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2004, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2003 obligations and estimated expenditures, fiscal year 2004 estimated expenditures and estimated obligations, and fiscal year 2005 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

REGIONAL PROGRAMS FOR EAST ASIA AND THE PACIFIC

SEC. 655. Funds appropriated by this Act under the heading "Economic Support Fund" that are allocated for "Regional Democracy" and "ASEAN Regional" assistance for East Asia and the Pacific shall be made available for the Human Rights and Democracy Fund of the Bureau for Democracy, Human Rights and Labor, Department of State to support democracy programs in Iraq.

ZIMBABWE

SEC. 656. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

NIGERIA

SEC. 657. None of the funds appropriated under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Nigeria until the President certifies to the Committees on Appropriations that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice: *Provided*, That the President may waive such prohibition if he determines that doing so is in the national security interest of the United States: *Provided further*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance.

BURMA

SEC. 658. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than $15,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: *Provided*, That funds made available under this heading may be made available notwithstanding any other provision of law: *Provided further*, That not more than 60 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committees on Appropriations detailing the amount and rate of disbursement of fiscal years 2002 and 2003 funding for HIV/AIDS programs and activities in Burma, the amount of funds expended by the State Peace and Development Council (SPDC) on HIV/AIDS programs and activities in calendar years 2001, 2002, and 2003, and the extent to which international nongovernmental organizations are able to conduct HIV/AIDS programs throughout Burma, including the ability of expatriate staff to freely travel through the country and to conduct programmatic oversight independent of SPDC handling and monitoring: *Provided further*, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 659. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 660. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research

on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, programs to combat human trafficking that are provided through nongovernmental organizations, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", $7,000,000 shall be made available, notwithstanding subsection (b), for assistance for democratic opposition political parties in Cambodia.

(d) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (b) only if at least 15 days prior to the obligation of such funds, the Secretary of State provides to the Committees on Appropriations a list of those individuals who have been credibly alleged to have ordered or carried out extrajudicial and political killings that occurred during the March 1997 grenade attack against the Khmer Nation Party, the July 1997 coup d'etat, and election related violence that occurred during the 1998, 2002, and 2003 elections in Cambodia.

(e) None of the funds appropriated or otherwise made available by this Act may be used to provide assistance to any tribunal established by the Government of Cambodia unless the Secretary of State certifies to the Committees on Appropriations that the perpetrators of the March 1997 grenade attack and election-related killings, including former parliamentarian Om Radsady, have been arrested and prosecuted.

FOREIGN MILITARY TRAINING REPORT

SEC. 661. (a) Notwithstanding any other provision of law, the Secretary of Defense and the Secretary of State shall jointly provide to the Congress by May 1, 2004, a report on all military training provided to foreign military personnel (excluding sales and training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization (NATO) or of a country that has concluded a protocol with NATO for accession to NATO) under programs administered by the Department of Defense and the Department of State during fiscal year 2003 and those proposed for fiscal year 2004. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

ENTERPRISE FUNDS IN THE MIDDLE EAST REGION

SEC. 662. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may be made available, notwithstanding any other provision of law, to establish and operate one or more enterprise funds in the Middle East region for the purpose of supporting the private sectors in that region: *Provided*, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply with respect to such enterprise funds: *Provided further*, That prior to obligating any funds for purposes other than the administrative support of any such enterprise fund, and every six months after the establishment of such fund, the President shall certify and report to the Committees on Appropriations that—

(1) the enterprise fund has taken all appropriate steps to ensure that amounts appropriated by this Act that are provided to the fund for the purpose of assisting the development of the private sector are not provided to or through any individual or entity that the management of the fund knows or has reason to believe advocates, plans, sponsors, or engages in, or has engaged in, terrorist activity;

(2) the enterprise fund furthers United States commercial interests in the region; and

(3) the enterprise fund is managed in a fiscally responsible manner.

PALESTINIAN STATEHOOD

SEC. 663. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity, that has not supported acts of terrorism, has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) has established a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and

(D) has taken appropriate measures to enact a constitution assuring the rule of law and other reforms assuring transparent and accountable governance.

(b) WAIVER.—The President may waive subsection (a) if he determines that it is in the national security interests of the United States to do so.

(c) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 652 of this Act ("Limitation on Assistance to the Palestinian Authority").

COLOMBIA

SEC. 664. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 50 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 25 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Armed Forces are dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(3) The balance of such funds may be obligated after July 31, 2004, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 665. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of

Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 666. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 667. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for assistance for Iraq: *Provided*, That the provisions of section 620G of the Foreign Assistance Act of 1961, or any other provision of law that applies to countries that have supported terrorism, shall not apply with respect to countries that provide assistance to Iraq: *Provided further*, That funds appropriated by this Act or prior appropriations Acts for Iraq should be made available for the removal and safe disposal in Iraq of unexploded ordnance, low level radioactive waste, and other environmental hazards: *Provided further*, That not less than $10,000,000 of the funds appropriated by this Act or prior appropriations Acts that are made available for assistance for Iraq should be made available for investigations of human rights violations by the former Iraq regime including the excavation of mass graves: *Provided further*, That funds made available under this section are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 668. (a) OVERSIGHT.—For fiscal year 2004, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) AUDITS.—(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

INDONESIA

SEC. 669. Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and is punishing those members of the Indonesian Armed Forces found to have committed such violations of human rights or to have aided or abetted militia groups;

(3) the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in Indonesia and with the joint United Nations-East Timor Serious Crimes Unit (SCU) in such cases (including extraditing those indicted by the SCU to East Timor and providing access to witnesses, relevant military documents, and other requested information);

(4) the Indonesian Government and Armed Forces are cooperating with the Federal Bureau of Investigation's investigation of the killings and wounding of American and Indonesian citizens in Papua on August 31, 2002; and

(5) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING WEST AFRICA

SEC. 670. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone or Liberia.

(b) Whenever the prohibition on assistance required under subsection (a) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 671. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 672. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with the local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, , debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 673. Funds appropriated in Public Law 107–115 and Public Law 108–7 that were available for the United Nations Population Fund (UNFPA), and $35,000,000 in this Act, shall be made available for the UNFPA unless the President determines that the UNFPA supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided*, That none of the funds made available for the UNFPA may be used in the People's Republic of China: *Provided further*, That the other conditions on availability of funds for abortion and abortion-related activities contained in this Act shall apply to any assistance provided for the UNFPA in this Act: *Provided further*, That the conditions on availability of funds for the UNFPA as contained in section 576(c) of Public Law 107–115 shall apply to any assistance provided for the UNFPA in this Act.

CENTRAL ASIA

SEC. 674. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(c) The Secretary of State may waive the requirements under subsection (b) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

(d) Not later than October 1, 2004, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(e) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 675. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 676. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 677. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 678. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 1, 2004, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2004, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia (or a government of a successor state) subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia (or a successor state) through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia (or a government of a successor state) is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees, including Ratko Mladic, or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

MULTILATERAL DEVELOPMENT BANK ACCOUNTABILITY

SEC. 679. Beginning not more than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank or subsidiary or window thereof (hereinafter "Bank"), not to vote in favor of any action proposed to be taken by such Bank unless not less than 45 days before consideration by the board of directors of such Bank, the Secretary of State, in consultation with the Secretary of the Treasury, has determined that—

(1) such Bank is implementing regular, independent external audits of internal management controls and procedures for meeting operational objectives, complying with Bank policies, and preventing fraud, and is making reports describing the scope and findings of such audits available to the public on at least an annual basis;

(2) any proposed loan, credit, or grant agreement has been published and includes the resources and conditionality necessary to ensure that the borrower complies with applicable laws in carrying out such loan, credit, or grant agreement, including laws pertaining to the integrity and transparency of the process such as public consultation, and to public health and safety and environmental protection; and

(3) such Bank is implementing effective procedures for the receipt, retention, and treatment of (A) complaints received by the Bank regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters; and (B) the confidential, anonymous submission by employees of the Bank of concerns regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters.

COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 680. (a) Subject to subsection (b), of the funds appropriated under the heading "International Narcotics Control and Law Enforcement", $5,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entity as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the President certifies that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 681. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica and El Salvador through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 682. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 683. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be declassified and made public as soon as possible.

(b) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

CONFLICT RESOLUTION

SEC. 684. Of the funds appropriated under the headings "Economic Support Fund" and "Assistance for Eastern Europe and the Baltic States", $15,000,000 shall be made available to support conflict resolution programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

NICARAGUA

SEC. 685. Of the funds appropriated under the headings "Economic Support Fund", "Development Assistance", and "Child Survival and Health Programs Fund", not less than $35,000,000 shall be made available for assistance for Nicaragua, of which not less than $5,000,000 shall be made available from funds appropriated under the heading "Economic Support Fund": *Provided*, That with respect to funds made available pursuant to this section, priority shall be given to programs to provide alternative means of income for subsistence farmers and to promote judicial reform.

REPORT ON INTERNATIONAL COFFEE CRISIS

SEC. 686. Not later than 120 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the Committees on Appropriations describing the progress the United States is making toward meeting the objectives set forth in paragraph (1) of S. Res. 368 (107th Congress) and paragraph (1) of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

VENEZUELA

SEC. 687. (a) None of the funds appropriated or otherwise made available pursuant by this Act may be made available for assistance for the central Government of Venezuela if the Secretary of State certifies to the Committees on Appropriations that the central Government of Venezuela is assisting, harboring, or providing sanctuary for Colombian terrorist organizations.

(b) The provision of subsection (a) shall not apply to democracy and rule of law assistance for Venezuela.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $5,000,000 shall be made available for democracy and rule of assistance for Venezuela.

DISABILITY ACCESS

SEC. 688. The Administrator of the United States Agency for International Development ("USAID") shall seek to ensure that programs, projects, and activities administered by USAID in Iraq and Afghanistan comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: *Provided*, That the Administrator shall submit a report to the Committees on Appropriations not later than December 31, 2004, describing the manner in which the needs of people with disabilities were met in the development and implementation of USAID programs, projects, and activities in Iraq and Afghanistan in fiscal year 2004: *Provided further*, That the Administrator, not later than 180 days after enactment of this Act and in consultation, as appropriate, with other appropriate departments and agencies, the Architectural and Transportation Barriers Compliance Board, and nongovernmental organizations with expertise in the needs of people with disabilities, shall develop and implement appropriate standards for access for people with disabilities for construction projects funded by USAID.

THAILAND

SEC. 689. Funds appropriated by this Act that are available for the central Government of Thailand may be made available if the Secretary of State determines and reports to the Committees on Appropriations that the central Government of Thailand (1) supports the advancement of democracy in Burma and is taking action to sanction the military junta in Rangoon; (2) is not hampering the delivery of humanitarian assistance to people in Thailand who have fled Burma; and (3) is not forcibly repatriating Burmese to Burma.

MODIFICATION ON REPORTING REQUIREMENTS

SEC. 690. Section 3204(f) of the Emergency Supplemental Act, 2000 (Public Law 106–246) is amended—

(1) in the heading, by striking "BI-MONTHLY" and inserting "QUARTERLY";

(2) by striking "60" and inserting "90"; and

(3) by striking "Congress" and inserting "the appropriate congressional committees".

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 691. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004".

SA 1966. Mr. DEWINE (for himself, Mr. DURBIN, Mr. COLEMAN, Mr. WARNER, Mr. DASCHLE, Mr. LEAHY, Mr. GRAHAM of South Carolina, and Mr. ALEXANDER) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert where appropriate:

GLOBAL AIDS ASSISTANCE

SEC. . For an additional amount for "Global AIDS Initiative", $289,000,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 1967. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term "HIV/AIDS prevention" means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2003 third quarter mass mailings is Monday, October 27, 2003. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailings registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

AUTHORITY TO FILE BILLS AND REPORTS

Mr. FRIST. Madam President, I ask unanimous consent that notwithstanding the Senate's adjournment, the Committee on Finance be allowed to file bills and reports until the hour of 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S.J. RES. 21

Mr. FRIST. Madam President, I understand that S.J. Res. 21, introduced by Senator KYL earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution for the first time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

Mr. FRIST. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

NATIONAL NATIVE AMERICAN VETERANS DAY

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 239, designating National Native American Veterans Day.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 239) designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 239

Whereas Native Americans have served with honor and distinction in the United States Armed Forces and defended the United States of America for more than 200 years;

Whereas Native Americans have served in wars involving the United States from Valley Forge to the 2003 hostilities in Afghanistan and Iraq;

Whereas Native Americans have served in the Armed Forces with the highest record of military service of any group in the United States;

Whereas the courage, determination, and fighting spirit of Native Americans have strengthened and continue to strengthen the United States, including the United States Armed Forces;

Whereas Native Americans have made the ultimate sacrifice in defense of the United States, even in times when Native Americans were not citizens of the United States;

Whereas the establishment of a National Native American Veterans Day will honor the continuing service and sacrifice of Native Americans in the United States Armed Forces; and

Whereas November 7th, a date that falls within the traditional observance of Native American Indian Heritage Month, would be an appropriate day to establish a National Native American Veterans Day: Now, therefore, be it

Resolved, That the Senate—

(1) honors the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States;

(2) designates November 7, 2003, as "National Native American Veterans Day";

(3) encourages all people in the United States to learn about the history of the service of Native Americans in the Armed Forces; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities to demonstrate support for Native American veterans.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 240, designating National American Indian Heritage Month.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 240) designating November 2003 as "National American Indian Heritage Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the Earth;

Whereas American Indians and Alaska Natives have served with valor in all of the wars of the United States, beginning with the Revolutionary War and continuing through the conflict in Iraq, and the percentage of Native Americans serving in the United States armed services has significantly exceeded the percentage of Native people in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the world in many fields, including agriculture, medicine, music, language, and the arts;

Whereas American Indians and Alaska Natives should be recognized for their contributions to the United States, including as local and national leaders, artists, athletes, and scholars;

Whereas such recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a month during which many Americans commemorate a special time in the history of the United States, when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2003 as "National American Indian Heritage Month"; and

(2) requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

ORDER FOR REFERRAL TO THE HELP COMMITTEE—S. 1781

Mr. FRIST. Madam President, I ask unanimous consent that Calendar No. 325, S. 1781, be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 414, 415, 416, 422, 423, 426, 427, 428, and nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

FEDERAL LABOR RELATIONS AUTHORITY

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007.

COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., section 12203:

To be rear admiral

Capt. John C. Acton, 3694

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Arthur E. Brooks, 5540
Capt. Richard R. Kelly, 4209
Capt. David P. Pekoske, 6564
Capt. Fred M. Rosa, 1832
Capt. Timothy S. Sullivan, 4325

SECURITIES AND EXCHANGE COMMISSION

Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.

FEDERAL RESERVE SYSTEM

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2004.

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN926 Coast Guard nominations (3) beginning CHRISTINA M. SCHULTZ, and ending KURT M. VAN HAUTER, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN928 Coast Guard nominations (5) beginning MICHAEL A. ALFULTIS, and ending KURT A. SEBASTIAN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN927 Coast Guard nominations (83) beginning DANIEL B. ABEL, and ending PAUL E. WIEDENHOEFT, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN1045 Coast Guard nominations (155) beginning DELANO G. ADAMS, and ending RUSSELL H. ZULLICK, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003.

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the consideration of the following additional nominations on the Executive Calendar: Nos. 412 and 413. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

Joseph Michael Francis Ryan III, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jerry Stewart Byrd, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

AMENDMENT NO. 1938, AS MODIFIED

Mr. FRIST. Madam President, I ask unanimous consent that the previously agreed to Feinstein amendment No. 1938 to H.R. 2989 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To modify section 130 to extend the prohibition under that section to the use of funds to provide maximum hours of service for certain drivers engaged for motion picture or television production)

On page 33, between lines 10 and 11, insert the following:

SEC. 131. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA-97-2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

ORDERS FOR MONDAY, OCTOBER 27, 2003

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Monday, October 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2800, the Foreign Operations appropriations bill, until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of Executive Calendar No. 405, Michael Leavitt, to be Administrator of the Environmental Protection Agency. I further ask unanimous consent that the time until the scheduled cloture vote at 5:30 be divided with the chairman of the committee or his designee to control 1 hour and 15 minutes and the ranking member or designee in control of 2 hours and 15 minutes. I further ask unanimous consent that the final 20 minutes before the vote be equally divided with the last 10 minutes under the chairman's control.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Madam President, we will resume business on Monday afternoon. The two managers of the Foreign Operations appropriations bill will be here and available so that Members may come to the floor and offer amendments. As always, I encourage Senators to notify their respective cloakrooms if they intend to offer an amendment to this bill. At this time there are only a few amendments that have come forward that are known. Therefore, I hope the Senate will complete the bill by early next week. I do remind my colleagues the first vote of Monday's session will be at 5:30. Under the order, that vote will be on invoking cloture on the Leavitt nomination. I fully expect that cloture will be overwhelmingly invoked, and the Senate will then be able to have an up-or-down vote on the confirmation of this qualified candidate to the President's cabinet. We have provided time on Monday for Senators to speak prior to the vote. However, again, I hope once that vote is taken, we will be able to move quickly to a vote on the confirmation of Michael Leavitt.

I want to also mention once again the very important issues that still need to be addressed prior to the adjournment of this session. There are a number of issues, including Healthy Forests, the Internet tax moratorium, the CARE Act, going to conference, gun liability—that is, the Protection of Lawful Commerce in Arms Act—fair credit reporting, on which we reached consent to proceed yesterday. Hopefully this can be done quickly with no further delay. Obviously, we continue next week toward completing the appropriations process. I was encouraged with yesterday's pace on the Transportation-Treasury bill. With the cooperation of all Members, we were able to complete that bill over the course of the day. I hope we will be able to continue that trend and move expeditiously next week on the remaining bills.

This week we also finally finished with congressional action on the partial-birth abortion ban. That bill will be presented to the President for his signature to become the law of the land. The Senate expedited passage this week of the anti-spam act. The 97 to zero passage on that vote shows the importance and the need for this legislation for which the American people have called.

The PRESIDING OFFICER. The Democratic leader.

Mr DASCHLE. Madam President, we have offered to go to the Healthy Forests legislation with no limitation on amendments. I hope we can work that out. We also have indicated we could send the CARE Act over to the House without going to conference and allow them to take it up immediately. I hope we can do that next week as well. Next week certainly can be a productive week.

I ask the majority leader if it is his intention to dual-track the schedule for the coming days to accommodate debate and hopefully resolution on appropriations bills for a certain period during the day and then the possibility that we could take up and debate some of the bills we have discussed as priority items later on in the day, to accommodate both authorizing and appropriations bills prior to the end of the session.

I yield for that purpose.

Mr. FRIST. Madam President, through the Chair, as we have discussed informally, it is our intention to address all of these issues and to do so and at the same time handle the tremendous challenge of addressing these appropriations bills will require us to, so called, dual track which in essence means take the necessary time on the appropriations bills each day, using that as the focus, but at the same time recognizing there is other very important business we will be doing over the course of that day. Generally we will try to do it in the evenings, but we can adjust that according to the schedules of the various managers.

Madam President, it will take patience on both sides of the aisle, in part because of the amount of time it will require all of us to be on the Senate floor, but also from an organizational standpoint.

The intention will be to try to keep things as organized as possible and focused on the appropriations bills. If it looks like any time can be spent more profitably on a dual track, we will do that.

Generally, I would like to do appropriations bills through the morning and very late in the afternoon, and at that juncture be able to dual-track with these other issues.

Mr. DASCHLE. Madam President, I appreciate very much the majority leader's reply. The bills he has mentioned and the appropriations bills left to be done are all bills that ought to accommodate a great deal of bipartisan effort. There is nothing on the list that he has proposed, if I can recall the list, that would generate divisive debate. There are going to be amendments.

I was just talking to my Governor, and he again expressed concern about the current form of the Internet tax bill as it relates to States and lost revenue they could experience because the bill has been changed. But on that bill and Healthy Forests, the fair credit reporting bill, and a number of other bills, I think there is ample bipartisan interest that could accommodate a very aggressive schedule, and I look forward to working with the majority leader to see how much we can accomplish next week.

I yield the floor.

Mr. FRIST. Madam President, one thing I did not mention over the course of the week is the vote on the Class Action Fairness Act. Although I was very disappointed in the outcome; that is, we were not able to proceed with that—I think it did focus the attention of both sides of the aisle. It was a bipartisan vote, but it wasn't bipartisan enough to be able to proceed to it this week. But I will add that on both sides of the aisle people have come forward and said we are very serious about doing this in a way that is appropriate.

I think there may well be an opportunity, at the appropriate time, to address that issue. The Democratic leader and I are both personally involved with asbestos. He has mentioned it and I have mentioned it. That should send a strong signal to people that we are seriously committed, in a bipartisan way, to addressing an issue that is affecting families, the economy, and jobs; and I do hope that those discussions will continue to be productive as we go forward.

Having said that, next week is going to be a very busy week. I look forward to it being a very productive week.

ADJOURNMENT UNTIL MONDAY, OCTOBER 27, 2003

Mr. FRIST. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:14 p.m., adjourned until Monday, October 27, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 24, 2003:

REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED.

BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006. (REAPPOINTMENT)

FAYZA VERONIQUE BOULAD RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006, VICE ROBERT M. LEDBETTER, JR., TERM EXPIRED.

STEVEN J. SIMMONS, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 24, 2003:

FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2007.

SECURITIES AND EXCHANGE COMMISSION

PAUL S. ATKINS, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2008.

FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004.

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JOSEPH MICHAEL FRANCIS RYAN III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JERRY STEWART BYRD OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

BRIAN F. HOLEMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

CRAIG S. ISCOE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be rear admiral

CAPT. JOHN C. ACTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. ARTHUR E. BROOKS
CAPT. RICHARD R. KELLY
CAPT. DAVID P. PEKOSKE
CAPT. FRED M. ROSA
CAPT. TIMOTHY S. SULLIVAN

COAST GUARD NOMINATIONS BEGINNING CHRISTINA M. SCHULTZ AND ENDING KURT M. VAN HAUTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING DANIEL B. ABEL AND ENDING PAUL E. WIEDENHOEFT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING MICHAEL A. ALFULTIS AND ENDING KURT A. SEBASTIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING DELANO G. ADAMS AND ENDING RUSSELL H. ZULLICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2003.

EXTENSIONS OF REMARKS

INTERPARLIAMENTARY CONFERENCE ON HUMAN RIGHTS AND RELIGIOUS FREEDOM

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. TANCREDO. Mr. Speaker, the first meeting of the Interparliamentary Conference on Human Rights and Religious Freedom was held in Brussels, Belgium from September 16 through September 18, 2003, under the auspices of the Washington-headquartered Institute on Religion and Public Policy.

The Interparliamentary Conference on Human Rights and Religious Freedom is composed of members of national and supranational parliaments from around the globe, allowing members of parliaments to meet and address the issues of human rights and freedom of religion and belief with common understanding and background as parliamentarians. I ask that the Conference's concluding document, as follows, be entered into the RECORD.

DECLARATION OF THE INTERPARLIAMENTARY CONFERENCE ON HUMAN RIGHTS AND RELIGIOUS FREEDOM

Whereas, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

Whereas, disregard and contempt for fundamental human rights have resulted in acts which have shocked the conscience of humankind, the advent of a world in which human beings shall enjoy freedom of speech and belief has been proclaimed as the highest aspiration of humankind;

Whereas, it is imperative to promote the development of friendly relations between nations;

Whereas, Member States of the United Nations have pledged themselves to achieve the promotion of universal respect for and observance of fundamental rights;

Whereas, a common understanding of these rights and freedoms is of great importance for the full realization of this pledge;

Whereas, this Declaration of the Interparliamentary Conference on Human Rights and Religious Freedom appeals to a common standard of achievement for all peoples and all nations, to the end that every individual and every society—keeping this proclamation constantly in mind—shall strive by dialogue and education to promote respect for these rights and freedoms and by national and international measures to secure their recognition and observance;

Therefore, we hold that,

Respect for human life is fundamental;

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood;

All are equal before the law and are entitled without discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of their rights;

Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to have or adopt a religion or belief. Everyone has the freedom alone or in community with others and without any outside interference to express his/her religion or belief in teaching, practice, worship and observance, within the limitations prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights or freedoms of others.

Nobody shall be persecuted or denied his/her rights because of his/her religious beliefs. No discrimination or privileges based on affiliation or rejection of affiliation to a religion are acceptable.

The Interparliamentary Conference on Human Rights and Religious Freedom will convene annually to further the recognition and observance of the principles contained in this Declaration.

THE CONSERVATIVE MIND

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. SOUDER. Mr. Speaker, The Conservative Mind is an historic book that has profoundly affected many of us in this chamber. Indeed, some of us may be in this very chamber because of its great influence. Published in 1953, the masterpiece was penned by the late Dr. Russell Amos Kirk, the foremost philosopher of the modern conservative movement. His writings—not to mention his Piety Hill seminars—served as part of the philosophical foundation for such important moments in American political history as the 1964 Goldwater presidential campaign, the Reagan Revolution of 1980, and, most recently, the Republican Revolution of 1994.

How does one begin to sum up conservatism? One can start, as Dr. Kirk did in The Conservative Mind, by stating what it is not. He wrote that the conservative abhors all forms of ideology. Promising a "terrestrial paradise," an ideology is anathema to the conservative, who knows it to be the tool and weapon of the coffeehouse fanatics—a substitute for religion—that will ensure an "earthly hell." No manual for partisan action, then, The Conservative Mind does not—cannot—point the way to Zion.

Instead, the man of letters wisely explained, we must turn to custom, convention, constitution and prescription. And we must apply variously and with prudence the general principles he delineated.

The brilliance of The Conservative Mind is its cogent synthesis of the works of historical icons—ranging from Edmund Burke to T.S. Eliot—into six canons of conservative thought. The resolution that I have introduced acknowledges these canons and honors the golden jubilee of Dr. Kirk's magnum opus.

It also recognizes the tireless work of the Russell Kirk Center for Cultural Renewal, presided over by Dr. Kirk's widow, Annette, and the Intercollegiate Studies Institute, which is republishing many of his master works.

It is time that the House of Representatives affords this man, this book and these institutions with such recognition. I hope that the members of this body will join me in celebrating the 50th anniversary of the publication of The Conservative Mind and those custodians of this wonderful patrimony.

ALIJA IZETBEGOVIC

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. HOYER. Mr. Speaker, I learned this week of the passing of Alija Izetbegovic, formerly the President of Bosnia-Herzegovina. As a former Chairman of the Helsinki Commission, I knew President Izetbegovic and followed the situation in Bosnia-Herzegovina closely and with great concern.

Under Izetbegovic's early leadership in 1990 and 1991, Bosnia-Herzegovina sought to cope with the disintegration of the former Yugoslav federation of which it was a part, a particularly difficult task given the republic's very multi-ethnic population which had benefitted greatly under that federation. Eventually, Izetbegovic led Bosnia-Herzegovina to respond by asserting independent statehood in early 1992, an act used immediately as a pretext by the regime of Slobodan Milosevic in neighboring Serbia to wage a war of aggression and genocide. Seeing the international community take little action to stop well-armed Serb militants from seizing more than two-thirds of the country, the regime of Franjo Tudjman in Croatia, another neighbor, later joined the fray. In the next three years, the ethnic cleansing associated with this conflict would cause the forced displacement of millions, the death of hundreds of thousands and the rape or torture of tens of thousands of innocent people.

By 1995, the international community was essentially shamed into taking more decisive action by atrocities like that which occurred in Srebrenica and fresh attacks on civilians in Sarajevo. The international community also recognized that not doing so had definite implications for the future of post-Cold War Europe. The result was NATO intervention and the negotiation of the Dayton Agreement, which preserved Bosnia territorial integrity on the one hand but hampered its recovery and development by legitimizing internal division on the other. Alija Izetbegovic, ethnically a "Bosniak" or Muslim Slav, retained power, but shared the presidency in a new arrangement with Bosnian Serb and Croat counterparts.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Given these circumstances, it is difficult to assess Izetbegovic's legacy. As a dissenter in Tito's Yugoslavia and as a politician during the emergence of multi-party politics, Izetbegovic expressed devoutness to the Islamic faith and pride in Bosnia's Muslim heritage. The conflict, however, denied Izetbegovic the chance to prove his claimed desire to respect the religious beliefs of others, to embrace Bosnia's cultural diversity and to become part of Europe. While Sarajevo was under siege, he correctly asserted that international principles of tolerance and respect were as threatened as that city's population. As the feckless United Nations and Europe failed to stop the conflict quickly, Izetbegovic's Bosnia became increasingly vulnerable to militant Islamic infiltration as well as corruption, both of which plague the country to this day.

From his hospital bed in late September, however, Alija Izetbegovic was quoted as saying to the media that Bosnia will survive as a state if "Serbs stay Serbs, Croats stay Croats, and [Muslims]stay [Muslims], but they also should all be Bosnians . . . Nobody should seek revenge but rather justice, because revenge starts a chain of evil that has no end," adding that people "should not forget the past but not live in it. They should turn toward the future."

As I note the passing of Alija Izetbegovic, Mr. Speaker, and we express our condolences to his family, friends and supporters, we should also recall with equal sadness the troubled times he and the people of Bosnia-Herzegovina faced a decade ago.

U.S. ARMY CORPS OF ENGINEERS AND THE LEWIS AND CLARK BICENTENNIAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. SKELTON. Mr. Speaker, The Bicentennial of the Lewis and Clark Expedition is being commemorated between 2003 and 2006. As we celebrate the Bicentennial, the famous expedition evokes pride and awe in countless Americans who reflect on its achievements. While most Americans have some knowledge of the expedition, relatively few recognize that it was an Army endeavor. It was not an accident that President Jefferson turned to the Army for the mission. President Jefferson chose the Army for his Corps of Discovery because it was the "right tool" for the arduous job. Frontier soldiers possessed the toughness, teamwork, discipline and training appropriate to the challenge of exploring the newly acquired lands. Most importantly, Meriwether Lewis and William Clark were outstanding officers and leaders who had previously served the Army with distinction.

Today, the route followed by the Lewis and Clark Expedition lies within eight Corps districts. By virtue of its stewardship role for the Nation's rivers and its Army heritage of exploring and mapping the western United States, the U.S. Army Corps of Engineers will play a key leadership role in the observance of the Bicentennial. Of the more than 5,000 miles of trail from Pittsburgh to the Pacific Ocean, the Corps directly or indirectly manages nearly 4,700 river miles. Corps management activities include navigation channel maintenance, levee maintenance, environmental permitting responsibilities, and operation of the reservoirs and locks/dams. Because the Corps manages more of the trail than any other governmental entity, and it is the largest Federal provider of outdoor recreation opportunities in the country, the Corps will play an important role during the Bicentennial Commemoration.

The Commemoration officially began in January 2003 at Monticello and will retrace the original expedition across the United States and back. There are 17 Signature events planned and organized under the guidance of the Lewis and Clark bicentennial Council. The Corps of Engineers will support these Signature events by participating in the Federal interagency project called Corps of Discovery II—200 Years to the Future, which is a traveling exhibition and classroom, providing educational programs for school children, and manning displays and exhibits.

The overall goal of the Corps' participation in the Lewis and Clark Bicentennial Commemoration is to accommodate the anticipated increased visitation, ensure a safe visitor experience, and provide information on the Expedition, the Army, and the Corps—all with minimal impact on the environment. To reach this goal, the Corps is working to upgrade sanitary facilities, visitor centers and campgrounds. The Chief of Engineers has emphasized that park facilities should be in good condition to support the additional visitation and visitor expectations, particularly those facilities that are on the Lewis and Clark trail or within 50 miles of a signature event. To reach the "safe visitor experience" objective, the Corps will provide water safety information specific to reservoirs and rivers along the Lewis and Clark route, including locking and portage procedures, the identification of hazardous areas, fueling areas, and the location of boat ramps. The Corps is also cooperating with other Federal, State and local enforcement, safety and emergency agencies to provide the essential public safety services along the route. The Corps will provide information to the public during the Bicentennial to educate about the expedition and the contribution of the Army to the success of the expedition. The legacy of the expedition is also an important story, including the role the Corps of Engineers played in exploration and development of the waterways that opened the west to river travel and the continuing role of the Corps in developing, managing, and protecting the Nation's water resources.

The Corps is also a partner and sponsor of the Ft. Leavenworth re-enactors who will attend many of the Signature events and portray the Lewis and Clark expedition as an Army reconnaissance mission. The Corps is the sponsor of numerous educational products including a discovery box educational kit which is used by Corps park rangers to educate school children about the Lewis and Clark Expedition as a military expedition. Other educational products that we have partnered in include an interagency brochure, car audio tours, a training academy for educators, exhibits and a film that will be marketed to public television. Lewis and Clark began the legacy of Army exploration of the American West which led to the Corps long tradition of service to our customers—the American public.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. FLAKE. Mr. Speaker, today I voted "no" on final passage of H.R. 3161. While acknowledging my opposition to this bill is unpopular—even in my own household—I believe I voted correctly.

Telemarketing calls bother me as much as the next person and I understand the desire to prohibit them. But I do not believe that asking the government to take care of this problem is the answer. New products are now on the market (Caller ID, voice mail systems, answering machines, Privacy Director, Call Reject, etc.) that inhibit the activity of telemarketers, and states are passing their own laws to address this issue. In fact, Arizona began enforcing the state's own telemarketing restrictions on October 1, 2003.

Most people know that H.R. 3161 provided authority to the Federal Trade Commission (FTC) to implement and enforce a national do-not-call registry. What many do not know, however, is that the bill allows government bureaucrats to pick and choose which calls consumers can block. It is not surprising that consumers cannot sign up to not be bothered by politicians. I would be willing to bet that consumers will find those calls to be just as annoying as any others. When government sets the rules, it must not discriminate based on the content of the calls. That's what the First Amendment means.

I consistently vote against additional federal regulations. Granting the FTC additional authority to further regulate on this matter, however popular, would be inconsistent with my record.

CONGRATULATING REVEREND THOMAS J. O'HARA ON BEING HONORED BY THE ETHICS INSTITUTE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Father Thomas J. O'Hara as he is honored by the Ethics Institute of Northeastern Pennsylvania at College Misericordia this Thursday, October 23, 2003, at the Woodlands in Wilkes-Barre.

Father Tom has been a part of the King's College campus since 1988 and has served as the Professor of Political Science and Vice President of Academic Affairs. About four years ago, Father Tom was chosen to lead King's College as its President.

Father Tom is a native of Northeastern Pennsylvania and is involved in many community activities in addition to his demanding schedule as President of the college. He serves on the boards of the Greater Wilkes-Barre Chamber of Commerce, the Osterhout Free Library, St. Vincent de Paul Kitchen, the Earth Conservancy, Leadership Wilkes-Barre, City Vest, and the Council of Presidents.

He will be honored for his commitment to both civility and ethical leadership. Father Thomas O'Hara is a community icon in Wilkes-Barre who leads by example. I am pleased that he is receiving well-deserved recognition for his ethical and effective leadership.

Mr. Speaker, it is a privilege and honor to represent a man who has played an important leadership role in educating and shaping our future generation in Northeastern Pennsylvania and throughout the nation. His style of leadership and integrity makes him a worthy role model for the students and educators who he comes in contact with as President of King's College. I ask that my colleagues pay tribute to Father Tom as he receives this well deserved honor.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on October 20, 2003. I would like the record to show that had I been present in this chamber, I would have voted "yea" on rollcall votes 563, 564 and 565.

OPERATION IRAQI FREEDOM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. GRAVES. Mr. Speaker, I rise in support of President Bush, Operation Iraqi Freedom, and our country's efforts to bring peace and stability to Iraq. I also rise in support of the Pence amendment. This amendment would ensure that we will recoup some of our investment as we work to stabilize Iraq's future.

We supplied our troops with the tools they needed to free Iraq from the Hussein regime. Now we must supply our troops with the tools they need to complete the Iraqi reconstruction and return home. Iraq is in the middle of an international terrorism hotbed. If we fail to support our troops and their efforts, Iraq may regress, and the sacrifice would be for naught. I cannot, and will not, let this happen. Our troops have fought too hard to liberate Iraq.

Just as our troops make sacrifices for a successful Iraqi government and secure Iraqi economy so must we, the American taxpayers, make a financial sacrifice to invest in the future of a free Iraq. A stable Iraq strengthens the safety of our own homeland, and this security is worth the price. This investment is an investment in the future of democracy.

HONORING THE 175TH ANNIVERSARY OF GALLATIN'S FIRST PRESBYTERIAN CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. GORDON. Mr. Speaker, today I rise to recognize the 175th year of existence of the First Presbyterian Church in Gallatin, Tennessee. The congregation will celebrate the church's 175th anniversary on Sunday, October 26, 2003.

The historical church was organized on October 25, 1828, after a revival led by the Rev. John W. Hall. Constructed in 1836–37, the building is registered by the Historical Society of Philadelphia as an American Presbyterian and Reformed Historical Site. The church's sanctuary was even used as a hospital by federal troops during the Civil War.

The Middle Tennessee church has served its community and congregation well for nearly two centuries, a time during which our nation struggled through much change and innovation. Through all of it, though, the First Presbyterian Church never faltered in its commitment to bring the Lord's word to the people.

Gallatin is a much stronger community because of the work of the church and its congregation. Members of the church actively participate in all facets of community life in Gallatin and elsewhere, including helping the less fortunate in Matamoros, Mexico. I congratulate the congregation's dedicated service to humanity and wish the church continued success during its next 175 years of existence.

SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003

SPEECH OF

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 15, 2003

Mr. FLAKE. Mr. Speaker, I join my colleagues in condemning Syria for its support for international terrorism. I do not support the Syria Accountability Act, however, because I believe it limits the President's options in dealing with Syria at a time when he should have flexibility. Furthermore, I do not believe that unilateral economic sanctions are effective—especially against regimes who are only concerned with remaining in power. Such regimes will still have food on their plates and roofs over their heads while the ordinary people of their countries are left to suffer even more.

MOTION TO INSTRUCT CONFEREES ON H.R. 6 ENERGY POLICY ACT OF 2003

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. LOWEY. Mr. Speaker, I rise in support of the motion offered by my colleague and good friend from Massachusetts, ED MARKEY. The motion instructs the conferees to the Energy bill to adopt the unclear security provisions included in the House bill and subsequently dropped in the conference report.

Since September 11, 2001, intelligence officials have amassed a critical body of evidence suggesting terrorist intentions to strike our nuclear infrastructure. Plans of U.S. nuclear facilities discovered in al Qaeda caves during U.S. military operations in Afghanistan provided perhaps the earliest indication that terrorists had not casually contemplated but rather carefully studied the option of sabotaging a nuclear reactor. In early March, 2003 fresh intelligence confirmed our worst fears: terrorists continued to plot attacks against nuclear and other critical infrastructure. Subsequent reports of a terrorist plan to sabotage the Palo Verde nuclear power plants in Arizona were sufficiently serious that the National Guard was immediately deployed to secure the plant.

In light of these facts, the conferees' decision to weaken nuclear security language included in the House report is incomprehensible. I'd like to focus on the two changes that concern me the most:

(1) Federal Oversight of Emergency Preparedness at Nuclear Power Plants—the House bill required the NRC to consult with the Department of Homeland Security before issuing or renewing a license to operate a new or existing power plant to ensure adequate steps could be taken to protect the public in the event of a terrorist strike. Unfortunately, the conferees appear ready to eliminate this most basic protective standard. Failure to adopt the House language would permit the NRC to continue its present neglect of the post-September 11th reality. Indeed, the NRC, the agency responsible for assuring the safety and security of the country's 103 commercial reactors, has flatly denied petitions by citizen groups for reinforcement of the spent fuel pools at Millstone Nuclear Power Station in Connecticut, stating "the possibility of a terrorist attack is speculative . . . and simply too far removed from the natural or expected consequences of agency action."

NRC's oversight of emergency preparedness at the Indian Point Energy Center, a nuclear facility located just north of my district in Buchanan, New York, was wholly inadequate, and demonstrates the need for greater consultation with DHS. NRC, defying the opinions of numerous experts, insisted that emergency planning for an accidental and terrorist-related radiation release were identical. A terrorist attack, which could create paranoia, provoke residents to self-evacuate, and damage evacuation roads and reception centers, would surely pose unique planning challenges. The Commission also contended that a radiological release from a terrorist attack would be no larger and spread no faster than that from an accident. Indeed, it incorrectly assumed that any radiological plume would develop over 8 hours, even though a terrorist attack could result in a radiological release in as little as 40 minutes. Entergy, which owns Indian Point, has optimistically estimated that evacuation of the 10-mile radius around the plants would take 11 hours, making public exposure to radiation likely. Westchester County has publicly stated that mobilizing emergency response teams and notifying the public within the new time requirements would be nearly impossible. Despite these facts, NRC refused to perform an independent review of Indian Point's emergency response plans, instead certifying them within one hour of FEMA's approval. I fear that in the absence of a legal requirement to consult with DHS, NRC neglect of terrorist threats will persist.

(2) Upgrade of the Design Basis Threat.

The House bill mandated that the NRC issue regulations, "including changes to the design basis threat, to ensure that licensees address the threats" of a terrorist attack within one year of enactment of the bill. The conference report would authorize but not mandate that NRC upgrade nuclear security regulations to reflect the findings of a comprehensive study on air, land, and water-based threats to nuclear reactors. Some 25 months after September 11th, NRC still rejects the possibility of a coordinated strike on a nuclear power plant involving several large teams of terrorists using sophisticated tactics and weaponry. NRC requires that nuclear security personnel be prepared to defend against the design basis threat, or DBT, an assumption about the size and tactics of an attacking force. While the precise details of the DBT are classified, nuclear experts suspect that the NRC continues to assume a far smaller and less sophisticated force than the one that struck on September 11th.

While the NRC has required power plants to make cosmetic security improvements, such as installation of barb wire fencing, larger threats have been neglected. For example, a recent NRC study found spent fuel spools adjacent to commercial reactors were highly vulnerable to a passenger aircraft crash, which would result in a substantial release of radioactive material. Nevertheless, nuclear licensees have not required additional hardening of spent fuel pools or the containment domes enveloping reactors.

Nuclear security personnel have consistently complained that they lack the weaponry and tactical and physical training to thwart a terrorist strike. In the absence of a statutory requirement to upgrade security, I question whether NRC will act on the recommendations of the vulnerability assessment mandated in this energy bill. Frustrated by sub-standard hiring and training standards for guards, I joined Congressman MARKEY in introducing legislation that would federalize the guard force at commercial nuclear facilities. In my judgment, energy companies chiefly concerned with their bottom lines cannot be trusted to secure the nation's nuclear infrastructure. Under the Nuclear Security Act, personnel would have to meet strict qualification standards, background checks, training requirements, and proficiency reviews.

I once again want to thank my friend from Massachusetts for his leadership on this issue. I urge my colleagues to support the motion.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mrs. JONES of Ohio. Mr. Speaker, during rollcall vote No. 532 on the Motion to suspend the rules and agree on H. Con. Res. 274, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 533 on the Bishop Motion to instruct conferees on H.R. 1, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 534 on the Flake Motion to instruct conferees on H. R. 1, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 535 on the Passage of H.R. 3108,1 was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 536 on the Motion to suspend the rules and pass, as amended, H.R. 2297, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 537 on the Motion to suspend the rules and pass, as amended, H.R. 2998, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 538 on the Motion to suspend the rules and agree on H. Res. 355, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 539 on the Motion to suspend the rules and agree on H. Res. 372, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 540 on the Capps Motion to instruct conferees on H.R. 6, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 541 on the Crowley Motion to instruct conferees on H.R. 1308, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 542 on the Schakowsky Motion to instruct conferees on H.R. 1, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 543 on the Motion to suspend the rules and pass, as amended, H.R. 1828, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 544 on Ordering the previous question regarding H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 545 on Agreeing to the Resolution, as amended, H. Res. 198, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 546 on Agreeing to the Obey Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 547 on Agreeing to the Obey Amendment to H.R 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 548 on Agreeing to the Waxman Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 549 on Agreeing to the Kirk Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 550 on Agreeing to the Markey Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 551 on Agreeing to the Holt Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 552 on Agreeing to the Loretta Sanchez (CA) Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 553 on Agreeing to the Kind Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 554 on Agreeing to the Stupak Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 555 on Agreeing to the Reyes Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 556 on Agreeing to the Jackson-Lee Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 557 on Agreeing to the Sherman Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 558 on Agreeing to the Weiner Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 559 on Ordering the previous question regarding H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 560 on Agreeing to the Resolution H. Res. 401, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 561 on the Obey Motion to Recommit with Instructions H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 562 on the Passage of H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "no."

SENATE—*Monday, October 27, 2003*

The Senate met at 12 noon and was called to order by the president pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Our guest Chaplain today is the Chaplain of the House of Representatives, the Rev. Daniel P. Coughlin, who will lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father of all and Creator of the whole world, fill our Nation with Your peace and Your blessings, Your splendor of virtues and surpassing gifts.

By Your direction, the heavens are in motion. Day and night fulfill the course You have set. The Sun, the Moon, and the choir of stars revolve in harmony at Your command on their appointed paths. By Your will, the Earth blossoms in full seasons—spring, summer, autumn and winter—following one another all in proper order.

Guide the Members of the Senate today and all the workings of our Government, that the harmony of nature may pattern American life and a new order be established in the community of nations.

This we ask in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Foreign Operations appropriations measure. Senator McCONNELL and the ranking member will be available to discuss and debate amendments. There is an expectation that this bill can be completed in short order. Therefore, if Members do intend to offer amendments, they should contact the cloakroom soon so they are not precluded by a unanimous consent agreement.

As a reminder, at 5:30 p.m. today, the Senate will conduct a cloture vote with respect to the nomination of Michael Leavitt to be Administrator of the Environmental Protection Agency. That rollcall vote will be the first vote of today's session. I do anticipate we will be able to invoke cloture and, therefore, would like to complete this nomination procedure at some point tonight.

For the remainder of the week, we will consider and complete the appropriations bills that are available. I will be discussing with Senator STEVENS the remaining appropriations process. This week, we will also be addressing any appropriations conference reports that are made available.

In addition to these bills, the Senate must still act on the fair credit reporting bill. I look forward to the first opportunity to bring that bill to the floor, most likely this week. The Internet tax moratorium legislation has been discussed as a possibility for this week. I do hope Members will be able to work out any differences on that bill. We will need to address this bill soon due to the existing expiration of that moratorium.

Healthy Forests continues to remain a challenge. There had been an initial hope for an agreement to move forward on this bill with amendments that would be relevant. However, we have not been able to have an agreement reached on the relevancy of those amendments, and we will have to consider other options.

The CARE Act is still sitting at the desk ready for conference, but, once again, there is an outstanding objection to that procedure. I mentioned at the end of last week and will mention again, the gun liability measure is one that should be considered before we close out this session. Again, we will be looking for time to do just that.

As mentioned on the floor at the end of last week, we expect to be dealing with the appropriations bills for the most part over the course of the day and spending the early or very late afternoons and early evenings addressing these other very important measures. There may be exceptions to that as issues present themselves, but it will be important for us to continue a dual-tracking approach as agreed to on both sides of the aisle to address the important issues that must be addressed.

As we know and will see later this afternoon and evening, nominations are critically important. They are always a focus. Tonight's vote shows the challenge we have on each and every one of these executive nominations, as well as all of the judicial nominations. I will continue to look for ways to give the executive nominations their due process—an up-or-down vote on the Senate floor. Again, this is with respect to both executive nominations and judicial nominations.

The list I have just mentioned is lengthy in part, but it is within reason. We can complete these issues, and we will do our very best to complete all these issues, including the appropriations process, including the Energy conference report, including the Medicare prescription drug conference report, before we leave. It is going to require working together. It will require a lot of cooperation on both sides of the aisle to accomplish that.

With that cooperation, with the expectation we can work hand in hand on these issues, we will be able to still adjourn in a timely way this year.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to speak for 6 or 7 minutes as in morning business. I ask unanimous consent to do that.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FUNDS FOR NURSING HOMES

Mr. GRASSLEY. Mr. President, today I would like to announce a significant achievement for this Congress, for the nursing home community, and for nursing home residents throughout the United States. I announce that the nursing home community committed itself to spending about $4 billion over the next decade to direct care and services for all patients in skilled nursing facilities.

This past August, the Centers for Medicare and Medicaid Services corrected for errors in rate calculations and adjusted Medicare payments to nursing homes by 3.26 percent. I approached the nursing home community and asked that they use a substantial portion of those funds for direct, hands-on care to residents. They not only agreed, but they committed their agreement to writing.

The American Health Care Association, the Alliance for Quality Nursing Home Care, the American Association of Homes and Services for the Aging, the American Health Quality Association, and the American Hospital Association all have agreed to spend a large

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

portion of the increase in funding from that 3.26-percent adjustment formula for direct hands-on care to residents, specifically on registered nurses, licensed practical nurses, and on certified nursing assistants. These are the people who touch the nursing home residents' lives most directly, and they are the backbone of the nursing home system of quality care if there is going to be quality care.

Moreover, by committing to use these funds for hands-on direct care, these providers are acknowledging that more hands-on direct care will help to continue improving the quality of care provided nursing home residents.

I first got involved in the nursing home quality of care issue in 1997 when I chaired the Special Committee on Aging. There was, at that time, concern about thousands of deaths in the State of California due to dehydration, malnutrition, bed sores, and a lot of other conditions that indicate lack of concern, lack of quality of care. This may have been just in the State of California, but it was probably also true of other States. These were brought to my attention at that particular time.

At that time I seized the opportunity to expose the sad state of affairs in too many nursing homes across the Nation. In 1998, the picture wasn't pretty. The General Accounting Office said there were serious quality care problems in about 30 percent of California's nursing homes. That report inaugurated a new and targeted effort to improve the quality of care in nursing facilities, and the quality of oversight and enforcement by responsible State and Federal agencies.

Since 1998, there have been about 17 General Accounting Office studies on nursing homes, and even more if you count the work done by the Office of Inspector General at the Department of Health and Human Services. Improving the quality of care provided in nursing homes is of paramount concern to all of us. At the same time, we must recognize that not all nursing homes are bad actors. Unfortunately, those who are cast the entire community in a bad light.

Over the years in fighting the battle to improve care in nursing homes I have come to learn two very important realities about providing quality care to one of our most vulnerable populations. The first reality is that there is no quick fix that will cure the problem. There is no law, no penalty, no guidance that will eliminate the problem.

The second reality is that we need the will to direct Federal funds right where they are most needed, to those hands-on professionals who feed, bathe, and turn the residents of a nursing home. That is what we have done here with this agreement among these various professional and trade associations. We worked hand in glove with these associations of the nursing home community, a community that provided me their written commitment to use real money to improve the plight of nursing home residents.

The nursing home community put their money where their mouth is by committing to use billions for hands-on direct care to their residents. Today I applaud them, I thank them, and I look forward to more such agreements, all in the name of making sure that there is quality of care at the nursing homes of America.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

> DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1968

Mr. McCONNELL. Mr. President, I have a series of cleared amendments to the pending measure, the foreign operations bill, which I send to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1968.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCONNELL. Mr. President, I urge we adopt these amendments en bloc.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1968) was agreed to.

Mr. McCONNELL. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I wish to take a moment to explain an amendment that was in the package I just sent forward: Conditioning assistance to Malaysia on a determination by the Secretary of State that the Government of Malaysia supports and promotes religious freedoms, including tolerance for people of the Jewish faith.

On October 16—just very recently—Malaysian Prime Minister Mahathir Mohamed delivered a speech before the Tenth Islamic Summit Conference in Malaysia during which he made incredible anti-Semitic comments.

Let me just give you a direct quote from what the Prime Minister of Malaysia had to say. Incredibly, here is what he said:

> The Muslims will be forever oppressed and dominated by the Europeans and the Jews. . . . 1.3 billion Muslims cannot be defeated by a few million Jews.
>
> [Muslims] are actually very strong.

He said:

> 1.3 billion people cannot be simply wiped out. The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them.

If that was not bad enough, the Prime Minister of Malaysia went on. He said:

> They survived 2000 years of pogroms not by hitting back, but by thinking. They invented and successfully promoted Socialism, Communism, human rights and democracy so that persecuting them would appear to be wrong, so they may enjoy equal rights with others. With these they have so gained control of the most powerful countries and they, this tiny community, have become a world power.

Now, what could be more outrageous in 2003 than for the prime minister of any country to make such unbelievably erroneous statements? They are dangerously wrong, and they play directly into the hands of the radical Islamic extremists throughout the region.

This is not an issue of free speech. His anti-Semitic remarks lend credence and legitimacy to the hateful messages of local terrorists who seek to sow mayhem throughout the region.

As I understand the importance of fighting terrorism in Mahathir's own backyard—and that his comments do not reflect the views of all Malaysians—I include, in the amendment already approved, a national security waiver that will allow the provision of $1.2 million in IMET assistance—that is the military-to-military assistance—to that country to be eliminated unless the President believes it is in the national security interests of the United States to continue it.

Now, the good news is that Mahathir's words were criticized around the world, as they certainly should have been. The bad news is that the Prime Minister just does not get it. Given an opportunity to clarify his comments a few days later, he said, in an interview with the Bangkok Post, on October 21—this is what he said to the Bangkok Post, having listened to the criticism and having an opportunity to retract his comments—he said: "Well, the reaction of the world [to my comments] shows that [the Jews] control the world" and, "Well, many newspapers are owned by the Jews. They only see that angle and they have a powerful influence over the thinking of many people."

Mahathir himself has influence over the thinking of many people. My advice is that in the future he should think before he speaks.

Let me close by encouraging Prime Minister Mahathir to unconditionally release former Deputy Prime Minister Anwar Ibrahim before stepping down from office later this month. This injustice has gone on for far too long.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1969

(Purpose: To require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President by and with the advice and consent of the Senate)

Mr. BYRD. Mr. President, in considering the President's $87 billion for Iraq, the House of Representatives adopted a provision that would require the U.S. official responsible for coordinating the reconstruction efforts in Iraq to be appointed by the President by and with the advice of the Senate.

It is almost embarrassing that the House of Representatives had to act on behalf of the Senate to include such a requirement.

The House was responding to the news that the President had appointed National Security Adviser Condoleezza Rice to lead a task force that would assume responsibilities for rebuilding Iraq. Unlike Secretaries Rumsfeld and Powell, who testified before the Congress to explain the actions of Defense and State Department personnel in Iraq, the actions of the task force will likely be shielded from the public by what may be said to be executive privilege.

The National Security Adviser, as a member of the President's staff, traditionally does not testify before the Congress, except under extreme circumstances. It is an unconfirmed position and its actions are hidden from the view of the Congress, the media, and the public.

The House of Representatives has valid concerns that if the National Security Adviser is responsible for the administration's reconstruction efforts in Iraq, her actions could be shielded from the public.

Senators will recall that the White House tried something similar to this last year.

After the September 11 attacks, the White House unilaterally created the Office of Homeland Security inside the White House and used executive privilege to cloak the office and its director, Tom Ridge, from the Congress and the public. Senator STEVENS and I at that time wrote to the White House, and we wrote repeatedly, seeking testimony from Mr. Ridge. But he was not allowed to testify before the Appropriations Committee or any other congressional committees.

For 14 months, the actions of our chief homeland security officer, Mr. Tom Ridge, were hidden from the public. Not until the Congress forced the hand of the administration did the President acknowledge the dangers of such a situation. To end the stalemate, the President went so far as to reorganize the entire Federal Government—almost—by creating a new Department of Homeland Security, making its Secretary confirmable by the Senate.

So I certainly hope the present situation won't have to be resolved by creating a new Department of Iraqi Reconstruction.

The American people need to be sure that whoever the President chooses to lead the administration's reconstruction efforts in Iraq will be held accountable for their actions.

The Iraqi war effort, including the recently passed supplemental, has cost the American taxpayers $118 billion; 351 U.S. soldiers have lost their lives. The administration has wagered the lives, the treasure, and international prestige of the American people on its Iraqi endeavors. With so much at stake, the Congress has a responsibility on behalf of the American people to ensure that whoever is running things in Iraq is answerable for their decisions to the Congress and to the American people.

I am not just referring to the National Security Adviser; I am also referring to the Administrator of the coalition Provisional Authority that now governs Iraq. This is an entity which has not been sanctioned, which has not been approved by the Congress. Its head has not been confirmed by the Senate. It is operating without any mandate from the American public. Yet it claims to be vested by the President with all executive, legislative, and judicial authority necessary to achieve its objective.

Mr. President, we are not even sure what its objectives are supposed to be. The President signed a national security directive earlier this year outlining the Iraqi civil administrator's authorities, but that directive is classified, hidden away from the American public. Yet the Congress is handing over another $20 billion to this entity without insisting that the administrator be held accountable to the representatives of the people of our country. It is an idea so absurd that even the Republican-controlled House of Representatives has tried to stop it, and with good reason.

Let us look at the way the Marshall plan was crafted to rebuild Europe after World War II. In comparison, the Congress has allowed the administration to assume sweeping unchecked authorities for its efforts in Iraq. From the first, the Truman administration worked closely with the Congress in the development of a foreign aid plan to rebuild Europe. Congress did not just appropriate funds whenever the administration asked for them. Congress developed a 4-year financial aid plan. It drafted enabling legislation that was debated for months in the House and the Senate. The Congress ensured that U.S. foreign aid commitments did not put its domestic interests in peril.

Unlike the Coalition Provisional Authority in Iraq, the Federal entity responsible for overseeing the implementation of the Marshall plan was authorized by statute. The Congress defined the scope of its powers and its authorities and built a public record of 7 weeks of hearings outlining its objectives and responsibilities. President Truman not only appointed a member of the opposition party, Republican businessman Paul G. Hoffman, to head that organization, but his appointment was subject to confirmation by the Senate. The Senate Foreign Affairs Committee had the opportunity to hold hearings and to ask questions about potential conflicts of interest to determine his qualifications.

On the other hand, the Coalition Provisional Authority and its Administrator can claim none of that.

The Congress has not sanctioned it by law. The Senate has not given its consent to the Administrator chosen to lead it. There is no public record detailing the potential conflicts of interest that may be pertinent to the Administrator's responsibility in administering the reconstruction of Iraq. Once the Congress appropriates its budget, the Administrator of the CPA could very well just begin to decline invitations to testify before the Congress, at least until he needs more money. It could further shield its actions from the public. With so little in statute tying the Congress to the CPA, the Congress needs to assert its authority to ensure that the CPA's Administrator will be held accountable to the Congress and to the American people.

While many Members of Congress may feel comfortable with the decisionmakers in the current administration, there will come a time when a new administration will take office, either Democrat or Republican, when Members of Congress may disagree with the administration officials wielding this power. We need to look beyond the party label of the current administration. We need to take a longer term view of accountability.

The Republican-controlled House of Representatives has taken that longer term view. The Senate would be wise to follow the lead of the House of Representatives. So I have an amendment that would, effective March 1, 2004, prohibit the Coalition Provisional Authority from using funds appropriated until its Administrator is appointed by the President, by and with the advice and consent of the Senate. In that way, the Congress will have a mechanism to make sure these funds are spent wisely and there be accountability of their expenditure to better protect our troops and ensure their quick return home.

In proposing its $87 billion supplemental request for Iraq, the administration has urged the Congress not to walk away from our troops. The irony is that in handing this money over to administration officials who are not accountable to the American people or their representatives in the Congress, that is exactly what we would be doing. We would be throwing our hands in the air telling the administration to fix the problem themselves; the Congress will give you more money later when you need it. That is not the way the House of Representatives sees it.

The Congress has more of a responsibility than that. We owe it to the troops to be more meticulous about how Iraqi reconstruction dollars are being spent. We owe it to the troops to ask questions and to ensure that the CPA is making decisions in their best interest. So I urge Senators not to turn away from the troops. The Senate should follow the lead of the House of Representatives and ensure accountability for how taxpayer dollars are spent. I urge the adoption of the amendment which I shall offer.

Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1969:

At the appropriate place, add the following:

Sec. . (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate.

(b) This provision shall be effective March 1, 2004.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Byrd amendment, which I believe is the pending amendment, be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1970

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, and Mr. McCAIN, proposes an amendment numbered 1970.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on Burma)

On page 111, after line 12, insert the following:

(c) It is the sense of the Senate that the United Nations Security Council should debate and consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council.

Mr. McCONNELL. Mr. President, my amendment is rather straightforward. It relates to the current regime in Burma. It simply states that it is the sense of the Senate that the United Nations Security Council should consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council; that is, the military junta that has ruled Burma for the last few decades.

While the United Nations Secretary General and his special envoy to Burma have publicly raised the struggle for freedom in that country, the Security Council itself has not considered the matter, which it should do at the earliest opportunity. The facts are self-evident. Under the SPDC, Burma poses a clear and present danger to itself and to its neighbors. Narcotics, HIV/AIDS, and refugees fleeing gross human rights abuses spill over Burma's borders and create humanitarian and security crises in Thailand, India, and China.

The Secretary General and his special envoy should understand that actions—not words—are required to free Burmese democracy leader Aung San Suu Kyi and all her compatriots who remain oppressed and imprisoned in Rangoon.

While I appreciate the President and the Secretary of State raising the issue of democracy in Burma with Thai Prime Minister Thaksin Sinawatra, I am afraid the message of freedom has again fallen on deaf ears.

As a democratic nation and an ally of the United States, Thailand has a particular obligation to support democracy and justice in Burma. Many of us in Washington are gravely concerned that Thailand inexplicably seems to rush to the defense of the SPDC at every single opportunity, deflating pressure even before it can be effectively applied.

Frankly, I expect—and the community of democracies should demand—the Thai Prime Minister to be more proactive in supporting Suu Kyi and the National League for Democracy, which I recall for my colleagues was overwhelmingly elected back in 1990 but never allowed to take power.

The comments of the Prime Minister of Thailand, as reported in the press, say the United States does not understand the issue well. That is ridiculous.

I would suggest that the Prime Minister may be the one who is confused as to how best to bring about democratic change in Burma. The Thai policy of engagement with Rangoon has been a predictable complete and total failure—a total failure.

Prime Minister Thaksin should understand that under a democratic Burmese Government, cross border trade would comprise of legitimate goods and services—and not those illicitly purchased or prostituted in back allies of Bangkok.

China, too, would benefit immeasurably from a government in Burma that is rooted in freedom and the rule of law. HIV/AIDS and the narcotics trade are akin to cancers in the Middle Kingdom's underbelly. Under the SPDC's misrule, these malignancies have grown out of control into Burma and affect the neighboring countries.

As Beijing already knows, there is no denying the socioeconomic impact of these security threats. It is time for China to treat the disease and not only the symptoms.

I note that next week China and the European Union will be meeting to discuss issues pertaining to Burma, Iraq, and North Korea. The United States must use its diplomatic prowess to influence China and the EU and move these parties toward engagement with the SPDC that results in the immediate release of Suu Kyi and other political prisoners. Agreeing that Burma is a pariah state, but not acting accordingly, is simply not going to work.

So I commend Secretary Powell for tackling this issue with the ASEAN members during his recent visit to Thailand just a week or two ago. I encourage him and the entire State Department to continue to implement an aggressive and unrelenting full court press to secure freedom and justice for the people of Burma.

To be sure, ASEAN has a critical role to play in promoting freedom and justice in Burma. Now is not the time for Southeast Asian nations to bury their collective heads in the sand, or to make bizarre comments praising "positive developments" in Burma—where there have not been any positive developments—as ASEAN members did following the recent summit in Bali, Indonesia.

The unfortunate tendency of ASEAN members to ignore regional threats is precisely why the U.N. Security Council should consider discussing the threats to regional stability and peace posed by a repressive Burmese regime.

Let me close by saying that the only positive development would be if ASEAN members get with the program and implement sanctions against the SPDC. Who better to spur them into action than the United Nations?

So this amendment simply calls on the U.N. to do what it should have done a long time ago, which is to get involved in helping us bring about the needed regime change in Burma, to bring to power the duly elected government of the National League of Democracy headed by Aung San Suu Kyi, the 1991 Nobel Prize winner, who remains under house arrest, which is where she has been for most of the time for the last 15 years—15 years essentially under house arrest. It is time for the U.N. to get interested in this issue and to take action.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the hour of 2 o'clock having arrived, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 shall be divided as follows: 1 hour 15 minutes under the control of the chairman of the committee, Mr. INHOFE or his designee; 2 hours and 15 minutes under the control of the ranking member, Mr. JEFFORDS, or his designee. The last 20 minutes are equally divided between the chairman and ranking member, with the final 10 minutes under the control of the chairman.

Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 10 minutes.

Mr. President, I rise today in support of Governor Mike Leavitt to be Administrator of the Environmental Protection Agency. I am supporting his confirmation because we need a leader at the Agency. The EPA needs to be represented during Cabinet meetings and be a strong advocate for a budget that will allow the agency to enforce the environmental protections our citizens deserve. I am very concerned about the morale of the employees at the Agency. They are dedicated to environmental protection. Yet the direction the administration has taken on protecting the environment is troubling.

The record of the Environmental Protection Agency under this administration is abysmal. We have watched this administration roll back environmental law and regulations day after day, week after week, and month after month. They have been dismantling our environmental law and the protections that our citizens have come to expect and, I believe, deserve from their Government.

This administration has allowed the sale of properties contaminated with PCBs, exposing our citizens to highly toxic chemicals. The administration has limited a State's decision for allowing offshore oil drilling on its own coastline. This administration has allowed the fund that pays for cleaning up abandoned toxic Superfund sites across this country to go bankrupt. This administration has omitted an entire section on climate change from a White House report on the state of the Nation's environment, despite convincing evidence to the contrary. This administration has decided not to classify carbon dioxide as a pollutant.

This administration has forced the Environmental Protection Agency to "add reassuring statements and delete cautionary ones" relating to air quality standards surrounding the Ground Zero site following the September 11 attacks.

This administration has proposed rules that would narrow the waters protected over the last 30 years under the Clean Water Act. This administration has allowed major polluters to avoid installing modern control equipment in the New Source Review rule, devastating years of progress under the Clean Air Act. This is a life-threatening decision.

Many of these decisions have been made with little input from the people who will be most affected by them and must implement them.

As ranking member of the Environment and Public Works Committee, I and other members of our committee have oversight responsibility for the Environmental Protection Agency. Yet I do not believe we can carry out that responsibility without the cooperation of the administration and I, for one, have not received that cooperation. I have made repeated requests of the EPA to provide information and have not received it.

For example, I have asked for the analysis of the effects that the New Source Review rules will have on the environmental and public health. I have not received it, and the EPA will not collect information to answer my questions. The lack of transparency in this administration's decisionmaking and lack of cooperation with Congress troubles me. This is particularly true in the case of the New Source Review. According to a new GAO report, it appears that administration officials have misled Congress and intentionally undermined ongoing enforcement cases. I am hopeful that Governor Leavitt will have much more luck than Governor Whitman did with the White House. EPA needs to be an independent agency, as Congress and President Nixon intended. It cannot be a rubber stamp for the polluters' lobbyists and should not be a political lapdog for the White House.

I am hopeful Governor Leavitt can make an improvement in White House environmental policies because I find it terribly hard to believe that the President would want to continue diminishing his father's environmental legacy.

However, it is not an auspicious sign that the Senate takes up the Governor's nomination on the very day that the Bush administration has formally committed the single greatest rollback on clean air since there has been a Federal Clean Air Act. I am referring to the final NSR rule being published today that allows the dirtiest, oldest powerplants to continue polluting forever. This is a life-and-death matter, a serious health matter.

I hope against hope that by supporting Governor Leavitt we might bring some accountability and rationality to this White House, and he can improve its environmental record. But more and more, I think an election will be necessary before we can see real and positive change on the environment at 1600 Pennsylvania Avenue.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I yield myself 10 minutes.

I rise today to speak about an important vote that will take place a little less than 4 hours from now. At 5:30 this evening, the Members of this body will have an opportunity to invoke cloture on the nomination of Governor Mike Leavitt to become the new Administrator of the Environmental Protection Agency and to end the months of delay and Presidential politics that have marred his nomination.

Tonight's vote is more than a mere procedural formality. It is more than a simple motion. It is a vote about leadership and the health of our natural surroundings. It is a vote that will show the American people we are serious about protecting the environment, about providing the much-needed leadership the EPA has been missing since the departure of the former Administrator.

Every ship needs a captain. Every plane needs a pilot. As elected officials representing the greatest people in the greatest Nation, we must provide that captain, that pilot for our Nation's chief environmental department. We can begin by voting tonight to invoke cloture. The politics of delay must end tonight. President Bush has nominated a very worthy candidate to take the helm at the Environmental Protection Agency.

I have learned that experience makes a difference. Perhaps no other qualification that Governor Leavitt possesses is as important to me as his experience in the real world. As president and chief executive officer of the Leavitt Group, he has paid taxes and made payroll. Through his business experience, he learned the impact of government regulations on commerce and industry. Moving beyond his time as a private entrepreneur and into the realm of public service, Governor Leavitt is the country's longest serving Governor and has a long history of experience and accomplishments that make him eminently qualified for the position of Administrator. The confirmation of the Administrator must be a top priority for all who care about the environment.

I challenge my colleagues to focus on the achievements of our national environmental policy and not on penalties and politics. We cannot ignore the fact that the air we breathe today is cleaner than it was 4 years ago and that the water our children drink is more safe today than ever before. But there is a danger lurking in the formulation and implementation of our national environmental policy. Extremist measures that impose strict mandates and demand compliance through arbitrary means and unclear science could undermine the very institutes of our democracy and of our market economy.

Governor Leavitt knows that our system of environmental regulations, environmental mandates and administrative and judicial rulings, work together to protect our most precious resources, and have helped spur environmental recovery in many areas. But he is also aware that these same layers of laws have also created tremendous burdens for municipalities, businesses and the ongoing development and maintenance of our public infrastructure.

The evolution of environmental rules and regulations that control so many aspects of life must be realistic goals that are established through a course of open deliberation and sound science. The impact EPA has on individual lives is real, not fictitious. New laws and enforcement decisions cannot be taken lightly.

I am pleased that President Bush's approach has been one of reform—changing command-and-control mandates to innovative, market-based approaches that utilize cutting edge technology to bolster environmental benefits. I know that this type of strong, principled leadership will continue into the future. We must not simply wipe the slate clean and sweep away basic environmental rules, but we can—we must—develop an environmental agenda that protects private property rights while balancing environmental achievement with the need for continued economic progress.

Governor Leavitt is the one person who has the intellect, the courage, and the right philosophical temperament to get this job done. Governor Leavitt hails from the western United States. Perhaps no other geographic region in the country has felt the heavy hand of environmental regulation more than the public land States of the West—be it in the form of forthcoming EPA mercury standards or the Department of the Interior's Endangered Species Act.

Many Members of this body do not understand the impact that Federal land ownership has on a State and on its people, and that includes the much publicized battle over RS 2477. At some point today, I have no doubt that opponents may try to attack the Governor on his approach to solving this long standing Federal land issue. As a fellow westerner whose State is also affected by the dispute, I want to clear up the scare tactics and half-truths used by the extremist groups in an attempt to undermine the nominee's credibility.

Governor Leavitt has never been involved in secret deals and behind-closed-doors shenanigans to destroy public lands. Instead, Governor Leavitt believes the public is best served through negotiation rather than litigation. His actions to resolve a 30-year dispute over ownership rights of rural county roads resulted in the enactment of a reliable mechanism that will preserve and promote the interests of the public. This is just plain common sense.

Governor Leavitt understands the complicated web of environmental rules and the impact that they have on health and property. As a Governor, he has worked hard to increase the well-being of the people in his State, and he has worked diligently to improve the state of the environment. Governor Leavitt understands the fundamental need to protect the environment from irresponsible actors. Just as important, though, he understands the need to protect the environment through policies and programs that generate results and that create incentives to improve land, water and air quality, not just penalties and fines. He knows that heavy-handed action is not nearly as important as the results that can be achieved through cooperation and collaboration.

The development of such enlibra principles has received a bipartisan endorsement from the National Governor's Association and deserves a great deal of attention. Governor Leavitt, along with the Governor of Oregon, was one of the pioneers of a concept that they dubbed enlibra. This concept, derived from Latin root words and meaning "to move toward balance," promotes the type of balanced environmental stewardship that I have been talking about and includes eight principles that help on this course. Governor Leavitt has done a great deal to clean up both the air and water and to protect thousands of acres of premier public lands in the State of Utah.

In just one example of how he has worked for cleaner air, Governor Leavitt is a co-chair of the Western Regional Air Partnership, also known as WRAP. WRAP is a partnership of 13 States, 13 tribes and 3 Federal agencies. This organization worked to formulate a regulatory commitment to reduce SO_X levels by 50–70 percent by the year 2040. But, they didn't just formulate regulations. They also put together a plan to help those affected by the regulations, providing guidance on how to reach these aggressive clean air goals. Under Governor Leavitt's leadership, Utah now meets all Federal air quality standards.

But its not just the air that is improved. Seventy-three percent of Utah's streams currently meet Federal water quality standards, compared to 59 percent 10 years ago. This is a remarkable improvement since Governor Leavitt took office.

In what undoubtedly will be a common theme today as other members come to the floor to show their support for Governor Leavitt, I would like to point out that our Nation lives today in a cleaner, healthier environment, far more clean than it was when President Bush first took office. In the last 30 years, water quality has improved and emissions of the six principal air pollutants have been cut 48 percent. This progress comes even as the country has experienced a 164 percent increase in gross domestic product, a 42 percent increase in energy consumption, and a 155 percent increase in vehicle miles traveled. This improvement has occurred over the course of 34 years, 22 of which came under the leadership of Republican administrations.

The environment is not a partisan issue. Success comes through partnership and the desire to take the responsible, common-sense action. As mentioned, the most recent EPA data shows that sulfur dioxide emissions from power plants were 10.2 million tons in 2002, 9 percent lower than in 2000 and 41 percent lower than 1980. NO_X emissions from power plants are also lower, measuring 4.5 million tons in 2002. This is a 13 percent reduction from 2000 and a 33 percent decline from 1990 emissions levels. In Colorado, the Bush administration's efforts to cleanup the Shattuck, Vasquez Boulevard and Rocky Flats sites deserve many thanks. The administration continues to prove its commitment to the people of Colorado through responsible stewardship and active protection.

Governor Leavitt's accomplishments are not just in the environmental field, however. His environmental principles are getting the most attention and, given the current debate, rightfully so. However, I believe that Governor Leavitt has had other accomplishments in the State of Utah that I believe speak to the kind of person and leader that he is. In the area of education, funding for public education has increased by $762 million in 10 years between fiscal years 1994 and 2004. The number of teachers in the classrooms has increased, teacher pay has increased, student-to-teacher ratios have decreased and, perhaps at least in part to the three previous factors, teacher retention has increased. Student SAT scores, and student scores on other national tests, have also increased steadily. Initiatives introduced or promoted by Governor Leavitt have increased the number of school options as well. Students wanting to attend Utah public schools now have more options, such as: charter schools, high-tech schools and an electronic high school, to enable them to find the educational method that fits them best.

Utah schools are also second in the Nation in Internet accessibility. Thanks to an initiative called Technology 2000, 99 percent of Utah's schools have access to the Internet.

Higher education funding has also increased. Again, between fiscal years 1994 and 2004, higher ed funding increased slightly over 73 percent, a total of $379 million. Student enrollment has increased, as has the enrollment of students in engineering, math and computer sciences.

Numerous plans to improve the lives and health of families and children have been implemented. Between the years of 1992 and 2001, immunization rates rose by 73 recent, teen smoking rates fell by 32 percent, and teen pregnancy rates fell by 33 percent.

Under HealthPrint, a Leavitt plan to increase the number of State residents who are covered by insurance, the numbers of insured persons increased by 404,000. Of these 72,000 were children. Governor Leavitt was also a leader in the push to get us here in Congress to authorize the Children's Health Insurance plan, or CHIP. The numbers of children covered by CHIP in Utah continue to rise.

These remarkable achievements could only have been accomplished by someone who is thoughtful and deliberative, someone who is able to consider all relevant information and make the decision that will be best for the greatest number of people. The strong mark of success the Governor has built in Utah over the past 11 years bodes well for his success at the helm of EPA—an agency that employs 18,000 people across the country and an agency that needs a leader like Leavitt. The commitment President Bush has made to improving the environment is strong, clear and unquestionable. Mr. Leavitt will ably serve the people of the United States as he fulfills his oath to meet these goals.

I look forward to this evening's vote and to the confirmation of Governor Leavitt. Let's end this hold-up and do just that.

Mr. President, this nomination should move ahead, and I ask my colleagues to join me in voting for cloture.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be divided proportionally between the two sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I yield 10 minutes to Senator BENNETT.

The PRESIDING OFFICER. The distinguished Senator from Utah is recognized.

Mr. BENNETT. Mr. President, thank you.

I thank the Senator from Colorado for the opportunity to speak about Utah's Governor. In a way, I hope he will soon not be Utah's Governor because he has been nominated by the President to be the head of the EPA. On the other hand, we will be sorry to lose him as Utah's Governor because he has done a truly outstanding job. Many of his qualifications have already been discussed here. As I did in the hearing, I would like to speak of him a little bit personally so Members of the Senate can get an understanding of who he is and what qualifications he brings to this particular assignment.

Governor Leavitt and I first became well acquainted when we served together on a strategic planning group formulated to come up with a plan for the Utah State Board of Education. At the time, we were both considerably younger. He particularly looked quite young. He has the advantage of looking younger than he really is. As the Presiding Officer can relate, those of us who are bald look like we are 60 regardless of how old we may be. That is a disadvantage when you are 30 or 40. It becomes an advantage when you get beyond 60 because people think you are younger. Governor Leavitt, with a full head of hair, struck me as, frankly, quite a young man when we first got acquainted. I thought, What is somebody so young and, by implication, inexperienced doing on this particular committee? As soon as he opened his mouth and we started having a conversation, it became very clear what he was doing on that committee; he was very bright; he was extremely well informed; he had many exciting ideas about what ought to be done with respect to Utah's schools and Utah's education.

I derived a great sense of respect for him in that situation and said to people: This is a young man who has a great future. This is a young man who will be doing important things for the State.

Then he showed up in my office one day and said he wanted to talk to me. When I asked why, he said, Well, I am planning to run for Governor and I am here to get your support. I said, Well, I am not going to be able to give you my support for Governor because I am planning to run for the Senate, and it is appropriate that I not endorse any candidate for Governor and I understand it is appropriate that you not endorse any candidate for the Senate. But we began our campaigns together in 1992 and went through the gauntlet of conventions and primaries that is part of the Utah political scene.

I watched him in that situation. I watched him grow. I watched him flourish. I watched him get engaged in the battle of ideas and emerge from a second-place position to the first-place position where he won the nomination, became the candidate, and then in a three-way race for Governor won the governorship.

He started out with those same kinds of ideas and energy and excitement I had seen when we were talking about school issues some years before. He has been very inventive as Governor. He has come up with ideas that, frankly, a lot of people scoffed at that have come to fruition. He is the driving force, for example, behind the creation of the Western Governors University—a virtual university on line where people can and now have received degrees and graduate degrees that have allowed them to improve their economic standing and their professional standing. Not only has he brought the Western Governors University from an idea to fruition in a very short period of time, but he has also seen to it that the caliber of the material offered by the Western Governors University is of sufficiently high status that it is now fully accredited. A degree from the Western Governors University carries the same accreditation as a degree from the University of Utah or the University of Kansas or, for that matter, the private universities such as Harvard, Yale, Stanford, whatever. This is the brainchild and the product of the energy of Michael Leavitt—an idea of taking something that is new in the field and turning it into a final product.

I cite that because I think what we need at the Environmental Protection Agency is someone who has some creative ideas and the drive to try something new and see it through to fruition. That is Michael Leavitt. He is the perfect person for this kind of assignment.

I talked to him when the newspapers first broke the idea that he might receive this position and said, Should I call the White House on your behalf and weigh in to say I think you would be good for this job? He said, No, don't bother. He said, They have talked to me about it and I have told them I don't have any interest. I said, Why don't you have any interest? I was thinking that was probably a good idea on his part, given the difficulties of this position. He suggested the reason he didn't have any interest was because it seemed to him people were looking for a business-as-usual administrator of the EPA, someone who would continue to go through the motions of previous administrators who went through the motions of the administrators who preceded them. No. He said, I told them if you are thinking about doing something else and breaking some new ground, then call me back. But if all you want to do is what you have been doing, I don't have any interest.

That is a very dangerous thing for a nominee to say because it leaves the door open for them to come back after you have refused the position. Obviously, the folks in the White House—particularly the President himself—decided they liked the idea of someone who would attempt to do something a little differently. They liked the idea of someone who would try to break new ground, who would use the experience he had had in breaking new ground in State government to see if there could be some changes for the better at the EPA.

The President himself got hold of Michael Leavitt. It wasn't just someone in the personnel office. These two who had served together as Governors sat down and talked about it. I am not privy to that conversation, but I am sure Governor Leavitt made the same kind of pitch he described to me. If all you want, Mr. President, is business as usual at EPA, I am not your man. But if you are interested in breaking some new ground and doing things a little differently, then I might consider it.

I am assuming that was the conversation which took place between the former Governor of Texas and the then existing Governor of the State of Utah. Whatever the conversation, Michael Leavitt has agreed to take on this assignment.

I have talked to him since he made that agreement. I am delighted with his attitude. He is excited about it. He is determined to view it as a challenge, he is determined to view it as an opportunity, and he is determined to go at it with the same vigor and with the same enthusiasm he went at his new assignment as Governor of the State of Utah.

I can think of no better set of qualifications for someone to have in tackling the position at EPA than the background Governor Leavitt has and the attitude and sense of challenge he possesses. For that reason, I was delighted the EPA committee reported this nomination by a 16–2 margin, indicating that even though there are people who had serious reservations about the past performance of EPA, they were willing to give Governor Leavitt a chance to show us what will happen with respect to the future.

I urge all of my colleagues in the Senate to recognize the background, the enthusiasm, and the attitude this particular nominee has. It would be a great shame if we were to allow this nomination to be derailed because of people's concern about previous administrations at EPA. This nomination, as with all appointments, has to do not so much with the past as with the future.

This nomination has to do with the job Michael Leavitt can do, not with the job that some other Administrator may have done. So I am very hopeful that in this Chamber we will invoke cloture, we will shut off debate and allow Michael Leavitt to have a vote.

If he has a straight up-or-down vote, I think we will see much the same kind of margin we saw in committee with the 16-to-2 vote in favor of reporting him to the Senate. I am hoping for a 70- to 80-, even 90–Member positive vote in the Chamber to give this young man from Utah an opportunity to show the country what he can do in this position.

The people from Utah have seen what he can do. He has maintained an approval rating 70 to 80 percent normally through his entire period of time as our Governor. I believe he can do the same kind of thing for the country.

I urge all of my colleagues to vote for cloture, and then, when it is invoked, to vote for Michael Leavitt.

Mr. ALLARD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, in looking around, I do not see any other speakers, so I would like to be recognized for whatever time I shall consume.

The PRESIDING OFFICER. The Senator has that right.

Mr. INHOFE. First, Madam President, I do rise in strong support—strong support—of Mike Leavitt to be confirmed as Administrator of the EPA. I think this vote is long overdue. But for those who have watched this nomination closely, we have seen a spectacle that does not reflect favorably on this institution.

Governor Michael Leavitt is a kind, courteous, and decent person. Everyone who knows him loves him. Very rarely do you see that in politicians—other than the Presiding Officer, of course. But everyone seems to love Mike Leavitt. He is that kind of a person. Yet from day one his nomination has been delayed and obstructed by partisanship and Presidential politics.

I watched this play out with real disappointment because the process surrounding these nominations has never succumbed to such pressures. Today, we are going to move beyond this obstacle and show to the American people what everyone in this debate well knows; that is, Governor Leavitt enjoys overwhelming support from both Democrats and Republicans.

This process, which has dragged on now for over 50 days, has been somewhat perplexing to me because my colleagues on the other side of the aisle have nothing but the highest praise for Governor Leavitt.

The other day my good friend, Senator JEFFORDS, the ranking member on this committee, said:

> First of all, it has nothing to do with the qualifications of Mr. Leavitt. I will vote for him and I am hopeful that at some point I will be able to do so. I look forward to that. I consider him a friend. I have worked with him in the past on matters of education. The issues are not related to his qualifications.

I say to my good friend from Vermont, I appreciate that testament very much.

Senator BEN NELSON, a Democrat Senator from Nebraska, who is a former Governor who served with Mike Leavitt, wrote a strong letter of support for Governor Leavitt. He said in his letter:

> But beyond his record of achievement for the citizens of Utah, I have also found Governor Leavitt to be easy to work with, open to new ideas, and willing to make sensible compromises to reach shared goals. I believe nearly everyone—if not everyone—with whom Governor Leavitt [has] worked in the NGA [National Governors Association] would state they had a favorable impression of him. As we know all too well, such a record is important for any federal position, but particularly one such as this, where there needs to be much coordination with our State governments. . . .

Still quoting Democrat Senator BEN NELSON:

> I wholeheartedly support Mike Leavitt's nomination to serve as EPA Administrator. He is eminently qualified for the position; but even more than that, he has both the personality and the desire to be successful at the job.

As the preceding quotes show, those who have worked with Governor Leavitt hold him in the highest regard. Those who have seen his dedication and commitment to solving environmental problems all support him.

Last week my committee received a letter from Governor Bill Richardson, with whom I used to serve over in the House, the Governor of New Mexico—another Democrat Governor. This is what he said about Governor Leavitt:

> He has worked effectively with other Governors regardless of party. Obviously the same willingness and ability to work collaboratively with other elected and appointed environmental officials is crucial to the effectiveness of any EPA Administrator. Mike Leavitt is a consensus builder and can bring people together.

Again, these are things that Democrats say about him. Many have heard me recount the details of Governor Leavitt's long distinguished career in public service, but considering the circumstances, I think they are worth recounting again. His resume is absolutely stellar. He was the chairman of the National Governors Association, the Republican Governors Association, the Western Governors Association. His record on environmental accomplishment reflects his experience. Just look at the facts:

Utah meets all Federal air quality requirements. That is very rare. Utah meets all Federal air quality requirements. This was not true when Governor Leavitt was first elected. Visibility in the West has improved dramatically, largely as a result of Governor Leavitt's service as cochairman of the Western Regional Air Partnership and vice chairman of the Grand Canyon Visibility Transport Commission. The Commission has made over 70 recommendations, improving visibility at 16 national parks and wilderness areas in the Colorado plateau.

During his 11-year tenure, Governor Leavitt made great strides in improving Utah's water. The State's watersheds are now among the cleanest in the Nation. Seventy-three percent of Utah's streams currently meet Federal water quality standards compared to 59 percent 10 years ago, a 24-percent improvement since Governor Leavitt took office 11 years ago. Currently, 60 percent of the Nation's streams meet this standard.

I return briefly to the process behind this nomination, because I hope we won't repeat it at any time in the future since it was unprecedented. Let there be no question that Governor Leavitt was subjected to a double standard. First, prior to Governor Leavitt's hearing, the minority demanded that Governor Leavitt answer nearly 100 prehearing questions. That was unprecedented.

Second, prior to his markup, committee Democrats submitted nearly 400 questions to Governor Leavitt. The Democrats submitted nearly 400 questions to Governor Leavitt. The volume, again, is unprecedented.

Let's compare this to the nomination of Carol Browner. In 1993, she received a mere 67 questions from Republicans. Even Governor Christie Whitman, in 2001, received approximately only 100 questions from the Democrats. Let's look at how long it took to approve previous nominees to head the EPA. In 1989, the first President Bush nominated William Reilly. The Senate received his nomination on January 20. The EPW Committee, the committee I chair, had a hearing on January 31 and then reported him to the floor on February 2, the same day he was confirmed by the Senate. All told, the nomination took just 13 days.

How about Carol Browner? The Senate received her nomination January 20. The EPW Committee actually had a hearing for Ms. Browner on January 11, 9 days before she was officially nominated. She was reported out by the EPW Committee on January 19, 8 days after the hearing. She was confirmed by the Senate on January 21. From the time of her hearing to the day she was confirmed, just 10 days.

Governor Whitman faced a similar path. She was confirmed by the Senate just 13 days after nomination. Let's repeat that: Bill Reilly was 13 days; Carol Browner, 10 days; Whitman, 13 days. Governor Leavitt has now waited 55 days. Some on the other side argue that comparisons of timing with previous nominees is unfair. In their view those nominations were made at the beginning of a new administration, so there is no environmental record to judge. I find this very interesting.

Here the other side is essentially admitting that the nomination is about President Bush, not about Mike Leavitt because they are talking about President Bush's record. I think that is very unfair. It has nothing to do with Mike Leavitt. For weeks we have heard nothing about Governor Leavitt and everything about President Bush. We have heard that under President Bush the air is dirtier, more kids are suffering from asthma attacks, respiratory diseases; precious lakes, rivers, streams, and forests are more polluted, and big oil's campaign contributions are corrupting national environmental policy.

Nothing could be further from the truth. It is all false, empty rhetoric extremist groups use to raise money. They conveniently ignore the fact that President Bush has proposed the most aggressive Presidential initiatives to reduce pollutants, a 70-percent reduction. No President in history has proposed such a thing. They ignore the fact that he introduced the landmark brownfields legislation which my friend from Vermont and I were very active in getting through. They ignore that according to EPA, air quality has improved since President Bush took office.

Let me mention a couple other things since it seems to be that we have President Bush's record in front of us as opposed to Governor Leavitt. First, there couldn't be a better record of any President than the current President Bush.

Greg Easterbrook, senior editor for the very liberal New Republic magazine, not a Republican, writing for a liberal publication, writes that "most of the charges made against the White House are baloney," made for "purposes of partisan political bashing and fund-raising." He also contends that "Environmental lobbies raise money better in an atmosphere of panic, and so they are exaggerating the case against Bush." In his view, President Bush's new rules for diesel engines and diesel fuel "should lead to the biggest pollution reduction since the 1991 Clean Air Act amendment." Air pollution, he writes, continues to decline under President Bush.

That is not a conservative Republican talking. That is not anyone connected with this administration. That is the other side that is normally critical of Republicans and conservatives.

I am very familiar with the Clear Skies Act. I am anxious to get the act before the Senate and hopefully Congress will consider it, too. That is a 70-percent reduction in sulfur dioxide and nitrogen oxides and mercury. It represents the largest pollution reduction initiative ever proposed by any American President.

Clear Skies uses a cap and trade system. This limits the total amount of emissions from the utility industry and allows them to determine how to achieve these reductions. The bill thus far has been held up by environmental extremists who are playing politics with the issue of CO_2. It is unfortunate because this bill will provide immediate health benefits to the American people and reduce acid rain.

Air quality has improved immensely over the last 30 years and has continued since the Bush administration took office. Clear Skies will continue that trend.

Cleaner fields and engines: This administration is a consistent advocate of tougher controls on harmful air pollution caused by diesel engines. The diesel rule, a rule requiring new heavy duty trucks and buses to run cleaner, will cut harmful pollutions by 95 percent. When fully implemented, the controls proposed in the rule will reduce 2.6 million tons of smog-causing nitrogen oxide emissions each year, and soot or particulate matter will be reduced by 110,000 tons a year.

Diesel retrofit is a voluntary partnership program with State, local, and industry to reduce mobile source emissions by retrofitting diesel engines. Commitments made to retrofit over 130,000 diesel engines in trucks, buses, locomotives, and construction equipment will eliminate more than 200,000 tons of harmful pollution from the air.

The Clean School Bus Act USA: This new program highlights the Bush administration's commitment to reducing environmental health risks to kids. The program ensures that by 2010, every public school bus in America will be cleaner by encouraging the installation of effective emissions control systems on buses, replacing older buses with newer ones and eliminating unnecessary school bus idling. With community, industry and school district commitments, the program would deliver approximately 150,000 retrofit vehicles in more than 20 school bus programs.

Cutting emissions from nonroad, heavy-duty vehicles: This is construction, agricultural equipment, and industrial equipment. On April 5 of 2003, the EPA, under President Bush, issued a proposed rule that will result in dramatic pollution reductions from nonroad, heavy-duty diesel engines.

The nonroad program will prevent over 9,600 premature deaths, 8,300 hospitalizations, 16,000 heart attacks, 5,700 children's asthma-related emergency room visits, 260,000 respiratory problems in children, and nearly a million workdays due to illnesses.

Cleaner air through smart enforcement: The EPA and the Department of Justice recently settled environmental cases by using smart enforcement and compliance tools to address the most significant problems and achieve the best environmental results. Settlements included: Virginia Electric Power Company, they will spend $1.2 billion to reduce air pollutants, along with $13.9 million to offset the impact of past pollution activities.

The settlement with Archer Daniel Midland, which had quite a bit of public attention, will mean installing and implementing sweeping environmental improvements at their plants nationwide, totaling an estimated $335 million. Also, Archer Daniel Midland will spend $6.3 million on supplemental environmental projects, including retrofitting diesel school buses.

The ALCOA settlement commits them to installing pollution controls and will provide $2.5 million to fund environmental projects, including $1.75 million to the Trust for Public Lands.

Lion Oil Company will spend more than $21.5 million to install state-of-the-art pollution control technologies throughout its refinery. Additionally, the company will pay $348,000 in civil penalties and spend more than $450,000 on supplemental environmental projects.

It goes on and on.

These settlements that took place under the enforcement policies of President Bush far exceed those under the Clinton administration, in both numbers of settlements and the amount of money involved.

On the budget, the President's fiscal year 2004 budget proposal continues significant funding for cleaner air:

There is $617 million to improve air quality by meeting national ambient air quality standards, reducing air toxics, and acid rain—up $2 million from last year;

There is $326 million for the Coal Research Initiative on cleaner coal technologies, including $150 million for the President's clean coal power initiative. These funds will support public-private partnerships to research efficient clean coal technologies, which we need and can have and must have to keep America machine ready;

There is $7 million in new EPA funding for States to conduct air toxics monitoring;

There is $7.2 billion for mass transit, up $479 million from the previous year.

They are all up from the Clinton administration. People say President Bush doesn't have an environmental administration. Nothing could be further from the truth.

Federal energy score cards: Agencies documented their progress in meeting the various requirements on score cards submitted by the Office of Management and Budget in January 2002. The most relevant findings include: In fiscal year 2001, 10 agencies purchased 632 gigawatt-hours of electricity generated from renewable resources—that is what they are always talking about—which is more than 3 times the amount reported in fiscal year 2000.

In other words, the renewable resources reported by this administration are 3 times the last year of the Clinton administration.

Eleven agencies implemented renewable energy projects during fiscal year 2001, including 60 solar projects, 7 wind projects, and 9 geothermal projects.

In fiscal year 2001, agencies invested more than $130 million of direct expenditures in energy efficiency.

The President's fiscal year 2003 budget proposal continues significant funding for cleaner energy: $7.1 billion in tax incentives over 10 years for investments in energy-efficiency and renewable energy sources, including more than $3 billion for consumers to purchase hybrid and fuel cell vehicles.

A lot of criticism has come to this President, but he will push the fuel cell program because he has a commitment to it.

One hundred fifty million dollars is in the budget for a FreedomCAR research initiative, a new Department of Energy partnership with automakers and researchers, with a long-term vision of hydrogen-powered fuel cell vehicles; $1 million for the Department of Transportation to improve fuel economy standards.

That is $940,000 more than under the Clinton administration.

Cleaner water, protecting water supplies: In response to the terrorist acts of September 11, the Bush administration continues to work with States and local communities to protect America's 168,000 public drinking water systems and 16,000 public waste water systems from terrorist attacks.

You know, in the committee that I chair, Environment and Public Works Committee, we have passed out the nuclear security bill and waste water security, and last Thursday the Chemical Security Act. They will be coming to the floor and they will become a reality.

Under the President's leadership, we are doing our job. We can single out one thing the President has done that nobody else has been able to do, which is in the area of brownfields.

Fulfilling a campaign pledge, President Bush worked with us to enact historic, bipartisan brownfields reform legislation, which he signed on January 11, 2002.

The Small Business Liability Relief and Brownfields Revitalization Act enacted vital reforms that had been widely sought for years, giving States and local governments greater flexibility and resources to turn environmental eyesores into productive community assets. It reformed important elements of the law that had discouraged private investment in cleaning up and redeveloping brownfields.

You have brownfields in every American city. They are in the process of being cleaned up now, thanks to the policy of this President.

This legislation will significantly increase the pace of brownfields cleanups. President Bush's fiscal year 2004 budget proposal provides $210.7 million—more than twice the level of funding prior to the passage of this legislation—in support of the brownfields program, $180 million of which is for grants for States, tribes, local communities for cleanup, site assessments, and revolving loan funds.

The U.S. Conference of Mayors, the Trust for Public Land, and others endorsed the administration's brownfields proposal. In fiscal year 2003, the brownfields program has solicited grant applications and is in the process of reviewing more than 1,300 responses. The agency plans to reward these grants by the fall of 2003.

Again, nothing in the previous administration—the Clinton administration—even addressed brownfields. It was all done by this President.

Madam President, it goes on and on. I think the environmental enforcement record has been unprecedented.

The environmental extremists tie enforcement success to the amounts of funds collected, legal actions initiated, and enforcement office staffing positions, and cite a reduction of fines collected, a 40-percent drop in criminal prosecutions, a 25-percent drop in civil cases, and a reduction in enforcement office staff.

The success of the Bush environmental enforcement record can be measured in both the amounts collected in civil penalties and a number of criminal judgments, but also, and more importantly, in smart enforcement achieving actual environmental results through enforcement efforts focusing on significant noncompliers.

The fiscal year 2004 budget request includes $503 million for the EPA enforcement office. This is the largest amount ever requested for environment enforcement, and $21 million more funding than fiscal year 2003.

The EPA's 2004 budget proposes an additional 100 positions in the enforcement program above the administration's 2003 request.

So you can see that none of these accusations are true. It reminds me so much of what Hitler did prior to World War II—called the big lie. If you tell a lie and say it with conviction over and over again, sooner or later people will believe it. I think that is what has been happening.

Smart enforcement: Overall, in the last two fiscal years, EPA and the Department of Justice enforcement has obtained $8 billion in environmental remediation, state-of-the-art controls, and safeguards through enforcement of existing laws. This is the best consecutive 2 years of enforcement of any prior administration on record, including the Clinton administration.

In fiscal 2002, the EPA Compliance Assistance Centers provided environmental technical assistance to more than 673,000 businesses and individuals to help them comply with environmental laws.

Fiscal year 2002 saw a 26-percent increase of company self-disclosures of possible environmental violations.

From fiscal year 2000 to fiscal year 2001, the EPA and the Department of Justice enforcement nearly doubled the amount spent by violators on pollution controls and cleanups from $2.6 billion to $4.4 billion.

The POPS Program—persistent and organic pollutants—was an agreement the President was able to get. There are seven key types of pollutants under this program. The 12 chemicals in the POPS treaty, including DDT, PCBs, and dioxins, are some of the most persistent and dangerous chemicals ever manufactured. They are known to cause cancer, reproductive disorders, and immune system disruptions in both humans and wildlife. We nearly lost the bald eagle because of one of these chemicals. Because they are so mobile and accumulate in the food chain, absent international action, they will continue to be a risk to all.

This agreement will restrict and eliminate these chemicals, including DDT, PCBs, and dioxins, that are some of the most persistent and dangerous chemicals ever manufactured.

Again, President Bush announced his support for the Stockholm Convention on Persistent Organic Pollutants, and legislation has passed the committee. That was never addressed by any previous administration. That is just this administration. Environmental extremists and their liberal friends in the press have you believe this President does not have a good environmental record when he has the best record of any President in history. No President has ever been as good as George W. Bush.

Again, that should not even be a discussion right now, but due to the fact we have the nomination of Mike Leavitt coming up and they refuse to talk about his record and instead talk about the President's record, I thought it was necessary to tell the truth about that record.

It is also interesting, there are six holds—so people understand what we are talking about, a Senator can put a hold on a nomination to keep that person from being confirmed. Of the six holds, four of those people are running for President of the United States. That ought to tell you something about the political motivation.

Madam President, may I inquire as to the time remaining on this side?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. INHOFE. I was going to get into another subject, but I have been informed we have two or more speakers coming down who wish to use that 15 minutes. I was going to talk about what we are going to be dealing with this coming Wednesday—this hoax called global warming. I will not do that now, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I would like to inquire as to our time remaining.

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. INHOFE. Madam President, I will yield our 8 minutes to the distinguished junior Senator from Texas, Senator CORNYN, but when Senator JEFFORDS comes in I am going to ask if we can borrow some of his time because we do have one more speaker.

For right now, if the Senator is prepared, I yield the remainder of our time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I want to add a few words of my own to the debate about Governor Leavitt's nomination. I have here a chart that I think reflects my concerns about what we have seen happen with regard to the nomination of this highly qualified individual to be Administrator of the Environmental Protection Agency. It says:

> Obstruction, it's not just for judges anymore.

I have the honor of serving on a number of committees in the Senate, one of which is the Judiciary Committee where, unfortunately, I have become somewhat accustomed to controversy and problems relating to unprecedented filibusters which have prevented an up-or-down vote when a bipartisan majority of the Senate actually stands ready to confirm President Bush's judicial nominees. So you can imagine my surprise and my consternation when, in fact, we have seen now the same sort of obstructionist tactics that have become, unfortunately, all too common in judicial nominations leak over into the deliberations of the Environment and Public Works Committee.

Sadly, rather than working with Governor Leavitt to ensure the EPA is doing all it can and should do to protect this Nation's environment, some in this Chamber have chosen this as an opportunity to score political points. They have turned to another good nominee as yet another proxy for personal and political battles. It is clear to me they seek to attack an extremely qualified and honorable man in order to score political points with various special interest groups.

Governor Leavitt's extensive experience and impressive environmental gains in his home State of Utah make him eminently qualified to serve. Indeed, when Governor Leavitt came before the Environment and Public Works Committee, many of my Democratic colleagues noted his qualifications. They said, for example, he was "a person of principle." They held him in "very high personal regard." They called him "bright," and a "hard worker," who is "very good at building consensus" and a "man of integrity."

Indeed, I agreed with those characterizations. But rather than treating Governor Leavitt as the qualified nominee he is, some on the other side of this aisle have seen fit to give his nomination no respect at all. The reality is obstructing Governor Leavitt's nomination only delays strong leadership where we need it dearly, and that is at the helm of the Environmental Protection Agency. Delaying a vote to confirm him only delays implementation of programs those of us who are in favor of a cleaner environment would like to see served. Unfortunately, many who claim to be pro-environment now find themselves in the very ironic position of being anti-environment, from the standpoint of opposing making sure the EPA has the kind of strong leadership it needs to navigate a very difficult job.

The truth is, political blackmail will not clean our rivers and our streams. Heated rhetoric will not improve our air quality. Jockeying for position during a Presidential primary at the expense of a nominee with a proven record will not protect our children from future environmental threats.

With the exception of greenhouse gases, all air pollutants have been declining for decades. I direct my comments now to the criticism that really seemed to go not so much to Governor Leavitt but at the administration, at the administration of President George W. Bush. In all of the attempts to try to discredit the President and the current administration on environmental issues, you might conclude—or someone who is perhaps not well informed might well conclude—pollution is running rampant in our country. In fact, the opposite is true. The truth, as I said, is, with the exception of greenhouse gases, all air pollutants that are tracked by the Environmental Protection Agency have declined dramatically over the past decades. They have declined under President Reagan. They declined under President George Herbert Walker Bush, and President Clinton, and they declined even more under President George W. Bush.

The EPA has done a study and found that thousands of monitoring stations across the country have shown a tremendous improvement in our environment over the last 20 years. Overall, aggregate emissions of the six principal air pollutants have declined by 48 percent since 1970, despite the fact that the American population has grown by 39 percent during that period.

Most people reading the newspaper and watching television could be excused if they had the impression that our environment was getting dirtier and dirtier, when the truth is it is getting cleaner and cleaner. Unfortunately, too many partisans have found it politically helpful to them to mischaracterize the facts.

Some critics have recently targeted the President's proposed reforms in the New Source Review concerning aging powerplants in the Midwest. But what they neglect to mention is emissions from these very same facilities have been declining at a steady rate, even as electricity production has increased. Emissions have declined by 40 percent since 1980. The old 1977 ideas behind New Source Review assume you get cleaner air if you impose tighter emissions regulations on newer plants rather than old ones. That kind of thinking might work with a car, because when cars get old, people replace them. But powerplants are different. Many old powerplants are still operating, and I believe we need to put common sense back into our environmental policies by reforming New Source Review rules. If your plant wants to reduce emissions and increase productivity, the Government should not stick you in the eye. It should pat you on the back. But it is not just air quality that has improved. All forms of water pollution have declined for decades as well.

In 1970, approximately one-third of lakes and rivers in the United States received the Clean Water Act definition of "safe for fishing and swimming." Today, nearly two-thirds of lakes and rivers meet that standard.

Forested space has also been increasing in acreage—not declining—for more than a decade. Our forests continue to expand under President Bush, and trees continue to be one of our greatest and best managed renewable resources.

Finally, there is this simple fact: No animal species in the United States has fallen extinct since the full implementation of the Endangered Species Act in the late 1970s. Indeed, many important species are now experiencing positive population growth.

In the face of these facts, I find it very hard to believe the unfounded criticism of this President's commitment to environmental protection. The condition of the environment has improved since President Bush took office, and it will continue to improve as a result of his innovative reforms. It will continue to improve if our colleagues across the aisle will end the politics of obstruction and allow the confirmation of this highly qualified nominee who is a wise choice. I have no doubt that he will continue the great progress which this administration has made on environmental issues—seeking the goal of cleaner air and safer water for all of us.

The extremists in this debate are not seeking balance or commonsense solutions or, in fact, what is best for the American people. Instead, they see this as a zero sum game—a proxy for political interests, and they have chosen obstruction as one of their tactics.

Ultimately, this results in political blackmail that just makes victims of us all. Governor Leavitt's reputation falls victim to unwarranted and disrespectful attacks, a responsible Senate falls victim to vicious political blather, and the American people fall victim to politicians who are more attracted to serving special interests than the public interest.

If the President's critics on the environment are truly committed to protecting and preserving it, they should have put aside their political agenda and allowed the Senate to vote on Governor Leavitt's nomination. Obstruction won't clean the air, protect our rivers and streams, or preserve our environment for future generations.

I am sad to say but it is clearly true that when it comes to obstruction, it is not just for judges anymore. I urge my colleagues to reconsider their tactics, vote to invoke cloture, and allow the President's nominees to have an up-or-down vote and ultimately confirm this fine nominee, Governor Leavitt.

I yield the floor.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask that the Senator from Florida be given 15 minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to address the issue of the question of cutting off the filibuster with the motion for cloture which we will be voting on in a couple of hours.

I announce that I think the debate should continue, and I want to state why. I want the manager to know and to hear this directly.

I have just spoken to Governor Leavitt by telephone. He is in his home State. I told him of my policy concerns.

First of all, I clearly have indicated to him I have the utmost personal respect for him as a public servant, as someone who looks at the best interests of his people. I think he has served with distinction. I think the votes are probably here for the motion for cloture to prevail and for him to be confirmed.

But there are certain policy questions that ought to be addressed before the Senate that I think are very important. I am registering my frustration with these policies that are not being enacted; and in particular is the question of funding for the Superfund.

What is the Superfund? When I was in the House of Representatives, in 1980, we passed the Superfund law. It was a recognition that all over America are these toxic waste dumps. The most notorious, and one of the first, was the Love Canal.

Because of toxic waste invading the environment, often people are the victims, people who happen to live in the area. We happen to have today 51 of these toxic waste dumps in my State of Florida. In Florida, the health hazard and the environmental hazard is compounded because it is a State with very low elevation and a high water table. These toxic waste dumps that need to be cleaned up are allowed to continue to fester and invade particularly the source of drinking water in a place such as the State of Florida.

For example, there is a site about 10 miles west of Orlando—and this is a true statement—where a company used to brew DDT in a kind of witches brew, the byproduct of which they used for some chemical reason. The problem was, when they brewed this DDT, they let it overflow into a natural crevice in the ground.

Lo and behold, what did that crevice turn out to be? It turned out to be a sinkhole. And what does the sinkhole do? It goes down into the ground. And what does that do in a State such as Florida? It goes down into the Floridian aquifer.

In addition to spilling over the sides of the sinkhole, it would flow down in the natural contours of the land. And where did that go to? Into a little creek that then flowed into Lake Apopka.

We used to have an estimated 4,000 alligators in Lake Apopka.

Mr. INHOFE. Will the Senator yield?

Mr. NELSON of Florida. I will be happy to yield to the Senator. Let me finish. As you can see, I am really into this, and I want to get this picture painted. I will be glad to get into the questions of the policy, but let me complete my statement, if I may.

So it flowed down into this creek that flowed into Lake Apopka. The estimate of the number of alligators in Lake Apopka today is not 4,000, but 400. Some of those alligators they have captured they find are mutated.

Now did that come from this witches brew? I am not sure scientifically we can actually say that, but it is potentially a cause of environmental damage. For the people who live around that toxic waste dump site, there have been health problems cited for years. We cannot clean it up because we do not have any money. That is what we get back to: the money.

When I was in the House of Representatives, in 1980, we enacted the Superfund law and we said: We are going to provide a fund for these hundreds of toxic waste dumps all over the country that cannot be cleaned up because the owner of the dump has now gone bankrupt or has left town and there is no one financially responsible to clean up the dump.

The trust fund would be there so when we did not have a financially responsible party that could pay for cleaning up the toxic waste site, we would have a fund to which we could go. The fund has dwindled and the taxpayer has to pay more and more of the costs of cleaning up orphan Superfund sites. Congress-requested studies of the future needs of the program indicate that this Administration has not allocated the resources necessary to meet the needs of the Superfund sites and communities throughout the country. In the 1990s, the Superfund fee on petroleum, chemical feedstocks and corporate income lapsed. As a result, the only place we have now to go to replenish the fund is the general revenues of the U.S. Government. You realize how difficult that is to get the money required to address the many orphaned hazardous waste sites across the country, particularly when we are running deficits to the tune of a half a trillion dollars a year; that is, paying $500 billion more than we have coming in tax revenue so we have to go out and borrow the difference. Therefore, the funding of any program is more difficult.

It is that policy difference that I have with this administration and the White House. That is why I came to the floor to register my concern as we debate the nomination of Governor Leavitt as the new EPA Administrator. It has nothing to do with him as a person. I think he is a very fine person. It has nothing to do with the person-to-person meeting I had with him, asking him about setting forth his ideas on the Superfund trust fund I have just discussed. Of course, he can't contradict the White House. He cannot contradict the Vice President and the President who have already set their policy that they do not want to fill the trust fund, that they want to do it by general revenue appropriations. I think that is a serious mistake.

I had asked Governor Leavitt about a number of other issues affecting my State of Florida and I appreciate the response I received from the Acting Administrator as directed by Gov. Leavitt: EPA is moving the right way on arsenic-treated wood also called CCA, chromium copper arsenate, with regard to residential uses and playground uses.

I told Gov. Leavitt about two of the toxic waste sites in Pensacola. I told him about a concern with a phosphate plant and the health conditions people are reporting in East Hillsborough County. They have responded to all of those. But with regard to the main concern of the policy difference on the trust fund, I must register my protest.

Would the Senator from Oklahoma, who is my dear friend and who takes the opposite side on this issue, like to engage in some conversation on this? I would be pleased to yield.

Mr. INHOFE. I would like to ask my good friend from Florida: At the very beginning of his remarks, he said the money isn't there. I wanted to make sure he was aware, which I think he is, that the Bush request for 2004 is the second largest request since the date he mentioned being on the floor in 1980. I was not here until 1984. But right now his request is $1.38 billion. I first ask if the Senator is aware of that.

Secondly, as far as the tax is concerned, we have never left the idea of polluter pays. Right now, polluter pays. In 70 percent of the cases, if there is a polluter who can be identified, the polluter pays. The problem you are coming up with, when you talk about the tax—which expired in 1995 under the Clinton administration, and President Clinton did not ask for its reinstatement or for a tax—is that that is not polluter pays. That takes care of some orphan cases, either general funds or that tax.

Is that fair, to have businesses paying into a fund that pays for pollution cleanup that they didn't cause? That is a bad policy to do that. I wanted to be sure we were talking about the same thing.

Mr. NELSON of Florida. I thank the Senator from Oklahoma. He is my friend, and he knows I love him. We can engage in this kind of dialogue with a smile on our faces because we are personal friends. But I have a significant difference of opinion with the Senator from Oklahoma. This Administration has not devoted the resources necessary to clean up the many orphaned sites in Florida that depend upon the now almost bankrupt Superfund trust fund.

In each one of these cases I have indicated, two in Escambia County, one west of Orlando—I could take you through the other orphan sites in the State of Florida—the only source of revenue we will have to clean up these sites is the American taxpayer, unless we reimpose the fee that was part of the deal that was struck in 1980 with the oil companies.

I would just say in response to my good friend that if the administration is requesting additional general revenue, then I say hooray for the administration. But, that is not going to solve the problem of hundreds of these sites around the country. You have to have that source of revenue, particularly with the dire financial condition this country is facing, where this country is going into bankruptcy by our deficit financing each year to the tune of a half trillion dollars. We are just not going to be able to get the funds to clean up these sites that are so personal to the communities in which they are located.

Mr. INHOFE. I appreciate my friend, because he is my friend, yielding further. The point I want to get across is that according to EPA figures—this was true back in the previous administration also—70 percent of those cleanups are paid for by the polluter. It is inaccurate to imply that they are not doing it. When you let a tax expire, as they did in 1995—again, this is not a partisan thing because that happened during the Clinton administration—that is a tax on businesses that has nothing to do with polluters. These are not polluters who are paying this tax. They could be anyone out there. But the fact is that this administration is making the request for $1.38 billion and the fund is there.

You can talk about Florida all you want. I ask my friend from Florida if he is aware that the most devastating Superfund site in America is in my State of Oklahoma. No one else is even close.

The PRESIDING OFFICER. The time of the Senator from Florida has expired. The time yielded to the Senator from Florida has expired. Does the Senator from Vermont continue to yield?

Mr. JEFFORDS. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator may continue.

Mr. NELSON of Florida. I will continue to yield to my friend. I want to respond to him.

Mr. INHOFE. No one is more concerned about devastating sites than I am. I would say this. We are going to correct it. We are in the process of cleaning it up. A lot of the funding is not going to be coming from the Superfund that is in place right now. Nonetheless, it is going to be cleared up. The point is this. It was a tax that expired during the Clinton administration. The Clinton administration did not want to renew it and never made an effort to. This administration has never made an effort to renew it because it is wrong. It is bad public policy to pass a tax for people to pay for pollution cleanups that they didn't cause. It is as simple as that.

I thank the Senator for yielding for questions.

Mr. NELSON of Florida. It is my pleasure, of course.

This is what sharpens ideas, when you can throw ideas out and have them discussed in the marketplace of public discussion. I respond to my friend by saying, of course, he has heard of the sites that are known as orphan sites. These are toxic waste sites that do not have a financially responsible party that you can go to in order to get the money to clean it up.

Therefore, the whole idea of the 1980 Superfund law was to provide a source of funding for these orphan sites so that you can get them cleaned up, so that the community as a whole can be protected from a health standpoint. I cited just one site in Florida which was west of Orlando. I can cite another. For example, in Pensacola we have what is known as "Mount Dioxin." It is a former wood-treating plant. The site of that old plant is so toxic that an entire neighborhood subdivision located next to it had to be evacuated. It is deserted; it is fenced off. Only now are we having to go back and appropriate additional moneys to get to the health department as they do an outreach to try to find the people who used to live in that neighborhood, to get them to come in for their health checks.

Believe it or not, in the flatlands of Florida—in this case, Pensacola—this turgid, infested soil called Mount Dioxin is exactly that. They have it piled up to the tune of about 40 feet high, with a tarpaulin strung over it, trying to contain all of this toxic waste. My goodness, can you imagine a major hurricane coming up the mouth of Pensacola Bay, straight for the city of Pensacola, and start tearing up Mount Dioxin, spreading that all over the city and Escambia County? Then you have another health hazard on your hands.

I don't want to wait, as the Acting Administrator of the EPA has done EPA's best in telling me next year they are going to come up with a plan to take down Mount Dioxin, to grade it to ground level, and try to figure out how they are going to dispose of it. It is another hurricane season we are going to have to go through. If we had a source of funding, EPA could so quickly and so much more efficiently go on about the task of cleaning up that site.

As you can see, I feel pretty strongly about this. I tried to register this with Governor Leavitt a few minutes ago in my conversation with him on the telephone. I tried to register it with him a couple months ago in my direct face-to-face conversation with him. But he is shackled because of the policy requirements of the White House; that is, that they not fund this trust fund with the original Superfund fee.

Mr. JEFFORDS. Mr. President, I commend my good friend from Florida for bringing the real world into our discussion here and letting the country and all of us recognize the tremendous problems that exist. His are some of the most astounding problems we have, but they are throughout the country.

If we don't do something, the lives of thousands of people are going to be affected; they are going to end up being dead or very ill. So that is what we are talking about today. It is incredibly important to find a solution, and I thank the Senator for his contribution.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Illinois 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I come to the floor with a genuine concern about this appointment by the Bush administration. When President Bush first appointed Gov. Christine Todd Whitman of New Jersey as the head of the EPA, many of us breathed a sigh of relief, realizing that she had an extraordinarily good record as Governor of New Jersey when it came to environmental issues, understanding that when she came to Washington, she would be up against some massive special interest forces who, frankly, believe that environmental law is too strong, wrong, and that the special interests should have a lot more say in the decisionmaking.

I voted for Christine Todd Whitman because I had hope she would bring balance to an administration that might be pushed too far toward the special interest groups. On many occasions, she lived up to that aspiration and hope on my part. I met with her several times, discussed important issues, publicly and privately. I was encouraged by the things she said.

But it became apparent after a while that, despite her strong credentials on the environment, they were no match to the force of special interests when it came to the Bush administration on environmental policy. Time and again, the EPA came down on the wrong side when it came to protecting the environment. The list is extremely long. I will not go through all of it in detail. But this was the first President—President Bush—to oppose polluter fees to pay for cleaning up toxic waste sites since Superfund became law. In Illinois and across America, Superfund waste sites are there still, today, creating toxic emergencies and public health hazards across America because President Bush doesn't want the polluting industry to pay to clean them up. That is a fact. That happened in the EPA with Christine Todd Whitman. It could have been one of the reasons she left.

This President slashed the EPA enforcement staff by over 100 employees. So there will be fewer men and women keeping an eye on toxic polluters in America. The administration also entered into arrangements crafting an energy plan rich with subsidies for the oil and gas industry and devoid of any fuel efficiency standards for America's cars and trucks. A recent GAO report found that President Bush's OMB is changing environmental regulations, often without disclosing these actions to the public.

The President has refused to act on global warming despite recent reports that ice levels in many parts of the world are low, threatening the polar bear and other species with extinction.

Now we have the successor of Christine Todd Whitman presented, Michael Leavitt of Utah. I have never met him, so I cannot say I have any personal knowledge of who he is or what he stands for. I can only look at his record as Governor of Utah. The record is not encouraging. In fact, with his administration, Utah recently tied for last place in Clean Water Act enforcement and ranked first in the Nation for toxic waste release. Imagine, the nominee for the EPA's top post is coming from a State that ranked No. 1 in the Nation for toxic waste release, and a State that tied for last place in the Clean Water Act enforcement. What does that tell you about his conscience and his concern when it comes to the environment? It doesn't give me a good feeling and hope that he will have any of the strength that Christine Todd Whitman had to stand up against the polluters and against the special interest groups and stand up for the environment in America.

That is a sad commentary on this nominee to this critically important position. At this point, many colleagues on the committee and others in the Senate have raised important questions, and many answers have not been given as to why the decision was made by the Republican leadership to move this through. Some say that timing has to do with a lawsuit on file in Utah. I have no idea why we have to do this today. That, frankly, is a decision made by the Republican leadership.

I will tell you that I think it is a sad commentary that a Republican Party, with distinguished and rich history leaders such as Teddy Roosevelt, who had the foresight to provide Federal protection to almost 230 million acres of land, is considering the appointment of a Governor of Utah to the EPA who has turned his back on the preservation of wilderness areas in his own home State. But that is a fact. That is a matter of record.

I urge my colleagues to consider this very carefully. If you believe the Bush administration's policy on environmental protection is a good one, vote yes for Governor Leavitt. If you believe they have moved forward in making America safer when it comes to clean water and less toxic ways, vote for Governor Leavitt. But if you believe, as I do, that this policy and this approach have been wrong—and, frankly, I believe this nominee has not presented us with evidence that he will fight to change the Bush administration record on the environment. Sadly, his record as Governor of Utah is pointed in the opposite direction. For that reason, I am forced to oppose his nomination.

Mr. INHOFE. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mr. INHOFE. I think I probably misunderstood the Senator. Did you say that the polluter pays policy has disappeared, is not in existence now?

Mr. DURBIN. Virtually gone.

Mr. INHOFE. Are you aware that 70 percent of the cleanups are paid for by the polluter today?

Mr. DURBIN. The Senator knows better than that I do that when you stop taxing the polluting industry, you stop creating a fund to clean up the sites. The Superfund toxic sites are, frankly, just sitting there. Nothing is being done because the money is not being collected in the Superfund for enforcement.

The reason is, this administration said we are going to have a hands-off policy when it comes to the polluting industry. Any money going into Superfund has to come from the general tax fund, and then as a consequence of their budget there is no money in the fund. So this Superfund approach is a dream come true for polluting industries. This is the first President, Democrat or Republican, to turn his back on the responsibility of polluting industries to clean up toxic waste and, frankly, it appears that Governor Leavitt wants to continue that policy.

Mr. INHOFE. Will the Senator yield further?

Mr. DURBIN. I would be happy to yield.

Mr. INHOFE. Is the Senator aware that the tax to which he is referring went out in 1995 during the Clinton administration; it was not requested to be renewed at any time during the remainder of the Clinton Presidency, nor has it since that time? Secondly, the reason is that the policy that you should pass a tax on business to pay for pollution cleanup that they had nothing to do with is not a fair policy.

Mr. DURBIN. I say in response, and my time is probably running out, there was an adequate balance in the Superfund to go forward during the Clinton administration because of the collections from these polluting industries. Now that that Superfund is virtually bankrupt and without funds, what the Bush administration has said is we would not dare ask the polluting industries. Instead, we ask every taxpaying family and business in America to pay for Superfund cleanup. That is fundamentally unfair.

Why should ordinary taxpayers face the responsibility of pollution and toxic waste created by an industry? The Superfund, which has been supported by Democratic and Republican Presidents, and rejected by this President, I think was a fair approach. Because this President will not fund it and because he will not come back and ask for the polluting industries to pay, there is no money for the Superfund cleanup.

What do we have left? We have the stern policy from the administration and a new administrator who says he supports it. The result of it? More toxic waste sites in my State, perhaps in the Senator's, that are there to endanger public health. How can that possibly be in the best interest of America?

Mr. INHOFE. If the Senate will yield further?

Mr. DURBIN. I would be happy to yield.

Mr. INHOFE. The policy is what I was trying to get to. First, it is a fact that the tax ran out during a Democratic administration, that of President Clinton. Secondly, the policy to say let's pass a tax on any business out there, or any industry out there, whether or not they pollute anything, and they have to pay for whomever is polluting, when today 70 percent of the cleanup—these are the figures—are being paid for by those who are polluting, it is a polluters' pay policy that is working today.

Mr. DURBIN. I will reclaim my time and say to the Senator, if I am not mistaken, the period of time when the tax was not reinstated was a period of time when the Republicans were in control of Congress.

Stepping aside from that for a moment, the Senator from Oklahoma is gifted in this area, understands it better than most and understands how little is being done today because there is no money in the Superfund to pay for the toxic cleanup. So as a consequence, this administration neither puts the revenue in the budget nor reinstates the tax on polluters and basically says we are going to turn a blind eye to toxic waste sites across America, which endanger the water supply of communities all across the board.

How can that be right for our children or the families who are unwittingly being exposed to this kind of pollution? That is the kind of policy which we need to oppose and, frankly, it is the kind of policy which I am afraid Governor Leavitt supports and that is why I cannot support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator has used 10 minutes.

The Senator from Vermont controls the time.

Mr. JEFFORDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 34 minutes 10 seconds.

Mr. JEFFORDS. Mr. President, I yield to the Senator from New York as much time as she may consume, up to the max.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from New York.

Mrs. CLINTON. Mr. President, I thank the ranking member of the EPW Committee, my friend and colleague, Senator JEFFORDS, for his leadership on these environmental issues that we are considering today. I am also very appreciative of the opportunity to speak to the nomination of Governor Leavitt to be the Administrator of the EPA on a particular issue of grave concern to me and to my constituents.

On August 21, 2003, the inspector general of the EPA issued a report which raised serious questions about the EPA's response to the collapse of the World Trade Center buildings on September 11. In that report—I have a copy here—the EPA IG concluded that the White House had modified several EPA press releases regarding air quality in New York that made them overly reassuring to the public.

Second, the IG raised a number of questions about the adequacy of the EPA's testing and cleanup program to address indoor air quality concerns in New York.

These findings, as my colleagues know, were very disturbing to New Yorkers, the people I represent, who went through so much on September 11 and performed so magnificently, not only in the heroic responses by our firefighters, our police, our EMTs, and others, but also in the resilience and the extraordinary reactions of so many citizens—the construction workers who dropped their tools in one borough in uptown Manhattan to rush down to help, the utility workers, the volunteers, the transit workers, the people who got the stock exchange up and going. It was just an extraordinary demonstration of the spirit and courage of the people of New York and America.

So it was troubling when New Yorkers had to ask themselves: Can we trust our Government? Can we rely on the information we are given when it comes to matters of such critical importance as the air we breathe?

It was especially troubling because we already knew that hundreds and hundreds and hundreds of the first responders who came to the Towers, who stayed at the pile, who worked day after day, were suffering from what was called the World Trade Center cough, which really was asthma or bronchial problems or pulmonary distress or RADS, which is the reactive air disorder syndrome.

Then we began hearing about people who had gone back to work and people who had returned to their homes in the affected area who were similarly suffering. So it was a very troubling report. It raised a number of questions to which I and others sought answers.

So on August 26 I wrote to the President, along with my colleague, Senator LIEBERMAN, because Senator LIEBERMAN had been the chairman of the appropriate subcommittee of the environment committee that permitted us to hold a hearing in lower Manhattan in February of 2002 to try to begin to get answers to these issues long before the inspector general talked about them. Senator LIEBERMAN and I joined together to write a letter to the President, asking for answers to the questions raised by the IG report. In particular, we wanted more details about what was claimed in the IG report to constitute interference by the White House with the EPA over the public information that was made available to the people of New York and the surrounding area.

We also wanted some reaction about the recommendations the IG made.

For people who are watching at home, IG stands for inspector general. Government departments have these offices. They are independent of whatever political administration is in power at the time, and they are supposed to look after the public interest and keep an eye on the people who are in government positions.

So the EPA Inspector General had raised all of these questions about the adequacy of the cleanup which the EPA had carried out, and, frankly, recommended some additional steps be taken.

On September 5, I received a reply from the EPA acting administrator. Frankly, it did not respond to the concerns we raised. It was quite defensive in tone, which I regretted because I think we are all in this together, trying to figure out how we get the best information to take the most appropriate actions to protect the health of people. The letter on September 5 was basically a recitation of all the positive actions the EPA had taken, many of which I agree were positive actions. But that was not what was at issue.

On September 5 of last month, we got that response. Then we quickly wrote again to the President, reiterating the demand for answers and actions. But still we got no response. I regretted that because I think this is an issue larger than even the horrors of September 11 and the aftermath. It really went to the heart of how we can trust the information and the reliability of the information we receive from our Government, especially in times of crisis.

When Governor Leavitt was nominated for the position of Administrator of the EPA, I made it clear to Governor Leavitt, to my colleagues on the Environment and Public Works Committee, and to the public I would put a hold on Governor Leavitt's nomination. At that moment it was the only means available to a single Senator to get the attention of the White House and to demonstrate the seriousness I believed these issues demanded.

I met privately with Governor Leavitt, whom I have known for quite some time. I have a high regard for him. I have known both the Governor and his wife Jackie for a number of years. I knew from my conversations with him that he listened very carefully and was quite sympathetic with the concerns I was raising. Obviously, as a nominee he had no authority to commit the administration to doing anything. But I did believe he was open to the arguments I was making and the findings of the inspector general.

Because of the hold I placed on Governor Leavitt, and the conversations I had with the Governor and the White House personnel assigned to shepherd his nomination through the Senate, I began negotiations with the White House Council on Environmental Quality. CEQ it is called. CEQ is the office within the White House that tries to ride herd over environmental policies, to advise the President on these issues, and to work with the EPA. We learned because of some documents requested by Senator JEFFORDS that it was the CEQ, the White House Council on Environmental Quality, which had indeed made the recommendations and issued the orders to the EPA to change their press releases in the immediate aftermath of 9/11. That was the entity within the White House that made those determinations.

I appreciate Senator JEFFORDS' efforts to obtain those documents because they answered my questions. I didn't get answers from the EPA or the White House directly, but indirectly because of the excellent work of Senator JEFFORDS and his staff I did get my questions answered.

It is very clear there were some quite tense conversations, including some real shouting matches between the CEQ White House personnel and the EPA personnel over what should or shouldn't be in those press releases.

When I met with the head of the Council on Environmental Quality, a gentleman by the name of Jim Connaughton, I raised my concerns about the process that was underway in the aftermath of 9/11, that we needed to learn some lessons from that process; it didn't work; and I understand very well how there can be competing tensions between the White House and a government agency, but I think we need to learn from that. I was heartened by Mr. Connaughton's openness and his willingness to frankly admit this was unprecedented. We didn't know how we were going to behave in the face of such a horrific attack. Thankfully, it never happened again, and we hope it will never, ever again. But we have to be better prepared.

To the first part of my inquiry about answers I wanted about who in the White House did this and how it all unfolded, we were able to obtain quite a bit of information. Clearly the Council on Environmental Quality, working with the National Security Council and others in the White House, made some calls that may not have been the best judgment calls. But now we can take a look at those in sort of a calmness of some distance and realize we have to change that process. We should not be interfering with information that goes directly to the public and which will enable members of the public to make decisions that are right for them. The answer part of who did what and how this all happened we began to be able to piece together.

We also started discussions with the White House concerning the additional steps that need to be taken. Here we wanted to try to get a process started that would look at the inspector general's recommendations and implement them, and go even further to try to determine what we know, what we don't know, and what actions we should take to get to the bottom of this very thorny question of indoor air contamination. This is a new issue for most of us. We have been focusing on cleaning up the air on the outside. But increasingly what I am hearing from so many people in New York and around the country is we have to do more on indoor air.

What happened after 9/11 is the EPA originally said, This is not within our responsibility. We are not responsible for following up on indoor air. That is the city's responsibility. The city of New York said they did not know what they were supposed to do on indoor air. In fact, before the hearing Senator LIEBERMAN and I held in February of 2002, a witness appeared from the city who was very candid, and said, We were given this responsibility for indoor air. We don't do indoor air.

Through a long process of negotiations, finally in June of 2002 the EPA took responsibility for running the testing to determine if there was continuing contamination of the indoor air in residences and workplaces. Unfortunately, because this had never been done before, there were a lot of holes in the process. There were a lot of missteps in the process.

Again, I think that is something we should learn from. I give great credit to my colleagues who represent Lower Manhattan—Congressman JERRY NADLER, who was just absolutely focused day in and day out,in trying to get the EPA first to do this indoor air testing and then to do it right. All along Congressman NADLER said this is not being done right. We are going to find out after they go home and they say they have done what they are supposed to do that there are still all kinds of contamination that have been left and that is going to have an increasing impact on people who live and work in these buildings.

Sure enough, the testing that went on demonstrated the cleanup was not adequate and, unfortunately, because it was sort of haphazard and random, one apartment would be cleaned up but the apartment next door wouldn't be, or the apartments would be cleaned up in the building but the heating and air conditioning wouldn't be. So it never really got the attention and the standardization that it needed. That is why the inspector general recommended a number of additional steps to be taken.

So we began this process of negotiating with the White House over what would or should be done, and I must say it was a very positive process. My staff, Senator LIEBERMAN's staff, the White House Council on Environmental Quality, the EPA, and others have been working together now for several weeks.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mrs. CLINTON. Yes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As I understand it, the distinguished minority floor manager wants to have a UC.

Mr. REID. Mr. President, we need to advise Senators of what is going to take place at 5:30. There has been a change in the schedule to be announced shortly by the Senator from Oklahoma. It is my understanding that following the statement of the Senator from New York, the Senator from Utah wishes to speak for up to 5 minutes on the Leavitt matter.

Mr. HATCH. Mr. President, if I could have 5 minutes to speak before the vote on the judge this evening.

Mr. REID. Will the Senator from Oklahoma go ahead with the UC?

Mr. HATCH. Could I ask the distinguished Senator from New York if she would finish so I would have at least 5 or 6 minutes before the vote?

Mr. REID. If we have to extend the vote on the judge for a couple minutes, we can do that.

Will the Senator go ahead with the UC? We will make sure everybody is covered.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from Utah reserved the right to object. I ask if he is objecting.

Mr. HATCH. No, I am not objecting, with the understanding that I ask unanimous consent that before the vote on the judge this evening, I be given 6 minutes to speak.

Mr. REID. How long?

Mr. HATCH. Six minutes.

Mr. REID. The Senator from New York has the floor.

I say to the Senator from New York, we are in no way trying to speed up your speech. How much longer do you anticipate speaking?

Mrs. CLINTON. I will end my remarks so that the Senator from Utah will have 6 minutes prior to the 5:30 vote.

Mr. HATCH. That is acceptable. I modify my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that the scheduled cloture vote be vitiated and, further, that at 9:30 tomorrow morning the Senate resume consideration of the Leavitt nomination and there then be 60 minutes equally divided between the chairman and the ranking member or their designees, with 20 minutes of the minority time under the control of Senator LAUTENBERG. I further ask consent that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate, provided that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

I also ask unanimous consent that this evening at 5:30 the Senate proceed to a vote on the confirmation of Calendar No. 424, the nomination of Dale Fischer to be U.S. District Judge for the Central District of California; further, that following that vote the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Mr. President, I want to make sure this includes Senator HATCH's request for 6 minutes before the vote on the judge. I would also ask, Mr. President, if Senator LEAHY wishes to speak for up to 2 minutes prior to the vote on the judge, that he be allowed to do so, along with 2 minutes for the Senator from Utah, the chairman of the committee.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from New York.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, over the last several weeks we have been in negotiations with the White House over the serious matters concerning the cleanup and the continuing threat of contamination in residences and workplaces in Lower Manhattan.

Today, we have reached an agreement and I have received a commitment to action from the White House to address these indoor air quality concerns.

Now, this is not everything I would have wished for. It is not exactly what the inspector general has recommended. And I will continue to work with the White House and the EPA to make sure we go wherever the evidence leads us and that we have independent, outside validation of whatever it is the EPA does. But we have reached agreement with the White House for additional testing to verify that residences that have been cleaned have not been recontaminated.

In addition, the White House has committed to forming an expert panel consisting of both Government experts and outside experts to reevaluate a range of issues raised by the inspector general's report.

I believe this is an important step forward in addressing the concerns raised by New Yorkers about the safety of the air we breathe. It is not enough—I want to make that absolutely clear—it is not enough, but it is a step forward, and I believe it will provide a venue in which all of our concerns can be addressed.

In the spirit that led us to this agreement reached by my office with the

White House Council on Environmental Quality, I will be voting for Governor Leavitt when his nomination comes before the Senate because I intend to work closely with him as we implement this agreement on which the White House has signed off.

I know there are many who will say: but it is not everything we should have gotten. And I agree with that absolutely. If I could have written it myself, I would have adopted all of the inspector general's recommendations. But on the other hand, we now have a process and a venue in which to discuss these matters and to try to make progress together.

I thank Senator LIEBERMAN for working with me on this effort. I also thank Senator VOINOVICH for being very understanding and sympathetic about this issue and working with me on important legislation that, under our chairman, the Senator from Oklahoma, we have passed out of the committee which I hope will receive favorable floor action sometime in the next several weeks because it will help to avoid these problems in the future.

One of our big problems was nobody was quite sure who was in charge of indoor air. There had been an Executive order signed a couple years before which seemed to suggest the EPA was, but that was not statutorily clear. We needed to figure out where the State and the city fit.

So what Senator VOINOVICH and I have done is to put together, in legislation, the authority for the President to make these decisions, and to be clear about them, so we do not end up with all of these concerns about who is responsible and who have to be the front people and who does the testing. We should put that behind us. I hope we can act on the legislation Senator VOINOVICH and I have put forward.

I also thank Senator REID, who is a long-time friend of the Leavitt family and who shares my hope that Governor Leavitt will be the kind of Administrator of EPA with whom all of us on both sides of the aisle can work, and that we will see the EPA once again being the agency in the Government that sets and implements environmental policy.

Again, I thank Senator JEFFORDS for his leadership and his deep concern about these issues.

I also thank my colleague, Congressman JERRY NADLER, for his vigorous advocacy on behalf of New Yorkers and on making it clear every step of the way what the shortfalls and the inadequacies in the process adopted by the EPA turned out to be. Congressman NADLER has been a very staunch ally in this effort to get to this point.

Just a few minutes before I came to the floor, I received a letter from the Executive Office of the President, Council on Environmental Quality, signed by James L. Connaughton. I ask unanimous consent that the letter be printed in the RECORD, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, October 27, 2003.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate, Russell Senate Office Building, Washington, D.C.
Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATORS CLINTON AND LIEBERMAN: I appreciate the opportunity to respond to your September 9th letter, building on the subsequent constructive discussions that I have had with Senator Clinton and that our respective staffs have had concerning your questions about lower Manhattan air quality in the aftermath of the September 11th attacks and subsequent efforts the government has undertaken to further assure public health and safety. This letter sets out our understanding following those staff discussions.

The tragedy of September 11th was unprecedented in its scope. The complexity of the situation facing the local, state and federal governments in responding to this terrorist attack was immense—the work by all was heroic.

The Environmental Protection Agency working with the Council on Environmental Quality, OSHA and the State and City of New York, did their utmost to communicate the best available information accurately, and in a timely fashion to meet the needs of lower-Manhattan residents, workers and businesses. Their safety, health and well-being were our greatest concerns, and remain so today. The information was communicated through a variety of methods, including press releases, direct communications with residents and media interviews with federal, state and local officials. We continue to stand by the information distributed in press releases regarding potential long-term health risks. The EPA Inspector General reported that the experts her office spoke to generally confirmed that EPA's draft risk evaluation tended to support EPA's statements on long-term health effects.

As we discussed, the federal government's communications in September of 2001 were conveyed real-time in complex and fast-moving circumstances. In all instances, we acted with the best available data at the time, and updated our communications and actions as new data was coming in. We all learned a great deal in the aftermath of September 11th, including how to improve our response and communciations efforts. Given a situation with the uncertainty and emotions such as followed the World Trade Center attacks, we recognize that we can communicate best through a focused, civil, and collaborative effort. After September 11th, EPA conducted a "lessons learned" exercise and, in conjunction with the new Department of Homeland Security, improved its emergency response and crisis communications system, improvements that were successfully put to test in the swift and well-coordinated response to the space shuttle Columbia tragedy in February.

In her prior letter to you, Acting Administrator Horinko outlined many actions the EPA is continuing to take in response to this tragedy. Ms. Horinko described the substantial amount of monitoring, cleaning and re-cleaning already conducted, the coordination between EPA, FEMA and OSHA on indoor cleanup, OSHA's commitment to continue to investigate complaints of dust exposure from workers in commercial establishments, and EPA's ongoing focus on residences.

In my meeting with Senator Clinton, we discussed at length the process of coordination following the attacks, including CEQ's role. We have since shared with your staffs a compilation of federal air quality and related health studies conducted in the vicinity of Ground Zero which the Office of Science and Technology Policy completed in December 2002, as well as asbestos monitoring data for workers OSHA provided to the EPA. As you know, of the more than 4,100 residential units in Lower Manhattan examined as part of EPA's indoor air quality and cleaning program only about 1 percent were found to have asbestos at levels exceeding the health-based standard for long-term risk. We hope this exchange has provided a clearer understanding of the interagency coordination process and a greater knowledge of the breadth of activities undertaken by the federal government immediately following September 11th and since.

To provide greater collaboration in ongoing efforts to monitor the situation for New York residents and workers and assure them of their current safety, we will be undertaking the following activities: (1) extend the health follow-up associated with the Agency for Toxic Substances and Disease Registry's (ATSDR) registry of residents and workers; and (2) convene an expert technical review panel to help guide the agencies' use of the available exposure and health surveillance databases and registries to characterize any remaining exposures and risks, identify unmet public health needs, and recommend any steps to further minimize the risks associated with the aftermath of the World Trade Center attacks. EPA would organize and lead this group of experts, with representation from the federal agencies directly involved in the air quality response and monitoring, the New York City Departments of Health and Environmental Protection, and outside experts. The panel would review the following:

Within 3–6 months:

Post cleaning verification sampling to be done by EPA in the residential areas included in EPA's Indoor Air Cleanup to verify that re-contamination has not occurred from central hearing and air conditioning systems;

The peer reviewed "World Trade Center Indoor Air Assessment and Selection of Contaminants of Concern and Setting Health-Based Benchmarks," which concluded asbestos was an appropriate surrogate in determining risk for other contaminants.

Within 18–24 months:

Identification of any areas where the health registry could be enhanced to allow better tracking of post-exposure risks by workers and residents.

Review and synthesize the ongoing work by the federal, state and local governments and private entities to determine the characteristics of the WTC plume and where it was dispersed, including the geographic extent of EPA and other entities' monitoring and testing, and recommend any additional evaluations for consideration by EPA and other public agencies.

We look forward to working with you. Clearly, we are agreed that the health of

New York's residents and workers is paramount. By working together, we can ensure their needs are met.

Sincerely,

JAMES L. CONNAUGHTON.

Mrs. CLINTON. This letter, which does give us the basis for further efforts to try to get to the bottom of these issues concerning indoor air, is a very welcome step forward. Again, although it is not enough, it is not what the inspector general had in mind, it does give us that venue, that process, that opportunity to keep working together to get these answers.

The reason this is so important goes far beyond my constituents in lower Manhattan. It goes to the heart and soul of what we can expect from our Government, how reliable the information is, and whether we are prepared to look at new problems caused by unforeseen, unprecedented events such as what occurred on 9/11.

That is not the only area where we need to be focused on cleaning up indoor air and being conscious of continuing contamination. This morning I was in Endicott, NY, outside of Binghamton, where there was for many years a very large IBM plant, a very successful plant. In 1979, there was a spill, a toxic spill, 4,100 gallons, at least, that went into the aquifer and then went into the ground water. Now what we are finding is that this plume of toxic material in the water underneath this town, 350 acres through which it has spread—that the fumes from this plume are now seeping up through the ground into the residences of the people in Endicott, NY.

So this indoor air issue is not just about post-9/11 and New York City. It is a new issue that we must face in this Congress because the vast majority of people are totally unable to figure out what to do about this issue.

I am pleased that we have come to this point, that we have made this progress with the White House. I look forward to working with Governor Leavitt in trying to resolve these matters. I hope this spirit of cooperation is an indication of a new attitude in the administration toward the environment and toward working with us to try to solve the health and safety problems that affect our constituents.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, in accordance with the UC request, I yield 6 minutes to the distinguished Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Oklahoma. I express my gratitude to the Democrats and, of course, our two leaders on the committee for being willing to vitiate this cloture vote and end what some perceived was a threatened filibuster of Governor Leavitt. I am very appreciative that they will allow a vote up or down tomorrow morning on Governor Leavitt's nomination as Administrator of the Environmental Protection Agency. That is what should be done.

Governor Leavitt is one of the finest public servants in this country. He has served our State long and well, but he has served the whole country in a variety of ways which I will mention.

It goes without saying that this is not a job Governor Leavitt has asked for or aspired to. But he has accepted the President's nomination, first of all because the President has asked him to, and second, because it's a job of critical importance for our Nation.

Other than our people and our values, our Nation's environment and natural resources are our greatest asset. We in Utah understand that better than most.

And in spite of what some critics of President Bush would have us believe, our Nation has been steadily getting cleaner and safer every year of his presidency. Already, President Bush has signed the Persistent Organic Pollutants Treaty. He has proposed and begun implementing ground breaking legislation to greatly accelerate the clean up of our Nation's brownfield sites. He has announced his plan to reduce off-road diesel emissions by 90 percent.

Although his critics refuse to believe it, President Bush's Clear Skies initiative will, in fact, lead to quicker reductions in air pollution across the board than would otherwise be accomplished. Under President Bush, powerplants will be updated and become cleaner than ever before. Under President Bush our forests and other natural resources will become better managed, and the threat of forest fires will be reduced—something that has not been done in the past.

Most important, our President is accomplishing these environmental goals without a dramatic increase in Federal mandates. He is doing it without pitting the environment against human needs. He is doing it without pinning the "polluter" label on our industry, as the past administration was so apt to do. President Bush has shifted the environmental debate from one about process and control to one about outcomes and results.

Governor Leavitt has a similar record for improving the environment in Utah. Before Governor Leavitt came to office, Utah often failed to meet national clean air standards. In large part this was because most Utahns live on a valley floor surrounded by mountains. Through hard work and consensus building, though, Governor Leavitt helped Utah to overcome our air quality obstacles, and our State now is in consistent compliance with the EPA's air quality standards.

Governor Leavitt also has been a leader in finding solutions to regional air problems. He helped to begin the Grand Canyon Visibility Transport Commission and the Western Regional Air Partnership, which established a wide sweeping collaborative approach to reducing haze over our national parks and public lands on the Colorado Plateau.

When Governor Leavitt took office, about 60 percent of Utah's streams met Federal water quality standards. This represented the current national average for States. Under his leadership, though, 73 percent of Utah's streams now meet the Federal standards, which is well above the national average. With his oversight, Utah developed a collaborative approach to meeting the Concentrated Animal Feeding Operations regulations. His approach was so successful that the U.S. Department of Agriculture has adopted it as a model.

Governor Leavitt has also led initiatives in our State to preserve our open space, improve fisheries, upgrade sewer systems, and clean up 5,000 underground gas storage tanks, thus preventing their contamination of Utah's water supply. Thanks to Governor Leavitt's careful stewardship, Utah's natural resources have not only survived a period of intense economic and population growth but have been improved across the board.

Is it any wonder that President Bush looks to Governor Leavitt to lead the charge on this very important front, when the Governor has so successfully pursued a collaborative approach to improving the environment?

To anyone who questions Michael Leavitt's commitment, I say: Look at the record; it speaks for itself. We can also look at Utah's budget during his administration.

In his 10 years as Governor, Mike Leavitt won a 41 percent increase in spending on environmental protection, and that's after adjusting for inflation. According to the Environmental Council of States, the average per capita spending on the environment is $51.80. Under Michael Leavitt, however, Utah surpassed that average, spending $62.31 per capita on the environment. The average State spends about 1.4 percent of its budget on the environment. Under Governor Leavitt's leadership, Utah now spends 2 percent of its budget on the environment.

The record proves that Governor Leavitt is a champion of the environment. But the record also informs us that he is one of the finest public managers in the Nation. The Governor has worked tirelessly for our State. Yet, he has found the time to serve as the chair of the Council of State Governors, the Republican Governors' Association, the Western Governors' Association, and the National Governors' Association. You don't get there without being one of the best, if not the best.

In 5 of Mike Leavitt's 10 years as Utah's chief executive, our State has been ranked the best managed State. USA Today recently called Utah the best fiscally managed State in the country. Even after the extremely tough financial times faced by our States in recent years, under Governor Leavitt, Utah has maintained its Triple A bond rating.

How could President Bush have found a better candidate to head up the Environmental Protection Agency? The answer is he couldn't have.

And how does holding up Michael Leavitt's nomination help our environment or our nation? We finally concluded it doesn't. The obvious answer is: it doesn't. Clearly, confirming this nominee is in the best interest of our environment and our Nation.

Finally, let me just say that I have known Mike Leavitt and his wonderful wife Jackie for nearly 30 years. No one I know works harder, is more fair and honest, is more capable, and is more sincere than my good friend, the Governor of Utah. I urge my colleagues to join me in confirming Michael Leavitt to fill one of the most important jobs in government, the Administrator of the Environmental Protection Agency.

I thank all of those who are making this possible with an up-or-down vote tomorrow morning.

The PRESIDING OFFICER. All time has expired.

NOMINATION OF DALE S. FISCHER TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the pending judicial nomination.

The legislative clerk read the nomination of Dale S. Fischer, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to speak in support of the nomination of Dale Susan Fischer for the U.S. District Court for the Central District of California.

Judge Fischer is a Harvard Law graduate. She was a practicing attorney for 17 years before her appointment to the Municipal Court of California, Los Angeles Judicial District, in 1997. Three years later, she became a judge of the Superior Court of California, Los Angeles County, where she currently sits.

Judge Fischer has more than 20 years of legal experience. She will be a fine addition to the Federal bench.

We are proud to support her nomination. I recommend that my colleagues vote in her favor.

Mr. LEAHY. Mr. President, with the judicial confirmation today, in less than 3 years' time, President George W. Bush has exceeded the number of judicial nominees confirmed for President Reagan in all 4 years of his first term in office. Senate Democrats have cooperated so that this President has now exceeded that record. Republicans acknowledge to be the "all-time champ" at appointing Federal judges. Since July 2001, despite the fact that the Senate majority has shifted twice, a total of 167 judicial nominations have been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority and now 67 have been confirmed during the comparative time of the Republican majority.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating themselves for putting more lifetime appointed judges on the Federal bench than President Reagan did in his entire first term and doing it in three-quarters of the time. But Republicans have a different partisan message and this truth is not consistent with their efforts to mislead the American people into thinking that Democrats have obstructed judicial nominations.

Not only has President Bush been accorded more confirmations than President Reagan achieved during his entire first term, but he has also achieved more confirmations this year than in any of the 6 years that Republicans controlled the Senate when President Clinton was in office. Not once was President Clinton allowed 67 confirmations in a year when Republicans controlled the pace of confirmations. Despite the high numbers of vacancies and availability of highly qualified nominees, Republicans never cooperated with President Clinton to the extent Senate Democrats have. President Bush has appointed more lifetime circuit and district court judges in 10 months this year than President Clinton was allowed in 1995, 1996, 1997, 1998, 1999, or 2000.

Last year, the Democratic majority in the Senate proceeded to confirm 72 of President Bush's judicial nominees and was savagely attacked nonetheless. Likewise, in 1992, the last previous full year in which a Democratic Senate majority considered the nominees of a Republican President, 66 circuit and district court judges were confirmed. Historically, in the last year of an administration, consideration of nominations slows, the "Thurmond rule" is invoked and vacancies are left to the winner of the Presidential election. In 1992, Democrats proceeded to confirm 66 of President Bush's judicial nominees even though it was a Presidential election year. By contrast, in 1996, when Republicans controlled the pace for consideration of President Clinton's judicial nominees, only 17 judges were confirmed and not a single one of them was to a circuit court.

In fact, President Bush has now already appointed more judges in his third year in office than in the third year of the last five Presidential terms, including the most recent term when Republicans controlled the Senate and President Clinton was leading the country to historic economic achievements. That year, in 1999, Republicans allowed only 34 judicial nominees of President Clinton to be confirmed all year, including only 7 circuit court nominees. Those are close to the average totals for the 6 years 1995–2000 when a Republican Senate majority was determining how quickly to consider the judicial nominees of a Democratic President. By contrast, with today's confirmation, the Senate this year will have confirmed 67 judicial nominees, including 12 circuit court nominees, almost double the totals for 1999.

These facts stand in stark contrast to the false partisan rhetoric that demonize the Senate for having blocked all of this President's judicial nominations. The reality is that the Senate is proceeding at a record pace and achieving record numbers. We have worked hard to balance the need to fill judicial vacancies with the imperative that Federal judges need to be fair. In so doing, we have reduced the number of judicial vacancies to 41. More than 95 percent of the Federal judgeships are filled. After inheriting 110 vacancies when the Senate Judiciary Committee reorganized under Democratic control in 2001, I helped move through and confirm 100 of the President's judicial nominees in just 17 months. With the additional 67 confirmations this year, we have reached the lowest number of vacancies in 13 years. There are more Federal judges on the bench today than at any time in American history.

The nominee we vote on today is particularly suited to being the 167th judicial nominee confirmed, for Judge Dale Fischer was nominated after recommendation from a bipartisan selection commission in California. When we can work together on consensus nominations, they move quickly and successfully to confirmation. The nominee has the support of both home-State Senators, both Democrats, and has earned the unanimous support of all 19 Senators who are members of the Judiciary Committee, both Republicans and Democrats. She has significant judicial experience and received the highest peer review rating available. I am happy to support this nomination and congratulate the nominee and her family on her confirmation. I also comment Senator FEINSTEIN and Senator BOXER on maintaining a bipartisan selection process.

Mrs. BOXER. Mr. President, I am pleased to offer my support for the nominee for the Central District Court of California—Judge Dale Susan Fischer. Judge Fischer is well regarded by those who know her work.

I want to emphasize the excellent process that we have in place to select District Court nominees in California.

In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN, and I worked together to create four judicial advisory committees for the State of California, one in each Federal judicial district in the State.

Each committee has a membership of six individuals—three appointed by the White House and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

This nominee was reviewed by the Central District Committee and strongly recommended for this position. I continue to support this bipartisan selection process and the high quality nominees it has produced.

Judge Fischer has an impressive background and has served the people of California with distinction for several years. She is a graduate of Harvard Law School and the University of South Florida. She had extensive civil experience as a private attorney before she was appointed to the Los Angeles Municipal Court in 1997. She currently sits on the Los Angeles Superior Court where she is well regarded for her knowledge of bail issues. She also serves as Chair of the Los Angeles Superior Court's Temporary Judge Committee, training and monitoring approximately 1000 temporary judges in Los Angeles County.

The Central District will benefit greatly from the exemplary service of Judge Fischer, and I fully support confirmation of this nominee.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Dale S. Fischer, of California, to be United States District Judge for the Central District of California?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI), are necessarily absent.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) would each vote "yea."

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 411 Ex.]

YEAS—86

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NOT VOTING—14

Allen
Biden
Bunning
Corzine
Edwards
Inouye
Kerry
Kohl
Lautenberg
Lieberman
Mikulski
Santorum
Specter
Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Kentucky.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators entitled to speak for up to 10 minutes each.

Mrs. BOXER. Mr. President, reserving the right to object, I did not hear what the unanimous consent request was.

Mr. MCCONNELL. I was just asking unanimous consent that the Senate proceed to a period of morning business, with Senators entitled to speak for up to 10 minutes each.

Mrs. BOXER. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

CALIFORNIA FOREST FIRES

Mrs. BOXER. Mr. President, I rise today with great anxiety about what is happening in my State. You can see here behind me the view of one of the fires that is burning from the vantage point of a fireman. These fires have become the worst wildfires Californians have seen in decades. In less than 1 week they burned nearly twice as many acres as are burned statewide in the average fire year.

The numbers in my statement today may already be obsolete. Things are moving that fast in terms of property damage, homes destroyed, and so on. The wildfires range from as far south as the Mexican border to as far north as Los Angeles and Ventura Counties. They have consumed a total of more than 400,000 acres or 625 square miles. To put that in perspective, that is three times the size of Chicago. The fires are devouring businesses and homes and sometimes entire neighborhoods. More than 900 homes have already been destroyed and perhaps 30,000 more are in danger. I know people are without electricity in areas throughout the State. Many are escaping with only the clothes on their backs, and families have had no time to gather anything other than their loved ones as they flee from an inferno that engulfs everything it touches.

More than 50,000 people have been evacuated and the numbers continue to climb. Thirty-six evacuation centers have already been set up in the five county areas. I spent pretty much all of yesterday speaking to mayors and council members and county supervisors and to Governor Davis. I talked three times to the head of FEMA, and I spoke with Andrew Card, the President's chief of staff, who was most helpful. The message I had for the President, through Mr. Card, was: Please, move quickly, as quickly as you can, to declare a national disaster because without that, we simply cannot get these fires under control. It has taken a while, but in the last couple of hours we had our declaration.

This is very important because it means the Forest Service can now go beyond its budget, because its budget is limited, and contract with departments all over the country to bring in the help we need.

I have been through a lot of disasters in my State. I served on the board of supervisors of Marin County. I have seen fires and floods and earthquakes, and then, as a 10-year Congresswoman, I have seen all this. I have not seen anything to this degree where we still don't have our arms wrapped around this problem. We don't have the problem contained, whereas usually when we have these disasters, we are up here saying we need to set up the FEMA agencies where we can now go and have people get repaid and get loans for their businesses and homes, and we will do that in time. That is very important. But right now we need to put out the fires.

I thank Nevada and Arizona. They have helped. They have sent between 25 and 50 firetrucks with personnel to our State.

I will give you another look at San Diego. This is the harbor. You can see it just has the eeriest look to it. You can see the flames in the background.

We also want to say that we have received 50 tanker trucks, and 12 air tankers are coming tomorrow. This is all good news for the people of San Diego. Supervisor Jacob was at her wit's end yesterday because she was not getting enough help. The other areas, the mutual aid, seem to be working better, but San Diego came along afterwards, and I have been very worried about them.

The crown jewels of California's beautiful landscape, our beautiful forests, have been hurt. We are going to have legislation that will in fact allow us to do fuel reduction close to communities. It is very important, when we have a bill that relates to our forests, that we put the money where it is needed, which is near the communities, and that we make sure that what we do will in fact help the communities.

The bill we are talking about is the Forestry and Community Assistance Act, written by Senator LEAHY and myself. There are other proposals. I hope we can come to an agreement that the time is now to help our communities and to provide the resources to help them, not the big logging people, because that is the fight we are always waging.

Air traffic across the Nation has been disrupted by these fires. Hundreds of flights in and out of southern California have been canceled or suspended. Our brave firefighters, more than 7,000, are frantically working in conjunction with the California Department of Forestry, the U.S. Forest Service, California Highway Patrol, the Red Cross, and now, happily, FEMA, which are very much involved to contain these fires.

Many are still raging out of control. I want to be back here as soon as I can to talk about how we can rebuild our communities. But today we are talking about fires that are raging out of control.

I thank White House Chief of Staff Andrew Card. I thank FEMA Director Michael Brown. I did try to call Tom Ridge. Unfortunately, he was out of the country, but I spoke with his people and again with many of the local people.

In closing, let me say that my heart is with the people of San Bernardino County where two major fires are burning: The Old fire—by the way, we think arson was to blame for that fire. I have written to the Attorney General and will call him in the hope that he will invite in the FBI to get to the bottom of who would do such a deed. The other fire in San Bernardino is the Old Fire, 24,000 acres. The Grand Prix is 52,000 acres. In San Diego, there were three major fires. Everyone is struggling to make sure they don't merge.

We do have 48,000 customers without power in San Diego. In Otay, 35,000 acres are burning. The Cedar Fire in San Diego has been the deadliest one: 9 deaths, 300 homes destroyed, 150 in Scripps Ranch. The Paradise Fire in San Diego: 160 structures were destroyed, 75 cars, 2 deaths, and so far not contained. In Los Angeles County, it is the Verdale Fire, 9,000 acres. In Ventura, there are two major fires, Simi Valley and Piru. We are very worried about those. And at Riverside, there is one major fire. The Governor has not yet asked for an emergency declaration in Riverside, but it may come to that. If it does, I am very hopeful that the President will act on that request as well because we have lost six homes in Riverside, and the size of the fire there is 11,000 acres.

This declaration by the President is welcome news for us.

We need to put aside all politics now. We have an outgoing Governor. We have an incoming Governor. We all have to just join hands in this because our people are scared. They are filled with anxiety. They want this over. They want to go on and rebuild their lives. I join with my colleague in expressing my condolences to those who have lost family. My deep hope is that we will contain these fires. We will save additional lives, we will shelter those who have been displaced, and we will rebuild.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I join with my colleague, Senator BOXER, with some remarks about the fire. This fire is actually far more serious than any fire I have seen, and I have spent some time now becoming familiar with forestry practices and fires.

Before a fire is under control, it has to be contained, and virtually no aspect of these 10 fires are contained tonight. As my colleague said, they have taken 13 lives; they have destroyed 1,100 homes; they have burned over 400,000 acres, and that is two-thirds the size of Rhode Island. Virtually no fire is contained and firefighters must conduct an evacuation to move people out.

Senator BOXER gave you the latest figures on some of these fires. But there is one fire I wish to point out and that is the fire heading toward San Diego. Mayor Murphy of San Diego said to me last night that the fire is pointed like a spear into the heart of San Diego. It is running through housing projects, crossing freeways, and it is extremely dangerous. These fires are virtually all over—from Los Angeles down to the Mexican border. I will soon print in the RECORD the specific statistics about each one.

Like my colleague, I spoke four times with Mike Brown. He was in Albuquerque. I am pleased that he is headed to southern California. He has cut redtape, brought in 22 additional engines, 3 strike teams, firefighters from northern California are headed to the south, and teams coming in from surrounding States. We are very grateful for that.

I am also grateful to the President for declaring a Federal state of emergency for San Bernardino, San Diego, Ventura, and Los Angeles Counties.

The State declaration has also been called by Governor Davis, and Federal disaster assistance will now include aid to individuals and households, aid to public agencies for emergency services, and repair or replacement of disaster-damaged public facilities, and funding for measures designed to reduce losses to property. The Federal Government has already provided fire management assistance grants for at least eight wildfires in southern California. These grants reimburse the State for 75 percent of the cost of fighting the fire.

My sadness and concern about these wildfires are not confined to those who lost their lives and their properties, but it is also the reality that they were entirely predictable, and new ones will also burn across my State.

I believe we must take steps now to reduce the harm of forest fires. These conditions are all familiar to us—drought, densely packed forests, unhealthily crowded with little trees. For decades, we have put out the ground fires that would otherwise clear out the brush. The result is huge fuel loads of small trees and brush, which is perfect kindling for a catastrophic fire. In areas such as San Diego County, where there is more brush than forests, fire suppression has likewise created such a tangle of brush that fires often cannot be stopped.

The Santa Ana winds are another factor. These hot, dry winds blow often in the fall, and they don't just occur in southern California. The 1991 fire in Oakland and Berkley was fanned by similar devastating winds. They come every year. We know they are coming, yet we have not adjusted our forest practices to deal with them.

Hundreds of thousands of dead and dying trees from infestation, such as the bark beetle, remain untreated, trees unremoved, with as many as 90,000 people living in bark beetle-infested forests in San Bernardino County, with only one-leg roads to get them out in case of catastrophe.

With all these conditions for disaster in place, I have feared for some time now that California could face a devastating season of wildfires, and that seems to be just what is happening right now. So I believe we need to take action now, not just to correct our mismanagement of the forests and the brush but for a more basic reason.

We need to act in advance because of the terrible fact that most of the deaths that occurred in these fires did so because people had too little time to escape. At least seven people, so far, have died as they tried to escape the cedar fire in the narrow Wildcat Canyon area near the Barona Ranch Indian Reservation in San Diego County. People died on foot, people died in their cars, people died still trapped in their homes. At least two children died while trying to escape with their parents.

The fires travel just too quickly, and hillside roads are too narrow and too winding to count on people being able to get out.

Let me give you one story. Violet Ingrum lived in San Diego's Scripps Ranch neighborhood. She went to bed Saturday night worried mainly about her daughter, who lives in Hollywood, and the danger of potential wildfires to her daughter's home. Only a few hours later, she woke up to a howling wind and the horrifying sight of flames beyond her back fence and debris falling into her swimming pool. She only had time to grab her two cats and two photo albums, and one of her cats jumped out of the car before she could get away. But she was a lucky one. So I believe very deeply that we need to act now to reduce the threat from these wildfires and to give our firefighters a better chance to defend our communities.

We were able to get Congress to approve $30 million last month in fiscal 2003 funds to help battle the bark beetle, and I am urging the Forest Service to put those funds to work immediately. That is an important step forward, but we need broader measures to reduce the threat from our forests.

I am delighted that the chairman of the Agriculture Committee is on the floor tonight, Senator THAD COCHRAN, because we have worked with him to produce a compromise bill that I hope will be on the floor of the Senate soon. I hope it will be passed because this bill, which can get 60 votes, is the only chance that this Congress has an opportunity to pass a hazard fuels mitigation program this year.

The fact is, there are 57 million acres of Federal land at the highest risk of catastrophic fire, including 8.5 million acres in California alone. In the past 5 years, wildfires like the ones going on today have raged through 26.9 million acres, including over 2 million acres in California.

In response to these threats, an agreement has been reached by a bipartisan group of 10 Senators to protect our forests from catastrophic fire by expediting the thinning of hazardous fuels and, at the same time, provide the first legal protection for old-growth trees in our Nation's history. Those who have participated, along with myself, in the lengthy negotiations—2 years now—leading up to this agreement include Senators THAD COCHRAN, RON WYDEN, LARRY CRAIG, MIKE CRAPO, PETE DOMENICI, JON KYL, BLANCHE LINCOLN, JOHN MCCAIN, and MAX BAUCUS.

Legislation implementing the agreement as a proposed substitute amendment to title I of H.R. 1904, the House-passed Healthy Forest bill, was filed by Senator COCHRAN, chairman of the Agriculture Committee, on October 2. Yet there have been objections raised to proceeding with this bipartisan substitute amendment.

I urge my colleagues in the strongest possible terms to support this legislation so we can defend our communities and protect our forests.

I wish to take a few moments because if ever there is a time to look at this kind of legislation it is now. I wish to spend a few moments and describe exactly what the legislation would do.

It would establish an expedited process so the Forest Service and the Department of Interior can get to work on brush-clearing projects to minimize the risk of catastrophic wildfire. Up to 20 million acres of lands near communities, municipal watersheds, and other high-risk areas are included in our project. This includes lands that have suffered from serious wind damage or insect infestations, such as the bark beetle.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. FEINSTEIN. I ask unanimous consent for another 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. A total of $760 million is authorized. That is a $340 million increase over current funding. At least 50 percent of the funds would be used for fuels reduction near communities. That is what we do not have in this catastrophic wildfire that is taking place right now.

The legislation also requires that large fire-resilient old-growth trees be protected from logging immediately. It mandates that forest plans that are more than 10 years old and most in need of updating be updated with old-growth protection consistent with the national standard within 2 to 3 years. Without this provision in the amendment, we would have to wait a decade or more to see improved old-growth protection. Even then, there would be no guarantee that this protection against the threat of both logging and catastrophic fire would be very strong.

In California, the amendment to the Sierra Nevada framework that is currently in progress will have to comply with the new national standard for old-growth protection. We have also tried to expedite, shorten, and improve the administrative review process to make it more collaborative and less confrontational.

It is critical that the Forest Service spend its scarce dollars by doing work on the ground rather than being mired in endless paperwork. The legislation we submitted preserves multiple opportunities for meaningful public involvement. People can attend a public meeting on every project. They can submit comments during both the preparation of the environmental impact statement and during the administrative review process. I guarantee that the public will have a meaningful say in these projects.

It does change the environmental review process so that the Forest Service still considers the effects of a project in detail but can focus its analysis on the proposal, one reasonable alternative that meets the project goals and the alternative of not doing the project, instead of the five or nine alternatives that are now often required.

This is not the siting of a freeway where one may want five or nine alternative projects. We know where the project is going to take place. The question is, Should it be mechanical? Should it be by burning? What are the problems with the area? Is there a better way of doing it?

So this legislation replaces the current Forest Service administrative appeals with a review process that will occur after the Forest Service finishes its environmental review of a project but before it reaches its decision. This new approach is similar to a process adopted by the Clinton administration in 2000 for a review of forest plans and amendments to those plans. The process will be speedier and less confrontational than the current administrative appeal process.

There is a great deal of misconception both about the appeals process and the judicial review process. I will quickly take a minute and tell my colleagues what we have recommended with respect to judicial review. First, parties can sue in Federal court only on issues raised in the administrative review process. This is common sense that allows agencies the opportunity to correct their own mistakes before everything gets litigated. Lawsuits must be filed in the same jurisdiction as the proposed project. This also makes common sense. Courts are encouraged to resolve the case as soon as possible, and preliminary injunctions are limited to 60 days. They can be extended, but the individuals making the claim have to go back to court and justify why they need another preliminary injunction.

The court must weigh the environmental benefit of performing a given project against its environmental risk as it reviews the case. This is the balance-of-harms language.

I deeply believe this amendment is much preferable to the House bill which has passed. There are many ways in which we improve on the House-passed bill. First, we focus on the highest priority lands, where we need to undertake brush-clearing projects to restore forest health and prevent forest fire. These include the wildland urban interface as defined by the communities needing protection. It includes lands where fires would threaten municipal water supplies and lands significantly harmed by insects.

Secondly, we have protected both old-growth stands and large trees across the landscape. The projects expedited by this act will restore forest health.

Finally, the Senate agreement removed a provision of the House-passed bill that could have threatened the fair and impartial judicial review of Forest Service actions. This provision would have tilted the playing field in forestry litigation by requiring a court to defer to the Federal Agency's views in deciding whether to issue an injunction. So we have seriously improved the House bill.

In closing, I say to my colleagues that if ever there is a case in point as to why we have to spend more time on the ground with forest actions rather than debating them here, it is the 10 fires that are now taking place in California. They are catastrophic. In fact, they are wreaking human devastation and degradation on a level seldom seen. It is time for this body and this Congress to act.

Both Senator WYDEN and I, and Senator COCHRAN as well, have asked the administration for a statement of administrative policy that they will, in effect, support this legislation in conference. This is critical to our agreement. I have written to the White House. We have called the White House. We have not had a response.

So the action and the ball is really in the White House's court at this time. We need to hear from them. We need to know whether, in fact, this bill, which we believe can garner 60 votes in the Senate, will, in fact, have strong White House and administration support when it goes to conference, because if it does not, and if the vehicle is not this bill, there will not be a bill. I think that is the truth as many find it.

So to all of those in California who have suffered such grievous loss, I join my colleague in sending our deepest condolences. I have asked all my staff to go to southern California to be available to receive calls from people to try to hook them up with whatever help or aid they need. FEMA will shortly be making announcements as to what numbers to call, where to go to fill out the applications, and we will do everything we can to help facilitate that process.

This is truly one of the great tragedies of human life. Can my colleagues imagine children and parents being burned fleeing from this kind of a fire and over 1,000 families losing everything they have worked a lifetime to build?

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I ask unanimous consent that I may proceed for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I rise to commend my friend, the distinguished Senator from California, for her active involvement and effective work in reaching this agreement that has been reported out of the Senate Agriculture Committee, the Healthy Forest Restoration Act. It is the vehicle that we can use to truly bring relief to the citizens of America from disasters like this one that has befallen the citizens of California.

I must say I have been worried, as has she and others in the Senate, that this kind of tragedy could happen. It could happen in many other States. It is time for the Senate to act now. The only thing I disagree with about the remarks of the Senator is she says the ball is in the White House's court.

The ball is in the Senate's court. This bill is pending here in the Senate. We have asked unanimous consent to go to the bill and that amendments be limited to those that are relevant to the bill and that amendments to the amendments be relevant to those amendments to which they are offered. That is the only condition under which the Senate has asked to proceed to consideration of this bill, and objections have been raised on the Democratic side of the aisle to proceeding.

It is time for those who are obstructing the consideration of this bill to reconsider their position, particularly in light of the destruction in California. It is unconscionable that the Senate will not take action on this matter and pass the bill. Let's go to conference with the House. Let's try to prevail in conference. Then it is the turn of the White House to sign or veto the bill. I predict the White House would sign the bill and we will get a good bill in conference that the White House can sign.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend if I have any time.

Mrs. FEINSTEIN. I thank the Senator for those comments. I have just been told we are clear on our side. We can go to the bill. Obviously, there is a request to have amendments and I think we should hear the amendments out and vote on them. I think those of us who participated in this are really dedicated to get this bill passed. We worked for 2 years with your help——

Mr. COCHRAN. Mr. President, let me reclaim the time. I asked unanimous consent on this floor to do just that and there was an objection by the acting leader for the Democratic side, Mr. HARRY REID. If there has been a change in position, that ought to be communicated to the leader. That would be good to know.

Mrs. FEINSTEIN. As a point of clarification, Senator, if I may, I am told there is no objection to going to the bill. There was an objection on the limitation of amendments.

Mr. COCHRAN. Mr. President, there was no limitation of amendments. The provision in the unanimous consent request was that any amendment offered to the bill would be relevant to the bill and any amendment to an amendment be relevant to the amendment to which it was offered. There was no limitation requested in that unanimous consent request.

Mrs. FEINSTEIN. If I may say, through the Chair, for just a moment to the Senator, then I believe we can move to the bill. Because, as I understand it, what you have just stated is exactly the position of this side.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Alabama.

AIDS IN AFRICA

Mr. SESSIONS. Mr. President, as the Senate considers the Foreign Operations bill, we are considering President Bush's proposal to spend $15 billion to deal with the crisis of AIDS in Africa. It is something I believe is a necessary thing. I supported the President on this. It is a tremendous amount of money, but it is a tremendous problem.

There are many aspects of the problem. Not everybody agrees on every single part of it. I would just say I have done some work on it and I have looked at a number of the issues. I believe strongly that there are some things we can do. If we do them correctly and promptly and effectively, we can dramatically impact the transmission of AIDS in Africa and prevent people from becoming infected and thereby serve a great and noble purpose.

I think this: We know thousands of people are infected in Africa every year. According to conservative numbers generated by the World Health Organization, 250,000 to 450,000 Africans each year contract AIDS, a death sentence ultimately, through healthcare routes. They contract that not from dangerous activities, but from seeking to improve their own health by going to a hospital, a doctor's office, a clinic, and getting a shot or receiving a transfusion. One thousand a day at a minimum are infected by these procedures. It is totally preventable. It goes beyond just policy, and it is in my view a moral imperative. There is no doubt we can reduce this problem in Africa. We can do it by good policy and strong leadership and I believe we need to speak as a Congress on this issue.

In March of this year I had occasion to read a newspaper article that was in the Washington Times. It quoted a published article in the International Journal of STD and AIDS, a publication of the British Royal Society of Medicine, that presented evidence that the reuse of needles and syringes has played a major role in the HIV/AIDS epidemic in Africa.

At the time, the article challenged conventional wisdom and the belief in the international public health community that heterosexual sexual contact was the primary route of transmission for HIV in Africa and that medical transmission of the disease did not require the foremost attention of health care specialists.

Dr. David Gisselquist pointed to a number of pieces of evidence supporting his conclusion that medical exposures account for a large proportion of HIV transmissions. He conducted an extensive review of refereed journal articles on the epidemiology—that is the history of the transmission, the people who get it—in the African HIV epidemic. A careful analysis of the data behind these studies enabled him to identify the following trends:

No. 1, multiple studies he reviewed found HIV-infected children whose mothers test negative for the virus. Many of these children are far too young to have contracted the HIV virus through sexual practices or drug use, leaving their infections unexplained by conventional assumptions about the spread of the disease. It was found, however, that these children bearing the HIV virus had, on average, received nearly twice as many injections of vaccines and medicines than their uninfected peers, leading researchers to conclude that there was a strong correlation between the number of injections a child received and that child's chances of contracting HIV.

As we looked at the issue, we found it was not a newly discussed matter but in fact had been out in the field for some time, unfortunately not receiving the kind of attention it should, in my view, have received from the people who were required and authorized to participate in the treatment and prevention of the disease.

Let me just show this article, a blowup from the San Francisco Chronicle dated Tuesday, October 27, 1998, 5 years ago this date. The title of it is "Fast Track To Global Disaster."

The subheadline under the top is "Deadly Needles." This is what the subheadline said:

> For decades, researchers have warned that contaminated syringes could transmit deadly viruses with cruel efficiency, but efforts to defuse the crisis failed, and today, it has become an insidious global epidemic, destroying millions of lives every year.

You ask why, perhaps, did we not deal with that back in 1998 when these matters were being raised. Apparently, there was a debate and a concern that panic would ensue and maybe people wouldn't seek medical care, or that it would deflect attention from WHO's primary view that sexual transmission was the way AIDS was transmitted.

I note this statement by Mike Zaffran of the World Health Organization. You can tell they were wrestling with it, although they did not take action. The subject quote is:

> We want to avoid creating a panic. But maybe there is a need to create that panic to solve this problem.

According to WHO, 10 percent of the AIDS transmissions in Africa come from reused needles or contaminated transfusions, both of which are totally preventable, as I will discuss shortly. But I just want to say right now that there is evidence to suggest that the true figure is far larger than 10 percent. Remember, people who contract AIDS and who have no reason to believe they have AIDS are then in a position to unwittingly transmit that disease to their spouses and to others with whom they come in contact. Those who ultimately pass the disease by those contacts may not have done so had they known they had been exposed. I think it has a multiplier effect on the crisis in Africa, clearly affecting and involving the infection of millions of Africans.

I have hosted two hearings in the Health, Education, Labor, and Pensions Committee on this issue. We have had witnesses from the World Health Organization, from USAID, and from private groups such as Physicians for Human Rights. They have presented evidence. At the conclusion of that testimony, I am even more concerned that the numbers the WHO has acted on or not acted on are low, that more than 10 percent of these HIV cases are being transmitted through unsafe healthcare. Certainly, that is the conclusion Dr. Gisselquist reached after extensive study.

Let me talk about a couple of things: The good news and the bad news.

Injection safety is a critical issue in America. Our health care community has long recognized the risks associated with unsafe injections.

At the outset of the HIV epidemic in America, one of the top priorities in this country was to quickly ensure that patients and health care workers were educated about these risks and that steps were taken to provide ample supplies of single-use syringes—syringes that could not be used again—with safety features to ensure that both patients and providers were protected.

In fact, one thing we dealt with in this Congress was the Ryan White Act that was passed in response to the infection of young Ryan White as the result of a tainted blood products that he received to treat his hemophilia. In fact, long before the HIV virus emerged as a significant epidemic in the United States, health care workers and policymakers were well aware that unsafe injection practices could spread many dangerous diseases and posed a public health hazard. There was ample evidence that unsafe practices can kill.

From the 1950s through 1982, the Egyptian Government carried out an ambitious program to eliminate schistosomiasis, a serious parasitic disease. Infected Egyptians received multiple injections to kill this parasite—up to 16 injections over 3 months. The needles used in these campaigns were rarely sterilized sufficiently to kill viruses such as hepatitis C.

By the 1980s, it became clear that Egypt was in the grip of a tremendous epidemic of hepatitis C, a disease that frequently leads to liver failure, cancer, and death. In a country of 67 million people, it was estimated that 20 percent of the population had been exposed to hepatitis C. Neighboring Sudan, in comparison, had a rate of less than 5 percent.

This is still thought to represent "the world's largest iatrogenic transmission event." The World Health Organization's data suggests that unclean needles contributed to an appalling 18.9 percent prevalence rate of the deadly hepatitis C virus in the Egyptian population. Altogether, over 12 million people were exposed to this virus and 7.2 million infected. Those are stunning numbers, and they are the result of using dirty needles.

One of the University of Maryland researchers who chronicled this disaster stated emphatically that the practice of reusing inadequately sterilized or unsterilized syringes "before the danger of exposure to blood was so well known, and before the availability of disposable needles and syringes provided a very potent means for the transmission of blood-borne infections."

That is something we don't doubt in America today. Unfortunately, however, the same conditions that permitted this tragedy to occur continue to exist in Africa and other areas of the world, and these unsafe practices spread not only hepatitis but also the HIV virus, leading to AIDS and leading to death.

Health care workers around the world continue to devote time and resources to treating medically transmitted infections, many of which remain incurable even by the best medical science.

Since the recognition that unsafe injections pose an unacceptable risk in vaccination campaigns, international vaccination programs now almost universally include adequate injection safety training and supplies. These limited efforts are commendable but much more needs to be done.

To understand the proportion of the problem that remains to be addressed, one must note the distinction between injections given for vaccination and therapeutic injections, or injections given for the purpose of treating infections or other diseases.

It has been estimated that worldwide, therapeutic injections outnumber vaccinations by 9 to 1, totaling approximately 12 billion injections administered each year in the developing world, including the African nations of the Global AIDS Initiative.

Despite this fact and the demonstrated risks associated with unsafe injections, researchers and leaders in the field of HIV prevention have warned that "little attention has been paid to the systematic correction of widespread unsafe practices resulting in disease transmission through therapeutic injections"—the very problem referenced in this chart where, at the beginning, it says "Deadly Needles"—dated October 27, 1998—5 years ago today.

At the outset of the AIDS epidemic in the United States, our Government and the public declared that blood supplies must be absolutely safe. The Federal Government and the public health community moved rapidly to ensure that every single unit of blood donated in this country is tested for the HIV virus before it is given to any person.

It is estimated—get this number—that 25 percent of the blood donated in Africa is never tested for HIV—75 percent is but 25 percent is not—and that up to 80 percent of the blood is not tested for hepatitis. It is estimated by the respected group, Safe Blood For Africa—their name indicates their concern about this problem—that as a consequence of this breakdown, approximately 15 percent of the sub-Saharan African blood supply is infected with HIV and 20 percent with hepatitis. Fifteen percent of the blood supply in sub-Saharan Africa is infected with HIV, a deadly disease. People go there and they get transfusions on a regular basis. The World Health Organization estimates that up to 10 percent of new HIV cases in Africa are due to contaminated blood transfusions.

Once again, it is clear that transfusions of contaminated blood represent yet another hidden source of transmission of this disease, fueling the epidemic.

Seventy percent of the recipients of these high-risk transfusions are women and children, making blood safety a critical component of our larger effort to fight HIV/AIDS and to protect the mothers and children. I will repeat that: 70 percent of the recipients of these high-risk transfusions—15 percent of which is contaminated with HIV—are women and children.

So what does that mean? That means that 15 out of every 100 women who go to get a transfusion in Africa—and many of them get transfusions because malaria leads to a lot of transfusions, really more than is needed to be performed but they are performed—and from those transfusions, thousands come home with AIDS. Instead of being healed and cured, they are infected with a deadly disease.

It is important to recognize, too, that in the treatment of anemia, which is related to problems such as malaria, best medical practices would dictate that many of these transfusions are not necessary. So the combination of reducing the number of transfusions is the first step, along with making sure every blood unit that is utilized in Africa is tested for AIDS before being used in a blood transfusion.

We have an HIV rate in the United States of less than 1 percent, and we test our blood supply. In some countries in Africa, the HIV prevalence rate is as high as 40 percent. Every blood donation in the world, and particularly in Africa, should be tested before we do transfusions. This is one more example of the potential ways in which we can reduce the risk of this deadly disease.

I would also like to share some thoughts about why I think this is not just a public policy issue for discussion but why it is a moral imperative.

We will be spending $15 billion over 5 years, on average $3 billion a year. I know there is debate whether we should have the full $3 billion this first year. I have my doubts the money can be assimilated, but we are going to be spending that over 5 years.

Let me talk to you about the cost of completely fixing the medical transmission problem. One of the most startling facts and best news about health care transmissions of HIV in Africa is the fact that injection safety and blood safety have been specifically singled out by researchers as the most cost-effective means of preventing the spread of HIV.

A study by the World Health Organization, in 1999—a year after the San Francisco Chronicle article—suggested that addressing the problem of unsafe injections might well result in actual savings for the governments and organizations financing the fight against AIDS. It can actually save them money. These savings would be generated both by a reduction in the number of unnecessary injections and transfusions, which, amazingly, may account for a majority of the therapeutic injections actually given—and a majority of the therapeutic injections in Africa are probably not necessary and could be handled without any shots or with a pill—and by avoiding the tremendous financial drain that occurs as a result of these infections, including hepatitis.

In testimony before the Health, Education, Labor, and Pensions Committee at a hearing which I chaired in July, one of the leading World Health Organization researchers confirmed both his own conclusion that ending unsafe injection practices would be eminently cost effective and his projection that blood safety efforts would prove to be similarly cost effective.

In fact, on a day when we are discussing $15 billion for Global AIDS, the benefits of an additional $1 billion here or $289 million there—I think you would all be stunned at the numbers involved in solving this problem. These estimates I am going to give you were provided by the World Health Organization.

Clean, new needles and syringes for every injection, given by medical personnel educated in the proper use of injections in Africa would cost $24 million for all 12 nations included in the Global AIDS initiative. Just $24 million would provide safe and clean needles for every necessary injection in Africa.

Clean, safe blood transfusions, administered by medical personnel trained in the proper indications for transfusions—$46 million for all 12 nations. So for $46 million, we can completely eliminate the problem of transfusions, which WHO admits could be 10 percent of the problem of all the problem of AIDS in Africa.

There are so many tragic aspects to this problem.

Hard-working frontline doctors and nurses inadvertently contribute to the spread of the very diseases they are struggling to prevent.

At the HELP Committee hearing, it was very encouraging to hear the testimony of Dr. John Ssemakula, a physician from Uganda, who was able to describe the great strides his country has made in cleaning up injection practices.

Dr. Ssemakula was also able to convey the plea of the dedicated men and women on the frontlines of health care in Uganda, that they be provided with the equipment they need to provide safe injections.

These are intelligent, educated, well-intentioned people, and they simply want enough syringes to provide patients with safe health care.

The health care system in developing nations frequently does not provide either necessary education in proper injection procedures or, for those providers who are striving to follow model practices, the relatively inexpensive supplies necessary to succeed.

We are dealing with, frankly, with our health care providers worldwide, a double standard that is indefensible. You are tempted to say, it is an immoral double standard. Let me tell you about this troubling aspect of the problem. In developed nations, the general public has been made aware of the risk associated with unsafe medical care. We know in America you want safe health care. We insist on it. We spend what it takes to do it. We have needles that are safe to protect nurses and doctors from accidental pricks, much less the patient who goes to get a shot.

When the use of contaminated blood and blood products results in the spread of HIV here, we act. The health community, the Federal and State regulators, and the American public immediately demand guaranteed safety, and very quickly we see that they get this. The safety of blood and blood products is now something Americans take for granted.

Every unit of blood in this country is screened for HIV, hepatitis B, and hepatitis C. When it became clear that the reuse of contaminated needles put patients at risk, we acted. It is clear that many developing nations, including those in Africa within the President's Global AIDS initiative, have not yet been able to achieve similar results.

This is where a disturbing double standard arises. The World Health Organization, the U.S. Government's Centers for Disease Control, and other organizations with employees in the developing nations openly caution their travelers to these areas, including their own workers, that blood is likely unscreened and needles likely reused. This is described as posing a risk of infection of hepatitis B, C, and HIV.

Numerous workers, including our own embassy employees and AIDS workers in Africa, can tell of being instructed to ask for plasma expanders rather than dangerous blood transfusions or being cautioned to purchase and provide their own new, clean syringes when they go to the doctor.

When formulating public statements and policy for these very same African nations, however, many of these organizations continue to maintain that contaminated blood and reused needles are not significant problems and do not pose substantial health risks to African patients.

We have made some progress. We have had a number of hearings on this subject. I have become more convinced than I was when we started that this is an unacceptable practice. It is an unacceptable situation in Africa and one that can be fixed for less than $100 million a year. We can provide tested, safe blood for every transfusion in Africa, and we can provide clean, unused needles for every injection at a cost of less than $100 million a year. That is tremendous news. We are on the road to making some progress.

I have talked to top officials in the World Health Organization and the U.S. Government. We believe that with Director Tobias' new position in the State Department as sort of an American global AIDS czar that he is attuning himself to this issue, that the CDC, at my request, is conducting research to develop a plan to attack this problem. Health and Human Services is conducting a study which we expect to receive back in a matter of weeks that will review independently all the other existing studies of AIDS transmission in Africa to attempt to determine just how big a problem this really is. And now we are at a point where we are putting this new money into the program.

I urge my colleagues to act now to ensure that a certain amount of this money—it would be less than 5 percent, probably closer to 2 percent—be dedicated to dealing with the medical transmission problem. We need to do that. Sure, they can spend more than that if they want to, but this is the minimum amount that virtually guarantees tremendous success against medical transmissions.

Let's do that as part of our legislation. We can go home and know that we made a difference.

Some say: Well, JEFF, we are picking up on this issue. We really don't need any direction on how to spend our money. Just give it to us, and we will spend it like we want. I generally am sympathetic to agencies not being micromanaged. But with the resistance we continue to see from the World Health Organization and American organizations that deal with this issue, we need to ensure that this much money gets spent.

There was a conference in September in Africa. Thousands of people attended who deal with the AIDS epidemic. The WHO entity issued a press release after that meeting—again just a matter of weeks ago—WHO issued a news release dismissing the significance of medical transmission. This caused a group of scientists who were at the meeting to issue a statement of their own contracting it. They said in effect, WHO continues to reject evidence that stopping HIV transmission through unsterile health care could slow the spread of disease.

So we have a continuing problem, continuing to stick with numbers that do not appear to be justified and policies that need to be changed. It is time for us to take a step to save lives. The very thought that we could knock down maybe in 18 months' time, instead of 1,000 people being infected a day by the health care transmission of HIV in Africa, why it could be down to 200; and then in 2 or 3 years down to virtually zero? That is possible. Which would we rather do? Prevent the contraction of a deadly disease or try to deal with the consequences of the disease once a person is infected?

This is the right step. I thank Senator McCONNELL for his interest and the President for his leadership.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HABITAT FOR HUMANITY

Mr. DASCHLE. Mr. President, 13 years ago, Habitat for Humanity International, HFHI, decided to expand its services to include projects in my State. Today, I would like to congratulate HFHI's 14 South Dakota affiliates on the occasion of the 200th Habitat home constructed in South Dakota since 1990. I believe I speak for all South Dakotans when I say that their services have been invaluable to many families in our State.

The lack of affordable housing for the lowest income households is a serious problem across the country. According to the 2003 State of the Nation's Housing report issued by the Joint Center for Housing Studies of Harvard University, three in 10 U.S. households have housing affordability problems. More than 14 million households spend more than half of their income for housing, and 75 percent of them are in the bottom 20 percent of the population by income.

Having to pay a disproportionate share of income for housing frequently leads to other problems and tensions for many families. Too often, the available housing is substandard, and overcrowded. Many of these families live on the edge, financially, and live in fear of eviction or foreclosure. Families may have to sacrifice spending for other basics, including food and utilities. Children in these families also tend to pay a price. They suffer when their parents have to work two or more jobs, or odd hours, sacrificing family time. Unstable housing arrangements and frequent moves can also interfere with a child's ability to succeed in school.

Habitat for Humanity recognizes that when communities come together, they can help solve this problem, one family at a time. Their accomplishments would not be possible without the thousands of volunteers who help support a struggling family, and provide them with the opportunity to turn a Habitat house into their very own home. Volunteers from across South Dakota have donated thousands of hours of hard labor to give 200 families a shot at the American dream.

I would like to take a moment to thank Pat Helgeland, the Executive Director of Habitat for Humanity in South Dakota, and everyone associated with South Dakota's affiliates for their solid commitment and hard work. They are truly making an important difference in the lives of their partner families.

Every time I visit with Habitat volunteers, I am impressed by their energy and spirit as they raise funds, select a site, select a partner family, and build the house. I was pleased to sponsor a house in Brookings, SD, that will now become a home for a mother and her three children.

I am also encouraged to know that Habitat for Humanity is engaged in a similar effort at the international level. From Thailand to Zimbabwe to Peru, its services provide exciting opportunities for home ownership. We should be proud, for example, that HFHI played a key role in providing tools and materials needed to rebuild or repair family homes damaged by years of conflict in Afghanistan.

So today I wish to extend my congratulations and thanks to all those who helped build 200 new houses in South Dakota, as well as those who are involved in bringing this important model to communities across the globe. Their efforts are truly inspirational.

REMEMBERING PAUL WELLSTONE

Mr. REID. Mr. President, I rise today with a heavy heart. It was one year ago on October 25 that I lost my friend, and this body lost a great Senator. We all have our own memories of Paul Wellstone.

We remember the passion of his beliefs. He was an uncompromising idealist who stuck to his principles and never wavered. When he fought for an issue like mental health parity, you knew he would never give up.

We remember Paul Wellstone for his bravery, because even when his cause was unpopular, he followed his heart. He used to say, "We should never separate the lives we live from the words we speak," and he followed that path.

We remember what an inspiring speaker Paul could be. The first time I heard him was in the Capitol Rotunda at a ceremony for new Senators, and I was immediately impressed. Later, he came to Las Vegas and spoke to a convention of the Veterans of Foreign Wars. I have never seen a group so fired up.

We remember his physical strength and stamina, even in the last year of his life when he was in so much pain. He worked out at the Capitol Police gym, and he still holds the record there for doing the most chin-ups.

We remember Paul for his unassuming nature. He waged his first campaign in an old green school bus. There is no telling how many mechanics across the State of Minnesota worked on that vehicle to keep it running.

We remember Paul Wellstone for all these reasons. Most of all, we will always remember how easily he made friends and how deeply he touched people.

In this Chamber he had good friends on both sides of the aisle. But Paul Wellstone also befriended working people, like the janitors who cleaned his Senate office. One night, Paul waited until midnight so he could meet them in person and tell them thanks. And in Minnesota, the affection for Paul Wellstone cut across all segments of the population.

A few days before he lost his life, Paul was riding around the State with Peg McGlinch, a member of my staff who is a Minnesota native, and her father. They were running behind schedule, as is often the case on those hectic campaign trips, but when they spotted some union workers on a picket line, there was no question that they would stop and offer support. As Paul hopped out of the nondescript car, people seemed shocked to see him, until one woman ran over, gave him a big hug, and declared, "You're my hero."

Paul Wellstone was a hero to a lot of people. I went to Minnesota after his death, and I was amazed at the spontaneous memorial that sprang up all around his campaign headquarters. I saw thousands of flowers and candles. I read handwritten notes thanking Paul for work he had done to help people, and looked at pictures of him with people whose lives he had affected.

And one thing I will never forget was a crayon drawing of a train chugging up into the sky, with a child's simple scrawl that read, "Paul Wellstone, the Little Engine that Could."

Paul Wellstone clearly had a special relationship with the people of Minnesota. His relationship with his beloved wife, Sheila, was also extraordinary. And their lovely daughter Marcia, who also perished in the tragic accident, was so much like both of them. She was an amalgam of all their best qualities.

Today, as we remember how much Paul Wellstone meant to so many people, our hearts go out to his family—his sons Mark and David, his grandchildren, and other family members. Also to the families of Paul's staff members who were lost with him: Mary McEvoy, Will McLaughlin, and Tom Lapic.

I said my heart was heavy today, and that is true. Paul Wellstone was my friend and I miss him. But I also feel grateful today that I had the opportunity to know this remarkable man, and I am grateful for my memories of him, which will never die.

SENATOR PAUL WELLSTONE MENTAL HEALTH EQUITABLE TREATMENT ACT OF 2003

Mr. THOMAS. Mr. President, in memory of the anniversary over the weekend of the death of our friend Paul Wellstone, I rise to reiterate my support for the mental health parity legislation on which he worked tirelessly. I am a proud original cosponsor of S. 486. The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003, which was reintroduced this year by Senators DOMENICI and KENNEDY in honor of Senator Paul Wellstone. This important legislation will provide people with a mental illness more access to treatment.

Specifically, S. 846 prohibits a group health plan that offers mental health benefits from placing discriminatory caps, access limitations, financial requirements or other restrictions on treatment that are different from other medical and surgical benefits. In other words, S. 486 treats physical and mental health equally. This bill is modeled after the mental health benefits provided through the Federal Employees Health Benefits Plan, but provides a special exemption for small employers from such requirements.

I have long advocated on behalf of our Nation's rural health care delivery system and mental health parity is a key step to increasing access to mental health services in rural areas. The Domenici-Kennedy bill is crucial to rural America because suicide rates among rural residents are twice the rate of urban areas, and 75 percent of the 518 nationally designated Mental Health Professional Shortage Areas are located in rural areas.

The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003 must be passed by Congress as soon as possible, and I urge all my colleagues to work toward its enactment.

AIR POLLUTION

Mr. JEFFORDS. Mr. President, today the Bush Administration took direct aim against the health of all Americans, but particularly those who are the most vulnerable to air pollution—the elderly, the children, and the poor. As a result of this frenzy to gut the Clean Air Act, millions more of our citizens will now be staring down the barrel of a smokestack.

The administration's new rule on New Source Review adds to all the woes and worries that people must face everyday. These new threats include more illness, lung disease, and heart attacks.

This Bush administration's EPA is not his father's EPA. At almost every turn, this President Bush is seeking to undo the positive environmental legacy of his father, with a particular focus on tearing apart the Clean Air Act Amendments of 1990.

From the beginning, the first President Bush was the motivating force behind passage of that complex, politically balanced and protective act. In fact, it was his acid rain proposal that broke the legislative logjam just before passage. His participation during Senate consideration helped ensure passage from this body, and the technical assistance of his Federal agencies was critical throughout the process.

I was proud to work with the first President Bush and his team. But I am not proud of what the current President Bush has done on the environment. He and his team came to Washington claiming a desire and ability to work across the aisle. But that hasn't turned out to be the case.

This President Bush and his team have intervened in environmental policy throughout the administration on behalf of polluters, not for the health and welfare of the American public and a sustainable environment. This is a huge contrast with the first President Bush who cared about these matters and cooperatively worked with Congress to address environmental problems.

We did not solve all the problems related to air pollution in the 1990 amendments. But, through bipartisan cooperation, we built a strong legal construct and a renewed commitment to gradual and continual reductions in harmful emissions. It has survived legal challenges and until 2001 was working quite effectively from a health and an economic perspective.

That is when the new Bush administration came to town. They have embarked on a comprehensive program to dismantle or slow walk the Clean Air Act, starting with the New Source Review program and extending to the ozone and fine particulate matter standards.

Their Clear Skies proposal is weaker and slower than the existing Clean Air Act, if it were fully and faithfully implemented on schedule. The Bush proposal delays the achievement of air quality standards beyond the act or my bill, the Clean Power Act. In the name of "flexibility," their proposal does away with vital programs designed to protect local and regional air quality, some of which have been particularly important to the Northeast.

Based on the scientific evidence before us, we know that the 1990 amendments did not go far enough in specifically controlling pollutants that cause acid rain, global warming and toxic contamination. However, they did provide the Administrator with ample authority to take action to address these matters. Instead, this administration has chosen the path of delay, non-enforcement, or deregulation.

Government regulation must protect the public's health. But, the administration changed the New Source Review rules while Americans enjoyed the last of their summer vacations to allow greater levels of pollution than currently emitted. Some analyses suggest that as many as 20,000 more premature deaths may occur annually as a result—20,000 deaths. The administration released this terrible news when they thought no one would pay attention.

I have seen charts showing deaths per hundred thousand people who die prematurely from "grandfathered" powerplant pollution. These are the powerplants that haven't put on modern controls. These are the same powerplants that will Never be required to clean up to modern standards under the Bush administration's new NSR rule. Never. And it is not just powerplants.

Adding insult to that injury, the administration's new rule is plainly illegal. So I will be joining with other colleagues in Congress, the States, public health and environmental organizations, and other members of the public in litigation to stop this newest assault on our air quality. The States and attorneys general are filing today.

The Clean Air Act says, and I quote: " . . . any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source" triggers New Source Review, NSR. That means if a change or modification increases emissions of air pollutants, then the law requires sources to put on modern pollution control technology. It is that simple.

This doesn't mean letting polluters reach back 10 years to pick the highest possible emissions baseline from which EPA would then judge the increase. Common sense and case law says that the regulators must use recent actual emissions levels.

EPA's Assistant Administrator for Air, Jeff Holmstead, admitted the rule will "in some cases" allow increases in pollution. That is why it is illegal.

Mr. Holmstead defends this indefensible rule by suggesting that its harm will be limited because sources will not be allowed to exceed their permitted levels while making these modifications. Sadly, that is wrong and its disingenuous. Harm will not be limited, it will be spread downwind of 17,000 plants.

Permitted levels for many sources are substantially above their recent average emissions levels. So sources can now increase their pollution above levels that would have been allowed prior to this rule. That means millions of additional tons of pollutants.

The new rule lets emissions increase at facilities without review. That contradicts the Clean Air Act's statutory language and Congress' intent. Government officials who issue such illegal rules betray the public's trust and commit malfeasance in my book.

Mr. Holmstead told Fox News that, "We can say categorically that pollution will not increase as a result of this rule." The next day on the PBS "Newshour," he agreed that the rule would allow emissions increases in some cases. Which is true?

Mr. Holmstead also had similar trouble giving clear and direct answers to questions during our July 16, 2002, joint hearing between the Judiciary Committee and the Environment and Public Works Committee.

He said he was advised by Agency and DOJ enforcment personnel that the proposed NSR changes wouldn't affect the ongoing enforcement actions. The General Accounting Office report and the statements of former Agency enforcement personnel say otherwise. Which is true? We have asked the EPA Inspector General to investigate.

NSR was not designed to encourage emissions increases. Instead, Congress created it to help continually reduce air emissions as sources upgraded their facilities. As they make those improvements, they are supposed to put on modern pollution controls, not be exempt from that duty.

I am afraid that this rule is part of an administration agenda to lock in air pollution increases for a long time to come.

The timing of the rule takes advantage of the gap in the permit process for these plants in the period between the new and old ozone standards.

The permitted levels that Mr. Holmstead mentioned are part of the States' plans to achieve attainment with air quality standards, including the 1-hour ozone standard. That standard will soon be replaced by a more stringent one known as the 8-hour standard. That standard is more protective of public health.

As Mr. Holmstead knows, polluters "permitted levels" are closely tied to States' plans to achieve the old 1-hour standard. They are not yet tied to the new, more stringent 8-hour standard or the new fine particulate standard. The States will revise those plans for the new standards, including adjusting "permitted" levels, but that will be done in 2007–2008.

In the meantime, the powerplants and industrial sources exempted by this rule can make huge modifications that increase emissions. These pollution increases will be locked in for many, many years and make it harder to achieve the new air quality standards.

I am not opposed to making the New Source Review program work better through constructive changes. But it is important to know the costs and benefits related to a program before doing radical surgery. An EPA memo estimated that just a small portion of the NSR program may have health benefits worth more than $1.8 billion annually. We can ill afford to throw away all the lives represented by that number.

Beginning in May 2001, I have repeatedly sought, and most often been denied, full information on the public health and environmental impacts of the administration's agenda on New Source Review.

I agreed not to subpoena this information, while chairman of the Environment and Public Works Committee, in exchange for promises that most of it would be forthcoming. Those promises have been broken and I am still waiting.

And Congress is still waiting for EPA to comply with the Supplemental Appropriations bill for fiscal year 2004 passed in February. That Act directed EPA to fund a study by the National Academy of Sciences to look at the effects on public health of the other NSR changes made on New Year's Eve last year. After 6 months of delay, EPA authorized the Academy to start.

A recent General Accounting Office report, which I requested, demonstrates that the administration does not collect and has not collected valid, credible information on the New Source Review program.

The Agency has no factual basis to determine that their regulation changes will be beneficial, as they have claimed. Indeed, GAO said that EPA and an electric utility industry group think that post-rule modifications may increase efficiency at some facilities, but will also encourage greater emissions at those same facilities due to expanded production.

The hypocrisy of the Bush administration is stunning. They want to exempt thousands of major sources of pollution from using modern control technology. This is based on flimsy and unsubstantiated anecdotes.

At the same time, they pretend to support "sound science" and hide behind the Data Quality Act when choosing not to regulate in the face of abundant proof of potential environmental harm.

This new NSR rule has been a time-consuming waste of taxpayer's dollars. EPA's resources would have been better spent in saving lives by taking some kind of regulatory action, any kind of action, over the last 2½ years to halt powerplant pollution.

There is real and legitimate authority under the Clean Air Act to do that now. There is even real and legitimate authority to make the New Source Review program work better and more efficiently. But the administration has failed to use that authority correctly and squandered their opportunities.

Using his father's model, this President Bush could have worked with me and my staff and Democrats in Congress to develop a strong tripartisan, multi-pollutant bill to control emissions of sulfur dioxides, nitrogen oxides, mercury, and carbon dioxide. But they have refused requests for technical assistance, evaded legitimate oversight, politicized every possible matter, and avoided any real policy discussions.

They have spent their time ignoring the people's representatives in Congress, pandering to polluters and wishing away the abundant evidence that increasing air pollution causes increases in death, disease and illness.

Pollution is an indiscriminate weapon. It should be emitted only as a last resort. Instead, this Bush administration brandishes it, boasting about flexibility and "sound science" while more people die prematurely and the Earth warms. If we were dealing with the first administration, I would breathe easier about the future.

HONORING OUR ARMED FORCES

OKLAHOMA LOSS IN IRAQ

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one months' time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being successfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a 2-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The council will name Iraqi ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us to the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But today I rise to honor a man who made the ultimate sacrifice one can make for his country.

On August 27, Specialist Rafael L. Navea, of Pittsburgh, PA was killed in Fallujah when an improvised explosive device struck his vehicle.

Specialist Navea was stationed at Fort Sill and therefore an adopted Oklahoman. He was assigned to C Battery, 2nd Battalion, 5th Field Artillery Regiment, a Paladin unit in 212th Field Artillery Brigade. The unit deployed to Southwest Asia in support of Operation Iraqi Freedom on April 12.

Specialist Navea served his country well. Fort Sill and Oklahoma mourn his tragic death and now our prayers are with his family and friends. He is survived by his wife and children who reside in Lawton and his mother in Florida.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Specialist Navea did not die in vain. He died so that many others would live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe such a crime committed on July 30, 2001. In Santa Ana, CA, a 22-year-old man stabbed his 17-year-old Asian neighbor, Kenneth Chiu, as the victim was returning from a date. Before dying, Mr. Chiu identified his attacker who later confessed that he targeted Mr. Chiu because of his identity. He told investigators that he hated Asians and other ethnic minorities.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MOVING TO SUSPEND RULE XVI

Mr. LUGAR. Mr. President, I hereby provide notice that I intend to move to suspend rule XVI of the Standing Rules of the Senate during the Senate's consideration of H.R. 2800 in order to offer the amendment No. 1974 to that bill.

(The amendment is printed in today's RECORD under "Text of Amendments.")

ADDITIONAL STATEMENTS

TRIBUTE TO PACHY BURNS

• Mr. BURNS. Mr. President, today I bring to your attention a truly remarkable program. In America, at this point in our history, most people are so far removed from their agrarian roots, they have lost all understanding of true ties to the land. This is one of the many problems that agricultural producers face in their battle for survival.

There is a sheep producer in Montana who is working to correct this problem. Pachy Burns is a true Western woman. There is nothing that she is not willing to face and, if need be, challenge. Pachy has created a program called Jam to Lamb. It is an all-women's lambing party that involves women from all over the United States. Women from every walk of life experience the true meaning of ranching by learning through doing.

Women who visit Pachy learn about delivering lambs, branding lambs, nursing bums, and all of the other necessities of daily ranch life. They learn the truth about issues impacting agriculture such as Federal lands and predators.

I ask that you all join me in recognition of Pachy Burns, a woman who is trying to open not only the eyes but also the hearts of people, who should have a better understanding of where their food comes from. Pachy is accomplishing this through leadership and friendship the true mark of a Westerner.•

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 21. Joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 627. A bill to prevent the use of certain payments instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes (Rept. No. 108–173).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 1610. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building".

H.R. 1882. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".

H.R. 1883. A bill to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office".

H.R. 2075. A bill to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".

H.R. 2254. A bill to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building".

H.R. 2309. To designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building".

H.R. 2328. A bill to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

H.R. 2396. A bill to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office".

H.R. 2452. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

H.R. 2533. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".

H.R. 2746. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

H.R. 3011. A bill to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street, Moline, Illinois, as the "David Bybee Post Office Building".

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

S. 1590. A bill to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building".

S. 1659. A bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G Dow Post Office Building".

S. 1671. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis Post Office Building".

S. 1692. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building".

S. 1718. A bill to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office".

S. 1746. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

ADDITIONAL COSPONSORS

S. 349

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 698

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 698, a bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1305

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain motor vehicle dealer transitional assistance.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1538

At the request of Mr. HARKIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1538, a bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1554

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1554, a bill to provide for secondary school reform, and for other purposes.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 1595

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1655

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1655, a bill to ratify the authority of the Federal Trade Commission to establish the do-not-call registry.

S. 1664

At the request of Mr. COCHRAN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1700

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1726

At the request of Mr. ALEXANDER, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. HAGEL), the Senator from Georgia (Mr. MILLER) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1726, a bill to reduce the preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1736

At the request of Mr. ENZI, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1775

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1775, a bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002.

S. 1785

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1785, a bill to authorize the operation of National Guard counterdrug schools.

S. CON. RES. 73

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 73, supra.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 244

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. SANTORUM, his name was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, supra.

At the request of Mr. DEWINE, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Kansas (Mr. BROWNBACK), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. ROBERTS), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mrs. DOLE), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. SMITH), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1966 proposed to H.R. 2800, supra.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1968. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

SA 1969. Mr. BYRD proposed an amendment to the bill H.R. 2800, supra.

SA 1970. Mr. McCONNELL (for himself, Mr. LEAHY, and Mr. McCAIN) proposed an amendment to the bill H.R. 2800, supra.

SA 1971. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1972. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1973. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1974. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1975. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1968. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

PROHIBITION ON FUNDING TO COUNTRIES THAT TRADE IN CERTAIN WEAPONS WITH NORTH KOREA

SEC. 692. (a) No funds appropriated pursuant to this Act may be made available to the government of a country or for a project in a country that, during the 12-month period ending on the date that such funds would be obligated, has—

(1) exported to North Korea any item listed on the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any dual-use item on the Commerce Control List pursuant to the Export Administration Regulations (15 C.F.R. part 730 et seq.), if the President determines that such items are intended for use in a weapons of mass destruction or a missile program in North Korea; or

(2) imported from North Korea any item described in paragraph (1).

(b) The President may waive the prohibition in subsection (a) with respect to a county or project if the President certifies to Congress that it is in the national interest of the United States to waive the prohibition.

On page 48, line 21, insert after "Jordan:" the following: "*Provided further*, That of the funds appropriated by this paragraph, $27,000,000 shall be made available for assistance for Poland:".

On page 18, line 10, after "Jordan" insert the following: ", which sum shall be disbursed within 30 days of enactment of this Act".

On page 141, line 4, strike "in Jamaica and El Salvador".

On page 141, after line 13, insert the following:

"(c) REPORT.—The requirement for an annual report, contained in section 582(b)(1) of Division E of P.L. 108-7, shall be applicable to all programs for which funds are provided under the authority of this subsection.".

On page 21, line 18, after the colon insert the following: "*Provided further*, That of the funds appropriated under this heading, not less than $350,000 should be made available, notwithstanding any other provision of law, for the National Endowment for Democracy to support democracy and human rights in North Korea:".

Insert where appropriate:

MALAYSIA

SEC. . (a) Funds appropriated by this Act that are available for assistance for Malaysia may be made available if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Malaysia supports and promotes religious freedoms, including tolerance for people of the Jewish faith.

(b) The Secretary of State may waive the requirements of subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

On page 23, line 21, delete all after the colon through "Macedonia:" on line 25.

On page 21, line 18, after the colon insert the following: "*Provided further*, That of the funds appropriated under this heading, up to $1,000,000 should be made available for a program to promote greater understanding and interaction among youth in Albania, Kosovo, Montenegro and Macedonia:".

On page 17, line 18, strike "*Provided*" through "Cairo:" on page 18, line 1.

On page 122, line 3, strike "are made" and insert in lieu thereof: "are".

On page 137, line 11, strike "March 1" and insert in lieu thereof: "March 31".

On page 37, line 22, strike "$18,500,000" and insert in lieu thereof: "$21,000,000".

On page 147, line 6, after "Act" insert the following:

WAR CRIMES IN AFRICA

SEC. 692. Funds appropriated by this Act, including funds for debt restructuring, shall not be made available to the central government of a country in which individuals indicted by the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) are credibly alleged to be living unless the Secretary of State certifies to the President of the Senate and the Speaker of the House of Representatives that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees: *Provided*, That the previous proviso shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals.

On page 91, line 17, after "law.", insert the following:

(J) WAIVER.—The prohibition in Section 692 of this Act may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing: (1) the steps the Administration is taking to obtain the cooperation of the government in surrendering the indictee in question to the Special Court for Sierra Leone (SCSL) or the International Criminal Tribunal for Rwanda (ICTR); (2) a strategy for bringing the indictee before ICTR or SCSL; and (3) the justification for exercising the waiver authority.

On page 35, line 22, before the colon insert the following: ": *Provided further*, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for continued training, equipment, and other assistance for the Colombian National Park Service: *Provided further*, That none of the funds appropriated by this Act shall be made available for aerial fumigation within Colombia's national parks".

On page 20, line 9, before the colon, insert the following: ": *Provided further*, That of the funds made available under this heading, not less than $2,500,000 shall be made available, in addition to amounts otherwise available for such purposes, as a United States contribution to the Office of the United Nations High Commissioner for Human Rights, to support its activities including human rights training for peacekeepers, activities to address trafficking in persons, monitoring and field activities".

On page 39, line 2, before the period insert the following: ": *Provided*, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose".

On page 75, line 22, strike "$10,000,000" and insert in lieu thereof: "$25,000,000".

On page 75, line 24, before the colon, insert the following: ", and to support programs aimed at addressing the needs of Afghan women in consultation with other Afghan ministries".

On page 21, line 18, before the colon, insert the following: ": *Provided further*, That of the funds made available under this heading and the heading "Office of Transition Initiatives", not less than $5,000,000 shall be made available for disarmament, demobilization, and reintegration of child soldiers in Liberia".

On page 19, line 25, before the colon, insert the following: ": *Provided further*, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for programs and activities in rural Mexico to promote microcredit lending, small business and entrepreneurial development, and private property ownership in rural communities, and to support small farmers who have been affected by adverse economic conditions: *Provided further*, That funds made available pursuant to the previous proviso may be made available only if the case involving three Americans arrested in Oaxaca, Mexico on October 6, 2003, in connection with a private property dispute is resolved satisfactorily, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations".

SA 1969. Mr. BYRD proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, as follows:

At the appropriate place, add the following:

Sec. . (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate.

(b) This provision shall be effective March 1, 2004.

SA 1970. Mr. McCONNELL (for himself, Mr. LEAHY, and Mr. McCAIN) proposed an amendment to the bill H.R.

2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 111, after line 12, insert the following:

(c) It is the sense of the Senate that the United Nations Security Council should debate and consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council.

SA 1971. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

SA 1972. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

"(i) acts of anti-Semitic violence that occurred in that country;

"(ii) the response of the government of that country to such acts of violence;

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

"(iv) societal attitudes in that country toward people of the Jewish faith; and

"(v) trends relating to such attitudes in that country.".

SA 1973. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) International organizations and nongovernmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elections "cast doubt on the credibility of the election's results".

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee of Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

SA 1974. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "That the" and insert the following:

DIVISION A—APPROPRIATIONS

The

On page 147, line 7, strike "Act" and insert "division".

On page 147, after line 9, insert the following:

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS

SEC. 1100. SHORT TITLE; DEFINITIONS.

(a) Short Title.—This division may be cited as the "Foreign Relations Authorization Act, Fiscal Year 2004".

(b) Definitions.—In this division:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) Department.—The term "Department" means the Department of State.

(3) Secretary.—Except as otherwise provided in this division, the term "Secretary" means the Secretary of State.

TITLE XI—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) Diplomatic and consular programs.—

(A) Authorization of appropriations.—For "Diplomatic and Consular Programs", $4,171,504,000 for the fiscal year 2004.

(B) Worldwide security upgrades.—Of the amounts authorized to be appropriated by subparagraph (A), $646,701,000 for the fiscal year 2004 is authorized to be appropriated for worldwide security upgrades.

(2) Capital investment fund.—For "Capital Investment Fund", $157,000,000 for the fiscal year 2004.

(3) Embassy security, construction and maintenance.—For "Embassy Security, Construction and Maintenance", $926,400,000 for the fiscal year 2004, in addition to the amounts authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453).

(4) Representation allowances.—For "Representation Allowances", $9,000,000 for the fiscal year 2004.

(5) Protection of foreign missions and officials.—For "Protection of Foreign Missions and Officials", $21,000,000 for the fiscal year 2004, and $55,900,000 to be available for expenses related to protection of foreign missions and officials incurred prior to October 1, 2003.

(6) Emergencies in the diplomatic and consular service.—For "Emergencies in the Diplomatic and Consular Service", $1,000,000 for the fiscal year 2004.

(7) Repatriation loans.—For "Repatriation Loans", $1,219,000 for the fiscal year 2004.

(8) Payment to the American Institute in Taiwan.—For "Payment to the American Institute in Taiwan", $19,773,000 for the fiscal year 2004.

(9) Office of the Inspector General.—For "Office of the Inspector General", $31,703,000 for the fiscal year 2004.

SEC. 1102. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.

(a) In General.—The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) Educational and cultural exchange programs.—

(A) Fulbright academic exchange programs.—

(i) In general.—For the "Fulbright Academic Exchange Programs" $127,365,000 for the fiscal year 2004.

(ii) Vietnam Fulbright academic exchange program.—Of the amount authorized to be appropriated by clause (i), $5,000,000 to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) Other educational and cultural exchange programs.—For other educational and cultural exchange programs authorized by law, $274,981,000 for the fiscal year 2004.

(2) National endowment for democracy.—For the "National Endowment for Democracy", $42,000,000 for the fiscal year 2004.

(3) Center for cultural and technical interchange between east and west.—For the "Center for Cultural and Technical Interchange Between East and West", $15,000,000 for the fiscal year 2004.

(4) Dante B. Fascell north-south center.—For the "Dante B. Fascell North-South Center", $2,000,000 for the fiscal year 2004.

(b) Asia Foundation.—Section 404 of The Asia Foundation Act (22 U.S.C. 4403) is amended to read as follows:

"Sec. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for the fiscal year 2004 for grants to The Asia Foundation pursuant to this title.".

SEC. 1103. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) Assessed Contributions to International Organizations.—There is authorized to be appropriated for "Contributions to International Organizations", $1,010,463,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) Contributions for International Peacekeeping Activities.—

(1) Authorization of appropriation.—There is authorized to be appropriated for "Contributions for International Peacekeeping Activities", $550,200,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) Availability of funds.—Funds appropriated pursuant to paragraph (1) are authorized to be available until September 30, 2005.

(c) Foreign Currency Exchange Rates.—

(1) Authorization of appropriation.—In addition to amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated for the Department such sums as may be necessary for the fiscal year 2004 to offset adverse fluctuations in foreign currency exchange rates.

(2) Availability of funds.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

SEC. 1104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions and for other purposes authorized by law:

(1) International boundary and water commission, United States and Mexico.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", $31,562,000 for the fiscal year 2004; and

(B) for "Construction", $8,901,000 for the fiscal year 2004.

(2) International boundary commission, United States and Canada.—For "International Boundary Commission, United States and Canada", $1,261,000 for the fiscal year 2004.

(3) International joint commission.—For "International Joint Commission", $7,810,000 for the fiscal year 2004.

(4) International fisheries commissions.—For "International Fisheries Commissions", $20,043,000 for the fiscal year 2004.

SEC. 1105. MIGRATION AND REFUGEE ASSISTANCE.

(a) In General.—There is authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $760,197,000 for the fiscal year 2004.

(b) Refugees Resettling in Israel.—Of the amount authorized to be appropriated by subsection (a), $50,000,000 is authorized to be available for the fiscal year 2004 for the resettlement of refugees in Israel.

SEC. 1106. AUTHORIZATION FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Of the amounts authorized in this Act under section 1102 for United States educational, cultural, and public diplomacy programs, up to $4,000,000 is authorized to be appropriated, in addition to such funds authorized under section 1102(a)(3), in support of the Center for Cultural and Technical Interchange Between East and West.

Subtitle B—United States International Broadcasting Activities

SEC. 1111. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) International broadcasting operations.—For "International Broadcasting Operations", $561,005,000 for the fiscal year 2004.

(2) Broadcasting capital improvements.—For "Broadcasting Capital Improvements", $11,395,000 for the fiscal year 2004.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 1201. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Interference with certain protective functions

"Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"117. Interference with certain protective functions.".

SEC. 1202. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

"(d) ADMINISTRATIVE SUBPOENAS.—

"(1) IN GENERAL.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

"(A) the production of any records or other items relevant to the threat; and

"(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

"(2) REQUIREMENTS.—

"(A) RETURN DATE.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

"(B) NOTIFICATION TO ATTORNEY GENERAL.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

"(C) OTHER REQUIREMENTS.—The following provisions of section 3486 of title 18, United States Code, shall apply to the exercise of the authority of paragraph (1):

"(i) Paragraphs (4) through (8) of subsection (a).

"(ii) Subsections (b), (c), and (d).

"(3) DELEGATION OF AUTHORITY.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

"(4) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.".

SEC. 1203. ENHANCED DEPARTMENT OF STATE AUTHORITY FOR UNIFORMED SECURITY OFFICERS.

The State Department Basic Authorities Act of 1956 is amended by inserting after section 37 (22 U.S.C. 2709) the following new section:

"SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE UNITED STATES BY DESIGNATED LAW ENFORCEMENT OFFICERS.

"(a) DESIGNATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of State may designate Department of State uniformed guards as law enforcement officers for duty in connection with the protection of buildings and areas within the United States for which the Department of State provides protective services, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

"(b) POWERS OF OFFICERS.—While engaged in the performance of official duties as a law enforcement officer designated under subsection (a), an officer may—

"(1) enforce Federal laws and regulations for the protection of persons and property;

"(2) carry firearms; and

"(3) make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such felony in connection with the buildings and areas, or persons, for which the Department of State is providing protective services.

"(c) REGULATIONS.—(1) The Secretary of State may prescribe regulations necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services. The regulations may include reasonable penalties, within the limits prescribed in subsection (d), for violations of the regulations.

"(2) The Secretary shall consult with the Secretary of Homeland Security in prescribing the regulations under paragraph (1).

"(3) The regulations shall be posted and kept posted in a conspicuous place on the property.

"(d) PENALTIES.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, or imprisoned for not more than 30 days, or both.

"(e) TRAINING OFFICERS.—The Secretary of State may also designate firearms and explosives training officers as law enforcement officers under subsection (a) for the limited purpose of safeguarding firearms, ammunition, and explosives that are located at firearms and explosives training facilities approved by the Secretary or are in transit between training facilities and Department of State weapons and munitions vaults.

"(f) ATTORNEY GENERAL APPROVAL.—The powers granted to officers designated under this section shall be exercised in accordance with guidelines approved by the Attorney General.

"(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.".

SEC. 1204. PROHIBITION ON TRANSFER OF CERTAIN VISA PROCESSING FEES.

Section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by inserting before the period at the end the following: ", and shall not be transferred to any other agency, except that funds may be transferred by the Secretary for the procurement of goods and services from other departments or agencies pursuant to section 1535 of title 31, United States Code".

SEC. 1205. REIMBURSEMENT FROM UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Secretary shall seek, to the extent practicable, reimbursement from the United States Olympic Committee for security provided to the United States Olympic Team by Diplomatic Security Special Agents during the 2004 Summer Olympics.

(b) OFFSETTING RECEIPT.—Reimbursements provided under subsection (a) shall be deposited as an offsetting receipt to the appropriate Department account.

(c) AVAILABILITY OF FUNDS.—Funds collected under the authority in subsection (a) shall remain available for obligation until September 30, 2005.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

SEC. 1211. AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Secretary is authorized to support, by grants, cooperative agreements, or contracts, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology and science-based regulatory systems, and the application of agricultural biotechnology for trade and development purposes. The total amount of grants made pursuant to this authority in a fiscal year shall not exceed $500,000.

SEC. 1212. THE UNITED STATES DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

"SEC. 59. THE UNITED STATES DIPLOMACY CENTER.

"(a) ACTIVITIES.—

"(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the United States Diplomacy Center.

"(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

"(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

"(b) DISPOSITION OF UNITED STATES DIPLOMACY CENTER ARTIFACTS AND MATERIALS.—

"(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the United States Diplomacy Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

"(3) Determinations prior to sale or trade.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

"(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

"(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

"(4) Loans.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.".

SEC. 1213. LATIN AMERICA CIVILIAN GOVERNMENT SECURITY PROGRAM.

The Secretary is authorized to establish, through an institution of higher education in the United States that has prior experience in the field, an educational program designed to promote civilian control of government ministries in Latin America that perform national security functions by teaching and reinforcing among young professionals from countries in Latin America the analytical skills, knowledge of civil institutions, and leadership skills necessary to manage national security functions within a democratic civil society.

SEC. 1214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) Program Authorized.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) Discharge Through Bureau of Economic Affairs.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) Consultation With World Intellectual Property Organization.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) Funding.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 1102(a)(1)(B), $5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

TITLE XIII—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 1301. FELLOWSHIP OF HOPE PROGRAM.

(a) Fellowship Authorized.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

"Sec. 506. Fellowship of Hope.—(a) The Secretary is authorized to establish the Fellowship of Hope Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

"(b) The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Fellowship of Hope Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

"(c) For the purposes of the program authorized by subsection (a), Congress consents to employees of a designated country or designated entity continuing to receive payment of salary and benefits from such designated country or designated entity while they serve in offices of profit or trust within the Department of State.

"(d) In this section:

"(1) The term 'designated country' means a member country of—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union.

"(2) The term 'designated entity' means—

"(A) the North Atlantic Treaty Organization; or

"(B) the European Union.".

(b) Technical and Conforming Amendments.—Such Act is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking "AND" and inserting "FOREIGN GOVERNMENTS, OR"; and

(B) in subsection (a)(1), by inserting after "body" the following: ", or with a foreign government under section 506"; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following:

"Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.";

and

(B) by inserting after the item relating to section 505 the following:

"Sec. 506. Fellowship of Hope Program.".

SEC. 1302. COST-OF-LIVING ALLOWANCES.

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A)—

(A) by inserting "activities required for successful completion of a grade or course and" after "(including"; and

(B) by striking "not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available" and inserting "subject to the approval of the head of the agency involved";

(2) by striking subparagraph (B) and inserting the following:

"(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary, or post-baccalaureate educational institution, not to exceed 1 annual trip each way for each dependent, except that an allowance payment under subparagraph (A) of this paragraph may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph."; and

(3) by adding at the end the following new subparagraph:

"(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during the dependent's annual trip between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.".

SEC. 1303. ADDITIONAL AUTHORITY FOR WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

"(1) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

"(2) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.".

SEC. 1304. HOME LEAVE.

Chapter 9 of title I of the Foreign Service Act of 1980 is amended—

(1) in section 901(6) (22 U.S.C. 4081(6)), by striking "unbroken by home leave" both places that it appears; and

(2) in section 903(a) (22 U.S.C. 4083(a)), by striking "18 months" in the first sentence and inserting "12 months".

SEC. 1305. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) Post Differentials.—Section 5925(a) of title 5, United States Code, is amended by striking "25 percent" in the third sentence and inserting "35 percent".

(b) Danger Pay Allowances.—Section 5928 of title 5, United States Code, is amended by striking "25 percent" both places that it appears and inserting "35 percent".

SEC. 1306. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) Suspension.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

"(c) Suspension.—(1) The Secretary may suspend a member of the Foreign Service without pay when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed and there is a connection between the conduct and the efficiency of the Foreign Service.

"(2) Any member of the Foreign Service for which a suspension is proposed shall be entitled to—

"(A) written notice stating the specific reasons for the proposed suspension;

"(B) a reasonable time to respond orally and in writing to the proposed suspension;

"(C) representation by an attorney or other representative; and

"(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

"(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

"(4) In the case of a grievance filed under paragraph (3), the review by the Foreign Service Grievance Board—

"(A) shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Foreign Service; and

"(B) may not exercise the authority provided under section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)).

"(5) In this section:

"(A) The term 'reasonable time' means—

"(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

"(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

"(B) The term 'suspend' or 'suspension' means the placing of a member of the Foreign Service, for disciplinary reasons, in a temporary status without duties.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a), is further amended by inserting "; suspension" before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows:

"Sec. 610. Separation for cause; suspension.".

SEC. 1307. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

"(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.".

SEC. 1308. REPEAL OF REQUIREMENT FOR RECERTIFICATION PROCESS FOR MEMBERS OF THE SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.

SEC. 1309. DEADLINE FOR ISSUANCE OF REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1383; 5 U.S.C. 8411 note) is amended by inserting ", not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004," after "regulations".

SEC. 1310. SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.

Section 2311(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–826; 22 U.S.C. 4010 note)) is amended—

(1) by striking "Not later than 90 days after the date of enactment of this Act, the" and inserting "The";

(2) by striking "5 percent" and inserting "2 percent"; and

(3) by striking "for 2 or more of the 5 years preceding the date of enactment of this Act" and inserting "at least twice in any 5-year period".

SEC. 1311. DISCLOSURE REQUIREMENTS APPLICABLE TO PROPOSED RECIPIENTS OF THE PERSONAL RANK OF AMBASSADOR OR MINISTER.

Section 302(a)(2)(B)(ii)(IV) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(2)(B)(ii)(IV)) is amended by inserting before the period at the end the following: ", including information that is required to be disclosed on the Standard Form 278, or any successor financial disclosure report".

SEC. 1312. PROVISION OF LIVING QUARTERS AND ALLOWANCES TO THE UNITED STATES REPRESENTATIVES TO THE UNITED NATIONS.

Section 9 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1) is amended to read as follows:

"SEC. 9. (a) The Secretary of State may, under such regulations as the Secretary shall prescribe, and notwithstanding subsections (a) and (b) of section 3324 of title 31, United States Code, and section 5536 of title 5, United States Code—

"(1) make available to the Permanent Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations—

"(A) living quarters leased or rented by the United States for a period that does not exceed 10 years; and

"(B) allowances for unusual expenses incident to the operation and maintenance of such living quarters that are similar to expenses authorized to be funded by section 5913 of title 5, United States Code;

"(2) make available living quarters in New York leased or rented by the United States for a period of not more than 10 years to—

"(A) not more than 40 members of the Foreign Service assigned to the United States Mission to the United Nations or other United States representatives to the United Nations; and

"(B) not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

"(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

"(b) The Secretary may not make available living quarters or allowances under subsection (a) to an employee who is occupying living quarters that are owned by such employee.

"(c) Living quarters and allowances provided under subsection (a) shall be considered for all purposes as authorized—

"(1) by chapter 9 of title I of the Foreign Service Act of 1980; and

"(2) by section 5913 of title 5, United States Code.

"(d) The Inspector General for the Department of State and the Broadcasting Board of Governors shall periodically review the administration of this section with a view to achieving cost savings and developing appropriate recommendations to make to the Secretary of State regarding the administration of this section.".

SEC. 1313. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting "the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a))," after "considering"; and

(2) by striking "the grievant or" and inserting "the grievant, or".

TITLE XIV—INTERNATIONAL ORGANIZATIONS

SEC. 1401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note) is amended by striking clause (iv) and inserting the following:

"(iv) For assessments made during calendar year 2004, 27.1 percent.

"(v) For assessments made during calendar year 2005, 27.1 percent.".

SEC. 1402. REPORT TO CONGRESS ON IMPLEMENTATION OF THE BRAHIMI REPORT.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report assessing the progress made to implement the recommendations set out in the Report of the Panel on United Nations Peace Operations, transmitted from the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council on August 21, 2000 ("Report").

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the United Nations progress toward implementing the recommendations set out in the Report;

(2) a description of the progress made toward strengthening the capability of the United Nations to deploy a civilian police force and rule of law teams on an emergency basis at the request of the United Nations Security Council; and

(3) a description of the policies, programs, and strategies of the United States Government that support the implementation of the recommendations set out in the Report, especially in the areas of civilian police and rule of law.

SEC. 1403. MEMBERSHIP ON UNITED NATIONS COUNCILS AND COMMISSIONS.

(a) IN GENERAL.—Section 408 of the Department of State Authorization Act, Fiscal Year 2003 (division A of Public Law 107–228; 116 Stat. 1391; 22 U.S.C. 287 note) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking paragraph (3) and inserting the following:

"(3) to prevent membership on the United Nations Commission on Human Rights or the United Nations Security Council by—

"(A) any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country; or

"(B) any member nation the government of which, as determined by the Secretary—

"(i) is a sponsor of terrorism; or

"(ii) is the subject of United Nations sanctions; and"; and

(3) by adding at the end the following new paragraph:

"(4) to advocate that the government of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of United Nations sanctions is not elected to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.".

(b) CONFORMING AMENDMENT.—The heading of section 408 is amended to read as follows:

"SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMISSIONS AND COUNCILS AND THE INTERNATIONAL NARCOTICS CONTROL BOARD.".

TITLE XV—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 1501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "Subject to paragraphs (5) and (6), a" and inserting "A"; and

(B) by striking "for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)" and inserting "until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)";

(2) by striking subparagraph (B) and inserting the following:

"(B) REVIEW OF DESIGNATION UPON PETITION.—

"(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

"(ii) PETITION PERIOD.—For purposes of clause (i)—

"(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

"(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

"(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

"(iv) DETERMINATION.—

"(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

"(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

"(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

"(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6)."; and

(3) by adding at the end the following:

"(C) OTHER REVIEW OF DESIGNATION.—

"(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6). Such review shall be completed not later than 180 days after the end of such 4-year period.

"(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

"(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.".

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) AMENDMENTS TO A DESIGNATION.—

"(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

"(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

"(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

"(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking "subsection (b)" and inserting "subsection (c)";

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking "or a redesignation made under paragraph (4)(B)" and inserting "at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)"; and

(ii) in clause (i), by striking "or redesignation";

(C) in paragraph (7), by striking ", or the revocation of a redesignation under paragraph (6),"; and

(D) in paragraph (8)—

(i) by striking ", or if a redesignation under this subsection has become effective under paragraph (4)(B),"; and

(ii) by striking "or redesignation"; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking "of the designation in the Federal Register," and all that follows through "review of the designation" and inserting "in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review";

(B) in paragraph (2), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation";

(C) in paragraph (3), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation"; and

(D) in paragraph (4), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation" each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term "designation", as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

TITLE XVI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

Subtitle A—Public Diplomacy

SEC. 1601. PLANS, REPORTS, AND BUDGET DOCUMENTS.

(a) REQUIREMENTS UNDER THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—

(1) REQUIREMENTS.—Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

"SEC. 502. (a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

"(b) NATIONAL SECURITY STRATEGY.—In the preparation of the annual report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

"(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

"(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

"(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

"(3) Bureau and Mission Performance Plan.—The Secretary shall ensure that each regional bureau's performance plan, and other bureau performance plans as appropriate, and each mission performance plan, under regulations of the Department, includes a public diplomacy component.".

(2) Conforming Amendment.—The heading for such section is amended to read as follows:

"PLANS, REPORTS, AND BUDGET DOCUMENTS".

(b) Deadline for Reporting International Information Strategy.—Not later than 180 days after the date of the enactment of this Act, the President shall report to the appropriate congressional committees the international information strategy described in subsection (a) of section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462), as amended by subsection (a).

SEC. 1602. TRAINING.

(a) In General.—Chapter 7 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4021 et seq.) is amended by adding at the end the following new section:

"SEC. 709. PUBLIC DIPLOMACY TRAINING.

"The Secretary shall ensure that public diplomacy is an important component of training at all levels of the Foreign Service.".

(b) Junior Officer Training.—Section 703(b) of the Foreign Service Act of 1980 (22 U.S.C. 4023(b)) is amended in the first sentence by inserting "public diplomacy," before "consular".

(c) Amendment to Table of Contents.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting at the end of items relating to chapter 7 the following new item:

"Sec. 709. Public Diplomacy Training.".

SEC. 1603. REPORT ON FOREIGN LANGUAGE BRIEFINGS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees containing an evaluation of the feasibility of conducting regular, televised briefings by personnel of the Department of State about United States foreign policy in major foreign languages, including Arabic, Farsi, Chinese, French, and Spanish.

Subtitle B—Strengthening United States Educational and Cultural Exchange Programs

SEC. 1611. DEFINITIONS.

In this subtitle:

(1) Eligible Country.—The term "eligible country" means a country or entity in Africa, the Middle East, South Asia, or Southeast Asia that—

(A) has a significant Muslim population; and

(B) is designated by the Secretary as an eligible country.

(2) Secondary School.—The term "secondary school" means a school that serves students in any of grades 9 through 12 or equivalent grades in a foreign education system, as determined by the Secretary, in consultation with the Secretary of Education.

(3) United States Entity.—The term "United States entity" means an entity that is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(4) United States Sponsoring Organization.—The term "United States sponsoring organization" means a nongovernmental organization based in the United States and controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by section 1612.

SEC. 1612. EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.

(a) Statement of Policy.—The purpose of this section is to provide for the expansion of international educational and cultural exchange programs with eligible countries.

(b) Specific Programs.—In carrying out the purpose of this section, the Secretary is authorized to conduct or initiate the following programs in eligible countries:

(1) Fulbright Exchange Program.—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program. The Secretary shall take all appropriate steps to increase support for such program in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(2) Hubert H. Humphrey Fellowships.—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(3) Sister Institutions Programs.—The Secretary is authorized to encourage the establishment of "sister institution" programs between United States and foreign institutions (including cities and municipalities) in eligible countries, in order to enhance mutual understanding at the community level.

(4) Library Training Exchanges.—The Secretary is authorized to develop a demonstration program to assist governments in eligible countries to establish or upgrade their public library systems to improve literacy. The program may include training in the library sciences.

(5) International Visitors Program.—The Secretary is authorized to expand the number of participants in the International Visitors Program from eligible countries.

(6) Youth Ambassadors.—The Secretary is authorized to establish a program for visits by middle and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks. Participating students shall reflect the economic and geographic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values.

(7) Educational Reform.—The Secretary is authorized to enhance programs that seek to improve the quality of primary and secondary school systems in eligible countries and promote civic education, to foster understanding of the United States, and through teachers exchanges, teacher training, textbook modernization, and other efforts.

(8) Promotion of Religious Freedom.—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(9) Bridging the Digital Divide.—The Secretary is authorized to establish a program to help foster access to information technology among underserved populations and civil society groups in eligible countries.

(10) Sports Diplomacy.—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries and elsewhere through sports diplomacy. Initiatives under this program may include—

(A) bilateral exchanges to train athletes or teams;

(B) bilateral exchanges to assist countries in establishing or improving their sports, health, or physical education programs;

(C) providing assistance to athletic governing bodies in the United States to support efforts of such organizations to foster cooperation with counterpart organizations abroad; and

(D) utilizing United States professional athletes and other well-known United States sports personalities in support of public diplomacy goals and activities.

(11) College Scholarships.—

(A) In General.—The Secretary is authorized to establish a program to offer scholarships to permit an individual to attend an eligible college or university if such individual—

(i) has graduated from secondary school; and

(ii) is a citizen or resident of an eligible country.

(B) Eligible College or University Defined.—In this paragraph the term "eligible college or university" means a college or university that—

(i) is primarily located in an eligible country;

(ii) is organized under laws of the United States, a State, or the District of Columbia;

(iii) is accredited by an accrediting agency recognized by the Secretary of Education; and

(iv) is not controlled by the government of an eligible country.

SEC. 1613. SECONDARY EXCHANGE PROGRAM.

(a) In General.—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program, under which eligible secondary school students from eligible countries would—

(1) attend public secondary school in the United States;

(2) live with an American host family; and

(3) participate in activities designed to promote a greater understanding of American and Islamic values and culture.

(b) Eligibility Criteria for Students.—A student is eligible to participate in the program authorized under subsection (a) if the student—

(1) is from an eligible country;

(2) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

(3) is enrolled in a secondary school in an eligible country;

(4) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(5) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(6) has not previously participated in an exchange program in the United States sponsored by the United States Government; and

(7) is not inadmissible under the Immigration and Nationality Act or any other law related to immigration and nationality.

(c) Program Requirements.—The program authorized by subsection (a) shall satisfy the following requirements:

(1) Compliance with "J" Visa Requirements.—Participants in the program shall satisfy all requirements applicable to the admission of nonimmigrant aliens described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)). The program shall be considered a designated exchange visitor program for purposes of the application of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(2) BROAD PARTICIPATION.—Whenever appropriate, special provisions shall be made to ensure the broadest possible participation in the program, particularly among females and less advantaged citizens of eligible countries.

(3) REGULAR REPORTING TO THE SECRETARY.—Each United States sponsoring organization shall report regularly to the Secretary information about the progress made by the organization in implementation of the program.

SEC. 1614. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 1102(a)(1), there is authorized to be made available to the Department $30,000,000 for the fiscal year 2004 to carry out programs authorized by this subtitle.

Subtitle C—Fellowship Program

SEC. 1621. SHORT TITLE.

This subtitle may be cited as the "Edward R. Murrow Fellowship Act".

SEC. 1622. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program under which the Broadcasting Board of Governors may provide fellowships to foreign national journalists while they serve, for a period not to exceed 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this subtitle shall be known as "Edward R. Murrow Fellowships".

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this subtitle shall be provided in order to allow each recipient (in this subtitle referred to as a "Fellow") to serve on a short-term basis at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia in order to obtain direct exposure to the operations of professional journalists.

SEC. 1623. FELLOWSHIPS.

(a) LIMITATION.—Not more than 20 fellowships may be provided under this subtitle each fiscal year.

(b) REMUNERATION.—The Board shall determine the amount of remuneration a Fellow will receive for service under this subtitle. In making the determination, the Board shall take into consideration the position in which each Fellow will serve, the Fellow's experience and expertise, and other sources of funds available to the Fellow.

(c) HOUSING AND TRANSPORTATION.—The Broadcasting Board of Governors shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including housing for family members if appropriate; and

(2) pay the costs and expenses incurred by each Fellow for travel between the journalist's country of nationality or last habitual residence and the offices of the Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the country in which the Fellow serves, including (where appropriate) for travel of family members.

SEC. 1624. ADMINISTRATIVE PROVISIONS.

(a) DETERMINATIONS.—The Broadcasting Board of Governors shall determine which of the individuals selected by the Board will serve at Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the position in which each will serve.

(b) AUTHORITIES.—Fellows may be employed—

(1) under a temporary appointment in the Civil Service;

(2) under a limited appointment in the Foreign Service; or

(3) by contract under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(c) FUNDING.—Funds available to the Broadcasting Board of Governors shall be used for the expenses incurred in carrying out this subtitle.

TITLE XVII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

SEC. 1701. SHORT TITLE.

This title may be cited as the "International Parental Child Abduction Prevention Act of 2003".

SEC. 1702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended by striking subclause (III) and inserting the following:

"(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age.".

(b) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN THE CONSULAR LOOKOUT AND SUPPORT SYSTEM.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).

"(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

"(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

"(vii) DEFINITIONS.—In this subparagraph:

"(I) CHILD.—The term 'child' means a person under 21 years of age regardless of marital status.

"(II) SIBLING.—The term 'sibling' includes step-siblings and half-siblings.".

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and each February 1 thereafter for 4 years, the Secretary shall submit to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, an annual report that describes the operation of section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this section, during the prior calendar year to which the report pertains.

(2) CONTENT.—Each annual report submitted in accordance with paragraph (1) shall specify, to the extent that corresponding data is reasonably available, the following:

(A) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(B) The cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) since the beginning of the first reporting period.

(C) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which the name of an alien was placed in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(D) The cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) at the end of the reporting period.

TITLE XVIII—MISCELLANEOUS PROVISIONS

SEC. 1801. REPEAL OF REQUIREMENT FOR SEMI-ANNUAL REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

Section 3203 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 575) is repealed.

SEC. 1802. TECHNICAL AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

Section 304(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(c)) is amended—

(1) in the first sentence, by striking "Director's" and inserting "Secretary's"; and

(2) in the last sentence, by striking "Director" and inserting "Secretary".

SEC. 1803. FOREIGN LANGUAGE BROADCASTING.

(a) IN GENERAL.—During the 1-year period following the date of enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees on the state of democratic governance and freedom of the press in the following countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Slovakia, Romania, Croatia, Armenia, and Ukraine.

(c) Sense of Congress.—It is the sense of Congress that providing surrogate broadcasting in countries that have a stable, democratic government and a vibrant, independent press with legal protections should not be a priority of United States international broadcasting efforts.

SEC. 1804. FELLOWSHIPS FOR MULTIDISCIPLINARY TRAINING ON NONPROLIFERATION ISSUES.

(a) Fellowships Authorized.—In carrying out international exchange programs, the Secretary shall design and implement a program to encourage eligible students to study at an accredited United States institution of higher education in an appropriate graduate program.

(b) Eligible Student Defined.—In this section, the term "eligible student" means a citizen of a foreign country who—

(1) has completed undergraduate education; and

(2) is qualified (as determined by the Secretary).

(c) Appropriate Graduate Program Defined.—In this section, the term "appropriate graduate program" means a graduate level program that provides for the multidisciplinary study of issues relating to weapons nonproliferation and includes training in—

(1) diplomacy;

(2) arms control;

(3) multilateral export controls; or

(4) threat reduction assistance.

(d) Availability of Funds.—Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 1102, $2,000,000 may be available to carry out this section.

SEC. 1805. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.

(a) Findings.—Congress makes the following findings:

(1) Haiti is plagued by chronic political instability, economic and political crises, and significant social challenges.

(2) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(3) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(b) Requirement for Report.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is still an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti, and of the likelihood that the Organization of American States will develop a new framework to replace Resolution 822.

(4) A description of the status of efforts to release the approximately $146,000,000 in loan funds that have been approved by the Inter-American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency requirements.

SEC. 1806. VICTIMS OF VIOLENT CRIME ABROAD.

(a) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on services overseas for United States citizens or nationals of the United States who are victims of violent crime abroad. The report shall include—

(1) a proposal for providing increased services to victims of violent crime, including information on—

(A) any organizational changes necessary to provide such an increase; and

(B) the personnel and budgetary resources necessary to provide such an increase; and

(2) proposals for funding and administering financial compensation for United States citizens or nationals of the United States who are victims of violent crime outside the United States similar to victims compensation programs under the terms of the Crime Victims Fund (42 U.S.C. 10601).

(b) Establishment of a Database.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a database to maintain statistics on incidents of violent crime against United States citizens or nationals of the United States abroad that are reported to United States missions.

(c) Definitions.—In this section—

(1) the term "violent crime" means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault; and

(2) the term "national of the United States" has the same meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

SEC. 1807. LIMITATION ON USE OF FUNDS RELATING TO UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) Limitation on Use of Funds for Consulate in Jerusalem.—None of the funds authorized to be appropriated by this division may be expended for the operation of any United States consulate or diplomatic facility in Jerusalem that is not under the supervision of the United States Ambassador to Israel.

(b) Limitation on Use of Funds for Publications.—None of the funds authorized to be appropriated by this division may be available for the publication of any official document of the United States that lists countries, including Israel, and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 1808. REQUIREMENT FOR ADDITIONAL REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

Section 215(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1366) is amended by inserting "and again not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004," after "Act," in the matter preceding paragraph (1).

SEC. 1809. UNITED STATES POLICY REGARDING THE RECOGNITION OF A PALESTINIAN STATE.

Congress reaffirms the policy of the United States as articulated in President George W. Bush's speech of June 24, 2002, regarding the criteria for recognizing a Palestinian state. Congress reiterates the President's statement that the United States will not recognize a Palestinian state until the Palestinians elect new leadership that—

(1) is not compromised by terrorism;

(2) demonstrates, over time, a firm and tangible commitment to peaceful co-existence with the State of Israel and an end to anti-Israel incitement; and

(3) takes appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including dismantling terrorist infrastructures, confiscating unlawful weaponry, and establishing a new security entity that cooperates fully with appropriate Israeli security organizations.

SEC. 1810. MIDDLE EAST BROADCASTING NETWORK.

(a) Authority.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following new section:

"SEC. 310. MIDDLE EAST BROADCASTING NETWORK.

"(a) Authority.—Grants authorized under section 305 shall be available to make annual grants to a Middle East Broadcasting Network for the purpose of carrying out radio and television broadcasting to the Middle East region.

"(b) Function.—The Middle East Broadcasting Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

"(c) Grant Agreement.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

"(1) The Board may not make any grant to the nonprofit corporation, Middle East Broadcasting Network, unless its certificate of incorporation provides that—

"(A) the Board of Directors of the Middle East Broadcasting Network shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members: and

"(B) such Board of Directors shall make all major policy determinations governing the operation of the Middle East Broadcasting Network, and shall appoint and fix the compensation of such managerial officers and employees of the Middle East Broadcasting Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(2) Any grant agreement under this section shall require that any contract entered into by the Middle East Broadcasting Network shall specify that obligations are assumed by the Middle East Broadcasting Network and not the United States Government.

"(3) Any grant agreement shall require that any lease agreement entered into by the Middle East Broadcasting Network shall be, to the maximum extent possible, assignable to the United States Government.

"(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

"(5) Duplication of language services and technical operations between the Middle East Broadcasting Network (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

"(d) Not a Federal Agency or Instrumentality.—Nothing in this title may be construed to make the Middle East Broadcasting Network a Federal agency or instrumentality, nor shall the officers or employees of the Middle East Broadcasting Network be deemed to be officers or employees of the United States Government.

"(e) Audit Authority.—

"(1) In general.—Such financial transactions of the Middle East Broadcasting Network as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Middle East Broadcasting Network are normally kept.

"(2) Access to records.—Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Middle East Broadcasting Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Middle East Broadcasting Network shall remain in the custody of the Middle East Broadcasting Network.

"(3) Inspector general.—Notwithstanding any other provisions of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act with respect to the Middle East Broadcasting Network.".

(b) Conforming Amendments.—

(1) Authorities of board.—Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204), is amended—

(A) in paragraph (5) of subsection (a), by striking "and 309" and inserting ", 309, and 310";

(B) in paragraph (6) of subsection (a), by striking "and 309" and inserting ", 309, and 310"; and

(C) in subsection (c), by striking "and 309" and by inserting ", 309, and 310".

(2) International broadcasting bureau.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206), is amended—

(A) in subsection (a), by striking "and 309" and inserting ", 309, and 310"; and

(B) in subsection (c), by inserting ", and Middle East Broadcasting Network," after "Asia".

(3) Immunity for liability.—Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)), is amended—

(A) by striking "and" after "Incorporated", and by inserting a comma; and

(B) by adding ", and Middle East Broadcasting Network" after "Asia".

(4) Creditable service.—Section 8332(b)(11) of title 5, United States Code, is amended by adding "Middle East Broadcasting Network," after "the Asia Foundation;".

SEC. 1811. SENSE OF CONGRESS RELATING TO INTERNATIONAL AND ECONOMIC SUPPORT FOR A SUCCESSOR REGIME IN IRAQ.

(a) Findings.—Congress makes the following findings:

(1) A peaceful and prosperous Iraq will benefit the entire international community.

(2) Winning the peace in Iraq will require the support of the international community, including the assistance of the United Nations and the specialized agencies of the United Nations.

(3) While Iraq's long-term economic prospects are good, the short-term economic situation will be difficult.

(4) Iraq has an estimated $61,000,000,000 in foreign debt, approximately $200,000,000,000 in pending reparations claims through the United National Compensation Commission, and an unknown amount of potential liability for terrorism-related claims brought in United States courts.

(5) The revenue from the export of oil from Iraq is projected to be less than $15,000,000,000 each year for the years 2004, 2005, and 2006.

(b) Sense of Congress on a Successor Regime in Iraq.—It is the sense of Congress that—

(1) the President should be commended for seeking the support of the international community to build a stable and secure Iraq;

(2) the President's position that the oil resources of Iraq, and the revenues derived therefrom, are the sovereign possessions of the people of Iraq should be supported; and

(3) the President should pursue measures, in cooperation with other nations, to protect an interim or successor regime in Iraq, to the maximum extent possible, from the negative economic implications of indebtedness incurred by the regime of Saddam Hussein, and to assist in developing a resolution of all outstanding claims against Iraq.

SEC. 1812. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

It is the sense of Congress that, in light of the findings of fact set out in section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1414) and the fact that the Federation of Red Cross and Red Crescent Societies has not granted full membership to the Magen David Adom Society, the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

SEC. 1813. SENSE OF CONGRESS ON CLIMATE CHANGE.

(a) Findings.—Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities" and that the average temperature on Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years". The National Academy of Sciences also noted that "because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward".

(4) The IPCC has stated that in the last 40 years the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a United States Government report found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (UNFCCC), the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner".

(7) The UNFCCC stated in part that the Parties to the Convention are to implement policies "with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases" under the principle that "policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change".

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases, and developing nations' emissions will significantly increase in the future.

(9) The UNFCCC further stated that "developed country Parties should take the lead in combating climate change and the adverse effects thereof", as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that "steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas".

(10) Senate Resolution 98 of the One Hundred Fifth Congress, which expressed that developing nations must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected not to become a party to the Kyoto Protocol at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol to the UNFCCC.

(12) American businesses need to know how governments worldwide will address the risks of climate change.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) Sense of Congress.—It is the sense of Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties, with the objective of securing United States participation in a future binding climate change Treaty in a manner that is consistent with the environmental objectives of the UNFCCC, that protects the economic interests of the United States, and that recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan Senate observer group designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to monitor any international negotiations on climate change, to ensure that the advice and consent function of the Senate is exercised in a manner so as to facilitate timely consideration of any new treaty submitted to the Senate.

SEC. 1814. EXTENSION OF AUTHORIZATION OF APPROPRIATION FOR THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking "2003" and inserting "2004".

SEC. 1815. JUSTICE FOR UNITED STATES MARINES ACT.

(a) Short Title.—This section may be cited as the "Justice for United States Marines Act".

(b) Amendment.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

SEC. 1816. TREATMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

SEC. 1817. GLOBAL DEMOCRACY PROMOTION.

(a) Findings.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the "right of the people peaceably to assemble, and to petition the government for a redress of grievances" is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) Assistance for Foreign Nongovernmental Organizations Under Part I of the Foreign Assistance Act of 1961.—Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SEC. 1818. SUPPORT FOR DEMOCRACY REFORM IN IRAN.

(a) Findings.—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) Policy.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran;

(2) the United States supports transparent, full democracy in Iran;

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment, and torture of Iranian civilians expressing political dissent.

SEC. 1819. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

(a) Findings.—Congress makes the following findings:

(1) Article 4 of the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in Resolution 48/104 on December 20, 1993, proclaims that "States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.".

(2) Paragraph 124 of chapter IV of the Platform for Action, which was adopted along with the Beijing Declaration by the Fourth World Conference on Women on September 15, 1995, states that actions to be taken by governments include condemning violence against women and refraining from invoking any custom, tradition, or religious consideration as a means to avoid the obligations of such governments with respect to the elimination of violence against women as such obligations are referred to in the Declaration on the Elimination of Violence against Women.

(3) The United States has supported the Declaration on the Elimination of Violence Against Women and the Beijing Declaration and Platform for Action.

(b) Sense of Congress.—It is the sense of Congress that the United States should continue to condemn violence against women and should urge states to refrain from invoking any custom, tradition, or practices in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women as referred to in Article 4 of the Declaration on the Elimination of Violence Against Women.

SEC. 1820. AUTHORIZATION FOR PASSENGER CARRIER USE BY THE CHIEF OF PROTOCOL.

Section 1344(b)(4) of title 31, United States Code, is amended by inserting "the Chief of Protocol of the United States," after "abroad,".

SEC. 1821. ANNUAL REPORT ON SAUDI ARABIA'S COOPERATION IN THE WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORT.—Not later than May 1, 2004, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the cooperation of the Government of Saudi Arabia in the war on terrorism.

(b) CONTENT.—Each report shall include—

(1) a description of the efforts of the Government of Saudi Arabia to combat terrorism and to counter efforts to foment intolerance in Saudi Arabia;

(2) an assessment of the cooperation of the Government of Saudi Arabia with United States antiterrorism efforts, including—

(A) efforts of law enforcement in Saudi Arabia to disrupt suspected terrorist networks and apprehend suspected terrorists; and

(B) diplomatic and law enforcement efforts of Saudi Arabia to stop the financing of terrorists and terrorist organizations; and

(3) an assessment of the efforts of the Government of Saudi Arabia to investigate terrorist attacks against citizens of the United States, including—

(A) a description of the status of efforts to investigate such attacks; and

(B) a list of individuals convicted in Saudi Arabia of committing such attacks.

SEC. 1822. ANNUAL REPORT ON SMALL ARMS PROGRAMS.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report—

(1) describing the activities undertaken, and the progress made, by the Department or other agencies and entities of the United States Government in prompting other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons, and describing to what degree the failure to cooperate affects the national security of such state, its neighbors, and the United States; and

(3) recommending incentives and penalties that may be used by the United States Government to prompt states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

SEC. 1823. MODIFICATION OF REPORTING REQUIREMENTS ON UNITED SATES PERSONNEL INVOLVED IN THE ANTINARCOTICS CAMPAIGN IN COLOMBIA.

Section 3204(f) of the Emergency Supplemental Act, 2000 (division B of Public Law 106-246; 114 Stat. 577) is amended—

(1) in the heading, by striking "BIMONTHLY" and inserting "QUARTERLY";

(2) by striking "60 days" and inserting "90 days"; and

(3) by striking "to Congress" and inserting "the appropriate committees of Congress (as that term is defined in section 3207(b)(1) of this Act)".

SEC. 1824. CLARIFICATION OF BLOCKED ASSETS FOR PURPOSES OF TERRORISM RISK INSURANCE ACT OF 2002.

(a) CLARIFICATION.—Section 201(d)(2)(A) of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297; 116 Stat. 2339; 28 U.S.C. 1610 note) is amended by inserting before the semicolon the following: ", any asset or property that in any respect is subject to any prohibition, restriction, regulation, or license pursuant to chapter V of title 31, Code of Federal Regulations (including parts 515, 535, 550, 560, 575, 595, 596, and 597 of such title), or any other asset or property of a terrorist party".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of the Terrorism Risk Insurance Act of 2002, to which such amendment relates.

SEC. 1825. REQUIREMENT FOR REPORT ON THE ROLE OF NORTH KOREA IN THE TRAFFICKING OF ILLEGAL NARCOTICS.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the role of North Korea, since January 1, 2000, in the trafficking of illegal narcotics.

(b) CLASSIFIED REPORT.—If the President submits the report in a classified form, the President shall also submit an unclassified version of the report.

(c) CONTENT.—The report shall—

(1) address each aspect of North Korea's role in the trafficking of illegal narcotics, including any role in the cultivation, sale, or transshipment of such narcotics;

(2) identify the origin and destination of all narcotics that are transshipped through North Korea;

(3) provide an estimate of the total amount of income received by the Government of North Korea each year as a result of such trafficking and the currencies in which such income is received;

(4) describe the role of North Korean government officials and military personnel in such trafficking, including any use of diplomatic channels to facilitate such trafficking; and

(5) include an assessment of whether the leadership of the Government of North Korea is aware and approves of such trafficking activities in North Korea.

SEC. 1826. SENSE OF CONGRESS ON FUNDING FOR COMBATTING AIDS GLOBALLY.

(a) FINDINGS.—Congress makes the following findings:

(1) With the President's support, Congress overwhelmingly and expeditiously approved the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25; 22 U.S.C. 7601 et seq.), indicating the gravity with which Congress considers the pandemic of HIV and AIDS infection.

(2) The Act, which was supported and signed into law by the President, authorized the appropriation of a total $15,000,000,000 for fiscal years 2004 through 2008. Specifically, the Act authorized $3,000,000,000 to be appropriated in fiscal year 2004 for HIV/AIDS and related programs, of which up to $1,000,000,000 was authorized to be made available for the United States contributions to the Global Fund.

(3) In contrast to the amounts authorized to be appropriated in the Act, the President's budget for fiscal year 2004, includes only $1,900,000,000 for HIV/AIDS and related programs, of which only $200,000,000 is for the United States contribution to the Global Fund.

(4) Approximately 5,000 people contract HIV each day.

(5) In Africa, more than 17,000,000 people have died from AIDS, another 28,000,000 are infected with HIV, including 1,500,000 infected children, and 11,000,000 children have been orphaned by AIDS.

(6) The United Nations Development Programme Annual Report for 2003 states, "HIV/AIDS is a catastrophe for economic stability [and] may be the world's most serious development crisis.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget for Fiscal Year 2004 (H. Con. Res. 95, 108th Congress, 1st session).

(c) DEFINITIONS.—In this section:

(1) ACT.—The term "Act" means the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25; 22 U.S.C. 7601 et seq.).

(2) GLOBAL FUND.—The term "Global Fund" means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

SEC. 1827. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the "United States group" of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 1828. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the "United States group" of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 1829. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

"(i) acts of anti-Semitic violence that occurred in that country;

"(ii) the response of the government of that country to such acts of violence;

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

"(iv) societal attitudes in that country toward people of the Jewish faith; and

"(v) trends relating to such attitudes in that country.".

SEC. 1830. PENALTY FOR UNPAID PROPERTY TAXES.

(a) In General.—Subject to subsection (b), an amount equal to 110 percent of the total amount of unpaid property taxes owed by a foreign country to the District of Columbia and New York, New York as reported by the District of Columbia and New York, New York, respectively, shall be withheld from obligation for such country from funds that are—

(1) appropriated pursuant to an authorization of appropriations in this Act; and

(2) made available for such foreign country under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) Payment.—Funds withheld from obligation for a country under subsection (a)(2) shall be paid to the District of Columbia or New York, New York, as appropriate, to satisfy any judgment for unpaid property taxes against such foreign country.

(c) Certification.—The withholding of funds under subsection (a) shall apply with respect to a foreign country until the Secretary certifies to the designated congressional committees that the total unpaid property taxes owed by such country have been paid in full.

(d) Definitions.—In this section:

(1) Designated congressional committees.—The term "designated congressional committees" means the Committees of Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) Judgment.—The term "judgment" means a judgment, order, or decree, including a judgment rendered by default or nonappearance of a party, entered in favor of the District of Columbia or New York, New York in a court of the United States or any State or subdivision thereof, arising from a proceeding regarding unpaid property taxes.

(3) Unpaid property taxes.—The term "unpaid property taxes" means the amount of the unpaid taxes, and interest on such taxes, that have accrued on real property under applicable laws.

SEC. 1831. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) Findings.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to "ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks" and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most notably the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) Sense of Senate.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) The Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency should submit to Congress by August 15, 2003, and quarterly thereafter for the life of the Commission, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

SEC. 1832. SENSE OF CONGRESS ON AN INVESTIGATION INTO ASSERTIONS THAT IRAQ ATTEMPTED TO OBTAIN URANIUM FROM AFRICA.

(a) Findings.—Congress makes the following findings:

(1) In the State of the Union address in January 2003, the President asserted that "[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa".

(2) It has been determined that the claim regarding the efforts of Iraq to obtain uranium from Africa cannot be substantiated.

(3) In May 2003, the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate requested that the Inspector General of the Department and the Inspector General of the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the assertions regarding the efforts of Iraq to obtain uranium from Africa.

(b) Sense of Congress.—It is the sense of Congress that—

(1) Congress supports the thorough and expeditious joint investigation by the Inspector General of the Department and the Inspector General of the Central Intelligence Agency into the documents or other materials that the President relied on to conclude that Iraq had attempted to obtain uranium from Africa;

(2) the findings and conclusions of the joint investigation should be completed not later than September 12, 2003;

(3) such findings and conclusions should be unclassified to the maximum extent possible, while fully protecting any intelligence sources or methods; and

(4) such findings and conclusions should be sent to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the appropriate congressional committees.

SEC. 1833. REPORT ON THE INTERNATIONAL COFFEE CRISIS.

Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees describing the progress the United States is making towards meeting the objectives set forth in paragraph (1) of Senate Resolution 368, 107th Congress, agreed to November 20, 2002, and in paragraph (1) of House Resolution 604, 107th Congress, agreed to November 15, 2002, including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

TITLE XIX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

SEC. 1901. SHORT TITLE.

This title may be cited as the "Peace Corps Charter for the 21st Century Act".

SEC. 1902. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of United States volunteers abroad.

(2) The Peace Corps has sought to fulfill three goals, as follows:

(A) To help people in developing nations meet basic needs.

(B) To promote understanding of America's values and ideals abroad.

(C) To promote an understanding of other peoples by Americans.

(3) The three goals, which are codified in the Peace Corps Act, have guided the Peace Corps and its volunteers over the years, and worked in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) Since its establishment, approximately 165,000 Peace Corps volunteers have served in 135 countries.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, and international understanding.

(7) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(8) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(9) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the talent pool of returned Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps must not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) In order to ensure that proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers and other individuals, with diverse backgrounds and expertise, can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps in discharging the Director's duties and responsibilities.

SEC. 1903. DEFINITIONS.

In this title:

(1) Director.—The term "Director" means the Director of the Peace Corps.

(2) Peace corps volunteer.—The term "Peace Corps volunteer" means a volunteer or a volunteer leader under the Peace Corps Act.

(3) Returned peace corps volunteer.—The term "returned Peace Corps volunteer" means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1904. STRENGTHENED INDEPENDENCE OF THE PEACE CORPS.

(a) Recruitment of Volunteers.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: "As the Peace Corps is an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps.".

(b) Details and Assignments.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after "*Provided*, That" the following: "such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: *Provided further*, That".

SEC. 1905. REPORTS AND CONSULTATIONS.

(a) Annual Reports; Consultations on New Initiatives.—The Peace Corps Act is amended by striking the heading for section 11 (22 U.S.C. 2510) and all that follows through the end of such section and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

"(a) Annual Reports.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain—

"(1) a description of efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

"(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

"(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

"(2) a description of—

"(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to Congress;

"(B) the rationale for undertaking such new initiatives;

"(C) an estimate of the cost of such initiatives; and

"(D) any impact such initiatives may have on the safety of volunteers; and

"(3) a description of standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

"(A) by colocating volunteers with international or local nongovernmental organizations; or

"(B) with the placement of multiple volunteers in one location.

"(b) Consultations on New Initiatives.—The Director of the Peace Corps should consult with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, but in any event as soon as is practicable thereafter.".

(b) One-Time Report on Student Loan Forgiveness Programs.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report containing—

(1) a description of the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) a comparison of such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommendations for any additional student loan forgiveness programs that could attract more applicants from more low- and middle-income applicants facing high student loan obligations.

SEC. 1906. INCREASING THE NUMBER OF VOLUNTEERS.

(a) Requirement.—The Director shall develop a plan to increase the number of Peace Corps volunteers to a number that is not less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002.

(b) Report on Increasing the Number of Volunteers.—

(1) Initial report.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing in detail the Director's plan for increasing the number of Peace Corps volunteers as described in subsection (a), including a five-year budget plan for funding such increase in the number of volunteers.

(2) Subsequent reports.—Not later than January 31 of each year in which the number of Peace Corps volunteers is less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002, the Director shall submit to the appropriate congressional committees an update on the report described in paragraph (1).

SEC. 1907. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BETWEEN THEIR CITIZENS AND THE UNITED STATES.

(a) Report.—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing the initiatives that the Peace Corps intends to pursue with eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) Use of Returned Peace Corps Volunteers.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1908. GLOBAL INFECTIOUS DISEASES INITIATIVE.

The Director, in cooperation with international public health experts such as experts of the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

SEC. 1909. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2) by striking subparagraph (D) and inserting the following:

"(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.";

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "fifteen" and inserting "seven"; and

(ii) by striking the second sentence and inserting the following: "Four of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than four shall be members of the same political party.";

(B) by striking subparagraph (D) and inserting the following:

"(D) The members of the Council shall be appointed for 2-year terms.";

(C) by striking subparagraphs (B) and (H); and

(D) by redesignating subparagraphs (C), (D), (E), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively;

(3) by striking subsection (g) and inserting the following:

"(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.";

(4) by striking subsection (h) and inserting the following:

"(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council."; and

(5) by striking subsection (i) and inserting the following:

"(i) REPORT.—Not later than July 30 of each year, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).".

SEC. 1910. READJUSTMENT ALLOWANCES.

(a) INCREASED RATES.—The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking "$125" and inserting "$275"; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking "$125" and inserting "$275".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 1911. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)), relating to promoting an understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—The Chief Executive Officer of the Corporation for National and Community Service (hereafter in the section referred to as the "Corporation") shall award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop programs and projects to carry out the purpose described in subsection (a).

(2) PROGRAMS AND PROJECTS.—The programs and projects that may receive grant funds under this section include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY.—To be eligible for a grant under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The nonprofit corporation shall meet all management requirements that the Corporation determines appropriate and prescribes as conditions for eligibility for the grant.

(c) GRANT REQUIREMENTS.—A grant under this section shall be made pursuant to a grant agreement between the Corporation and the nonprofit corporation that—

(1) requires grant funds be used only to support programs and projects to carry out the purpose described in subsection (a) through the funding of proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) requires the nonprofit corporation to give preferential consideration to proposals submitted by returned Peace Corps volunteers that request less than $100,000 to carry out a program or project;

(3) requires that not more than 20 percent of the grant funds made available to the nonprofit corporation be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) prohibits the nonprofit corporation from receiving grant funds for more than 2 years unless, beginning in the third year, the nonprofit corporation makes available, to carry out the programs or projects that receive grant funds during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) requires the nonprofit corporation to manage, monitor, and report to the Corporation on the progress of each program or project for which the nonprofit corporation provides funding from a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make any member of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation shall—

(1) consider the need to minimize overhead costs and maximize resources available to fund programs and projects; and

(2) seek to ensure that programs and projects receiving grant funds are carried out across a broad geographical distribution.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—In addition to any other funds made available to the Corporation under any other provision of law, there is authorized to be appropriated to the Corporation to carry out this section, $10,000,000.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1912. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking "2002, and" and inserting "2002,"; and

(2) by inserting before the period at the end the following: ", $359,000,000 for fiscal year 2004, $401,000,000 for fiscal year 2005, $443,000,000 for fiscal year 2006, and $485,000,000 for fiscal year 2007".

DIVISION C—FOREIGN ASSISTANCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Assistance Authorization Act, Fiscal Year 2004".

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Development Assistance and Related Programs Authorizations

SEC. 2101. DEVELOPMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for "Development Assistance", $1,360,000,000 for fiscal year 2004 to carry out sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(c) REPEAL OF OBSOLETE AUTHORIZATIONS.—

(1) AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.—Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended—

(A) by striking "(a)(1)" and inserting "(a)";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively.

(2) EDUCATION AND HUMAN RESOURCES DEVELOPMENT.—Section 105(a) of such Act (22 U.S.C. 2151c(a)) is amended by striking the second sentence.

(3) ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.—Section 106 of such Act (22 U.S.C. 2151d) is amended by striking subsections (e) and (f).

(d) TECHNICAL AMENDMENT OF DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended by striking "AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEVELOPMENT FUND FOR AFRICA.—" and inserting "AVAILABILITY OF FUNDS.—".

SEC. 2102. CHILD SURVIVAL AND HEALTH PROGRAMS FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for "Child Survival and Health Programs Fund", $1,495,000,000 for fiscal year 2004 to carry out sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293). Amounts authorized to be appropriated under this section are in addition to amounts available under other provisions of law to combat the human immunodeficiency virus (HIV) or the acquired immune deficiency syndrome (AIDS).

(b) FAMILY PLANNING PROGRAMS.—Of the amount authorized to be appropriated under subsection (a), $346,000,000 may be used for assistance under sections 104(b) and 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(b) and 2293(i)(3)).

(c) Availability.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(d) Repeal of Obsolete Authorizations and Technical Amendments.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraphs (B) and (C); and

(B) by striking "(2)(A)" and inserting "(2)"; and

(2) in paragraph (3), by striking the last sentence.

SEC. 2103. DEVELOPMENT CREDIT AUTHORITY.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108 (22 U.S.C. 2151f) the following:

"SEC. 108A. DEVELOPMENT CREDIT AUTHORITY.

"(a) Findings.—Congress makes the following findings:

"(1) Developing countries often have large reserves of privately held capital that are not being adequately mobilized and invested due to weak financial institutions and other market imperfections in such countries.

"(2) Partial loan guarantees, particularly when used as an integral part of a development strategy, are useful to leverage local private capital for development while reforming and strengthening developing country financial markets.

"(3) Requiring risk-sharing guarantees and limiting guarantee assistance to private lenders encourages such lenders to provide appropriate oversight and management of development projects funded with loans made by such lenders and, thereby, maximize the benefit which such projects will achieve.

"(b) Policy.—It is the policy of the United States to make partial loan guarantees available to private lenders to fund development projects in developing countries that encourage such lenders to provide appropriate oversight and management of such development projects.

"(c) Authority.—To carry out the policy set forth in subsection (b), the President is authorized to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve the economic development purposes of the provisions of this part.

"(d) Priority for Assistance.—The President, in providing assistance under this section, shall give priority to providing partial loan guarantees made pursuant to the authority in subsection (c) that are used in transactions in which the financial risk of loss to the United States Government under such guarantee does not exceed the financial risk of loss of the private lender that receives such guarantee.

"(e) Terms and Conditions.—Assistance provided under this section shall be provided on such terms and conditions as the President determines appropriate.

"(f) Obligations of the United States.—A partial loan guarantee made under subsection (c) shall constitute an obligation, in accordance with the terms of such guarantee, of the United States of America and the full faith and credit of the United States of America is pledged for the full payment and performance of such obligation.

"(g) Procurement Provisions.—Assistance may be provided under this section notwithstanding section 604(a).

"(h) Development Credit Authority Program Account.—There is established on the books of the Treasury an account known as the Development Credit Authority Program Account. There shall be deposited into the account all amounts made available for providing assistance under this section, other than amounts made available for administrative expenses to carry out this section. Amounts in the Account shall be available to provide assistance under this section.

"(i) Availability of Funds.—

"(1) In general.—Of the amounts authorized to be available for the purposes of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) and the Support for Eastern European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not more than $21,000,000 for fiscal year 2004 may be made available to carry out this section.

"(2) Transfer of funds.—Amounts made available under paragraph (1) may be transferred to the Development Credit Authority Program Account established by subsection (h) of such section.

"(3) Subsidy cost.—Amounts made available under paragraphs (1) and (2) shall be available for subsidy cost as defined in section 502(5) of the Federal Reform Credit Act of 1990 (2 U.S.C. 661a(5)) of activities under this section.

"(j) Authorization of Appropriations.—

"(1) In general.—There is authorized to be appropriated for administrative expenses to carry out this section $8,000,000 for fiscal year 2004.

"(2) Transfer of funds.—The amounts appropriated for administrative expenses under paragraph (1) may be transferred to and merged with amounts made available under section 667(a).

"(k) Availability.—Amounts appropriated or made available under this section are authorized to remain available until expended.".

SEC. 2104. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS AND FOREIGN CENTRAL BANKS OF DEVELOPING OR TRANSITIONAL COUNTRIES.

Section 129(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(j)(1)) is amended by striking "$5,000,000 for fiscal year 1999" and inserting "$14,000,000 for fiscal year 2004".

SEC. 2105. INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended to read as follows:

"SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the President $314,500,000 for fiscal year 2004 for grants to carry out the purposes of this chapter. Amounts appropriated pursuant to the authorization of appropriations in this section are in addition to amounts otherwise available for such purposes.".

SEC. 2106. CONTINUED AVAILABILITY OF CERTAIN FUNDS WITHHELD FROM INTERNATIONAL ORGANIZATIONS.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following new subsection:

"(e) Funds available in any fiscal year to carry out the provisions of this chapter that are returned or not made available for organizations and programs because of the application of this section shall remain available for obligation until September 30 of the fiscal year after the fiscal year for which such funds are appropriated.".

SEC. 2107. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking "$25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987" and inserting "$235,500,000 for fiscal year 2004".

SEC. 2108. TRANSITION INITIATIVES.

Section 494 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292c) is amended to read as follows:

"SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.

"(a) Transition and Development Assistance.—The President is authorized to furnish assistance to support the transition to democracy and to long-term development in accordance with the general authority contained in section 491, including assistance to—

"(1) develop, strengthen, or preserve democratic institutions and processes;

"(2) revitalize basic infrastructure; and

"(3) foster the peaceful resolution of conflict.

"(b) Authorization of Appropriations.—There is authorized to be appropriated to the President $55,000,000 for fiscal year 2004 to carry out this section.

"(c) Availability.—Amounts appropriated under this section for the purpose specified in subsection (b)—

"(1) are authorized to remain available until expended; and

"(2) are in addition to amounts otherwise available for such purpose.".

SEC. 2109. FAMINE ASSISTANCE.

(a) Authority.—Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.), as amended by section 2520, is amended by adding at the end the following new section:

"SEC. 495. FAMINE ASSISTANCE.

"(a) Authorization.—The President is authorized to provide assistance for famine prevention and relief, including for famine prevention and for mitigation of the effects of famine.

"(b) Authorities.—Assistance authorized by subsection (a) shall be provided in accordance with the general authority contained in section 491.

"(c) Notification.—The President shall transmit advance notification of any assistance to be provided under subsection (a) to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representative in accordance with section 634A (22 U.S.C. 2394-1).

"(d) Famine Fund.—There is established on the books of the Treasury an account to be known as the Famine Fund. There shall be deposited into the account all amounts made available for providing assistance under subsection (a). Amounts in the Fund shall be available to provide assistance under such subsection.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal year 2004 to carry out this section.

"(f) Availability.—Amounts appropriated under this section—

"(1) are authorized to remain available until expended; and

"(2) are in addition to amounts otherwise available for such purpose.".

SEC. 2110. ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) Authorization of Appropriations.—There is authorized to be appropriated to the President for "Assistance for the Independent States of the Former Soviet Union", $646,000,000 for fiscal year 2004 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.).

(b) Availability.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

SEC. 2111. ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES.

(a) Authorization of Appropriations.—There is authorized to be appropriated to the President for "Assistance for Eastern Europe and the Baltic States" $475,000,000 for fiscal year 2004 to carry out the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) Availability.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended;

(2) are in addition to amounts otherwise available for such purposes;

(3) may be made available notwithstanding any other provision of law; and

(4) shall be considered to be economic assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for purposes of making applicable the administrative authorities contained in that Act for the use of economic assistance.

SEC. 2112. OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) Authorization of Appropriations.—Section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) $750,400,000 for the fiscal year 2004 for necessary operating expenses of the United States Agency for International Development, of which $146,300,000 is authorized to be appropriated for overseas construction and related costs and for enhancement of information technology and related investments; and"; and

(B) in paragraph (2) of such subsection, by striking "agency" and inserting "Agency";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) There are authorized to be appropriated to the President, in addition to funds available under subsection (a) or any other provision of law for such purposes—

"(1) $35,000,000 for fiscal year 2004 for necessary operating expenses of the Office of Inspector General of the United States Agency for International Development; and

"(2) such amounts as may be necessary for increases in pay, retirement, and other employee benefits authorized by law for the employees of such Office, and for other nondiscretionary costs of such Office.".

(b) Conforming Amendment.—The heading of section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended by striking "Expenses.—" and inserting "Expenses of the United States Agency for International Development.—".

SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) Authorization of Appropriations for Foreign Treatment Centers for Victims of Torture.—

(1) Authorization of appropriations.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) Authorization of appropriations.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) Authorization of Appropriations for the United States Contribution to the United Nations Voluntary Fund for Victims of Torture.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004.

(c) Authorization of Appropriations for Domestic Treatment Centers for Victims of Torture.—

(1) Authorization of appropriations.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) Authorization of appropriations.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect October 1, 2003.

SEC. 2114. SUPPORT REGARDING RURAL DEVELOPMENT CRISIS IN MEXICO.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the United States should continue working closely with the Government of Mexico to help minimize the impact of the current rural development crisis in Mexico; and

(2) that crisis creates a humanitarian, economic, and security imperative for the United States Government to support additional programs focused on the underfunded rural communities of Mexico.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the President for fiscal year 2004, $100,000,000 for programs in Mexico that promote the following:

(1) Micro credit lending.

(2) Small business and entrepreneurial development.

(3) Small farms and farmers that have been impacted by the collapse of coffee prices.

(4) Strengthening the system of private property ownership in the rural communities.

Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations

SEC. 2121. COMPLEX FOREIGN CONTINGENCIES.

Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is amended by adding at the end the following new section:

"SEC. 452. COMPLEX FOREIGN CRISES CONTINGENCY FUND.

"(a) Establishment of Fund.—There is hereby established on the books of the Treasury a fund to be known as the Complex Foreign Crises Contingency Fund (in this section referred to as the 'Fund') for the purpose described in subsection (b).

"(b) Purpose.—The purpose of the Fund is to provide the President with increased flexibility to respond to complex foreign crises, including the ability—

"(1) to provide support for peace and humanitarian intervention operations; and

"(2) to prevent or respond to foreign territorial disputes, armed ethnic or civil conflicts that pose threats to regional or international peace, and acts of ethnic cleansing, mass killings, and genocide.

"(c) Elements.—The Fund shall consist of amounts authorized to be appropriated to the Fund under subsection (g).

"(d) Authority To Furnish Assistance.—(1) Notwithstanding any other provision of law, whenever the President determines it to be important to the national interests of the United States, the President is authorized to furnish assistance using amounts in the Fund for the purpose of responding to a complex foreign crisis.

"(2) The authority to furnish assistance under paragraph (1) for the purpose specified in that paragraph is in addition to any other authority under law to furnish assistance for that purpose.

"(e) Limitation on Use of Funds.—No amounts in the Fund shall be available to respond to natural disasters.

"(f) Notice of Exercise of Authority.—The President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives at least 5 days before each exercise of the authority in this section in accordance with procedures applicable to reprogramming notifications pursuant to section 634A.

"(g) Authorization of Appropriations.—(1) There is authorized to be appropriated to the President for fiscal year 2004 such sums as may be necessary to carry out this section.

"(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be deposited in the Fund.

"(3) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.".

SEC. 2122. INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.

(a) Authorization of Appropriations for Fiscal Year 2004.—Paragraph (1) of section 482(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)) is amended by striking "$147,783,000" and all that follows and inserting "$985,000,000 for fiscal year 2004, of which $700,000,000 is authorized to be appropriated for the Andean Counterdrug Initiative.".

(b) Availability of Funds for Colombia.—That section is further amended by adding at the end the following new paragraphs:

"(3) Notwithstanding any other provision of law, amounts authorized to be appropriated to carry out the purposes of section 481 for fiscal year 2004, and amounts appropriated for fiscal years before fiscal year 2004 for purposes of such section that remain available for obligation, may be used to furnish assistance to the Government of Colombia—

"(A) to support a unified campaign against narcotics trafficking and terrorist activities; and

"(B) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

"(4) Assistance furnished to the Government of Colombia under this section—

"(A) shall be subject to the limitations on the assignment of United States personnel in Colombia under subsections (b) through (d) of section 3204 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 576);

"(B) shall be subject to the condition that no United States Armed Forces personnel and no employees of United States contractors participate in any combat operation in connection with such assistance; and

"(C) shall be subject to the condition that the Government of Colombia is fulfilling its commitment to the United States with respect to its human rights practices, including the specific conditions set forth in subparagraphs (A) through (E) of section 564(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108-7; 117 Stat. 205).".

SEC. 2123. ECONOMIC SUPPORT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

"(a) There is authorized to be appropriated to the President to carry out the purposes of this chapter $2,535,000,000 for fiscal year 2004.".

(b) AUTHORIZATION OF ASSISTANCE FOR ISRAEL.—Section 513(b)(1) of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1430), is further amended by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004".

(c) AUTHORIZATION OF ASSISTANCE FOR EGYPT.—Section 514(b)(1) of the Security Assistance Act of 2000 (Public Law 106-280), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1430), is further amended by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004".

(d) ASSISTANCE FOR PAKISTAN.—

(1) IN GENERAL.—Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2004, $200,000,000 may be made available for assistance for Pakistan, of which up to $200,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan.

(2) TREATMENT OF CERTAIN ASSISTANCE.—The amount made available under paragraph (1) for the cost of modifying direct loans and guarantees shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(3) LIMITATION.—The authority provided by paragraph (1) shall be subject to the requirements of section 634A of the Foreign Assistance Act of 1961.

(e) CLINTON SCHOLARS.—Of the amounts authorized to be appropriated under section 532(a) of the Foreign Assistance Act of 1961 (as amended by this Act), $3,000,000 is authorized to be appropriated for scholarships to Palestinians who are future private and public sector leaders and managers for graduate level education in the United States. Such program shall be known as the "Clinton Scholarship Program".

SEC. 2124. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking "There are authorized" and all that follows through "fiscal year 1987" and inserting "There is authorized to be appropriated to the President to carry out the purposes of this chapter $91,700,000 for the fiscal year 2004".

SEC. 2125. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended by striking "There are authorized" and all that follows through "fiscal year 1987" and inserting "There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $101,900,000 for the fiscal year 2004".

SEC. 2126. NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $485,200,000 for Nonproliferation, Anti-Terrorism, Demining, and Related Programs for the purpose of carrying out nonproliferation, anti-terrorism, demining, and related programs and activities under—

(1) chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.);

(2) chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.);

(3) section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), as amended by section 2212 of this Act, to the extent such assistance is used for activities identified in the last sentence of that section, including not to exceed $675,000 for administrative expenses related to such activities, which amount shall be in addition to funds otherwise made available for such purposes;

(4) section 504 of the FREEDOM Support Act (22 U.S.C. 5854) and programs under the Nonproliferation and Disarmament Fund to promote bilateral and multilateral activities relating to nonproliferation and disarmament, notwithstanding any other provision of law, including, when in the national security interests of the United States, with respect to international organizations and countries other than the independent states of the former Soviet Union;

(5) section 23 of the Arms Export Control Act (22 U.S.C. 2763), for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law;

(6) section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221);

(7) the Radiological Terrorism Threat Reduction Act of 2003 under title XII of this Act; and

(8) the Global Pathogen Surveillance Act of 2003 under title XIII of this Act.

(b) AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for that purpose.

SEC. 2127. FOREIGN MILITARY FINANCING PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $4,414,000,000 for fiscal year 2004.

(b) ASSISTANCE FOR ISRAEL.—Section 513 of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1430), is further amended—

(1) in subsection (c)(1), by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004";

(2) in subsection (c)(3), by striking "Funds authorized" and all that follows through "later." and inserting "Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) for fiscal year 2004 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or October 31, 2004, whichever is later."; and

(3) in subsection (c)(4)—

(A) by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004"; and

(B) by striking "$535,000,000 for fiscal year 2002 and not less than $550,000,000 for fiscal year 2003" and inserting "$550,000,000 for fiscal year 2003 and not less than $565,000,000 for fiscal year 2004".

(c) ASSISTANCE FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 857), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1430), is further amended—

(1) in subsection (c) by striking "fiscal years 2002 and 2003" and inserting "fiscal years 2003 and 2004"; and

(2) in subsection (e), by striking "Funds estimated" and all that follows through "of the respective fiscal year, whichever is later" and inserting the following: "Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2004 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or by October 31, 2003, whichever is later".

Subtitle C—Independent Agencies Authorizations

SEC. 2131. INTER-AMERICAN FOUNDATION.

Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended by striking "There are authorized to be appropriated $28,000,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993" and inserting "There is authorized to be appropriated $15,185,000 for fiscal year 2004".

SEC. 2132. AFRICAN DEVELOPMENT FOUNDATION.

The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h-8) is amended by striking "$3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987" and inserting "$17,689,000 for fiscal year 2004".

Subtitle D—Multilateral Development Bank Authorizations

SEC. 2141. CONTRIBUTION TO THE SEVENTH REPLENISHMENT OF THE ASIAN DEVELOPMENT FUND.

The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"SEC. 31. SEVENTH REPLENISHMENT.

"(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $412,000,000 to the seventh replenishment of the Asian Development Fund, a special fund of the Bank, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $412,000,000 for payment by the Secretary of the Treasury.".

SEC. 2142. CONTRIBUTION TO THE THIRTEENTH REPLENISHMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION.

The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 22. THIRTEENTH REPLENISHMENT.

"(a) Authorization To Contribute.—The United States Governor is authorized to contribute, on behalf of the United States, $2,850,000,000 to the thirteenth replenishment of the Association, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

"(b) Authorization of Appropriations.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $2,850,000,000 for payment by the Secretary of the Treasury.

"(c) Transparency.—

"(1) Policy.—It is the policy of the United States that each multilateral development institution that has a United States Executive Director should—

"(A) not later than 60 days after the date on which the minutes of a meeting of the Board of Directors are approved, post the minutes on the website of the multilateral development institution, with any material deemed too sensitive for public dissemination redacted;

"(B) for a period of at least 10 years beginning on the date of a meeting of a Board of Directors, keep and preserve a written transcript or electronic recording of such meeting;

"(C) not later than the later of 15 days prior to the date on which a Board of Directors will consider for endorsement or approval any public sector loan document, country assistance strategy, sector strategy, or sector policy prepared by a multilateral development institution or the date such documents are distributed to the Board, make such documents available to the public, with any material deemed too sensitive for public dissemination redacted;

"(D) make available on the website of the multilateral development institution an annual report that contains statistical summaries and case studies of the fraud and corruption cases pursued by the investigations unit of the multilateral development institution; and

"(E) require that any health, education, or poverty-focused loan, credit, grant, document, policy or strategy prepared by the multilateral development institution include specific outcome and output indicators to measure results, and that the results be published periodically during the performance of the project or program and at its completion.

"(2) Implementation.—The Secretary of the Treasury should instruct each United States Executive Director at a multilateral development institution—

"(A) to inform the multilateral development institution of the policy set out in subparagraphs (A) through (E) of paragraph (1); and

"(B) to work to implement the policy at the multilateral development institution not later than the scheduled conclusion of the thirteenth replenishment of the International Development Association on June 30, 2005.

"(3) Briefing.—The Secretary of the Treasury should brief, or send a representative of the Department of the Treasury to brief, the appropriate congressional committees, at the request of such committees, on the actions taken by each United States Executive Director at a multilateral development institution or by personnel of such institutions to implement the policy set out in subparagraphs (A) through (E) of paragraph (1).

"(4) Public dissemination by the Secretary of the Treasury.—The Secretary of the Treasury should make available on the website of the Department of the Treasury—

"(A) not later than 60 days after the date of a meeting of a Board of Directors, any written statement presented by a United States Executive Director at such meeting related to a project for which—

"(i) a claim has been made to the multilateral development institution's inspection mechanism; or

"(ii) Board of Directors decisions on inspection mechanism cases are being taken; and

"(B) a record of all votes or abstentions made by a United States Executive Director on matters before a Board of Directors, on a monthly basis.

"(d) Definitions.—In this section:

"(1) Appropriate congressional committees.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

"(2) Board of directors.—The term 'Board of Directors' means the Board of Directors of a multilateral development institution.

"(3) Multilateral development institution.—The term 'multilateral development institution' has the meaning given such term in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)).".

SEC. 2143. CONTRIBUTION TO THE NINTH REPLENISHMENT OF THE AFRICAN DEVELOPMENT FUND.

The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

"SEC. 217. NINTH REPLENISHMENT.

"(a) Authorization To Contribute.—The United States Governor of the Fund is authorized to contribute, on behalf of the United States, $354,000,000 to the ninth replenishment of the Fund, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

"(b) Authorization of Appropriations.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated, without fiscal year limitation, $354,000,000 for payment by the Secretary of the Treasury.".

Subtitle E—Authorization for Iraq Relief and Reconstruction

SEC. 2151. AUTHORIZATION OF ASSISTANCE FOR RELIEF AND RECONSTRUCTION EFFORTS.

(a) Authorization.—The President is authorized to make available from the Iraq Relief and Reconstruction Fund established under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), $2,475,000,000 for fiscal year 2003 for the purposes of providing humanitarian assistance in and around Iraq and carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq.

(b) Authorized Uses of Assistance.—Assistance made available under subsection (a) may include funds for costs related to—

(1) infrastructure related to water and sanitation services;

(2) food and food distribution;

(3) the support of relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations;

(4) electricity;

(5) health care;

(6) telecommunications;

(7) the development and implementation of economic and financial policy;

(8) education;

(9) transportation;

(10) reforms to strengthen the rule of law and introduce and reinforce the principles and institutions of good governance;

(11) humanitarian demining; and

(12) agriculture.

(c) Reimbursement.—Funds made available under subsection (a) may be used to reimburse accounts administered by the Secretary of State, the Secretary of the Treasury, or the Administrator of the United States Agency for International Development for any amounts expended from each such account to provide humanitarian assistance in and around Iraq or for carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq prior to the date of the enactment of this Act if such amounts have not been reimbursed with funds from any other source.

(d) Policy.—It is the policy of the United States to work toward the full and active participation of women in the reconstruction of Iraq by promoting the involvement of women in—

(1) all levels of the government in Iraq and its decision-making institutions;

(2) the planning and distribution of assistance, including food aid; and

(3) job promotion and training programs.

SEC. 2152. REPORTING AND CONSULTATION.

Any report required to be submitted to, and any consultation required to be engaged in with, the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) with respect to funds appropriated to carry out section 2151 shall also be submitted to and engaged in with, respectively, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2153. SPECIAL ASSISTANCE AUTHORITY.

(a) In General.—Except as provided in subsection (b), assistance and other financing under this or any other Act may be provided to Iraq notwithstanding any other provision of law.

(b) Notification of Program Changes.—Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to the assistance and other financing described in subsection (a), except that the notification required by subsection (a) of such section with respect to an obligation of funds shall be transmitted not later than 5 days in advance of the obligation.

SEC. 2154. INAPPLICABILITY OF CERTAIN RESTRICTIONS.

(a) Iraq Sanctions Act.—

(1) Authority to suspend.—The President may suspend the application of any provision of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note).

(2) Exception.—Nothing in this section shall otherwise affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note), except that such Act

shall not apply to humanitarian assistance and supplies.

(b) Inapplicability of Terrorist State Restrictions.—The President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and any other provisions of law that apply to countries that have provided support for terrorism.

(c) Export of Nonlethal Military Equipment.—

(1) Authority.—Notwithstanding any other provision of law except section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), the President may authorize the export to Iraq of any nonlethal military equipment designated on the United States Munitions List and controlled under the International Trafficking in Arms Regulations established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), if, not later than 5 days prior to such export, the President determines and notifies the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States.

(2) Nonapplicability of limitation.—The determination and notification requirement under paragraph (1) shall not apply to military equipment designated by the Secretary of State for use by a reconstituted or interim Iraqi military or police force.

(d) International Organization Activities With Respect to Iraq.—

(1) International organizations and programs.—Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) shall not apply with respect to international organization programs for Iraq.

(2) International financial institutions.—Provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds from an international financial institution, including for financial or technical assistance, shall not apply in the case of Iraq.

(e) Notification of Exercise of Authorities.—

(1) Notification.—Except as provided in subsection (c)(2), the President shall, not later than 5 days prior to exercising any of the authorities under or referred to in this section, submit a notification of such exercise of authority to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) Reporting requirement.—Not later than June 15, 2003, and every 90 days thereafter, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives a report containing a summary of all licenses approved for the export to Iraq of any item on the Commerce Control List contained in supplement 1 to part 774 of title 15, Code of Federal Regulations, under the Export Administration Regulations, including the identification of the end users of such items.

SEC. 2155. TERMINATION OF AUTHORITIES.

The authorities contained in section 2153 and in subsections (a), (b), and (c) of section 2154 shall expire on the date that is 2 years after the date of the enactment of this Act.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

SEC. 2201. DEVELOPMENT POLICY.

Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1(b)) is amended—

(1) in paragraph (5), by—

(A) striking "development; and" and inserting "development;"; and

(B) inserting before the period at the end the following: "; democracy and the rule of law; and economic growth and the building of trade capacity"; and

(2) by adding at the end the following new paragraph:

"(18) The United States development assistance program should take maximum advantage of the increased participation of United States private foundations, business enterprises, and private citizens in funding international development activities. The program should utilize the development experience and expertise of its personnel, its access to host-country officials, and its overseas presence to facilitate public-private alliances and to leverage private sector resources toward the achievement of development assistance objectives.".

SEC. 2202. ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

"(e)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

"(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I (22 U.S.C. 2293 et seq.) and chapter 4 of part II (22 U.S.C. 2346 et seq.); or

"(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

"(2) The President shall submit to Congress, in accordance with section 634A (22 U.S.C. 2394–1), advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

"(3) Assistance may not be furnished through nongovernmental organizations to the central government of a country under the authority of this subsection, but assistance may be furnished to local, district, or subnational government entities under such authority.".

SEC. 2203. AUTHORITY FOR USE OF FUNDS FOR UNANTICIPATED CONTINGENCIES.

Section 451(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended—

(1) by inserting "or the Arms Export Control Act (22 U.S.C. 2751 et seq.)" after "chapter 1 of this part)"; and

(2) by striking "$25,000,000" and inserting "$50,000,000".

SEC. 2204. AUTHORITY TO ACCEPT LETHAL EXCESS PROPERTY.

Section 482(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(g)) is amended—

(1) by striking "(g) Excess Property.—For" and inserting the following:

"(g) Excess Property.—

"(1) Authority.—For";

(2) by striking "nonlethal" and inserting "(including lethal or nonlethal property)"; and

(3) by adding at the end the following new paragraph:

"(2) Notification.—Before obligating any funds to obtain lethal excess property under paragraph (1), the Secretary shall submit a notification of such action to Congress in accordance with the procedures set forth in section 634A.".

SEC. 2205. RECONSTRUCTION ASSISTANCE UNDER INTERNATIONAL DISASTER ASSISTANCE AUTHORITY.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking "assistance for the relief and rehabilitation of" and inserting "relief, rehabilitation, and reconstruction assistance for";

(2) in subsection (b), by striking "relief and rehabilitation" and inserting "relief, rehabilitation, and reconstruction"; and

(3) in subsection (c), by striking "relief and rehabilitation" and inserting "relief, rehabilitation, and reconstruction assistance".

SEC. 2206. FUNDING AUTHORITIES FOR ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) is amended—

(1) in section 498B(j)(1) (22 U.S.C. 2295b(j)(1))—

(A) by striking "authorized to be appropriated for fiscal year 1993 by" and inserting "made available to carry out"; and

(B) by striking "appropriated for fiscal year 1993"; and

(2) in section 498C(b)(1) (22 U.S.C. 2295c(b)(1)), by striking "under subsection (a)" and inserting "to carry out this chapter".

SEC. 2207. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF UNITED STATES DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

Section 505(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(f)) is amended by striking "In the case of items which were delivered prior to 1985, the" in the second sentence and inserting "The".

SEC. 2208. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) Transfers for Concessions.—

(1) Authority.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2231h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) Covered items.—The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) Value of Concessions.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Advance Notification of Transfers.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the

Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) Expiration of Authority.—No transfer may be made under the authority of this section more than 5 years after the date of the enactment of this Act.

SEC. 2209. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES FOR FISCAL YEAR 2004.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking "for fiscal year 2003" and inserting "for each of fiscal years 2003 and 2004"; and

(2) in subparagraph (B), by striking "for fiscal year 2003" and inserting "for a fiscal year".

SEC. 2210. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228, 116 Stat. 1432; 22 U.S.C. 2346 note) is amended by adding at the end the following subsection:

"(c) Exception.—Subsection (a) does not apply to assistance made available to address the needs of southern Lebanon.".

SEC. 2211. ADMINISTRATION OF JUSTICE.

Section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is amended—

(1) in subsection (a), by striking "in countries in Latin America and the Caribbean";

(2) in subsection (b)(3)—

(A) in subparagraph (C), by striking "and";

(B) in subparagraph (D), by inserting "and"; and

(C) by adding at the end the following new subparagraph:

"(E) programs to enhance the protection of participants in judicial cases;";

(3) by striking subsection (c);

(4) in subsection (e), by striking the second and third sentences; and

(5) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2212. DEMINING PROGRAMS.

(a) Clarification of Authority.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended—

(1) in the second sentence, by striking "Such assistance may include reimbursements" and inserting "Such assistance may include the following:

"(1) Reimbursements"; and

(2) by adding at the end the following:

"(2) Demining activities, clearance of unexploded ordnance, destruction of small arms, and related activities, notwithstanding any other provision of law.".

(b) Disposal of Demining Equipment.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes, may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President determines appropriate.

(c) Landmine Awareness Program for the Children of Afghanistan and Other Children at Risk in Areas of Conflict.—

(1) Findings.—Congress makes the following findings:

(A) Most landmines in Afghanistan were laid between 1980 and 1992.

(B) Additional landmines were laid between 1992 and 1996, during the conflict between the Taliban and the Northern Alliance.

(C) United States bombings against the Taliban in 2001 and 2002 further increased the unexploded ordinance and cluster bombs throughout Afghanistan.

(D) The clearance of landmines is a slow and expensive process.

(E) Certain types of landmines and other unexploded ordinance are small, brightly colored, and attractive to children.

(F) More than 150 Afghans, many of them children, are injured every month by these weapons.

(G) In 2003, reconstituted Taliban forces have sought out and attacked workers clearing landmines, in an attempt to discredit the Government of President Karzai and the United States military presence.

(H) In May 2003, after a string of Taliban attacks in which mine removal workers were killed or seriously injured, the United Nations suspended all mine-clearing operations in much of southern Afghanistan.

(I) Effective landmine awareness programs targeted to children could save lives in Afghanistan and in other areas of conflict where unexploded ordinance are a danger to the safety of children.

(2) Authorization.—The President is authorized to furnish assistance to fund innovative programs designed to educate children in Afghanistan and other affected areas about the dangers of landmines and other unexploded ordinances, especially those proposed by organizations with extensive background in children's educational programs.

(3) Authorization of Appropriations.—In addition to funds otherwise authorized to be appropriated for demining and related activities under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), there are authorized to be appropriated for fiscal year 2004 such sums as may be necessary to carry out the purposes of this subsection.

SEC. 2213. SPECIAL WAIVER AUTHORITY.

(a) Revision of Authority.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended in subsection (a) by—

(1) striking paragraphs (1) and (2) and inserting "(1) The President may authorize any assistance, sale, or other action under this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), or any other law that authorizes the furnishing of foreign assistance or the appropriation of funds for foreign assistance, without regard to any of the provisions described in subsection (b) if the President determines, and notifies the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives in writing—

"(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or sales or other actions under the Arms Export Control Act (22 U.S.C. 2751 et seq.), that to do so is vital to the national security interests of the United States; and

"(B) with respect to other assistance or actions, that to do so is important to the security interests of the United States."; and

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) Increased Limitation on Single Country Allocation.—Subsection (a)(3)(C) of such section, as redesignated, is amended by striking "$50,000,000" and inserting "$75,000,000".

(c) Repeal of Provisions Relating to Germany and a Certification Requirement.—Section 614 of such Act is further amended by striking subsections (b) and (c).

(d) Inapplicable or Waivable Laws.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

"(b) Inapplicable or Waivable Laws.—The provisions referred to in paragraphs (1) and (2) of subsection (a) are those set forth in any of the following:

"(1) Any provision of this Act.

"(2) Any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(3) Any provision of law that authorizes the furnishing of foreign assistance or appropriates funds for foreign assistance.

"(4) Any other provision of law that restricts assistance, sales or leases, or other action under a provision of law referred to in paragraph (1), (2), or (3).

"(5) Any provision of law that relates to receipts and credits accruing to the United States.".

SEC. 2214. PROHIBITION OF ASSISTANCE FOR COUNTRIES IN DEFAULT.

(a) Clarification of Prohibited Recipients.—Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking "any country" and inserting "the government of any country"; and

(2) by striking "such country" each place it appears and inserting "such government".

(b) Period of Prohibition.—Such section 620(q) is further amended by striking "six calendar months" and inserting "one year".

SEC. 2215. MILITARY COUPS.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by inserting after subsection (l) the following new subsection (m):

"(m)(1) No assistance may be furnished under this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the government of a country if the duly elected head of government for such country is deposed by decree or military coup. The prohibition in the preceding sentence shall cease to apply to a country if the President determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that after the termination of assistance a democratically elected government for such country has taken office.

"(2) Paragraph (1) does not apply to assistance to promote democratic elections or public participation in democratic processes.

"(3) The President may waive the application of paragraph (1), and any comparable provision of law, to a country upon determining that it is important to the national security interest of the United States to do so.".

SEC. 2216. DESIGNATION OF POSITION FOR WHICH APPOINTEE IS NOMINATED.

Section 624 of the Foreign Assistance Act of 1961 (22 U.S.C. 2584) is amended by inserting after subsection (c) the following new subsection (d):

"(d) Nomination of Officers.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position authorized under subsection (a), the President shall designate the particular position in the agency for which the individual is nominated.".

SEC. 2217. EXCEPTIONS TO REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF PROGRAM CHANGES.

Section 634A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(b)) is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) of funds if the advance notification would pose a substantial risk to human health or welfare, but such notification shall be provided to the committees of Congress named in subsection (a) not later than 3 days after the action is taken; or

"(4) of funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the provision of major defense equipment (other than conventional ammunition), aircraft, ships, missiles, or combat vehicles in quantities not in excess of 20 percent of the quantities previously justified under section 25 of such Act (22 U.S.C. 2765).".

SEC. 2218. COMMITMENTS FOR EXPENDITURES OF FUNDS.

Section 635(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(h)) is amended by striking "available" and all that follows through "may," and inserting "made available under this Act may,".

SEC. 2219. ALTERNATIVE DISPUTE RESOLUTION.

Section 635(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(i)) is amended to read as follows:

"(i) Notwithstanding any other provision of law, claims arising as a result of operations under this Act may be settled (including by use of alternative dispute resolution procedures) or arbitrated with the consent of the parties. Payment made pursuant to any such settlement or arbitration shall be final and conclusive.".

SEC. 2220. ADMINISTRATIVE AUTHORITIES.

Section 636 of the Foreign Assistance Act of 1961 (22 U.S.C. 2396) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by—

(i) striking "abroad"; and

(ii) striking "Civil Service Commission" and inserting "Office of Personnel Management";

(B) by striking paragraph (5) and inserting the following:

"(5) purchase and hire of passenger motor vehicles;"; and

(C) in paragraph (10), by striking "for not to exceed ten years";

(2) in subsection (c), by striking "not to exceed $6,000,000 of the"; and

(3) in subsection (d), by striking "Not to exceed $2,500,000 of funds" and inserting "Funds".

SEC. 2221. ASSISTANCE FOR LAW ENFORCEMENT FORCES.

Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking "and the provision of professional" and all that follows through "democracy" and inserting "including any regional, district, municipal, or other subnational entity emerging from instability";

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(8) with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act (22 U.S.C. 2152c);

"(9) with respect to the provision of professional public safety training, including training in internationally recognized standards of human rights, the rule of law, and the promotion of civilian police roles that support democracy; and

"(10) with respect to assistance to combat trafficking in persons."; and

(2) by striking subsection (d) and inserting the following:

"(d) Subsection (a) does not apply to assistance for law enforcement forces for which the Secretary, on a case-by-case basis, determines that it is important to the national interest of the United States to furnish such assistance and submits to the committees of the Congress referred to in subsection (a) of section 634A of this Act (22 U.S.C. 2394–1) an advance notification of the obligation of funds for such assistance in accordance with such section 634A.".

SEC. 2222. SPECIAL DEBT RELIEF FOR THE POOREST.

The Foreign Assistance Act of 1961 is amended by adding at the end the following:

"PART VI—SPECIAL DEBT RELIEF FOR THE POOREST

"SEC. 901. SPECIAL DEBT RELIEF FOR THE POOREST.

"(a) AUTHORITY.—Subject to subsections (b) and (c), the President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of any of the following transactions:

"(1) Concessional loans extended under part I of this Act, or chapter 4 of part II of this Act, or antecedent foreign economic assistance laws.

"(2) Guarantees issued under sections 221 and 222 of this Act.

"(3) Credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(4) Any obligation, or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to—

"(A) section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

"(B) section 201(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(b)); or

"(C) section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

"(b) GENERAL LIMITATIONS.—

"(1) EXCLUSIVE CONDITIONS.—The authority provided in subsection (a) may be exercised—

"(A) only to implement multilateral official debt relief and referendum agreements, commonly referred to as 'Paris Club Agreed Minutes';

"(B) only in such amounts or to such extent as is provided in advance in appropriations Acts; and

"(C) only with respect to countries with heavy debt burdens that—

"(i) are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as 'IDA-only' countries; and

"(ii) are not determined ineligible under subsection (c).

"(2) ADVANCE NOTIFICATION OF CONGRESS.—The authority provided by subsection (a) shall be subject to the requirements of section 634A of this Act (22 U.S.C. 2394–1).

"(c) ELIGIBILITY LIMITATIONS.—The authority provided by subsection (a) may be exercised only with respect to a country the government of which, as determined by the President—

"(1) does not make an excessive level of military expenditures;

"(2) has not repeatedly provided support for acts of international terrorism;

"(3) is not failing to cooperate on international narcotics control matters;

"(4) does not engage, through its military or security forces or by other means, in a consistent pattern of gross violations of internationally recognized human rights; and

"(5) is not ineligible for assistance under section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a).

"(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) may not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided in subsection (a) may be exercised notwithstanding section 620(r) of this Act (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975 (22 U.S.C. 2220a note).".

SEC. 2223. CONGO BASIN FOREST PARTNERSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) Deforestation and environmental degradation in the Congo Basin in central Africa pose a major threat to the wellbeing and livelihood of the African people and to the world at large.

(2) It is in the national interest of the United States to assist the countries of the Congo Basin to reduce the rate of forest degradation and loss of biodiversity.

(3) The Congo Basin Forest Partnership, an initiative involving the Central Africa Regional Program for the Environment of the United States Agency for International Development, and also the Department of State, the United States Fish and Wildlife Service, the National Park Service, the National Forest Service, and National Aeronautics and Space Administration, was established to address in a variety of ways the environmental conditions in the Congo Basin.

(4) In partnership with nongovernmental environmental groups, the Congo Basin Forest Partnership will foster improved conservation and management of natural resources through programs at the local, national, and regional levels to help reverse the environmental degradation of the Congo Basin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congo Basin Forest Partnership program represents a significant effort at addressing the complex environmental and development challenges in the Congo Basin; and

(2) the President should make available for fiscal year 2004 at least the total level of assistance that the President requested for such fiscal year for all agencies participating in the Congo Basin Forest Partnership program for fiscal year 2004.

SEC. 2224. LANDMINE CLEARANCE PROGRAMS.

The Secretary of State is authorized to support cooperative arrangements commonly known as public-private partnerships for landmine clearance programs by grant or cooperative agreement.

SEC. 2225. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) Designation.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the "Foundation").

(2) Funding.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) Notification to congressional committees.—The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives before designating an appropriate organization as the Foundation.

(c) Grants for Projects.—

(1) Foundation to make grants.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) Center for public policy.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) Applications for grants.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) Private Character of the Foundation.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) Limitation on Payments to Foundation Personnel.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) Retention of Interest.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) Financial Accountability.—

(1) Independent private audits of the foundation.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO audits.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) Audits of grant recipients.—

(A) In general.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) Recordkeeping.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) Annual Reports.—Not later than January 31, 2005, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle B—Arms Export Control Act Amendments and Related Provisions

SEC. 2231. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) Letters of Offer To Sell.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "Subject to paragraph (6), in" and inserting "In";

(B) by striking "$50,000,000" and inserting "$100,000,000";

(C) by striking "services for $200,000,000" and inserting "services for $350,000,000";

(D) by striking "$14,000,000" and inserting "$50,000,000"; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "before such letter";

(2) in the first sentence of paragraph (5)(C)—

(A) by striking "Subject to paragraph (6), if" and inserting "If";

(B) by striking "$14,000,000" and inserting "$50,000,000";

(C) by striking "$50,000,000" and inserting "$100,000,000";

(D) by striking "or $200,000,000" and inserting "or $350,000,000"; and

(E) by inserting "and in other cases if the President determines it is appropriate," before "then the President"; and

(3) by striking paragraph (6).

(b) Export Licenses.—Subsection (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "Subject to paragraph (5), in" and inserting "In";

(B) by striking "$14,000,000" and inserting "$50,000,000";

(C) by striking "$50,000,000" and inserting "$100,000,000"; and

(D) by inserting "and in other cases if the President determines it is appropriate," before "before issuing such";

(2) in the last sentence of paragraph (2), by striking "(A) and (B)" and inserting "(A), (B), and (C)"; and

(3) by striking paragraph (5).

(c) Presidential Consent.—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking "Subject to paragraph (5), the" and inserting "The";

(B) by striking "$14,000,000" and inserting "$50,000,000"; and

(C) by striking "$50,000,000" and inserting "$100,000,000"; and

(2) by striking paragraph (5).

SEC. 2232. CLARIFICATION OF REQUIREMENT FOR ADVANCE NOTICE TO CONGRESS OF COMPREHENSIVE EXPORT AUTHORIZATIONS.

Subsection (d) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by striking "this subsection" and inserting "this subparagraph"; and

(C) by adding at the end the following new subparagraph:

"(B) Notwithstanding section 27(g), in the case of a comprehensive authorization described in section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation) for the proposed export of defense articles or defense services in an amount that exceeds a limitation set forth in subsection (c)(1), before the comprehensive authorization is approved or the addition of a foreign government or other foreign partner to the comprehensive authorization is approved, the President shall submit a certification with respect to the comprehensive authorization in a manner similar to the certification required under subsection (c)(1) of this section and containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subparagraph."; and

(2) in paragraph (4), by striking "Approval for an agreement subject to paragraph (1) may not be given under section 38" and inserting "Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be,".

SEC. 2233. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS WITHIN AUSTRALIA AND THE UNITED KINGDOM.

(a) EXCEPTION ON TRANSFERS WITHIN AUSTRALIA.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778(j)) is amended by adding at the end the following new paragraph:

"(5) EXCEPTION FROM BILATERAL AGREEMENT REQUIREMENTS.—

"(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

"(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of such subsection (22 U.S.C. 2778(j)(2)) is amended in the material preceding subparagraph (A) by striking "A bilateral agreement" and inserting "Except as provided in paragraph 5, a bilateral agreement".

(c) ADDITIONAL CERTIFICATIONS FOR THE UNITED KINGDOM AND AUSTRALIA.—Not later than 14 days before authorizing an exemption from the licensing requirements of the Arms Export Control Act in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will advance the non-proliferation and export control interests of the United States;

(2) does not adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime; and

(3) will not adversely affect the duties or requirements of the Secretary under such Act.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) on provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and the agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on June 30, 2003; and

(8) on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of the bilateral agreements between such country and the United States or of any other form of agreement between the United Kingdom and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees, in a manner consistent with ongoing efforts to investigate and bring civil or criminal charges regarding such matters, not later than 90 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 2234. AUTHORITY TO PROVIDE CATALOGING DATA AND SERVICES TO NON-NATO COUNTRIES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking "to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government" and inserting "to the North Atlantic Treaty Organization, to any member government of that Organization, or to the government of any other country if that Organization, member government, or other government".

SEC. 2235. FREEDOM SUPPORT ACT PERMANENT WAIVER AUTHORITY.

(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year, funds may be obligated and expended during that fiscal year under sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853 and 5854) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of section 502 of such Act (22 U.S.C. 5852).

(b) CERTIFICATION AND REPORT.—

(1) IN GENERAL.—The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restriction under such section 502 and the requirements in that section during the fiscal year covered by such certification is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) FORM OF REPORT.—A report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 2236. EXTENSION OF PAKISTAN WAIVERS.

The Act entitled "An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes", approved October 27, 2001 (Public Law 107-57; 115 Stat. 403), is amended—

(1) in section 1(a)—

(A) by striking "2002" in the heading and inserting "2004"; and

(B) by striking "2002" in paragraph (1) and inserting "2004";

(2) in paragraph (2) of section 3, by striking "Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is" and inserting "annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are"; and

(3) in section 6, by striking "October 1, 2003" and inserting "October 1, 2004".

SEC. 2237. CONSOLIDATION OF REPORTS ON NONPROLIFERATION IN SOUTH ASIA.

Section 1601(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 is amended to read as follows:

"(c) REPORT.—The report required to be submitted to Congress not later than April 1, 2004 pursuant to section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) shall include a description of the efforts of the United States Government to achieve the objectives described in subsections (a) and (b), the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2004.".

SEC. 2238. HAITIAN COAST GUARD.

The Government of Haiti shall be eligible to purchase defense articles and services for the Haitian Coast Guard under the Arms Export Control Act (22 U.S.C. 2751 et seq.), subject to the prior notification requirements under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

SEC. 2239. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) IN GENERAL.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) and Australia, Japan, and New Zealand.

(b) MARKETING INFORMATION.—In this section, the term "marketing information" means data that a seller must provide to a potential customer (including a foreign end-user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair, and includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

SEC. 2240. TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS.

(a) EXPORTS UNDER THE ARMS EXPORT CONTROL ACT.—

(1) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended by inserting after "such certification)," in the fourth sentence the following: "Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the letter of offer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.".

(2) LICENSES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting after the second sentence the following: "Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the license or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.".

(b) TRANSFERS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Subsection 516(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) for any proposed transfer of firearms listed in category I of the United States Munitions List that would require a license for international export under section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

"(i) with regard to the proposed transfer, the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons; and

"(ii) a summary of any provision under the transfer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed transfer; and".

TITLE XXIII—RADIOLOGICAL TERRORISM THREAT REDUCTION

SEC. 2301. SHORT TITLE.

This title may be cited as the "Radiological Terrorism Threat Reduction Act of 2003".

SEC. 2302. FINDINGS.

Congress makes the following findings:

(1) It is feasible for terrorists to obtain and disseminate radioactive material by using a radiological dispersion device (RDD) or by emplacing discrete radioactive sources in major public places.

(2) An attack by terrorists using radiological material could cause catastrophic economic and social damage, although it might kill few, if any, Americans.

(3) The first line of defense against radiological terrorism is preventing the acquisition of radioactive material by terrorists.

SEC. 2303. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) BYPRODUCT MATERIAL.—The term "byproduct material" has the meaning given the term in section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(4) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(5) RADIOACTIVE MATERIAL.—The term "radioactive material" means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear byproduct material;

(C) material made radioactive by bombardment in an accelerator; and

(D) all refined isotopes of radium.

(6) RADIOACTIVE SOURCE.—The term "radioactive source" means radioactive material that is permanently sealed in a capsule or closely bonded and includes any radioactive material released if the source is leaking or stolen, but does not include any material within the nuclear fuel cycle of a research or power reactor.

(7) RADIOISOTOPE THERMAL GENERATOR.—The term "radioisotope thermal generator" means an electrical generator which derives its power from the heat produced by the decay of a radioactive source by the emission of alpha, beta, or gamma radiation. The term does not include nuclear reactors deriving their energy from the fission or fusion of atomic nuclei.

(8) SECRETARY.—The term "Secretary" means the Secretary of State.

(9) SOURCE MATERIAL.—The term "source material" has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(10) SPECIAL NUCLEAR MATERIAL.—The term "special nuclear material" has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 2304. INTERNATIONAL STORAGE FACILITIES FOR RADIOACTIVE SOURCES.

(a) AGREEMENTS ON TEMPORARY SECURE STORAGE.—The Secretary is authorized to propose that the IAEA conclude agreements with up to 8 countries under which agreement each country would provide temporary secure storage for orphaned, unused, surplus, or other radioactive sources (other than special nuclear material, nuclear fuel, or spent nuclear fuel). Such agreements shall be consistent with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and shall address the need for storage of such radioactive sources in countries or regions of the world where convenient access to secure storage of such radioactive sources does not exist.

(b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make voluntary contributions to the IAEA for use by the Department of Nuclear Safety of the IAEA to fund the United States share of the costs of activities associated with or under agreements under subsection (a).

(2) UNITED STATES SHARE IN FISCAL YEAR 2004.—The United States share of the costs of

activities under agreements under subsection (a) in fiscal year 2004 may be 100 percent of the costs of such activities in that fiscal year.

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out activities under agreements under subsection (a) in a manner that meets the standards of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

(d) APPLICABILITY OF ENVIRONMENTAL LAWS.—

(1) INAPPLICABILITY OF NEPA TO FACILITIES OUTSIDE UNITED STATES.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply with respect to any temporary secure storage facility constructed outside the United States under an agreement under subsection (a).

(2) APPLICABILITY OF FOREIGN ENVIRONMENTAL LAWS.—The construction and operation of a facility described in paragraph (1) shall be governed by any applicable environmental laws of the country in which the facility is constructed.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2305. DISCOVERY, INVENTORY, AND RECOVERY OF RADIOACTIVE SOURCES.

(a) AUTHORITY.—The Secretary is authorized to provide assistance, including through voluntary contributions to the IAEA under subsection (b), to support a program of the Division of Radiation and Waste Safety of the Department of Nuclear Safety of the IAEA to promote the discovery, inventory, and recovery of radioactive sources in member nations of the IAEA.

(b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.—The Secretary is authorized to make voluntary contributions to the IAEA to fund the United States share of the program described in subsection (a).

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out the program described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2306. RADIOISOTOPE THERMAL GENERATOR POWER UNITS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) SUBSTITUTION WITH OTHER POWER UNITS.—

(1) IN GENERAL.—The Secretary is authorized to assist the Government of the Russian Federation to substitute solar (or other nonnuclear) power sources for radioisotope thermal power units operated by the Russian Federation and other independent states of the former Soviet Union in applications such as lighthouses in the Arctic, remote weather stations, and for providing electricity in remote locations.

(2) TECHNOLOGY REQUIREMENT.—Any power unit utilized as a substitute power unit under paragraph (1) shall, to the maximum extent practicable, be based upon tested technologies that have operated for at least one full year in the environment where the substitute power unit will be used.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy to ensure that substitute power sources provided under this section are for facilities from which the radioisotope thermal generator power units have been or are being removed.

(c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—The Secretary may use not more than 20 percent of the funds available under this section in any fiscal year to replace dangerous radioisotope thermal power facilities that are similar to the facilities described in subsection (a) in countries other than the independent states of the former Soviet Union.

(d) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $5,000,000 to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts available under paragraph (1) are authorized to remain available until expended.

SEC. 2307. FOREIGN FIRST RESPONDERS.

(a) IN GENERAL.—The Secretary is authorized to assist foreign countries, or to propose that the IAEA assist foreign countries, in the development of appropriate national response plans and the training of first responders to—

(1) detect, identify, and characterize radioactive material;

(2) understand the hazards posed by radioactive contamination;

(3) understand the risks encountered at various dose rates;

(4) enter contaminated areas safely and speedily; and

(5) evacuate persons within a contaminated area.

(b) CONSIDERATIONS.—In carrying out activities under subsection (a), the Secretary shall take into account the findings of the threat assessment report required by section 2308 and the location of any storage facilities for radioactive sources under section 2304.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2308. THREAT ASSESSMENT REPORTS.

(a) REPORTS REQUIRED.—The Secretary shall, at the times specified in subsection (c), submit to the appropriate congressional committees a report—

(1) detailing the preparations made at United States diplomatic missions abroad to detect and mitigate a radiological attack on United States missions and other United States facilities under the control of the Secretary;

(2) setting forth a rank-ordered list of the Secretary's priorities for improving radiological security and consequence management at United States missions; and

(3) providing a rank-ordered list of the missions where such improvement is most important.

(b) BUDGET REQUEST.—Each report under subsection (a) shall also include a proposed budget to carry out the improvements described in subsection (a)(2) under such report.

(c) TIMING.—

(1) FIRST REPORT.—The first report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—Subsequent reports under subsection (a) shall be submitted with the budget justification materials submitted by the Secretary to Congress in support of the budget of the President for the fiscal year (as submitted under section 1105(a) of title 31, United States Code) for each fiscal year commencing with fiscal year 2006.

(d) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

SEC. 2401. SHORT TITLE.

This title may be cited as the "Global Pathogen Surveillance Act of 2003".

SEC. 2402. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Bioterrorism poses a grave national security threat to the United States. The insidious nature of the threat, the likely delayed recognition in the event of an attack, and the underpreparedness of the domestic public health infrastructure may produce catastrophic consequences following a biological weapons attack upon the United States.

(2) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in another country can quickly spread to the United States. Given the realities of international travel, trade, and migration patterns, a dangerous pathogen released anywhere in the world can spread to United States territory in a matter of days, before any effective quarantine or isolation measures can be implemented.

(3) To effectively combat bioterrorism and ensure that the United States is fully prepared to prevent, diagnose, and contain a biological weapons attack, measures to strengthen the domestic public health infrastructure and improve domestic surveillance and monitoring, while absolutely essential, are not sufficient.

(4) The United States should enhance cooperation with the World Health Organization, regional health organizations, and individual countries, including data sharing with appropriate United States departments and agencies, to help detect and quickly contain infectious disease outbreaks or bioterrorism agents before they can spread.

(5) The World Health Organization (WHO) has done an impressive job in monitoring infectious disease outbreaks around the world, including the recent emergence of the Severe Acute Respiratory Syndrome (SARS) epidemic, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response network.

(6) The capabilities of the World Health Organization are inherently limited by the quality of the data and information it receives from member countries, the narrow range of diseases (plague, cholera, and yellow fever) upon which its disease surveillance and monitoring is based, and the consensus process it uses to add new diseases to the list. Developing countries in particular often cannot devote the necessary resources to build and maintain public health infrastructures.

(7) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting based on symptoms and signs (known as "syndrome surveillance"), affording the earliest possible opportunity to conduct an effective response;

(D) a narrowing of the existing technology gap in syndrome surveillance capabilities and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national and regional health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(8) An effective international capability to monitor and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter terrorist use of biological weapons, as early detection will help mitigate the intended effects of such malevolent uses.

(b) PURPOSE.—The purposes of this title are as follows:

(1) To enhance the capability and cooperation of the international community, including the World Health Organization and individual countries, through enhanced pathogen surveillance and appropriate data sharing, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based and other electronic syndrome surveillance systems, in addition to traditional epidemiology methods, so that they may better detect, diagnose, and contain infectious disease outbreaks, especially those due to pathogens most likely to be used in a biological weapons attack.

(3) To provide assistance to developing countries to purchase appropriate public health laboratory equipment necessary for infectious disease surveillance and diagnosis.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology, including, as appropriate, relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of United States Government public health professionals to international health organizations, regional health networks, and United States diplomatic missions where appropriate.

(6) To establish "lab-to-lab" cooperative relationships between United States public health laboratories and established foreign counterparts.

(7) To expand the training and outreach activities of overseas United States laboratories, including Centers for Disease Control and Prevention and Department of Defense entities, to enhance the disease surveillance capabilities of developing countries.

(8) To provide appropriate technical assistance to existing regional health networks and, where appropriate, seed money for new regional networks.

SEC. 2403. DEFINITIONS.

In this title:

(1) BIOLOGICAL WEAPONS CONVENTION.—The term "Biological Weapons Convention" means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London, and Moscow April 10, 1972.

(2) ELIGIBLE DEVELOPING COUNTRY.—The term "eligible developing country" means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this title;

(C) is a state party to the Biological Weapons Convention; and

(D) is determined by the United States Government not to have an offensive biological weapons program.

(3) ELIGIBLE NATIONAL.—The term "eligible national" means any citizen or national of an eligible developing country who—

(A) is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not currently or previously affiliated with or employed by a laboratory or entity determined by the United States Government to be involved in offensive biological weapons activities.

(4) INTERNATIONAL HEALTH ORGANIZATION.—The term "international health organization" includes the World Health Organization and the Pan American Health Organization.

(5) LABORATORY.—The term "laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(6) SECRETARY.—Unless otherwise provided, the term "Secretary" means the Secretary of State.

(7) SELECT AGENT.—The term "select agent" has the meaning given such term for purposes of section 72.6 of title 42, Code of Federal Regulations.

(8) SYNDROME SURVEILLANCE.—The term "syndrome surveillance" means the recording of symptoms (patient complaints) and signs (derived from physical examination) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 2404. PRIORITY FOR CERTAIN COUNTRIES.

Priority in the provision of United States assistance for eligible developing countries under all the provisions of this title shall be given to those countries that permit personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases on their territories, provide early notification of disease outbreaks, and provide pathogen surveillance data to appropriate United States departments and agencies in addition to international health organizations.

SEC. 2405. RESTRICTION.

Notwithstanding any other provision of this title, no foreign nationals participating in programs authorized under this title shall have access, during the course of such participation, to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

SEC. 2406. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program (in this section referred to as the "program") under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology to be carried out at the Centers for Disease Control and Prevention (or equivalent State facility), or other Federal facility (excluding the Department of Defense or United States National Laboratories), for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a "fellow") may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—In awarding a fellowship under the program, the Secretary, in consultation with the Secretary of Health and Human Services, shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

(A) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the recipient's education or training);

(B) will, upon completion of such education or training, return to the recipient's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) agrees that, if the recipient is unable to meet the requirements described in subparagraph (A) or (B), the recipient will reimburse the United States for the value of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Secretary but not higher than the rate generally applied in connection with other Federal loans.

(2) Waivers.—The Secretary may waive the application of paragraph (1)(B) and (1)(C) if the Secretary determines that it is in the national interest of the United States to do so.

(d) Implementation.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with any eligible developing country under which the country agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the country upon completion of his studies; and

(3) to certify to the Secretary when a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, with an explanation of how the requirement was met.

(e) Participation of United States Citizens.—On a case-by-case basis, the Secretary may provide for the participation of United States citizens under the provisions of this section if the Secretary determines that it is in the national interest of the United States to do so. Upon completion of such education or training, a United States recipient shall complete at least 5 years of employment in a public health position in an eligible developing country or an international health organization.

SEC. 2407. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND SYNDROME SURVEILLANCE.

(a) In General.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, support short training courses in-country (not in the United States) for laboratory technicians and other public health personnel from eligible developing countries in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks. Training under this section may be conducted in overseas facilities of the Centers for Disease Control and Prevention or in Overseas Medical Research Units of the Department of Defense, as appropriate. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

(b) Training in Syndrome Surveillance.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, establish and support short training courses in-country (not in the United States) for public health personnel from eligible developing countries in techniques of syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) and other Internet-based tools. Training under this subsection may be conducted via the Internet or in appropriate facilities as determined by the Secretary. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

SEC. 2408. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.

(a) Authorization.—The President is authorized, on such terms and conditions as the President may determine, to furnish assistance to eligible developing countries to purchase and maintain public health laboratory equipment described in subsection (b).

(b) Equipment Covered.—Equipment described in this subsection is equipment that is—

(1) appropriate, where possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used as a biological weapon;

(3) compatible with general standards set forth, as appropriate, by the World Health Organization and the Centers for Disease Control and Prevention, to ensure interoperability with regional and international public health networks;

(4) necessary to secure and monitor pathogen collections containing select agents; and

(5) not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) Host Country's Commitments.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, maintain, support, secure, monitor, and maximize use of this equipment and appropriate technical personnel.

SEC. 2409. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) Assistance for Purchase of Communication Equipment and Information Technology.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries for the purchase and maintenance of communications equipment and information technology described in subsection (b), and supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) Covered Equipment.—Equipment (and information technology) described in this subsection is equipment that—

(1) is suitable for use under the particular conditions of the area of intended use;

(2) meets appropriate World Health Organization standards to ensure interoperability with like equipment of other countries and international health organizations; and

(3) is not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) Assistance for Standardization of Reporting.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(f) Host Country's Commitments.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 2410. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) In General.—Upon the request of a United States chief of diplomatic mission or an international health organization, and with the concurrence of the Secretary of State, the head of a Federal agency may assign to the respective United States mission or organization any officer or employee of the agency occupying a public health position within the agency for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) Reimbursement.—The costs incurred by a Federal agency by reason of the detail of personnel under subsection (a) may be reimbursed to that agency out of the applicable appropriations account of the Department of State if the Secretary determines that the relevant agency may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 2411. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) In General.—Subject to the availability of appropriations, the Centers for Disease Control and Prevention and the Department of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers or the Department, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of those laboratories, especially with respect to the implementation of on-site training of foreign nationals and regional outreach efforts involving neighboring countries.

(b) Cooperation and Coordination Between Laboratories.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) Relation to Core Missions and Security.—The expansion of the operations of overseas laboratories of the Centers or the Department under this section shall not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 2412. ASSISTANCE FOR REGIONAL HEALTH NETWORKS AND EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities of the World Health Organization and existing regional health networks; and

(2) developing new regional health networks.

(b) EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

SEC. 2413. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining and Related Programs, there is authorized to be appropriated $35,000,000 for the fiscal year 2004 to carry out this title.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

(A) $25,000,000 for the fiscal year 2004 is authorized to be available to carry out sections 2406, 2407, 2408, and 2409;

(B) $500,000 for the fiscal year 2004 is authorized to be available to carry out section 2410;

(C) $2,500,000 for the fiscal year 2004 is authorized to be available to carry out section 2411; and

(D) $7,000,000 for the fiscal year 2004 is authorized to be available to carry out section 2412.

(b) AVAILABILITY OF FUNDS.—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) REPORTING REQUIREMENT.—Not later than 120 days after the date of enactment of this title, the Secretary shall submit a report, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, containing—

(1) a description of the implementation of programs under this title; and

(2) an estimate of the level of funding required to carry out those programs at a sufficient level.

TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS

Subtitle A—Elimination and Modification of Certain Reporting Requirements

SEC. 2501. ANNUAL REPORT ON TERRITORIAL INTEGRITY.

Section 560 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (titles I through V of Public Law 103-87; 107 Stat. 966) is amended by striking subsection (g).

SEC. 2502. ANNUAL REPORTS ON ACTIVITIES IN COLOMBIA.

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 116 Stat. 1415; 22 U.S.C. 2291 note) is amended by adding at the end the following:

"(c) REPORT CONSOLIDATION.—The Secretary may satisfy the annual reporting requirements of this section by incorporating the required information with the annual report submitted pursuant to section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)).".

SEC. 2503. ANNUAL REPORT ON FOREIGN MILITARY TRAINING.

Subsection (a)(1) of section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended by striking "January 31" and inserting "March 1".

SEC. 2504. REPORT ON HUMAN RIGHTS IN HAITI.

Section 616(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-114), is amended—

(1) in paragraph (2), by striking "not later than 3 months after the date of enactment of this Act" and inserting "as part of the annual report submitted under paragraph (4) of this subsection"; and

(2) in paragraph (3), by inserting ", as part of the annual report submitted under paragraph (4) of this subsection," after "the appropriate congressional committees".

Subtitle B—Other Matters

SEC. 2511. CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.

Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 475; 22 U.S.C. 2370a) is amended by adding at the end the following new subsection:

"(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.—

"(1) MATTERS NOT TO BE CONSIDERED.—Any action described in subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, may not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

"(2) ACTIONS PRESENTED.—An action shall be deemed presented for purposes of paragraph (1) if, not later than 120 days after the date prescribed under paragraph (3), a written description of the action is—

"(A) submitted to the Secretary of State by a United States person; and

"(B) received by the Department of State at—

"(i) the headquarters of the Department of State in Washington, District of Columbia; or

"(ii) the Embassy of the United States of America to Nicaragua.

"(3) TIME FOR PRESENTATION.—The Secretary of State shall prescribe the date on which the presentation deadline is based for the purposes of paragraph (2) and shall publish a notice of such date in the Federal Register. The prescribed date may be any date selected by the Secretary in the Secretary's sole discretion, except that such date may not be the date on which this subsection takes effect or any date before such effective date.".

SEC. 2512. SUPPORT FOR SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) As of January 1, 2003, the United States had provided a total of $516,000,000 to the United Nations Mission in Sierra Leone and to Operation Focus Relief for the purpose of bringing peace and stability to Sierra Leone.

(2) In fiscal year 2003, Congress appropriated $144,850,000 to support the United Nations Mission in Sierra Leone, and the President has requested $84,000,000 for fiscal year 2004 to support such Mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the considerable United States investment in stability in Sierra Leone should be secured through appropriate support for activities aimed at enhancing Sierra Leone's long-term prospect for peaceful development.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees on the feasibility of establishing a United States mission in Sierra Leone.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) AVAILABILITY OF FUNDS.—Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.), up to $15,000,000 may be made available in fiscal year 2004 to support in Sierra Leone programs—

(1) to increase access to primary and secondary education in rural areas;

(2) designed to alleviate poverty; and

(3) to eliminate government corruption.

SEC. 2513. SUPPORT FOR INDEPENDENT MEDIA IN ETHIOPIA.

Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), such sums as are necessary may be made available in fiscal year 2004 to support independent media in Ethiopia, including providing support to—

(1) strengthen the capacity of journalists; and

(2) increase access to printing facilities by individuals who work in the print media.

SEC. 2514. SUPPORT FOR SOMALIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should work—

(A) to support efforts to strengthen state capacity in Somalia;

(B) to curtail opportunities for terrorists and other international criminals in Somalia;

(C) to engage sectors of Somali society that are working to improve the conditions of the Somali people; and

(D) to provide alternatives to extremist influences in Somalia by vigorously pursuing small-scale human development initiatives; and

(2) supporting stability in Somalia is in the national interest of the United States.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the strategy for engaging with pockets of competence within the borders of Somalia to both strengthen local capacity and to establish incentives for other communities to seek stability.

(2) CONTENT.—The report shall—

(A) outline a multiyear strategy for increasing—

(i) access to primary and secondary education and basic health care services, including projected staffing and resource needs in light of Somalia's current capacity;

(ii) support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies; and

(iii) support initiatives to rehabilitate Somalia's livestock export sector; and

(B) evaluate the feasibility of using the Ambassador's Fund for Cultural Preservation to support Somalia's cultural heritage, including the oral traditions of the Somali people.

SEC. 2515. SUPPORT FOR CENTRAL AFRICAN STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) In recent years, the Central African States of Burundi, the Democratic Republic of the Congo, Rwanda, and Uganda have all been involved in overlapping conflicts that have destabilized the region and contributed to the deaths of millions of civilians.

(2) The Department of State's 2002 Country Report on Human Rights Practices in Burundi states that, "impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability."

(3) The Department of State's 2002 Country Report on Human Rights Practices in the Democratic Republic of the Congo states that, "the judiciary continued to be underfunded, inefficient, and corrupt. It largely was ineffective as a deterrent to human rights abuses or as a corrective force."

(4) The Department of State's 2002 Country Report on Human Rights Practices in Rwanda states that "there were credible reports that Rwandan Defense Force units operating in the [Democratic Republic of the Congo] committed deliberate unlawful killings and other serious abuses, and impunity remained a problem," and that "the Government continued to conduct genocide trials at a slow pace."

(5) The Department of State's 2002 Country Report on Human Rights Practices in Uganda states that "security forces used excessive force, at times resulting in death, and committed or failed to prevent extrajudicial killings of suspected rebels and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security force officials who were guilty of abuses; however, abuses by the security forces remained a problem."

(6) Ongoing human rights abuses in the Democratic Republic of the Congo, including ethnically-based conflict in Ituri province, threaten the integrity and viability of the Congolese peace process.

(b) STATEMENT OF POLICY.—It is the policy of the United States Government to support—

(1) efforts aimed at accounting for the grave human rights abuses and crimes against humanity that have taken place throughout the central African region since 1993;

(2) programs to encourage reconciliation in communities affected by such crimes; and

(3) efforts aimed at preventing such crimes in the future.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the actions taken by the United States Government to implement the policy set out in subsection (b).

(d) AUTHORIZATION.—Of the amounts made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), up to $12,000,000 may be made available for fiscal year 2004 to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and to improve local capacity to prevent and respond to such violence.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2516. AFRICAN CONTINGENCY OPERATIONS TRAINING AND ASSISTANCE PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amounts made available under chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C 2348 et seq.), $15,000,000 may be made available in fiscal year 2004 to support the African Contingency Operations Training and Assistance program (in this section referred to as "ACOTA") to enhance the capacity of African militaries to participate in peace support operations.

(b) ELIGIBILITY FOR PARTICIPATION.—

(1) CRITERIA.—Countries receiving ACOTA support shall be selected on the basis of—

(A) the country's willingness to participate in peace support operations;

(B) the country's military capability;

(C) the country's democratic governance;

(D) the nature of the relations between the civil and military authorities within the country;

(E) the human rights record of the country, with particular attention paid to the record of the military; and

(F) the relations between the country and its neighboring states.

(2) ELIGIBILITY REVIEW.—The eligibility status of participating countries shall be reviewed at least annually.

(c) SENSE OF CONGRESS ON LOCAL CONSULTATIONS.—It is the sense of Congress that the Department of State should—

(1) provide information about the nature and purpose of ACOTA training to nationals of a country participating in ACOTA, including parliamentarians and nongovernmental humanitarian and human rights organizations; and

(2) to the extent possible, provide such information prior to the beginning of ACOTA training activities in such country.

(d) SENSE OF CONGRESS ON MONITORING.—It is the sense of Congress that—

(1) the Department of State and other relevant departments and agencies should monitor the performance and conduct of military units that receive ACOTA training or support; and

(2) the Department of State should provide to the appropriate congressional committees an annual report on the information gained through such monitoring.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2517. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2518. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after "Zambia," the following: "Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,".

SEC. 2519. EMERGENCY FOOD AID FOR HIV/AIDS VICTIMS.

(a) FINDINGS.—The Senate finds the following:

(1) The Centers for Disease Control and Prevention found that "For persons living with HIV/AIDS, practicing sound nutrition can play a key role in preventing malnutrition and wasting syndrome, which can weaken an already compromised immune system.".

(2) There are immediate needs for additional food aid in sub-Saharan Africa where the World Food Program has estimated that more than 40,000,000 people are at risk of starvation.

(3) Prices of certain staple commodities have increased by 30 percent over the past year, which was not anticipated by the President's fiscal year 2004 budget request.

(4) The Commodity Credit Corporation has the legal authority to finance up to $30,000,000,000 for ongoing agriculture programs and $250,000,000 represents a use of less than 1 percent of such authority to combat the worst public health crisis in 500 years.

(b) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to provide an additional $250,000,000 in fiscal year 2003 to carry out programs authorized under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to assist in mitigating the effects of HIV/AIDS on affected populations in sub-Saharan Africa and other developing nations, and by September 30, 2003, the Administrator of the United States Agency for International Development shall enter into agreements with private voluntary organizations, nongovernmental organizations, and other appropriate organizations for the provision of such agricultural commodities through programs that—

(A) provide nutritional assistance to individuals with HIV/AIDS and to children, households, and communities affected by HIV/AIDS; and

(B) generate funds from the sale of such commodities for activities related to the prevention and treatment of HIV/AIDS, support services and care for HIV/AIDS infected individuals and affected households, and the creation of sustainable livelihoods among individuals in HIV/AIDS affected communities, including income-generating and business activities.

(2) RELATIONSHIP TO PREVIOUS FOOD AID.—The food provided under this subsection shall be in addition to any other food aid acquired and provided by the Commodity Credit Corporation prior to the date of enactment of this Act. Agricultural commodities made available under this subsection may, notwithstanding any other provision of law, be shipped in fiscal years 2003 and 2004.

SEC. 2520. REPEAL OF OBSOLETE ASSISTANCE AUTHORITY.

Sections 495 through 495K of the Foreign Assistance Act of 1961 (22 U.S.C. 2292f through 2292q) are repealed.

SEC. 2521. TECHNICAL CORRECTIONS.

(a) ERROR IN ENROLLMENT.—Effective as of November 21, 1990, as if included therein, section 10(a)(1) of Public Law 101–623 (104 Stat. 3356), relating to an amendment of section 610(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2360(a)), is amended by striking "'part I'" and inserting "'part I)'".

(b) REDESIGNATION OF DUPLICATIVELY NUMBERED SECTION.—Section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104–164 (110 Stat. 1436; 22 U.S.C. 2378a), is redesignated as section 620J.

(c) CORRECTION OF SHORT TITLE.—Effective as of September 30, 1961, as if included therein, section 111 of Public Law 87–329 (75 Stat. 719; 22 U.S.C. 2151 note) is amended by striking "'The Foreign" and inserting "the 'Foreign".

SEC. 2522. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

SEC. 2523. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the enactment of legislation providing initial United States assistance for the Plan Colombia initiative. Since then, the United States has provided over $3,000,000,000 in support of Plan Colombia.

(2) During this period, the Government of Colombia, with United States support, has made progress in the eradication and seizure of illegal drugs.

(3) According to reports—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares to be sprayed with herbicides in 2003;

(B) 3,300 hectares of poppy crop have been sprayed with herbicides in 2002, and an additional 1,658 hectares to be sprayed in 2003; and

(C) between January 2002 and May 2003, 100 tons of pure cocaine and 850 kilos of heroin have been seized with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia have 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades.

(5) The armed forces of Colombia are taking steps against the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of some 3,553 guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of solid and liquid chemicals used for manufacturing cocaine, and the seizure of weapons from guerrillas and drug traffickers.

(6) In the past several years, the Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia is working to establish law and order in Colombia—

(A) homicides have reportedly declined in Colombia during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have reportedly declined during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, thousands of new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia plans to increase defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and to enlarge its armed forces by 126,000 troops.

(10) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) COMMENDATION.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia on the third anniversary of Plan Colombia and for their efforts in fighting illegal drugs and terrorism; and

(2) supports and encourages the efforts of President Uribe and the Government and people of Colombia to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia.

SEC. 2524. IN APPRECIATION OF OUR ARMED FORCES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Armed Forces, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in 3 weeks.

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis and these efforts are further complicated by the absence of effective communication with the Iraqi people.

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities.

(4) Approximately 145,000 United States troops are currently deployed in Iraq, meaning that American troops comprise roughly 90 percent of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85 percent of Coalition forces.

(5) Maintaining the existing force level in Iraq currently requires $3,900,000,000 each month.

(6) The Department of Defense has stated that it will require 1 year to train a new Iraqi Army of 12,000 soldiers and 3 years to train 40,000 soldiers.

(7) The Coalition Provisional Authority has stated that it will require at least 1 year to recruit and train a police force of 40,000 officers capable of assuming minimal police functions in Iraq, that it will require 5 years to recruit and train a full force of 75,000 officers, and that at least 5,500 additional international police are needed to train, assist, and jointly patrol with the existing Iraqi police force.

(8) President Bush has noted that "The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking", and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States.

(9) Secretary Rumsfeld testified that "We certainly want assistance from NATO and from NATO countries" and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops.

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) the President should consider requesting formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia, and Kosovo and Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq; and

(3) the President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

DIVISION D—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3001. SHORT TITLE.

This division may be cited as the "Millennium Challenge Act of 2003".

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that "America supports the international development goals in the U.N. Millennium Declaration, and believes that

the goals are a shared responsibility of developed and developing countries." The President also called for a "new compact for global development, defined by new accountability for both rich and poor nations" and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this division are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 3102; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 3003. DEFINITIONS.

In this division:

(1) BOARD.—The term "Board" means the Millennium Challenge Board established by section 3101(c).

(2) CANDIDATE COUNTRY.—The term "candidate country" means a country that meets the criteria set out in section 3103.

(3) CEO.—The term "CEO" means the chief executive officer of the Corporation established by section 3101(b).

(4) CORPORATION.—The term "Corporation" means the Millennium Challenge Corporation established by section 3101(a).

(5) ELIGIBLE COUNTRY.—The term "eligible country" means a candidate country that is determined, under section 3104, as being eligible to receive assistance under this division.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term "Millennium Challenge Account" means the account established under section 3301.

TITLE XXXI—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3101. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in title XXXII.

(b) CEO OF THE CORPORATION.—

(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this division is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Millennium Challenge Corporation.".

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this division.

SEC. 3102. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this division set out in section 3002(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this division may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) EXCEPTION.—Assistance under this division may not be used for military assistance or training.

(c) FORM OF ASSISTANCE.—Assistance under this division may be provided in the form of grants to eligible entities.

(d) COORDINATION.—The provision of assistance under this division shall be coordinated with other United States foreign assistance programs.

(e) APPLICATIONS.—An eligible entity seeking assistance under this division to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 3103. CANDIDATE COUNTRY.

(a) IN GENERAL.—A country is a candidate country for the purposes of this division—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than $5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than $5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 3104. ELIGIBLE COUNTRY.

(a) DETERMINATION BY THE BOARD.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) ASSESSING ELIGIBILITY.—

(1) IN GENERAL.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) ANNUAL PUBLICATION OF INDICATORS.—

(A) INITIAL PUBLICATION.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) FINAL PUBLICATION.—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) CONSIDERATION OF PUBLIC COMMENT.—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 3105. ELIGIBLE ENTITY.

(a) ASSISTANCE.—Any eligible entity may receive assistance under this division to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) DETERMINATIONS OF ELIGIBILITY.—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) ELIGIBLE ENTITIES.—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 3106. MILLENNIUM CHALLENGE CONTRACT.

(a) IN GENERAL.—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 3002(b).

(b) CONTENT.—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this division; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) REQUIREMENT FOR CONSULTATION.—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) REQUIREMENT FOR APPROVAL BY THE BOARD.—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 3107. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 3108. DISCLOSURE.

(a) REQUIREMENT FOR DISCLOSURE.—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this division—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this division has been effective in helping the eligible country to achieve such objectives.

(b) DISSEMINATION.—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 3109. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) AUTHORITY.—Notwithstanding any other provision of this division and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) CONDITIONS.—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 3104 because of—

(1) the unreliability of data used to assess its eligibility under section 3104; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 3104.

(c) LIMITATION.—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 3110. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this division during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this division with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this division with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this division.

TITLE XXXII—POWERS AND AUTHORITIES OF THE MILLENNIUM CHALLENGE CORPORATION

SEC. 3201. POWERS OF THE CORPORATION.

(a) POWERS.—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this division;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this division.

(b) CONTRACTING AUTHORITY.—The functions and powers authorized by this division may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 3202. COORDINATION WITH USAID.

(a) REQUIREMENT FOR COORDINATION.—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) USAID PROGRAMS.—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 3104.

SEC. 3203. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 3204. PERSONNEL AUTHORITIES.

(a) Requirement To Prescribe A Human Resources Management System.—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) Relationship to Other Laws.—

(1) Inapplicability of certain laws.—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) Application of certain laws.—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) Relationship to retirement benefits laws.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) Appointment and Termination.—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) Compensation.—

(1) Authority to fix compensation.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) Limitations on compensation.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) Term of Employment.—

(1) In general.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) Excepted positions.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) Waiver.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this division.

(f) Authority for Temporary Employees.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) Detail of Federal Employees to the Corporation.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) Reinstatement.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 3205. PERSONNEL OUTSIDE THE UNITED STATES.

(a) Assignment to United States Embassies.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) Privileges and Immunities.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) Responsibility of Chief of Mission.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 3206. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this division.

SEC. 3207. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this division.

SEC. 3208. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS

SEC. 3301. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this division shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out the provisions of this division $1,000,000,000 for fiscal year 2004, $2,300,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) Availability.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) Allocation of Funds.—

(1) In general.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this division or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) Notification.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SA 1975. Mr ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

CONDITION ON THE PROVISION OF IMET FUNDS TO INDONESIA

Sec. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia prior to the date on which the President makes the certification described in subsection (b).

(b) The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(d) In this section, the term "appropriate congressional committees" means the Committee on Appropriations and Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 29, 2003 at 10 a.m. in room 106 of the Dirksen Senate Office Building to conduct a business meeting to consider pending committee business; to be followed immediately by a hearing on S. 1770, the Indian Money Account Claims Satisfaction Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Mike Fitzgerald, a member of my staff who does not currently have floor privileges, be admitted to the floor for the duration of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that William Boyd, a minority fellow with the Committee on Environment and Public Works, be granted the privileges of the floor during debate on the Leavitt nomination.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

On Thursday, October 23, 2003, the Senate passed H.R. 2989, as follows:

H.R. 2989

Resolved, That the bill from the House of Representatives (H.R. 2989) entitled "An Act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $91,276,000, of which not to exceed $2,500,000 shall be available for the immediate Office of the Secretary; not to exceed $706,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,403,000 shall be available for the Office of the General Counsel; not to exceed $12,312,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,536,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,477,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $28,882,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,915,000 shall be available for the Office of Public Affairs; not to exceed $1,458,000 shall be available for the Office of the Executive Secretariat; not to exceed $700,000 shall be available for the Board of Contract Appeals; not to exceed $1,268,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $1,792,000 for the Office of Intelligence and Security; and not to exceed $13,327,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,569,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,836,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $116,715,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2005: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $52,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,535,648,000, of which $6,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,047,300,000 shall be available for air traffic services program activities; not to exceed $873,374,000 shall be available for aviation regulation and certification program activities; not to exceed $218,481,000 shall be available for research and acquisition program activities; not to exceed $12,601,000 shall be available for commercial space transportation program activities; not to exceed $49,783,000 shall be available for financial services program activities; not to exceed $77,029,000 shall be available for human resources program activities; not to exceed $84,749,000 shall be available for regional coordination program activities; not to exceed $142,650,000 shall be available for staff offices; and not to exceed $29,681,000 shall be available for information services: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the *maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $6,500,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That of the amount appropriated under this heading, not to exceed $50,000 may be transferred to the Aircraft Loan Purchase Guarantee Program.*

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, hire of air navigation and experimental facilities and equipment and other capital facilities and equipment in direct support of the National Airspace System, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,916,000,000, of which $2,480,520,000 shall remain available until September 30, 2006, and of which $435,480,000 shall remain available until September 30, 2004: Provided, That of the total amount made available under this heading, $100,000,000 shall be transferred to the heading "Grants-in-Aid for Airports" and shall not be subject to the obligation limitation stated therein and shall remain available until expended: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $118,939,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2006: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,400,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2004, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, not more than $66,638,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2004.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control.

SEC. 104. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the "Grants-in-Aid for Airports" program, for the FAA to hire additional staff or obtain the services of consultants: Provided, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 105. The Federal Aviation Administration shall give priority consideration to Paulding County, Georgia Airport Improvements for the Airport Improvement Program.

SEC. 106. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period, commonly referred to as the EAS local participation program.

SEC. 107. The Administrator of the Federal Aviation Administration may, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

SEC. 108. None of the funds in this Act may be used to adopt rules or regulations concerning travel agent service fees unless the Department of Transportation publishes in the Federal Register revisions to the proposed rule and provides a period for additional public comment on such proposed rule for a period not less than 60 days.

SEC. 109. It is the sense of the Senate that the Secretary of Transportation must, in connection with the Philadelphia International Airport Capacity Enhancement Program, consider the impact of aircraft noise on northern Delaware—

(1) within the scope of the environmental impact statement prepared in connection with the Program; and

(2) as part of any study of aircraft noise required under the National Environmental Protection Act of 1969 and conducted pursuant to part 150 of title 14, Code of Federal Regulations, or any successor regulations.

SEC. 110. Of the total amount appropriated under this title for the Federal Aviation Administration under the heading "FACILITIES AND

EQUIPMENT", $2,000,000 shall be available for air traffic control facilities, John C. Stennis International Airport, Hancock County, Mississippi.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $337,834,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $20,000,000 shall be available to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children under section 303 of Public Law 108–21; $175,000,000 shall be available to enable the Secretary of Transportation to make grants for surface transportation projects, and shall remain available until expended; $7,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $33,843,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2004: Provided, That within the $33,843,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, Unites States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2003: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

511 Traveler Information Program, North Carolina, $400,000;

Advanced Ticket Collection and Passenger Information Systems, New Jersey, $1,500,000;

Advanced Traffic Analysis Center, North Dakota, $500,000;

Advanced Transportation Management Systems (AMTS), Montgomery County, Maryland, $1,000,000;

ATR Transportation Technology/CVISN, New Mexico, $1,000,000;

Auburn, Auburn Way South ITS, Washington, $1,600,000;

Cargo Watch Logistics Information System, New York, $4,000,000;

CCTA Intelligent Transportation Systems, Vermont, $1,000,000;

Central Florida Regional Transportation Authority: North Orange/South Seminole ITS Enhanced Circulator, $2,500,000;

City of Boston Intelligent Transportation Systems, Massachusetts, $1,750,000;

City of Huntsville, Alabama ITS, $5,000,000;

City of Shreveport Intelligent Transportation System Deployment, Louisiana, $1,000,000;

Clark County Transit, VAST ITS, Washington, $1,600,000;

Dynamic Changeable Message Signs—Urban Interstate System, Iowa, $1,000,000;

Fiber Optic Signal Interconnect System, Arizona, $4,000,000;

Germantown Parkway ITS Project, Tennessee, $3,000,000;

GMU ITS, Virginia, $1,000,000

George Washington University, Virginia Campus, $1,000,000

Great Lakes ITS, Michigan, $2,000,000;

Greater Philadelphia Chamber of Commerce ITS System, Pennsylvania, $2,000,000;

Hillsborough Area Regional Transit Bus Tracking, Communication and Security, Florida, $1,000,000;

Hoosier SAFE–T, Indiana, $3,500,000;

I–70 Incident Management Plan, Colorado, $3,000,000;

Intelligent Transportation Systems—Phases II and III, Ohio, $1,250,000;

Intelligent Transportation Systems [ITS] Statewide and Commercial Vehicle Information Systems Network [CVISN], Maryland, $1,000,000;

Intelligent Transportation Systems, Illinois, $4,000,000;

Iowa Transit Communications, $1,500,000;

ITS Expansion in Davis and Utah Counties, Utah, $1,250,000;

ITS, Cache Valley, Utah, $1,000,000;

Jacksonville Transportation Authority: Intelligent Transportation Systems Regional Planning, Florida, $1,000,000;

King County, Countywide Signaling Program, Washington, $1,500,000;

Lewis & Clark 511 Coalition, Montana, $1,000,000;

Lincoln, Nebraska StarTran Automatic Vehicle Location System, $1,000,000;

Maine Statewide ITS, $1,000,000;

MARTA Automated Fare Collection/Smart Card System, Georgia, $1,500,000;

Mid-America Surface Transportation Weather Research Institute, North Dakota, $1,000,000;

Missouri Statewide Rural ITS, $5,000,000;

Nebraska Statewide Intelligent Transportation System Deployment, $2,000,000;

Oklahoma Statewide ITS, $5,000,000;

Port of Anchorage Intermodal Facility, Alaska, $1,500,000;

Program of Projects, Washington, $5,400,000;

RIPTA ITS Program Phase II, Rhode Island, $1,500,000;

Real Time Transit Passenger Information System for the Prince George's County Department of Public Works, Maryland, $1,000,000;

Sacramento Area Council of Governments—ITS Projects, California, $4,000,000;

SCDOT InRoads, South Carolina, $3,000,000;

Seattle City Center ITS, Washington, $2,500,000;

Springfield, Missouri Regional ITS, $2,000,000;

State of Vermont Interstate Variable Message Signs and Weather Information Stations, $1,000,000;

Statewide AVL Initiative, Nebraska, $750,000;

TalTran: ITS Smart Bus Implementation, Florida, $1,500,000;

Texas Medical Center Early Warning Transportation System, $2,000,000;

Texas Statewide ITS Deployment and Integration, $1,000,000;

Town of Cary: Computerized Traffic Signal System Project, North Carolina, $1,600,000;

Transportation Research Center [TRC] for Freight, Trade, Security, and Economic Strength, Georgia, $1,000 000;

Tri-County Automated System Project, University of Southern Mississippi, $1,000,000;

Tukwila, Signalization Interconnect and Intelligent Transportation, Washington, $1,400,000;

Twin Cities, Minnesota Redundant Communications Pilot, $2,000,000;

UAB Center for Injury Sciences, Birmingham, Alabama, $2,000,000;

University of Alaska Transportation Research Center, $2,000,000;

University of Kentucky Transportation Center, $1,500,000;

University of Oklahoma Intelligent Bridge System Research, $3,000,000;

Wisconsin State Patrol Mobile Data Computer Network Phase II, $3,000,000;

Wyoming Statewide ITS Initiative, $5,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $34,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

(RESCISSION)

Of the unobligated balances of funds apportioned to each state under the program authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and 1101(a)(5) of Public Law 105–178, as amended, $156,000,000 are rescinded.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2004, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the

amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) Of the obligation limitation transferred to the National Highway Traffic Safety Administration for expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $94,543,500 shall remain available until September 30, 2006.

SEC. 111. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed 2.55 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 1.05 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 112. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 113. For fiscal year 2004, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 114. (a) IN GENERAL.—As soon as practicable after the date of enactment of thts Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-aid highways set forth in section 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 115. Section 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, item number 8, is amended by striking "To relocate" and all that follows through "Street" and inserting the following, "For road improvements and non-motorized enhancements in the Detroit East Riverfront, Detroit, Michigan".

SEC. 116. The funds provided under the heading "Transportation and Community and System Preservation Program" in Conference Report 106–940 for the Lodge Freeway pedestrian overpass, Detroit, Michigan, shall be transferred to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

SEC. 117. The funds provided under the heading "Transportation and Community and System Preservation Program" in Conference Report 107–308 for the Eastern Market pedestrian overpass park, shall be transferred to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

SEC. 118. KANSAS RECREATION AREAS. Any unexpended balances of the amounts made available by the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) from the Federal-aid highway account for improvements to Council Grove Lake, Kansas, shall be available to make improvements to Richey Cove, Santa Fe Recreation Area, Canning Creek Recreation Area, and other areas in the State of Kansas.

SEC. 119. Of the amounts made available under this title under the heading "FEDERAL-AID HIGHWAYS" for Texas Statewide ITS Deployment and Integration—

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at Port of Galveston, Texas; and

(2) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at City of Lubbock, Texas.

SEC. 120. EXTENSION OF RESEARCH PROJECTS UNDER TEA–21. For fiscal year 2004 only, the Federal Highway Administration is instructed to extend and fund current research projects under title V of TEA–21 through February 29, 2004.

SEC. 121. Of the amount appropriated or otherwise made available for Transportation, Planning, and Research, $850,000 shall be available for interior air quality demonstration activities at the Bristol, Virginia, control facility to evaluate standard industrial fuel system performance and efficiency with drive-by-wire engine management and emissions systems and $1,000,000 shall be available for the Market Street enhancement project in Burlington, Vermont.

SEC. 122. Of the funds made available or limited in this Act, $3,000,000 shall be available for improvements to Bowman Road and Johnnie Dodds Boulevard, Highway 17, Mt. Pleasant, South Carolina; $1,000,000 shall be for the Arkwright Connector and no funds shall be available for the Northwest Bypass project.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $292,972,233 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration: Provided further, That notwithstanding any other provision of law, $11,744,000 of the funds made available under this heading shall be transferred to and merged with funding provided for grants to the States for implementation of section 210 of Public Law 106–159 under "Federal Motor Carrier Safety Administration, Motor Carrier Safety Assistance Program": Provided further, That of the funds made available under this heading, $47,000,000 shall be available for the border enforcement program as authorized under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for "Motor Carrier Safety Grants", and "Information Systems".

GENERAL PROVISION—MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. None of the funds appropriated or made available by this Act shall be used to implement or enforce any provision of the Final Rule issued on April 16, 2003 (Docket No. FMCSA–97–2350) as it may apply to operators of utility service vehicles as defined in 49 C.F.R. 395.2.

SEC. 131. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $148,102,000, to be derived from funds available under 104(a)(1)(A) of title 23, United States Code: Provided, That such funds shall be transferred to and administered by the National Highway Traffic Safety Administration: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $3,600,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $20,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, and $40,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated under section 157 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: Provided further, That, of the funds allocated under section 163 of title 23, United States Code, $2,750,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, $14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts, $250,000 shall be used as directed by the Administrator to conduct an evaluation of alcohol-impaired driving messages, and $3,000,000 shall be used as directed by the Administrator to conduct an impaired driving demonstration program.

SEC. 141. Notwithstanding any other provision of law, funds appropriated or limited in the Act to educate the motoring public on how to share the road safely with commercial motor vehicles shall be administered by the National Highway Traffic Safety Administration.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $130,825,000, of which $11,712,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $34,225,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2004: Provided further, That no payments of principal or interest shall be collected during fiscal year 2004 for the direct loan made to the National Railroad Passenger Corporation under section 502 of such Act.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $29,350,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $1,346,000,000, to remain available until September 30, 2004: Provided, That the Secretary of Transportation shall approve funding to cover operating losses and capital expenditures for a train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Secretary of Transportation and the Amtrak Board of Directors shall ensure that, of the amount made available under this heading, sufficient sums are reserved to satisfy the contractual obligations of the National Railroad Passenger Corporation for commuter and intercity passenger rail service: Provided further, That within 60 days of enactment of this Act, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in fiscal year 2004 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That not later than June 1, 2003 and each month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: Provided further, That none of the funds in this Act may be used for operating expenses and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2004 business plan: Provided further, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: Provided, That no more than $73,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds available not to exceed $980,000 shall be available for the Office of the Administrator; not to exceed $6,133,000 shall be available for the Office of Administration; not to exceed $3,750,000 shall be available for the Office of the Chief Counsel; not to exceed $1,160,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,250,000 shall be available for the Office of Program Management; not to exceed $6,200,000 shall be available for the Office of Budget and Policy; not to exceed $4,600,000 shall be available for the Office of Demonstration and Innovation; not to exceed $2,700,000 shall be available for the Office of Civil Rights; not to exceed $3,450,000 shall be available for the Office of Planning; not to exceed $17,777,000 shall be available for regional offices; and not to exceed $16,800,000 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall be increased or decreased by more than 3 percent by all such transfers: Provided further, That any change in funding greater than 3 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That not to exceed $2,200,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: Provided, That no more than $3,839,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,400,000, to remain available until expended: Provided, That no more than $122,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,844,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $97,600,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $100,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,512,000,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $628,000,000, to remain available until expended: Provided, That no more than $3,140,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, which shall include $50,000,000 made available under 5309(m)(3)(C) of this title, plus $50,000,000 transferred from "Federal Transit Administration, Formula Grants"; and there shall be available for new fixed guideway systems $1,318,400,000, to be available as follows:

Alaska and Hawaii Ferry Projects, $10,296,000;

Baltimore—Central LRT Double Tracking, Maryland, $40,000,000;

Birmingham—Transit Corridor, Alabama, $6,000,000;

Boston—Silver Line Phase III, Massachusetts, $1,000,000;

Charlotte—South Corridor Light Rail Project, North Carolina, $18,000,000;

Chicago—Douglas Branch Reconstruction, Illinois, $85,000,000;

Chicago—North Central, Illinois, $20,000,000;

Chicago—UP West Line Extension, Illinois, $12,000,000;

Chicago—Metra Southwest Corridor Commuter Rail, Illinois, $20,000,000;

Chicago—Ravenswood Line Extension, Illinois, $10,000,000;

Commuter Rail Improvements, Delaware, $3,000,000;

Dallas—North Central LRT Extension, Texas, $30,161,283;

Denver—Southeast Corridor LRT, Colorado, $80,000,000;

Dulles Corridor Rapid Transit Project, Virginia, $25,000,000;

Euclid Corridor Transportation Project, Ohio, $15,000,000;

Ft. Lauderdale—Tri-Rail Commuter Rail Upgrade, Florida, $18,410,000;

Houston Advanced Metro Transit Plan, Texas, $10,000,000;

Integrated Intermodal project, Rhode Island, $6,000,000;

Kenosha-Racine-Milwaukee Commuter Rail Extension, Wisconsin, $4,000,000;

Las Vegas—Resort Corridor Fixed Guideway, Nevada, $25,000,000;

Little Rock—River Rail Project, Arkansas, $5,000,000;

Los Angeles—Eastside LRT, California, $5,000,000;

Maine Marine Highway, $2,000,000;

Memphis—Medical Center Extension, Tennessee, $9,247,588;

Minneapolis—Hiawatha Corridor LRT, Minnesota, $74,980,000;

Minneapolis—Northstar Commuter Rail Project, Minnesota, $10,000,000;

New Orleans—Canal Street Streetcar Project, Louisiana, $36,020,000;

New York—East Side Access Project, New York, $10,000,000;

Newark Rail Link (MOS–1), New Jersey, $22,566,022;

Northern New Jersey-Hudson-Bergen LRT–MOS–2, $100,000,000;

Northwest Corridor BRT, Atlanta, $4,000,000;

Philadelphia—Schuylkill Valley Metro, Pennsylvania, $16,000,000;

Pittsburgh—North Shore Connector LRT, Pennsylvania, $13,812,304;

Pittsburgh—Stage II LRT Reconstruction, Pennsylvania, $32,243,442;

Portland—Interstate MAX LRT Extension, Oregon, $77,500,000;

Regional Commuter Rail (Weber County to Salt Lake City), Utah, $12,000,000;

Salt Lake City—Medical Center, Utah, $30,663,361;

San Diego—Mission Valley East LRT Extension, California, $65,000,000;

San Diego—Oceanside Escondido Rail Project, California, $48,000,000;

San Juan—Tren Urbano Rapid Transit System, Puerto Rico, $20,000,000;

Scranton—NY City Rail Service, Pennsylvania, $5,000,000;

Seattle—Central Link LRT MOS–1, Washington, $75,000,000;

SF Area—BART Airport Extension, California, $100,000,000;

Silicon Valley Rapid Transit Corridor, California, $4,000,000;

Stamford Urban Transitway Phase II, Connecticut, $7,000,000;

Trans-Hudson Midtown Corridor, New Jersey, $5,000,000;

Triangle Transit Authority Regional Rail Phase I Project, North Carolina, $9,000,000;

VRE Parking Improvements, Virginia, $4,000,000;

Washington, DC/Maryland—Largo Extension, $65,000,000;

Wilmington Train Station Improvements, Delaware, $2,500,000;

Wilsonville-Beaverton Commuter Rail, Oregon, $6,000,000;

Yarmouth to Auburn Line, Maine, $3,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $25,000,000, to remain available until expended: Provided, That no more than $125,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

GENERAL PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 151. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2006, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 152. Notwithstanding any other provision of law, any funds appropriated before October 1, 2003, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 153. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 154. Notwithstanding any other provision of law, funds made available to the Colorado Roaring Fork Transportation Authority under "Federal Transit Administration, Capital investment grants" in Public Laws 106–69 and 106–346 shall be available for expenditure on park and ride lots in Carbondale and Glenwood Springs, Colorado as part of the Roaring Fork Valley Bus Rapid Transit project.

SEC. 155. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 156. (a) IN GENERAL.—The Secretary shall establish a pilot program to determine the benefits of encouraging cooperative procurement of major capital equipment under sections 5307, 5309, and 5311. The program shall consist of three pilot projects. Cooperative procurements in these projects may be carried out by grantees, consortiums of grantees, or members of the private sector acting as agents of grantees.

(b) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share for a grant under this pilot program shall be 90 percent of the net project cost.

(c) PERMISSIBLE ACTIVITIES.—

(1) DEVELOPING SPECIFICATIONS.—Cooperative specifications may be developed either by the grantees or their agents.

(2) REQUESTS FOR PROPOSALS.—To the extent permissible under state and local law, cooperative procurements under this section may be carried out, either by the grantees or their agents, by issuing one request for proposal for each cooperative procurement, covering all agencies that are participating in the procurement.

(3) BEST AND FINAL OFFERS.—The cost of evaluating best and final offers either by the grantees or their agents, is an eligible expense under this program.

(d) TECHNOLOGY.—To the extent feasible, cooperative procurements under this section shall maximize use of Internet-based software technology designed specifically for transit buses and other major capital equipment to develop specifications; aggregate equipment requirements with other transit agencies; generate cooperative request for proposal packages; create cooperative specifications; and automate the request for approved equals process.

(e) ELIGIBLE EXPENSES.—The cost of the permissible activities under (c) and procurement under (d) are eligible expenses under the pilot program.

(f) PROPORTIONATE CONTRIBUTIONS.—Cooperating agencies may contribute proportionately to the non-Federal share of any of the eligible expenses under (e).

(g) OUTREACH.—The Secretary shall conduct outreach on cooperative procurement. Under this program the Secretary shall: (1) offer technical assistance to transit agencies to facilitate the use of cooperative procurement of major capital equipment and (2) conduct seminars and conferences for grantees, nationwide, on the concept of cooperative procurement of major capital equipment.

(h) REPORT.—Not later than 30 days after delivery of the base order under each of the pilot projects, the Secretary shall submit to the House and Senate Committees on Appropriations a report on the results of that pilot project. Each report shall evaluate any savings realized through the cooperative procurement and the benefits of incorporating cooperative procurement, as shown by that project, into the mass transit program as a whole.

SEC. 157. Notwithstanding any other provision of law, new fixed guideway system funds available for the Yosemite, California, area regional transportation system project, in the Department of Transportation and Related Agencies Appropriations Act, 2002, Public Law 107–87, under "Capital Investment Grants", in the amount of $400,000 shall be available for obligation for the replacement, rehabilitation, or purchase of buses or related equipment, or the construction of bus related facilities: Provided, That this amount shall be in addition to the amount available in fiscal year 2002 for these purposes.

SEC. 158. Notwithstanding any other provision of law, for the purpose of calculating the non-New Starts share of the total project cost of both phases of San Francisco Muni's Third Street Light Rail Transit project for fiscal year 2004, the Secretary of Transportation shall include all non-New Starts contributions made towards Phase 1 of the two-phase project for engineering, final design and construction, and also shall allow non-New Starts funds expended on one element or phase of the project to be used to meet the non-New Starts share requirement of any element or phase of the project.

SEC. 159. Notwithstanding any other provision of law, funds made available under "Federal Transit Administration, Capital Investment Grants" in Public Law 105–277 for the Cleveland Berea Red Line Extension to the Hopkins International Airport project may be used for the Euclid Corridor Transportation Project.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $14,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law,

$106,000,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and $7,063,000 shall remain available until September 30, 2005 for state maritime schoolship maintenance and repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $18,422,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,498,000, which shall be transferred to and merged with the appropriation for Operations and Training.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $42,516,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,473,000 shall remain available until September 30, 2006: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $67,612,000, of which $17,183,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2006; of which $50,429,000 shall be derived from the Pipeline Safety Fund, of which $22,710,000 shall remain available until September 30, 2006.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2006: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2004 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $56,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,521,000: Provided, That notwithstanding any other provision of law, not to exceed $1,050,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, to result in a final appropriation from the general fund estimated at no more than $18,471,000.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,000,000, to remain available until September 30, 2005 for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $174,809,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $21,855,000 and 120 full time equivalent positions: Provided further, That of these amounts, $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts, $3,393,000, to remain available until September 30, 2005, shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $36,928,000, to remain available until September 30, 2006: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $12,687,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $128,034,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,538,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $25,000,000, to remain available until September 30, 2006.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $57,571,000, of which not to exceed $4,500,000 shall remain available until September 30, 2006; and of which

$8,152,000 shall remain available until September 30, 2005: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $228,558,000, of which not to exceed $9,220,000 shall remain available until September 30, 2006, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $80,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for Laboratory Services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2004 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $40,652,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $178,052,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2004 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at $173,652,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,048,238,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; resolving essential earned income tax credit compliance and error problems; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,172,808,000, of which not to exceed $1,000,000 shall remain available until September 30, 2006, for research: Provided, That such sums may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): Prbvided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,590,962,000, of which $200,000,000 shall remain available until September 30, 2005.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $429,000,000, to remain available until September 30, 2006, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $35,000,000, to remain available until September 30, 2005.

GENERAL PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 205. None of the funds made available in this Act may be used by the Secretary of the Treasury or his delegate to issue any rule or regulation which implements the proposed amendments to Internal Revenue Service regulations set forth in REG–209500–86 and REG–164464–02, filed December 10, 2002, or any amendments reaching results similar to such proposed amendments.

SEC. 206. STUDY ON EARNED INCOME TAX CREDIT CERTIFICATION PROGRAM. (A) STUDY.—The Internal Revenue Service shall conduct a study, as a part of any program that requires certification (including pre-certification) in order to claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986, on the following matters:

(1) The costs (in time and money) incurred by the participants in the program.

(2) The administrative costs incurred by the Internal Revenue Service in operating the program.

(3) The percentage of individuals included in the program who were not certified for the credit, including the percentage of individuals who were not certified due to—

(A) ineligibility for the credit; and

(B) failure to complete the requirements for certification.

(4) The percentage of individuals to whom paragraph (3)(B) applies who were—

(A) otherwise eligible for the credit; and

(B) otherwise ineligible for the credit.

(5) The percentage of individuals to whom paragraph (3)(B) applies who—

(A) did not respond to the request for certification; and

(B) responded to such request but otherwise failed to complete the requirements for certification.

(6) The reasons—

(A) for which individuals described in paragraph (5)(A) did not respond to requests for certification; and

(B) for which individuals described in paragraph (5)(B) had difficulty in completing the requirements for certification.

(7) The characteristics of those individuals who were denied the credit due to—

(A) failure to complete the requirements for certification; and

(B) ineligibility for the credit.

(8) The impact of the program on non-English speaking participants.

(9) The impact of the program on homeless and other highly transient individuals.

(b) REPORT.—

(1) PRELIMINARY REPORT.—Not later than July 30, 2004, the Commissioner of the Internal Revenue Service shall submit to Congress a preliminary report on the study conducted under subsection (a).

(2) FINAL REPORT.—Not later than June 30, 2005, the Commissioner of the Internal Revenue Service shall submit to Congress a final report detailing the findings of the study conducted under subsection (a).

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crime Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "5 years" and inserting "6 years".

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. Beginning in fiscal year 2004 and, thereafter, there are appropriated to the Secretary of the Treasury such sums as may be necessary to reimburse financial institutions in their capacity as depositaries and financial agents of the United States for all services required or directed by the Secretary of the Treasury, or his designee, to be performed by such financial institutions on behalf of the Treasury or other Federal agencies, including services rendered prior to fiscal year 2004.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $61,937,000: Provided, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,501,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $4,225,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,461,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $331,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,502,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,109,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $10,551,000.

HOMELAND SECURITY COUNCIL

For necessary expenses of the Homeland Security Council, including services authorized by 5 U.S.C. 3109, $8,331,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $77,164,000, of which

$20,578,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That the Executive Office of the President shall submit a report to the Committees on Appropriations that includes a current description of: (1) the Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) the Information Technology (IT) Human Capital Plan; (3) the capital investment plan for implementing the Enterprise Architecture; and (4) the IT capital planning and investment control process: Provided further, That this report shall be reviewed and approved by the Office of Management and Budget, and reviewed by the General Accounting Office.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $75,417,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $27,996,500; of which $1,350,000 shall remain available until expended for policy research and evaluation; and $1,500,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $42,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $24,000,000 for the continued operation of the technology transfer program: Provided, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2005, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of funds of an amount in excess of the fiscal year 2004 budget request: Provided further, That such request shall be made in compliance with the reprogramming guidelines: Provided further, That no funds shall be used for any further or additional consolidation of the Southwest Border High Intensity Drug Trafficking Area, except for the operation of an office with a coordinating role, until the Office submits a report on the structure of the Southwest Border High Intensity Drug Trafficking Area.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $174,000,000, to remain available until expended, of which the following amounts are available as follows: $100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $60,000,000 to continue a program of matching grants to drug-free communities, of which $1,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,500,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $7,200,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

TITLE IV—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended $5,401,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,725,000.

ELECTION ASSISTANCE COMMISSION

For necessary expenses of the Election Assistance Commission, $1,500,000,000, for providing grants to assist State and local efforts to improve election technology and the administration of Federal elections, as authorized by the Help America Vote Act of 2002: Provided, That no more than $^{1}/_{10}$ of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $50,440,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $29,611,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $18,471,000:

Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), $407,000,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,717,247,000, of which: (1) $659,668,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
Alabama:
Anniston, United States Courthouse, $4,400,000
Tuscaloosa, Federal Building, $7,500,000
California:
Los Angeles, United States Courthouse, $50,000,000
San Diego, Border Station, $34,211,000
Colorado:
Denver Federal Center, site remediation, $6,000,000
Florida:
Orlando, United States Courthouse, $7,200,000
Maine:
Jackman, Border Station, $7,712,000
Maryland:
Montgomery County, Food and Drug Administration Consolidation, $45,000,000
Suitland, United States Census Bureau, $146,451,000
Michigan:
Detroit, Ambassador Bridge Border Station, $25,387,000
New York:
Champlain, Border Station, $31,031,000
North Carolina:
Charlotte, United States Courthouse, $8,500,000
Ohio:
Toledo, United States Courthouse, $6,500,000
Pennsylvania:
Harrisburg, PA, United States Courthouse, $26,000,000
South Carolina:
Greenville, United States Courthouse, $11,000,000
Texas:
Del Rio, Border Station, $23,966,000
Eagle Pass, Border Station, $31,980,000
Houston, Federal Bureau of Investigation, $58,080,000
McAllen, Border Station, $17,938,000
San Antonio, United States Courthouse, $8,000,000
Virginia:
Richmond, United States Courthouse, $83,000,000
Washington:
Blaine, Border Station, $9,812,000
Nonprospectus Construction, $10,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2005, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $1,000,939,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:
Colorado:
Denver, Byron G. Rogers Federal Building—Courthouse, $39,436,000
District of Columbia:
320 First Street, $7,485,000
Eisenhower Executive Office Building, $65,757,000
Federal Office Building 8, $134,872,000
Main Interior Building, $15,603,000
Fire & Life Safety, $68,188,000
Georgia:
Atlanta, Richard B. Russell Federal Building, $32,173,000
Illinois:
Chicago, Dirksen Courthouse & Kluczynski Federal Building, $24,056,000
Springfield, Paul H. Findley Federal Building—Courthouse, $6,183,000
Indiana:
Terra Haute Federal Building—Post Office, $4,600,000
Massachusetts:
Boston, John W. McCormack Post Office and Courthouse, $73,037,000
New York:
Brooklyn, Emanuel Celler Courthouse, $65,511,000
North Dakota:
Fargo, Federal Building—Post Office, $5,801,000
Ohio:
Columbus, John W. Bricker Federal Building, $10,707,000
Washington:
Auburn, Building 7, Auburn Federal Building, $18,315,000
Bellingham, Federal Building, $2,610,000
Seattle, Henry M. Jackson Federal Building, $6,868,000
Special Emphasis Programs:
Chlorofluorocarbons Program, $5,000,000
Energy Program, $5,000,000
Glass Fragmentation Program, $20,000,000
Design Program, $34,737,000
Basic Repairs and Alterations, $355,000,000:

Provided further, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2005 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects: Provided further, That the funds available herein for repairs to the Bellingham, Washington, Federal Building, shall be available for transfer to the city of Bellingham, Washington, subject to disposal of the building to the city; (3) $169,745,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,278,187,000 for rental of space which shall remain available until expended; and (5) $1,608,708,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2004, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of $6,717,247,000 shall remain in the Fund *and shall not be available for expenditure except as authorized in appropriations Acts.*

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $61,781,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; providing citizens with Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $85,083,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $39,169,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT (E-GOV) FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,393,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2004 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2005 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2005 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, under such terms and conditions as he deems to be in the interests of the United States, approximately 27 acres of land, identified as Site 7 and located at 234 Corporate Drive, Pease International Tradeport, Portsmouth, NH 03801, as a site for the public building needs of the Federal Government, and to design and construct upon the site a new Federal Office Building of approximately 98,000 gross square feet: Provided, That the Administrator shall not acquire any property under this subsection until the Administrator determines that the property is in compliance with applicable environmental laws, and that the property is suitable and available for use as a site to house the Federal agencies presently located in the Thomas J. McIntyre Federal Building.

(b) For the site acquisition, design, construction, and relocation, $11,149,000 shall be available from funds previously provided under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund" in Public Law 108–7 for repairs and alterations to the Thomas J. McIntyre Federal Building in Portsmouth, New Hampshire, which was included in the plan for expenditure of repairs and alterations funds as required by accompanying House Report 108–10.

(c) For any additional costs of construction, management and inspection of the new facility to house the Federal agencies relocated from the McIntyre Federal Office Building, and for the costs of relocating the Federal agencies occupying the McIntyre Federal Office Building, $13,669,000 shall be deposited into the Federal Buildings Fund (40 U.S.C. 592) from the General Fund; which amount, together with the amount set forth in subsection (b) of this section shall remain available until expended and shall be subject to such escalation and reprogramming authorities available to the Administrator for any other new construction projects under the heading "Federal Building Fund Limitations on Availability of Revenue".

(d) The Administrator is authorized and directed to convey, without consideration, the Thomas J. McIntyre Federal Office Building to the City of Portsmouth, New Hampshire for economic development purposes subject to the following conditions: (i) that all Federal agencies currently occupying the McIntyre Building except the United States Postal Service are completely relocated to the new Federal Building for so long as those agencies have continuing mission needs for that new location, (ii) that the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) shall not apply to this conveyance; and (iii) that the Administrator may include in the conveyance documents such terms and conditions as the Administrator determines in the best interest of the United States.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $32,877,000 together with not to exceed $2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $258,191,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $13,483,000, to remain available until expended, of which $2,025,000 is for land acquisition for a site in Anchorage, Alaska to construct a new regional archives and records facility and of which $5,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and that is under the joint control and custody of the University of Texas: Provided, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose: Provided further, That the same transfer authority shall extend to funds previously appropriated in Public Law 108–7 for this purpose.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000, to remain available until expended.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,170,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, $600,000, to remain available until expended: Provided, That these funds shall be available only to the extent necessary to restore the balance of the emergency fund to $2,000,000 (29 U.S.C. 1118 (b)).

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,738,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $118,748,000, of which $2,000,000 shall remain available until expended for the cost of the enterprise human resources integration project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery and $2,500,000 shall remain available through September 30, 2005 to coordinate and conduct program evaluation and performance measurement; and in addition $135,914,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $36,700,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2004, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000, and in addition, not to exceed $14,427,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $13,504,000.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $65,521,000, of which $36,521,000 shall not be available for obligation until October 1, 2004: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2004.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $40,187,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE V—GENERAL PROVISIONS

THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 502. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 503. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C.

3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 504. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 505. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 506. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 507. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 508. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 509. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 510. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 511. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 512. None of the funds in title I of this Act may be used to make a grant unless the Secretary of Transportation, or the Secretary of the department in which the Transportation Security Administration is operating, notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 513. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 514. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 515. Funds appropriated or limited in title I of this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 516. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 517. Funds provided in this Act for the Working Capital Fund shall be reduced by $17,816,000, which limits fiscal year 2004 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $98,899,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 518. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS. (a) ISTEA HIGH PRIORITY CORRIDORS.—

(1) Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) as amended, is further amended by inserting after paragraph (44) the following:

"(45) U.S. 78 from Tupelo, Mississippi, to Memphis, Tennessee.".

(2) Section 1105(e)(5)(A) of such Act as amended is further amended by striking "and subsection (c)(42)" and inserting after "(c)(40)," the following: "in subsection (c)(42), and in subsection (c)(45)".

(3) Section 1105(e)(5)(B)(i) of such Act is amended by adding at the end the following: "The portion of the route referred to in subsection (c)(45) and the portion of the route referred to in subsection (c)(42) between Tupelo, Mississippi, and Birmingham, Alabama, are designated as Interstate Route I–22.".

SEC. 519. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 520. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 521. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 522. In conducting the rulemaking mandated by Section 352 of Public Law 108–7, the Department of Transportation and any other agencies involved in the rulemaking shall ensure that the proposed rules fully and accurately reflect the findings in the General Accounting Office. The study concerns the adequacy of the Department's procedures used prior to the passage of Public Law 108–7 in order to ensure the security of facilities and activities described in Section 352.

SEC. 523. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 524. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy America Act").

SEC. 525. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 526. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible *to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.*

SEC. 527. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 528. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 529. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 530. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 531. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 532. Notwithstanding any other provision of law, any bridge that is owned and operated by a state agency (1) whose toll revenues are administered by a Metropolitan Planning Organization (MPO), and (2) whose toll revenues provide for subsidizing of non-capital transportation costs, shall be eligible for assistance under this section but the amount of toll revenues expended for non-capital transportation costs shall in no event exceed the cumulative amount of local toll revenues used for federal interstate and federal-aid highway construction and improvement projects in the toll bridge corridors. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the cumulative amount of toll revenues used for construction and improvement to the federal interstate and federal-aid highway system is greater than the cumulative amount of toll revenue used for non-capital transportation projects not directly related to the on-going operation and maintenance of the toll bridges.

SEC. 533. Notwithstanding any other provision of this Act, amounts appropriated or limited in this Act are hereby reduced by $128,076,000. Such reductions shall—

(1) be administered by the Director, Office of Management and Budget;

(2) be assessed by the Director within 30 days of enactment of this Act;

(3) be derived solely from funds appropriated or limited for activities under:

(A) Object Class 21.0—Travel and Transportation of Persons, with the exception of funds provided for the travel of safety inspectors within the Department of Transportation and enforcement personnel within the Department of the Treasury;

(B) Object Class 22.0—Transportation of Things;

(C) Object Class 23.3—Communications, Utilities, and Miscellaneous Charges, with the exception of the telecommunication costs associated with the FAA air traffic control system and the Internal Revenue Service;

(D) Object Class 24.0—Printing and Reproduction, with the exception of such expenses within the Internal Revenue Service;

(E) Object Class 25.1—Advisory and Assistance Services;

(F) Object Class 26.0—Supplies and Materials, with the exception of such expenses in the United States Mint;

(G) Object Class 31.0—Equipment, with the exception of such expenses under the Internal Revenue Service and the FAA Facilities and Equipment account.

(4) be assessed by the Director on a pro-rata basis against all agencies funded in this Act with adjustments necessitated by the exceptions cited under subsection (3); and

(5) not be assessed against the Department of Transportation's Working Capital Fund.

SEC. 534. None of the funds appropriated or limited in title I of this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport.

SEC. 535. Section 414(h) of title 39, United States Code, is amended by striking "2003" and inserting "2005".

SEC. 536. After the last section of the Federal Transit Act, 49 U.S.C. Chapter 53, add the following section:

"SEC. . UTAH TRANSPORTATION PROJECTS.

"(a) COORDINATION.—FTA and FHWA are directed to work with the Utah Transit Authority and the Utah Department of Transportation to coordinate the development regional commuter rail and the northern segment of I–15 reconstruction located in the Wasatch Front corridor extending from Brigham City to Payson, Utah. Coordination includes integration of preliminary engineering and design, a simplified method for allocating project costs among eligible FTA and FHWA funding sources, and a unified accounting and audit process.

"(b) GOVERNMENTAL FUNDING.—For purposes of determining and allocating the nongovernmental and governmental share of costs, the following projects comprise a related program of projects: regional commuter rail, the TRAX light rail system, TRAX extensions to the Medical Center and to the Gateway Intermodal Center, and the northern segment of I–15 reconstruction. The governmental share of project costs appropriated from the Section 5309 New Start program shall conform to the share specified in the extension or reauthorization of TEA21.".

SEC. 537. Funds apportioned to the Charleston Area Regional Transportation Authority to carry out section 5307 of title 49, United States Code, may be used to lease land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: Provided, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions: Provided further, That this provision shall remain in effect until September 30, 2004, or until the Federal interest in the land, equipment or facilities leased reaches 80 percent of its fair market value at disposition, whichever occurs first.

SEC. 538. Notwithstanding any other provision of law, funds designated to the Pennsylvania Cumberland/Dauphin County Corridor I project in committee reports accompanying this Act may be available to the recipient for any project activities authorized under sections 5307 and 5309 of title 49, United States Code.

SEC. 539. None of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch). If such proposed regulations are final regulations on the date of enactment of this Act, none of the funds appropriated or made available under this Act may be used to implement, administer, or enforce such final regulations.

SEC. 540. JACKSON HOLE, WYOMING RADAR UNIT. Priority consideration shall be given to the Jackson Hole, Wyoming, Airport for an ASR–11 radar unit or provisions shall be made for the acquisition or transfer of a comparable radar unit.

SEC. 541. Within the funds provided for the Federal Aviation Administration's Facilities and Equipment account, no less than $14,000,000 shall be available for the Technical Center Facilities in New Jersey.

SEC. 542. To the extent that funds provided by the Congress for the Memphis Medical Center light rail extension project through the Section 5309 "new fixed guideway systems" program remain available upon the closeout of the project, Federal Transit Administration is directed to permit the Memphis Area Transit Authority to use all of those funds for planning, engineering, design, construction or acquisition projects pertaining to the Memphis Regional Rail Plan. Such funds shall remain available until expended.

SEC. 543. Section 30303(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting at the end:

"(D) Memphis-Shelby International Airport intermodal facility.".

SEC. 544. Within available funds provided for "Facilities and equipment", $1,500,000 shall be provided for a precision instrument approach landing system (ILS) at Lee Gilmer Memorial Airport, Gainesville, Georgia.

SEC. 545. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of an executive agency that, on or after the date of the enactment of this Act, is performed by executive agency employees unless the conversion is based on the results of a public-private competition process that requires a determination regarding whether, overall performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of (1) 10 percent of the cost of performing the activity with government personnel or, if a more efficient organization has been developed, 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (2) $10,000,000.

(b) With respect to the use of any funds appropriated by this Act for the Department of Defense—

(1) subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(2) Nothing in this section shall effect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(3) The conversion of any activity or function of an executive agency in accordance with this section shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or section 2304 of title 10, United States Code, as the case may be, for the competition or outsourcing of commercial activities.

(c) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) Nothing in this section shall be construed to effect, amend, or repeal section 8014 of the Defense Appropriations Act, 2004 (Public Law 108–87).

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2004 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Exccutive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2004, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2004, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2004, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2004 under section 5303 of title 5,

United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2004 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2003, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2003, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2003.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 616. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 617. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 618. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 619. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 620. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 621. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 622. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when *such disclosure has been ordered by a court of competent jurisdiction.*

SEC. 623. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 624. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 625. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 626. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 627. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the "Policy and Citizen Services" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $12,250,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 628. None of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to (a) operate an online employment information service for the Federal Government under any contract awarded under the request for quotations number SOLO30000003 issued by the Office of Personnel Management unless the Office of Personnel Management complies with the recommendations of the Comptroller General in the General Accounting Office decision of April 29, 2003, referred to as Symplicity Corporation, B–291902; or (b) prohibit any agency from using appropriated funds as they see fit to independently contract with private companies to provide online employment applications and processing services.

SEC. 629. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 630. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 631. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 632. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking "October 1, 2003" and inserting "October 1, 2004".

SEC. 633. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 634. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 635. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 636. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2004 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2004.

(b) Notwithstanding section 713 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2004 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2004.

SEC. 637. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 638. None of the funds made available under this or any other Act for fiscal year 2004 shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc. unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency *pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.*

SEC. 639. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 640. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to (a) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card, or (b) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct. Disciplinary actions may include, but are not limited to, the review of the security clearance of the individual involved and the modification or revocation of such security clearance in light of the review.

SEC. 641. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 642. Not later than December 31 of each year, the head of each agency shall submit to Congress a report on the competitive sourcing activities performed during the previous fiscal year by Federal Government sources that are on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note). The report shall include—

(1) the number of full time equivalent Federal employees studied for competitive sourcing;

(2) the total agency cost required to carry out its competitive sourcing program;

(3) the costs attributable to paying outside consultants and contractors to carry out the agency's competitive sourcing program;

(4) the costs attributable to paying agency personnel to carry out its competitive sourcing program; and

(5) an estimate of the savings attributed as a result of the agency competitive sourcing program.

SEC. 643. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

(c) This section shall take effect one day after date of enactment.

SEC. 644. (a) Not later than December 31 of each year, the head of each executive agency shall submit to Congress (instead of the report required by section 642) a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for such executive agency during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number (expressed as a full-time employee equivalent number) of the Federal employees studied under completed competitions;

(4) the total number (expressed as a full-time employee equivalent number) of the Federal employees that are being studied under competitions announced but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable —description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in —service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number (expressed as a full-time employee equivalent number) of the Federal employees that are to be covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the executive agency are aligned with the strategic workforce plan of that executive agency.

(b) The head of an executive agency may not be required, under Office of Management and Budget Circular A–76 or any other policy, directive, or regulation, to conduct a follow-on public-private competition to a prior public-private competition conducted under such circular within five years of the prior public-private competition if the activity or function covered by the prior public-private competition was performed by Federal Government employees as a result of the prior public-private competition.

(c) Hereafter, the head of an executive agency may expend funds appropriated or otherwise made available for any purpose to the executive agency under this or any other Act to monitor (in the administration of responsibilities under Office of Management and Budget Circular A–76 or any related policy, directive, or regulation) the performance of an activity or function of the executive agency that has previously been subjected to a public-private competition under such circular.

(d) For the purposes of subchapter V of chapter 35 of title 31, United States Code—

(1) the person designated to represent employees of the Federal Government in a public-private competition regarding the performance of an executive agency activity or function under Office of Management and Budget Circular A–76—

(A) shall be treated as an interested party on behalf of such employees; and

(B) may submit a protest with respect to such public-private competition on behalf of such employees; and

(2) the Comptroller General shall dispose of such a protest in accordance with the policies and procedures applicable to protests described in section 3551(1) of such title under the procurement protest system provided under such subchapter.

(e) An activity or function of an executive agency that is converted to contractor performance under Office of Management and Budget Circular A–76 may not be performed by the contractor at a location outside the United States except to the extent that such activity or function was previously been performed by Federal Government employees outside the United States.

(f) The process that applies to the selection of architects and engineers for meeting the requirements of an executive agency for architectural and engineering services under chapter 11 of title 40, United States Code, shall apply to a public-private competition for the performance of architectural and engineering services for an executive agency.

(g) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 645. MOTORIST INFORMATION CONCERNING PHARMACY SERVICES. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall amend the Manual on Uniform Traffic Control Devices to include a provision requiring that information be provided to motorists to assist motorists in locating licensed 24-hour pharmacy services open to the public.

(b) LOGO PANEL.—The provision under subsection (a) shall require placement of a logo panel that displays information disclosing the names or logos of pharmacies described in subsection (a) that are located within 3 miles of an interchange on the Federal-aid system (as defined in section 101 of title 23, United States Code).

SEC. 646. (a) None of the funds appropriated or otherwise made available by this Act may be used to remove any area within a locality pay area established under section 5304 of title 5, United States Code, from coverage under that locality pay area.

(b) Subsection (a) shall not apply to the Rest of U.S. locality pay area.

SEC. 647. Notwithstanding section 1346 of title 31, United States Code, and section 610 of this Act, the head of each executive department and agency shall transfer to or reimburse the Federal Aviation Administration, with the approval of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director to ensure the operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior. The total funds transferred or reimbursed shall not exceed $6,000,000 and shall not be available for activities other than the operation of the airfield. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements *within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.*

This Act may be cited as the "Transportation, Treasury, and General Government Appropriations Act, 2004".

THREE AFFILIATED TRIBES HEALTH FACILITY COMPENSATION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 308, S. 1146.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1146) to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Indian Affairs with an amendment, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Three Affiliated Tribes Health Facility Compensation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1949, the United States assumed jurisdiction over more than 150,000 prime acres on the Fort Berthold Indian Reservation, North Dakota, for the construction of the Garrison Dam and Reservoir;

(2) the reservoir flooded and destroyed vital infrastructure on the reservation, including a hospital of the Indian Health Service;

(3) the United States made a commitment to the Three Affiliated Tribes of the Fort Berthold Indian Reservation to replace the lost infrastructure;

(4) on May 10, 1985, the Secretary of the Interior established the Garrison Unit Joint Tribal Advisory Committee to examine the effects of the Garrison Dam and Reservoir on the Fort Berthold Indian Reservation;

(5) the final report of the Committee issued on May 23, 1986, acknowledged the obligation of the Federal Government to replace the infrastructure destroyed by the Federal action;

(6) the Committee on Indian Affairs of the Senate—

(A) acknowledged the recommendations of the final report of the Committee in Senate Report No. 102–250; and

(B) stated that every effort should be made by the Administration and Congress to provide additional Federal funding to replace the lost infrastructure; and

(7) on August 30, 2001, the Chairman of the Three Affiliated Tribes testified before the Committee on Indian Affairs of the Senate that the promise to replace the lost infrastructure, particularly the hospital, still had not been kept.

SEC. 3. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section."; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

["SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

["There is authorized to be appropriated to the Secretary of Health and Human Services for the construction of a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, $20,000,000.".]

"SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

"There are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for the construction of, and such sums as are necessary for other expenses relating to, a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota.".

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1146), as amended, was read the third time and passed, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Three Affiliated Tribes Health Facility Compensation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1949, the United States assumed jurisdiction over more than 150,000 prime acres on the Fort Berthold Indian Reservation, North Dakota, for the construction of the Garrison Dam and Reservoir;

(2) the reservoir flooded and destroyed vital infrastructure on the reservation, including a hospital of the Indian Health Service;

(3) the United States made a commitment to the Three Affiliated Tribes of the Fort Berthold Indian Reservation to replace the lost infrastructure;

(4) on May 10, 1985, the Secretary of the Interior established the Garrison Unit Joint Tribal Advisory Committee to examine the effects of the Garrison Dam and Reservoir on the Fort Berthold Indian Reservation;

(5) the final report of the Committee issued on May 23, 1986, acknowledged the obligation of the Federal Government to replace the infrastructure destroyed by the Federal action;

(6) the Committee on Indian Affairs of the Senate—

(A) acknowledged the recommendations of the final report of the Committee in Senate Report No. 102–250; and

(B) stated that every effort should be made by the Administration and Congress to provide additional Federal funding to replace the lost infrastructure; and

(7) on August 30, 2001, the Chairman of the Three Affiliated Tribes testified before the Committee on Indian Affairs of the Senate that the promise to replace the lost infrastructure, particularly the hospital, still had not been kept.

SEC. 3. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section."; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

"SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

"There are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for the construction of, and such sums as are necessary for other expenses relating to, a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota.".

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 321, S. 1194.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1194) to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, as follows:

[Strike the part in black brackets and insert the part in italic.]

S. 1194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Act of 2003".

[SEC. 2. FINDINGS.

[Congress finds the following:

[(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

[(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.

[(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

[(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

[(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness; and many of these individuals are arrested and jailed for minor, nonviolent offenses.

[(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

[(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.

[SEC. 3. PURPOSE.

[The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

[(1) reduce rearrests among adult and juvenile offenders with mental illness, or co-occurring mental illness and substance abuse disorders;

[(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

[(3) maximize the use of alternatives to prosecution through diversion in appropriate cases involving non-violent offenders with mental illness;

[(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

[(5) promote adequate training for mental health treatment personnel about criminal offenders with mental illness and the appropriate response to such offenders in the criminal justice system;

[(6) promote communication between criminal justice or juvenile justice personnel, mental health treatment personnel, nonviolent offenders with mental illness, and other support services such as housing, job placement, community, and faith-based organizations; and

[(7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.

[SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COLLABORATION PROGRAM.

[(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

[“PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

[“SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

[“(a) DEFINITIONS.—In this section, the following definitions shall apply:

[“(1) APPLICANT.—The term ‘applicant’ means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

[“(2) COLLABORATION PROGRAM.—The term ‘collaboration program’ means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

[“(A) a criminal justice agency, a juvenile justice agency, or a mental health court; and

[“(B) a mental health agency.

[“(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.—The term ‘criminal or juvenile justice agency’ means an agency of a State or local government that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

[“(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.—

[“(A) IN GENERAL.—The terms ‘diversion’ and ‘alternative prosecution and sentencing’ mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

[“(B) APPROPRIATE USE.—In this paragraph, the term ‘appropriate use’ includes the discretion of the judge or supervising authority and the leveraging of justice sanctions to encourage compliance with treatment.

[“(5) MENTAL HEALTH AGENCY.—The term ‘mental health agency’ means an agency of a State or local government that is responsible for mental health services.

[“(6) MENTAL HEALTH COURT.—The term ‘mental health court’ means a judicial program that meets the requirements of part V of this title.

[“(7) MENTAL ILLNESS.—The term ‘mental illness’ means a diagnosable mental, behavioral, or emotional disorder—

[“(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

[“(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities.

[“(8) PRELIMINARILY QUALIFIED OFFENDER.—The term ‘preliminarily qualified offender’ means an adult or juvenile who—

[“(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

[“(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

[“(B) has faced or is facing criminal charges and is deemed eligible by a designated pretrial screening and diversion process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person’s mental illness.

[“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of the Department of Health and Human Services.

[“(10) UNIT OF LOCAL GOVERNMENT.—The term ‘unit of local government’ means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

[“(b) PLANNING AND IMPLEMENTATION GRANTS.—

[“(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets adults or juveniles with mental illness or co-occurring mental illness and substance abuse disorders in order to promote public safety and public health.

[“(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

[“(A) mental health courts or other court-based programs for preliminarily qualified offenders;

[“(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel in procedures for identifying the symptoms of mental illness and co-occurring mental illness and substance abuse disorders in order to respond appropriately to individuals with such illnesses;

[“(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

[“(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

[“(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

[“(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

[“(3) APPLICATIONS.—

[“(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

[“(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

[“(4) PLANNING GRANTS.—

[“(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

[“(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

["(C) Period of grant.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

["(D) Amount.—The amount of a planning grant may not exceed $75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

["(E) Collaboration set aside.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2003.

["(5) Implementation grants.—

["(A) Application.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

["(B) Collaboration.—To receive an implementation grant, the joint applicants shall—

["(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

["(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to jointly ensure that the provision of mental health treatment services is integrated with the provision of substance abuse treatment services, where appropriate;

["(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

["(iv) involve, to the extent practicable, in developing the grant application—

["(I) individuals with mental illness or co-occurring mental illness and substance abuse disorders; or

["(II) the families and advocates of such individuals under subclause (I).

["(C) Content.—To be eligible for an implementation grant, joint applicants shall comply with the following:

["(i) Definition of target population.—Applicants for an implementation grant shall—

["(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

["(II) develop guidelines that can be used by personnel of a criminal or juvenile justice agency to identify individuals with mental illness or co-occurring mental illness and substance abuse disorders.

["(ii) Services.—Applicants for an implementation grant shall—

["(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

["(II) specify plans for making mental health treatment services available and accessible to mentally ill offenders at the time of their release from the criminal justice system, including outside of normal business hours;

["(III) ensure that preliminarily qualified offenders served by the collaboration program will have access to effective and appropriate community-based mental health services, or, where appropriate, integrated substance abuse and mental health treatment services;

["(IV) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

["(V) include strategies to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

["(D) Housing and job placement.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

["(E) Policies and procedures.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

["(F) Financial.—Applicants for an implementation grant shall—

["(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

["(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as medicaid, medicare, and the State Children's Insurance Program); and

["(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

["(G) Outcomes.—Applicants for an implementation grant shall—

["(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

["(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

["(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

["(H) State plans.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

["(I) Use of funds.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

["(i) Mental health courts and diversion/alternative prosecution and sentencing programs.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

["(ii) Training.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

["(I) criminal justice system personnel to identify and respond appropriately to the unique needs of an adult or juvenile with mental illness or co-occurring mental illness and substance abuse disorders; or

["(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

["(iii) Service delivery.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

["(iv) In-jail and transitional services.—Funds may be used to promote and provide mental health treatment for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

["(J) Geographic distribution of grants.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

["(c) Priority.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

["(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

["(2) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

["(3) have the support of both the Attorney General and the Secretary.

["(d) Matching Requirements.—

["(1) Federal share.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

["(A) 80 percent of the total cost of the program during the first 2 years of the grant;

["(B) 60 percent of the total cost of the program in year 3; and

["(C) 25 percent of the total cost of the program in years 4 and 5.

["(2) Non-federal share.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

["(e) Federal Use of Funds.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

["(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

["(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

["(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

["(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

["(5) develop a uniform program evaluation process; and

["(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

["(f) INTERAGENCY TASK FORCE.—

["(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

["(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

["(A) identify policies within their departments which hinder or facilitate local collaborative initiatives for adults or juveniles with mental illness or co-occurring mental illness and substance abuse disorders; and

["(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to adults and juveniles with mental illness or co-occurring mental illness and substance abuse disorders.

["(g) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

["(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section—

["(1) $100,000,000 for each of fiscal years 2004 and 2005; and

["(2) such sums as may be necessary for fiscal years 2006 through 2008.".

[(b) LIST OF "BEST PRACTICES".—The Attorney General, in consultation with the Secretary of Health and Human Services, shall develop a list of "best practices" for appropriate diversion from incarceration of adult and juvenile offenders.

[(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

["PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

["Sec. 2991. Adult and juvenile collaboration programs.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.

(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness; and many of these individuals are arrested and jailed for minor, nonviolent offenses.

(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.

SEC. 3. PURPOSE.

The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

(1) reduce rearrests among adult and juvenile offenders with mental illness or co-occurring mental illness and substance abuse disorders;

(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

(3) maximize the use of alternatives to prosecution through diversion in appropriate cases involving non-violent offenders with mental illness;

(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

(5) promote adequate training for mental health and substance abuse treatment personnel about criminal offenders with mental illness or co-occurring mental illness of substance abuse disorders and the appropriate response to such offenders in the criminal justice system;

(6) promote communication between criminal justice or juvenile justice personnel, mental health and co-occurring mental illness and substance abuse disorders treatment personnel, nonviolent offenders with mental illness or co-occurring mental illness and substance abuse disorders, and other support services such as housing, job placement, community, and faith-based organizations; and

(7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.

SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COLLABORATION PROGRAM.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

"SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) APPLICANT.—The term 'applicant' means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

"(2) COLLABORATION PROGRAM.—The term 'collaboration program' means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

"(A) a criminal justice agency, a juvenile justice agency, or a mental health court; and

"(B) a mental health agency.

"(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.—The term 'criminal or juvenile justice agency' means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

"(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.—

"(A) IN GENERAL.—The terms 'diversion' and 'alternative prosecution and sentencing' mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

"(B) APPROPRIATE USE.—In this paragraph, the term 'appropriate use' includes the discretion of the judge or supervising authority, the leveraging of justice sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

"(5) MENTAL HEALTH AGENCY.—The term 'mental health agency' means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse disorders.

"(6) MENTAL HEALTH COURT.—The term 'mental health court' means a judicial program that meets the requirements of part V of this title.

"(7) MENTAL ILLNESS.—The term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

"(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

"(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

"(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile's role or functioning in family, school, or community activities.

"(8) PRELIMINARILY QUALIFIED OFFENDER.—The term 'preliminarily qualified offender' means a nonviolent adult or juvenile who—

"(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

"(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

"(B) has faced, is facing, or could face criminal charges and is deemed eligible by a diversion process, designated pretrial screening process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of the Department of Health and Human Services.

"(10) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

"(b) PLANNING AND IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement

an adult or juvenile collaboration program, which targets preliminary qualified offenders in order to promote public safety and public health.

"(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

"(A) mental health courts or other court-based programs for preliminarily qualified offenders;

"(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse problems in procedures for identifying the symptoms of preliminary qualified offenders in order to respond appropriately to individuals with such illnesses;

"(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

"(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

"(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

"(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

"(3) APPLICATIONS.—

"(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

"(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

"(4) PLANNING GRANTS.—

"(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

"(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

"(C) PERIOD OF GRANT.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

"(D) AMOUNT.—The amount of a planning grant may not exceed $75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

"(E) COLLABORATION SET ASIDE.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2003.

"(5) IMPLEMENTATION GRANTS.—

"(A) APPLICATION.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

"(B) COLLABORATION.—To receive an implementation grant, the joint applicants shall—

"(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency or agency providing mental health and substance abuse services to those with co-occurring mental health and substance abuse disorders will participate in the administration of the collaboration program;

"(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to jointly ensure that the provision of mental health treatment services and qualified substance abuse services is coordinated, which includes consultation, collaboration, and integrated services, where clinically appropriate;

"(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

"(iv) involve, to the extent practicable, in developing the grant application—

"(I) preliminary qualified offenders; or

"(II) the families and advocates of such individuals under subclause (I).

"(C) CONTENT.—To be eligible for an implementation grant, joint applicants shall comply with the following:

"(i) DEFINITION OF TARGET POPULATION.—Applicants for an implementation grant shall—

"(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

"(II) develop guidelines that can be used by personnel of a criminal or juvenile justice agency to identify preliminary qualified offenders.

"(ii) SERVICES.—Applicants for an implementation grant shall—

"(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

"(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminary qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;

"(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminary qualified offenders;

"(IV) ensure that preliminarily qualified offenders served by the collaboration program will have access to effective and appropriate community-based mental health services, or, where clinically appropriate, coordinated substance abuse and mental health treatment services;

"(V) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

"(VI) include strategies, to the extent practicable, to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

"(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

"(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

"(F) FINANCIAL.—Applicants for an implementation grant shall—

"(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

"(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as medicaid, medicare, and the State Children's Insurance Program); and

"(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

"(G) OUTCOMES.—Applicants for an implementation grant shall—

"(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

"(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

"(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

"(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

"(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

"(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

"(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

"(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminary qualified offenders; or

"(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

"(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

"(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

"(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United

States and between urban and rural populations.

"(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

"(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

"(2) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

"(3) have the support of both the Attorney General and the Secretary.

"(d) MATCHING REQUIREMENTS.—

"(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

"(A) 80 percent of the total cost of the program during the first 2 years of the grant;

"(B) 60 percent of the total cost of the program in year 3; and

"(C) 25 percent of the total cost of the program in years 4 and 5.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

"(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

"(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

"(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

"(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

"(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

"(5) develop a uniform program evaluation process; and

"(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

"(f) INTERAGENCY TASK FORCE.—

"(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

"(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

"(A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminary qualified offenders; and

"(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminary qualified offenders.

"(g) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section—

"(1) $100,000,000 for each of fiscal years 2004 and 2005; and

"(2) such sums as may be necessary for fiscal years 2006 through 2008.".

(b) LIST OF "BEST PRACTICES".—The Attorney General, in consultation with the Secretary of Health and Human Services, shall develop a list of "best practices" for appropriate diversion from incarceration of adult and juvenile offenders.

(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

"Sec. 2991. Adult and juvenile collaboration programs.".

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1194), as amended, was read the third time and passed.

NATIONAL FLOOD INSURANCE PROGRAM REAUTHORIZATION ACT OF 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1768, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1768) to extend the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1768) was read the third time and passed, as follows:

S. 1768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Reauthorization Act of 2004".

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—The National Flood Insurance Act of 1968 is amended—

(1) in section 1309(a)(2) (42 U.S.C. 4016(a)(2)), by striking "December 31, 2003" and inserting "December 31, 2004";

(2) in section 1319 (42 U.S.C. 4026), by striking "after" and all that follows through the period at the end and inserting "after December 31, 2004.";

(3) in section 1336(a) (42 U.S.C. 4056(a)), by striking "ending" and all that follows through "in" and inserting "ending December 31, 2004, in"; and

(4) in section 1376(c) (42 U.S.C. 4127), by striking "December 31, 2003" and inserting "December 31, 2004".

(b) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on December 31, 2003.

COMMENDING THE PEOPLE AND GOVERNMENT OF ROMANIA ON THE OCCASION OF THE VISIT OF THE PRESIDENT OF ROMANIA TO THE UNITED STATES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 250, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 250) commending the people and the government of Romania on the occasion of the visit of Romanian President Ion Iliescu to the United States, for the important progress they have made with respect to economic reform and democratic development, as well as for the strong relationship between Romania and the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 250

Whereas, in 1995, Romania joined with the United States and the North Atlantic Treaty Organization (NATO) to provide assistance to the Stabilization Force (SFOR) deployed to Bosnia and Herzegovina to support peace, security, and freedom in the western Balkans;

Whereas, in 1999, Romania joined with the United States and NATO member countries to provide assistance for Operation Allied Force to use military force in order to halt the genocide, known as ethnic cleansing, that was taking place in Kosovo;

Whereas, after the conclusion of Operation Allied Force, Romania provided support to democracy activists from the Federal Republic of Yugoslavia in their successful efforts to end the rule of Yugoslav dictator Slobodan Milosevic, and also provided support to NATO stabilization forces deployed in Kosovo Force (KFOR);

Whereas, following the terrorist attacks upon the United States in September 2001, the Government of Romania immediately expressed its sympathy for Americans and others killed in the attacks and pledged its full support in fighting the war on terror;

Whereas, on September 19, 2001, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces involved in Operation Enduring Freedom in Afghanistan;

Whereas thousands of American aircraft flew through Romanian airspace during the combat phase of Operation Enduring Freedom, and continue to do so as part of peacebuilding efforts;

Whereas, beginning on June 2002, Romanian aircraft flew Romanian soldiers to serve in Afghanistan as part of the forces involved in Operation Enduring Freedom and the International Security Assistance Force, and over 500 elite Romanian soldiers are currently stationed in Afghanistan;

Whereas Romania stood with the United States as a vital member of the international coalition in Operation Iraqi Freedom by offering diplomatic, political, and military support;

Whereas, in a January 31, 2003, letter to President George W. Bush, President Ion Iliescu of Romania stated that "Romania can understand that aggressive dictators cannot be appeased or ignored, but always be opposed. Romanians indeed know the value of freedom and living in peace. They have seen the face of evil embodied in communism and deeply share your conviction, expressed in the State of the Union address, that 'free people will set the course of history' ";

Whereas, on February 12, 2003, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces carrying out Operation Iraqi Freedom;

Whereas hundreds of American aircraft flew through Romanian airspace and landed at Romanian airfields during the combat phase of Operation Iraqi Freedom from May to July 2003;

Whereas thousands of United States soldiers were stationed and transported into the Iraq theatre of operations from Mihail Kogalniceanu Air Base, and the neighboring Black Sea port of Constantza was also used in the fall of 2002 and spring of 2003 for rotating United States Armed Forces and equipment in and out of the Balkans;

Whereas, beginning on March 12, 2003, Romania began deploying military forces to Iraq to assist in building security, peace, and democracy, and over 750 Romanian soldiers are currently stationed in Iraq;

Whereas the Government of Romania has spent more than $160,000,000 during the past two years to fund its participation in SFOR, KFOR, Operation Enduring Freedom, the International Security Assistance Force, and Operation Iraqi Freedom;

Whereas, together with Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia, Romania successfully achieved the military, economic, and political reforms necessary to be invited, at the November 2002 summit meeting in Prague of the North Atlantic Council, to join the NATO alliance;

Whereas, in his historic address at Piata Revolutiei on November 23, 2002, President Bush told the Romanian people that "Romania has made a historic journey. Instead of hatred, you have chosen tolerance. Instead of destructive rivalry with your neighbors, you have chosen reconciliation. Instead of state control, you have chosen free markets and the rule of law. And instead of dictatorship, you have built a proud and working democracy."; and

Whereas, on May 8, 2003, the Senate voted 96 to 0 to approve the resolution of advice and consent to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the support expressed by the people of Romania for strong and vibrant relations between the United States and Romania;

(2) recognizes the steps the Government of Romania has taken and continues to take in economic, political, and social reforms, including reforms to improve protections of the rights of minorities and to promote awareness and understanding of the Holocaust;

(3) commends Romania for its leadership and commitment in promoting regional peace and security in the Balkan and Black Sea regions;

(4) values the participation of a significant number of Romanian troops and civilian experts in Operation Enduring Freedom and Operation Iraqi Freedom, the permission granted by the Government of Romania for the United States to use Romanian airspace and territory, and the deployment of Romanian military forces in support of Operation Enduring Freedom and Operation Iraqi Freedom, all of which have been important contributions to the global war on terror and serve as a tangible and ongoing demonstration of Romania's commitment as an ally of the United States;

(5) supports further cooperation between the United States and Romania in the process of stabilizing and reconstructing Iraq, including the utilization of Romania's experience emerging from a Communist dictatorship and creating a functioning democracy and free market economy; and

(6) welcomes Romanian President Ion Iliescu to the United States and looks forward to expanded political, diplomatic, economic, and military cooperation between Romania and the United States.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 21

Mr. McCONNELL. Mr. President, I understand that S.J. Res. 21 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

Mr. McCONNELL. I object to further proceedings on the measure at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

ORDERS FOR TUESDAY, OCTOBER 28, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, October 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider the Leavitt nomination as provided under the previous order; provided that following the disposition of the nomination, the Senate return to legislative session and resume consideration of H.R. 2800, the foreign operations appropriations bill.

I further ask consent that the Senate recess tomorrow from 12:30 to 2:15 for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant minority leader.

Mr. REID. If the Senator will yield, I have had the opportunity today to speak to the distinguished Senator from Kentucky on a number of issues. One of the things that I did not speak to him about—and I have had a number of inquiries on this side—is if we are unable to adjourn by next Friday, November 7, the date that the distinguished majority leader has suggested, a real question arises as to what we are going to do the Monday and Tuesday of the following week. We need to have a decision made on that real soon because it is Veterans Day and there are some parades around the country in which people want to be involved. So I say to the distinguished majority whip that if the leader could make a decision on that as quickly as possible, many people would appreciate that.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. Mr. President, I appreciate that. I know the majority leader's thinking at the moment is that Monday would be a workday. We have a lot of work to do if we plan to finish up this session, certainly before Thanksgiving, if not sooner, which I think would be the preference of most of the Members. I think it is his current intention, which I am sure he will address in the next few days, that the Monday before Veterans Day, which falls on a Tuesday, would be a workday.

Mr. REID. I would simply say to my friend from Kentucky that I believe that is a wise decision. We have a lot to do and every day that we are not here means that much longer we have to go into Thanksgiving and, perish the thought, thinking about Christmas.

Mr. McCONNELL. My friend from Nevada is absolutely right. If we take off Monday and then Tuesday, people will start coming in on Wednesday, and pretty soon it is Wednesday night and we have squandered the whole week. So I am sure the majority leader will address that in the next day or two. I know it is his current intention that the Monday before Veterans Day, which falls on Tuesday, would be a workday.

Mr. REID. If I could just say one more thing.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. I know my veterans in Nevada would understand because a lot of the work we are doing is directly related to them anyway.

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will resume consideration of the Leavitt nomination to be Administrator of EPA. Under the previous order, there will be 1 hour of debate prior to the vote on the nomination. The vote on the Leavitt nomination, therefore, will occur at around 10:30 a.m. tomorrow. That vote will be the first vote of the day.

Following the disposition of the Leavitt nomination, the Senate will resume debate on the foreign operations appropriations bill. There are several amendments pending that have been laid aside. As the chairman of that subcommittee, the manager of that bill, it is our hope and expectation—and I know I speak for Senator LEAHY when I say this—that we will wrap up the foreign operations bill sometime tomorrow night. There is really not a flood of amendments on either side, and there is no reason we should not be able to march on through that bill tomorrow and finish it up tomorrow night.

Therefore, Senators obviously should expect rollcall votes throughout the day tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Tuesday, October 28, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 27, 2003:

THE JUDICIARY

DALE S. FISCHER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 28, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 29

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the future of the National Aeronautics and Space Administration.

SR–253

Foreign Relations

To hold hearings to examine the nominations of Margaret DeBardeleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy, Zalmay Khalilzad, of Maryland, to be Ambassador to Afghanistan, and Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, Cultural Organization, and to be U.S. Representative to the 32nd and General Conference of UNESCO.

SD–419

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, S. 1172, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, proposed Head Start Improvement and School Readiness Act, proposed Human Services Reauthorization Act, proposed Pension Stability Act, proposed Health Care Safety Net Amendments Technical Corrections Act, and the nominations of Robert Lerner, of Maryland, to be Commissioner of Education Statistics, Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission, and Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

SD–430

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by a hearing on S. 1770, to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation.

SD–106

Judiciary

To hold hearings to examine competitive and economic effects of the Bowl Championship series on and off the field.

SD–226

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine intellectual diversity on America's college campuses.

SD–430

Judiciary

To hold hearings to examine the nomination of James B. Comey, of New York, to be Deputy Attorney General.

SD–226

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine the International Space Station.

SR–253

2:30 p.m.

Foreign Relations

To hold hearings to examine challenges for U.S. policy toward Colombia.

SD–419

OCTOBER 30

9 a.m.

Foreign Relations

To hold a closed briefing to examine U.S. policy directions relating to Syria.

SH–219

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine Palestinian education.

SD–192

10 a.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings to examine financial abuse and exploitation of the elderly.

SD–430

Banking, Housing, and Urban Affairs

To hold hearings to examine the Treasury Department's report to Congress on international economic and exchange rate policy.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine the universal service.

SR–253

Judiciary

Business meeting to consider pending calendar business.

SD–226

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska, S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, and S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore.

SD–366

10:15 a.m.

Foreign Relations

To hold hearings to examine U.S. policy directions relating to Syria.

SH–216

2 p.m.

Judiciary

To hold hearings to examine monopsony issues in agriculture, focusing on the buying power of processors in the nation's agricultural markets.

SD–226

Veterans' Affairs

To hold hearings to examine the nominations of Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs), and Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

SR–418

2:30 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the current situation in North Korea.

SD–430

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine combating transnational crime and corruption in Europe.

SD–419

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

3 p.m.
Foreign Relations
African Affairs Subcommittee
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold joint hearings to examine a report relative to HIV/AIDS Codel to Africa.
S–211 Capitol

NOVEMBER 3

10:30 a.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the extent and impact of alleged trading abuses in the mutual fund industry and regulatory reforms necessary to mitigate such practices in the future.
SD–342

NOVEMBER 5

9:30 a.m.
Environment and Public Works
Business meeting to consider S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.
SD–406

HOUSE OF REPRESENTATIVES—*Tuesday, October 28, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 28, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2989. An act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2989) "An Act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. SPECTER, Mr. BOND, Mr. BENNETT, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, and Mr. INOUYE to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

S. 1768. An act to extend the national flood insurance program.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

ECONOMY ON THE MOVE

Mr. DELAY. Mr. Speaker, the American economy in the third quarter of this year gave more indications than ever that we have finally pulled ourselves out of the so-called "bin Laden slump."

And thanks to the hard work, resiliency, and ingenuity of the American people, the economy is growing at higher than expected rates, creating jobs, and spurring new investment.

The stock market is up. Jobless claims are down, and companies' earnings are roaring past projections, meaning that Americans saving for retirement are strengthening their retirement security.

But perhaps the leading economic indicator in the United States today is the Democrat Party's desperate attempt to change the subject. Democrats' recent silence about the economy is understandable, for the rebound has not only taken away one of their principal political messages, it has also demonstrated the wisdom of President Bush's economic agenda, which we have passed over the last 3 years.

But just as the economy has responded positively to President Bush's proposals to lower taxes, encourage investment, and instill fiscal discipline, it would react negatively to those policies if they were reversed.

The budget-busting spending programs and crippling tax-hike proposals now in favor among the minority would spell disaster for the recovery. They would cost us jobs and stifle innovation, investment, and growth. The lost revenues would put a drain on the national treasury as we move forward to win the war on terror, maintain fiscal accountability, and meet the emerging needs of American seniors.

Only through the kind of growth that our job-creation tax relief measures have spurred will we be able to afford all these priorities.

There is much more to be done. But the most important item on the economic agenda is to check Democrat tax-and-spend plans to hamstring the recovery. Now that the economy is moving again, we have got to build on that momentum with a job-creating energy bill, fiscally responsible spending bills, and further success in the war on terror.

We have made our Nation safer and stronger since 9–11, and thanks to the leadership of President Bush, that security has brought us renewed prosperity. And one does not need to take my word for it, Mr. Speaker. Just listen to the sounds of the Democrat silence.

IN SUPPORT OF FLOOD INSURANCE REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as we have watched the terrible news coming from Southern California, our hearts go out to the thousands of families that have been displaced. Lives have been disrupted, and in some cases people have died. It is much too early to make judgments about what we could do to reduce that suffering and loss. We do not fully know really what happened there yet and why.

But it is important for us to reflect on other areas where we can act to help make our families safer. In our history the greatest loss from natural disaster has been from flooding, and here we can do something about it.

Floods are our most destructive natural hazard. Since the 1990's, flood losses have doubled to over $6 billion a year, and hundreds of lives have been lost. This House, before we adjourn for the year, has the opportunity to reauthorize the Flood Insurance Program to help make a difference.

This program was created in 1968 to help people who are in flood-prone areas, authored by some people who knew about floods for example, the late Hale Boggs from Louisiana. Prior to that time, insurance companies generally did not offer insurance to people in these high-risk areas because of the uncertainty that has been involved. Since we authorized the National Flood Insurance Program, it has, in fact, been quite successful. By the year 2000, there have been $10 billion paid out in claims to some almost 4½ million policy holders. Even more important, it has provided incentives to do something about the problem for people who are in harm's way. We have provided mapping, incentives, things that send the right signals to people to protect themselves in the first place.

I have seen it make a difference in my hometown of Portland, Oregon. We were encouraged, because of the Flood Insurance Program, to do some flood proofing of the community from the beginning; and, in fact, we were able, in the year 2001, to be classified at a class 6. We had the seventh highest classification rating in the country. It resulted in a 20 percent reduction in the flood insurance rate. But more important, it enabled our community to be more flood resistent, and we have survived of late some serious flooding, which in times past would have done much damage and perhaps loss of life, relatively unscathed.

Now with the reauthorization of the Flood Insurance Program, we have an opportunity to help another class of people, those who are involved with repetitive flood loss in areas where year after year after year people are flooded out. Repetitive flood loss properties are less than 1 percent of the cases nationally, but account for 25 percent of the losses each year. And this repetitive flood loss costs everybody because it increases the likelihood of natural disaster, more losses, and putting more people in harm's way while boosting the flood insurance rates for everybody else.

Our bill that is coming forward would help everybody before rather than after the fact. It would, where cost-effective for the insurance program, provide funding to communities to make an offer of flood mitigation, to elevate the home, to flood-proof it. In cases where that is not feasible, to help people relocate, giving them money to move someplace else, at a very favorable match ratio, 75 percent of the money picked up by the Federal Government. In those States where there is even more flood loss, it would be an even more favorable ratio, 90 percent Federal money.

If people felt that they, for whatever reason, did not want to flood-proof their property or they did not want to relocate, they are under no obligation to do so. They would simply pay the full cost of their Flood Insurance Program.

Mr. Speaker, this is a simple, solid, common sense approach. It is a refinement in the Flood Insurance Program to help make it financially sound and eliminate up to $700 million of cost shift or shortfall. If we can avoid just one 10 percent rate increase, it would save the average policy holder, all 4½ million of them, $40 a year, every year, a total of $160 million a year in perpetuity. Most important, it would be a change for people's lives, helping them move out of harm's way so we do not have these tragic reports in the news.

I strongly urge my colleagues to support the flood insurance reform as it comes forward this next month.

SPENDING IS THE REASON FOR DEFICITS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I wanted to bring to my colleagues' attention a recent Washington Post article regarding deficits. What I found refreshing in this article is that it highlights the true reason behind deficits, that is, excessive Federal Government spending.

I realize there have been some difficult choices since September 11, 2001. As we fight the war on terrorism in Iraq, Afghanistan, and other areas that harbor terrorists, we obviously have to increase spending on defense, and I do not think many people would disagree with that, that it is necessary.

However, as any individual or business leader will tell us, when one has to increase spending in one area, they normally hold or decrease spending in another area. That, the Federal Government should realize, is basic Economics 101.

The biggest misconception about deficits is that by themselves they threaten the economy's long-term vitality. Not necessarily true. The real threat is rising government spending. The reason is simple. Government spending must be paid for by either taxes or borrowing, a deficit. If spending rises too high, economic growth may suffer from either steeper taxes or heftier deficits. Spending, Mr. Speaker, is the real culprit.

Robert Samuelson, in his article, notes "since 1961, the Federal Government has run deficits in all but 5 years. Over that same period, the Gross Domestic Product has expanded by almost a factor of four."

So we see that the real problem is excessive spending. The Federal Government does not have its own money to freely spend. It either taxes or borrows the money needed to fund its myriad of programs, many of which have long outlived their usefulness, if they had any to begin with.

Yet we continue to spend. In fact, over the past 5 years, the government has increased spending by $586 billion. Spending is now just over 20 percent of the Gross Domestic Product. In fact, it is spending, combined with the 2001 recession, that reduced over three-quarters of the previous budget surplus.

Unfortunately, we are going to see additional pressure to increase spending in the future. Baby boomers will be retiring. We are adding a new prescription drug benefit to Medicare, and we will need to continue funding the war on terrorism. And that is precisely why we need to control Federal spending here in Congress.

Samuelson notes that these future spending pressures will result in three choices: raise taxes; borrow funds, deficit spending; or cut benefits to certain programs. Obviously, all of these choices are difficult.

There is another way, Mr. Speaker, and that is to hold down Federal spending and attack waste, fraud, and abuse in this spending. We must also have a Balanced Budget Amendment. It is much easier to hold spending to a minimum if the law obligates us to do so. Clearly, we as a body have not shown sufficient restraint in holding or reducing spending in meaningful ways.

The second measure is to realistically attack waste, fraud, and abuse here in government. The Heritage Foundation notes: "If congressional waste cutters had reduced mandatory spending by just 1 percent in 1980, taxpayers would have saved $190 billion through 2003, more than $2,000 per household."

The 2004 Budget Resolution called for a 1 percent cut in programs to be identified by targeting waste, fraud, and abuse. That is an important step both for this year and for future years. However, we should not stop just at 1 percent. The Medicare program alone could be spared up to $150 billion over 10 years if we effectively could target waste, fraud, and abuse.

Mr. Speaker, our constituents are expecting fiscal restraint. They understand that concept much better, it seems, than even the Federal Government. They understand it from both a business and an individual family standpoint. The recession forced Americans to curb their spending at home. Businesses curbed their spending to hold down costs. They understood that ever over-spending would result in severe problems in the future.

Short-term deficits will not harm our economy. In fact, our economy is improving. However, if we continue to follow an alarming increase in Federal spending, the government will be faced with much more difficult choices in the future and with much more dire consequences.

We must, Mr. Speaker, maintain fiscal discipline and hold down this Federal spending.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Over the weekend, Jews of this country again kept holy the Sabbath, Christians celebrated their discipleship in Jesus, and Muslims began the great fast and spiritual renewal of Ramadan.

Lord God, we rejoice in oneness of Abrahamic faith as it finds living expression in our time across this country. In our pluralistic society, help us, Lord, to respect one another and come to a deeper understanding of each other.

By your living Spirit, You can awaken in all our hearts new insights born of our religious traditions that will enlighten the issues of life and justice which confound us.

Enable us to walk by faith into the future. Guide our President and the Members of Congress, that in them faith, loving compassion, and the commitment to justice will bring light and hope to an uncertain world. We rely on You, O Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE ROMANIAN PRESIDENT TO AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to welcome Romanian President Ion Iliescu to Washington, and I look forward to personally meeting him tonight. He is meeting with President Bush, Secretary of State Colin Powell, and other American officials during his trip.

President Iliescu's Romania has become one of America's greatest allies on the war on terrorism, standing side by side with the United States in Afghanistan and now in Iraq. In what is a truly multinational effort, at least 600 Romanian troops are in Iraq working with American forces and military from at least 27 other nations.

The Romanian people have a clear understanding of what is at risk in the war on terrorism, as they have a fresh perspective on freedom and liberty. They also know the importance of redevelopment in Iraq, as they have rebuilt their own country over top of the rubble of the former dictator Ceausescu's regime, emerging from communist totalitarianism into new candidacy for NATO membership.

I join all my colleagues in welcoming a true friend, Romanian President Ion Iliescu, to America.

In conclusion, God bless our troops.

HOUSE LEADERSHIP BLOCKING ARMED FORCES TAX FAIRNESS ACT

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, it is shameful that the House Republican leadership has passed a $230,000 tax break this year for people making over $1 million in dividend income, but that same leadership has bottled up for 7 months the Armed Forces Tax Fairness Act.

The House and Senate passed this bill unanimously in March. It seems the House Republican leadership objects to the fact that the Senate paid for the bill by closing the egregious tax loophole that lets Benedict Arnolds renounce their American citizenship in order to avoid paying American taxes.

It is outrageous that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the majority leader, the gentleman from Texas (Mr. DELAY), seem to be more interested in protecting the Benedict Arnolds who turn their backs on America than helping patriotic Americans who are fighting for our country in time of war.

It is insulting that the House leadership says today that we have time to rename three post offices in bills today, but they do not have time to schedule a final vote on the Armed Forces Tax Fairness Act. I believe military families and veterans all across America will be deeply offended if Congress finishes its work this year without passing the Armed Forces Tax Fairness Act.

FAILURE IS NOT AN OPTION

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, this House continues to conduct an essential debate over our Nation's policy in Iraq. Nevertheless, meeting the Iraqi people and hearing their story firsthand invoked an old adage with respect to those who offer armchair criticism: talk is cheap.

In the aftermath of the first Gulf War 12 years ago, we encouraged the Iraqi people to rise up against their brutal dictator. Then we left them to Saddam's murderous designs. While this decision may have made sense in terms of U.N. resolutions and international opinion, it amounted to a betrayal of the Iraqi people.

The blood, sacrifice, and heroism of our troops over the last 7 months have once again forged a bond of trust. In the faces of the Iraqis with whom I met, I witnessed a new hope that has not only demonstrated the success of our plan; it testified to the justice of our cause.

Mr. Speaker, regardless of one's opinion about the rationale for this war, one truth remains: to turn back now, to betray the Iraqi people once again will only embolden the terrorists. Let us not debate whether we will produce a free prosperous and peaceful Iraq. Failure is not an option.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

REAUTHORIZING CERTAIN SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS FOR FISCAL YEAR 2004

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3232) to reauthorize certain school lunch and child nutrition programs for fiscal year 2004, as amended.

The Clerk read as follows:

H.R. 3232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

(a) EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.—Section 9(b)(7) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7)) is amended by inserting "and through March 31, 2004" after "and 2003".

(b) CHILD AND ADULT CARE FOOD PROGRAM.—Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking "September 30, 2003" and inserting "March 31, 2004".

(c) REIMBURSEMENT TO STATES UNDER COMMODITY DISTRIBUTION PROGRAMS.—Section

15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking "October 1, 2003" and inserting "April 1, 2004".

(d) FUNDING MAINTENANCE OF COMMODITY DISTRIBUTION PROGRAMS.—Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "September 30, 2003" and inserting "March 31, 2004".

(e) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—

(1) Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking "the fiscal year beginning" and all that follows through "October 1, 2003" and inserting "the period beginning October 1, 1977, and ending March 31, 2004".

(2) Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking "of fiscal years 2001 through 2003" and inserting "beginning October 1, 2000, and ending March 31, 2004".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3232.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support bipartisan legislation that extends certain child nutrition provisions through March 31 of 2004. This extension is vital to ensure that low-income children have access to safe and nutritious food in school, after school, and during the summer months.

Members of the Committee on Education and the Workforce in the House and of the Committee on Agriculture in the Senate are busy preparing legislation to reauthorize and improve all the child nutrition programs included in the Child Nutrition and the Richard B. Russell National School Lunch acts. Included in these acts are: the National School Lunch and Breakfast Programs, WIC, and the Child and Adult Care Food, After School Snack, and Summer Food Service Programs. These programs are a critical part of our Nation's effort to ensure that needy children in America do not go hungry.

I have been pleased with the progress made in preparing a reauthorization bill for introduction. Despite our progress, however, committee members do not want to draft such important legislation in haste and so need additional time to ensure that any changes to the current law best serve the interests of the children whom these programs are intended to reach. The extensions included in this legislation can assure us that millions of needy children will not lose access to meals and snacks that are needed for their healthy growth and development and academic success in school.

Millions of children, including many whose mothers and fathers serve in America's armed services, rely on these programs each day. Without this legislation, many children who reside with their parents in privatized military housing would lose the benefit of free or reduced-price school meals. In Delaware, approximately 250 children will benefit from this extension, and up to 100,000 children nationwide. Taking these subsidies from children when many of their mothers and fathers are fighting for our Nation's security at home and abroad would have a devastating effect on these families.

This legislation also would continue the availability of healthy meals and snacks to low-income children enrolled in for-profit child care centers. Additionally, this legislation would allow schools, churches, and community organizations to operate Summer Food Service Program sites and in 14 States to continue special pilot programs that reduce paperwork and thereby increase the number of disadvantaged children who receive free meals and snacks during the summer months.

Mr. Speaker, these are just a few reasons why H.R. 3232 should be approved today with unanimous support. The child nutrition provisions that would be extended through this legislation benefit America's most vulnerable children. It is our duty as lawmakers to ensure that these at-risk children and their families can continue to receive the benefits for which they have been deemed eligible until the Congress can complete its work on legislation reauthorizing both the Child Nutrition Act and the Richard B. Russell National School Lunch Act.

I conclude by asking my fellow colleagues to please join me in support of H.R. 3232.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join the chairman, the gentleman from Delaware (Mr. CASTLE), in urging passage of H.R. 3232 to ensure that the authority for important child nutrition programs does not expire before the House leadership makes the time to debate these most important issues in the committee and on the floor.

I do hope, however, that when the time comes for the real reauthorization of child nutrition, we can work together in this same bipartisan way to make sure every eligible infant and child in this Nation has access to nutritious food: at home, through the WIC program; in child care, through the Child and Adult Food program; in school, through the School Breakfast and Lunch programs; during out-of-school time, through After-School and Summer programs; and in homeless and domestic violence shelters.

Even modest investments in the child nutrition programs will reduce hunger and improve children's health, their well-being, and their educational success.

Healthy children are the best investment we can make in this Nation's future. Unfortunately, too many children in America are hungry. The 2003 key national indicators of children's well-being reports that nearly 46 percent of American children who live in poverty were in food-insecure households, households that reported difficulty in obtaining enough food and increased use of emergency food sources resulting in reduced food intake and resulting in hunger.

At the same time, too many American children are at risk because they are obese. Childhood obesity rates in America have tripled over the past 20 years, resulting in children suffering from the early onset of such traditional adult diseases as hypertension, diabetes, and heart disease.

This week, the gentleman from California (Mr. GEORGE MILLER) and I, as well as other Democratic members of the Committee on Education and the Workforce, will be introducing a bill that increases access to the child nutrition programs and sets the stage for improving the nutritional quality of the foods available to children during the school day. Our bill establishes a Federal policy of "do no harm" to ensure that no eligible children are pushed off school food programs. It also eliminates the reduced-price category and increases direct certification so that more children are eligible for free school meals.

The Democratic childs nutrition bill also makes it easier for new moms and their babies to participate in the WIC program.

By calling on experts from the Institute of Medicine to develop nutrition standards for the foods sold in competition with school meals, the Democratic child nutrition meal will make it easier for schools to offer students healthy foods everywhere on school grounds.

My colleagues on the other side of the aisle have other ideas on child nutrition reauthorization as well. The money is there to fund all of these ideas if the administration and the Congress want to do it. If we can afford to reconstruct Iraq, if we can afford tax cuts for the wealthiest Americans, and tax breaks to offshore corporations, we can afford to feed hungry American children and help them eat healthy food.

□ 1415

I look forward to working with the gentleman from Delaware (Mr. CASTLE) and all of my colleagues to expand and improve the child nutrition programs.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3232 and in support of making nutritious food available to our Nation's poor and low-income children and not to leave any hungry child behind.

The National School Lunch Program is just one step in developing our children into the prosperous, successful individuals we want them to become. Poorly fed children have more difficulty learning, are less attentive in class and suffer more chronic problems, such as absenteeism and tardiness, than children who are properly nourished. According to the Food Research and Action Center, proper nutrition improves a child's behavior, school performance, and overall cognitive development. All in all, properly nourished children more actively participate in the education experience, which benefits them, their fellow students, and the entire school community.

Studies have shown what we already know, that healthy school meals play a critical and positive role in students' development and learning. According to the United States Department of Agriculture in 2000, 10.5 percent of all households, representing 20 million adults and 13 million children, were considered food insecure due to a lack of resources. In 2001, Illinois reported 9.2 percent of households to be food insecure, which represents 3,239,229 children under the age of 18.

By making nutritious meals available to all school children, the National School Lunch Program should ensure us that every child who needs a healthy meal can receive one. Unfortunately, the plan does not yet do that. In a State like Illinois and a city like Chicago, where there are large numbers of low-income people, poor children, we need to make sure that we revise every plan and have every opportunity to have nutritious meals for these individuals without undue burden of paperwork that sometimes would cause them to be left out. I support this legislation and hope that we are going to make it easier to receive the benefit.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Georgia (Ms. MAJETTE).

Ms. MAJETTE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise today to stress the importance of child nutrition and to support the extension of these programs with the passage of H.R. 3232. These programs will be reauthorized today with little fanfare. Their significance, however, far exceeds the attention we will devote to them.

The first time Congress authorized a nutrition program for our children was during the Great Depression in 1935. At that time, millions of children came to school unable to pay for their school lunches. Malnutrition among children was a national concern. Despite our country's poor economic conditions, Congress realized that its first priority must be to feed our Nation's hungry children. Today, child nutrition programs have been expanded, and they represent the best of America because after all, a hungry child cannot learn.

I am pleased to note that these programs are very successful in feeding hungry children. In my home State of Georgia, more than 600,000 children are given financial support to purchase much-needed lunch meals. For many, it is the only meal they will have all day. There are more than 300,000 children who also participate in the subsidized School Breakfast Program in Georgia.

Since the National School Lunch Act was first enacted in 1946, attention to the nutritional value of these school lunches has steadily increased. We have learned that poor nutrition leads to impaired cognitive development and reduced school performance. That is why successful Head Start programs point to good nutrition as a necessary element to teach our neediest children. We cannot teach our children without first giving them the essential nutrition so vital to their ability to learn.

Despite the renewed focus on nutrition, we are in the midst of a public health crisis in terms of obesity. Nearly 30 percent of adults and 15 percent of children in our Nation are now categorized as obese. With obesity comes the increased risk of high blood pressure, diabetes, insomnia and other health-related difficulties; and the medical costs associated with this crisis are estimated to be as much as $100 billion per year. So it is clear that we need to act now to curb this crisis.

Although most Americans know eating more fruits and vegetables is a necessary part of maintaining good nutrition, just last week a new study found that more than 40 percent of toddlers in the Women, Infants, and Children, or the WIC, program did not eat any fruit at all on the day of the survey. In fact, the WIC program does not even provide access to fruits and vegetables.

But, Mr. Speaker, there is hope. Last week I visited East Lake Elementary School in Atlanta and asked the fifth grade class what they wanted to add to their school lunch menu. They requested kiwis, strawberries and plums. They did not ask for cake or cookies, so they understand the importance of eating a variety of fruits and vegetables.

As Congress reauthorizes these programs, we must not forget their importance, and we must not forget that they continue, and we continue, to feed our hungry children. At the same time, we must ensure that our child nutrition programs move forward with a new knowledge about what is best for the health of our children.

Through these programs, we will have the opportunity to teach our children the eating habits that will allow them to protect their own health throughout their lives, and we can teach them the fundamentals of good health, that an apple a day is not just for teachers any more.

Ms. WOOLSEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, today we are considering H.R. 3232, a bill to reauthorize certain school lunch and child nutrition programs. While I am glad to see that these programs will not expire, I am concerned about making progress toward a full 5-year reauthorization, and I know the gentleman from Delaware (Mr. CASTLE) intends to see that we have a good reauthorization, and I look forward to working with the gentleman and the rest of the committee in a bipartisan way.

I would like to take this opportunity to discuss what I see are some issues that must be addressed in any new reauthorization. Ensuring healthy children is a worthwhile investment in the future of millions of children and in the future of our country's economic well-being. And as has been discussed by the gentlewoman from Georgia (Ms. MAJETTE), the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Illinois (Mr. DAVIS), there are children in America that go hungry during the school day and others who battle illness caused by poor nutrition.

The documentary evidence is clear, and we do not need to review it here; it coincides with common sense: School child nutrition programs help children learn. Meal programs offered in schools and child care settings and after school and summer programs and through WIC offer an ideal way to address child health issues directly, and to build healthful eating habits.

When we do get a 5-year reauthorization, we should require local education authorities to establish a school nutrition policy, I would suggest by July of 2005, that, at a minimum, gives the school food director operational responsibility for foods sold on campus. We should request that the Institute of Medicine at the National Academy of Sciences recommend to the Secretary nutritional standards for school foods. The Food and Nutrition Service should be required to place a greater emphasis on fruits and vegetables in the commodities programs and school meals.

Mr. Speaker, we need to pass a reauthorization that expands the current fruit and vegetable pilot programs so they reach more students. We must authorize grants to nonprofits and local school districts for farm-to-cafeteria projects which include nutritional education activities, which incorporate the participation of school children in farm and agricultural education projects.

In addition, we must eliminate the reduced price category of meals to allow children and families up to 185 percent of poverty to receive a free meal. The children that are designated in this reduced-price category are really between a rock and a hard place when it comes to eating at school. These are children that are both hungry and in many cases embarrassed because their parents are often not able to send the money to school to pay for their meals. It would be better if this category were removed and all children eligible would be treated the same in the nutrition programs.

Mr. Speaker, as we reauthorize the Child Nutrition Act, I hope my concerns are addressed and we can ensure healthy meals for our children in school; and with that, I do support H.R. 3232.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just as a final thought, children are about 25 percent of our population. They are 100 percent of the future of this Nation, and what they eat really will equate to what our future will be. We must make sure that we do the best job we can for every child in this country.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened intently to the speakers here today. We are all concerned about getting the reauthorization of these programs done correctly, and that is going to take some final work, but all of us, I am sure, are in total agreement of the significance and importance of the programs, and, hopefully, when all is said and done, in 6 months we will be able to do that. For now, it is essential that we pass H.R. 3232.

Mr. BOEHNER. Mr. Speaker, I rise in support for H.R. 3232, which would extend the authorization for the expiring portions of child nutrition legislation for an additional six months. This bill, which was introduced by my colleague Mr. CASTLE, is also cosponsored by the Ranking Member of the Committee, Mr. MILLER, and Ms. WOOLSEY, Ranking Member on the Education Reform Subcommittee. I thank all of them for their support.

The Child Nutrition programs include the National School Lunch and Breakfast Programs; the Special Supplemental Nutrition Program for Women, Infants, and Children (or WIC); the Child and Adult Care Food Program; the After School Snack Program; and the Summer Food Service Program.

These invaluable programs—which are responsible for providing nutritious meals to millions of children and adults every day—are due for reauthorization this year. In order to ensure that the Committee has the opportunity to consider the reauthorization process carefully, we are seeking to extend the current authorization an additional six months.

This bill contains one provision of particular importance to our nation's soldiers, sailors and airmen. If this legislation is not approved, the children of Armed Forces members who live in privatized military housing and who are eligible for free and reduced-price lunch will lose their school meal subsidies. This would be an insult to these parents who work every day to secure our nation's freedom.

In addition, this legislation contains a provision that allow for-profit child care centers to continue to participate in the Child and Adult Care Food Program, and to continue to provide meals and snacks to centers where at least 25 percent of the children enrolled meet the income eligibility requirements for free and reduced-price lunch.

Parents will always bear primary responsibility for their children's health and nutrition, but this bill provides assistance for those who are having trouble making ends meet. The overall goal of all of the child nutrition programs is to make sure that low-income children and families have access to low-cost meals and snacks that are safe and nutritious. The reauthorization process is a chance for us to look at the current system and see how well it is meeting those goals. We must take into account a number of actors, including efficiency, nutrition, cost-effectiveness, and protecting school revenue. We would like to take this additional six months to be sure that we address all of these issues to the best of our ability.

This bipartisan bill is a simple, straightforward tool to make sure that we are serving the millions of low-income children who depend upon the programs contained in the Child Nutrition and Richard B. Russell National School Lunch Acts. I hope you will join me and my colleagues in voting "yes" on H.R. 3232.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 3232, legislation to reauthorize certain school lunch and child nutrition programs.

The federal child nutrition programs continue to be a great success story. The National School Lunch program, enacted in 1946 as a measure of national security, currently serves more than 28 million children each day.

The need for this program has never been greater. With childhood obesity growing at an alarming rate—especially among low income and minority populations—it has never been more critical that our children have access to high quality, nutritious food choices at school.

The legislation we are considering today is only a temporary reauthorization, since this program expires and we have not completed the heavy lifting necessary for a full five year authorization.

I urge my colleagues who are working on this issue to make a number of significant improvements to these various childhood tuition programs, including:

Increasing the income limit for those children who qualify for a free lunch from 130% of the federal poverty limit to 185% of the federal poverty limit, thereby eliminating the reduced price category of this program;

Providing the USDA commodities for the School Breakfast Program;

Lowering the area eligibility guideline to 40% for the Child Care, at-risk after school and Summer Foodservice programs; and

Increasing the USDA reimbursement rates for child nutrition, consistent with a USDA analysis of the costs to produce a lunch. In most areas of the country, the cost to produce a school lunch is now greater than the reimbursement rate for a free lunch of $2.14.

A child who is hungry cannot be expected to learn. A few years back, this Congress enacted legislation that promised no child will be left behind. If we are to keep that promise, we must ensure that all children have a healthy and nutritious lunch.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3232, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to reauthorize certain school lunch and child nutrition programs through March 31, 2004.".

A motion to reconsider was laid on the table.

RECOGNIZING INDEPENDENT 529 PLAN FOR LAUNCHING A PREPAID TUITION PLAN THAT WILL BENEFIT OUR NATION'S FAMILIES WHO WANT TO SEND THEIR CHILDREN TO PRIVATE COLLEGES AND UNIVERSITIES

Mr. McKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 378) recognizing Independent 529 Plan for launching a prepaid tuition plan that will benefit our Nation's families who want to send their children to private colleges and universities, as amended.

The Clerk read as follows:

H. RES. 378

Whereas postsecondary education is increasingly important to the economic well-being of the United States, and the demand for individuals with postsecondary education continues to grow;

Whereas according to the United States Census Bureau, in 2001 a person with a bachelor's degree earned nearly 90 percent more, on average, than a person with only a high school diploma;

Whereas tuition at independent colleges and universities continues to grow at alarming rates and families need options for financing the high cost of a child's postsecondary education;

Whereas tuition and fees for the academic year 2003–2004 at independent colleges and universities in the United States averaged over $18,000, and therefore postsecondary education is one of the most significant investments a family will make; and

Whereas prepaid tuition plans can make attendance at independent colleges and universities more affordable for thousands of our Nation's families by allowing them to lock in current tuition rates for future use: Now, therefore, be it

Resolved, That the House of Representatives recognizes the more than 200 independent colleges and universities that together have addressed the need to help families pay for the increasing cost of attending college by creating the first nationwide prepaid tuition plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 378.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Res. 378 which recognizes independent colleges and universities that participate in prepaid tuition planning.

□ 1430

I want to thank the gentlewoman from Texas (Ms. GRANGER) for sponsoring this resolution that highlights the benefits of prepaid college tuition plans and the independent colleges and universities that participate in such plans.

Mr. Speaker, everyone in this Chamber clearly understands the benefits of a postsecondary education and that it expands career opportunities and increases earnings potential. As the resolution states, in 2001 a person with a bachelor's degree earned almost 90 percent more than a person with only a high school diploma. This resolution recognizes those that make completion of a postsecondary education and its benefits a bit more attainable.

This Congress, the Subcommittee on 21st Century Competitiveness, which I chair, is focused on the reauthorization of the Higher Education Act. One of my primary concerns throughout the process is to ensure that the dream of a college education is available and indeed affordable to all those who strive for it. This is why I am pleased to support H. Res. 378, a measure that recognizes those colleges and universities that participate in programs that can help put college within reach.

H. Res. 378 draws attention to prepaid tuition plans, which allow families to prepare for the cost of a postsecondary education. These plans originated in 1996 and were expanded in 2001 to allow for independent education institutions to establish their own prepaid tuition plans. During this time, both public and private institutions have begun participating in these prepaid tuition plans. While the specifics of these plans vary, at the heart of the plans is the ability of families to pay for academic periods or course units at current prices for a child who will attend college in the future.

I hear so often from constituents that college costs are increasing tremendously and parents are concerned that they will not be able to afford a postsecondary education for their children. We must work together to prevent students and families from being priced out of the higher education market and being priced out of their dreams. I believe that prepaid tuition plans offer parents important options for dealing with the college cost crisis, and we must encourage efforts to make college affordable and attainable. I urge my colleagues to support this resolution that recognizes the schools that participate in these plans.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 378 and second many of the remarks of my colleague from California. Prepaid tuition plans that have been set up by States have not provided options for students seeking to go to private universities. These plans typically allow a contributing individual to receive a guarantee that their tuition will be paid when they attend a public university in their State. This resolution before us identifies a plan that now provides students seeking to attend a private university with a prepaid tuition option. Those involved in the development of this plan should be congratulated for pushing to make this a reality.

Unfortunately, many existing State prepaid tuition plans have not fared well in our present economy. While unemployment has risen, the Bush administration has forced the reduction of options students and families have to pay for college. Twenty States have set up prepaid tuition plans but nearly all of them are in trouble. Ohio, West Virginia, Kentucky, Texas and Colorado have all suspended their plans. States are shutting the doors on these plans because the failed Bush economy has driven up college costs and reduced their investment options to essentially nothing.

In discussing the issue of how students and families pay for college, we cannot ignore the point raised by the gentleman from California, referring to his proposal to institute Federal price controls on college tuition. It has some immediate appeal until you think about it. This proposal would bar universities who have seen their budgets cut due to the sour economy from receiving Federal aid, including work-study opportunities for needy students. In other words, we would cut funds to them until they shape up. Worse yet, Historically Black Colleges and Hispanic Serving Institutions would be barred from receiving institutional aid or other aid. This loss of aid would hamper the mission of those institutions and would remove the opportunities for postsecondary education for some of our neediest students.

This proposal would also have serious unintended consequences. Colleges that are forced to cap their tuition increases will simply decrease the amount of need-based grant aid. This will result in students experiencing perhaps lower tuition levels but higher out-of-pocket costs. In addition, as labor and health care costs increase, institutions will be forced to sacrifice quality. Clearly, that is not in the public interest. This will be done through the hiring of adjunct professors rather than maintaining, for example, seasoned tenured faculty. Is this the cost-control measure we want our universities to implement?

Rather than creating new problems to solve an existing one, Congress should be considering what is the appropriate response to rising tuition costs. We should provide incentives to colleges and universities to hold down costs. The current Federal system of higher education financing does not incentivize schools to hold down their level of tuition increases. The Higher Education Act should not punish students and institutions through heavy-handed Federal price controls. Price controls rarely work. Rather, institutions should hold down tuition costs while increasing need-based grant aid, and they should be rewarded.

In addition, States should be required to maintain their level of effort on higher education spending. In years in which Congress increases student aid, those increases should benefit students, not be gobbled up by the need to balance State budgets. The cost of higher education is a complicated one. It is an important one. It is in the national interest to make college affordable and available for all qualified students. This resolution before us today points to a good way to manage the rising costs of college tuition. However, the other proposal advanced by the gentleman from California would be the wrong way to go.

In closing, Mr. Speaker, I want to reiterate my support for the resolution we are presently considering.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

We are here today to discuss H. Res. 378, but my good friend on the other side of the aisle has brought up some points of a bill that I introduced a week ago, and I would like to just correct a couple of things on the record. HBCs and HSIs are not addressed in the bill. Any funding cuts based on colleges continuing to raise their tuition and fees at better than twice the rate of inflation would only have an effect on title IV funding. Also, he referred to cost controls. I lived through cost controls. I was a retailer in the 1970s when President Nixon imposed price controls. Let me explain the way price controls work. One day we were able to sell jeans at a certain price. When price controls took effect, we no longer could sell those jeans at any other price other than what the government set. The only way that we could ever increase our prices at a retail or wholesale level was if we went before a bureaucratic board set up by the government and explained our costs and they finally maybe granted us the ability to increase our prices.

That is not what I propose in my bill. What I propose in the bill is encouragement for the schools to keep their tuition and fees down. For the last 20 years, they have been raising them at four times the rate of people's ability to pay those college costs. We tell the schools, if they want to keep charging more, they can; but we do not have to keep giving them some of that $65 billion of Federal aid that goes to the schools, not to the students.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. GRANGER), the author of the resolution that is before us, H. Res. 378.

Ms. GRANGER. I thank the gentleman from California for yielding me this time.

Mr. Speaker, Mark Twain once said, "Out of our schools grows the greatness of our Nation." Today I want to introduce you to the greatness of our Nation. I want you to meet Logan Granger. Yes, that is right, Granger. Logan is my grandchild. He is one of the loves of my life. I actually have two grandchildren, I have Logan and Jack, but today we are going to focus on Logan. When I look at Logan's big brown eyes, I absolutely melt and I want him to have the very best in the world. I want him to have the best education, the best job, the best family life. I want him to have everything. And I know the right place to start with making sure that Logan has it all is to make sure that Logan has the best education available.

Today, the finest education is marked by a college degree. When I taught, a high school certificate was a mark of success. Today, a college degree is a must. In the past 5 years, jobs requiring a college degree have increased almost nine times more than jobs requiring a high school diploma. The fact is that the college degree is a must-have for today's students. I believe little Logan should have the opportunity to have that college diploma. Logan should be able to attend the public or the private school of his dreams. In other words, he should have choice. But his family should also have affordability.

Unfortunately, we all know the cost of a college education can send any parent or grandparent into financial hiding. Today at Texas Christian University in Fort Worth, a college degree will cost about $19,000 a year and students come from all over the world to attend there. When Logan is ready to go to TCU, or whatever school he chooses, schools like TCU could cost as much as $45,000 a year. Yes, a year. It is sticker shock for all of us, but it is something we need to face. But before we decide the situation is futile, we need to recognize that with proper planning, a college education can be affordable.

For several years now, public schools have joined together in co-ops that work together to set up one prepaid plan for parents to pay into. Then when the young one is all grown up and is ready to go to college, the family can choose from a list of schools that participate in that plan. The result is choice and affordability in public education.

Today I am here to praise the expansion of the prepaid tuition plans. I introduced legislation that was signed into law 2 years ago that would allow private schools to join together and offer similar choice and affordability in education. Today I am here to congratulate the more than 200 private colleges and universities in the recent launch of their prepaid tuition plans. Together, the plans are known collectively as the independent 529 plan and many of the schools in Texas, including Texas Christian University and Southwestern University in Georgetown, are participants in this plan. The creation of this plan means that Logan's parents can save around $100,000 in total private education. That is right. If Logan's parents buy into the independent 529 plan today, they can save around $100,000. We are literally talking about tomorrow's education at today's price. The 529 plans are all about choice and affordability in private schools. Choice for Logan and affordability for his parents.

Mr. Speaker, I am honored to be the sponsor of House Resolution 378, which congratulates private colleges and universities for their ongoing commitment to make a college education affordable and accessible to thousands of families. This will mean more opportunity for more young people and more universities. That is a small price to pay for Logan or Jack or any other child for something as worthy as a college education.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume. I would just reply to my colleague from California that in describing his experience with price controls, his personal experience, I think he made a very good case against his proposal, and I think made it clear that the colleges and universities that are in the tightest financial straits, such as Historically Black Colleges and Hispanic Serving Institutions, those with a large number of work-study students, would be the ones that would be hurt most by that proposal.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), my colleague on the Committee on Education and the Workforce.

□ 1445

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time.

Mr. Speaker, I rise today in support of H. Res. 378, recognizing Independent 529 plans for launching a prepaid tuition plan. These plans allow families to lower the cost of a private college or university education by locking in current tuition rates for future use at any of the participating private colleges and universities.

We all believe that every young person who would like to attend college should be able to do so. The benefits of receiving a college degree are continuous, not only strengthening the self-esteem of a person, but also allowing that individual to have a better and more secure lifestyle.

According to the United States Census Bureau, a person with a Bachelor's Degree will earn nearly 90 percent more on average than a person with only a high school diploma. Not only is the pay significantly better, but it is also more likely that occupations held by a person with a Bachelor's Degree will have additional benefits, such as health care and employer pension plans.

Most funding that colleges and universities receive has been reduced due to the extreme economic state of most States in our Nation and the debt of the Federal Government. However, to remain vital in competition, colleges and universities must pay for the best professors, keep technology current and keep buildings maintained. Unfortunately, these costs are now being passed down to the students. The Independent 529 plans serve as one way to help with this rising cost.

Currently over 200 private colleges and universities throughout the country have agreed to participate in these plans. Of the six participating colleges and universities in Illinois, I am proud and pleased that the Illinois Institute of Technology, which is in my district, is one of the 529 plan participants.

I believe that although the Independent 529 plans will not help all families achieve the dream of going to college, it will help a good number of families who dream of sending their children to private colleges and universities, and, for that reason, I support this legislation and urge its passage.

Mr. McKEON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY), an outstanding new member of the Committee on Education and the Workforce.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding me time.

I rise very much in support of H. Res. 378, and I commend the author, the gentlewoman from Texas (Ms. GRANGER), for bringing this bill forward. If I did not know anything about the bill, after seeing that beautiful grandchild, Logan, in that portrait, I think I would be supportive of this effort. It is very, very persuasive, and I commend the gentlewoman for that.

But, seriously, this bill is a great bill. I have a private college in my 11th District of Georgia, Berry College, a wonderful private college in Rome, Georgia, that is part of these 200 private colleges and universities participating in this plan. As has been pointed out by the previous speakers, the cost of college has been rising so much, since 2001 something like $16,000 a year on average to go to a private college or university.

This opportunity for our families that want to send their children to these schools to go ahead and invest and save that money at a tax advantage and lock in that tuition so it is not rising at double the rate of inflation, I think is a very important thing to do.

I commend the gentlewoman for this bill and give it my strong support. I urge all of my colleagues to support this great resolution.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, perhaps I could show some pictures of my grandchildren. I commend the gentlewoman from Texas and the gentleman from California for advancing this legislation. Anything that will improve the accessibility and affordability of college for qualified American students is to be encouraged.

Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, according to the Advisory Committee on Student Financial Assistance, cost factors, with the rate of tuition and fee increases over the last 20 years, show that 48 percent of our lower-income young people that that graduate from high school prepared for college are not able to go to a college or university of their choice, and 22 percent of them cannot even go to a community college. I think anything we can do to make it possible for these young people to attend school is vitally important.

I have 25 grandchildren and one on the way. When I saw that picture of the grandson of the gentlewoman from Texas (Ms. GRANGER), Logan, that was a great selling tool, and I really appreciate what she is doing to help young people and help their families to put money aside to send them to school. I urge all of us to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 378—Recognizing the Independent 529 Plan for Launching a Prepaid Tuition Plan That Will Benefit Our Nation's Families Who Want to Send Their Children to Private Colleges and Universities.

Higher education today is among the most prominent barometers of success in adult life. Compared to high school diploma recipients those who earn a college degree have a much higher rate of employment and greater earning potential. The economic implications of a student's failure to earn a college degree are astounding, especially as our economy becomes more dependent on information industries. Nearly 2 out of the 3 new jobs that will be created over the next 7 years will require some post-high school training.

Unfortunately, despite all the indicators many low income and middle-income students and their families are struggling to meet the soaring costs of attending college. These students are taking loans and working long hours to meet the increasing costs of college.

Over the past decade student loan debt has nearly doubled to $17,000 and about one-fifth of full-time students work 35 or more hours a week.

According to the College Board's annual survey of tuition and student aid on college campuses, in 2003 tuition and fees increased at colleges and universities nationwide. Tuition increased by 14.1 percent at four-year public institutions, 13.8 percent at two-year public institutions, and 6.0 percent at four-year private institutions.

While 70 percent of all students pay $8,000 or less in tuition each year, low-income students continue to fall far behind in accessing a college education. The ratio of a low-income family's earnings used to pay for tuition increased to 71 percent, while this ratio held steady for middle-income families at 17 percent and 6 percent for those with the highest incomes.

I support the Independent 529 plan because I know that the future of this nation depends on the academic preparation of our children. The Independent 529 Plan is a prepaid tuition plan that enables families to lock in the future tuition costs at less than today's prices. Through the Plan, certificates are purchased that can be used to pay future tuition costs. When the student is later accepted at a member college, the certificate can be used to pay the percentage of tuition pre-purchased.

Independent 529 Plan is the first 529 plan sponsored by private ("independent") colleges, and Program certificates can be redeemed for tuition at a broad array of independent colleges nationwide. Many of these colleges are in the state of Texas: Abilene Christian University, Austin College, Baylor University, Dallas Baptist University, Hardin-Simmons University, Lubbock Christian University, Rice University, St. Edward's University, St. Mary's University, Southern Methodist University, Southwestern University, Texas Christian University, Trinity University, University of Dallas, and University of Mary Hardin-Baylor.

I am confident that the list of member colleges will grow to include Historically Black Colleges across the country.

Sadly, low income and working class families are struggling to get their students a quality education while Republicans have forgotten them and instead focused on budget cuts and tax breaks for the wealthy. The weakened economy, tax and budget cuts and other federal policies that increase national and state debt have led states to increase tuition and place the burden of increased costs for college on families who cannot afford it.

As I stand here, the doors to higher education institutions and to greater opportunity for our young people are closing at an alarming rate. When major federal higher education grant programs are eliminated and federal aid to colleges are cut, minority students and disadvantaged students are shut out of a college education—a vehicle that is critical to a better future. The Independent 529 plan will help alleviate the burden of cost placed on families who desperately want to secure a quality college education for their children.

Mr. BOEHNER. Mr. Speaker, I am pleased to offer my support for H. Res. 378. This resolution recognizes independent colleges and universities that participate in prepaid tuition plans that give families options when paying for the cost of postsecondary education. I thank Representative GRANGER for sponsoring this resolution that calls our attention to the need to give families and students these payment options and to the independent colleges and universities that participate in these prepaid tuition plans.

Our economy is changing. The manufacturing economy of the 20th century is being replaced with a knowledge- and information-based economy in the 21st century, and our workforce must adapt accordingly. The demand for individuals with at least some postsecondary education has been growing, and is expected to continue growing more rapidly than the demand for individuals with only a high school diploma.

When coupled with our current college cost crisis, it is clear that in order to meet this demand we must make a postsecondary education more affordable for more individuals. Our economy is increasingly dependent on the availability of skilled, well-educated workers, and the need to increase access to higher education is a critical part of that equation. This resolution recognizes those that make postsecondary education more attainable.

H. Res. 378 draws attention to prepaid tuition plans. These plans allow families to prepare for the cost of a postsecondary education by planning ahead, saving wisely, and reducing the tax burden on such academic savings that will be used to send students to college in the future.

The Committee on Education and the Workforce, and specifically. Representatives McKEON's subcommittee, is in the midst of the reauthorization of the Higher Education Act.

Members are carefully examining a range of issues, including dramatic tuition increases, the need to expand access—particularly for non-traditional college students—and what appears to be a troubling lack of transparency in higher education.

Often, I expect, we hear from concerned parents that college costs are out of hand and that they will not be able to afford a postsecondary education for their children. Keeping college affordable is no simple task, and finding solutions will not be easy. However, I believe that prepaid tuition plans offer parents some options for dealing with the college cost crises. I urge my colleges to support this resolution that recognizes the schools that participate in these plans.

Mr. MCKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 378, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "A resolution recognizing the more than 200 independent colleges and universities that together have addressed the need to help families pay for the increasing cost of attending college by creating the first nationwide prepaid tuition plan.".

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF CHEMISTRY AND SUPPORTING GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. GINGREY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 395) recognizing the importance of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week.

The Clerk read as follows:

H. RES. 395

Whereas chemistry is at the core of every technology we enjoy today;

Whereas the power of the chemical sciences is what they create as a whole: an enabling infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and the health of many industries, including the chemical, pharmaceutical, electronics, agriculture, automobile, and aerospace sectors, and these contributions create new jobs, boost economic growth, and improve our health and standard of living;

Whereas the American Chemical Society, the world's largest scientific society, founded National Chemistry Week in 1987 to educate the public about the role of chemistry in society and to enhance students' appreciation of the chemical sciences;

Whereas National Chemistry Week is a community-based public awareness campaign conducted by more than 10,000 volunteers in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Chemistry Week volunteers from United States industry, government, secondary schools, and institutions of higher education reach and educate millions of children through hands-on science activities in local schools, libraries, and museums;

Whereas the theme of National Chemistry Week in 2003, "Earth's Atmosphere and Beyond!", was chosen to honor the 100th anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, North Carolina; and

Whereas, in recognition of National Chemistry Week, volunteers all across the United States will teach children about air, the atmosphere, our solar system, and the uniqueness of planet Earth during the week beginning October 19, 2003: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the important contributions of chemical scientists and engineers to technological progress and the health of many industries have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals and ideals of National Chemistry Week, as founded by the American Chemical Society; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of chemistry to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. GINGREY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 395.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am pleased that we are considering this resolution recognizing the importance of chemistry in our everyday lives. This resolution supports the goals and the ideals of National Chemistry Week, and it recognizes the important contributions of chemical scientists and engineers to technological progress and the health of many industries. In addition, it encourages the people of the United States to observe National Chemistry Week, which this year is October 19 through 25. As a graduate of the Georgia Institute of Technology with a Bachelor's Degree in chemistry, I enthusiastically support this effort.

The chemical sciences provide an enabling infrastructure that delivers the foods, fuels, medicine and materials that are part of our everyday lives. The contributions of chemical scientists and engineers are central to the technological progress of many areas that affect our everyday lives.

I commend the American Chemical Society for establishing National Chemistry Week in 1987. During National Chemistry Week, volunteers from across the United States will teach children about our air, the atmosphere and the solar system. The theme in 2003, Earth's Atmosphere and Beyond, was chosen to honor the 100 anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, North Carolina.

It is important to stimulate children's interest in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations for our future.

I urge all of my colleagues to support this resolution, and thus recognize and support the goals and ideals of National Chemistry Week.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 395. This bipartisan resolution was introduced by the gentleman from New Jersey (Mr. HOLT) and the gentleman from Michigan (Mr. EHLERS). They are both Ph.D. physicists who appreciate the importance of chemistry. I want to congratulate them for bringing this resolution forward.

Chemistry and chemical engineering contributes to public health through such things as new biomaterials, drug design and drug-delivery technologies and gene therapy. These disciplines help develop new structural and electronic materials and advance technologies that improve energy utilization and transportation systems. In short, chemistry and chemical engineering contribute in critical ways to the economic strength, security and well-being of our Nation.

National Chemistry Week was started as an annual event in 1987 by the American Chemical Society. It sponsors activities to make elementary and secondary school children, and the public in general, more aware of what chemistry is and its importance to their everyday lives.

National Chemistry Week activities are carried out by the local sections of the American Chemical Society, which are found in all parts of the Nation. They work with local industries, schools and museums to design hands-on activities, provide chemical demonstrations and develop exhibits. By these means, the local organizations provide opportunities to stimulate the interests of young people in science and in pursuing scientific careers. And the activities of the National Chemistry Week help advance the important goal of increasing public understanding of science generally.

For 2003, the theme of the National Chemistry Week is Earth's Atmosphere and Beyond. This is very appropriate because it is in honor of the 100th anniversary of the Wright Brothers' first powered flight.

I congratulate the American Chemical Society for their efforts to establish and sustain National Chemistry Week. I support this resolution, and recognize the value of chemistry and the goals of National Chemistry Week. I ask for its adoption by the House.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would like to thank the leadership for bringing this bill to the floor, recognizing the importance of chemistry in our everyday lives, and supporting National Chemistry Week. The gentleman from Michigan (Mr. EHLERS) has been very helpful as an original cosponsor of this bill and helped move it forward. He and I do this as the two physicists in Congress, with no suggestion of irony that we physicists would be sponsoring National Chemistry Week.

Finally, I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. OLVER) for cosponsoring the bill and for their support, the gentleman from Massachusetts (Mr. OLVER) himself being a research-trained chemist.

Indeed, chemistry is not something that occurs just in the laboratory, it is everywhere, and this resolution is intended to emphasize that point, the importance of chemistry in our everyday lives.

Today's scientists are working to understand global climate change and to develop cleaner energy sources. Our cars have more computing power than the Apollo spacecraft. In many ways, science permeates our lives, and we certainly should do all we can to recognize that and see that youngsters, as well as oldsters, integrate their understanding of science in their lives.

Following the launch of Sputnik in 1957, major steps were taken in the United States to improve the resources going into science. The goal was to produce a superior technical workforce so that we would be second to none in engineering and science. There was increased funding for school laboratories, revision of math and science curricula and new university scholarships for future scientists. Indeed, this initiative produced a generation of scientists and engineers who have contributed greatly to our economic and technical accomplishments and to the quality of life of people around the world.

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I was a product of that revolution. Today, as a policy maker, I see the shortcomings of our earlier revolution in science and mathematics education.

Too often the push for improving public competence in science and mathematics is justified on the grounds of economics, national security, and an informed citizenry. There is no question that these are vitally important reasons, but we should not forget the reason of personal well-being. Understanding sciences like chemistry brings order, harmony, and balance to our lives. They teach us that the world is intelligible and not capricious. They give us the skills for lifelong learning, for creating progress itself.

In setting up the science programs following the launch of Sputnik, we focused on developing scientists and engineers and tend to have left behind the other 80 or 90 percent of our society who should understand science, should integrate it into their lives, even if they are not to become professional scientists. That is why I am proud to see this House recognizing in this legislation the importance of chemistry and the goals and the ideals of National Chemistry Week.

I thank the Speaker for bringing this resolution to the floor. I thank my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for yielding me the time to speak.

Mr. GINGREY. Mr. Speaker, I have no other speakers, but I continue to reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to present this resolution supporting the ideals of National Chemistry Week. And I want to commend the co-authors, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT), the Ph.D. physicists, for bringing this bill forward.

So this Member who has a bachelor of science, a meager bachelor of science degree in chemistry, is humbled in their presence, but this is a wonderful bill, and I am very, very supportive of it.

Mr. Speaker, I think I have got a little bit of time left, and I see that the gentleman from Michigan (Mr. EHLERS), of whom I just spoke, the distinguished gentleman from Michigan, that Ph.D., one of those Ph.D. physicists of which I just spoke, has just arrived.

Mr. Speaker, I am very happy at this time to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I am sorry but I am a bit late and out of breath. My plane was an hour and a half late. I believe I ran all the way from the airport.

Mr. Speaker, it is a pleasure to speak on this resolution. We have often heard the phrase "better living through chemistry," and that is very true. And I find it strange that today many people regard chemistry as a danger because they worry about things such as pesticides. In fact, I recall speaking to a person once who said that she really did not dare to eat anything now unless it was natural because of the chemicals. And I said, "Well, do you like oranges?" "Oh, yes, they are wonderful." she replied. I said, "In spite of the fact that they are filled with chemicals, chemicals such as vitamin C?" And I went on to name other chemical components.

Chemicals can be either good or bad. And they are certainly a part of everyday life, but what I appreciate is the many good things that chemistry has brought us. And I also appreciate the American Chemical Society, which has established the National Chemistry Week which we are celebrating here. This year the theme is Earth's Atmosphere and Beyond, in an effort to honor the 100th anniversary of Orville and Wilbur Wright's flight at Kitty Hawk, North Carolina.

But there is so much more to chemistry activities that we do not realize. What I appreciate about the American Chemical Society, also, is their interest in education.

In my efforts to improve math and science education in this Nation, I have worked very closely with the American Chemical Society over the past few years. And they have been outstanding in their efforts to assist in improving math and science education, and National Chemistry Week is part of that.

I just received this morning an e-mail from Michelle DeWitt from Michigan who is one of the organizers of the National Chemistry Week in Michigan. And she talked a little bit about what they did last week.

Let me read portions of her letter. "Our National Chemistry Week event at Westshore Mall was a huge success. We had our largest amount of volunteers ever, with nearly 100 people helping out, including students from Grand Valley State University, Grand Rapids Community College, Aquinas College, some local high school and younger students with parents. This was very fortunate because we had the largest turnout with about 3,000 people stopping by between 10 a.m. and 4 p.m. on Saturday, October 18th.

"We had six demonstrations by area chemists and about ten activity tables, where area chemists and college students engaged in hands-on activities with kids of all ages. There was a constant stream of rockets shooting off. Some even hit the ceiling. Making slime is always one of the kids' favorite activities."

"We gave away about 1,300 balloons to kids. I heard one boy walking into the mall with his dad saying, 'Look, Dad, a party,' and I thought it was great to have kids think of science as a party. The newspaper reporter who spent most of the day with us commented on how much fun everyone was having and said there were so many fun things going on it was like a ten-ring circus."

Then she goes on and talks about the volunteers and the great things they did. Mr. Speaker, at this point I will insert the entire text of the letter.

To: Laura G. Kolton, American Chemical Society

Our NCW event at Westshore Mall was a huge success. We had our largest amount of volunteers ever with nearly a hundred people helping out, including students from Grand Valley State University, Grand Rapids Community College, Aquinas College, some local high school and younger students with parents. This was very fortunate because, due to advertising in both the Grand Rapids Press and the Holland Sentinel, we had the largest turn out with about 3000 people stopping by between 10 am and 4 pm on Saturday October 18th.

We had 6 demos by area chemists and about 10 activity tables where area chemists and college students engaged in hands-on activities with kids of all ages. There was a constant stream of rockets (made with vinegar / baking soda / film containers) shooting off. Some even hit the ceiling. Making slime is always one of the kids favorite activities. We also had a poster drawing contest. We will be sending our winning posters in to the National ACS competition.

We gave away about 1300 balloons to kids. I heard one young boy walking into the mall with his dad say "Look Dad, a party," and I thought it was great to have kids think of science as a party. Even the Holland Sentinel reporter who spent most of the day with us commented on how much fund everyone was having, and said there were so many fun things going on it was like a 10 ring circus.

We had two sixth grade volunteers (Debra Gorden and Shannon Vandenberg) from Blandford school (which is a Grand Rapids Public school for 6th grade students who have excelled in elementary school.) These girls worked a booth giving away tattoos, stickers, magnifying glasses and ChemMatters Magazine, with the help of two chemistry students from GRCC (Grand Rapids Community College). They loved working with the college guys and were smiling all day. The college students were very nice and inspired the young girls into an interest in college and disproved the stereotype of the geeky chemist.

Through this National Chemistry Week thousands of children will learn about the earth's atmosphere and the solar system through hands-on events and demonstrations.

I commend the American Chemical Society for stimulating our children's interest in the chemical sciences so that they will not only be interested, but will consider careers in these fields and potentially discover the innovations of the future.

Mr. Speaker, I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Today, I am pleased that we are considering this resolution recognizing the importance of chemistry to our everyday lives. This resolution supports the goals and ideals of National Chemistry Week. It recognizes the important contributions of chemical scientists and engineers to technological progress and the health of many industries. In addition, it encourages the people of the United States to observe National Chemistry Week, which, this year, is October 19–25.

The chemical sciences provide an enabling infrastructure that delivers the foods, fuels, medicine, and materials that are part of our everyday lives. The contributions of chemical scientists and engineers are central to the technological progress and the health of many industries.

I commend the American Chemical Society for establishing National Chemistry Week in 1987. During National Chemistry Week, volunteers from across the United States will teach children about air, the atmosphere and the solar system. The theme in 2003, "Earth's Atmosphere and Beyond," was chosen to honor the 100th anniversary of Orville and Wilbur Wright's flight from Kitty Hawk, NC. It is important to stimulate children's interest in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations of the future.

I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Mr. GINGREY. Mr. Speaker, I have no other requests for speakers but, again, in conclusion, let me just say that I commend the gentleman from New Jersey (Mr. HOLT) and the gentleman from Michigan (Mr. EHLERS) for bringing forward this resolution. And I urge all of my colleagues to support its adoption.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Georgia (Mr. GINGREY) that the House suspend the rules and agree to the resolution, H. Res. 395.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE ANNIVERSARY OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWSHIP PROGRAM

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 279) recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision-making through such Program.

The Clerk read as follows:

H. CON. RES. 279

Whereas Congress hosted the American Association for the Advancement of Science's (AAAS) first Congressional Science and Engineering Fellows 30 years ago in 1973;

Whereas the AAAS Congressional Science and Engineering Fellowship Program was the first to provide an opportunity for Ph.D.-level scientists and engineers to learn about the policymaking process while bolstering the technical expertise available to Members of Congress and staff;

Whereas Members of Congress hold the AAAS Congressional Science and Engineering Fellowship Program in high regard for the substantial contributions that Fellows have made, serving both in personal offices and on committee staff;

Whereas the Congress is increasingly involved in public policy issues of a scientific and technical nature and recognizes the need to develop additional in-house expertise in the areas of science and engineering;

Whereas more than 800 individuals have held AAAS Congressional Science and Engineering Fellowships since 1973;

Whereas the AAAS Congressional Science and Engineering Fellows represent the full range of physical, biological, and social sciences, and all fields of engineering;

Whereas the AAAS Congressional Science and Engineering Fellows bring to the Congress new insights and ideas, extensive knowledge, and perspectives from a variety of disciplines;

Whereas the AAAS Congressional Science and Engineering Fellows learn about legislative, oversight, and investigative activities through assignments that offer a wide array of responsibilities;

Whereas AAAS Congressional Science and Engineering Fellowships provide an opportunity for scientists and engineers to transition into careers in government service; and

Whereas many former AAAS Congressional Science and Engineering Fellows return to their disciplines and share knowledge with students and peers to encourage more scientists and engineers to participate in informing government processes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program;

(2) acknowledges the value of 30 years of participation by the American Association for the Advancement of Science Congressional Science and Engineering Fellows; and

(3) reaffirms its commitment to support the use of science in governmental decision-making through the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 279, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Today I am pleased that we are considering this resolution recognizing the 30th anniversary of the Congressional Science and Engineering Fellowship Program coordinated by the American Association for the Advancement of Science, better known as AAAS.

This resolution has bipartisan support from 26 cosponsors. It recognizes a truly valuable educational program that gives scientists a wonderful opportunity to step out of the lab and into the political process. By working as legislative assistants in congressional offices, they get a behind-the-scenes look at how our laws are made, writing speeches, developing legislation, and serving as liaisons to committees on which a Member serves. At the same time Members of Congress and other policy makers gain a valuable new resource to help them better understand the scientific and technical issues underpinning complex policy debates.

Six different fellows have served on my staff and each one has used their unique talents and understanding to help shape my legislative agenda. One in particular contributed greatly to this Nation at the time I was rewriting the Nation's science policy at the request of Speaker Gingrich and Chairman SENSENBRENNER. Sharon Hayes played a key role in the preparation of that report, which has been widely used and quoted throughout the scientific community.

After 30 years, this program is still going strong. Over 800 scientists have now served Republican, Democratic, and Independent Members of Congress and many are currently working for Congress and the administration. These individuals have contributed not only their scientific expertise, but also a fresh perspective to policy making. I urge my colleagues to recognize the success of this program by supporting this resolution to honor the AAAS Congressional Fellowship Program.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 279. This resolution recognizes the 30th anniversary of the Congressional Fellowship Program instituted by the American Association of Advancement of Science. I congratulate the gentleman from Michigan (Mr. EHLERS) for taking the initiative to develop this resolution.

The AAAS Congressional Science and Engineering Fellowship Program has provided congressional committees and Members' offices with scientific and technical expertise that has greatly benefited governmental decision-making for three decades. The Committee on Science has made frequent use of AAAS fellows over the life of the program, and several subsequently have served on the professional staff of the committee.

I know that many of my colleagues have repeatedly sought AAAS fellows for their personal offices because of the quality of the contributions they have made. The issues confronting Congress increasingly involve scientific and technical aspects. Ph.D.-level scientists and engineers serving as congressional fellows bolster the technical expertise available to Members and staff by bringing to bear extensive knowledge and fresh insights and perspectives.

The presence of congressional fellows enhances the public policy formulation process. In addition, the program provides fellows with a window of the policy formulation process and the workings of Congress that they take back to their home institutions. It also provides a mechanism that many fellows have used to transition to careers in public service.

Mr. Speaker, the American Association for the Advancement of Science is to be congratulated for creating this successful and valuable congressional fellows program. And it is appropriate for us to recognize the contributions of more than 800 fellows who have participated in this program since 1973. I urge my colleagues to support this worthy resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no other speakers at this time. I will reserve the balance of my time.

MS. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in strong support of H. Con. Res. 279 to recognize the importance of the American Association for the Advancement of Science Congressional Fellowship Program. For 30 years, the fellowship program has brought together Members of Congress with leading scientific practitioners and scholars in a variety of scientific fields. And this has provided a level of scientific expertise not otherwise found on most congressional staffs, and it presents the congressional fellows with an intimate role in the process of decision-making in public policy.

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It is hard to find an issue before this body that does not have significant scientific and technological components, and yet those components often get short-shrifted. I was an AAAS Fellow 20 years ago, in fact, the only alumnus of that program yet to serve in this body, although I am sure that there are some others on the way. I was very fortunate to take part in that program, and I witnessed firsthand the important role that scientific expertise can bring to policy decisions.

Since I have been a Member of Congress for the past 5 years, I have welcomed AAAS Fellows into my staff and fully integrated them into my staff because of the wealth of knowledge they provide and their ability to pose questions. Of course, that is the essence of science, to be able to pose questions. I have benefited from their aptitude, their ability and their energy; and I will, as long as I serve in this body, continue to recruit these motivated and high-qualified experts and do everything I can to make this program a success. It has, in many ways, benefited America.

Let me mention a few of the Fellows who have served with me. Joan Rothenberg joined my staff and shared her expertise on food technology and was integral in developing legislation to provide the public with scientifically based information on biotechnology.

Katy Makeig provided my staff with technical expertise on geology and energy and research and development.

At the time our Nation was struggling with the anthrax attacks, microbiologist Jill Harper worked on my staff on critical issues of bioterrorism and health and homeland security.

Jeffrey Haeni helped to establish here the Congressional Caucus on Research and Development which I think will prove to be an important part of this body.

But it is not so much the specific expertise that these Fellows and that other science Fellows bring; it is the level of comfort with science and technology, the familiarity with science and technology that they bring.

Members of Congress, let me just say, are generally not loath to talk about subjects in which they are not well trained, except in science. My colleagues and I will hold forth on economics or international relations or any number of other things; but when it comes to science, they say, whoa, that is not for me. I am not a scientist. And as a result, many of the aspects of science, many of the aspects of the policy questions before us that involve science and technology do not get the attention they should. That is why this congressional Fellows program, this AAAS science program is so important. It is in many offices the only scientific expertise that is provided. This technical expertise is very valuable to Congress; and it allows not only these Fellows to bring scientific expertise here; it allows them to carry political expertise back to their professions.

So as AAAS celebrates 30 years in the Congressional Fellowship Program, I encourage all of my colleagues to join me, to join the sponsor, the gentleman from Michigan (Mr. EHLERS), in recognizing the notable contributions provided by these Fellows, the political expertise that they take back to their professions that enriches our country in so many ways, and to applaud the sponsoring societies for providing the support for these Fellows. It truly is a public service.

The AAAS seeks "to advance science and innovation throughout the world for the benefit of all people." The Congressional Fellowship Program carries that mission beyond the walls of academic institutions and research laboratories and into the legislative process.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for his comments and his co-sponsorship on this resolution. I also thank him for his sponsorship on the previous resolution on National Chemistry Week. He and I, as most people know, are the only two physicists in the Congress and I am told are the only two that have ever served in this Congress. That, I think, is an indictment of the scientific community because we should have more scientists in the Congress, but most scientists tend to shy away from this particular type of activity. But the Fellows that we are honoring here have filled the gap, as the gentleman from New Jersey (Mr. HOLT) has so clearly outlined. They provide some very badly needed scientific advice.

I recognized the need for this some years ago before there was a fellowship program, and I contacted my Congressman and I worked with him over several years informally advising him on science. His name happened to be Gerald R. Ford. And I was very pleased when he became President and he continued to use some of the advice that I had given him.

The OTA came along and that relieved some of the need for scientific advice; but as we know, the OTA is no longer with us. And so the Fellows are extremely important in maintaining the scientific competence of the Congress, both House and Senate. Many of the Fellows have returned to their laboratories where they serve as a good liaison between the scientific communities and the Congress. Many others have chosen to stay here; and I have one sitting immediately behind me, Ms. Amy Caroll, who served as science Fellow and now serves as my designee on the Committee on Science, particularly the Subcommittee on Environment, Technology and Standards.

In my office I have a scientist Ellen Burns, who is currently my employee, but previously served as a science Fellow; and you will find many former science Fellows in the halls of Congress, in the administration, playing a very vital role in keeping this Nation's governing bodies current in science. So this has been a very valuable enterprise.

I was pleased to be involved in Fellows programs from the very start. I served on one of the first interviewing boards. We have come a long way since then because at that time scientists did not even know what it meant to become involved politically. Now we have a good network, thanks to the AAAS and the sponsoring societies; and it has been very, very beneficial to our Nation.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I urge support for the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge that this resolution be adopted, and I thank all of those who have supported it and cosponsored it.

Mr. MARKEY. Mr. Speaker, I rise in celebration of the 30th anniversary of the congressional fellows program of the American Association for the Advancement of Science (AAAS).

The mission of the AAAS is to "Advance science and innovation throughout the world for the benefit of all people". In pursuit of this mission, in 1973 the AAAS established a fellowship program designed to provide a unique public policy learning experience for scientist and to demonstrate the value of science-government interaction. From an initial cohort of seven Fellows, the AAAS program has grown over thirty years to include nearly one hundred Fellows each year, serving in both Houses of Congress and many agencies of the executive branch. Bringing technical backgrounds that range from astrophysics to veterinary radiology, AAAS Fellows have made important contributions to all areas of government policy. Many former Fellows have remained in Washington at the end of their twelve-month tenure, to become members of the scientific policy-making community. Others have returned to scientific careers with an enhanced appreciation of public policy, sharing this knowledge and experience with colleagues and students.

I have welcomed over twenty AAAS Fellows into my office since 1979 and have been consistently impressed by their contributions to policymaking and advising. They have made a significant positive impact on the quality of life for the people of Massachusetts, the United States, and the world by instilling a measure of science and humanity into the decisions we are asked to make in these chambers every day. I look forward to working with AAAS Fellows for another thirty years.

The following article from the Washington Post provides a useful look back at 30 years of the outstanding achievements of the AAAS science policy program.

[From the Washington Post, Sept. 18, 2003]

BRIDGING THIS GAP ISN'T ROCKET SCIENCE

(By Rick Weiss)

In his famous 1959 treatise "The Two Cultures," British scientist and novelist C.P. Snow decried the divide between scientists and "literary intellectuals," warning that society's problems will remain largely intractable as long as scientists eschew Shakespeare and literary types remain ignorant about the second law of thermodynamics.

Washington has its own version of that cultural divide—this one involving scientists and politicians. How can the nation craft policies in such scientifically complex areas as embryonic stem cell research, global warming, agricultural biotechnology and "Star Wars" missile defense, experts in both camps moan, when so many politicians know so little about science and most scientists remain so clueless about how policy is made?

Enter the AAAS Science and Technology Fellows Program, a little-known but influential cultural exchange that serves as a wormhole between the largely alien universes of science and politics.

The program—coordinated by the American Association for the Advancement of Science, the nation's largest general science organization and publisher of the research journal Science—places about 60 PhD scientists in congressional and executive branch offices each fall for one-year stints. Celebrating its 30th anniversary this week, the program gives scientists a chance to explore the world of policy and politics while allowing lawmakers and administration officials to take advantage of the fellows' well-wired brains.

Scientists learn about a kind of sausage-making that never came up in their PhD food chemistry courses and bureaucrats get reminded that the universe cannot run on hot air alone.

Sometimes there is even a profound synthesis. In at least one case, involving a psychology fellow and a Treasury official, the cross-pollination between science and politics got so personal as to culminate in matrimony.

But perhaps the best measure of the program's success is the ubiquity of former fellows inside the Beltway today. Ten of about 50 staff members on the House Science Committee—including the committee's deputy chief of staff—are former fellows, as is one member of Congress: Rep. Rush D. Holt (D–N.J.). Other former fellows include the deputy director of the Department of Homeland Security's Advanced Research Projects Agency; the new chief science adviser at the State Department; and the deputy associate director of technology at the White House Office of Science and Technology Policy. Perhaps no fellow is as appreciative of the program as psychologist Karen Kovacs North, now assistant dean for the School of Public Policy and Social Research at the University of California at Los Angeles. She met her husband in 1994 while on her AAAS stint in the office of Rep. Edward J. Markey (D–Mass.).

"We met banning Chinese assault weapons," she said.

Specifically, she first got Erik North, a Treasury official, in her cross hairs when he and some colleagues went to Markey's office to work with her on the wording of the pending Clinton importation ban.

"They came over with a bunch of guns and it scared the hell out of me," Kovacs North recalled. After months of work together, with the ban written and passed, it was dinner for two, long talks into the night "and the rest," Kovac North said, "is Hollywood history."

They married in Malibu, Calif., in 1997. C.P. Snow would have cried with happiness.

Mr. STARK. Mr. Speaker, I rise in support of H. Con. Res. 279 that recognizes the 30th anniversary of the American Association for the Advancement of Science (AAAS) Congressional Science and Engineering Fellowship Program.

Each year, this fine program brings to Capitol Hill talented individuals representing the natural, physical, and social sciences and all fields of engineering. Since its inception in 1973, over 800 AAAS Fellows have participated in this year-long experience in Congress.

This program is a remarkable partnership between Congress and the 30 or so participating professional societies that select and fund the Fellows. At no cost to Congress, these Fellows offer their substantial expertise and experience to various personal offices and committees in return for the opportunity to be immersed in the legislative process.

I have been fortunate enough to work with many AAAS fellows over my Congressional career. Without exception, they have been valuable additions to my staff. I especially appreciate the real world perspective they bring to us. While I've legislated in health care for several decades, I've never been trained in any of the health care disciplines. Having professionals on my staff who can provide that expertise has proved extremely beneficial and has probably helped keep well meant, but poorly designed legislation from becoming law on more than one occasion.

In my office, a fellow is treated exactly as other members of my staff. They have issue areas of expertise and perform all of the duties necessary to move those issues forward. Fellows have performed many tasks. One initiated innovative legislation to update Medicare's mental health coverage—which we are still attempting to enact years later. A more recent fellow developed legislation to restructure the Individuals with Disabilities Act so that we could meet our federal commitment to fully fund the education of students with disabilities. I could go on and on with examples of their contributions. The AAAS fellows in my office are always focused on health policy and are often psychologists. I know I speak for myself and many other members of my staff in saying that we have found that background useful personally as well as professionally.

The AAAS Fellowship program is a shining example of a collaborative program that benefits all whom participate. The fellows get a strong understanding of the legislative process and Congress gets the benefit of someone with real world expertise in areas in which we legislate.

I want to commend the AAAS for establishing this program and providing the infrastructure and organization that helps maintain its excellence. This program brings much needed scientific expertise to the halls of Congress and helps develop a cadre of scientific professionals knowledgeable about public policy and the legislative process. I look forward to continuing to work with AAAS fellows. Over the years, they have become an integral part of my staff. Thanks again to AAAS for maintaining this valuable resource for Congress.

Mr. BOEHLERT. Mr. Speaker, I rise today in support of H. Con. Res. 279, recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program. I congratulate Mr. EHLERS for introducing it.

The AAAS has literally incalculable contributions to this institution and the nation. It has enabled scientists to have a better understanding of the governing process—both the fellows themselves and scientists with whom they interact—and it has improved the governing process by enabling Congressional offices to better understand scientific information and scientists.

The fellows program has also been an entry point for many of the best staff we have on Capitol Hill. We recognize the value of the AAAS program daily on the Science Committee, where ten of our staff members began their careers on the Hill as fellows. To take just three prominent examples, the minority chief of staff, Bob Palmer, and both my deputy chiefs of staffs, John Mimikakis and Peter Rooney, were AAAS fellows. Hopefully everyone will view that as an advertisement for the program.

I look forward to the speedy passage of this resolution and to the continued success of the AAAS program of the fellows themselves.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 279.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEE STUDENT LOAN ASSISTANCE ACT

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 926) to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies

The Clerk read as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Student Loan Assistance Act".

SEC. 2. STUDENT LOAN REPAYMENTS.

Section 5379(b)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking "$6,000" and inserting "$10,000"; and

(2) in subparagraph (B), by striking "$40,000" and inserting "$60,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 926.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in favor of S. 926, a bill introduced by my colleague, Senator VOINOVICH, to increase the annual and total limits of student loan repayments by executive branch agencies.

This is identical to a bill that I introduced on the House side, H.R. 3080. We are considering the Senate version of this bill, the Federal Employee Student Loan Assistance Act, which has already passed that Chamber in an effort to speed up approval of this important piece of legislation.

I want to thank the leadership for bringing this matter to the floor today. As the chairwoman of the Subcommittee on Civil Service, Census and Agency Organization of the Committee on Government Reform, I have raised the same questions at many of our hearings this year: How do we attract the most qualified people to government service and how do we keep them once they have started?

Recruiting, retraining, and rewarding talented and hardworking individuals are at the very core of making our civil service the best that it can be. Very clearly, having the ability to tell potential recruits, come work for the United States Government and we can help you repay your student loans, is an extremely valuable tool.

All of us are surely aware of how expensive a college or graduate-level education is. And it is the prospect of these daunting student loans, $50,000, $75,000, or even more than $100,000, that can prevent public service-minded people from coming to work for the government. They simply cannot afford it.

Student loan repayment is at the top of the list for newly graduated students looking for jobs. To keep up with the higher salaries of the private sector and nonprofit organizations, the Federal Government must have an effective student loan repayment program. This legislation before us today raises the annual maximum amount that agencies could give towards student loan repayment, from $6,000 a year to $10,000 a year. It also raises the total amount an agency can contribute toward an individual's loan, from $40,000 to $60,000. These changes reflect the increases in annual college tuition costs since the Federal Government's original Student Loan Repayment Bill was enacted in 1991.

All funds to pay for the repayment program come out of the agencies' own budgets, so this legislation has no negative impact on the current budget. It is the right thing to do and something that we must do in order to remain competitive in the job market. I strongly urge my colleagues to pass the Federal Employee Student Loan Assistance Act before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, rising tuition rates force families to borrow thousands of dollars to fund their children's college education. The debt that these families and new graduates face after graduation is daunting. The majority of college students today will have more loans over $20,000 by the time they graduate. Public and private employees who administer programs that could help employees reduce their college loan costs have a valuable recruitment and retention tool. The Federal Student Loan Program permits Federal agencies to repay federally insured student loans as a tool to attract or retain highly qualified employees.

Under current law, agencies may authorize a student loan repayment of up to $6,000 for an employee in any year and up to a lifetime limit of $40,000. An employee receiving this benefit must sign a service agreement to remain in the service of the paying agency for at least 3 years. If an employee leaves the agency before that time, he or she must reimburse the agency for the loan repayment. S. 926, the Federal Employee Student Loan Assistance Act, will increase the allowed annual loan repayment from $6,000 to $10,000 and the allowed life-time loan repayment allowed from $40,000 to $60,000. The increases reflect the rising college tuition costs since enactment of the original statute in 1991.

Several agencies have reported that the use of program has helped them achieve their recruitment and retention goals. However, the program is generally underutilized due to lack of agency funding caused by limited budgets. If government service is to become a viable and attractive option for college graduates and talented employees, the Federal Government must use all the tools and resources at its disposal to attract and retain these individuals. S. 926 is a step in the right direction; but without funding and without aggressive use of this and similar programs to promote Federal civil service, the Federal Government will be left behind in the competition for top talents.

Mr. Speaker, I strongly support this legislation.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of S. 926, the "Federal Employee Student Loan Assistance Act," which will increase the annual and aggregate limits on student loan repayments by Federal agencies.

Many federal employees have undergraduate and graduate degrees, and due to the rising cost of higher education, most of these employees have incurred student loans with hefty payments. Many talented graduates are interested in federal employment, but due to loan repayment burdens, they are unable to seriously consider federal employment. In order to remain competitive with private agencies that offer higher salaries, the federal government must continue to offer additional incentives, such as loan repayment programs.

As tuition costs continue to rise yearly, we must factor this into the existing loan repayment program for federal employees. This bill, which will cost less than $500,000 per year, will have a significant impact on both current and potential federal employees who are burdened with outstanding student loans. Increasing the yearly and total amounts of loan repayment allotted to individual federal employees helps the federal government to attract the best and the brightest employees, those who might otherwise opt out for higher salaries in the private sector.

This is a good bill, and I urge all of my colleagues to support S. 926, the "Federal Employee Student Loan Assistance Act," which will not only help to recruit quality federal employees, but will also encourage longevity and retention of these very same employees. These programs also serve as an excellent model for all employers, both public and private.

Mr. TOM DAVIS of Virginia. Mr. Speaker, S. 926, the Federal Employee Student Loan Assistance Act, would raise the annual and aggregate amounts that federal agencies can offer a qualified employee to assist in repaying a student loan. This legislation would raise the annual repayment amount for an employee from $6,000 to $10,000, and the aggregate repayment amount from $40,000 to $60,000.

The purpose of raising the annual and aggregate repayment caps is two-fold. First, higher education tuition costs have increased dramatically in recent years and are considerably higher than they were when the original statute was passed on November 5, 1990. Second, as the federal government works to recruit and retain the best and the brightest, an attractive student loan repayment program should be an effective recruitment tool to help government agencies compete with the private sector.

I would like to commend the Senate sponsors of this legislation for introducing this important legislation, and I would also like to commend the House Civil Service Subcommittee Chairwoman for introducing companion legislation in the House.

I urge all Members to support S. 926.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1530

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the Senate bill, S. 926.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DAVID BYBEE POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2744) to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building".

The Clerk read as follows:

H.R. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAVID BYBEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, shall be known and designated as the "David Bybee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the David Bybee Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my esteemed colleague, the gentleman from Illinois (Mr. EVANS), introduced H.R. 2744, a bill that honors the life of a diligent and admired member of the U.S. Postal Service family, David Bybee. Mr. Bybee served the Postal Service for 33 years as a letter carrier in Moline, Illinois. He was an active member of the National Association of Letter Carriers, representing thousands of postal employees in Illinois as the NALC's National Business Agent for the Chicago area. Away from work, Mr. Bybee was a fire chief, school board member, Elks Club member, and he enjoyed, most of all, spending as much time as he could with his family.

Mr. Speaker, David Bybee sadly passed away on May 31, 2002. He is survived by his wife, Judy; his two sons, Michael and John; his mother, Marilla; his brother, Richard; and three grandchildren, Ryan, Brandon and Jennifer. I want to join with the gentleman from Illinois to offer the best wishes of this House to the family of David Bybee.

Mr. Speaker, I want to express gratitude to the gentleman from Illinois (Mr. EVANS) for his valuable work on H.R. 2744, and I urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the Committee on Government Reform, I rise in support of H.R. 2744, legislation naming a postal facility located at 514 17th Street in Moline, Illinois, after David Bybee. H.R. 2744, introduced by the gentleman from Illinois (Mr. EVANS) on July 15, 2003, was unanimously approved by our committee on October 8, 2003. The bill has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Illinois State delegation.

Mr. David Bybee began his career with the Postal Service as a letter carrier. He was later elected president of the Letter Carriers Local 318. Mr. Bybee worked as the National Association of Letter Carriers' National Business Agent in Chicago, Region 3, for the last 25 years of his service, and in September of 2000, he retired after 33 years of working at the Moline Post Office.

A family man, David Bybee was active in the union and in his community. He served as a vice president of the Illinois AFL–CIO, was a fire chief, school board member and active in the Moline Elks Club. Sadly, he passed away on May 31, 2002.

Mr. Speaker, I commend my colleague for seeking to honor the legacy of David Bybee and urge the swift adoption of this resolution.

Mr. Speaker, I yield such time as he might consume to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 2744, designating the post office in Moline, Illinois, after my good friend Dave Bybee, who passed away in May of last year.

Dave served as a letter carrier and union leader for 33 years within the very building I seek to name after him. He became a letter carrier for the postal service in 1967, and after only 2 years on the job, was elected president of Letter Carriers Local 318.

Dave Bybee held various positions within the Illinois State Letter Carriers Association from 1971 to 1977. He was elected National Business Agent for the National Association for Letter Carriers for the entire Chicago region in 1980. He held this position and also served as vice president of the AFL–CIO until his untimely death on May 31, 2002.

Dave worked hard on behalf of America's letter carriers, traveled thousands of miles to fight for them and advocate for their interests. He was well respected by retirees, who knew they had a good friend fighting for their interests and benefits.

Dave Bybee's dedication to his fellow workers did not interfere with his devotion to his wife and two sons, Michael and John. In addition to a full and rewarding family life, he also found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and to remain active on the Moline Elks Club. He had a wonderful sense of humor; and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from across the State and the Nation traveled to pay their respects to Dave Bybee.

Mr. Speaker, I am proud to sponsor this legislation in honor of Dave Bybee, a nationally known letter carrier, who served not only his fellow workers but also his community and friends. It is my hope his name will forever be identified within the institution to which he dedicated so much time and energy. I urge my colleagues to support H.R. 2744, to rename the U.S. post office in Moline, Illinois, after my good friend, Dave Bybee.

Mr. Speaker, today we will address legislation to name the United States Post Office at 514 17th Street in Moline, Illinois after my friend, David Bybee, who passed away in May of last year.

Dave Bybee served as a letter carrier and union leader for 33 years within the very building I seek to name after him. It is my hope that his name will forever be identified with the institution to which he dedicated so much time and effort.

Dave became a letter carrier for the Postal Service in 1967 and after only two years on the job was elected President of Letter Carriers Local 318. He then became the Regional Administrative Assistant and concurrently the Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. In 1980, Mr. Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 strong Chicago Region. He held that office and concurrently served as a Vice President of the Illinois AFL–CIO until his death on May 31, 2002.

Dave worked tirelessly on behalf of Illinois' letter carriers, traveling thousands of miles in Illinois and across the nation to represent them. Dave was also well-respected by retirees, who knew they had a good friend and leader fighting for their benefits. In 1992, recognizing Dave's hard work and lifetime of dedication, the building housing Letter Carriers Local 318 was named the David M. Bybee Branch of the National Association of Letter Carriers in his honor.

David Bybee was also civically active, and had many friends within the Illinois Congressional delegation and state legislature on both sides of the aisle. He served as a member of the Electoral College in two national elections.

His dedication to his fellow workers did not interfere with his devotion to his wife, Judy, and their two sons, Michael and John. In addition to a full and rewarding family life, he still found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and remain active in the Moline Elks Club.

Dave had a wonderful sense of humor and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from all over the state and nation traveled to Moline to pay their respects.

Mr. Speaker, I am proud to sponsor this legislation in honor of David Bybee, a national labor leader who served not only his fellow workers, but also his community and family. I urge my colleagues to support H.R. 2744, to rename the U.S. Post Office in Moline, Illinois after my friend David Bybee.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 2744.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RICHARD D. WATKINS POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3175) to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building".

The Clerk read as follows:

H.R. 3175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD D. WATKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, shall be known and designated as the "Richard D. Watkins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Richard D. Watkins Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I am pleased that the House is considering H.R. 3175. This legislation, sponsored by my distinguished colleague from the State of Ohio (Mr. REGULA), names this post office in Canton, Ohio, as the Richard D. Watkins Post Office Building. The entire delegation from the State of Ohio has cosponsored the bill.

Mr. Speaker, Mayor Richard Watkins is a devoted public official who is retiring next month after 12 years as the chief executive of Canton, Ohio. His contributions to the people of east central Ohio are immeasurable, and this post office would be a deserved tribute to Mayor Watkins' service.

Mr. Speaker, I commend the gentleman from Ohio for introducing this legislation, and I urge all Members to support the passage of H.R. 3175.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Government Reform, I am pleased to rise in support of H.R. 3175, legislation naming a postal facility located at 2650 Cleveland Avenue, NW, in Canton, Ohio, after Richard D. Watkins.

H.R. 3175, introduced by the gentleman from Ohio (Mr. REGULA) on September 24, 2003, was unanimously approved by our committee on October 8, 2003. The measure has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Ohio delegation.

Mr. Watkins, a lifelong resident of Canton, was born in 1930. He attended local schools and after college served in the United States Marine Corps. After serving his country, he returned to Canton and began an impressive career in public service. Richard Watkins was elected to the Canton City Council for six terms and served two terms as Stark County Commissioner. He was elected mayor in November of 1991 and reelected in 1995 and 1999.

In addition to public service, Richard Watkins was dedicated to a host of community service projects. He worked with the Boy Scouts, serving on their advisory board. He was a member of the National League of Cities, Urban Policy Committee, president of the Belle Stone Elementary School PTA and formed the Canton Community Clinic, a free health care facility which provides medical and dental care to thousands of people in need.

Mr. Watkins has also been very involved in local transportation and infrastructure projects and economic development.

I commend my colleagues for seeking to honor the accomplishments of Richard D. Watkins by naming a postal facility in his hometown of Canton, Ohio, and I urge swift passage of H.R. 3175.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Ohio (Mr. REGULA), the sponsor of H.R. 3175.

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Richard Watkins has left a great legacy of public service in our community, public service that had many dimensions, as was outlined by the gentleman from Illinois (Mr. DAVIS). I think that he deserves a lot of credit for the great work that he has done in our community, and this would be a fitting tribute to his career.

He is completing 12 years as mayor of what we know as the Hall of Fame city. Canton, Ohio, has the Football Hall of Fame, and in that capacity he accomplished many things that are beneficial to people.

Mr. Watkins has always been sensitive to the type of leadership that cares about people. I think perhaps the best example were his efforts to establish the Canton Community Clinic. This is a free health care facility. It has been in operation since 1994, and it has served over 35,000 people in that time. This is a beacon light of help to many people who otherwise would not have access to health services.

In addition, he developed what is known as Cornerstone Square. This is a social services campus, kind of a "one-stop" for people that need help. The Ohio Bureau of Workmens' Compensation is there, the Industrial Commission of Ohio and the Ohio Bureau of Employment Services. So those that need assistance in these areas can go there and find help, and I think his leadership in getting that accomplished was great. And it is so important because it has not only provided these services in a central place, but it also provided a facility in part of the city that needed rehabilitation.

He has worked on a number of things in the revitalization of downtown Canton. Big cities have a challenge these days, and Mayor Watkins has addressed that challenge and provided a worthwhile legacy for those that he represents. The aesthetic appeal of downtown Canton has been immeasurably enhanced by his actions as the mayor, and this would be a fitting tribute to an individual who has served the public well, who has provided a legacy for others to benefit and also has provided leadership that will inspire others to public service.

He was also, as has been mentioned before, a member of the Marine Corps, and I know for some Members that is a very substantial endorsement, and so I would urge the Members to support this legislation and give this fitting honor of naming the Cleveland Ave. Post Office, city of Canton, Ohio, for the retiring mayor of Canton, Ohio, Richard D. Watkins.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no other speakers, and I commend the gentleman from Ohio for working on such a meaningful piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3175.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BEN R. GEROW POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3234) to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

The Clerk read as follows:

H.R. 3234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BEN R. GEROW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, shall be known and designated as the "Ben R. Gerow Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Ben R. Gerow Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3234, introduced by the gentleman from New York (Mr. HINCHEY) designates this U.S. Postal Service facility in Liberty, New York, as the Ben R. Gerow Post Office Building.

□ 1545

All members of the New York State delegation have signed onto this legislation.

Mr. Speaker, Ben Gerow spent his entire life living, working, and serving in the town of Liberty in the Catskill Mountains of southeastern New York State. Mr. Gerow was a respected State assemblyman, sheriff, firefighter, and businessman.

Ben Gerow made a comfortable living for 30 years as owner and operator of his own automobile service station. He retired from his business at age 50 and entered the race for sheriff of Sullivan County, which he won. Three years later, he won another election, this time to a seat in the New York State Assembly. After serving a 1-year term in the legislature, President Franklin Delano Roosevelt selected him to be postmaster of the post office in Liberty, New York, where he served for 12 years.

Ben Gerow passed away in 1961 at the age of 81. Passage of this meaningful bill will fittingly rename the post office in Liberty after Ben Gerow, the very post office at which he served as postmaster. Mr. Speaker, for all these reasons, I congratulate the gentleman from New York (Mr. HINCHEY) for his efforts in shepherding H.R. 3234 to the floor, and I commend him for honoring Ben Gerow.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join the gentlewoman from Virginia in rising in support of H.R. 3234, legislation naming the postal facility located at 14 Chestnut Street in Liberty, New York, after Ben Gerow.

H.R. 3234 was introduced by the gentleman from New York (Mr. HINCHEY) on October 2, 2003. The bill has met the Committee on Government Reform's policy and has the support and cosponsorship of the entire New York delegation.

A lifelong resident of Liberty, New York, Ben Gerow was a successful businessman and politician. He owned a garage, operated a Cadillac dealership and tire business, and was a firefighter. He later served as county sheriff and in the New York State Assembly. In 1934, President Franklin D. Roosevelt appointed Mr. Gerow postmaster of the Liberty post office.

Mr. Speaker, I commend my colleague, the gentleman from New York (Mr. HINCHEY), for seeking to recognize the legacy of Postmaster Ben Gerow by naming the Liberty post office in his honor. It is interesting to note that this measure has been endorsed by a host of Liberty community leaders and organizations, including the village mayor, local chamber of commerce, and residents. I would urge swift adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), the author of this legislation.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the Committee on Government Reform for bringing this bill to the floor so expeditiously. I also want to express my thanks to the gentleman from Illinois (Mr. DAVIS), who is managing the Democratic time, and the gentlewoman from Virginia (Mrs. JO ANN DAVIS), who is managing the time for the majority.

I also wish to express my thanks to the elected officials, civic organizations, and individuals in Liberty and Sullivan County, New York, for recommending and endorsing this legislation; as well as the family of Ben Gerow for providing photographs, newspaper articles, and detailed biographical information; and, finally, to the current postmaster in Liberty, New York, Gene DeCarlo, for his assistance.

It is a testament to Ben Gerow's significant contribution to Liberty that there is such overwhelming support in the local community for naming this post office in his honor. There is a true groundswell of support for this legislation. It is endorsed by Liberty community leaders and organizations locally, including the town of Liberty Democratic and Republican Committees, the town of Liberty and the Village of Liberty Boards, the village mayor, the Sullivan County Historical Society, the Greater Liberty Chamber of Commerce, and many Liberty residents and others in Sullivan County who have signed petitions.

Ben Gerow was born in Liberty, New York, in 1880, and died in 1961 at the age of 81. He lived virtually his entire life in Liberty, New York, where he was a pioneer of the automobile age who became a county sheriff, member of the New York State legislature, and a postmaster.

Ben Gerow was involved in the automobile business for 30 years. He was the first man in Liberty to own a gasoline-fueled car. He owned and operated one of the best-known businesses in Sullivan County, Gerow's Garage Machine Shop and Supply Store. He was the first Cadillac dealer in Sullivan County and also sold Fords, Dodges, and owned a rubber tire business. He was a lifelong firefighter as a member and president of the Liberty Hose and Truck Company No. 20.

Legend has it that Ben Gerow was an instrumental coconspirator in the introduction of the first motorized fire truck in Liberty and all of Sullivan County. With a few chosen friends, he got hold of an automobile chassis and a motor, refurbished and repainted it, and outfitted it with the hose and other firefighting equipment. Then one of his crew set fire to a bunch of orange crates, and Ben's motorized equipment whizzed by the firefighters from companies number one and three who were carrying their heavy hose carts by hand. This carefully staged incident reportedly ended the era of man-powered fire trucks in Liberty and in Sullivan County generally.

Ben Gerow was an active civic leader: a founding member of the Liberty Elks Lodge, a member of the Mongaup Lodge, and Free and Accepted Masons, and the Independent Order of Odd Fellows.

In addition to being a successful businessman, community leader, and honorable public servant, Ben Gerow was married to Angeline Wheeler for 61 years. Together, they raised 14 children in one of Liberty's largest families. It is notable that five of their sons served in World War II all at the same time. Overall, these two wonderful people had 65 descendents, including 34 grandchildren and 17 great grandchildren.

At the age of 50, Ben Gerow retired from business and entered politics, a natural transition, given that he is said to have been known by virtually every member of the population in Sullivan County. A lifelong Democrat, he was elected Sullivan County sheriff in 1930 and then elected to a 1-year term in the New York State Assembly in 1933. He was appointed postmaster to the Liberty post office by President Franklin D. Roosevelt in 1934, and he served in that position for 12 years.

Under Mr. Gerow's administration, the current Liberty post office building was sited and built as a Works Progress Administration project. Given his many accomplishments and contributions to Liberty, naming the Liberty post office in honor of Ben Gerow nearly 60 years after he retired from his long tenure as postmaster is clearly fitting, it is appropriate, and, one might say, long overdue.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3234.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING GRATITUDE TO MEMBERS OF U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 291) expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993.

The Clerk read as follows:

H. CON. RES. 291

Whereas October 3, 2003, marks the 10th anniversary of the major battle in the United States operation to capture key members of the Somali National Alliance led by the terrorist warlord, Mohammed Farah Aidid, in Mogadishu, Somalia;

Whereas Task Force Ranger, which led the assault, was composed of Army Special Forces, Navy SEALs, Army special operations helicopter forces, and Air Force Special Tactics personnel;

Whereas 16 special operations personnel assigned to Task Force Ranger were killed, and another 83 wounded, during one of the most intense and lethal firefights in modern history;

Whereas two of those killed, Master Sergeant Gary I. Gordon and Sergeant First Class Randall D. Shughart, were posthumously awarded the Medal of Honor for actions above and beyond the call of duty;

Whereas soldiers of the 2nd Battalion, 14th Infantry Regiment, 10th Mountain Division, provided a quick reaction force in support of the combat operation;

Whereas two soldiers of the 10th Mountain Division were killed, and another 28 wounded, while supporting the special operations forces of Task Force Ranger; and

Whereas the valiant efforts of the soldiers, sailors, airmen, and Marines who were deployed in Operation Restore Hope significantly contributed to the war against terrorism and oppression: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993;

(2) recognizes those members, many of whom were killed or severely wounded in direct combat, who acquitted themselves with honor and courage in battle to restore freedom to an oppressed nation;

(3) honors the heroic service of the special operations forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported them;

(4) extends condolences to the families and friends of those killed and wounded in Operation Restore Hope; and

(5) encourages the American people to remember the sacrifices of those who served.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 291, the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume, and I do have a statement that I wish to make; but I want to begin by first yielding to the author of this resolution, a gentleman with whom I have had the honor and the opportunity and the pleasure to work both as a member of the Committee on Armed Services and also as a colleague who I know cares very deeply about the sacrifices and the commitments that our men and women in the military make as well as their families; and I want to thank him for his leadership and his observance over this very timely resolution and this very important anniversary date.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate the persistence with which he pursues his duties on the Committee on Armed Services, or more particularly the Subcommittee on Total Force, or personnel, as we know it more intimately.

Mr. Speaker, just 10 years ago, on October 3, 1993, 18 U.S. servicemen were killed and another 111 wounded in Operation Restore Hope. Often known by Mark Bowden's book and screenplay "Black Hawk Down," this was the major battle of the United States operation to capture key members of the Somalia National Alliance led by terrorist warlord Mohammed Farah Aided in Mogadishu, Somalia. Task Force Ranger, which led the assault, was composed of Army Special Forces, Navy SEALS, Army Special Operations Helicopter Forces, and Air Force Special Tactics personnel. Soldiers of the 2nd Battalion, 14th Infantry Regiment of the 10th Mountain Division supported the lead units as well.

For their heroic and valiant deeds, Master Sergeant Gary Gordon and Sergeant First Class Randall Shughart were posthumously awarded the Medal of Honor. Today, it is only right and proper that we take a moment to express our deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope.

□ 1600

As we continue to fight and win the global war on terrorism and support our troops deployed abroad, we must also recognize those members of Operation Restore Hope. They served with honor, they served with courage in the battle and efforts to restore freedom to an oppressed nation. These men represent and embody the special and unique qualities that make America great.

We have the opportunity today to honor the heroic service of the Special Operations Forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported the operation.

On behalf of a grateful Nation, I wish to also extend my sincere condolences to the families and friends of those killed and wounded in Operation Restore Hope. We must never forget the service and sacrifice of the members of the United States Armed Forces who were deployed in Operation Restore Hope. God bless these men and their families and loved ones, and may God bless America.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution introduced by the gentleman from North Carolina (Mr. HAYES). The resolution before us expresses our Nation's gratitude to those who served in the Armed Forces and were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993. What began as a humanitarian relief operation in December 1992 to distribute food supplies and prevent the starvation of thousands in Somalia, turned into one of the most intense and bloody battles for U.S. troops since the Vietnam War.

On October 3, 1993, Task Force Ranger, comprised of Army Special Forces, Navy SEALS, Army special operations helicopter forces and Air Force Special Tactics personnel, headed out that fateful morning to search and capture the Somali warlord Mohammed Farah Aidid. As the conflict began to escalate, the soldiers from the 10th Mountain Division provided additional quick reaction combat support for the 17-hour battle of Mogadishu.

That evening, Americans would watch the news in shock and horror as the bodies of American soldiers were dragged through the streets of Mogadishu that tragic day. Over 100 of our Nation's brave combatants were wounded. Eighteen warriors made the ultimate sacrifice, and two of those who died showed uncommon valor and courage and were awarded our Nation's highest honor, the Medal of Honor, and one became a prisoner of war.

Master Sergeant Gary Gordon and Sergeant First Class Randall Shughart were both posthumously awarded the Medal of Honor for their actions above and beyond the call of duty. Master Sergeant Gordon and Sergeant First Class Shughart volunteered to secure a helicopter crash site and protect its critically wounded crew, despite the intense gunfire and growing number of enemy personnel closing in. They embodied the bold courage and self-sacrifice of America's soldiers, and, ultimately, willingly gave their lives to protect their comrades in arms.

Chief Warrant Officer Mike Durant survived the helicopter crash and was pulled from the wreckage by Master Sergeant Gordon and Sergeant First Class Shughart. Chief Warrant Officer Durant was the only one to survive, and was captured by enemy forces. He was held nearly 2 weeks as a prisoner of war before being released.

This year marks the 10th anniversary of the battle of Mogadishu and Operation Restore Hope. I am very pleased to join with my colleagues from New York and North Carolina in recognizing the brave and courageous actions of the Special Forces and the soldiers of the 10th Mountain Division and members of the Armed Forces who were deployed in Operation Restore Hope. My thoughts and prayers go out to the families and friends of those who lost a loved one or were wounded in the battle of Mogadishu.

Mr. Speaker, I urge my colleagues to join me in expressing our appreciation to all those who volunteer to defend our Nation's freedom and to remember the sacrifices of all those who serve.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE), who knows what it means to wear the uniform of the United States of America, a former distinguished officer in the United States Marine Corps and a gentleman who, in a very short period of time, has distinguished himself as a very important member of the Committee on Armed Services and someone with whom I just had the opportunity, and to the extent possible, the happy occasion of traveling to Iraq with, the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I rise today to join my colleagues in commending the valor and commitment of the brave men and women who served in Operation Restore Hope in Somalia, and I thank the gentleman from North Carolina (Mr. HAYES) for authoring this important bill.

Mr. Speaker, this resolution is a great honor to these men and women, and we have an opportunity to offer a more meaningful tribute. The best way to honor the troops of Operation Restore Hope is to support the legacy of freedom they fought to preserve.

I am grateful for the opportunity to have served alongside some of the finest troops in the world when I was a commander of Marine Aviation Forces in Operation Restore Hope. The commitment of these men and women to our Nation and to the people of Somalia was exemplary.

Unfortunately, as we learned shortly after the battle of Mogadishu, civilian leadership of Operation Restore Hope did not share the commitment of our troops when the situation became difficult. Today, a decade later, the men and women of the United States Armed Forces again face a difficult challenge, this time in Operation Iraqi Freedom. As in Somalia, American forces have entered Iraq with the best of intentions, and this time, this time we must stay the course.

We commend the troops of Operation Restore Hope for their service as we pray for the safety of those who carry forth the proud tradition of committed service in Operation Iraqi Freedom.

Mrs. DAVIS of California. Madam Speaker, I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I did want to add a few words to those spoken so eloquently by my colleagues, and let me thank the gentlewoman from California (Mrs. DAVIS) for her management of this bill and, of course, for her great work as an esteemed member of the Committee on Armed Services, and also the ranking member, the gentleman from Arkansas (Mr. SNYDER), of the Subcommittee on Total Force, who is my partner on these issues. We are all part of a team that is very honored today to have this opportunity to present this very worthy, in my estimation, resolution for consideration to the full House. Let me again thank the gentleman from North Carolina (Mr. HAYES) for his effort and leadership in bringing this measure to the floor at this time.

Certainly, there are many perspectives today with respect to Operation Restore Hope and the battle at Mogadishu, a great deal of debate as to what happened prior to, what happened during, and as the aftermath of that, from the small "p" political perspective; but I would like to believe, and in fact I do believe, very strongly that there is absolutely no debate, no controversy with respect to what happened in Somalia and what happened during the battle of Mogadishu with respect to the incredibly brave and incredibly effective service of those members of our Armed Forces who were there as part of Operation Restore Hope. They were there for one reason. They were there to try to make a country safe for international relief organizations to administer humanitarian assistance.

When those same members who were there for the most peaceful of reasons were called into combat, they fought with incredible honor and skill, and as we have heard here this afternoon, incredible courage.

I do have somewhat of a personal stake in this resolution, Madam Speaker. I was very pleased to hear all of my colleagues speak very graciously about the contributions and sacrifices of the 10th Mountain Division during that particular day, that particular battle. The 10th Mountain Division is deployed out of Fort Drum which is just outside of Watertown, New York, my hometown, and still part of my district back in the State of New York. And specifically, it was the soldiers of the 14th Infantry Regiment, the Golden Dragons, who manned the relief column that ended the Mogadishu fight. It was those same Fort Drum troops that fought through the city for some 12 hours while under continuous heavy fire to clear an evacuation route for the incredibly brave Army Rangers and Delta Force commandos who had been pinned down by forces loyal to the Somali warlord, Mohammed Farah Aidid that day.

During that battle, 18 heroes were killed in total, but two of those troops were from the 10th Mountain Division. Also, 28 were wounded. The two soldiers whose lives were lost that day were Sergeant Cornell Houston and Private First Class James Martin, and I want to add my words of condolences and greatest sympathy, but also greatest appreciation to those two soldiers' families, and to all of the families of the soldiers, not just in the 10th, but in the Armed Services committed to that battle over that period of time in Mogadishu for their incredible sacrifice and for their devotion.

Their courage was uncommon insofar as those of us lesser mortals are concerned. The courage that was shown in Mogadishu and shown in Somalia, however, I think is very symptomatic, not common, nothing that extraordinary could be called common, but that remarkable demonstration of all that makes up our great Armed Services, and things we see every day today in Iraq and Afghanistan and Bosnia and Kosovo; in theater after theater, the men and women not just of the United States Army but of all of the branches of our Armed Services display on our behalf and on behalf of others, simply trying to give people a chance to be free.

This resolution is important because it signifies an incredibly vital anniversary in the history of the United States military, an important anniversary in their incredible contributions and sacrifices on behalf of others, but it is also important for the symbolism, that symbolism that continues today on the streets of Baghdad, that symbolism that continues today on the streets of Kabul and other places, men and women in uniform from villages large and small, from cities medium and large from the United States, who go to these strange, far-away places for one reason, to try to make people's lives better. That is why when people say we are proud to be Americans, we can say it with such conviction.

Madam Speaker, I again thank the gentleman from North Carolina (Mr. HAYES), and add a final word of urging to all of the Members of the House to vote in support of this great resolution.

Madam Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I am very honored to join with my colleagues today, the gentleman from North Carolina (Mr. HAYES), the gentleman from Minnesota (Mr. KLINE), and particularly the gentleman from New York (Mr. MCHUGH) for his dedication in this area. I am pleased to join with my colleagues in expressing deep gratitude for the valor and commitment of the members of the Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993. I think that we need to be reminded, all of us, of the lessons learned from Operation Restore Hope, and keep that in our hearts and in our minds as we move forward in this Congress.

Mrs. DAVIS of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 291.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCHUGH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1615

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. OBEY. Madam Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The form of the motion is as follows:

> I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2660 be instructed to insist on the highest funding levels possible for programs authorized by the No Child Left Behind Act.

EXTENDING AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr.

The Clerk read as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333, as amended is amended to read as follows:

"(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

"(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

"(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.".

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

S. 470, introduced by my friend, Senator PAUL SARBANES of Maryland, would extend the authority for the construction of the memorial to Dr. Martin Luther King, Jr., in the District of Columbia. S. 470 would simply extend to November 2006 the authorization given to the site's sponsor, Alpha Phi Alpha fraternity, in the Omnibus Parks and Public Land Management Act of 1996 to raise the funds to build the memorial. The bill is strongly supported by the administration and both the majority and minority of the Committee on Resources. I urge my colleagues to support S. 470.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 470 is the Senate companion measure to a House bill, H.R. 1209, that was passed by this body on September 23, 2003. It is a simple piece of legislation that extends for 3 years the authority for construction of a memorial to Dr. Martin Luther King, Jr., here in the District of Columbia.

In 1996, Public Law 104–333 authorized the Alpha Phi Alpha Fraternity, Inc., through the Martin Luther King Memorial Project Foundation, to establish a memorial here in our Nation's capital to America's foremost civil rights leader. Since that time, the sponsors have worked diligently to secure memorial site and design approvals. In addition, there has been a fundraising campaign under way to secure the necessary funds to build and maintain the memorial. However, not all of the necessary funds have been secured and ground cannot be broken until the funds are in place. That is the reason for the need for the extension.

Madam Speaker, I want to take this opportunity to applaud the Alpha Phi Alpha fraternity for the work they have done so far and their commitment to this project. S. 470 is a completely noncontroversial measure. I strongly support its passage by the House today so that the measure can be sent to the President for his signature and the work to establish this national memorial to this great American, a real world leader, can continue.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman from the Virgin Islands for yielding me this time and the chairman who is managing the bill on the other side, the gentleman from New Jersey (Mr. SAXTON), for their good and hard work on this bill and for bringing it to the floor before the deadline.

I appreciate that this bill was authorized in 1996 and that the Congress understood it to be an important matter, that Martin Luther King, who has been honored all over the world, has never been sufficiently honored until he is honored by the Congress of the United States in the Nation's capital. Site selection and other processes on the memorial, however, were not completed until the year 2000. So although authorized in 1996, the Congress is aware that the District has the most elaborate process for monuments in the country. You do not hear me complaining. I am a strong supporter of those processes. It is one Mall; it is priceless. We already are in danger of filling it up and not paying enough attention to it. I am working on a conservancy bill because it is deteriorating. We have to make sure that everything that goes on that Mall which is, after all, our real crown jewel, goes through each and every process and is exactly right.

And so it took some time to find the right space on the Mall. We do not just put things anywhere on the Mall anymore. This is a plot of land meant to last in perpetuity. It is already greatly endangered. But if you do not know precisely where the memorial is going to go until almost 4 years after Congress has authorized it, it is very difficult to do all of the fundraising because it is when the site is chosen that people recognize that the monument is going to happen and they come forward more easily to, in fact, contribute. It eases the process tremendously after that point.

I want to commend Alpha Phi Alpha for what they have done so far. It is herculean to do what they have done. It is a $100 million memorial, no Federal funds, one lone fraternity, the fraternity that Martin Luther King himself belonged to. They have the entire burden of raising the funds for this memorial. This bill will help them to continue the process; yet it is only 3 more years.

I believe every Member of this body and of the other body appreciates the singular place of Martin Luther King in our country's history. His reconciling, nonviolent approach was critical. Otherwise, we need only look around the world and we need only consider that we had legal discrimination in this country for 100 years after the Civil War to appreciate what this man did. All over the world in order to settle such disputes there are conflagrations going on. As I speak, in our country we have still not gotten over the Civil War. We are much further along the way, however, after the nonviolent revolution that began in the 1960s. The man most responsible for the character of that revolution is Martin Luther King, Jr., himself. It loses the Congress nothing and gives it much to simply extend the time for Alpha Phi Alpha to gather the funds necessary for a memorial for this great American.

Mrs. CHRISTENSEN. Madam Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from the Virgin Islands for yielding me this time. As a member of Alpha Phi Alpha fraternity, I also want to commend my brothers for the tremendous work they have done on this project. I also want to thank the Committee on Resources for bringing this bill to the floor.

Every year, millions of Americans and visitors from across the world visit our Nation's capital. They visit the national Mall where symbols of our Nation's history and ideals stand tall and strong. In classrooms across the Nation as they study the history of the 20th century, besides our involvement in wars, the civil rights movement is the most influential stage in the development and evolution of our society. Yet besides the bust of Dr. Martin Luther King, Jr., in the Rotunda of the Capitol building, there are no tributes recognizing the significance of the movement to our Nation's history. I am in support of S. 470 because I believe that a memorial to Dr. Martin Luther King, Jr., would be fitting to not only remember this remarkable man but the civil rights movement itself, over 200 years of struggle for equality and to remind our citizens what great success can be achieved with nonviolent resistance.

Dr. King, as many of us know, was the most visible and effective advocate of nonviolence and direct action as methods of social change. In 1956, Dr. King became the president of the newly formed Montgomery Improvement Association, where he gained national attention for his and the association's role in the Montgomery bus boycott. He encouraged black college students to continue their sit-in protests and freedom rides. In 1963, Dr. King led mass demonstrations in Birmingham, Alabama, where the demonstrators were met with violent opposition, getting the interest and attention of then-President John F. Kennedy who responded, and the Civil Rights Act of 1964 was passed. Dr. King became Time Magazine's Man of the Year in 1963 and the recipient of the Nobel Peace Prize in 1964. In 1967, he also initiated a poor people's campaign designed to confront economic problems that were not addressed under the Civil Rights Act of 1964. Dr. King's life of peace and change was suddenly ended on April 4, 1968, as he was assassinated in Memphis, Tennessee.

Mr. Speaker, our Nation's capital makes history alive. Without having a memorial to Dr. King and the civil rights movement, it sends the message that this part of history is not still alive. As Dr. King once told his children, "I'm going to work and do everything that I can do to see that you get a good education. I don't ever want you to forget that there are millions of God's children who will not and cannot get a good education, and I don't want you feeling that you are better than they are. For you will never be what you ought to be until they are what they ought to be." Our country will never be what it ought to be until we value and adequately display the contributions of African Americans who have made tremendous contributions to our history; and, of course, a tribute to Dr. King on the Mall would go a long ways in that direction.

Ms. WATSON. Madam Speaker, I rise today in support of S. 470, to extend the authority for the construction of a memorial to Rev. Dr. Martin Luther King Jr. on the National Mall. The House bill, H.R. 1821, was passed on September 23, 2003 by a voice vote under unanimous consent.

The authorization set by Congress in 1996 to raise funds for the memorial will expire on November 12, 2003. Passage of the Senate bill will allow the legislation to be sent directly to the President for signing and extend the authorization through November 12, 2006.

The efforts of the King Memorial Foundation to raise $100 million for the construction and maintenance of the project have been impressive, but more time is needed to reach its fundraising goal. I believe that it is our job as members of Congress to ensure that Dr. King will be memorialized in a distinguished manner that acknowledges his legacy. Congress therefore must authorize more time for funds to be raised to build the King Memorial.

Our National Mall is representative of the profound history and strength of our Nation. Dr. King is one of out Nation's most important leaders, and this monument should carry the same weight and significance as those erected in honor of other distinguished Americans.

Congressional leaders also support the efforts to put Dr. King's legacy at Washington's forefront. They along with several other of my colleagues sit on a honorary bipartisan congressional committee for the Martin Luther King Jr. National Memorial.

Dr. King's teachings of non-violent civil disobedience to combat segregation and racial inequality affected not only minorities, but every religious, ethnic, and social group in our Nation. In 1963, Dr. King led the March on Washington very near the site where we wish to honor him today. His leadership was critical to the passage of the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Dr. King acted on his dream for America and was successful in making the United States a better place. We must ensure that Dr. King's valiant efforts will be remembered by future generations.

Madam Speaker, I ask my colleagues to join me in keeping Dr. King's dream alive by honoring him among our Nation's finest.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 470.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING SANCTIONS ON NATIONS THAT ARE UNDERMINING EFFECTIVENESS OF CONSERVATION MEASURES FOR ATLANTIC HIGHLY MIGRATORY SPECIES

Mr. SAXTON. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 268) expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries, as amended.

The Clerk read as follows:

H. CON. RES. 268

Whereas some fishing vessels of members and nonmembers of the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission") that fish in the Commission regulatory area have not conformed with Commission recommendations for some stocks, including those promoting the live release of Atlantic marlin;

Whereas repeated nonconformance with Commission recommendations by fishing vessels of Commission members and nonmembers undermines the effectiveness of the Commission to establish, maintain, and enforce conservation measures, including rebuilding plans for overfished species of fish that are under the Commission's management authority;

Whereas failure of Commission members to enforce Commission conservation and management measures, including reductions in Atlantic marlin landings, threatens the continued viability of United States commercial and recreational fishing industries and undermines conservation goals;

Whereas the Commission has adopted a resolution that further defines the scope of illegal, unregulated, and unreported fishing activities by large-scale longline vessels in the Commission regulatory area; and

Whereas such resolution includes provisions directing Commission members and cooperating nonmembers to take every possible action, consistent with relevant laws, to prevent the engagement in transaction and transshipment of tunas and tuna-like species from vessels that engage in illegal, unregulated, and unreported fishing activities, including vessels that engage in any fishing that is not in compliance with relevant Commission conservation and management measures: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President should, consistent with statutory authorities and international obligations—

(A) direct the United States Commissioners to the International Commission for the Conservation of Atlantic Tunas (in this resolution referred to as the "Commission") to seek the establishment of effective conservation, management, and enforcement measures for the species under consideration at the 2003 Commission meeting, including for Atlantic marlin;

(B) continue to encourage members and nonmembers that fish in the Commission regulatory area to make every effort to end illegal, unregulated, and unreported fishing, including any fishing that is not in conformance with relevant conservation recommendations adopted by the Commission, including those concerning Atlantic marlin landing reductions;

(C) make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to ensure conformance with conservation recommendations for all species under the Commission's management authority, including Atlantic marlin; and

(D) continue to encourage the Commission to adopt conservation recommendations authorizing the use of enforceable measures to prevent those who fish in the Commission regulatory area from taking actions that would undermine the effectiveness of conservation and management recommendations of the Commission;

(2) when the vessels of a country are being used in the conduct of fishing operations in the Convention area in a manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, the President and the Secretary of Commerce, consistent with their statutory authorities and international obligations, should—

(A) exercise their authorities under the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.); and

(B) exercise their authorities under the provisions of the Commission's rules that ensure conformance with Commission recommendations by member and nonmembers; and

(3) if nationals of a Commission member or nonmember, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of the Commission's fishery conservation programs, then the Secretary of Commerce, consistent with international obligations, should certify that fact under section 8(a)(1) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978 (a)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

H. Con. Res. 268 is a resolution expressing the sense of Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management members for Atlantic highly migratory species.

Madam Speaker, the annual meeting of the International Commission for the Conservation of Atlantic Tunas, known as ICCAT, will take place in a few weeks. The United States delegation must go into this meeting with a strong position that noncompliance by nations that are members of ICCAT is unacceptable. The U.S. has been a world leader in pushing for conservation measures at ICCAT. In addition, we have put restrictions on our fishermen, both recreational and commercial, to implement these international conservation measures.

☐ 1630

Again and again, the U.S. has restricted our fishermen and then had to watch as foreign nations allowed their fishermen to break the internationally agreed upon rules.

Not only have our fishermen suffered as a result of noncompliance by other nations, but the fish themselves have suffered. Atlantic white marlin populations, in particular, are at approximately 12 percent of their historic levels. Blue marlin are at about 40 percent of their historic levels. This is totally unacceptable, and, I might add, unnecessary.

Despite playing by the rules and pushing for conservation, the U.S. fishermen were faced with a petition last year to list white marlin under the Endangered Species Act. Rebuilding plans for both white marlin and blue marlin have been put in place, but international fleets do not comply.

It is clear that U.S. conservation efforts are not enough. Our fishermen, both recreational and commercial, played by the rules and were still almost shut down because of international indifference.

We need to make sure that all nations that fish for Atlantic highly-migratory species play by the rules, or face the consequences. The U.S. is one of the biggest markets for these nations, and we should send a strong signal that we will not tolerate continued noncompliance.

This resolution urges the President to continue to work with our trading partners through the international fisheries management bodies to achieve conservation goals. In addition, the resolution calls on the President, when those international efforts do not work, to use all methods available, including trade sanctions against those countries which choose not to play by the internationally agreed upon rules.

This resolution sends the message to those nations that do not consider conservation to be important that there must be consequences to their actions. In addition, it sends the message to U.S. fishermen that their conservation efforts are consequential, and not for nothing.

I urge Members to support this resolution and to send the U.S. delegation to ICCAT with the task of warning other nations that they need to take conservation seriously.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join my colleague in support of H. Con. Res. 268.

Madam Speaker, the United States has long been a leader in promoting the sustainable harvest of our ocean resources. Unfortunately, not all other countries have been as diligent. We must continue to press for effective conservation and management of our world's fisheries, not only at the International Commission for the Conservation of Atlantic Tunas, or ICCAT, but at all international fisheries organizations.

This concurrent resolution, H. Con. Res. 268, gives much-needed support to our U.S. commissioners as they enter into yet another round of difficult international negotiations. Ending illegal, unregulated and unreported fishing, not only of white marlin but all the species managed by ICCAT, is necessary to ensure the long-term sustainability of these fisheries and the United States commercial and recreational industries that depend on them.

I commend my colleague, the gentleman from New Jersey (Mr. SAXTON), for this timely resolution, and I urge the House to adopt it.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the ranking member of the subcommittee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, I am pleased to offer my support for H. Con. Res. 268. International fisheries agreements, including the International Commission for the Conservation of Atlantic Tunas, ICCAT, are critical for healthy oceanic food webs, as well as a healthy economy. When fish stocks remain at severely depleted levels, ecosystem structure is altered, and millions of dollars in revenue are lost every year.

We learned in multiple hearings in the Subcommittee on Fisheries Conservation, Wildlife and Oceans, over the last several years, that the Atlantic white marlin stock is in the worst shape of all the species managed by ICCAT. Illegal, unregulated and unreported fishing further aggravates this problem by undermining market prices to a point that our law-abiding commercial fishermen can no longer afford to fish and by forcing noncommercial fishermen to be stringently regulated.

After 40 years of ICCAT management, the Commission has achieved the dubious distinction of allowing two-thirds of the highly-migratory species it oversees to become overfished. The lack of compliance by ICCAT contracting members with ICCAT's own recommendations considerably limits this Commission.

If United States fishermen are expected to adhere to national and international laws while maintaining an economically viable industry, our administration must be willing to take a strong position in support of internationally enforceable recommendations. I have high hopes that this resolution will provide a thorough debate at next month's ICCAT meeting.

I just want to commend my colleague, the gentleman from New Jersey (Mr. SAXTON), for this timely resolution. I am proud to be a cosponsor. I urge that the House adopt this resolution.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, certainly I would like to express my appreciation for the outstanding leadership of our colleague, the gentleman from New Jersey (Mr. SAXTON), as the chief sponsor of this legislation, not only as the former chairman of our Subcommittee on Fisheries Conservation, Wildlife and Oceans, but always a chief spokesman for the needs of the fisheries programs of our Nation.

Madam Speaker, I rise today in strong support of House Resolution 268, a resolution expressing the sense of congress regarding the imposition of trade sanctions against countries who undermine the effectiveness of the International Convention on the Conservation of Atlantic Tunas. The International Commission was established in 1969 and is responsible for the conservation of some 30 species of tuna, swordfish and many other times of highly-migratory fish.

Thirty-six years ago, the United States demonstrated its leadership in marine conservation by being the first to sign the international convention. Later that year, we were joined by two other countries, Japan and South Africa. Today, the number of contracting and cooperating parties has grown to 39 nations from across the world, signifying a global recognition of the importance of a large-scale collective effort to protect and carefully manage our international fisheries.

Madam Speaker, the ICCAT Commission is charged with the lofty responsibility of undertaking scientific research, compiling statistics and monitoring a large number of highly-migratory species that inhabit the vast Atlantic Ocean. The types of species under the Commission's purview of diverse, having varying biological characteristics, migration patterns and exploitation pressures from different countries, which makes effective management very complicated.

The Commission directs much effort in devising plans and providing recommendations that establish acceptable fishing levels aimed at ensuring maximum sustainable catches for all. Since their establishment some 33 years ago, the Commission has been working hard to provide accurate information and management advice to fishing countries of the world, with the number of recommendations growing exponentially each year.

Despite the Commission's considerable efforts, however, several Atlantic highly-migratory species are still in jeopardy. The Atlantic white marlin, a major sport fishery for the United States, is nearly at an endangered status, and not from U.S. sports fishermen. An estimated 95 percent of the Atlantic marlin catches come from other nations, both from targeted fishing, and, sadly, as bycatch.

I have always had very strong feelings about the issue of bycatch. It is inconceivable, Madam Speaker, to me, that some find it acceptable to simply throw out these fish, just because there is no perceived market value for them. Perhaps my point of view on this stems from my heritage as an islander, whose way of life, means of nourishment and culture centers almost exclusively on the resources from the ocean, considers the discard of any fish as a despicable waste.

Madam Speaker, illegal, unreported and unregulated, which is known as IUU, fishing, is also of great concern to me. Countries who engage in such fishing significantly compromise the ability to monitor fish stocks accurately, making it very difficult for the Commission to advise on setting catch limits. IUU fishing is a serious concern to the Atlantic species, as well as to the fisheries of the great Pacific Ocean.

The most unfortunate fact, in my opinion, Madam Speaker, is that even some of the contracting member countries have continually violated the convention to which they themselves have signed. Brazil, China, Cote D'Ivore and Spain continue to overfish Atlantic white marlin, and even the European Union refuses to accept the recommendations by the Commission for Atlantic blue tuna catch limits. These practices are unfair to the rest of the participating nations who fully cooperate and value the Convention and actively support international conservation efforts. They are unfair to and disrespectful to the internationally-recognized ICCAT Commission, and they are unfair to our future generations that will continue to rely on our ocean resources for food.

Madam Speaker, I fully support the imposition of trade sanctions on these countries that violate and undermine the convention. Repeatedly, we have seen laws, rules, and regulations ignored because there is no means to effectively enforce them. Perhaps sanctions are the "teeth" the U.S. can give the convention so that violating countries will begin to take marine conservation seriously.

I am a proud cosponsor of this resolution and may even propose a similar resolution for the Pacific fisheries at the appropriate time, as we have many similar issues there as well.

I thank my good friends and colleagues on the Committee on Resources, the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. PALLONE), and the chairman of our subcommittee, the gentleman from Maryland (Mr. GILCHREST) for their leadership on this issue, and I urge Members to support this resolution.

I even suggested, Madam Speaker, that we ought to extend our EE zone from 200 to 1,000 miles, to make a point of the fact that our country is the only country that is sincerely making every effort to see that when we say conservation, we mean it sincerely, and not just a lot of rhetoric.

Madam Speaker, I do want to thank my staff, Dr. Malia Rivera, a Sea Grant fellow in my office, for the outstanding job she has done in advising me on issues pertaining to fisheries, and again I thank my good friend from New Jersey, and I urge my colleagues to support this resolution.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just conclude by saying this, that in our country, many years ago when our country was young, our forefathers enjoyed a huge herd of buffalo in the Midwest States, and because we did not understand that they would not always just be there, we carried out practices that simply eliminated them.

Unfortunately, because of the international pressure that is being placed on these species by the international pelagic longline fleet and the lack of enforcement of agreed upon ICCAT regulations, the same process is currently under way with white marlin, blue marlin, swordfish, Atlantic tuna and other species.

This is a crime which, in my view, must stop, and I do not use the term "crime" unadvisedly.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, again, to make the point in the course of our hearings, with due respect to the members of the administration that testified before our hearing that was held, they are making every sincere effort to get other countries and members of the convention to comply, but, how long have we been doing this? This is for the past 10 years, from previous administrations. We are still making every sincere effort, but it seems with no real substantive results.

I ask my good friend, the gentleman from New Jersey, what else can we do? As I suggested earlier, we need to put teeth on the substance of this convention, or else we are just going to be spinning our wheels for another 10-year period, and still with no results.

Here is the problem: We now have fishing vessels from the Atlantic fishing in the Pacific. Why? Because some of these fish have been overfished. There are moratoriums placed on them.

We have serious problems, even in the Pacific. Fifty-four percent of the tuna now caught in the world is from the Pacific Ocean, and this is just tuna. The fact is that if we are not taking seriously the substantial of the problems of conservation of various species of fish, we definitely are going to have some very serious problems.

I thank the gentleman for his expressing the concerns about the fishing, but I ask my good friend, we have been spinning our wheels for the last 10 years, are we going to be doing the same thing for the next 10 years?

Mr. SAXTON. Madam Speaker, reclaiming my time, I thank the gentleman for making the eloquent point that he has.

□ 1645

The question is a very good one. That is what this piece of legislation, this resolution is about. It says that, in effect, if the parties who go to ICCAT and make an agreement on the amount, the number, or the amount of tonnage of fish to be taken do not comply with those agreements, then the President is urged to use trade sanctions with regard to fish or other commodities to enforce those agreements, or to provide a penalty against those who do not comply with the agreements that their countries make. It is a huge problem and one that I hope that this resolution will give the administration the necessary muscle that it needs to solve this problem.

Mr. FALEOMAVAEGA. Madam Speaker, if the gentleman would again yield, and I thank him for yielding, and I sincerely hope that perhaps, even after expressing the sense of the Congress in our resolution, that maybe the next phase is to put in teeth by saying by statute that we do this. Because again, despite all of the good efforts that perhaps the administration may be making on this issue, it is not just from this administration, but even from previous administrations, I think we are tired of the rhetoric. It is time to now put teeth in this issue and make sure that if we are going to be the only Nation complying with the substance of the convention while the others can still do what they want, I think there is a tremendous inequity in this effort.

Again, I thank the gentleman for bringing this point to the attention of our colleagues.

Mr. SAXTON. Madam Speaker, I thank the gentleman from American Samoa for making the point so clearly.

Madam Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 268, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE TERM OF THE FOREST COUNTIES PAYMENTS COMMITTEE

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3249) to extend the term of the Forest Counties Payments Committee.

The Clerk read as follows:

H.R. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TERM OF FOREST COUNTIES PAYMENTS COMMITTEE.

Effective as of October 11, 2003, section 320(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 994; 16 U.S.C. 500 note), is amended by striking "three years after the date of the enactment of this Act" and inserting "on September 30, 2007".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs.

CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill, H.R. 3249, simply changes the termination date of the Forest Counties Payments Committee that was created by Congress in the Interior Appropriations Act of 2001 to coincide with the expiration date in 2006 of the Secure Rural Schools and Communities Self-Determination Act of 2000.

The purpose of this committee is to develop recommendations for Congress concerning the Federal program of payments to States and counties and to evaluate the effectiveness of the Secure Rural Schools and Community Self-Determination Act that regulates those payments. While some of the work of the committee has been completed, the important job of evaluating the effectiveness of Public Law 106–393 is ongoing and will need to be continued in order to assist Congress as it reviews options for either reauthorization or the development of new legislation. These efforts are crucial if we hope to further our understanding and support for healthy communities and healthy forests.

Madam Speaker, I would like to thank the gentleman from Oregon (Mr. WALDEN) for his thoughtful leadership on this issue and on this bill. I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3249 extends the term of the Forest Counties Payments Committee until September 30, 2007. This date coincides with the expiration date of the Secure Rural Schools and Community Self-Determination Act of 2000. The committee, whose term expired on October 11, 2003, is to provide recommendations concerning Federal payments to States and counties in which public lands are situated. The bill is noncontroversial, and we do not object to it.

I want to take this opportunity to thank the two gentlemen from Oregon, the sponsor of the bill, (Mr. WALDEN), and our Democratic colleague (Mr. DEFAZIO) for bringing this legislation to the floor.

Mr. WALDEN of Oregon. Madam Speaker, I rise in support of H.R. 3249—a bill I introduced with my colleague from Oregon, Mr. DEFAZIO, which would extend the term of the Forest Counties Payments Committee. I want to commend the chairman of the Resources Committee, Mr. POMBO, and the Chairman of the Agriculture Committee, Mr. GOODLATTE, for expediting the consideration of this legislation in their respective committees.

Madam Speaker, H.R. 3249 would extend the term of the Forest Counties Payments Committee to coincide with the sunset of the Secure Rural Schools and Community Self-Determination Act of 2000, which expires on September 30, 2007. The committee was created in the FY 2001 Interior Appropriations bill and is comprised of local government county and school officials. Its purpose was to develop long-term solutions to ensure the proper management of our national forests, emphasizing forest health and economic activity, and evaluate the effectiveness of the County Schools legislation.

Congress charged the committee with evaluating several key areas in making its recommendations. They include the methods by which payments are made to eligible states and counties; the impact of revenues from historical multiple use of federal lands on states and counties; the economic environmental, and social benefits of federal lands to counties and reviewing the costs to counties resulting from the presence of federal lands. The committee held at least six listening sessions throughout the country to understand better the impact that the presence of these federal lands has on counties where they are located. The input gathered from these listening sessions was ultimately used to write the committee's report, which was published in February 2003.

What did the committee's report find? It found what many communities in my district have known for at least the last decade: that the decline in timber receipts from federal lands has had a devastating economic impact on these rural communities. While communities acknowledge the benefits associated with the presence of public lands within their counties, including improved quality of life, recreational opportunities, and the revenue coming into their communities through travel and tourism, the committee validated the claims that these benefits are outweighed by the degradation of county roads and schools that has resulted from the decline in timber receipts. This not only creates access issues for individuals wishing to recreate on public lands, but also creates safety concerns for transporting children to schools, responding to emergencies and day-to-day travel.

This unfortunate reality especially holds true in the counties I represent in eastern Oregon. Between 1990–1999 the counties in this region saw Forest Service payments from timber receipts and other generated revenues drop by 87 percent.

In light of the rapid decline of timber receipts reaching these communities, Congress passed the Secure Rural Schools and Community Self-Determination Act of 2000. This act stabilized timber revenue dependent counties by providing a temporary "safety-net" payment to forest counties and schools at 85 percent of the average of their three highest receipt years from 1986–1999. The legislation also provided an additional 15 percent to support community-based projects, like hazardous fuels treatments taking place on federal lands.

Madam Speaker, the authorization for the Forest Counties Payments Committee expired several weeks ago, on October 11, before it was able to examine fully the impact of the County Schools legislation. More importantly, if the committee's term is not extended, it will not have the opportunity to examine the potential effect that the implementation of the National Fire Plan or the Healthy Forests Initiative will have on America's forested counties. The Chairman of this committee, Mark Evans, stated in a letter to Chairman POMBO, ". . . the Committee did not have adequate time to consider ways to integrate the Healthy Forests Initiative and National Fire Plan with future payment options. The timing of development of these two programs along with a 18-month timeframe imposed on the Committee to produce a final report precluded full consideration of possible options."

Madam Speaker, I agree wholeheartedly with the remarks of Chairman EVANS. We need to pass this legislation to allow the Payments Committee to continue its good work. It goes without saying that its future findings will lay the foundation as we move towards the reauthorization of the Secure Rural Schools and Community Self-Determination Act.

I'd like to once again thank the efforts of Chairman POMBO and Chairman GOODLATTE in getting this legislation to the floor in an expeditious fashion. I urge the House to adopt this extension and yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3249.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARTIN LUTHER KING, JUNIOR, NATIONAL HISTORIC SITE LAND EXCHANGE ACT

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1616) to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

The Clerk read as follows:

H.R. 1616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin Luther King, Junior, National Historic Site Land Exchange Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Public Law 96–438 established the Martin Luther King, Junior, National Historic Site, and allows acquisition, by donation only, of lands owned by the State.

(2) The National Park Service owns a vacant lot that has no historic significance. The City of Atlanta has expressed interest in acquiring this property to encourage commercial development along Edgewood Avenue.

(3) The National Historic Site Visitor Center and Museum is land-locked and has no emergency ingress or egress, making it virtually impossible for firefighting equipment to reach.

(4) The acquisition of city-owned property would enable the National Park Service to establish easy street access to the National Historic Site Visitor Center and Museum, and would benefit the City by exchanging a piece of property that the City could develop.

(b) PURPOSE.—The purpose of this Act is to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

SEC. 3. LAND EXCHANGE.

Section 2(b)(1) of the Act of October 10, 1980 (Public Law 96–428; 94 Stat. 1839; 16 U.S.C. 461 note) is amended by striking the period and inserting "or exchange.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1616, introduced by my great friend, the gentleman from Georgia (Mr. LEWIS), would authorize the Secretary of the Interior to exchange certain disposable lands within the boundaries of the Martin Luther King, Jr., National Historic Site in the City of Atlanta, Georgia for land owned by the City of Atlanta.

The acquisition of the city-owned property would accomplish two things: first, to enable the National Park Service to establish easy street access to the Historic Site Visitor Center; and, second, to provide emergency equipment and personnel easy access to the visitor center.

Madam Speaker, H.R. 1616 is supported by the administration and the majority and minority of the committee. I urge adoption of this bill and add my congratulations to the gentleman from Georgia (Mr. LEWIS) for bringing this legislation forward.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1616, introduced by my friend and colleague, the gentleman from Georgia (Mr. LEWIS), authorizes the exchange of land between the National Park Service and the City of Atlanta at the Martin Luther King, Jr., National Historic Site.

The national historic site was established in 1980 to preserve and interpret the birthplace, church, and grave of Dr. Martin Luther King, Jr. Part of the site also includes a vacant lot that is not historically significant to the site, but which the City of Atlanta would like to acquire as part of its redevelopment of the area surrounding the National Historic Site.

The National Park Service has established a visitor center and museum at the historic site that could be enhanced by acquisition of an adjacent parcel owned by the city. While there have been discussions of an exchange of the two properties under the site's Enabling Act, city-owned property can only be acquired by donation.

Madam Speaker, both the National Park Service and the City of Atlanta support this exchange. It is an action that would benefit both the national historic site and the city. This looks to be a win-win situation and, as such, we support the legislation.

Madam Speaker, it is an honor to serve with the gentleman from Georgia (Mr. LEWIS) who, of course, was a trusted and invaluable worker and leader along with Dr. Martin Luther King and who continues to be a drum major for justice today.

Madam Speaker, I yield such time as he might consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I would like to thank the gentlewoman from the Virgin Islands for those kind remarks and also for yielding to me time to speak about H.R. 1616, the Martin Luther King, Junior, National Historic Site Land Exchange Act. I also want to thank my good friend and colleague, the gentleman from New Jersey (Mr. SAXTON), for bringing this legislation before us.

Madam Speaker, H.R. 1616 is a good bill. It authorizes the exchange of land owned by the National Park Service for land of equal or greater value from the City of Atlanta. The National Park Service and the City of Atlanta have already agreed to the land swapping. However, this cannot be done without authorization from Congress, and H.R. 1616 completes the deal.

This legislation is so important because the Martin Luther King, Jr., National Historic Site Visitor Center and Museum is landlocked and has no emergency access, making it virtually impossible for firefighting equipment to reach the facility. In fact, if there were a fire at the visitor center, the Atlanta Fire Department would have to walk at least 150 to 200 yards in order to reach the center.

Luckily, we have not been faced with such an outcome. However, we must be prepared. Furthermore, Madam Speaker, with heightened security concerns at our Nation's monuments and parks, emergency access is critical.

Passage of H.R. 1616 will allow the Martin Luther King, Jr., National Historic Site to create an emergency access road to and from the site.

As the gentlewoman from the Virgin Islands already stated, this bill is a win-win for all parties. The acquisition of city-owned property would enable the National Park Service to establish easy street access to the Martin Luther King, Jr., National Historic Site Visitor Center and Museum and would benefit the City of Atlanta by exchanging a piece of property that the city could develop into a viable commercial center.

Madam Speaker, Atlanta is the heart of the South and home to progressive residential and business communities. The Martin Luther King, Jr., National Historic Site is adjacent to one of Atlanta's most preserved districts. It is a gathering place where people from all over the world travel to and from to learn our Nation's history. Furthermore the Martin Luther King, Jr., National Historic Site is central to the growth and prosperity of the surrounding community.

Madam Speaker, we must do all that we can to preserve this important tale of history. H.R. 1616 plays a small, but important, role in achieving this responsibility.

Again, I would like to thank the Committee on Resources for supporting this bill, and I urge its immediate passage.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in support of H.R. 1616. The Martin Luther King, Jr. National Historic Site, located in Atlanta, Georgia, commemorates the community where the Civil Rights leader was raised. This community was rich with black commercial and residential areas with strong, prominent black religious institutions. It was these components that were said to have a lasting impact on King and other black community leaders. It is also known for greatly influencing the life path chosen by King, to challenge racism, poverty, and the denial of black civil rights.

There are several events and programs that take place at the Museum free of charge to the public. For instance, currently, there is a program called Confederate Currency: The Color of Money, which tells the story of the contribution of enslaved Africans to the American economy and expands the discussion with exhibits on reparations and racial healing. There are also events which are based around significant moments in Dr. King's life such as the King Holiday, Black History Month, an Assassination Remembrance and the 'I Have a Dream' speech.

Unfortunately, this area rich with history and memories of Dr. King's childhood and a strong black neighborhood is land-locked and parts could easily be destroyed considering it has no emergency ingress, making it impossible for firefighting equipment to reach the Visitor Center and Museum. There is a lot owned by the National Park Service which could not only solve the problem by allowing street access to the Visitor Center, it will also serve as a great piece of property for the City to develop.

Madam Speaker, I thank my colleague and friend Congressman LEWIS for introducing this resolution and I urge all of my colleagues to support it as well.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1616.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003

Mr. LEACH. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 63) to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 63

Whereas the United States, in accordance with section 231 of the Compact of Free Association set forth in Title II of Public Law 99-239, January 14, 1986, 99 Stat. 1770, entered into negotiations with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands; and

Whereas these negotiations, in accordance with section 431 of the Compact, resulted in the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", which, together with their related agreements, were signed by the Government of the United States and the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands on May 14, and April 30, 2003, respectively: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This joint resolution, together with the Table of Contents in subsection (b) of this section, may be cited as the "Compact of Free Association Amendments Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this joint resolution is as follows:

TITLE I—APPROVAL OF U.S.-FSM COMPACT AND U.S.-RMI COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, U.S.-FSM COMPACT AND U.S.-RMI COMPACT; SUPPLEMENTAL PROVISIONS

Sec. 101. Approval of U.S.-FSM Compact of Free Association and U.S.-RMI Compact of Free Association.
(a) Federated States of Micronesia.
(b) Republic of the Marshall Islands.
(c) References to the Compact, the U.S.-FSM Compact and the U.S.-RMI Compact; References to Subsidiary Agreements or Separate Agreements.
(d) Amendment, Change, or Termination in the U.S.-FSM Compact and the U.S.-RMI Compact and Certain Agreements.
(e) Subsidiary Agreement Deemed Bilateral.
(f) Entry Into Force of Future Amendments to Subsidiary Agreements.
Sec. 102. Agreements With Federated States of Micronesia.
(a) Law Enforcement Assistance.
(b) Agreement on Audits.
Sec. 103. Agreements With and Other Provisions Related to the Republic of the Marshall Islands.
(a) Law Enforcement Assistance.
(b) Ejit.
(c) Kwajalein.
(d) Section 177 Agreement.
(e) Nuclear Test Effects.
(f) Espousal Provisions.
(g) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.
(h) Rongelap.
(i) Four Atoll Health Care Program.
(j) Enjebi Community Trust Fund.
(k) Bikini Atoll Cleanup.
(l) Agreement on Audits.
Sec. 104. Interpretation of and United States Policy Regarding U.S.-FSM Compact and U.S.-RMI Compact.
(a) Human Rights.
(b) Immigration and Passport Security.
(c) Nonalienation of Lands.
(d) Nuclear Waste Disposal.
(e) Impact of Compacts on Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa; Related Authorization and Continuing Appropriation.
(f) Sense of Congress Concerning Funding of Public Infrastructure.
(g) Foreign Loans.
(h) Reports and Reviews.
(i) Construction of Section 141(F).
Sec. 105. Supplemental Provisions.
(a) Domestic Program Requirements.
(b) Relations With the Federated States of Micronesia and the Republic of the Marshall Islands.
(c) Judicial Training.
(d) Continuing Trust Territory Authorization.
(e) Survivability; Actions Incompatible with United States Authority.
(f) Noncompliance Sanctions.
(g) Continuing Programs and Laws.
(h) College of Micronesia.
(i) Trust Territory Debts to U.S. Federal Agencies.
(j) Technical Assistance.
(k) Prior Service Benefits Program.
(l) Indefinite Land Use Payments.
(m) Communicable Disease Control Program.
(n) User Fees.
(o) Treatment of Judgments of Courts of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
(p) Inflation Adjustment.
(q) Armed Services Vocational Aptitude Battery Testing.
(r) Establishment of Trust Funds; Expedition of Process.
Sec. 106. Construction Contract Assistance.
(a) Assistance to U.S. Firms.
(b) Authorization of Appropriations.
Sec. 107. Prohibition.
Sec. 108. Compensatory Adjustments.
(a) Additional Programs and Services.
(b) Further Amounts.
Sec. 109. Authorization and Continuing Appropriation.
Sec. 110. Payment of Citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau Employed by the Government of the United States in the Continental United States.

TITLE II—COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

Sec. 201. Compacts of Free Association, as Amended Between the Government of the United States and the Government of the Federated States of Micronesia and Between the Government of the United States and the Government of the Republic of the Marshall Islands.
(a) Compact of Free Association as amended between the Government of the United States of America and the Government of the Federated States of Micronesia.

Title One—Governmental Relations

Article I—Self-Government.
Article II—Foreign Affairs.
Article III—Communications.
Article IV—Immigration.
Article V—Representation.
Article VI—Environmental Protection.
Article VII—General Legal Provisions.

Title Two—Economic Relations

Article I—Grant Assistance.
Article II—Services and Program Assistance.
Article III—Administrative Provisions.
Article IV—Trade.
Article V—Finance and Taxation.

Title Three—Security and Defense Relations

Article I—Authority and Responsibility.
Article II—Defense Facilities and Operating Rights.
Article III—Defense Treaties and International Security Agreements.

Article IV—Service in Armed Forces of the United States.
Article V—General Provisions.

Title Four—General Provisions

Article I—Approval and Effective Date.
Article II—Conference and Dispute Resolution.
Article III—Amendment.
Article IV—Termination.
Article V—Survivability.
Article VI—Definition of Terms.
Article VII—Concluding Provisions.

(b) Compact of Free Association, as Amended Between the Government of the United States of America and the Government of the Republic of the Marshall Islands.

Title One—Governmental Relations

Article I—Self-Government.
Article II—Foreign Affairs.
Article III—Communications.
Article IV—Immigration.
Article V—Representation.
Article VI—Environmental Protection.
Article VII—General Legal Provisions.

Title Two—Economic Relations

Article I—Grant Assistance.
Article II—Services and Program Assistance.
Article III—Administrative Provisions.
Article IV—Trade.
Article V—Finance and Taxation.

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Article I—Authority and Responsibility.
Article II—Defense Facilities and Operating Rights.
Article III—Defense Treaties and International Security Agreements.
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Article I—Approval and Effective Date.
Article II—Conference and Dispute Resolution.
Article III—Amendment.
Article IV—Termination.
Article V—Survivability.
Article VI—Definition of Terms.
Article VII—Concluding Provisions.

TITLE I—APPROVAL OF U.S.-FSM COMPACT AND U.S.-RMI COMPACT; INTERPRETATION OF, AND U.S. POLICIES REGARDING, U.S.-FSM COMPACT AND U.S.-RMI COMPACT; SUPPLEMENTAL PROVISIONS

SEC. 101. APPROVAL OF U.S.-FSM COMPACT OF FREE ASSOCIATION AND THE U.S.-RMI COMPACT OF FREE ASSOCIATION; REFERENCES TO SUBSIDIARY AGREEMENTS OR SEPARATE AGREEMENTS.

(a) FEDERATED STATES OF MICRONESIA.—The Compact of Free Association, as amended with respect to the Federated States of Micronesia and signed by the United States and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-FSM Compact. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-FSM Compact, to an effective date for and thereafter to implement such U.S.-FSM Compact.

(b) REPUBLIC OF THE MARSHALL ISLANDS.—The Compact of Free Association, as amended with respect to the Republic of the Marshall Islands and signed by the United States and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution, is hereby approved, and Congress hereby consents to the subsidiary agreements and amended subsidiary agreements listed in section 462 of the U.S.-RMI Compact. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the U.S.-RMI Compact, to an effective date for and thereafter to implement such U.S.-RMI Compact.

(c) REFERENCES TO THE COMPACT, THE U.S.-FSM COMPACT, AND THE U.S.-RMI COMPACT; REFERENCES TO SUBSIDIARY AGREEMENTS OR SEPARATE AGREEMENTS.—

(1) Any reference in this joint resolution (except references in title II) to "the Compact" shall be treated as a reference to the Compact of Free Association set forth in title II of Public Law 99–239, January 14, 1986 (99 Stat. 1770). Any reference in this joint resolution to the "U.S.-FSM Compact" shall be treated as a reference to the Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia and set forth in Title II (section 201(a)) of this joint resolution. Any reference in this joint resolution to the "U.S.-RMI Compact" shall be treated as a reference to the Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands and set forth in Title II (section 201(b)) of this joint resolution.

(2) Any reference to the term "subsidiary agreements" or "separate agreements" in this joint resolution shall be treated as a reference to agreements listed in section 462 of the U.S.-FSM Compact and the U.S.-RMI Compact, and any other agreements that the United States may from time to time enter into with either the government of the Federated States of Micronesia or the government of the Republic of the Marshall Islands, or with both such governments in accordance with the provisions of the U.S.-FSM Compact and the U.S.-RMI Compact.

(d) AMENDMENT, CHANGE, OR TERMINATION IN THE U.S.-FSM COMPACT AND U.S.-RMI COMPACT AND CERTAIN AGREEMENTS.—

(1) Any amendment, change, or termination by mutual agreement or by unilateral action of the Government of the United States of all or any part of the U.S.-FSM Compact or U.S.-RMI Compact shall not enter into force until after Congress has incorporated it in an Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the U.S.-FSM Compact or U.S.-RMI Compact including, but not limited to, actions taken pursuant to sections 431, 441, or 442;

(B) to any amendment, change, or termination in the Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(2) of the U.S.-FSM Compact and the Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(a)(5) of the U.S.-RMI Compact;

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact section 177, and section 215(a) of the U.S.-FSM Compact and section 216(a) of the U.S.-RMI Compact, the terms of which are incorporated by reference into the U.S.-FSM Compact and the U.S.-RMI Compact; and

(D) to the following subsidiary agreements, or portions thereof: Articles III, IV and X of the agreement referred to in section 462(b)(6) of the U.S.-RMI Compact:

(i) Article III and IV of the agreement referred to in section 462(b)(6) of the U.S.-FSM Compact.

(ii) Articles VI, XV, and XVII of the agreement referred to in section 462(b)(7) of the U.S.-FSM Compact and U.S.-RMI Compact.

(e) SUBSIDIARY AGREEMENTS DEEMED BILATERAL.—For purposes of implementation of the U.S.-FSM Compact and the U.S.-RMI Compact and this joint resolution, the Agreement Concluded Pursuant to Section 234 of the Compact of Free Association and referred to in section 462(a)(1) of the U.S.-FSM Compact and section 462(a)(4) of the U.S.-RMI Compact shall be deemed to be a bilateral agreement between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Republic of the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of such subsidiary agreement (or any provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

(f) ENTRY INTO FORCE OF FUTURE AMENDMENTS TO SUBSIDIARY AGREEMENTS.—No agreement between the United States and the government of either the Federated States of Micronesia or the Republic of the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth is subsection (d) of this section shall enter into force until after the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefor. In the case of the agreement referred to in section 462(b)(3) of the U.S.-FSM Compact and the U.S.-RMI Compact, such transmittal shall include a specific statement by the Secretary of Labor as to the necessity of such amendment, change, or termination, and the impact thereof.

SEC. 102. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.

(a) LAW ENFORCEMENT ASSISTANCE.—Pursuant to sections 222 and 224 of the U.S.-FSM Compact, the United States shall provide nonreimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(j) of this title may be used to reimburse State or local agencies providing such assistance.

(b) AGREEMENT ON AUDITS.—The Comptroller General (and his duly authorized representatives) shall have the authorities necessary to carry out his responsibilities under section 232 of the U.S.-FSM Compact and the agreement referred to in section 462(b)(4) of the U.S.-FSM Compact, including the following authorities:

(1) GENERAL AUTHORITY OF THE COMPTROLLER GENERAL TO AUDIT.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Federated States of Micronesia under Articles I and II of Title Two of the U.S.-FSM Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Federated States of Micronesia.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-FSM Compact. The authority provided in this paragraph shall continue for at least ten years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) COMPTROLLER GENERAL ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least ten years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

(3) STATUS OF COMPTROLLER GENERAL REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Federated States of Micronesia.

(4) AUDITS DEFINED.—As used in this subsection, the term "audits" includes financial, program, and management audits, including determining—

(A) whether the Government of the Federated States of Micronesia has met the requirements set forth in the U.S.-FSM Compact, or any related agreement entered into under the U.S.-FSM Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Federated States of Micronesia pursuant to such grants or assistance.

(5) COOPERATION BY FEDERATED STATES OF MICRONESIA.—The Government of the Federated States of Micronesia will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) LAW ENFORCEMENT ASSISTANCE.—Pursuant to sections 222 and 224 of the U.S.-RMI Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(j) of this title may be used to reimburse State or local agencies providing such assistance.

(b) EJIT.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the President of the United States shall negotiate with the Government of the Marshall Islands an agreement whereby, without prejudice as to any claims which have been or may be asserted by any party as to rightful title and ownership of any lands on Ejit, the Government of the Marshall Islands shall assure that lands on Ejit used as of January 1, 1985, by the people of Bikini, will continue to be available without charge for their use, until such time as Bikini is restored and inhabitable and the continued use of Ejit is no longer necessary, unless a Marshall Islands court of competent jurisdiction finally determines that there are legal impediments to continued use of Ejit by the people of Bikini.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that if the impediments described in paragraph (1) do arise, the United States will cooperate with the Government of the Marshall Islands in assisting any person adversely affected by such judicial determination to remain on Ejit, or in locating suitable and acceptable alternative lands for such person's use.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that paragraph (1) shall not be applied in a manner which would prevent the Government of the Marshall Islands from acting in accordance with its constitutional processes to resolve title and ownership claims with respect to such lands or from taking substitute or additional measures to meet the needs of the people of Bikini with their democratically expressed consent and approval.

(c) KWAJALEIN.—

(1) It is the policy of the United States that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, or as amended or superceded, and any related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligation and responsibilities under Title Three of the Compact and the subsidiary agreements concluded pursuant to the Compact.

(2)(A) If the Government of the Marshall Islands fails to make payments in accordance with paragraph (1), the Government of the United States shall initiate procedures under section 313 of the Compact and consult with the Government of the Marshall Islands with respect to the basis for the nonpayment of funds.

(B) The United States shall expeditiously resolve the matter of any nonpayment of funds required under paragraph (1) pursuant to section 313 of the Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands.

(C) This paragraph shall be enforced in accordance with section 105(f)(2).

(3) Until such time as the Government of the Marshall Islands and the landowners of Kwajalein Atoll have concluded an agreement amending or superceding the land use agreement dated October 19, 1982, any amounts paid by the United States to the Government of the Marshall Islands in excess of the amounts required to be paid pursuant to the land use agreement dated October 19, 1982, shall be paid into, and held in, an interest bearing account in a United States financial institution by the Government of the Republic of the Marshall Islands.

(4)(A) The Government of the Republic of the Marshall Islands shall notify the Government of the United States when an agreement amending or superceding the land use agreement dated October 19, 1982, is concluded.

(B) If no agreement amending or superceding the land use agreement dated October 19, 1982, is concluded by the date five years after the date of enactment of this resolution, the President shall report to Congress on the intentions of the United States with respect to the use of Kwajalein Atoll after 2016, and on any plans to relocate activities carried out at Kwajalein Atoll.

(d) SECTION 177 AGREEMENT.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in furtherance of the purposes of Article I of the Subsidiary Agreement for Implementation of Section 177 of the Compact, the payment of the amount specified therein shall be made by the United States under Article I of the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") only after the Government of the Marshall Islands has notified the President of the United States as to which investment management firm has been selected by such Government to act as Fund Manager under Article I of the Section 177 Agreement.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided

that in the event that the President determines that an investment management firm selected by the Government of the Marshall Islands does not meet the requirements specified in Article I of the Section 177 Agreement, the United States shall invoke the conference and dispute resolution procedures of Article II of Title Four of the Compact. Pending the resolution of such a dispute and until a qualified Fund Manager has been designated, the Government of the Marshall Islands shall place the funds paid by the United States pursuant to Article I of the Section 177 Agreement into an interest-bearing escrow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that if the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

(4) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that at the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands, or to such account as such Government shall so notify the Fund Manager, all remaining funds and assets being managed by the Fund Manager under the Section 177 Agreement.

(e) Nuclear Test Effects.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utrik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of $75,000,000 (Bikini); $48,750,000 (Enewetak); $37,500,000 (Rongelap); and $22,500,000 (Utrik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the subsidiary agreement for the implementation of section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact. Nothing in this subsection creates any rights or obligations beyond those provided for in the original enacted version of Public Law 99–239.

(f) Espousal Provisions.—

(1) In the joint resolution of January, 14, 1986 (Public Law 99–239) Congress provided that it is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

(g) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.—

(1) Notwithstanding any other provision of law, upon the request of the Government of the Republic of the Marshall Islands, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermo-nuclear "Bravo" test, pursuant to Public Laws 95–134 and 96–205.

(2)(A) In the joint resolution of January 14, 1986 (Public Law 99–239), Congress provided that notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first fifteen years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm or by a grant to the Government of the Republic of the Marshall Islands which may further contract only with a United States firm or a Republic of the Marshall Islands firm, the owners, officers and majority of the employees of which are citizens of the United States or the Republic of the Marshall Islands) shall provide technical and other assistance—

(i) without reimbursement, to continue the planting and agricultural maintenance program on Enewetak, as provided in subparagraph (C);

(ii) without reimbursement, to continue the food programs of the Bikini and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.

(B) The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs.

(C)(i) The planting and agricultural maintenance program on Enewetak shall be funded at a level of not less than $1,300,000 per year, as adjusted for inflation under section 218 of the U.S.-RMI Compact.

(ii) There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, $1,300,000, as adjusted for inflation under section 218 of the U.S.-RMI Compact, to carry out the planting and agricultural maintenance program.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.

(h) Rongelap.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of the Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: "The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978", dated November 1982, are adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the data are inadequate to support such conclusions as to habitability or that such conclusions as to habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that it is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Government of the Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.

(i) Four Atoll Health Care Program.—

(1) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") shall be only for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95–134 (91 Stat. 1159) and Public Law 96–205 (94 Stat. 84) and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.

(2) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that at the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

(3) In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

(j) ENJEBI COMMUNITY TRUST FUND.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as the "Enjebi Community Trust Fund" (hereafter in this subsection referred to as the "Fund"), and shall credit to the Fund the amount of $7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

(1) ENJEBI TRUST AGREEMENT.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that the Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

(2) MONITOR CONDITIONS.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

(3) RESETTLEMENT OF ENJEBI.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in the event that the United States determines that the people of Enjebi can within 25 years of January 14, 1986, resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

(B) Replant Enjebi with appropriate foodbearing and other vegetation.

(4) RESETTLEMENT OF OTHER LOCATION.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that in the event that the United States determines that within 25 years of January 14, 1986, the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and concurred with by the Government of the Marshall Islands, to assure consistency with the government's overall economic development plan.

(5) INTEREST FROM FUND.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

(6) DISCLAIMER OF LIABILITY.—In the joint resolution of January 14, 1986 (Public Law 99–239) Congress provided that neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.

(k) BIKINI ATOLL CLEANUP.—

(1) DECLARATION OF POLICY.—In the joint resolution of January 14, 1986 (Public Law 99–239), the Congress determined and declared that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraph (2) and (3) of this subsection.

(2) CLEANUP FUNDS.—The joint resolution of January 14, 1986 (Public Law 99–239) authorized to be appropriated such sums as necessary to implement the settlement agreement of March 15, 1985, in The People of Bikini, et al. against United States of America, et al., Civ. No. 84–0425 (D. Ha.).

(3) CONDITIONS OF FUNDING.—In the joint resolution of January 14, 1986 (Public Law 99–239) the Congress provided that the funds referred to in paragraph (2) were to be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

(l) AGREEMENT ON AUDITS.—The Comptroller General (and his duly authorized representatives) shall have the authorities necessary to carry out his responsibilities under section 232 of the U.S.-RMI Compact and the agreement referred to in section 462(b)(4) of the U.S.-RMI Compact, including the following authorities:

(1) GENERAL AUTHORITY OF THE COMPTROLLER GENERAL TO AUDIT.—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Republic of the Marshall Islands under Articles I and II of Title Two of the U.S.-RMI Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Republic of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 232 of the U.S.-RMI Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) COMPTROLLER GENERAL ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance and payments to be accounted for distinct from any other funds of the Government of the Republic of the Marshall Islands.

(3) STATUS OF COMPTROLLER GENERAL REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly waived by the Government of the United States. The Comptroller General and his duly authorized representatives shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Republic of the Marshall Islands.

(4) AUDITS DEFINED.—As used in this subsection, the term "audits" includes financial, program, and management audits, including determining—

(A) whether the Government of the Republic of the Marshall Islands has met the requirements set forth in the U.S.-RMI Compact, or any related agreement entered into under the U.S.-RMI Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Republic of the Marshall Islands pursuant to such grants or assistance.

(5) COOPERATION BY THE REPUBLIC OF THE MARSHALL ISLANDS.—The Government of the Republic of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

SEC. 104. INTERPRETATION OF AND UNITED STATES POLICY REGARDING U.S.-FSM COMPACT AND U.S.-RMI COMPACT.

(a) HUMAN RIGHTS.—In approving the U.S.-FSM Compact and the U.S.-RMI Compact, the Congress notes the conclusion in the Statement of Intent of the Report of The Future Political Status Commission of the Congress of Micronesia in July, 1969, that "our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government" and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Republic of the Marshall Islands. The Congress also notes and specifically endorses the preamble to the U.S.-FSM Compact and the U.S.-RMI Compact, which affirms that the governments of the parties to the U.S.-FSM Compact and the U.S.-RMI Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to the Congress pursuant to sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304), a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Republic of the Marshall Islands.

(b) IMMIGRATION AND PASSPORT SECURITY.—

(1) NATURALIZED CITIZENS.—The rights of a bona fide naturalized citizen of the Federated States of Micronesia or the Republic of the Marshall Islands to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a nonimmigrant, to the extent such rights are provided under section 141 of the U.S.-FSM Compact and U.S.-RMI Compact, shall not be deemed to extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

(2) PASSPORTS.—It is the intent of Congress that up to $250,000 of the grant assistance provided to the Federated States of Micronesia pursuant to section 211(a)(4) of the U.S.-FSM Compact, and up to $250,000 of the grant assistance provided to the Republic of the Marshall Islands pursuant to section 211(a)(4) of the U.S.-RMI Compact (or a greater amount of the section 211(a)(4) grant, if mutually agreed between the Government of the United States and the government of the Federated States of Micronesia or the government of the Republic of the Marshall Islands), be used for the purpose of increasing the machine-readability and security of passports issued by such jurisdictions. It is the intent of Congress that funds be obligated by September 30, 2004 and in the amount and manner specified by the Secretary of State in consultation with the Secretary of Homeland Security and, respectively, with the government of the Federated States of Micronesia and the government of the Republic of the Marshall Islands. The United States Government is authorized to require that passports used for the purpose of seeking admission under section 141 of the U.S.-FSM Compact and the U.S.-RMI Compact contain appropriate security enhancements.

(3) INFORMATION-SHARING.—It is the intent of Congress that the governments of the Federated States of Micronesia and the Republic of the Marshall Islands develop, prior to October 1, 2004, the capability to provide reliable and timely information as may reasonably be required by the Government of the United States in enforcing criminal and security-related grounds of inadmissibility and deportability under the Immigration and Nationality Act, as amended, and shall provide such information to the Government of the United States.

(4) TRANSITION; CONSTRUCTION OF SECTIONS 141(A)(3) AND 141(A)(4) OF THE U.S.-FSM COMPACT AND U.S.-RMI COMPACT.—The words "the effective date of this Compact, as amended" in sections 141(a)(3) and 141(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact shall be construed to read, "on the day prior to the enactment by the United States Congress of the Amended Compact Act.".

(c) NONALIENATION OF LANDS.—The Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands to regulate, in accordance with their Constitutions and laws, the alienation of permanent interests in real property so as to restrict the acquisition of such interests to persons of Federated States of Micronesia citizenship and the Republic of the Marshall Islands citizenship, respectively.

(d) NUCLEAR WASTE DISPOSAL.—In approving the U.S.-FSM Compact and the U.S.-RMI Compact, the Congress understands that the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Republic of the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the U.S.-FSM Compact and the U.S.-RMI Compact.

(e) IMPACT OF COMPACTS ON GUAM, THE STATE OF HAWAII, THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA; RELATED AUTHORIZATION AND CONTINUING APPROPRIATION.—

(1) RECONCILIATION OF UNREIMBURSED IMPACT EXPENSES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the President, to address previously accrued and unreimbursed impact expenses, may at the request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands, reduce, release, or waive all or part of any amounts owed by the Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands (or either government's autonomous agencies or instrumentalities), respectively, to any department, agency, independent agency, office, or instrumentality of the United States.

(B) TERMS AND CONDITIONS.—

(i) SUBSTANTIATION OF IMPACT COSTS.—Not later than 120 days after the date of the enactment of this resolution, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit to the Secretary of the Interior a report, prepared in consultation with an independent accounting firm, substantiating unreimbursed impact expenses claimed for the period from January 14, 1986, through September 30, 2003. Upon request of the Secretary of the Interior, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands shall each submit to the Secretary of the Interior copies of all documents upon which the report submitted by that Governor under this clause was based.

(ii) CONGRESSIONAL NOTIFICATION.—The President shall notify Congress of his intent to exercise the authority granted in subparagraph (A).

(iii) CONGRESSIONAL REVIEW AND COMMENT.— Any reduction, release, or waiver under this Act shall not take effect until 60 days after the President notifies Congress of his intent to approve a request of the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands. In exercising his authority under this section and in determining whether to give final approval to a request, the President shall take into consideration comments he may receive after Congressional review.

(iv) EXPIRATION.—The authority granted in subparagraph (A) shall expire on February 28, 2005.

(2) STATEMENT OF CONGRESSIONAL INTENT.—In approving the Compacts, it is not the intent of the Congress to cause any adverse consequences for Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(3) ANNUAL REPORTS AND RECOMMENDATIONS.—One year after the date of enactment of this joint resolution, and at one year intervals thereafter, the Governors of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa may provide to the Secretary of the Interior by February 1 of each year their comments with respect to the impacts of the Compacts on their respective jurisdiction. The Secretary of the Interior, upon receipt of any such comments, shall report to the Congress not later than May 1 of each year to include the following:

(A) The Governor's comments on the impacts of the Compacts as well as the Administration's analysis of such impact.

(B) Any adverse consequences resulting from the Compacts and recommendations for corrective action to eliminate those consequences.

(C) Matters relating to trade, taxation, immigration, labor laws, minimum wages, health, educational, social, and public safety services and infrastructure, and environmental regulation.

(D) With regard to immigration, statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report.

(E) With regard to trade, the reports shall include an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia, and the Republic of the Marshall Islands.

(4) COMMITMENT OF CONGRESS TO REDRESS ADVERSE CONSEQUENCES.—The Congress hereby declares that, if any adverse consequences to Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, or American Samoa result from implementation of the Compacts, the Congress will act sympathetically and expeditiously to redress those adverse consequences.

(5) QUALIFIED NONIMMIGRANT.—For the purposes of this section, the term "qualified nonimmigrant" means person admitted to the United States pursuant to:

(A) section 141 of the Compact of Free Association between the United States and the Government of the Federated States of Micronesia set forth in Title I;

(B) section 141 of the Compact of Free Association between the United States and the Government of the Republic of the Marshall Islands set forth in Title I; or

(C) section 141 of the Compact of Free Association between the United States and the Government of the Republic of Palau.

(6) AUTHORIZATION AND CONTINUING APPROPRIATION.—There are hereby authorized and appropriated to the Secretary of the Interior, for each fiscal year beginning after September 30, 2003 through 2023, $30,000,000 for grants to the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa as a result of increased demands placed on educational, social, or public safety services or infrastructure related to such services due to the presence in Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, or American Samoa of qualified nonimmigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(A) AWARDING.—The grants shall be—

(i) awarded and administered by the Department of the Interior, Office of Insular Affairs, or any successor thereto, in accordance with regulations, policies and procedures applicable to grants so awarded and administered; and

(ii) used only for health, educational, social, or public safety services, or infrastructure related to such services, specifically affected by qualified nonimmigrants.

(B) ENUMERATION.—For purposes of carrying out this section, the Secretary of the Interior shall provide for a periodic census of qualified nonimmigrants in Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa. The enumeration—

(i) shall be provided by the Secretary of the Interior beginning in fiscal year 2004 and thereafter in calendar years 2005, 2010, 2015, and 2020;

(ii) shall be supervised by the United States Bureau of the Census and any other supporting organization(s) as the Secretary of the Interior may select; and

(iii) after fiscal year 2003, shall be funded by the Secretary of the Interior by deducting such sums as are necessary from funds appropriated pursuant to the authorization contained in paragraph (6) of this subsection.

(C) ALLOCATION.—The Secretary of the Interior shall allocate to each of the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, on the basis of the results of the most recent enumeration, grants in an aggregate amount equal to the total amount of funds appropriated under paragraph (6) of this subsection, as reduced by any deductions authorized by subparagraph (iii) of subparagraph (B) of paragraph (6) of this subsection, multiplied by a ratio derived by dividing the number of qualified nonimmigrants in such affected jurisdiction by the total number of qualified nonimmigrants in the governments of Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(7) AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.—There are hereby authorized to the Secretary of the Interior for each of fiscal years 2004 through 2023 such sums as may be necessary for grants to the governments of Guam, the State of Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa, as a result of increased demands placed on educational, social, or public safety services or infrastructure related to service due to the presence in Guam, Hawaii, the Commonwealth of the Northern Mariana Islands, and American Samoa of qualified nonimmigrants from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(8) AUTHORIZATION OF APPROPRIATIONS FOR THE REIMBURSEMENT OF HEALTH CARE SERVICES.—

(A) AUTHORIZATION.—In addition to amounts appropriated pursuant to the authorization provided in section 221(b) of Article II of Title Two of the U.S.-FSM Compact and the U.S.-RMI Compact, there are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to reimburse designated health care providers for qualifying health care costs for medical debt referral claims for health care services furnished before October 1, 2003.

(B) DESIGNATED HEALTH CARE PROVIDERS.—For purposes of subparagraph (A), the term "designated health care provider" means an institutional provider of health care services (such as a public or private hospital) located in Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(C) QUALIFYING HEALTH CARE COSTS.—For purposes of subparagraph (A), the term "qualifying health care costs" means costs that the Secretary determines are incurred by a designated health care provider for health care services furnished in Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa (as the case may be) to a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau pursuant to medical referral programs in the Federated States of Micronesia and the Republic of the Marshall Islands.

(9) USE OF DOD MEDICAL FACILITIES AND NATIONAL HEALTH SERVICE CORPS.—

(A) DOD MEDICAL FACILITIES.—The Secretary of Defense shall make available, on a space available and reimbursable basis, the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who are properly referred to the facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(B) NATIONAL HEALTH SERVICE CORPS.—The Secretary of Health and Human Services shall continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Republic of the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph such sums as are necessary for each fiscal year.

(f) SENSE OF CONGRESS CONCERNING FUNDING OF PUBLIC INFRASTRUCTURE.—It is the sense of Congress that—

(1) not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and not less than 30 percent of the total amount of section 211 funds allocated to each of the states of the Federated States of Micronesia, shall be invested in infrastructure improvements in accordance with the list of specific projects included in the plan described in section 211(a)(6)(i) and for maintenance in accordance with section 211(a)(6)(ii); and

(2) not less than 30 percent of the United States annual grant assistance provided under section 211 of the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be used for infrastructure improvement and maintenance in accordance with section 211(d).

(g) FOREIGN LOANS.—The Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands.

(h) REPORTS AND REVIEWS.—

(1) REPORT BY THE PRESIDENT.—Not later than the end of the first full calendar year following enactment of this resolution, and not later than December 31 of each year thereafter, the President shall submit a report to Congress regarding the Federated States of Micronesia and the Republic of the Marshall Islands. The report shall include, at a minimum, the following with regard to:

(A) General social, political, and economic conditions, including estimates of economic growth, per capita income, and migration rates.

(B) The use and effectiveness of United States financial and program assistance.

(C) The status of economic policy reforms in the Federated States of Micronesia and the Republic of the Marshall Islands.

(D) The status of the efforts by the Federated States of Micronesia and the Republic of the Marshall Islands to attract foreign investment and to increase indigenous business activity.

(E) Recommendations on ways to increase the effectiveness of United States assistance.

(2) REVIEW.—During the year of the fifth and fifteenth anniversaries of the date of enactment of this resolution, the Government of the United States shall review the terms of the respective Compacts and shall consider the overall nature and development of the U.S.-FSM and U.S.-RMI relationships. In these reviews, the Government of the United States shall consider the operating requirements of the Government of the Federated States of Micronesia and the Govermment of the Republic of the Marshall Islands and their progress in meeting the development objectives set forth in their respective development plans. The President shall include the findings resulting from the reviews, and any recommendations for actions to respond to such findings, in the annual reports to Congress for the years following the reviews.

(3) BY THE COMPTROLLER GENERAL.—Not later than the date that is 3 years after the date of enactment of this joint resolution, and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the Federated States of Micronesia and the Republic of the Marshall Islands, including the topics set forth in paragraph (1) and the effectiveness of administrative oversight by the United States.

(i) CONSTRUCTION OF SECTION 141(F).—Section 141(f)(2) of the Compact of Free Association between the Government of the United States of America and the Government of the Federated States of Micronesia and of the Compact of Free Association between the Government of the United States of America and the Government of the Republic of the Marshall Islands, shall be construed as though ", except that any such regulations that would have a significant effect on the admission, stay and employment privileges provided under this section shall not become effective until 90 days after the date of transmission of the regulations to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Resources, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives" was inserted after "may by regulations prescribe".

SEC. 105. SUPPLEMENTAL PROVISIONS.

(a) DOMESTIC PROGRAM REQUIREMENTS.—Except as may otherwise be provided in this joint resolution, all United States Federal programs and services extended to or operated in the Federated States of Micronesia or the Republic of the Marshall Islands are and shall remain subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs when operating in the United States (including its territories and commonwealths).

(b) RELATIONS WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS.—

(1) Appropriations made pursuant to Article I of Title Two and subsection (a)(2) of section 221 of Article II of Title Two of the U.S.-FSM Compact and the U.S.-RMI Compact shall be made to the Secretary of the Interior, who shall have the authority necessary to fulfill his responsibilities for monitoring and managing the funds so appropriated consistent with the U.S.-FSM Compact and the U.S.-RMI Compact, including the agreements referred to in section 462(b)(4) of the U.S.-FSM Compact and U.S.-RMI Compact (relating to Fiscal Procedures) and the agreements referred to in section 462(b)(5) of the U.S.-FSM Compact and the U.S.-RMI Compact (regarding the Trust Fund).

(2) Appropriations made pursuant to subsections (a)(1) and (a)(3) through (6) of section 221 of Article II of Title Two of the U.S.-FSM Compact and subsection (a)(1) and (a)(3) through (5) of the U.S.-RMI Compact shall be made directly to the agencies named in those subsections.

(3) Appropriations for services and programs referred to in subsection (b) of section 221 of Article II of Title Two of the U.S.-FSM Compact or U.S.-RMI Compact and appropriations for services and programs referred to in sections 105(f) and 108(a) of this joint resolution shall be made to the relevant agencies in accordance with the terms of the appropriations for such services and programs.

(4) Federal agencies providing programs and services to the Federated States of Micronesia and the Republic of the Marshall Islands shall coordinate with the Secretaries of the Interior and State regarding provision of such programs and services. The Secretaries of the Interior and State shall consult with appropriate officials of the Asian Development Bank and with the Secretary of the Treasury regarding overall economic conditions in the Federated States of Micronesia and the Republic of the Marshall Islands and regarding the activities of other donors of assistance to the Federated States of Micronesia and the Republic of the Marshall Islands.

(5) United States Government employees in either the Federated States of Micronesia or the Republic of the Marshall Islands are subject to the authority of the United States Chief of Mission, including as elaborated in section 207 of the Foreign Service Act and the President's Letter of Instruction to the United States Chief of Mission and any order or directive of the President in effect from time to time.

(6)(A) The President is hereby authorized to appoint an Interagency Group on Freely Associated States' Affairs to provide policy guidance and recommendations on implementation of the U.S.-FSM Compact and the U.S.-RMI Compact to Federal departments and agencies.

(B) It is the sense of Congress that the Secretary of State and the Secretary of the Interior should be represented on the Interagency Group.

(7)(A)(i) The three United States appointees (United States chair plus two members) to the Joint Economic Management Committee provided for in section 213 of the U.S.-FSM Compact and Article III of the U.S.-FSM Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-FSM Compact shall be United States Government officers or employees.

(ii) It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(iii) Section 213 of the U.S.-FSM Compact shall be construed to read as though the phrase, "and on the implementation of economic policy reforms designed to encourage private sector investment," were inserted after "with particular focus on those parts of the plan dealing with the sectors identified in subsection (a) of section 211".

(B)(i) The three United States appointees (United States chair plus two members) to the Joint Economic Management and Financial Accountability Committee provided for in section 214 of the U.S.-RMI Compact and Article III of the U.S.-RMI Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-RMI Compact shall be United States Government officers or employees.

(ii) It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(iii) Section 214 of the U.S.-RMI Compact shall be construed to read as though the phrase, "and on the implementation of economic policy reforms designed to encourage private sector investment," were inserted after "with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211".

(8) It is the sense of Congress that the Secretary of State and the Secretary of the Interior shall assure that there are personnel resources committed in the appropriate numbers and locations to ensure effective oversight of United States financial and program assistance.

(9) The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact and referred to in section 462(b)(5) of the U.S.-FSM Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. The United States voting members (United States chair plus two or more members) of the Trust Fund Committee appointed by the Government of the United States pursuant to Article 7 of the Trust Fund Agreement implementing section 216 of the U.S.-RMI Compact and referred to in section 462(b)(5) of the U.S.-RMI Compact and any alternates designated by the Government of the United States shall be United States Government officers or employees. It is the sense of Congress that at least one appointee each should be designated from both the Department of State and the Department of the Interior.

(10) The Trust Fund Committee provided for in Article 7 of the U.S.-FSM Trust Fund Agreement implementing section 215 of the U.S.-FSM Compact shall be a non-profit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation,

or ordinance shall be deemed to be preempted by this joint resolution. The Trust Fund Committee provided for in Article 7 of the U.S.-RMI Trust Fund Agreement implementing section 216 of the U.S.-RMI Compact shall be a non-profit corporation incorporated under the laws of the District of Columbia. To the extent that any law, rule, regulation or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Trust Fund Committee is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Trust Fund Committee pursuant to this joint resolution, such law, rule, regulation, or ordinance shall be deemed to be preempted by this joint resolution.

(c) JUDICIAL TRAINING.—(1) In addition to amounts provided under section 211(a)(4) of the U.S.-FSM Compact and the U.S.-RMI Compact, the President shall annually provide $200,000 to the Government of the Federated States of Micronesia and $100,000 to the Government of the Republic of the Marshall Islands to provide training for judges and officials of the judiciary.

(2) There is hereby authorized and appropriated to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, for each fiscal year from 2004 through 2023, $300,000, as adjusted for inflation under section 217 of the U.S.-FSM Compact and section 218 of the U.S.-RMI Compact, to carry out the purposes of this section.

(d) CONTINUING TRUST TERRITORY AUTHORIZATION.—The authorization provided by the Act of June 30, 1954, as amended (68 Stat. 330) shall remain available after the effective date of the Compact with respect to the Federated States of Micronesia and the Republic of the Marshall Islands for the following purposes:

(1) Prior to October 1, 1986, for any purpose authorized by the Compact or the joint resolution of January 14, 1986 (Public Law 99–239).

(2) Transition purposes, including but not limited to, completion of projects and fulfillment of commitments or obligations; termination of the Trust Territory Government and termination of the High Court; health and education as a result of exceptional circumstances; ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik; and technical assistance and training in financial management, program administration, and maintenance of infrastructure, except that, for purposes of an orderly reduction of United States programs and services in the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau, United States programs or services not specifically authorized by the Compact of Free Association or by other provisions of law may continue but, unless reimbursed by the respective freely associated state, not in excess of the following amounts:

(A) For fiscal year 1987, an amount not to exceed 75 per centum of the total amount appropriated for such programs for fiscal year 1986.

(B) For fiscal year 1988, an amount not to exceed 50 per centum of the total amount appropriated for such programs for fiscal year 1986.

(C) For fiscal year 1989, an amount not to exceed 25 per centum of the total amount appropriated for such programs for fiscal year 1986.

(e) SURVIVABILITY.—In furtherance of the provisions of Title Four, Article V, sections 452 and 453 of the U.S.-FSM Compact and the U.S.-RMI Compact, any provisions of the U.S.-FSM Compact or the U.S.-RMI Compact which remain effective after the termination of the U.S.-FSM Compact or U.S.-RMI Compact by the act of any party thereto and which are affected in any manner by provisions of this title shall remain subject to such provisions.

(f) NONCOMPLIANCE SANCTIONS; ACTIONS INCOMPATIBLE WITH UNITED STATES AUTHORITY.—The Congress expresses its understanding that the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands will not act in a manner incompatible with the authority and responsibility of the United States for security and defense matters in or related to the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.-FSM Compact or the U.S.-RMI Compact, including the agreements referred to in sections 462(a)(2) of the U.S.-FSM Compact and 462(a)(5) of the U.S.-RMI Compact. The Congress further expresses its intention that any such act on the part of either such Government will be viewed by the United States as a material breach of the U.S.-FSM Compact or U.S.-RMI Compact. The Government of the United States reserves the right in the event of such a material breach of the U.S.-FSM Compact by the Government of the Federated States of Micronesia or the U.S.-RMI Compact by the Government of the Republic of the Marshall Islands to take action, including (but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to that Government.

(g) CONTINUING PROGRAMS AND LAWS.—

(1) FEDERATED STATES OF MICRONESIA AND REPUBLIC OF THE MARSHALL ISLANDS.—In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 222 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Republic of the Marshall Islands:

(A) The Government of the United States shall continue to make available to eligible institutions in the Federated States of Micronesia and the Republic of the Marshall Islands, and to students enrolled in such eligible institutions and in institutions in the United States and its territories, for fiscal years 2004 through 2023, grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) on the same basis that such grants continue to be available to institutions and students in the United States.

(B) SUPPLEMENTAL EDUCATION GRANTS.—

(i) IN GENERAL.—In lieu of eligibility for appropriations under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.; commonly known as the Adult Education and Family Literacy Act), title I of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321 et seq.), and the Head Start Act (42 U.S.C. 9831 et seq.), there are authorized to be appropriated to the Secretary of Education for supplemental education grants to the Federated States of Micronesia and the Republic of the Marshall Islands the following amounts:

(I) $13,994,592 for the Federated States of Micronesia for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 217 of the U.S.-FSM Compact, for each of fiscal years 2006 through 2023.

(II) $6,705,408 for the Republic of the Marshall Islands for fiscal year 2005 and an equivalent amount, as adjusted for inflation under section 218 of the U.S.-RMI Compact, for each of fiscal years 2006 through 2023.

(ii) FISCAL PROCEDURES.—Assistance pursuant to this subparagraph shall be disbursed and monitored in accordance with the respective Fiscal Procedures Agreement referred to in section 462(b)(4) of the U.S.-FSM Compact and section 462(b)(4) of the U.S.-RMI Compact.

(iii) FORMULA EDUCATION GRANTS.—For fiscal years 2005 through 2023, except as provided in clause (i), the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall not receive any grant under any formula-grant program administered by the Secretary of Education or the Secretary of Labor, nor any grant provided through the Head Start Act (42 U.S.C. 9831 et seq.) administered by the Secretary of Health and Human Services.

(iv) TRANSITION.—For fiscal year 2004, the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall continue to be eligible for appropriations under the provisions of law specified in clause (i) and to receive grants under the programs described in clause (iii).

(C) COMPETITIVE EDUCATION GRANTS.—The Governments of the Federated States of Micronesia and the Republic of the Marshall Islands shall continue to be eligible for competitive grants administered by the Secretary of Education to the extent that such grants continue to be available to State and local governments in the United States.

(D) The Federal Emergency Management Agency, in the following manner: Paragraph (6) of section 221(a) of the U.S.-FSM Compact and paragraph (5) of section 221(a) of the U.S.-RMI Compact shall each be construed and applied as if each provision reads as follows: “The Department of Homeland Security, Federal Emergency Management Agency disaster assistance programs and public assistance programs for public and private non-profit infrastructure and programs provided by the United States Agency for International Development, Office of Foreign Disaster Assistance, at levels equivalent to those available on the day preceding the effective date of the Compacts, to remain available until the later of—

(i) the 10-year period beginning on the date of enactment of the Compacts; or

(ii) the date on which the Disaster Assistance Emergency Fund referred to in section 211(d) of the U.S.-FSM Compact and section 211(e) of the U.S.-RMI Compact attains a balance of $4,000,000.

(E) The Legal Services Corporation.

(F) The Public Health Service.

(G) The Rural Housing Service (formerly, the Farmers Home Administration) in the Marshall Islands and each of the four States of the Federated States of Micronesia. In lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Rural Housing Service applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia.

(2) TORT CLAIMS.—The provisions of section 178 of the U.S.-FSM Compact and the U.S.-RMI Compact regarding settlement and payment of tort claims shall apply to employees

of any Federal agency of the Government of the United States (and to any other person employed on behalf of any Federal agency of the Government of the United States on the basis of a contractual, cooperative, or similar agreement) which provides any service or carries out any other function pursuant to or in furtherance of any provisions of the U.S.-FSM Compact or the U.S.-RMI Compact or this joint resolution, except for provisions of Title Three of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied.

(3) PCB cleanup.—The programs and services of the Environmental Protection Agency regarding PCBs shall, to the extent applicable, as appropriate, and in accordance with applicable law, be construed to be made available to such islands.

(h) College of Micronesia.—Until otherwise provided by Act of Congress, or until termination of the U.S.-FSM Compact and the U.S.-RMI Compact, the College of Micronesia shall retain its status as a land-grant institution and its eligibility for all benefits and programs available to such land-grant institutions.

(i) Trust Territory Debts to U.S. Federal Agencies.—Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(j) Technical Assistance.—Technical assistance may be provided pursuant to section 224 of the U.S.-FSM Compact or the U.S.-RMI Compact by Federal agencies and institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the Natural Resources Conservation Service, the USDA Resource Conservation and Development Program, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470–470t), shall be on a nonreimbursable basis. During the period the U.S.-FSM Compact and the U.S.-RMI Compact are in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Republic of the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Any funds provided pursuant to sections 102(a), 103(a), 103(b), 103(f), 103(g), 103(h), 103(j), 105(c), 105(g), 105(h), 105(i), 105(j), 105(k), 105(l), and 105(m) of this joint resolution shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to the U.S.-FSM Compact, the U.S.-RMI Compact, or their related subsidiary agreements.

(k) Prior Service Benefits Program.—Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the Trust Territory of the Pacific Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

(l) Indefinite Land Use Payments.—There are authorized to be appropriated such sums as may be necessary to complete repayment by the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to January 1, 1985.

(m) Communicable Disease Control Program.—There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands, such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera and Hansen's Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands in designing and implementing such a program.

(n) User Fees.—Any person in the Federated States of Micronesia or the Republic of the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Republic of the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.

(o) Treatment of Judgments of Courts of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.—No judgment, whenever issued, of a court of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, against the United States, its departments and agencies, or officials of the United States or any other individuals acting on behalf of the United States within the scope of their official duty, shall be honored by the United States, or be subject to recognition or enforcement in a court in the United States, unless the judgment is consistent with the interpretation by the United States of international agreements relevant to the judgment. In determining the consistency of a judgment with an international agreement, due regard shall be given to assurances made by the Executive Branch to the Congress of the United States regarding the proper interpretation of the international agreement.

(p) Inflation Adjustment.—As of Fiscal Year 2015, if United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2009 through 2014 is greater than the United States Gross Domestic Product Implicit Price Deflator average for Fiscal Years 2004 through 2008 (as reported in the Survey of Current Business or subsequent publication and compiled by the Department of Interior), then section 217 of the U.S.–FSM Compact and paragraph 5 of Article II of the U.S.–FSM Fiscal Procedures Agreement and section 218 of the U.S.–RMI Compact and paragraph 5 of Article II of the U.S.–RMI Fiscal Procedures Agreement shall be construed as if "the full" appeared in place of "two-thirds of the" each place those words appear.

(q) Armed Services Vocational Aptitude Battery Testing.—In furtherance of the provisions of Title Three, Article IV, section 341 of the U.S.-FSM and the U.S.-RMI Compacts, the purpose of which is to establish the privilege to volunteer for service in the United States Armed Forces, it is the sense of Congress that, to facilitate eligibility of Federated States of Micronesia and Republic of the Marshall Islands secondary school students to qualify for such service, the Department of Defense may extend the Armed Services Vocational Aptitude Battery (ASVAB) Student Testing Program (STP) and the ASVAB Career Exploration Program to selected secondary schools in the Federated States of Micronesia and the Republic of the Marshall Islands to the extent such programs are available to Department of Defense Dependent Schools located in foreign jurisdictions.

(r) Establishment of Trust Funds; Expedition of Process.—The Trust Fund Agreement executed pursuant to the U.S.-FSM Compact and the Trust Fund Agreement executed pursuant to the U.S.-RMI Compact each provide for the establishment of a trust fund. Such trust fund may be established by (1) creating a new legal entity to constitute the trust fund or (2) assuming control of an existing legal entity including, without limitation, a trust fund or other legal entity that was established by or at the direction of the Government of the United States, the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, or otherwise, for the purpose of facilitating or expediting the establishment of the trust fund pursuant to the applicable Trust Fund Agreement. For the purpose of expediting the commencement of operations of a trust fund under either Trust Fund Agreement, such trust fund may, but shall not be obligated to, assume any obligations of an existing legal entity and take assignment of any contract or other agreement to which such existing legal entity is party. Without limiting the authority that the United States Government may otherwise have under applicable law, the United States Government may, but shall not be obligated to, provide financial, technical, or other assistance directly or indirectly to the Government of the Federated States of Micronesia or the Government of the Republic of the Marshall Islands for the purpose of establishing and operating trust funds or other legal entities that will solicit bids from, and enter into contracts with, parties willing to serve in such capacities as trustee, depositary, money manager, or investment advisor, with the intention that such contracts will ultimately be assumed by and assigned to trust funds established pursuant to a Trust Fund Agreement.

SEC. 106. CONSTRUCTION CONTRACT ASSISTANCE.

(a) Assistance to U.S. Firms.—In order to assist the Governments of the Federated States of Micronesia and of the Republic of the Marshall Islands through private sector firms which may be awarded contracts for construction or major repair of capital infrastructure within the Federated States of Micronesia or the Republic of the Marshall Islands, the United States shall consult with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands with respect to any such contracts, and the United States shall enter into agreements with such firms whereby such firms will, consistent with applicable requirements of such Governments—

(1) to the maximum extent possible, employ citizens of the Federated States of Micronesia and the Republic of the Marshall Islands;

(2) to the extent that necessary skills are not possessed by citizens of the Federated

States of Micronesia and the Republic of the Marshall Islands, provide on the job training, with particular emphasis on the development of skills relating to operation of machinery and routine and preventative maintenance of machinery and other facilities; and

(3) provide specific training or other assistance in order to enable the Government to engage in long-term maintenance of infrastructure.

Assistance by such firms pursuant to this section may not exceed 20 percent of the amount of the contract and shall be made available only to such firms which meet the definition of United States firm under the nationality rule for suppliers of services of the Agency for International Development (hereafter in this section referred to as "United States firms"). There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to cover any additional costs incurred by the Government of the Federated States of Micronesia or the Republic of the Marshall Islands if such Governments, pursuant to an agreement entered into with the United States, apply a preference on the award of contracts to United States firms, provided that the amount of such preference does not exceed 10 percent of the amount of the lowest qualified bid from a non-United States firm for such contract.

SEC. 107. PROHIBITION.

The provisions of chapter 11 of title 18, United States Code, shall apply in full to any individual who has served as the United States negotiator of amendments to the Compact or its subsidiary agreements or of related agreements or who is or was an officer or employee of the Office in the Department of State responsible for negotiating amendments to the Compact or its subsidiary agreements or who is or was assigned or detailed to that Office or who served on the interagency group coordinating United States policy on the Compact negotiations.

SEC. 108. COMPENSATORY ADJUSTMENTS.

(a) ADDITIONAL PROGRAMS AND SERVICES.—In addition to the programs and services set forth in section 221 of the U.S.-FSM Compact and the U.S.-RMI Compact, and pursuant to section 222 of the U.S.-FSM Compact and the U.S.-RMI Compact, the services and programs of the following United States agencies shall be made available to the Federated States of Micronesia and the Republic of the Marshall Islands: the Small Business Administration, Economic Development Administration, and the Rural Utilities Services (formerly Rural Electrification Administration) and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

(b) FURTHER AMOUNTS.—

(1) The joint resolution of January 14, 1986 (Public Law 99-239) provided that the governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of Title IV of that joint resolution upon Title Two of the Compact. There were authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as necessary, but not to exceed $40 million for the Federated States of Micronesia and $20 million for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation provided in subsections (a) and (b) of section 111 of the joint resolution of January 14, 1986 (Public Law 99-239) for adverse impacts, if any, on the finances and economies of such areas resulting from the effect of Title IV of that joint resolution upon Title Two of the Compact. The joint resolution of January 14, 1986 (Public Law 99-239) further provided that at the end of the initial fifteen-year term of the Compact, should any portion of the total amount of funds authorized in subsection 111 of that resolution not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in subsection 111 for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government's showing of such adverse impact, if any, as provided in that subsection.

(2) The governments of the Federated States of Micronesia and the Republic of the Marshall Islands may each submit no more than one report or request for further compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99-239) and any such report or request must be submitted by September 30, 2009. Only adverse economic effect occurring during the initial fifteen-year term of the Compact may be considered for compensation under section 111 of the joint resolution of January 14, 1986 (Public Law 99-239).

SEC. 109. AUTHORIZATION AND CONTINUING APPROPRIATION.

(a) There are authorized and appropriated to the Department of the Interior, out of any money in the Treasury not otherwise appropriated, to remain available until expended, such sums as are necessary to carry out the purposes of sections 211, 212(b), 215, and 217 of the U.S.-FSM Compact and sections 211, 212, 213(b), 216, and 218 of the U.S.-RMI Compact, in this and subsequent years.

(b) There are authorized to be appropriated to the Departments, agencies, and instrumentalities named in paragraphs (1) and (3) through (6) of section 221(a) of the U.S.-FSM Compact and paragraphs (1) and (3) through (5) of section 221(a) of the U.S.-RMI Compact, such sums as are necessary to carry out the purposes of sections 221(a) of the U.S.-FSM Compact and the U.S.-RMI Compact, to remain available until expended.

SEC. 110. PAYMENT OF CITIZENS OF THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU EMPLOYED BY THE GOVERNMENT OF THE UNITED STATES IN THE CONTINENTAL UNITED STATES.

Section 605 of Public Law 107-67 (the Treasury and General Government Appropriations Act, 2002; 5 U.S.C. 3101 note) is amended by striking "or the Republic of the Philippines," in the last sentence and inserting the following: "the Republic of the Philippines, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau,".

TITLE II—COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

SEC. 201. COMPACTS OF FREE ASSOCIATION, AS AMENDED BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA AND BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) COMPACT OF FREE ASSOCIATION, AS AMENDED, BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA.—

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA

Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Federated States of Micronesia have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the Federated States of Micronesia in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Federated States of Micronesia; and

Recognizing that their relationship until the entry into force on November 3, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Federated States of Micronesia have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they, through their freely-expressed wishes, have adopted a Constitution appropriate to their particular circumstances; and

Recognizing that the Compact reflected their common desire to terminate the Trusteeship and establish a government-to-government relationship which was in accordance with the new political status based on the freely expressed wishes of the people of the Federated States of Micronesia and appropriate to their particular circumstances; and

Recognizing that the people of the Federated States of Micronesia have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of the Government of the Federated States of Micronesia into the Compact by the people of the Federated States of Micronesia constituted an exercise of their sovereign right to self-determination; and

Recognizing the common desire of the people of the United States and the people of the Federated States of Micronesia to maintain their close government-to-government relationship, the United States and the Federated States of Micronesia:

NOW, THEREFORE, MUTUALLY AGREE to continue and strengthen their relationship of free association by amending the Compact, which continues to provide a full measure of self-government for the people of the Federated States of Micronesia; and

FURTHER AGREE that the relationship of free association derives from and is as set forth in this Compact, as amended, by the Governments of the United States and the Federated States of Micronesia; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the Federated States of Micronesia in regard to this relationship of free association derive from and are as set forth in this Compact, as amended.

TITLE ONE

GOVERNMENTAL RELATIONS

Article I

Self-Government

Section 111

The people of the Federated States of Micronesia, acting through the Government established under their Constitution, are self-governing.

Article II

Foreign Affairs

Section 121

(a) The Government of the Federated States of Micronesia has the capacity to conduct foreign affairs and shall do so in its own name and right, except as otherwise provided in this Compact, as amended.

(b) The foreign affairs capacity of the Government of the Federated States of Micronesia includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and nonliving resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of its commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting its individual citizens.

(c) The Government of the United States recognizes that the Government of the Federated States of Micronesia has the capacity to enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(d) In the conduct of its foreign affairs, the Government of the Federated States of Micronesia confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

Section 122

The Government of the United States shall support applications by the Government of the Federated States of Micronesia for membership or other participation in regional or international organizations as may be mutually agreed.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Federated States of Micronesia shall consult, in the conduct of its foreign affairs, with the Government of the United States.

(b) In recognition of the foreign affairs capacity of the Government of the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Federated States of Micronesia on matters that the Government of the United States regards as relating to or affecting the Government of the Federated States of Micronesia.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Federated States of Micronesia in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Federated States of Micronesia undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Federated States of Micronesia in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Federated States of Micronesia and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Federated States of Micronesia for travel outside the Federated States of Micronesia, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact, as amended, or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on November 2, 1986, are, as of that date, no longer assumed and enjoyed by the Government of the United States.

Article III

Communications

Section 131

(a) The Government of the Federated States of Micronesia has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communications assistance as mutually agreed.

(b) On May 24, 1993, the Government of the Federated States of Micronesia elected to undertake all functions previously performed by the Government of the United States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

Section 132

The Government of the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

Article IV

Immigration

Section 141

(a) In furtherance of the special and unique relationship that exists between the United States and the Federated States of Micronesia, under the Compact, as amended, any person in the following categories may be admitted to, lawfully engage in occupations in, and establish residence as a nonimmigrant in the United States and its territories and possessions (the "United States") without regard to paragraph (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or (7)(B)(i)(II):

(1) a person who, on November 2, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Federated States of Micronesia;

(2) a person who acquires the citizenship of the Federated States of Micronesia at birth, on or after the effective date of the Constitution of the Federated States of Micronesia;

(3) an immediate relative of a person referred to in paragraphs (1) or (2) of this section, provided that such immediate relative is a naturalized citizen of the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended;

(4) a naturalized citizen of the Federated States of Micronesia who was an actual resident there for not less than five years after attaining such naturalization and who satisfied these requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the Federated States of Micronesia to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

(5) an immediate relative of a citizen of the Federated States of Micronesia, regardless of the immediate relative's country of citizenship or period of residence in the Federated States of Micronesia, if the citizen of the Federated States of Micronesia is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended. This subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appellate proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Federated States of Micronesia, or has been or is issued a Federated States of Micronesia passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Federated States of Micronesia passport with unexpired documentation issued by the Government of the United States evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b)(1)(B) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Federated States of Micronesia will also take reasonable and appropriate steps to publicize this provision.

(e) For purposes of the Compact and the Compact, as amended:

(1) the term "residence" with respect to a person means the person's principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term "residence," including "resident" and "reside," shall be similarly construed;

(2) the term "actual residence" means physical presence in the Federated States of Micronesia during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

(3) the term "certificate of actual residence" means a certificate issued to a naturalized citizen by the Government of the Federated States of Micronesia stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

(4) the term "nonimmigrant" means an alien who is not an "immigrant" as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15); and

(5) the term "immediate relative" means a spouse, or unmarried son or unmarried daughter less than 21 years of age.

(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States (other than a United States possession or territory where such Act does not apply) under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212(a)(7)(B)(i)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: "any alien who has been admitted under the Compact, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable";

(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a nonimmigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

(3) Except for the treatment of certain documentation for purposes of section 274A(b)(1)(B) of such Act as provided by subsection (d) of this section of the Compact, as amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(E);

(4) Section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, and actions taken pursuant to section 643; and

(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or possession that is authorized by the laws of the United States.

(h) Subsection (a) of this section does not confer on a citizen of the Federated States of Micronesia the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, as amended, or to petition for benefits for alien relatives under that Act. Subsection (a) of this section, however, shall not prevent a citizen of the Federated States of Micronesia from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may be admitted, to lawfully engage in occupations, and reside in the Federated States of Micronesia, subject to the rights of the Government of the Federated States of Micronesia to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Federated States of Micronesia. If a citizen or national of the United States is a spouse of a citizen of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall allow the United States citizen spouse to establish residence. Should the Federated States of Micronesia citizen spouse predecease the United States citizen spouse during the marriage, the Government of the Federated States of Micronesia shall allow the United States citizen spouse to continue to reside in the Federated States of Micronesia.

(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Federated States of Micronesia under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Federated States of Micronesia shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Federated States of Micronesia, the Government of the Federated States of Micronesia shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Federated States of Micronesia seeking employment in the United States.

Section 143

Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Federated States of Micronesia citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Federated States of Micronesia, as the case may be, in accordance with any other applicable laws of the United States or the Federated States of Micronesia relating to immigration of aliens from other countries. The laws of the Federated States of Micronesia or the United States, as the case may be, shall dictate the terms and conditions of any such person's stay.

Article V

Representation

Section 151

Relations between the Government of the United States and the Government of the Federated States of Micronesia shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition to diplomatic missions and representation, the Governments may establish and maintain other offices and designate other representatives on terms and in locations as may be mutually agreed.

Section 152

(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Federated States of Micronesia with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Federated States of Micronesia shall be considered to be a foreign country.

(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Federated States of Micronesia with respect to whom the Government of the Federated States of Micronesia from time to time certifies to the Government of the United States that such citizen or national is an employee of the Federated States of Micronesia whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

Article VI

Environmental Protection

Section 161

The Governments of the United States and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Government of the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

(a) The Government of the United States:

(1) shall continue to apply the environmental controls in effect on November 2, 1986 to those of its continuing activities subject to section 161(a)(2), unless and until those controls are modified under sections 161(a)(3) and 161(a)(4);

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact, as amended, and its related agreements as if the Federated States of Micronesia were the United States;

(3) shall comply also, in the conduct of any activity requiring the preparation of an Environmental Impact Statement under section 161(a)(2), with standards substantively similar to those required by the following laws of the United States, taking into account the particular environment of the Federated States of Micronesia: the Endangered Species Act of 1973, as amended, 87 Stat. 884, 16 U.S.C. 1531 et seq.; the Clean Air Act, as amended, 77 Stat. 392, 42 U.S.C. Supp. 7401 et seq.; the Clean Water Act (Federal Water Pollution Control Act), as amended, 86 Stat. 896, 33 U.S.C. 1251 et seq.; Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (the Ocean Dumping Act), 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901 et seq.; and such other environmental protection laws of the United States and of the Federated States of Micronesia, as may be mutually agreed from time to time with the Government of the Federated States of Micronesia; and

(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under section 161(a)(2), written standards and procedures, as agreed with the Government of the Federated States of Micronesia, to implement the substantive provisions of the laws made applicable to U.S. Government activities in the Federated States of Micronesia, pursuant to section 161(a)(3).

(b) The Government of the Federated States of Micronesia shall continue to develop and implement standards and procedures to protect its environment. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Federated States of Micronesia, taking into account its particular environment, shall continue to develop and implement standards for environmental protection substantively similar to those required of the Government of the United States by section 161(a)(3) prior to its conducting activities in the Federated States of Micronesia, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Federated States of Micronesia:

(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major Federal actions significantly affecting the quality of the human environment, the regulatory regime established under sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact, as amended, and its related agreements from any environmental standard or procedure which may be applicable under sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact, as amended, and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of the Federated States of Micronesia.

(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Section 162

The Government of the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161(a) for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

(b) Actions brought pursuant to this section may be initiated only by the Government of the Federated States of Micronesia.

(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees governed by section 161.

(f) In actions pursuant to this section, the Government of the Federated States of Micronesia shall be treated as if it were a United States citizen.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Government of the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Federated States of Micronesia for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Federated States of Micronesia under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided the Government of the Federated States of Micronesia under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Government of the Federated States of Micronesia shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceased with respect to the Federated States of Micronesia on November 3, 1986, the date the Compact went into effect.

Section 172

(a) Every citizen of the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Government of the Federated States of Micronesia and every citizen of the Federated States of Micronesia shall be considered to be a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701–706, except that only the Government of the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by sections 161 and 162.

Section 173

The Governments of the United States and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Federated States of Micronesia pursuant to this Compact, as amended, and its related agreements and by the Government of the Federated States of Micronesia in the United States pursuant to this Compact, as amended, and its related agreements.

Section 174

Except as otherwise provided in this Compact, as amended, and its related agreements:

(a) The Government of the Federated States of Micronesia, and its agencies and officials, shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States, and its agencies and officials, shall be immune from the jurisdiction of the courts of the Federated States of Micronesia.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to November 3, 1986;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the November 3, 1986; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor courts, which shall have jurisdiction therefore, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Government of the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Federated States of Micronesia in any civil case in which an exception to foreign state immunity is set forth in the Foreign Sovereign Immunities Act (28 U.S.C. 1602 et seq.) or its successor statutes.

Section 175

(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188–95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100–15, shall be applicable to the transfer of prisoners under the separate agreement; and

(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.

Section 176

The Government of the Federated States of Micronesia confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Federated States of Micronesia to grant relief from judgments in appropriate cases.

Section 177

Section 177 of the Compact entered into force with respect to the Federated States of Micronesia on November 3, 1986 as follows:

"(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia, or Palau for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

"(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

"(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact."

The Compact, as amended, makes no changes to, and has no effect upon, Section 177 of the Compact, nor does the Compact, as amended, change or affect the separate agreement referred to in Section 177 of the Compact including Articles IX and X of that separate agreement, and measures taken by the parties thereunder.

Section 178

(a) The Federal agencies of the Government of the United States that provide the services and related programs in the Federated States of Micronesia pursuant to Title Two are authorized to settle and pay tort claims arising in the Federated States of Micronesia from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under section 178(a) that cannot be settled under section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Federated States of Micronesia shall, in the separate agreement referred to in section 231, provide for:

(1) the administrative settlement of claims referred to in section 178(a), including designation of local agents in each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to section 178(a).

(d) The provisions of section 174(d) shall not apply to claims covered by this section.

(e) Except as otherwise explicitly provided by law of the United States, neither the Government of the United States, its instrumentalities, nor any person acting on behalf of the Government of the United States, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient of any grant or other assistance provided by the Government of the United States (or the activity or activities of the recipient's agency or any other person or entity acting on behalf of the recipient).

Section 179

(a) The courts of the Federated States of Micronesia shall not exercise criminal jurisdiction over the Government of the United States, or its instrumentalities.

(b) The courts of the Federated States of Micronesia shall not exercise criminal jurisdiction over any person if the Government of the United States provides notification to the Government of the Federated States of Micronesia that such person was acting on behalf of the Government of the United States, for actions taken in furtherance of section 221 or 224 of this amended Compact, or any other provision of law authorizing financial, program, or service assistance to the Federated States of Micronesia.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211—Sector Grants

(a) In order to assist the Government of the Federated States of Micronesia in its efforts to promote the economic advancement, budgetary self-reliance, and economic self-sufficiency of its people, and in recognition of the special relationship that exists between the Federated States of Micronesia and the United States, the Government of the United States shall provide assistance on a sector grant basis for a period of twenty years in the amounts set forth in section 216, commencing on the effective date of this Compact, as amended. Such grants shall be used for assistance in the sectors of education, health care, private sector development, the environment, public sector capacity building, and public infrastructure, or for other sectors as mutually agreed, with priorities in the education and health care sectors. For each year such sector grant assistance is made available, the proposed division of this amount among these sectors shall be certified to the Government of the United States by the Government of the Federated States of Micronesia and shall be subject to the concurrence of the Government of the United States. In such case, the Government of the United States shall disburse the agreed upon amounts and monitor the use of such sector grants in accordance with the provisions of this Article and the Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Federated States of Micronesia ("Fiscal Procedures Agreement") which shall come into effect simultaneously with this Compact, as amended. The provision of any United States assistance under the Compact, as amended, the Fiscal Procedures Agreement, the Trust Fund Agreement, or any other subsidiary agreement to the Compact, as amended, shall constitute "a particular distribution . . . required by the terms or special nature of the assistance" for purposes of Article XII, section 1(b) of the Constitution of the Federated States of Micronesia.

(1) EDUCATION.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support and improve the educational system of the Federated States of Micronesia and develop the human, financial, and material resources necessary for the Government of the Federated States of Micronesia to perform these services. Emphasis should be placed on advancing a quality basic education system.

(2) HEALTH.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support and improve the delivery of preventive, curative and environmental care and develop the human, financial, and material resources necessary for the Government of the Federated States of Micronesia to perform these services.

(3) PRIVATE SECTOR DEVELOPMENT.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support the efforts of the Government of the Federated States of Micronesia to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, and maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

(4) CAPACITY BUILDING IN THE PUBLIC SECTOR.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to support the efforts of the Government of the Federated States of Micronesia to build effective, accountable and transparent national, state, and local government and other public sector institutions and systems.

(5) ENVIRONMENT.—United States grant assistance shall be made available in accordance with the plan described in subsection (c) of this section to increase environmental protection; conserve and achieve sustainable use of natural resources; and engage in environmental infrastructure planning, design construction and operation.

(6) PUBLIC INFRASTRUCTURE.—

(i) U.S. annual grant assistance shall be made available in accordance with a list of specific projects included in the plan described in subsection (c) of this section to assist the Government of the Federated States of Micronesia in its efforts to provide adequate public infrastructure.

(ii) INFRASTRUCTURE AND MAINTENANCE FUND.—Five percent of the annual public infrastructure grant made available under paragraph (i) of this subsection shall be set aside, with an equal contribution from the Government of the Federated States of Micronesia, as a contribution to an Infrastructure Maintenance Fund (IMF). Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

(b) HUMANITARIAN ASSISTANCE.—Federated States of Micronesia Program. In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available to the Government of the Federated States of Micronesia, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Federated States of Micronesia ("HAFSM") Program with emphasis on health, education, and infrastructure (including transportation), projects. The terms and conditions of the HAFSM shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Government of the Federated States of Micronesia Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended which shall come into effect simultaneously with the amendments to this Compact.

(c) DEVELOPMENT PLAN.—The Government of the Federated States of Micronesia shall prepare and maintain an official overall development plan. The plan shall be strategic in nature, shall be continuously reviewed and updated through the annual budget process, and shall make projections on a multi-year rolling basis. Each of the sectors named in subsection (a) of this section, or other sectors as mutually agreed, shall be accorded specific treatment in the plan. Insofar as grants funds are involved, the plan shall be subject to the concurrence of the Government of the United States.

(d) DISASTER ASSISTANCE EMERGENCY FUND.—An amount of two hundred thousand dollars ($200,000) shall be provided annually, with an equal contribution from the Government of the Federated States of Micronesia, as a contribution to a "Disaster Assistance Emergency Fund (DAEF)." Any funds from the DAEF may be used only for assistance and rehabilitation resulting from disasters and emergencies. The funds will be accessed upon declaration by the Government of the Federated States of Micronesia, with the concurrence of the United States Chief of Mission to the Federated States of Micronesia. The Administration of the DAEF shall be governed by the Fiscal Procedures Agreement.

Section 212—Accountability.

(a) Regulations and policies normally applicable to United States financial assistance to its state and local governments, as reflected in the Fiscal Procedures Agreement, shall apply to each sector grant described in section 211, and to grants administered under section 221 below, except as modified in the separate agreements referred to in section 231 of this Compact, as amended, or by United States law. The Government of the United States, after annual consultations with the Federated States of Micronesia, may attach reasonable terms and conditions, including annual performance indicators that are necessary to ensure effective use of United States assistance and reasonable progress toward achieving program objectives. The Government of the United States may seek appropriate remedies for noncompliance with the terms and conditions attached to the assistance, or for failure to comply with section 234, including withholding assistance.

(b) The Government of the United States shall, for each fiscal year of the twenty years during which assistance is to be provided on a sector grant basis under section 211, grant the Government of the Federated States of Micronesia an amount equal to the lesser of (i) one half of the reasonable, properly documented cost incurred during each fiscal year to conduct the annual audit required under Article VIII (2) of the Fiscal Procedures Agreement or (ii) $500,000. Such amount will not be adjusted for inflation under section 217 or otherwise.

Section 213—Joint Economic Management Committee

The Governments of the United States and the Federated States of Micronesia shall establish a Joint Economic Management Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Federated States of Micronesia. The Joint Economic Management Committee shall meet at least once each year to review the audits and reports required under this Title, evaluate the progress made by the Federated States of Micronesia in meeting the objectives identified in its plan described in subsection (c) of section 211, with particular focus on those parts of the plan dealing with the sectors identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of U.S. assistance made available under this Title. The establishment and operations of the Joint Economic Management Committee shall be governed by the Fiscal Procedures Agreement.

Section 214—Annual Report

The Government of the Federated States of Micronesia shall report annually to the President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals. The Joint Economic Management Committee shall review and comment on the report and make appropriate recommendations based thereon.

Section 215—Trust Fund

(a) The United States shall contribute annually for twenty years from the effective date of this Compact, as amended, in the amounts set forth in section 216 into a Trust Fund established in accordance with the Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund ("Trust Fund Agreement"). Upon termination of the annual financial assistance under section 211, the proceeds of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

(b) The United States contribution into the Trust Fund described in subsection(a) of this section is conditioned on the Government of the Federated States of Micronesia contributing to the Trust Fund at least $30 million, prior to September 30, 2004. Any funds received by the Federated States of Micronesia under section 111 (d) of Public Law 99–239 (January 14, 1986), or successor provisions, would be contributed to the Trust Fund as a Federated States of Micronesia contribution.

(c) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be set forth in the separate Trust Fund Agreement described in subsection (a) of this section. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or the Federated States of Micronesia. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Federated States of Micronesia. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Federated States of Micronesia and for appropriate remedies for the failure of the Federated States of Micronesia to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451 through 453 of this Compact, as amended, shall govern treatment of any U.S. contributions to the Trust Fund or accrued interest thereon.

Section 216—Sector Grant Funding and Trust Fund Contributions

The funds described in sections 211, 212(b) and 215 shall be made available as follows:

[In millions of dollars]

Fiscal year	Annual Grants Section 211	Audit Grant Section 212(b) (amount up to)	Trust Fund Section 215	Total
2004	76.2	.5	16	92.7
2005	76.2	.5	16	92.7
2006	76.2	.5	16	92.7
2007	75.4	.5	16.8	92.7
2008	74.6	.5	17.6	92.7
2009	73.8	.5	18.4	92.7
2010	73	.5	19.2	92.7
2011	72.2	.5	20	92.7
2012	71.4	.5	20.8	92.7
2013	70.6	.5	21.6	92.7
2014	69.8	.5	22.4	92.7
2015	69	.5	23.2	92.7
2016	68.2	.5	24	92.7
2017	67.4	.5	24.8	92.7
2018	66.6	.5	25.6	92.7
2019	65.8	.5	26.4	92.7
2020	65	.5	27.2	92.7
2021	64.2	.5	28	92.7
2022	63.4	.5	28.8	92.7
2023	62.6	.5	29.6	92.7

Section 217—Inflation Adjustment

Except for the amounts provided for audits under section 212(b), the amounts stated in this Title shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

Section 218—Carry-Over of Unused Funds

If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Federated States of Micronesia, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Article II

Services and Program Assistance

Section 221

(a) SERVICES.—The Government of the United States shall make available to the Federated States of Micronesia, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in section 231, the services and related programs of:

(1) the United States Weather Service;

(2) the United States Postal Service;

(3) the United States Federal Aviation Administration;

(4) the United States Department of Transportation;

(5) the Federal Deposit Insurance Corporation (for the benefit only of the Bank of the Federated States of Micronesia), and

(6) the Department of Homeland Security, and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having responsibility to provide these services and related programs shall have the authority to implement the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

(b) PROGRAMS.—

(1) With the exception of the services and programs covered by subsection (a) of this section, and unless the Congress of the United States provides otherwise, the Government of the United States shall make available to the Federated States of Micronesia the services and programs that were available to the Federated States of Micronesia on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 will be considered to be local revenues of the Government of the Federated States of Micronesia when used as the local share required to obtain Federal programs and services.

(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended in accordance with the terms of the Federal Programs and Services Agreement referred to in section 231.

(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the separate agreements referred to in amended section 231, including the authority to monitor and administer all service and program assistance provided by the United States to the Federated States of Micronesia. The Federal Programs and Services Agreement referred to in amended section 231 shall also set forth the extent to which services and programs shall be provided to the Federated States of Micronesia.

(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Federated States of Micronesia shall be subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs and services when operating in the United States.

(e) The Government of the United States shall make available to the Federated States of Micronesia alternate energy development projects, studies, and conservation measures to the extent provided for the Freely Associated States in the laws of the United States.

Section 222

The Government of the United States and the Government of the Federated States of Micronesia may agree from time to time to extend to the Federated States of Micronesia additional United States grant assistance, services and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the Government of the United States at the time such additional grant assistance, services, or programs are extended, the Federal Programs and Services Agreement referred to section 231 shall apply to any such assistance, services or programs.

Section 223

The Government of the Federated States of Micronesia shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Federated States of Micronesia at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

Section 224

The Government of the Federated States of Micronesia may request, from time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws. If technical assistance is granted pursuant to such a request, the Government of the United States shall provide the technical assistance in a manner which gives priority consideration to the Federated States of Micronesia over other recipients not a part of the United States, its territories or possessions, and equivalent consideration to the Federated States of Micronesia with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

Article III

Administrative Provisions

Section 231

The specific nature, extent and contractual arrangements of the services and programs provided for in section 221 of this Compact, as amended, as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Federated States of Micronesia, and other arrangements in connection with the assistance, services, or programs furnished by the Government of the United States, are set forth in a Federal Programs and Services Agreement which shall come into effect simultaneously with this Compact, as amended.

Section 232

The Government of the United States, in consultation with the Government of the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Further, in accordance with the Fiscal Procedures Agreement described in subsection (a) of section 211, the Comptroller General of the United States shall have such powers and authorities as described in sections 102 (c) and 110 (c) of Public Law 99–239, 99 Stat. 1777–78, and 99 Stat. 1799 (January 14, 1986).

Section 233

Approval of this Compact, as amended, by the Government of the United States, in accordance with its constitutional processes, shall constitute a pledge by the United States that the sums and amounts specified as sector grants in section 211 of this Compact, as amended, shall be appropriated and paid to the Federated States of Micronesia for such period as those provisions of this Compact, as amended, remain in force, subject to the terms and conditions of this Title and related subsidiary agreements.

Section 234

The Government of the Federated States of Micronesia pledges to cooperate with, permit, and assist if reasonably requested, designated and authorized representatives of the Government of the United States charged with investigating whether Compact funds, or any other assistance authorized under this Compact, as amended, have, or are being, used for purposes other than those set forth in this Compact, as amended, or its subsidiary agreements. In carrying out this investigative authority, such United States Government representatives may request that the Government of the Federated States of Micronesia subpoena documents and records and compel testimony in accordance with the laws and Constitution of the Federated States of Micronesia. Such assistance by the Government of the Federated States of Micronesia to the Government of the United States shall not be unreasonably withheld. The obligation of the Government of the Federated States of Micronesia to fulfill its pledge herein is a condition to its receiving payment of such funds or other assistance authorized under this Compact, as amended. The Government of the United States shall pay any reasonable costs for extraordinary services executed by the Government of the Federated States of Micronesia in carrying out the provisions of this section.

Article IV

Trade

Section 241

The Federated States of Micronesia is not included in the customs territory of the United States.,

Section 242

The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia which shall apply during the period of effectiveness of this title:

(a) Unless otherwise excluded, articles imported from the Federated States of Micronesia, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Federated States of Micronesia and the Republic of the Marshall Islands during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

(c) The duty-free treatment provided under subsection (a) shall not apply to—

(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

(3) textile and apparel articles which are subject to textile agreements; and

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Federated States of Micronesia, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(a)(2) of title V of the Trade Act of 1974.

Section 243

Articles imported from the Federated States of Micronesia which are not exempt from duty under subsections (a), (b), (c), and (d) of section 242 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

Section 244

(a) All products of the United States imported into the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

(b) The provisions of subsection (a) shall not apply to advantages accorded by the Federated States of Micronesia by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on August 18, 2001, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

(c) Prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, the Federated States of Micronesia shall consult with the United States regarding whether or how subsection (a) of section 244 shall be applied.

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Federated States of Micronesia. Should the Government of the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Federated States of Micronesia may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Federated States of Micronesia deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Federated States of Micronesia, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Federated States of Micronesia is neither a citizen nor a resident of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Federated States of Micronesia, the Government of the Federated States of Micronesia shall have authority to impose tax upon income derived by a resident of the Federated States of Micronesia from sources without the Federated States of Micronesia, in the same manner and to the same extent as the Government of the Federated States of Micronesia imposes tax upon income derived from within its own jurisdiction. If the Government of the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term "resident of the Federated States of Micronesia" shall be deemed to include any person who was physically present in the Federated States of Micronesia for a period of 183 or more days during any taxable year.

(b) If the Government of the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

Section 255

For purposes of section 274(h)(3)(A) of the United States Internal Revenue Code of 1986, the term "North American Area" shall include the Federated States of Micronesia.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

(b) This authority and responsibility includes:

(1) the obligation to defend the Federated States of Micronesia and its people from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Federated States of Micronesia, subject to the terms of the separate agreements referred to in sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Government of the Federated States of Micronesia shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia.

(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Federated States of Micronesia:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Federated States of Micronesia or the Republic of the Marshall Islands, the Government of the United States shall not store in the Federated States of Micronesia or the Republic of the Marshall Islands any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).

(d) No material or substance referred to in this section shall be stored in the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

(f) The provisions of this section shall apply in the areas in which the Government of the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Federated States of Micronesia.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Federated States of Micronesia in addition to those for which specific arrangements are concluded pursuant to section 321(a), it may request the Government of the Federated States of Micronesia to satisfy those requirements through leases or other arrangements. The Government of the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Federated States of Micronesia. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Federated States of Micronesia are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of November 2, 1986.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Federated States of Micronesia.

Article IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 (with the exception of any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia) shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United States. Any person described in section 141(a)(5) who is not a citizen of the Federated States of Micronesia shall be subject to United States laws relating to selective service.

Section 342

The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Federated States of Micronesia, as may be nominated by the Government of the Federated States of Micronesia, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to section 342(b) of this Compact, as amended.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Federated States of Micronesia shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee also shall meet promptly upon request of either of its members. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Federated States of Micronesia shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Republic of the Marshall Islands to consider matters within the jurisdiction of the two Joint Committees.

(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Federated States of Micronesia under Titles One, Two and Four and to the responsibility of the Government of the Federated States of Micronesia to assure the well-being of its people.

Section 353

(a) The Government of the United States shall not include the Government of the Federated States of Micronesia as a named party to a formal declaration of war, without that Government's consent.

(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Federated States of Micronesia, which arise out of armed conflict subsequent to November 3, 1986, and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

(a) The Government of the United States and the Government of the Federated States of Micronesia are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended, remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 441, or amended pursuant to Article III of Title Four. If at any time the Government of the United States, or the Government of the Federated States of Micronesia, acting unilaterally, terminates this Title, such unilateral termination shall be considered to be termination of the entire Compact, in which case the provisions of section 442 and 452 (in the case of termination by the Government of the United States) or sections 443 and 453 (in the case of termination by the Government of the Federated States of Micronesia), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Federated States of Micronesia, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Federated States of Micronesia pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Federated States of Micronesia during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Federated States of Micronesia in accordance with its constitutional processes.

(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Federated States of Micronesia further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Federated States of Micronesia or the Republic of the Marshall Islands.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Federated States of Micronesia subsequent to completion of the following:

(a) Approval by the Government of the Federated States of Micronesia in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Federated States of Micronesia and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.

Section 422

In the event the Government of the United States or the Government of the Federated States of Micronesia, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.

Section 424

Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Federated States of Micronesia.

Article III

Amendment

Section 431

The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United States and the Government of the Federated States of Micronesia, in accordance with their respective constitutional processes.

Article IV

Termination

Section 441

This Compact, as amended, may be terminated by mutual agreement of the Government of the Federated States of Micronesia and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 442

Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 443

This Compact, as amended, shall be terminated by the Government of the Federated States of Micronesia, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact, as amended, or by another process permitted by the FSM constitution and mutually agreed between the Governments of the United States and the Federated States of Micronesia. The Government of the Federated States of Micronesia shall notify the Government of the United States of its intention to call such a plebiscite, or to pursue another mutually agreed and constitutional process, which plebiscite or process shall take place not earlier than three months after delivery of such notice. The plebiscite or other process shall be administered by the Government of the Federated States of Micronesia in accordance with its constitutional and legislative processes. If a majority of the valid ballots cast in the plebiscite or other process favors termination, the Government of the Federated States of Micronesia shall, upon certification of the results of the plebiscite or other process, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V

Survivability

Section 451

(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia, and in accordance with the parties' respective constitutional processes.

(b) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended.

(c) In view of the special relationship of the United States and the Federated States of Micronesia described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall be entitled to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement governing the distribution of such proceeds.

Section 452

(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Should termination occur pursuant to section 442 before the twentieth anniversary of the effective date of the Compact, as amended:

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, economic and other assistance by the United States shall continue only if and as mutually agreed by the Governments of the United States and the Federated States of Micronesia.

(2) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 442 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 453

(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to section 443, the Government of the United States and the Government of the Federated States of Micronesia shall promptly consult with regard to their future relationship. Except as provided in subsection (c) and (d) of this section, these consultations shall determine the level of economic and other assistance, if any, which the Government of the United States shall provide to the Government of the Federated States of Micronesia for the period ending on the twentieth anniversary of the effective date of this Compact, as amended, and for any period thereafter, if mutually agreed.

(c) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 215 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(d) In view of the special relationship of the United States and the Federated States of Micronesia, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Federated States of Micronesia shall continue to be eligible to receive proceeds from the Trust Fund described in section 215 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 454

Notwithstanding any other provision of this Compact, as amended:

(a) The Government of the United States reaffirms its continuing interest in promoting the economic advancement and budgetary self-reliance of the people of the Federated States of Micronesia.

(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government of the United States or the Government of the Federated States of Micronesia as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "The Federated States of Micronesia" and "the Republic of the Marshall Islands" are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) "Compact" means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99-239 (Jan. 14, 1986) and went into effect with respect to the Federated States of Micronesia on November 3, 1986.

(e) "Compact, as amended" means the Compact of Free Association Between the United States and the Federated States of Micronesia, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Federated States of Micronesia, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) "Government of the Federated States of Micronesia" means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(g) "Government of the Republic of the Marshall Islands" means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1998 Edition of the Radio Regulations of the International Telecommunications Union as follows:

(1) "Radiocommunication" means telecommunication by means of radio waves.

(2) "Station" means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

(3) "Broadcasting Service" means a radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

(4) "Broadcasting Station" means a station in the broadcasting service.

(5) "Assignment (of a radio frequency or radio frequency channel)" means an authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

(6) "Telecommunication" means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(i) "Military Areas and Facilities" means those areas and facilities in the Federated States of Micronesia reserved or acquired by the Government of the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in section 321.

(j) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(k) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

(a) The Government of the United States and the Government of the Federated States of Micronesia previously have concluded agreements pursuant to the Compact, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Concluded Pursuant to Section 234 of the Compact;

(2) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

(3) Agreement between the Government of the United States of America and the Federated States of Micronesia Regarding Aspects of the Marine Sovereignty and Jurisdiction of the Federated States of Micronesia.

(b) The Government of the United States and the Government of the Federated States of Micronesia shall conclude prior to the date of submission of this Compact, as amended, to the legislatures of the two countries, the following related agreements which shall come into effect on the effective date of this Compact, as amended, and shall survive in accordance with their terms, as follows:

(1) Federal Programs and Services Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as amended which includes:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs;

(vi) Federal Deposit Insurance Corporation Services and Related Programs; and

(vii) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175(a) of the Compact of Free Association, as amended;

(3) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia on Labor Recruitment Concluded Pursuant to Section 175(b) of the Compact of Free Association, as amended;

(4) Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact of Free Association, as Amended, of Free Association Between the Government of the United States of America and Government of the Federated States of Micronesia;

(5) Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund;

(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 211(b), 321 and 323 of the Compact of Free Association, as Amended; and the

(7) Status of Forces Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Concluded Pursuant to Section 323 of the Compact of Free Association, as Amended.

Section 463

(a) Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended.

(b) Any reference in Articles IV and Article VI of Title One and Sections 174, 175, 178 and

342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

Both the Government of the United States and the Government of the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force date of this Compact, as amended, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact, as amended, or in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

Section 472

This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Federated States of Micronesia.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association, as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Federated States of Micronesia inform each other about the fulfillment of their respective requirements for entry into force.

DONE at Pohnpei, Federated States of Micronesia, in duplicate, this fourteenth (14) day of May, 2003, each text being equally authentic.

Signed (May 14, 2003)
For the Government of the United States of America:

Signed (May 14, 2003)
For the Government of the Federated States of Micronesia:

(b) COMPACT OF FREE ASSOCIATION, AS AMENDED, BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

Affirming that their Governments and their relationship as Governments are founded upon respect for human rights and fundamental freedoms for all, and that the people of the Republic of the Marshall Islands have the right to enjoy self-government; and

Affirming the common interests of the United States of America and the Republic of the Marshall Islands in creating and maintaining their close and mutually beneficial relationship through the free and voluntary association of their respective Governments; and

Affirming the interest of the Government of the United States in promoting the economic advancement and budgetary self-reliance of the Republic of the Marshall Islands; and

Recognizing that their relationship until the entry into force on October 21, 1986 of the Compact was based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the people of the Republic of the Marshall Islands have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they, through their freely-expressed wishes, have adopted a Constitution appropriate to their particular circumstances; and

Recognizing that the Compact reflected their common desire to terminate the Trusteeship and establish a government-to-government relationship which was in accordance with the new political status based on the freely expressed wishes of the people of the Republic of the Marshall Islands and appropriate to their particular circumstances; and

Recognizing that the people of the Republic of the Marshall Islands have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of the Government of the Republic of the Marshall Islands into the Compact by the people of the Republic of the Marshall Islands constituted an exercise of their sovereign right to self-determination; and

Recognizing the common desire of the people of the United States and the people of the Republic of the Marshall Islands to maintain their close government-to-government relationship, the United States and the Republic of the Marshall Islands:

NOW, THEREFORE, MUTUALLY AGREE to continue and strengthen their relationship of free association by amending the Compact, which continues to provide a full measure of self-government for the people of the Republic of the Marshall Islands; and

FURTHER AGREE that the relationship of free association derives from and is as set forth in this Compact, as amended, by the Governments of the United States and the Republic of the Marshall Islands; and that, during such relationship of free association, the respective rights and responsibilities of the Government of the United States and the Government of the Republic of the Marshall Islands in regard to this relationship of free association derive from and are as set forth in this Compact, as amended.

TITLE ONE

GOVERNMENTAL RELATIONS

Article I

Self-Government

Section 111

The people of the Republic of the Marshall Islands, acting through the Government established under their Constitution, are self-governing.

Article II

Foreign Affairs

Section 121

(a) The Government of the Republic of the Marshall Islands has the capacity to conduct foreign affairs and shall do so in its own name and right, except as otherwise provided in this Compact, as amended.

(b) The foreign affairs capacity of the Government of the Republic of the Marshall Islands includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and nonliving resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of its commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting its individual citizens.

(c) The Government of the United States recognizes that the Government of the Republic of the Marshall Islands has the capacity to enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(d) In the conduct of its foreign affairs, the Government of the Republic of the Marshall Islands confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

Section 122

The Government of the United States shall support applications by the Government of the Republic of the Marshall Islands for membership or other participation in regional or international organizations as may be mutually agreed.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of the Republic of the Marshall Islands shall consult, in the conduct of its foreign affairs, with the Government of the United States.

(b) In recognition of the foreign affairs capacity of the Government of the Republic of the Marshall Islands, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Republic of the Marshall Islands on matters that the Government of the United States regards as relating to or affecting the Government of the Republic of the Marshall Islands.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Republic of the Marshall Islands in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Republic of the Marshall Islands undertaken with the assistance or through the agency of the Government of the United States pursuant to this section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Republic of the Marshall Islands in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Republic of the Marshall Islands and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Republic of the Marshall Islands for travel outside the Republic of the Marshall Islands, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact, as amended, or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United

States as Administering Authority which resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on October 20, 1986, are, as of that date, no longer assumed and enjoyed by the Government of the United States.

Article III

Communications

Section 131

(a) The Government of the Republic of the Marshall Islands has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communications assistance as mutually agreed.

(b) The Government of the Republic of the Marshall Islands has elected to undertake all functions previously performed by the Government of the United States with respect to domestic and foreign communications, except for those functions set forth in a separate agreement entered into pursuant to this section of the Compact, as amended.

Section 132

The Government of the Republic of the Marshall Islands shall permit the Government of the United States to operate telecommunications services in the Republic of the Marshall Islands to the extent necessary to fulfill the obligations of the Government of the United States under this Compact, as amended, in accordance with the terms of separate agreements entered into pursuant to this section of the Compact, as amended.

Article IV

Immigration

Section 141

(a) In furtherance of the special and unique relationship that exists between the United States and the Republic of the Marshall Islands, under the Compact, as amended, any person in the following categories may be admitted to, lawfully engage in occupations in, and establish residence as a nonimmigrant in the United States and its territories and possessions (the "United States") without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5) or (7)(B)(i)(II):

(1) a person who, on October 21, 1986, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of the Republic of the Marshall Islands;

(2) a person who acquires the citizenship of the Republic of the Marshall Islands at birth, on or after the effective date of the Constitution of the Republic of the Marshall Islands;

(3) an immediate relative of a person referred to in paragraphs (1) or (2) of this section, provided that such immediate relative is a naturalized citizen of the Republic of the Marshall Islands who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence, and further provided, that, in the case of a spouse, such spouse has been married to the person referred to in paragraph (1) or (2) of this section for at least five years, and further provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended;

(4) a naturalized citizen of the Republic of the Marshall Islands who was an actual resident there for not less than five years after attaining such naturalization and who satisfied these requirements as of April 30, 2003, who continues to be an actual resident and holds a certificate of actual residence, and whose name is included in a list furnished by the Government of the Republic of the Marshall Islands to the Government of the United States no later than the effective date of the Compact, as amended, in form and content acceptable to the Government of the United States, provided, that the Government of the United States is satisfied that such naturalized citizen meets the requirement of subsection (b) of section 104 of Public Law 99–239 as it was in effect on the day prior to the effective date of this Compact, as amended; or

(5) an immediate relative of a citizen of the Republic of the Marshall Islands, regardless of the immediate relative's country of citizenship or period of residence in the Republic of the Marshall Islands, if the citizen of the Republic of the Marshall Islands is serving on active duty in any branch of the United States Armed Forces, or in the active reserves.

(b) Notwithstanding subsection (a) of this section, a person who is coming to the United States pursuant to an adoption outside the United States, or for the purpose of adoption in the United States, is ineligible for admission under the Compact and the Compact, as amended. This subsection shall apply to any person who is or was an applicant for admission to the United States on or after March 1, 2003, including any applicant for admission in removal proceedings (including appellate proceedings) on or after March 1, 2003, regardless of the date such proceedings were commenced. This subsection shall have no effect on the ability of the Government of the United States or any United States State or local government to commence or otherwise take any action against any person or entity who has violated any law relating to the adoption of any person.

(c) Notwithstanding subsection (a) of this section, no person who has been or is granted citizenship in the Republic of the Marshall Islands, or has been or is issued a Republic of the Marshall Islands passport pursuant to any investment, passport sale, or similar program has been or shall be eligible for admission to the United States under the Compact or the Compact, as amended.

(d) A person admitted to the United States under the Compact, or the Compact, as amended, shall be considered to have the permission of the Government of the United States to accept employment in the United States. An unexpired Republic of the Marshall Islands passport with unexpired documentation issued by the Government of the United States evidencing admission under the Compact or the Compact, as amended, shall be considered to be documentation establishing identity and employment authorization under section 274A(b)(1)(B) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1324a(b)(1)(B). The Government of the United States will take reasonable and appropriate steps to implement and publicize this provision, and the Government of the Republic of the Marshall Islands will also take reasonable and appropriate steps to publicize this provision.

(e) For purposes of the Compact and the Compact, as amended,

(1) the term "residence" with respect to a person means the person's principal, actual dwelling place in fact, without regard to intent, as provided in section 101(a)(33) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(33), and variations of the term "residence," including "resident" and "reside," shall be similarly construed;

(2) the term "actual residence" means physical presence in the Republic of the Marshall Islands during eighty-five percent of the five-year period of residency required by section 141(a)(3) and (4);

(3) the term "certificate of actual residence" means a certificate issued to a naturalized citizen by the Government of the Republic of the Marshall Islands stating that the citizen has complied with the actual residence requirement of section 141(a)(3) or (4);

(4) the term "nonimmigrant" means an alien who is not an "immigrant" as defined in section 101(a)(15) of such Act, 8 U.S.C. 1101(a)(15); and

(5) the term "immediate relative" means a spouse, or unmarried son or unmarried daughter less than 21 years of age.

(f) The Immigration and Nationality Act, as amended, shall apply to any person admitted or seeking admission to the United States (other than a United States possession or territory where such Act does not apply) under the Compact or the Compact, as amended, and nothing in the Compact or the Compact, as amended, shall be construed to limit, preclude, or modify the applicability of, with respect to such person:

(1) any ground of inadmissibility or deportability under such Act (except sections 212(a)(5) and 212(a)(7)(B)(i)(II) of such Act, as provided in subsection (a) of this section), and any defense thereto, provided that, section 237(a)(5) of such Act shall be construed and applied as if it reads as follows: "any alien who has been admitted under the Compact, or the Compact, as amended, who cannot show that he or she has sufficient means of support in the United States, is deportable;"

(2) the authority of the Government of the United States under section 214(a)(1) of such Act to provide that admission as a nonimmigrant shall be for such time and under such conditions as the Government of the United States may by regulations prescribe;

(3) except for the treatment of certain documentation for purposes of section 274A(b)(1)(B) of such Act as provided by subsection (d) of this section of the Compact, as amended, any requirement under section 274A, including but not limited to section 274A(b)(1)(E);

(4) section 643 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104–208, and actions taken pursuant to section 643; and

(5) the authority of the Government of the United States otherwise to administer and enforce the Immigration and Nationality Act, as amended, or other United States law.

(g) Any authority possessed by the Government of the United States under this section of the Compact or the Compact, as amended, may also be exercised by the Government of a territory or possession of the United States where the Immigration and Nationality Act, as amended, does not apply, to the extent such exercise of authority is lawful under a statute or regulation of such territory or possession that is authorized by the laws of the United States.

(h) Subsection (a) of this section does not confer on a citizen of the Republic of the Marshall Islands the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, as amended, or to petition for benefits for alien relatives under that Act. Subsection (a) of this section, however, shall not prevent a citizen of the Republic of the Marshall Islands from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may be admitted to lawfully engage in occupations, and reside in the Republic of the Marshall Islands, subject to the rights of the Government of the Republic of the Marshall Islands to deny entry to or deport any such citizen or national as an undesirable alien. Any determination of inadmissibility or deportability shall be based on reasonable statutory grounds and shall be subject to appropriate administrative and judicial review within the Republic of the Marshall Islands. If a citizen or national of the United States is a spouse of a citizen of the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to establish residence. Should the Republic of the Marshall Islands citizen spouse predecease the United States citizen spouse during the marriage, the Government of the Republic of the Marshall Islands shall allow the United States citizen spouse to continue to reside in the Republic of the Marshall Islands.

(b) In enacting any laws or imposing any requirements with respect to citizens and nationals of the United States entering the Republic of the Marshall Islands under subsection (a) of this section, including any grounds of inadmissibility or deportability, the Government of the Republic of the Marshall Islands shall accord to such citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries.

(c) Consistent with subsection (a) of this section, with respect to citizens and nationals of the United States seeking to engage in employment or invest in the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall adopt immigration-related procedures no less favorable than those adopted by the Government of the United States with respect to citizens of the Republic of the Marshall Islands seeking employment in the United States.

Section 143

Any person who relinquishes, or otherwise loses, his United States nationality or citizenship, or his Republic of the Marshall Islands citizenship, shall be ineligible to receive the privileges set forth in sections 141 and 142. Any such person may apply for admission to the United States or the Republic of the Marshall Islands, as the case may be, in accordance with any other applicable laws of the United States or the Republic of the Marshall Islands relating to immigration of aliens from other countries. The laws of the Republic of the Marshall Islands or the United States, as the case may be, shall dictate the terms and conditions of any such person's stay.

Article V

Representation

Section 151

Relations between the Government of the United States and the Government of the Republic of the Marshall Islands shall be conducted in accordance with the Vienna Convention on Diplomatic Relations. In addition to diplomatic missions and representation, the Governments may establish and maintain other offices and designate other representatives on terms and in locations as may be mutually agreed.

Section 152

(a) Any citizen or national of the United States who, without authority of the United States, acts as the agent of the Government of the Republic of the Marshall Islands with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen or national to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Republic of the Marshall Islands shall be considered to be a foreign country.

(b) Subsection (a) of this section shall not apply to a citizen or national of the United States employed by the Government of the Republic of the Marshall Islands with respect to whom the Government of the Republic of the Marshall Islands from time to time certifies to the Government of the United States that such citizen or national is an employee of the Republic of the Marshall Islands whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

Article VI

Environmental Protection

Section 161

The Governments of the United States and the Republic of the Marshall Islands declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Republic of the Marshall Islands. In order to carry out this policy, the Government of the United States and the Government of the Republic of the Marshall Islands agree to the following mutual and reciprocal undertakings:

(a) The Government of the United States:

(1) shall, for its activities controlled by the U.S. Army at Kwajalein Atoll and in the Mid-Atoll Corridor and for U.S. Army Kwajalein Atoll activities in the Republic of the Marshall Islands, continue to apply the Environmental Standards and Procedures for United States Army Kwajalein Atoll Activities in the Republic of the Marshall Islands, unless and until those Standards or Procedures are modified by mutual agreement of the Governments of the United States and the Republic of the Marshall Islands;

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact, as amended, and its related agreements as if the Republic of the Marshall Islands were the United States;

(3) in the conduct of any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), shall comply with standards substantively similar to those required by the following laws of the United States, taking into account the particular environment of the Republic of the Marshall Islands; the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.; the Clean Air Act, as amended, 42 U.S.C. 7401 et seq.; the Clean Water Act (Federal Water Pollution Control Act), as amended, 33 U.S.C. 1251 et seq.; Title I of the Marine Protection, Research and Sanctuaries Act of 1972 (the Ocean Dumping Act), 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901 et seq.; and such other environmental protection laws of the United States and the Republic of the Marshall Islands as may be agreed from time to time with the Government of the Republic of the Marshall Islands;

(4) shall, prior to conducting any activity not described in section 161(a)(1) requiring the preparation of an Environmental Impact Statement under section 161(a)(2), develop, as agreed with the Government of the Republic of the Marshall Islands, written environmental standards and procedures to implement the substantive provisions of the laws made applicable to U.S. Government activities in the Republic of the Marshall Islands, pursuant to section 161(a)(3).

(b) The Government of the Republic of the Marshall Islands shall continue to develop and implement standards and procedures to protect its environment. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Republic of the Marshall Islands, taking into account its particular environment, shall continue to develop and implement standards for environmental protection substantively similar to those required of the Government of the United States by section 161(a)(3) prior to its conducting activities in the Republic of the Marshall Islands, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Republic of the Marshall Islands.

(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major Federal actions significantly affecting the quality of the human environment, the regulatory regime established under sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact, as amended, and its related agreements from any environmental standard or procedure which may be applicable under sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact, as amended, and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of the Republic of the Marshall Islands shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of the Republic of the Marshall Islands.

(f) The laws of the United States referred to in section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact, as amended, and its related agreements only to the extent provided for in this section.

Section 162

The Government of the Republic of the Marshall Islands may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to section 161(a) for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by section 161, provided that:

(a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this section.

(b) Actions brought pursuant to this section may be initiated only by the Government of the Republic of the Marshall Islands.

(c) Administrative agency actions arising under section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the United States District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

(e) The judicial remedy provided for in this section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under section 172(b), which relate to the activities of the Government of the United States and its officers and employees governed by section 161.

(f) In actions pursuant to this section, the Government of the Republic of the Marshall Islands shall be treated as if it were a United States citizen.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Government of the Republic of the Marshall Islands shall be granted access to facilities operated by the Government of the United States in the Republic of the Marshall Islands, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Republic of the Marshall Islands for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Republic of the Marshall Islands under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided the Government of the Republic of the Marshall Islands under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Government of the Republic of the Marshall Islands shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact, as amended, or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceased with respect to the Marshall Islands on October 21, 1986, the date the Compact went into effect.

Section 172

(a) Every citizen of the Republic of the Marshall Islands who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Government of the Republic of the Marshall Islands and every citizen of the Republic of the Marshall Islands shall be considered to be a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Republic of the Marshall Islands may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by sections 161 and 162.

Section 173

The Governments of the United States and the Republic of the Marshall Islands agree to adopt and enforce such measures, consistent with this Compact, as amended, and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Republic of the Marshall Islands pursuant to this Compact, as amended, and its related agreements and by the Government of the Republic of the Marshall Islands in the United States pursuant to this Compact, Compact, as amended, and its related agreements.

Section 174

Except as otherwise provided in this Compact, as amended, and its related agreements:

(a) The Government of the Republic of the Marshall Islands, and its agencies and officials, shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States, and its agencies and officials, shall be immune from the jurisdiction of the courts of the Republic of the Marshall Islands.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to October 21, 1986;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the October 21, 1986; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

(c) Any claim not referred to in section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of the Compact shall be adjudicated in the same manner as a claim adjudicated according to section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor courts, which shall have jurisdiction therefore, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

(d) The Government of the Republic of the Marshall Islands shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Republic of the Marshall Islands in any civil case in which an exception to foreign state immunity is set forth in the Foreign Sovereign Immunities Act (28 U.S.C. 1602 et seq.) or its successor statutes.

Section 175

(a) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern mutual assistance and cooperation in law enforcement matters, including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners, as well as other law enforcement matters. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186, and 3188–95, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100–15, shall be applicable to the transfer of prisoners under the separate agreement; and

(b) A separate agreement, which shall come into effect simultaneously with this Compact, as amended, and shall have the force of law, shall govern requirements relating to labor recruitment practices, including registration, reporting, suspension or revocation of authorization to recruit persons for employment in the United States, and enforcement for violations of such requirements.

Section 176

The Government of the Republic of the Marshall Islands confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Republic of the Marshall Islands to grant relief from judgments in appropriate cases.

Section 177

Section 177 of the Compact entered into force with respect to the Marshall Islands on October 21, 1986 as follows:

"(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia, (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of $150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact."

The Compact, as amended, makes no changes to, and has no effect upon, Section 177 of the Compact, nor does the Compact, as amended, change or affect the separate agreement referred to in Section 177 of the Compact including Articles IX and X of that separate agreement, and measures taken by the parties thereunder.

Section 178

(a) The Federal agencies of the Government of the United States that provide services and related programs in the Republic of the Marshall Islands pursuant to Title Two are authorized to settle and pay tort claims arising in the Republic of the Marshall Islands from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under section 178(a) that cannot be settled under section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Republic of the Marshall Islands shall, in the separate agreement referred to in section 231, provide for:

(1) the administrative settlement of claims referred to in section 178(a), including designation of local agents in each State of the Republic of the Marshall Islands; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to section 178(a).

(d) The provisions of section 174(d) shall not apply to claims covered by this section.

(e) Except as otherwise explicitly provided by law of the United States, this Compact, as amended, or its related agreements, neither the Government of the United States, its instrumentalities, nor any person acting on behalf of the Government of the United States, shall be named a party in any action based on, or arising out of, the activity or activities of a recipient of any grant or other assistance provided by the Government of the United States (or the activity or activities of the recipient's agency or any other person or entity acting on behalf of the recipient).

Section 179

(a) The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over the Government of the United States, or its instrumentalities.

(b) The courts of the Republic of the Marshall Islands shall not exercise criminal jurisdiction over any person if the Government of the United States provides notification to the Government of the Republic of the Marshall Islands that such person was acting on behalf of the Government of the United States, for actions taken in furtherance of section 221 or 224 of this amended Compact, or any other provision of law authorizing financial, program, or service assistance to the Republic of the Marshall Islands.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211—Annual Grant Assistance

(a) In order to assist the Government of the Republic of the Marshall Islands in its efforts to promote the economic advancement and budgetary self-reliance of its people, and in recognition of the special relationship that exists between the Republic of the Marshall Islands and the United States, the Government of the United States shall provide assistance on a grant basis for a period of twenty years in the amounts set forth in section 217, commencing on the effective date of this Compact, as amended. Such grants shall be used for assistance in education, health care, the environment, public sector capacity building, and private sector development, or for other areas as mutually agreed, with priorities in the education and health care sectors. Consistent with the medium-term budget and investment framework described in subsection (f) of this section, the proposed division of this amount among the identified areas shall require the concurrence of both the Government of the United States and the Government of the Republic of the Marshall Islands, through the Joint Economic Management and Financial Accountability Committee described in section 214. The Government of the United States shall disburse the grant assistance and monitor the use of such grant assistance in accordance with the provisions of this Article and an Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands ("Fiscal Procedures Agreement") which shall come into effect simultaneously with this Compact, as amended.

(1) EDUCATION.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the educational system of the Republic of the Marshall Islands and develop the human, financial, and material resources necessary for the Republic of the Marshall Islands to perform these services. Emphasis should be placed on advancing a quality basic education system.

(2) HEALTH.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support and improve the delivery of preventive, curative and environmental care and develop the human, financial, and material resources necessary for the Republic of the Marshall Islands to perform these services.

(3) PRIVATE SECTOR DEVELOPMENT.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to attract foreign investment and increase indigenous business activity by vitalizing the commercial environment, ensuring fair and equitable application of the law, promoting adherence to core labor standards, maintaining progress toward privatization of state-owned and partially state-owned enterprises, and engaging in other reforms.

(4) CAPACITY BUILDING IN THE PUBLIC SECTOR.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to support the efforts of the Republic of the Marshall Islands to build effective, accountable and transparent national and local government and other public sector institutions and systems.

(5) ENVIRONMENT.—United States grant assistance shall be made available in accordance with the strategic framework described in subsection (f) of this section to increase environmental protection; establish and manage conservation areas; engage in environmental infrastructure planning, design construction and operation; and to involve the citizens of the Republic of the Marshall Islands in the process of conserving their country's natural resources.

(b) KWAJALEIN ATOLL.—

(1) Of the total grant assistance made available under subsection (a) of this section, the amount specified herein shall be allocated annually from fiscal year 2004 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) to advance the objectives and specific priorities set forth in subsections (a) and (d) of this section and the Fiscal Procedures Agreement, to address the special needs of the community at Ebeye, Kwajalein Atoll and other Marshallese communities within Kwajalein Atoll. This United States grant assistance shall be made available, in accordance with the medium-term budget and investment framework described in subsection (f) of this section, to support and improve the infrastructure and delivery of services and develop the human and material resources necessary for the Republic of the Marshall Islands to carry out its responsibility to maintain such infrastructure and

deliver such services. The amount of this assistance shall be $3,100,000, with an inflation adjustment as provided in section 218, from fiscal year 2004 through fiscal year 2013 and the fiscal year 2013 level of funding, with an inflation adjustment as provided in section 218, will be increased by $2 million for fiscal year 2014. The fiscal year 2014 level of funding, with an inflation adjustment as provided in section 218, will be made available from fiscal year 2015 through fiscal year 2023 (and thereafter as noted above).

(2) The Government of the United States shall also provide to the Government of the Republic of the Marshall Islands, in conjunction with section 321(a) of this Compact, as amended, an annual payment from fiscal year 2004 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) of $1.9 million. This grant assistance will be subject to the Fiscal Procedures Agreement and will be adjusted for inflation under section 218 and used to address the special needs of the community at Ebeye, Kwajalein Atoll and other Marshallese communities within Kwajalein Atoll with emphasis on the Kwajalein landowners, as described in the Fiscal Procedures Agreement.

(3) Of the total grant assistance made available under subsection (a) of this section, and in conjunction with section 321(a) of the Compact, as amended, $200,000, with an inflation adjustment as provided in section 218, shall be allocated annually from fiscal year 2004 through fiscal year 2023 (and thereafter as provided in the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) for a grant to support increased participation of the Government of the Republic of the Marshall Islands Environmental Protection Authority in the annual U.S. Army Kwajalein Atoll Environmental Standards Survey and to promote a greater Government of the Republic of the Marshall Islands capacity for independent analysis of the Survey's findings and conclusions.

(c) HUMANITARIAN ASSISTANCE-REPUBLIC OF THE MARSHALL ISLANDS PROGRAM.—In recognition of the special development needs of the Republic of the Marshall Islands, the Government of the United States shall make available to the Government of the Republic of the Marshall Islands, on its request and to be deducted from the grant amount made available under subsection (a) of this section, a Humanitarian Assistance - Republic of the Marshall Islands ("HARMI") Program with emphasis on health, education, and infrastructure (including transportation), projects and such other projects as mutually agreed. The terms and conditions of the HARMI shall be set forth in the Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended, which shall come into effect simultaneously with the amendments to this Compact.

(d) PUBLIC INFRASTRUCTURE.—

(1) Unless otherwise agreed, not less than 30 percent and not more than 50 percent of U.S. annual grant assistance provided under this section shall be made available in accordance with a list of specific projects included in the infrastructure improvement and maintenance plan prepared by the Government of the Republic of the Marshall Islands as part of the strategic framework described in subsection (f) of this section.

(2) INFRASTRUCTURE MAINTENANCE FUND.—Five percent of the annual public infrastructure grant made available under paragraph (1) of this subsection shall be set aside, with an equal contribution from the Government of the Republic of the Marshall Islands, as a contribution to an Infrastructure Maintenance Fund. Administration of the Infrastructure Maintenance Fund shall be governed by the Fiscal Procedures Agreement.

(e) DISASTER ASSISTANCE EMERGENCY FUND.—Of the total grant assistance made available under subsection (a) of this section, an amount of two hundred thousand dollars ($200,000) shall be provided annually, with an equal contribution from the Government of the Republic of the Marshall Islands, as a contribution to a Disaster Assistance Emergency Fund ("DAEF"). Any funds from the DAEF may be used only for assistance and rehabilitation resulting from disasters and emergencies. The funds will be accessed upon declaration of a State of Emergency by the Government of the Republic of the Marshall Islands, with the concurrence of the United States Chief of Mission to the Republic of the Marshall Islands. Administration of the DAEF shall be governed by the Fiscal Procedures Agreement.

(f) BUDGET AND INVESTMENT FRAMEWORK.—The Government of the Republic of the Marshall Islands shall prepare and maintain an official medium-term budget and investment framework. The framework shall be strategic in nature, shall be continuously reviewed and updated through the annual budget process, and shall make projections on a multi-year rolling basis. Each of the sectors and areas named in subsections (a), (b), and (d) of this section, or other sectors and areas as mutually agreed, shall be accorded specific treatment in the framework. Those portions of the framework that contemplate the use of United States grant funds shall require the concurrence of both the Government of the United States and the Government of the Republic of the Marshall Islands.

Section 212—Kwajalein Impact and Use

The Government of the United States shall provide to the Government of the Republic of the Marshall Islands in conjunction with section 321(a) of the Compact, as amended, and the agreement between the Government of the United States and the Government of the Republic of the Marshall Islands regarding military use and operating rights, a payment in fiscal year 2004 of $15,000,000, with no adjustment for inflation. In fiscal year 2005 and through fiscal year 2013, the annual payment will be the fiscal year 2004 amount ($15,000,000) with an inflation adjustment as provided under section 218. In fiscal year 2014, the annual payment will be $18,000,000 (with no adjustment for inflation) or the fiscal year 2013 amount with an inflation adjustment under section 218, whichever is greater. For fiscal year 2015 through fiscal year 2023 (and thereafter in accordance with the Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights) the annual payment will be the fiscal year 2014 amount, with an inflation adjustment as provided under section 218.

Section 213—Accountability

(a) Regulations and policies normally applicable to United States financial assistance to its state and local governments, as set forth in the Fiscal Procedures Agreement, shall apply to each grant described in section 211, and to grants administered under section 221 below, except as modified in the separate agreements referred to in section 231 of this Compact, as amended, or by U.S. law. As set forth in the Fiscal Procedures Agreement, reasonable terms and conditions, including annual performance indicators that are necessary to ensure effective use of United States assistance and reasonable progress toward achieving program objectives may be attached. In addition, the United States may seek appropriate remedies for noncompliance with the terms and conditions attached to the assistance, or for failure to comply with section 234, including withholding assistance.

(b) The Government of the United States shall, for each fiscal year of the twenty years during which assistance is to be provided on a sector grant basis under section 211 (a), grant the Government of the Republic of the Marshall Islands an amount equal to the lesser of (i) one half of the reasonable, properly documented cost incurred during such fiscal year to conduct the annual audit required under Article VIII (2) of the Fiscal Procedures Agreement or (ii) $500,000. Such amount will not be adjusted for inflation under section 218 or otherwise.

Section 214—Joint Economic Management and Financial Accountability Committee

The Governments of the United States and the Republic of the Marshall Islands shall establish a Joint Economic Management and Financial Accountability Committee, composed of a U.S. chair, two other members from the Government of the United States and two members from the Government of the Republic of the Marshall Islands. The Joint Economic Management and Financial Accountability Committee shall meet at least once each year to review the audits and reports required under this Title and the Fiscal Procedures Agreement, evaluate the progress made by the Republic of the Marshall Islands in meeting the objectives identified in its framework described in subsection (f) of section 211, with particular focus on those parts of the framework dealing with the sectors and areas identified in subsection (a) of section 211, identify problems encountered, and recommend ways to increase the effectiveness of U.S. assistance made available under this Title. The establishment and operations of the Joint Economic Management and Financial Accountability Committee shall be governed by the Fiscal Procedures Agreement.

Section 215—Annual Report

The Government of the Republic of the Marshall Islands shall report annually to the President of the United States on the use of United States sector grant assistance and other assistance and progress in meeting mutually agreed program and economic goals. The Joint Economic Management and Financial Accountability Committee shall review and comment on the report and make appropriate recommendations based thereon.

Section 216—Trust Fund

(a) The United States shall contribute annually for twenty years from the effective date of the Compact, as amended, in the amounts set forth in section 217 into a trust fund established in accordance with the Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund ("Trust Fund Agreement"), which shall come into effect simultaneously with this Compact, as amended. Upon termination of the annual grant assistance under section 211 (a), (d) and (e), the earnings of the fund shall thereafter be used for the purposes described in section 211 or as otherwise mutually agreed.

(b) The United States contribution into the Trust Fund described in subsection (a) of this section is conditioned on the Government of the Republic of the Marshall Islands contributing to the Trust Fund at least $25,000,000, on the effective date of the Trust Fund Agreement or on October 1, 2003, whichever is later, $2,500,000 prior to October 1, 2004, and $2,500,000 prior to October 1, 2005. Any funds received by the Republic of the Marshall Islands under section 111(d) of Public Law 99–239 (January 14, 1986), or successor provisions, would be contributed to the Trust Fund as a Republic of the Marshall Islands' contribution.

(c) The terms regarding the investment and management of funds and use of the income of the Trust Fund shall be governed by the Trust Fund Agreement. Funds derived from United States investment shall not be subject to Federal or state taxes in the United States or any taxes in the Republic of the Marshall Islands. The Trust Fund Agreement shall also provide for annual reports to the Government of the United States and to the Government of the Republic of the Marshall Islands. The Trust Fund Agreement shall provide for appropriate distributions of trust fund proceeds to the Republic of the Marshall Islands and for appropriate remedies for the failure of the Republic of the Marshall Islands to use income of the Trust Fund for the annual grant purposes set forth in section 211. These remedies may include the return to the United States of the present market value of its contributions to the Trust Fund and the present market value of any undistributed income on the contributions of the United States. If this Compact, as amended, is terminated, the provisions of sections 451–453 of the Compact, as amended, and the Trust Fund Agreement shall govern treatment of any U.S. contributions to the Trust Fund or accrued income thereon.

Section 217—Annual Grant Funding and Trust Fund Contributions

The funds described in sections 211, 212, 213(b), and 216 shall be made available as follows:

[In millions of dollars]

Fiscal year	Annual Grants Section 211	Audit Grant Section 213(b)	Trust Fund Section 216 (a&c)	Kwajalein Impact Section 212	Total
2004	35.2	.5	7	15.0	57.7
2005	34.7	.5	7.5	15.0	57.7
2006	34.2	.5	8	15.0	57.7
2007	33.7	.5	8.5	15.0	57.7
2008	33.2	.5	9	15.0	57.7
2009	32.7	.5	9.5	15.0	57.7
2010	32.2	.5	10	15.0	57.7
2011	31.7	.5	10.5	15.0	57.7
2012	31.2	.5	11	15.0	57.7
2013	30.7	.5	11.5	15.0	57.7
2014	32.2	.5	12	18.0	62.7
2015	31.7	.5	12.5	18.0	62.7
2016	31.2	.5	13	18.0	62.7
2017	30.7	.5	13.5	18.0	62.7
2018	30.2	.5	14	18.0	62.7
2019	29.7	.5	14.5	18.0	62.7
2020	29.2	.5	15	18.0	62.7
2021	28.7	.5	15.5	18.0	62.7
2022	28.2	.5	16	18.0	62.7
2023	27.7	.5	16.5	18.0	62.7

Section 218—Inflation Adjustment

Except as otherwise provided, the amounts stated in this Title shall be adjusted for each United States Fiscal Year by the percent that equals two-thirds of the percent change in the United States Gross Domestic Product Implicit Price Deflator, or 5 percent, whichever is less in any one year, using the beginning of Fiscal Year 2004 as a base.

Section 219—Carry-Over of Unused Funds

If in any year the funds made available by the Government of the United States for that year pursuant to this Article are not completely obligated by the Government of the Republic of the Marshall Islands, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Article II

Services and Program Assistance

Section 221

(a) SERVICES.—The Government of the United States shall make available to the Republic of the Marshall Islands, in accordance with and to the extent provided in the Federal Programs and Services Agreement referred to in Section 231, the services and related programs of:

(1) the United States Weather Service;

(2) the United States Postal Service;

(3) the United States Federal Aviation Administration;

(4) the United States Department of Transportation; and

(5) the Department of Homeland Security, and the United States Agency for International Development, Office of Foreign Disaster Assistance.

Upon the effective date of this Compact, as amended, the United States Departments and Agencies named or having responsibility to provide these services and related programs shall have the authority to implement the relevant provisions of the Federal Programs and Services Agreement referred to in section 231.

(b) PROGRAMS.—

(1) Other than the services and programs covered by subsection (a) of this section, and to the extent authorized by the Congress of the United States, the Government of the United States shall make available to the Republic of the Marshall Islands the services and programs that were available to the Republic of the Marshall Islands on the effective date of this Compact, as amended, to the extent that such services and programs continue to be available to State and local governments of the United States. As set forth in the Fiscal Procedures Agreement, funds provided under subsection (a) of section 211 shall be considered to be local revenues of the Government of the Republic of the Marshall Islands when used as the local share required to obtain Federal programs and services.

(2) Unless provided otherwise by U.S. law, the services and programs described in paragraph (1) of this subsection shall be extended in accordance with the terms of the Federal Programs and Services Agreement.

(c) The Government of the United States shall have and exercise such authority as is necessary to carry out its responsibilities under this Title and the Federal Programs and Services Agreement, including the authority to monitor and administer all service and program assistance provided by the United States to the Republic of the Marshall Islands. The Federal Programs and Services Agreement shall also set forth the extent to which services and programs shall be provided to the Republic of the Marshall Islands.

(d) Except as provided elsewhere in this Compact, as amended, under any separate agreement entered into under this Compact, as amended, or otherwise under U.S. law, all Federal domestic programs extended to or operating in the Republic of the Marshall Islands shall be subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs and services when operating in the United States.

(e) The Government of the United States shall make available to the Republic of the Marshall Islands alternate energy development projects, studies, and conservation measures to the extent provided for the Freely Associated States in the laws of the United States.

Section 222

The Government of the United States and the Government of the Republic of the Marshall Islands may agree from time to time to extend to the Republic of the Marshall Islands additional United States grant assistance, services and programs, as provided under the laws of the United States. Unless inconsistent with such laws, or otherwise specifically precluded by the Government of the United States at the time such additional grant assistance, services, or programs are extended, the Federal Programs and Services Agreement shall apply to any such assistance, services or programs.

Section 223

The Government of the Republic of the Marshall Islands shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Republic of the Marshall Islands at no cost to the Government of the United States as of the effective date of this Compact, as amended, or as may be mutually agreed thereafter.

Section 224

The Government of the Republic of the Marshall Islands may request, from the time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws. If technical assistance is granted pursuant to such a request, the Government of the United States shall provide the technical assistance in a manner which gives priority consideration to the Republic of the Marshall Islands over other recipients not a part of the United States, its territories or possessions, and equivalent consideration to the Republic of the Marshall Islands with respect to other states in Free Association with the United States. Such assistance shall be made available on a reimbursable or non-reimbursable basis to the extent provided by United States law.

Article III

Administrative Provisions

Section 231

The specific nature, extent and contractual arrangements of the services and programs provided for in section 221 of this Compact, as amended, as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Republic of the Marshall Islands, and other arrangements in connection with the assistance, services, or programs furnished by the Government of the United States, are set forth in a Federal Programs and Services Agreement which shall come into effect simultaneously with this Compact, as amended.

Section 232

The Government of the United States, in consultation with the Government of the Republic of the Marshall Islands, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Further, in accordance with the Fiscal Procedures Agreement described in subsection (a) of section 211, the Comptroller General of the United States shall have such powers and authorities as described in sections 103(m) and 110(c) of Public Law 99-239, 99 Stat. 1777-78, and 99 Stat. 1799 (January 14, 1986).

Section 233

Approval of this Compact, as amended, by the Government of the United States, in accordance with its constitutional processes, shall constitute a pledge by the United States that the sums and amounts specified as grants in section 211 of this Compact, as amended, shall be appropriated and paid to the Republic of the Marshall Islands for such period as those provisions of this Compact, as amended, remain in force, provided that the Republic of the Marshall Islands complies with the terms and conditions of this Title and related subsidiary agreements.

Section 234

The Government of the Republic of the Marshall Islands pledges to cooperate with, permit, and assist if reasonably requested, designated and authorized representatives of the Government of the United States charged with investigating whether Compact funds, or any other assistance authorized under this Compact, as amended, have, or are being, used for purposes other than those set forth in this Compact, as amended, or its subsidiary agreements. In carrying out this investigative authority, such United States Government representatives may request that the Government of the Republic of the Marshall Islands subpoena documents and records and compel testimony in accordance with the laws and Constitution of the Republic of the Marshall Islands. Such assistance by the Government of the Republic of the Marshall Islands to the Government of the United States shall not be unreasonably withheld. The obligation of the Government of the Marshall Islands to fulfill its pledge herein is a condition to its receiving payment of such funds or other assistance authorized under this Compact, as amended. The Government of the United States shall pay any reasonable costs for extraordinary services executed by the Government of the Marshall Islands in carrying out the provisions of this section.

Article IV

Trade

Section 241

The Republic of the Marshall Islands is not included in the customs territory of the United States.

Section 242

The President shall proclaim the following tariff treatment for articles imported from the Republic of the Marshall Islands which shall apply during the period of effectiveness of this title:

(a) Unless otherwise excluded, articles imported from the Republic of the Marshall Islands, subject to the limitations imposed under section 503(b) of title V of the Trade Act of 1974 (19 U.S.C. 2463(b)), shall be exempt from duty.

(b) Only tuna in airtight containers provided for in heading 1604.14.22 of the Harmonized Tariff Schedule of the United States that is imported from the Republic of the Marshall Islands and the Federated States of Micronesia during any calendar year not to exceed 10 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty-free treatment under this paragraph for any calendar year shall be counted against the aggregated quantity of tuna in airtight containers that is dutiable under rate column numbered 1 of such heading 1604.14.22 for that calendar year.

(c) The duty-free treatment provided under subsection (a) shall not apply to:

(1) watches, clocks, and timing apparatus provided for in Chapter 91, excluding heading 9113, of the Harmonized Tariff Schedule of the United States;

(2) buttons (whether finished or not finished) provided for in items 9606.21.40 and 9606.29.20 of such Schedule;

(3) textile and apparel articles which are subject to textile agreements; and

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Republic of the Marshall Islands, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(a)(2) of title V of the Trade Act of 1974.

Section 243

Articles imported from the Republic of the Marshall Islands which are not exempt from duty under subsections (a), (b), (c), and

(d) of section 242 shall be subject to the rates of duty set forth in column numbered 1-general of the Harmonized Tariff Schedule of the United States (HTSUS).

Section 244

(a) All products of the United States imported into the Republic of the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

(b) The provisions of subsection (a) shall not apply to advantages accorded by the Republic of the Marshall Islands by virtue of their full membership in the Pacific Island Countries Trade Agreement (PICTA), done on August, 18, 2001, to those governments listed in Article 26 of PICTA, as of the date the Compact, as amended, is signed.

(c) Prior to entering into consultations on, or concluding, a free trade agreement with governments not listed in Article 26 of PICTA, the Republic of the Marshall Islands shall consult with the United States regarding whether or how subsection (a) of section 244 shall be applied.

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Republic of the Marshall Islands. Should the Government of the Republic of the Marshall Islands act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

The Government of the Republic of the Marshall Islands may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as the Government of the Republic of the Marshall Islands deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of this Compact, as amended, be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Republic of the Marshall Islands, domiciled therein, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States, provided that such citizen of the Republic of the Marshall Islands is neither a citizen nor a resident of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Republic of the Marshall Islands, the Government of the Republic of the Marshall Islands shall have authority to impose tax upon income derived by a resident of the Republic of the Marshall Islands from sources without the Republic of the Marshall Islands, in the same manner and to the same extent as the Government of the Republic of the Marshall Islands imposes tax upon income derived from within its own jurisdiction. If the Government of the Republic of the Marshall Islands exercises such authority as provided in this subsection, any individual resident of the Republic of the Marshall Islands who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Republic of the Marshall Islands shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. However, the relief from liability to the United States Government referred to in the preceding sentence means only relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1986. For purposes of this section, the term "resident of the Republic of the Marshall Islands" shall be deemed to include any person who was physically present in the Republic of the Marshall Islands for a period of 183 or more days during any taxable year.

(b) If the Government of the Republic of the Marshall Islands subjects income to taxation substantially similar to that which was imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in section 254(a).

Section 255

For purposes of section 274(h)(3)(A) of the U.S. Internal Revenue Code of 1986, the term "North American Area" shall include the Republic of the Marshall Islands.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

(b) This authority and responsibility includes:

(1) the obligation to defend the Republic of the Marshall Islands and its people from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Republic of the Marshall Islands by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Republic of the Marshall Islands, subject to the terms of the separate agreements referred to in sections 321 and 323.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

Section 312

Subject to the terms of any agreements negotiated in accordance with sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Republic of the Marshall Islands the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Government of the Republic of the Marshall Islands shall refrain from actions that the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands.

(b) The consultations referred to in this section shall be conducted expeditiously at senior levels of the two Governments, and the subsequent determination by the Government of the United States referred to in this section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Republic of the Marshall Islands:

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner that would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Republic of the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Republic of the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by section 314(b).

(d) No material or substance referred to in this section shall be stored in the Republic of the Marshall Islands except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations.

(e) Any exercise of the exemption authority set forth in section 161(e) shall have no effect on the obligations of the Government of the United States under this section or on the application of this subsection.

(f) The provisions of this section shall apply in the areas in which the Government of the Republic of the Marshall Islands exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Republic of the Marshall Islands, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval of the Government of the Republic of the Marshall Islands.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Republic of the Marshall Islands in addition to those for which specific arrangements are concluded pursuant to section 321(a), it may request the Government of the Republic of the Marshall Islands to satisfy those requirements through leases or other arrangements. The Government of the Republic of the Marshall Islands shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Republic of the Marshall Islands. In making any requests pursuant to section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirement through public real property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Republic of the Marshall Islands at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Republic of the Marshall Islands are set forth in separate agreements, which shall remain in effect in accordance with the terms of such agreements.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact, as amended, and its related agreements, the Government of the United States, exclusively, has assumed and enjoys, as to the Republic of the Marshall Islands, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering Authority of the Trust Territory of the Pacific Islands as of October 20, 1986.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Republic of the Marshall Islands. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Republic of the Marshall Islands.

Article IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 (with the exception of any person described in section 141(a)(5) who is not a citizen of the Republic of the Marshall Islands) shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year, provided that no time shall count towards this one year while a person admitted to the United States under the Compact, or the Compact, as amended, is engaged in full-time study in the United States. Any person described in section 141(a)(5) who is not a citizen of the Republic of the Marshall Islands shall be subject to United States laws relating to selective service.

Section 342

The Government of the United States shall have enrolled, at any one time, at least one qualified student from the Republic of the Marshall Islands, as may be nominated by the Government of the Republic of the Marshall Islands, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to section 342(b) of this Compact, as amended.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Republic of the Marshall Islands shall continue to maintain a Joint Committee empowered to consider disputes arising under the implementation of this Title and its related agreements.

(b) The membership of the Joint Committee shall comprise selected senior officials of the two Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the Joint Committee. For the meetings of the Joint Committee, each of the two Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the Joint Committee shall meet annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The Joint Committee also shall meet promptly upon request of either of its members. The Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree. Upon notification by the Government of the United States, the Joint Committee of the United States and the Republic of the Marshall Islands shall meet promptly in a combined session with the Joint Committee established and maintained by the Government of the United States and the Government of the Federated States of Micronesia to consider matters within the jurisdiction of the two Joint Committees.

(d) Unresolved issues in the Joint Committee shall be referred to the Governments for resolution, and the Government of the Republic of the Marshall Islands shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Government of the Republic of the Marshall Islands under Titles One, Two and Four and to the responsibility of the Government of the Republic of the Marshall Islands to assure the well-being of its people.

Section 353

(a) The Government of the United States shall not include the Government of the Republic of the Marshall Islands as a named party to a formal declaration of war, without that Government's consent.

(b) Absent such consent, this Compact, as amended, is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Republic of the Marshall Islands, which arise out of armed conflict subsequent to October 21, 1986, and which are:

(5) petitions to the Government of the United States for redress; or

(6) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

(a) The Government of the United States and the Government of the Republic of the Marshall Islands are jointly committed to continue their security and defense relations, as set forth in this Title. Accordingly, it is the intention of the two countries that the provisions of this Title shall remain binding as long as this Compact, as amended, remains in effect, and thereafter as mutually agreed, unless earlier terminated by mutual agreement pursuant to section 441, or amended pursuant to Article III of Title Four. If at any time the Government of the United States, or the Government of the Republic of the Marshall Islands, acting unilaterally, terminates this Title, such unilateral termination shall be considered to be termination of the entire Compact, as amended, in which case the provisions of section 442 and 452 (in the case of termination by the Government of the United States) or sections 443 and 453 (in the case of termination by the Government of the Republic of the Marshall Islands), with the exception of paragraph (3) of subsection (a) of section 452 or paragraph (3) of subsection (a) of section 453, as the case may be, shall apply.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Government of the Republic of the Marshall Islands, and in view of the existence of the separate agreement regarding mutual security concluded with the Government of the Republic of the Marshall Islands pursuant to sections 321 and 323, that, even if this Title should terminate, any attack on the Republic of the Marshall Islands during the period in which such separate agreement is in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the United States and to the Republic of the Marshall Islands in accordance with its constitutional processes.

(c) As reflected in Article 21(1)(b) of the Trust Fund Agreement, the Government of the United States and the Government of the Republic of the Marshall Islands further recognize, in view of the special relationship between their countries, that even if this Title should terminate, the Government of Republic of the Marshall Islands shall refrain from actions which the Government of the United States determines, after appropriate consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Republic of the Marshall Islands or the Federated States of Micronesia.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

Pursuant to section 432 of the Compact and subject to subsection (e) of section 461 of the Compact, as amended, the Compact, as amended, shall come into effect upon mutual agreement between the Government of the United States and the Government of the Republic of the Marshall Islands subsequent to completion of the following:

(a) Approval by the Government of the Republic of the Marshall Islands in accordance with its constitutional processes.

(b) Approval by the Government of the United States in accordance with its constitutional processes.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Republic of the Marshall Islands and that Government shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact, as amended, or of its related agreements.

Section 422

In the event the Government of the United States or the Government of the Republic of the Marshall Islands, after conferring pursuant to section 421, determines that there is a dispute and gives written notice thereof, the two Governments shall make a good faith effort to resolve the dispute between themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Republic of the Marshall Islands cannot be resolved within 90 days of written notification in the manner provided in section 422, either party to the dispute may refer it to arbitration in accordance with section 424.

Section 424

Should a dispute be referred to arbitration as provided for in section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and two other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments that is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirements of this section within 30 days of referral of the dispute to arbitration pursuant to section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) Unless otherwise provided in this Compact, as amended, or its related agreements, the Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Four, and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact, as amended. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of the Republic of the Marshall Islands.

Article III
Amendment

Section 431

The provisions of this Compact, as amended, may be further amended by mutual agreement of the Government of the United States and the Government of the Republic of the Marshall Islands, in accordance with their respective constitutional processes.

Article IV
Termination

Section 441

This Compact, as amended, may be terminated by mutual agreement of the Government of the Republic of the Marshall Islands and the Government of the United States, in accordance with their respective constitutional processes. Such mutual termination of this Compact, as amended, shall be without prejudice to the continued application of section 451 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 442

Subject to section 452, this Compact, as amended, may be terminated by the Government of the United States in accordance with its constitutional processes. Such termination shall be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended. Such termination of this Compact, as amended, shall be without prejudice to the continued application of section 452 of this Compact, as amended, and the provisions of the Compact, as amended, set forth therein.

Section 443

This Compact, as amended, shall be terminated by the Government of the Republic of the Marshall Islands, pursuant to its constitutional processes, subject to section 453 if the people represented by that Government vote in a plebiscite to terminate the Compact. The Government of the Republic of the Marshall Islands shall notify the Government of the United States of its intention to call such a plebiscite, which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by the Government of the Republic of the Marshall Islands in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, the Government of the Republic of the Marshall Islands shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V
Survivability

Section 451

(a) Should termination occur pursuant to section 441, economic and other assistance by the Government of the United States shall continue only if and as mutually agreed by the Governments of the United States and the Republic of the Marshall Islands, and in accordance with the countries' respective constitutional processes.

(b) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement entered into consistent with those subsections, if termination occurs pursuant to section 441 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands described in subsection (b) of this section, if termination occurs pursuant to section 441 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall be entitled to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 452

(a) Should termination occur pursuant to section 442 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this amended Compact shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Article One and sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Should termination occur pursuant to section 442 before the twentieth anniversary of the effective date of this Compact, as amended:

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, economic and other assistance by the United States shall continue only if and as mutually agreed by the Governments of the United States and the Republic of the Marshall Islands.

(2) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections (b) and (c) of section 354 of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended, in the manner described in the Trust Fund Agreement.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 442 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall continue to be eligible to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 453

(a) Should termination occur pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the following provisions of this Compact, as amended, shall remain in full force and effect until the twentieth anniversary of the effective date of this Compact, as amended, and thereafter as mutually agreed:

(1) Article VI and sections 172, 173, 176 and 177 of Title One;

(2) Sections 232 and 234 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to section 443, the Government of the United States and the Government of the Republic of the Marshall Islands shall promptly consult with regard to their future relationship. Except as provided in subsections (c) and (d) of this section, these consultations shall determine the level of economic and other assistance, if any, which the Government of the United States shall provide to the Government of the Republic of the Marshall Islands for the period ending on the twentieth anniversary of the effective date of this Compact, as amended, and for any period thereafter, if mutually agreed.

(c) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 prior to the twentieth anniversary of the effective date of this Compact, as amended, the United States shall continue to make contributions to the Trust Fund described in section 216 of this Compact, as amended.

(d) In view of the special relationship of the United States and the Republic of the Marshall Islands, as reflected in subsections 354(b) and (c) of this Compact, as amended, and the separate agreement regarding mutual security, and the Trust Fund Agreement, if termination occurs pursuant to section 443 following the twentieth anniversary of the effective date of this Compact, as amended, the Republic of the Marshall Islands shall continue to be eligible to receive proceeds from the Trust Fund described in section 216 of this Compact, as amended, in the manner described in those provisions and the Trust Fund Agreement.

Section 454

Notwithstanding any other provision of this Compact, as amended:

(a) The Government of the United States reaffirms its continuing interest in promoting the economic advancement and budgetary self-reliance of the people of the Republic of the Marshall Islands.

(b) The separate agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact, as amended, only, and without prejudice to the views of the Government of the United States or the Government of the Republic of the Marshall Islands as to the nature and extent of the jurisdiction of either of them under international law, the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the former administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "The Republic of the Marshall Islands" and "the Federated States of Micronesia" are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) "Compact" means the Compact of Free Association Between the United States and the Federated States of Micronesia and the Marshall Islands, that was approved by the United States Congress in section 201 of Public Law 99–239 (Jan. 14, 1986) and went into effect with respect to the Republic of the Marshall Islands on October 21, 1986.

(e) "Compact, as amended" means the Compact of Free Association Between the United States and the Republic of the Marshall Islands, as amended. The effective date of the Compact, as amended, shall be on a date to be determined by the President of the United States, and agreed to by the Government of the Republic of the Marshall Islands, following formal approval of the Compact, as amended, in accordance with section 411 of this Compact, as amended.

(f) "Government of the Republic of the Marshall Islands" means the Government established and organized by the Constitution of the Republic of the Marshall Islands including all the political subdivisions and entities comprising that Government.

(g) "Government of the Federated States of Micronesia" means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(h) The following terms shall be defined consistent with the 1978 Edition of the Radio Regulations of the International Telecommunications as follows:

(1) "Radiocommunication" means telecommunication by means of radio waves.

(2) "Station" means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service.

(3) "Broadcasting Service" means a radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

(4) "Broadcasting Station" means a station in the broadcasting service.

(5) "Assignment (of a radio frequency or radio frequency channel)" means an authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

(6) "Telecommunication" means any transmission, emission or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

(i) "Military Areas and Facilities" means those areas and facilities in the Republic of the Marshall Islands reserved or acquired by the Government of the Republic of the Marshall Islands for use by the Government of the United States, as set forth in the separate agreements referred to in section 321.

(j) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(k) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

(a) The Government of the United States and the Government of the Republic of the Marshall Islands previously have concluded agreements, which shall remain in effect and shall survive in accordance with their terms, as follows:

(1) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

(2) Agreement Between the Government of the United States and the Government of the Marshall Islands by Persons Displaced as a Result of the United States Nuclear Testing Program in the Marshall Islands;

(3) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding the Resettlement of Enjebi Island;

(4) Agreement Concluded Pursuant to Section 234 of the Compact; and

(5) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association.

(b) The Government of the United States and the Government of the Republic of the Marshall Islands shall conclude prior to the date of submission of this Compact to the legislatures of the two countries, the following related agreements which shall come into effect on the effective date of this Compact, as amended, and shall survive in accordance with their terms, as follows:

(1) Federal Programs and Services Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Article III of Title One, Article II of Title Two (including Section 222), and Section 231 of the Compact of Free Association, as Amended, which include:

(i) Postal Services and Related Programs;

(ii) Weather Services and Related Programs;

(iii) Civil Aviation Safety Service and Related Programs;

(iv) Civil Aviation Economic Services and Related Programs;

(v) United States Disaster Preparedness and Response Services and Related Programs; and

(vi) Telecommunications Services and Related Programs.

(2) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 (a) of the Compact of Free Association, as Amended;

(3) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands on Labor Recruitment Concluded Pursuant to Section 175 (b) of the Compact of Free Association, as Amended;

(4) Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the Compact, as Amended, of Free Association Between the Government of the United States of America and the Government of the Republic of the Marshall Islands;

(5) Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Implementing Section 216 and Section 217 of the Compact, as Amended, Regarding a Trust Fund;

(6) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended; and,

(7) Status of Forces Agreement Between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concluded Pursuant to Section 323 of the Compact of Free Association, as Amended.

Section 463

(a) Except as set forth in subsection (b) of this section, any reference in this Compact, as amended, to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended.

(b) Any reference in Article IV and VI of Title One, and Sections 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act, the Administrative Procedure Act or the Immigration and Nationality Act constitutes the incorporation of the language of such provision into this Compact, as amended, as such provision was in force on the effective date of this Compact, as amended, or as it may be amended thereafter on a nondiscriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

Both the Government of the United States and the Government of the Republic of the Marshall Islands shall take all necessary steps, of a general or particular character, to ensure, no later than the entry into force date of this Compact, as amended, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact, as amended, or, in the case of subsection (d) of section 141, as soon as reasonably possible thereafter.

Section 472

This Compact, as amended, may be accepted, by signature or otherwise, by the Government of the United States and the Government of the Republic of the Marshall Islands.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association, as amended, which shall enter into force upon the exchange of diplomatic notes by which the Government of the United States of America and the Government of the Republic of the Marshall Islands inform each other about the fulfillment of their respective requirements for entry into force.

DONE at Majuro, Republic of the Marshall Islands, in duplicate, this thirtieth (30) day of April, 2003, each text being equally authentic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

I rise today to present to the House joint resolution 63, legislation that reauthorizes the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands.

Because of the unique relationship between the United States and the Freely Associated States, the legislation before us today involves an extraordinary array of Federal programs, agencies, and policies.

□ 1700

As a consequence, this joint resolution is the product of intensive bipartisan consultations between a panoply of different committees of jurisdictions, all of which have contributed to making this a compelling legislative product.

In this regard, I would like to thank, in particular, the leadership of the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and our ranking member, the gentleman from California (Mr. LANTOS), as well as the distinguished ranking member of the Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from American Samoa (Mr. FALEOMAVAEGA) whose expertise in island affairs has been invaluable to this Member and to our entire committee.

Let me also acknowledge the exceptional leadership of the Committee on Resources, specifically the chairman, the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) and their staff for working so closely with us to ensure that the amended compacts would not only be considered on an expeditious basis, but enjoy the support of Members as well as the administration and the Freely Associated States.

We also are appreciative of the prompt consideration of this bill by the Committee on the Judiciary, as well as the input of the Committee on Ways and Means.

In addition, we are most appreciative of the cooperation of the Committee on Education and the Workforce, as well as the Committee on Appropriations working closely with us on education funding issues of keen interest and concern to many Members as well as the people of the FSM and RMI.

Madam Speaker, here I note that under general leave, the gentleman from Illinois (Mr. HYDE) intends to insert into the record a letter to the Committee on International Relations from the Subcommittee on Appropriations for Labor, Health, and Human Services regarding funding for certain supplemental education programs as well as an exchange of letters confirming certain understandings on this joint resolution with the Committee on Ways and Means.

Madam Speaker, as my colleagues may be aware, the economic assistance provisions of the current Compact with Micronesia and the Marshall Islands expired in 2001, but were extended for 2 years while the United States renegotiated the expiring provisions with these island countries, also known as the Freely Associated States.

H.J. Res. 63, which is before us, is the authorizing and implementing legislation for the Amended Compacts of Free Association. Unless this resolution becomes law, critical portions of the original Compact of Free Association will expire with serious consequences for those nations and for United States' interests in the Pacific.

By background, the United States has shared a uniquely close and mutually beneficial relationship with the people of the Marshall Islands, as well as Micronesia, for the past half-century. For nearly 40 years after the Second World War, the United States administered both islands as United Nations Trust Territories. In 1986, Micronesia and the Marshall Islands chose to become sovereign states and entered into a Compact of Free Association with the United States. The Compact was intended to ensure self-government for the new island nations, to assist them in their economic development towards self-sufficiency, and to advance mutual security objectives.

It is my strong view that the interests of the people of the U.S. and these specific islands have been well-served by the Compact. Our former Trust Territories have emerged as sovereign democracies; America's strategic interest in the Western Pacific has been protected; and the bonds of friendship forged during World War II have only strengthened with the passage of time. Indeed, a significant number of Compact citizens have served honorably in the United States Armed Forces, including in the war on Iraq.

Among other things H.J. Res. 63: one, secures expiring U.S. defense interests and extends U.S. access to the geographically unique Kwajalein Atoll Range, the key U.S. missile and missile defense testing site for up to an additional 70 years; two, it continues U.S. assistance to the FSM and RMI for 20 years, but fundamentally restructures the way it is provided to increase fiscal accountability and move it towards budgetary self-sufficiency; three, it prepares for the end of U.S. grant assistance in 2023 by capitalizing a U.S.-controlled trust fund for each nation; and, four, it modifies the unique U.S. immigration status enjoyed by FSM and RMI citizens, to address concerns primarily related to the United States homeland security.

With respect to FEMA, the bill before us provides Compact countries continued access to FEMA programs through 2013, including essential public infrastructure rehabilitation programs. The Office of Foreign Disaster Assistance, which is part of U.S. Agency for International Development, is also authorized to provide emergency assistance to the FAS.

In an agreement reached with the Committee on Education and the Workforce H.J. Res. 63 would continue student eligibility under the Pell Grant program of the Higher Education Act, continue institution eligibility for certain competitive grant programs administered by the Secretary of Education, and create a new discretionary grant program for education in lieu of receipt of several current discretionary domestic education programs.

This amount of roughly $20 million annually is in addition to the grant assistance otherwise provided through the Compact and would replace current Federal programs such as Head Start, Special Education, and others.

Finally, let me just conclude by thanking Jamie McCormick and Douglas Anderson, counsels to the Subcommittee on Asia and Pacific for their exceptional assistance to me and the committee in helping to shepherd this complex measure through the legislative process.

Again, before yielding to my distinguished friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), let me stress to the House what an honor it has been to serve with him and what a great addition his judgment has made to the committee and to the Congress on this particular issue, as well as so many others.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to extend my gratitude to the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the senior ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), my good friend, the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and our senior ranking member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), and the chairman of Committee on International Relations Subcommittee on Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), my good friend, for working so diligently these past several months to address some of the very important concerns raised by the leaders of the Republic of the Marshall Islands and the Federated States of Micronesia as it relates to the proposed Compact of Free Association or H.J. Res. 63.

Madam Speaker, the Compacts of Free Association commenced in 1986 between the Federated States of Micronesia and the Republic of the Marshall Islands and the United States. In brief, the United States agrees to provide Federal funding to the FSM and the RMI and, in turn, both agree to provide the United States with certain defense rights, now including use of 11 defense sites on Kwajalein Atoll, where the U.S. Department of Defense has established a multibillion dollar antiballistic missile testing facility.

In October 2001, portions of the Compact expired and representatives from the FSM, the RMI, and the Department of the Interior began negotiating an extension of these provisions, including also the Department of State. Earlier this year, the Department of the Interior sent Congress a negotiated product to be considered as a reauthorization of the Compact of Free Association. However, key provisions, including the funding of the Pell Grants and FEMA assistance, were excluded from the agreement. And over the last several months, my colleagues and I have been working closely with representatives from both the FSM and RMI to address these concerns.

Madam Speaker, the good people of the Federated States of Micronesia and the Republic of the Marshall Islands are in need of, and indeed deserve, U.S. support in assistance in building local capacity. As my colleagues know, education is invaluable to building self-sufficiency and local capacity, and, ultimately, will contribute to bolstering the economy of these developing nations. This is why I am pleased that the bill before us today now provides the Freely Associated States with Pell Grant assistance, hopefully, and also to recognize the importance of FEMA assistance to these islands.

The truth is, Madam Speaker, the Freely Associated States have made many sacrifices and contributions on behalf of the United States. In fact, the U.S. used the Marshall Islands as a nuclear testing ground and detonated more than 67 nuclear bombs, including the first hydrogen bomb which was one thousand times more powerful than the bombs dropped in Hiroshima and Nagasaki during World War II. The results were, and continue to be, devastating to the residents of the Marshall Islands.

As a Pacific Islander, I am pleased that H.J. Res. 63 acknowledges the contributions and sacrifices made by the Federated Associated States and also addresses the needs and concerns of the people of Federated States of Micronesia and the Republic of the Marshall Islands. I am also pleased that my colleagues have worked closely with me to make sure that American Samoa's tuna industry was protected in the process of these negotiations.

The outcome of H.J. Res. 63 will determine our relationship with the FSM and RMI for the next 20 years and will also affect American Samoa's tuna industry for generations to come.

With the approval of these Compacts, the United States will further solidify our relationship with these Western Pacific nations, both of which are close allies, and make an ongoing contribution to America's national defense.

To understand the importance of renewing the Compacts we must remember our Nation's history in the region. During World War II, American soldiers liberated the Pacific island by island in brutal and bloody battles. After the war, the United States administered Micronesia, and we have maintained a vitally important military installation on Kwajalein Atoll.

In the 1940s and 1950s, the United States conducted both underwater and atmospheric nuclear tests in the Marshalls. And as I indicated earlier, some 67 nuclear detonations were held during that period. I remember distinctly, in 1954, when we detonated the first hydrogen bomb, I indicated earlier that that nuclear detonation was a thousand times more powerful than the nuclear bombs that we dropped in Hiroshima and Nagasaki.

One of the serious issues that we still have not properly addressed, and, hopefully, in the coming months, that we will address seriously, the needs of some several hundred Marshallese men, women, and children who were directly exposed to nuclear contamination at the time of detonation of this hydrogen bomb in the 1950s.

Madam Speaker, since the independence of the Marshalls and Micronesia in 1986, the ties between our nations have grown even stronger. When Congress approved the Compact of Free Association in 1986, we received a good bargain. Funds would flow to the island nations in return for a "strategic denial" and a "defense veto." The Kwajalein Army Base is vitally important to America's missile tests and as a listening post to the world.

Hundreds of Marshallese and Micronesians are currently defending American interests even in Iraq. I believe approximately 1,000 of our fellow Micronesians are in the military. Several have sacrificed their lives in the war in Iraq, even at this point in time as I speak. Just the other day Mr. Hilario Bermanis, a Micronesian, became an American citizen after losing a left arm and both legs while serving in the Army in Iraq.

While we undoubtedly furthered our national security interests with approval of the Compact, the United States insufficiently monitored expenditure of funds and did little to promote economic development in the islands.

The Compacts before the House today ensure that funds will be better spent in the future, will promote sound economic development and will focus on education and health care. They also establish trust funds for both nations to ensure that they can become self-sufficient in 20 years.

Madam Speaker, H.J. Res. 63 promotes our Nation's national security interests and furthers our relationship with the Marshalls and Micronesia. This is a bipartisan effort. And, again, I extend my gratitude and appreciation to the gentleman from Iowa (Mr. LEACH), my good friend, for his tremendous support and leadership in bringing this piece of legislation to the floor.

Madam Speaker, I yield such time she might consume to the gentlewoman from Guam (Ms. BORDALLO), my good friend.

Ms. BORDALLO. Madam Speaker, 56 years ago the United States assumed an international obligation to protect and promote the development of two island groups that straddle much of the vast Pacific Ocean: The Federated States of Micronesia and the Republic of the Marshall Islands.

□ 1715

As strategic battle grounds in World War II, these islands were liberated from enemy occupation by U.S. forces. In the aftermath of that pivotal period in world history, they emerged from a League of Nations mandate administered by Japan to become a United Nations' Trust Territory with the United States as trustee. Over the next 40 years their socio-economic status improved and their developing economies would begin to take root.

Then, in 1986, Congress passed, and President Reagan signed, a Compact of Free Association with them. The compact allowed for a new relationship to be cultivated, and it afforded the FSM and the RMI the ability to become sovereign nation states in their own right. In the years since, they have been welcome to the international table in their own name and their alliance with the United States today could not be stronger.

While other nations who receive foreign aid consistently oppose us in the United Nations, the FSM and the RMI have been among our most steadfast of allies. Seventeen years after the original agreement, we are here today, Madam Speaker, to renew the compact. It is in the spirit of friendship that we renew an agreement that seeks to honor and build upon the benefits our respective countries have derived from the original compact.

So I rise today to support H.J. Res. 63 for four principal reasons: first, because it advances U.S. defense interests by providing a 50-year lease extension for U.S. access to Kwajalein Atoll in the RMI, home of the Ronald Reagan Missile Testing Facility and grants the U.S. the right of strategic denial.

Second, because it reaffirms the right of FSM and RMI citizens to migrate freely to the United States for work, education, and residence and improves the means by which the Federal Government addresses the impact of migration in affected U.S. jurisdictions, including Guam, the Commonwealth of the Northern Mariana Islands, and the State of Hawaii.

Third, because it continues for the next 20 years critical financial assistance to facilitate capacity-building and self-sufficiency in the FSM and the RMI while ensuring greater accountability oversight and effectiveness, as well as it be continuous Pell grant eligibility.

Finally, and most importantly, because it fulfills our moral obligation to the people of Micronesia and the Marshalls.

Guam is the closest American neighbor to the FSM and RMI, and we have seen the progress that they have made under the original compact. Guam has welcomed and embraced those FSM and RMI citizens who have availed themselves of their compact-provided right to migrate freely to the United States for the pursuit out of educational and other opportunities. This migration has come at a financial cost to the Government of Guam. As in many cases, migrating FSM and RMI citizens do not directly contribute to the local revenue base that sustains the education, the health, housing and other social services which they have sought.

Guam has been impacted significantly more than any other jurisdictions by this federally negotiated and internationally implemented agreement. As impact costs have increased, Guam has sought greater and improved assistance from the Federal Government. And that is why I am pleased that H.J. Res. 63 includes provisions based upon legislation that I introduced, namely H.R. 2522, and H.R. 2716 to address compact impact needs.

Madam Speaker, I want to go on record this afternoon to commend the gentleman from Illinois (Mr. HYDE), the gentleman from Iowa (Mr. LEACH), the gentleman from California (Mr. LANTOS), and my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for shepherding this legislation through this challenging process. I also want to express my gratitude to our chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their bipartisan leadership in addressing those matters important to myself and other members of the Committee on Resources. I also want to thank all of the staff in all the different offices who worked so hard so that we could realize this day today.

Madam Speaker, I urge my colleagues to vote for H.J. Res. 63, vote "yes" for our national defense, vote "yes" to fulfill our moral obligations to the people of the Pacific, vote "yes" to help develop their economies, and vote "yes" to advance our relationship in this new century.

Guam is the closest American neighbor to the FSM and the RMI, and we have seen the progress that they have made under the original Compact. Guam has welcomed and embraced those FSM and RMI citizens who have availed themselves of their Compact-provided right to migrate freely to the United States for the pursuit of educational and other opportunities. This migration has come at a financial cost to the Government of Guam, as in many cases, migrating FSM and RMI citizens do not directly contribute to the local revenue base that sustains the educational, health, and other social services on Guam. Guam has been impacted more significantly than any other jurisdiction by this Federally-negotiated and internationally-implemented agreement. As impact costs have increased, Guam has sought greater and improved assistance from the Federal Government. Congress has responded with some assistance, termed Compact-impact aid, and appropriated such aid from time to time over the past seventeen years in varying amounts, but never at levels to cover the costs actually realized or with the consistency to adequately help shoulder the adverse financial consequences. This is why I strongly advocated for amending the Compact law (Public Law 99–239) during this reauthorization process to ensure the immigration policy goes hand-in-hand with an adequate reimbursement policy for Compact-impact costs.

Among the first pieces of legislation I introduced as a new Member of Congress was H.R. 2522, a bill that would authorize the reduction, release, or waiving of amounts owed by the Government of Guam to the United States to offset past unreimbursed Compact-impact expenses, and H.R. 2716, a bill that proposes new methods and more reliable means to provide for adequate Compact-impact aid in the future. H.R. 2522 was heard in the Resources Committee in July, and the Governor of Guam, Felix Camacho, and the Speaker of the Guam Legislature, Ben Pangelinan, traveled to Washington, D.C. to testify about the Compact-impact costs in Guam.

In enacting the original Compact law in 1986, Congress stated that these adverse consequences would be reimbursed by Compact-impact aid. The General Accounting Office and a previous report by Ernst and Young indicate that the unreimbursed costs accrued to date in Guam are approximately $187 million. I am pleased that H.R. 2522, in a modified form, has been agreed to by the Resources Committee and has been incorporated into H.J. Res. 63. Section 104(e)(1) of this legislation would provide for a process by which the President could use debt relief as a means to reconcile past unreimbursed impact expenses for Guam and the Commonwealth of the Northern Mariana Islands.

I believe that such authority could be exercised by the President in the public interest. One of the examples of debts owed by Guam which was brought to my attention is the amounts owed by the Guam Telephone Authority (GTA) for infrastructure improvements to Guam's telephone system in the 1970s and 1980s. GTA currently owes $105 million to the Rural Utilities Service. This debt has been an impediment to recent efforts by Guam to privatize the telephone authority, which now has the distinction of being the last government-owned telephone utility in the nation. The existing debt has caused potential buyers to avoid GTA due to its debt service ratio of 0.70 to 1, a ratio well below the 1 to 1 ratio preferred by investors. Furthermore, the annual debt service costs for GTA's loans make it difficult to attract buyers.

The reforms passed by Congress in the 1996 Telecommunications Reform Act eroded GTA's ability to compete in the marketplace. Telephone deregulation opened up the industry to competition, and in Guam, GTA was constrained by local and federal laws from competing while losing its own advantages as a local monopoly.

Debt relief for GTA to offset unreimbursed impact expenses would make it possible to privatize the utility and to end further Federal subsidies. The Federal investment in infrastructure has already paid off in debt service payments by Guam and in minimal Federal reconstruction costs for GTA after typhoons in the past two decades. Moreover, without the debt relief that Guam seeks, it may be more difficult to privatize the utility because the net return from the sale of GTA may not be substantial enough to make it an attractive option. Due to the economic recession in Guam, some opponents of privatization have already likened this effort to unloading GTA at fire sale prices and have argued that the Guam taxpayers have invested too much in this utility to let it go for too little, irrespective of the actual market value of this depreciated telephone utility.

The authority for debt relief contained within H.J. Res. 63 may be prudently exercised by the President to set appropriate conditions for the relief in order to make the previous Federal investment and the Federal relief sought worthwhile. In this regard, the relief for GTA's debts could be made contingent on the Government of Guam's commitment to privatize the utility and use the proceeds from the sale of GTA for other capital improvement needs on Guam such as schools, water and power infrastructure, and health facilities. The debt relief contemplated by this provision is not intended to exacerbate the economic situation of Guam rather it is intended to promote good public policy and stimulate the economy.

Guam has suffered from a series of typhoons dating back to 1997. Any amounts owed by the Government of Guam to the Federal Government for Federal Emergency Management Agency (FEMA) assistance can be considered an offset for unreimbursed Compact-impact costs. In addition, the Government of Guam continues to request a reconciliation of FEMA assistance for Supertyphoon Paka, which struck Guam in December 1997, and for which the Government of Guam believes a significant amount of money is owed to cover debris collection, removal and disposal work in the aftermath of the storm.

Examples of other debts that could be retired or reduced to offset unreimbursed impact expenses for Guam are the $9 million owed by the Guam Waterworks Authority to the Department of the Navy for water consumption and $3 million owed by the Guam Community College to the Department of Education for construction of a student housing facility.

Beyond this reconciliation provision, I am also pleased that the Resources Committee agreed to provisions contained within H.R. 2716, and incorporated them into H.J. Res. 63, so that for the next twenty years we avoid the great disparity between impact costs and realized reimbursement. Providing for $30 million in annual mandatory Compact-impact aid for the affected jurisdictions is a significant improvement over the current mechanism for Compact-impact reimbursement. Although I continue to question the Federal obligation to the affected jurisdictions, I am pleased that H.J. Res. 63 includes authorizing language that would allow for additional Compact-impact aid, above and beyond the $30 million, in future years to address reimbursement needs. Further, to help Congress accurately assess actual Compact-impact costs, I am pleased the Resources Committee restored a reporting requirement. I am equally pleased the Resources Committee retained referral authority for medical facilities of the Department of Defense. Together, these provisions should set us on the right course for the next twenty years.

My colleagues, Mr. ABERCROMBIE, Mr. CASE, Mr. GALLEGLY, Mr. REHBERG, Mr. ACEVEDO-VILÁ, Mr. GRIJALVA, and Mr. PALLONE, along with Mr. FALEOMAVAEGA, were also there for Guam throughout this process and helped me to ensure the Guam Compact-impact reconciliation provision was included. I thank them as well for their support.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I do not have any further speakers, I would like to express a few sentiments. It is very easy for those of us managing pieces of legislation and somewhat proclaiming our own sense of expertise by commenting or making speeches. As my good friend, the gentleman from Iowa (Mr. LEACH), had given an indication earlier, there has been tremendous support from members of the professional staff of the two committees who have done an outstanding job in helping putting this piece of legislation together. Again, I would be remiss if I do not express my sense of appreciation to Mr. Doug Anderson and also Mr. Jamie McCormick on the majority side on the Committee on International Relations, as well as Mr. Peter Yeo and Dr. Lisa Williams, and also Dr. Bob King. Also on the Committee on Resources we have Mr. Tony Babauta and Mr. Chris Fluhr of the Committee on Resources, and also Mr. Chris Foster from the gentleman from California's (Mr. POMBO) office, and the outstanding contributions they have made as professional members of both committees in putting this legislation and certainly giving us positive advice now that we find ourselves agreeing to some of the important elements of this bill that is now before us.

We sincerely hope that our colleagues will lend their support to this important legislation.

Madam Speaker, I yield back the balance of my time.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

First, I want to concur in the sentiments of my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA) with regard to the professionalism of the staff on Capitol Hill.

Prior to yielding back my time, I would like to specifically recognize the exceptional contribution of the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO). The cooperation of his committee was crucial to our putting together this resolution.

Madam Speaker, finally, consideration of this resolution is historically significant for the Pacific region. It provides a moment for the people of the United States and the Freely Associated States to celebrate our warm friendship and look to an enhanced and mutually respectful relationship.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Madam Speaker, I also want to note to the benefit of our colleagues that just this last weekend our President visited the State of Hawaii and he had an opportunity to meet with the leaders of these island nations at the East-West Center and the concerns expressed collectively by these leaders regarding homeland security. The security issues now of terrorism and issues of this nature are vitally important to this region of the world; and, again, this is all in concert with the efforts that we are making to make sure that we continue to establish good relations with our friends from Micronesia. I again thank my good friend, the gentleman from Iowa (Mr. LEACH), for his tremendous support and leadership in bringing this legislation to the floor, again, sincerely hoping our colleagues will support this legislation.

Mr. LEACH. Reclaiming my time, Madam Speaker, let me stress again the importance of this resolution. It has strong bipartisan support. I urge our colleagues to give this their unanimous support. This renewed compact is critical to the region.

Ms. WATSON. Madam Speaker, President Clinton gave me the privilege to represent the American people as Ambassador to the Federated States of Micronesia. I have a deep respect for the Island nations, and I am pleased that we have passed the new compact legislation out of the House.

Although most of the contentious issues in the compact have been addressed, the funding allocated for education concerns me. The RMI and FSM children have only just begun to benefit from the establishment of an integrated education system. I urge Congress to monitor education appropriations for the compact and stay intent on our obligations.

In my former profession of teaching I have witnessed the impact of early structured education. Young students are much better equipped to enter the educational system when they are exposed to education at an early age. The educational funding that Chairman REGULA has offered to support is critical to keep effective programs in place.

I strongly support those provisions in this compact that provide for continued Pell Grant eligibility for the FAS. It will bolster the ability of the FAS to cultivate education. The elimination of Pell Grant assistance would have decimated the college system in the FAS altogether. A large portion of the operating funds for the College of Micronesia are obtained through Pell Grants.

One other important area that I would like to point out is the reinstatement of FEMA assistance. It has been placed back into the Compact for infrastructure purposes and major catastrophes. USAID is not equipped to deal with all of the problems that arise on small islands nor do they have the ready response to help in a timely fashion. As we move forward with our unique relationship with the FAS I hope the United States Congress will be supportive and receptive to the needs of our friends.

In conclusion, with a few minor adjustments, this Congress will produce long lasting legislation to be proud of. I urge my colleagues to understand the importance of the FAS. I support this bill and look to endorse the final product as the other body considers the Compact.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support for H.J. Res. 63, the Compacts of Free Association Amendments Act of 2003. Additionally, this Member would like to extend thanks to the very distinguished gentleman from Iowa, the Chairman of the International Relations Subcommittee on Asia and the Pacific, (Mr. LEACH) for his efforts to conduct oversight of the Compact negotiations and ultimately to bring this measure to the Floor today. Both the gentleman and his staff on the Subcommittee are to be commended for their vigilance. Furthermore, this Member would like to thank the distinguished gentleman from California (Mr. POMBO), the Chairman of the Resources Committee, which also has jurisdiction over the Compacts of Free Association for his efforts in guiding this resolution through the legislative process.

When this Member served as Chairman of the International Relations Subcommittee on Asia and the Pacific, he requested a Government Accounting Office (GAO) investigation into the use of Compact of Free Association funds. Indeed, this Member traveled to the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) many years ago and was disturbed by the conditions of schools, roads, and public buildings despite the infusion of U.S. aid. Unfortunately, the GAO reports certainly corroborated this Member's grave concerns about pervasive fraud, corruption, and waste of funds by the RMI Government and the poor planning and construction of infrastructure in both the RMI and the FSM.

This resolution would approve the amended Compact of Free Association, the agreement through which the United States provides assistance to the people of the RMI and the FSM. Overall, the revised Compact addresses many of the concerns which this Member has expressed for many years about this assistance and development programs for these two island groups which are two of the four Trust Territories for which the United States assumed responsibility after World War II. Of course, Congress must continue its oversight role to ensure that the people of RMI and FSM get the aid and services which they deserve and that the funds are not diverted for misuse by government officials in those countries.

In closing, Madam Speaker, this Member encourages his colleagues to vote for H.J. Res. 63.

Mr. BOEHNER. Madam Speaker, I rise in support of H.J. Res. 63 which will renew the Compact of Free Association with both the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI). I am pleased that Chairman Hyde and Chairman Pombo worked with me to find a solution to continue funding for education programs in the Federated States of Micronesia and the Republic of the Marshall Islands.

H.J. Res. 63 provides a new supplemental education discretionary grant for the FSM and the RMI to receive funding from one source. This supplemental education grant provides funds for the FSM and RMI to use for education programs under Title 1 of the Elementary and Secondary Education Act, part B of IDEA, Title 1 of the Workforce Investment Act, the Adult Education and Family Literacy Act, Title 1 of the Carl D. Perkins Vocational and Technical Education Act and the Head Start Act. These funds will be subject to the Fiscal Procedures Act negotiated by the U.S. government and the FSM and the RMI. Specifically, the U.S. Department of Education, as a member of the Joint Economic Management Team, will ensure that academic performance measures are developed for standards and assessments appropriate for the FSM and RMI in order to increase academic achievement for the children receiving educational services under this grant. H.J. Res. 63 also continues eligibility for the FSM and RMI under the Pell Grant program and continues to allow the FSM and RMI to compete for competitive grants at the U.S. Department of Education.

Madam Speaker, I want to be clear. This new discretionary supplemental education grant is the source, and only source, for funds for education programs for the FSM and RMI. They are no longer eligible to receive separate funding from any formula grant run by the Department of Education, the Department of Labor or the Head Start Act administered by the Department of Health and Human Services. In my view, this new supplemental education grant is a signal that funds for the FSM and RMI should be addressed within the Compact, rather than through a disjointed system of domestic formula grants. The United States owes an enormous debt to these nations and efforts to improve their educational system should be a top priority.

I urge my colleagues to support this Compact.

Mr. SENSENBRENNER. Madam Speaker, H.J. Res. 63 amends the Compacts of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands. The Compacts, agreed to in the 1980s, provide that the United States will support the new island nations economically and that we can establish, by agreement, military bases in their territories and foreclose access to the nations by military personnel of third countries. As to the Marshall Islands, a major subsidiary agreement allows the United States continued use of the Kwajalein missile test range. Deputy Assistant Secretary of Defense for Asian and Pacific Affairs Peter Brookes testified last year that "it is in our best interest to maintain the full range of military access, use, and security cooperation options and rights that the Compact[s] provide[]."

The Compacts grant citizens of the Federated States of Micronesia and the Marshall Islands the right to enter the U.S. without passports or visas, as nonimmigrants and lawfully engage in occupations. In recent years, the U.S. government has expressed a number of concerns regarding these immigration provisions.

First, the ability of aliens claiming to be citizens of the two nations without having to have passports is an open invitation for abuse by terrorists. In addition, the government of the Marshall Islands has in the past been found to have sold passports.

Second, some Americans have taken advantage of the ability of islanders to enter the U.S. to bring in adopted children without having to meet the requirements of the Immigration and Nationality Act regarding foreign adoptions that are designed to safeguard the interests of the adopted children and their biological parents.

Finally, labor recruiters who arrange jobs in the United States for islanders have been abusing these unsophisticated workers, such as by not revealing the real nature of the jobs to be performed and charging prohibitive liquidated damages should the workers leave employment prematurely.

The State Department utilized the looming expiration of the economic assistance provisions of the Compacts to persuade the nations to agree to needed modifications to the Compacts addressing these immigration concerns and other matters. These changes are contained in H.J. Res. 63.

In order to address our security concerns, a number of changes have been made including barring entry to the U.S. under the Compacts of persons who were sold passports, limiting those naturalized citizens who can enter the U.S. pursuant to the Compacts, and requiring passports for entry to the U.S.

As to adoptions, any child who is coming to the U.S. pursuant to an adoption outside the country or for the purpose of adoption in the United States, is ineligible for admission as a nonimmigrant under the Compacts. The child must be brought to the U.S. pursuant to the applicable provisions of the Immigration and Nationality Act.

Separate agreements, which shall come into effect simultaneously with the Compacts, shall incorporate minimum obligations that labor recruiters will have to meet in order to protect Micronesians and Marshall Islanders who are recruited for work in the U.S.

H.J. Res. 63 also includes a number of provisions within the claims, courts, criminal law and administrative law jurisdiction of the Committee. For instance, the Compacts are amended to provide that the governments of the nations are immune from the jurisdiction of U.S. courts and that the U.S. shall not be liable in their courts, and federal agencies are authorized to settle and pay tort claims arising from acts or omissions of their employees within the two nations.

As to criminal law jurisdiction, provisions of the amended Compacts allow the United States to provide technical and training assistance to the governments of the Federated States of Micronesia and the Republic of the Marshall Islands. This assistance will facilitate the development and enforcement of their respective laws and allow for cooperation with the United States in the enforcement of U.S. laws. The postal inspection of contraband, extradition of fugitives, and the transfer of prisoners are among the mutual assistance in law enforcement matters addressed by the Compact. These issues are important not only in addressing the reality of the increased translational nature of general crime, but also are vitally important when confronting the issue of global terrorism.

H.J. Res. 63 contains numerous beneficial changes to the Compacts of Free Association. I urge my colleagues to support this legislation.

Mr. RAHALL. Madam Speaker, I rise in support of H.J. Res. 63, the Compacts of Free Association Amendments Act of 2003. These amendments to the existing Compact, extends and refines the official relationship between the United States and our friends and allies, the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM).

For the next 20 years, we can only hope that these changes will result in continuing economic opportunity, social development, and improvements to the quality of life of these island nations as well as serve the interests of the United States.

The RMI and FSM's contribution to our Nation's history is unique. Beginning in the mid-1940s, after World War II, their people sacrificed both land and culture to help preserve peace.

Then under U.S. Trusteeship, atolls in the RMI were used as sites to test the effectiveness and power of U.S. nuclear weaponry. Islands comprising the FSM and also the Republic of Palau became our "line in the sand" in the middle of the Pacific Ocean from which we staved off the spread of communism.

Though their role has largely gone unnoticed by the American public, the relationship we have since established with them to become emerging self-governing and self-sufficient democracies reflects how important we view their contributions to our Nation.

Seventeen years have passed since the RMI and FSM became freely associated with the United States. The relationship has been successful and yet imperfect.

The Compact amendments we are considering today will not make the relationship perfect, or guarantee success. There is no clear legislative path to accomplish such goals. However, all the tools are within this legislation for both the RMI and FSM to continue developing, as well as for the United States to continue to foster their growth.

H.J. Res. 63 preserves education opportunities, advances economic activity, safeguards infrastructure investments, and adequately addressed the consequences of immigration to Hawaii, Guam and the Northern Marianas from the freely associated states.

In that regard, I want to make note of the great amount of work NEIL ABERCROMBIE and MADELEINE BORDALLO put into this issue. With justification, they should be proud of their work on behalf of Hawaii and Guam as it relates to the matter of impact aid.

Let me state that this legislation is the product of bipartisan support and multiple Committee collaboration. Bringing this legislation to the floor would not have been possible without the leadership of International Relations Chairman HENRY HYDE and the Ranking Democrat TOM LANTOS, as well as Chairman LEACH and our colleague from American Samoa, from the Subcommittee on East Asia and the Pacific.

Finally, I also want to thank Resources Chairman RICHARD POMBO for the bipartisan manner to which he worked with us on the Committee. His willingness to address important Compact issues in a meaningful and responsive manner gave us the opportunity to move this legislation expeditiously.

I urge my colleagues to favorably pass H.J. Res. 63.

Mr. ABERCROMBIE. Madam Speaker, I would like to express my wholehearted support for this legislation being considered today. For the past 17 years, the United States has had a successful relationship with the Freely Associated States (FAS). The Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) have been able to transition from a United Nations trusteeship to sovereign governments. At the same time, the United States has had its security and defense interests in the Pacific fulfilled. H.J. Res. 63 will improve this vital economic and military relationship by allowing our nations to continue the successes in our agreement while helping to resolve some of our differences.

One of the issues which required a resolution is the impact that the Compacts of Free Association has had on U.S. areas in the Pacific. The Compacts allow FSM and RMI citizens to freely enter the U.S. and its territories to live, seek an education, obtain healthcare and find employment. For the State of Hawaii alone, more than $32 million was expended in 2002 in order to support Compact migrants and help ensure their health and well-being. These costs have been borne by Hawaii since the Compacts were first implemented in 1986. For the past seventeen years, the state has provided Compact migrants with the care and benefits that were promised to them by the first Compact, expending more than $140 million. In that time, the federal government has reimbursed a mere five percent of that amount. As a signatory to the Compacts of Free Association, I believe it is the United States, not the State of Hawaii that should bear its costs.

For the first time ever, the Administration recognized this hardship and proposed a mandatory funding stream of $15 million a year for Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. H.J. Res. 63 has been amended to go even further to address this vast shortcoming by increasing the mandatory appropriations to $30 million a year. Although these funds will be divided among the four jurisdictions, it will be the largest compensation any of these jurisdictions has received to date. While these funds will surely cover only a portion of the total impact cost, its yearly distribution will undoubtedly have a great effect on the state departments and agencies that have spent untold resources and labor in providing for the compact migrants.

The legislation has also been amended to include many other improvements. The inclusion of language authorizing discretionary appropriations, the extension of Pell Grant eligibility, the inclusion of a trigger for full inflation adjustment, and the restoration of language authorizing compensation for health institutions are a few of these changes. I am also gratified to see these provisions, as they will help the Federated States of Micronesia and the Republic of the Marshall Islands in their quest to become fully independent countries.

At this time I would also like to thank Chairman RICHARD POMBO, Chairman HENRY HYDE, Chairman JIM NUSSLE, and Chairman JOHN BOEHNER for all of their hard work in bringing this bill to the floor. Thanks to their efforts, I have no doubt that our relationship with these Pacific nations will continue to be productive and mutually beneficial. I urge my colleagues to support this important measure.

Mr. HYDE. Madam Speaker, I submit for printing in the CONGRESSIONAL RECORD the following correspondence concerning H.J. Res. 63: (1) an exchange of letters between Chairman THOMAS and myself; (2) a letter from Chairman REGULA to me; (3) a letter from Chairman POMBO to Chairman NUSSLE; and (4) a letter from me to Chairman NUSSLE.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 24, 2003.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning H.J. Res. 63, the "Compact of Free Association Amendments Act of 2003," which was referred to the Committees on International Relations, Resources and Judiciary. I understand that a short-term extension of the compacts may be included in a Continuing Resolution to be considered by the House.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning trade. H.J. Res. 63, which incorporates Article IV of the agreements with the Federated States of Micronesia and the Republic of the Marshall Islands, contains several provisions involving tariffs and imports, which fall squarely within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.J. Res. 63, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 24, 2003.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR BILL: Thank you for your letter concerning H.J. Res. 63, the "Compact of Free Association Amendments Act of 2003" which was referred to this Committee among others.

I concur with your statements concerning the jurisdiction of the Ways and Means Committee over certain matters contained in this legislation. H.J. Res. 63, which incorporates Article IV of the agreements with the Federated States of Micronesia and the Republic of the Marshall Islands, contains several provisions involving tariffs and imports, which fall squarely within the jurisdiction of the Committee on Ways and Means. I appreciate your willingness to forgo consideration of the bill.

I also understand that this action on your part does not in any way prejudice your Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 2003.

Hon. HENRY HYDE,
Chairman, Committee on International Relations, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: This letter is to confirm the agreement regarding H.J. Res. 63, "Compact of Free Association Amendments Act of 2003." I thank you for working with me on amendments affecting education programs for the Federated States of Micronesia and the Republic of the Marshall Islands, specifically Section 105(g), Supplemental Education Grants, as you have currently proposed to be included in your Substitute during Floor consideration. In addition to you, I very much appreciate the work and cooperation of Chairman John Boehner, Chairman Jim Nussle, and Chairman Richard Pombo in finding an excellent solution.

While eligibility under most domestic education programs will terminate with ratification of this Compact Agreement, your Substitute to H.J. Res. 63 would continue student eligibility under the Pell Grant program of the Higher Education Act of 1965, continue institutional eligibility for certain competitive grant programs administered by the Secretary of Education, and create a new discretionary grant program for education in lieu of receipt of certain discretionary domestic education programs.

As you know, the Subcommittee on Appropriations for Labor, Health and Human Services, Education and Related Agencies has consistently funded education programs for the Federated States of Micronesia and the Republic of the Marshall Islands under Title I of the Elementary and Secondary Education Act, part B of the Individuals with Disabilities Education Act, Titles I and II of the Workforce Investment Act of 1998, Title I of the Carl D. Perkins Vocational and Technical Education Act and the Head Start Act. I assure you that I will continue to fund these programs through the newly created supplemental education grants authorized in your substitute to H.J. Res. 63.

I do have concerns that these provisions remain intact throughout the legislative process and will work with you to ensure that this new discretionary authority for supplemental education grants is maintained through a conference agreement.

I thank you for working with me regarding this matter. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

RALPH REGULA,
Chairman, House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 29, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on the Budget objected to consideration of H.J. Res. 63 on the Floor of the House of Representatives last week due to funding levels that were inconsistent with the most recent budget resolution. H.J. Res. 63 was referred primarily to the Committee on International Relations and additionally to the Committee on Resources. The bill was also sequentially referred to the Committee on the Judiciary. After extensive negotiations with the Department of State, the Department of the Interior, other committees of jurisdiction and our Members, the Committee on Resources reported an amended bill on September 15, 2003 (H. Rept. 108-262, Part II). It is this amended text, with modifications, that Chairman Henry Hyde of the International Relations Committee desires to schedule for Floor consideration.

H.J. Res. 63 approves the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023. The version reported from the Committee on Resources authorizes funding for various assistance programs to the Marshall Islands and Micronesia. It also provides "impact aid" to the U.S. Pacific territories and the State of Hawaii associated with the two Freely Associated States.

I acknowledge that the Committee on Resources has slightly exceeded its budget allocation attributed to the approval and implementation of the Compacts of Free Association with the Marshall Islands and Micronesia. For example, for those programs within the Committee on Resources' jurisdiction contained in the bill, the budget resolution provided $19M for Fiscal Year (FY) 2004, but H.J. Res. 63 authorizes $28M. For FY 2004 through FY 2008, the budget resolution provided $105M; the bill has a $159M cost for that same period.

To expedite consideration of the resolution, the Committee on Resources will agree to absorb the additional budget authority and outlays contained in H.J. Res. 63 as reported within the overall Committee allocation under the budget resolution. This represents a total of $54M in both budget authority and outlays for FY 2004 through FY 2008.

Obviously, this decision will affect other programs within the Committee on Resource's jurisdiction, but I believe that enactment of the compact bill and the aid it provides to the two freely associated states, as well to the U.S. pacific territories and the State of Hawaii, justifies this shift in our priorities. However, as you know, the Committee on Resources has only limited outlay and budget authority under the current budget resolution. Given the time remaining in the 108th Congress, we would not be unable to absorb any additional funding associated with this bill or a Senate counterpart given other legislative initiations expected to be enacted.

Thank you for this opportunity to clarify our position. I hope it will enable Chairman Hyde and Congressman Leach, the author of the measure, to move forward with this important legislation.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, October 23, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Cannon House House Office Building, Washington, DC.

DEAR JIM: I am writing to memorialize and confirm an understanding regarding a new, proposed suspension version of H.J. Res. 63, the Compact of Free Association Amendment Act of 2003, which has been worked out between the Committee on Resources, the Committee on Education and the Workforce, and the Committee on International Relations.

This new text is intended to address your Committee's cost-related objection to the originally proposed suspension version of H.J. Res. 63 while also addressing the concerns of numerous Members that adequate education assistance be provided to the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) under the new Compacts of Free Association. The language in Section 105(g)(1)(B) of the original suspension text would have created approximately $29 million in new, annual direct spending for targeted education grants intended to replace the benefits that those countries currently receive as participants in certain U.S. formula-grant education programs.

The new, consensus text: (1) replaces that mandatory spending language with language authorizing new, discretionary grant assistance from the Department of Education to the RMI and FSM, in lieu of (and in an amount generally commensurate with) certain educational programs that currently receive; and (2) is premised upon an explicit assurance from the relevant appropriators that they will work to fund those new authorities in the years ahead. I understand that this change, together with the Resources Committee's willingness to absorb the $54 million in five-year costs above what was allocated for Compact assistance in the FY04 budget resolution, will satisfy your objections to H.J. Res. 63 and allow this legislation to move forward on the suspension calendar.

I support this arrangement and will endeavor in good faith, as we move it forward through the legislative process, to actively work against any version of this bill (i.e., free-standing Senate legislation, attachment to an appropriations bill, etc.) that may exceed a total cost of $28 million in 2004 and $159 million over five years. It is my hope that this commitment will suffice to address your Committee's understandable concerns. As you are likely aware, there are a number of reasons why it is critical for the House to act promptly on this important resolution. Please do not hesitate to call if I or my staff can be of any assistance on this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. POMBO. Madam Speaker, I rise in support of H.J. Res. 63, the "Compact of Free Association Amendments Act of 2003." The House Resources Committee has a unique understanding of the issues that affect the insular areas, and this legislation received strong support within our Committee.

For over 50 years, the United States has enjoyed a very unique relationship with citizens of Micronesia and the Marshall Islands. In 1984, President Ronald Reagan proposed a new status for the trust territories of the Pacific through negotiated Compacts of Free Association. After having status as a United Nations Trust Territory for many years, in 1986, these islands chose to become sovereign states.

Starting in 1986, when Congress passed "The Compact Act," we made the agreement to strive to continue to maintain both economic and political stability in this region, including working to advance economic self-reliance in these islands.

With the passage of time and implementation of the original Compact, it is very encouraging to see the results achieved that were aided by this legislation. We can now consider the connection we have with the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) to be one of the United States' closest bilateral relationships.

The administration submitted to Congress a large agreement that reflected many hours of hard work from individuals primarily within the U.S. State Department and the U.S. Department of the Interior. These individuals deserve recognition for the time which they dedicated to the people and governments of the Freely Associated States. Multiple Committees have an interest in this legislation, as the Compacts cover everything from immigration to health care and continuing education programs. It is encouraging to see how closely so many Members were able to work closely over the last few months to ensure bipartisan support and passage of this legislation.

I wanted to thank the Members of the House Resources Committee for their thoughtful input throughout the process of amending this legislation. The openness with which our Committee was able to work with the Chairmen and Ranking Members of the House International Relations Committee, the House Education and Workforce Committee, and the House Judiciary Committee was also essential to bringing H.J. Res. 63 to the floor today.

Through the work of multiple Members, the House has been able to make numerous changes that should create more beneficial results for not only those living in the FSM and RMI, but also for those citizens from the Freely Associated States living in areas like American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and Hawaii.

We were able to craft legislation that incorporates components such as the strong accountability reforms agreed upon by the Administration, the FSM, and the RMI, while pushing to empower these citizens to maintain strong health care advances, education programs and general infrastructure. Chairman BOEHNER was particularly helpful in working with multiple Committees to ensure we worked to address the issue of funding education programs in the FSM and the RMI to a necessary level, and it is important to note that Congress will now ensure that this funding can be provided within the Compact for the next 20 years.

Further, through the direct input of Members from those areas affected by the migration of FAS citizens, we doubled the level of what is commonly referred to as "Compact Impact" funding. This will greatly assist areas in their ability to allow FAS citizens to continue to migrate to their islands while also fortifying the spending by their own respective governments on students and others that utilize the social resources of these areas.

Finally, the hard work over numerous years put into what is now H.J. Res. 63 should not be ignored and this legislation needs to move forward as quickly as possible. The timing is critical for these islands, and important to maintaining a relationship that has brought us the strong U.S. defense and strategic interests that exist in this area of the Pacific Ocean.

The ability for Congress to act thoughtfully and expeditiously is shown in the interest of multiple Members working to ensure we got this legislation to the Floor for a vote today. I appreciate again the leadership of Mr. HYDE and Mr. LEACH, as well as Mr. LANTOS from the International Relations Committee. My colleague from West Virginia, Mr. RAHALL, was also very engaged throughout the process of moving this legislation, which helped to allow the Resources Committee to move forward with a unified voice concerning this legislation.

I thus strongly support the passage of H.J. Res. 63 and encourage the bipartisan support of this measure by my colleagues.

Mr. LEACH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the joint resolution, H.J. Res. 63, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

Mr. LEACH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive.

The Clerk read as follows:

H. RES. 409

Whereas the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, has become notorious over the years for his overt anti-Semitism and opposition to the State of Israel;

Whereas Dr. Mahathir opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as "the enemy" who "rule the world by proxy";

Whereas incendiary rhetoric of this nature can be neither excused nor rationalized;

Whereas Dr. Mahathir's anti-Semitic remarks are despicable and could serve to incite further sectarian violence;

Whereas, among the 57 national representatives in attendance, none raised their voice in protest and many applauded Dr. Mahathir's statements; and

Whereas President George W. Bush traveled to Thailand to attend the October 20–21, 2003, meeting in Bangkok of the leaders of Asia-Pacific Economic Cooperation (APEC) and rebuked Dr. Mahathir for his "wrong and divisive" remarks: Now, therefore, be it

Resolved, That the House of Representatives—

(1) thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which embodies age-old stereotypes of Jewish global domination and grotesque anti-Semitism on an international scale;

(2) reaffirms the rebuke made by President George W. Bush of Dr. Mahathir and his injurious sentiments on October 20, 2003, stating that the remarks "stand squarely against what I believe";

(3) calls upon other governments and international bodies, notably the European Union, to condemn these remarks as dangerous incitement; and

(4) deplores the tacit acquiescence of those national representatives in attendance at the October 2003 Organization of the Islamic Conference as willing complicity in spreading a message of hate and incitement against Jews.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 409.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of a resolution repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing Prime Minister of Malaysia.

At the outset, let me thank the majority whip, the gentleman from Missouri (Mr. BLUNT), as well as the distinguished minority whip, the gentleman from Maryland (Mr. HOYER), for their introduction of this thoroughly appropriate and timely resolution.

On October 16, Dr. Mahathir, the outgoing Prime Minister of Malaysia gave an address before the summit of the Organization of Islamic Countries in Kuala Lumpur which has drawn the condemnation of decent citizens throughout the world. In a speech, the Prime Minister made the widely reported comment, "Today the Jews rule the world by proxy. They get others to fight and die for them."

Dr. Mahathir chose to repeat Jewish conspiracy theories of world domination that first surfaced with the infamous anti-Semitic screed published in

Russia by the Tsar's secret police back in 1905 known as "The Protocols of the Elders of Zion."

While in the same speech the Prime Minister properly rejected terrorism and urged Muslims to embrace modern knowledge and technology, he nevertheless strongly implied that he viewed Islam and the West to be in fundamental historical conflict. While the totality of the remarks might have been intended to reflect some sort of ill-perceived leadership balancing act, the fact that they were uttered, premeditatively crafted, by a modern head of state, makes them particularly irresponsible and reprehensible. They deserve the strongest condemnation. Nothing can be more damaging to peace on this fragile planet than to perpetrate the most invidious myths about any ethnic or religious group. Particularly at this time when the Middle East is a seething cauldron of tension, it is imperative that thoughtful leaders underscore the need for understanding, rather than foment thoughts that lead to conflict.

Madam Speaker, it is with the deepest regret and concern that I urge passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support for House Resolution 409, repudiating the recent damaging rhetoric of the outgoing Prime Minister of Malaysia, Dr. Mahathir.

Despite my steadfast and unequivocal support for this resolution, I rise today with a heavy heart. I am heavy-hearted not because I question the necessity of such a resolution, but because its necessity exists at all. I am heavy-hearted because in the year 2003 overt prejudice, racism and virulent anti-Semitism still exist. And I am heavy-hearted because I must take to the floor of the United States House of Representatives to condemn what should be an unfortunate relic of our past. To the contrary, anti-Semitism seems to grow stronger with every passing day. But I am not only heavy-hearted; I am outraged by this.

Madam Speaker, there are problems to be solved, world-wide problems, and problems at home, homelessness, joblessness, poverty, famine, drought, flood, disasters. There are people that need our help and challenges we need to confront. But instead, today we take to the floor of the House not to confront these problems, but to confront a moral outrage and an affront to world civilization, overt racism and anti-Semitism on a massive scale.

This past week, Malaysian Prime Minister, Dr. Mohamad, opened a 57-nation Summit of the Organization of Islamic Conference by characterizing Israel and Jews as the enemy who rule the world by proxy. He continued by calling worldwide Jewry an arrogant people who forget to think and will continue to spread oppression and domination.

□ 1730

Prime Minister Mohamad has made what amounts to a call for a global war against the Jewish people and a holy war against the State of Israel. This is incendiary rhetoric of the worst kind. It is scapegoating, and it is racist, and it serves only as an incitement to violence and death and destruction. Not only are the comments of this nature dangerous and morally repugnant, they are beyond the pale of civilized dialogue.

Nine decades ago, my grandparents walked across Europe to come to this great country. They sought a better life for their family and a better future for their children and their grandchildren. They came with nothing more than the clothes on their back, fleeing prejudice and hardship and oppression and, had they remained, almost certain death by the hands of the Nazis.

It has been 90 years since my grandparents came to this great country. In those 90 years, we have won two world wars, conquered the evil of totalitarianism, and congratulated ourselves for a new era of globalism and plurality in which we celebrate our differences and embrace our diversity.

Americans believed that the rest of the world have been celebrating with us. How wrong we have been. The senseless, mindless hatred and prejudice that my grandparents experienced in Europe still exists today. It exists in the burning of synagogues worldwide. It exists in the attacks on Holocaust memorials in Europe, and it exists in remarks made by a head of state at a conference, remarks that not one of the 57 nations in attendance, not one, raised a voice of protest over or left the room in disapproval or disgust.

As world leaders and elected officials, we share a great responsibility. We are looked to for wisdom and guidance. In times of crisis, we are called upon to lead with fortitude and courage. In times of sadness, we are called to lead with strength and conviction, and in times of joy, we are called to lead with our hearts, but never, never are we called to lead with hatred.

Words and actions by an elected leader have far-reaching consequences. They have the power to make policy, and they have the power to change hearts and minds. National leaders must set an example. Not only are the unconscionable statements of the Prime Minister damaging in their own right, and they are, they are damaging at this critical time as the Palestinians and the people of Israel struggle to form a lasting peace.

By inflaming tensions between the Islamic and the Jewish world with hatred-filled bigotry, he has only helped to make an all-too-elusive peace more difficult to achieve. Once again, he has attempted to delegitimize Israel's right to exist as a Jewish State and demonize the Jewish people.

I am pleased that we will be voting today to condemn the offensive and damaging rhetoric of the Prime Minister. His words and the thoughts behind them are inexcusable. I am also pleased that we will be condemning the violence of other world leaders, silence that in the past has been deadly to millions.

I call upon my colleagues to join us in taking this strong stand against bigotry and intolerance, racism and anti-Semitism.

Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mrs. LOWEY. Madam Speaker, I thank the gentlewoman for her very strong, important statement and for offering this resolution.

I join my colleagues in condemning the hate-filled speech given by Prime Minister Mahathir Mohamad at the opening of the 10th Organization of the Islamic Conference in Malaysia on October 16. Many of my colleagues and I signed the letter that was sent to the Prime Minister directly, and today, we pass this resolution to make clear that the House of Representatives repudiates the Prime Minister's message of hate and intolerance.

In my judgment, the Malaysian Prime Minister's speech was a failure of leadership. At a conference focused on issues confronting Islamic Nations around the world, Dr. Mahathir Mohamad missed the chance to set a positive and constructive tone by talking about how more Islamic Nations can achieve prosperity and development and what those achievements would mean for the Islamic people around the world.

But, sadly, the Prime Minister did not take the opportunity to call for better educational opportunities or greater investment in Islamic countries or better trade, health care and economic development, all essential elements when creating stability and prosperity. The Prime Minister could have done such good, set an example, as Malaysia has done before, by discussing the Arab Human Development Reports, which place strong emphasis on increasing freedom, knowledge and women's empowerment. The Prime Minister's speech should have been a call for tremendous improvements in these areas. Instead, he gave a caustic, intolerant, hateful statement against Jews and Israel. What a tragic, missed opportunity. Following the negative sentiments of the Prime Minister will lead to more years of poverty, oppression and hate.

I urge all my colleagues to support this resolution, and I urge the leaders of the world who support economic development and educational opportunities as the best way to a secure future to make themselves heard in opposition to the Prime Minister's speech.

Ms. BERKLEY. Madam Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), our Democratic whip and an original cosponsor of H. Res. 409.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Nevada for yielding me the time, and I congratulate her for her leadership on this critically important issue. She is the principal author of this resolution, and the gentleman from Missouri (Mr. BLUNT) and I are pleased to join her in this important statement.

Mr. Speaker, I also want to associate myself with the very thoughtful remarks of the gentleman from Iowa (Mr. LEACH) on this issue.

I rise to also thank the gentleman from Missouri (Mr. BLUNT), my friend and counterpart on the Republican side of the aisle, the majority whip, for working with us closely and ensuring that this resolution, which is nothing less than a shared expression of our American values, receives prompt consideration tonight.

Madam Speaker, intolerance based on one's religious belief, ethnicity and race is a poison that has coursed throughout the body of human history, and it has caused untold suffering, pain and strife. This great Nation itself, Madam Speaker, was settled by people who fled religious persecution, and I submit that we, the elected Representatives of the strongest and freest Nation on earth and the progeny of that proud legacy, have a moral responsibility to expose and combat such intolerance and prejudice wherever and whenever it rears its head.

On Thursday, October 16, as has been said, Malaysian Prime Minister Mahathir Mohamad made hateful and repugnant anti-Semitic remarks at the Islamic Summit Conference, and those remarks deserve and demand our condemnation in this resolution today.

Among other things, the Prime Minister stated, “The Europeans killed 6 million Jews out of 12 million, but today, the Jews rule the world by proxy. They get others to fight and die for them.”

He added that, “They,” referring to the Jews, “have now gained control of the most powerful countries, and they, this tiny community, have become a world power.” He urged Islamic Nations to unite against being “defeated by a few million Jews.” And throughout his remarks, he referred to Jews as the enemy.

Madam Speaker, these anti-Semitic comments are not simply outrageous and hateful, they are divisive and dangerous. They serve only to foment the destructive lie preyed upon by Hitler and other anti-Semites throughout history, the baseless accusation of a Jewish conspiracy to control the world, to which the gentleman from Iowa (Mr. LEACH) referred to earlier, and we, without question, must emphatically and without reservation, and in the strongest possible terms we can summon, reject these toxic untruths.

But let me add, Madam Speaker, that what is perhaps even more disturbing, as the gentlewoman from Nevada has so correctly pointed out, more disturbing than one man's malignant invective and his ignorance of the Jewish people's persecution today and throughout history, more disturbing is the fact that he received a standing ovation from many of the leaders of Muslim Nations in attendance. Not only as the gentlewoman from Nevada (Ms. BERKLEY) pointed out did they not walk out, they applauded. They applauded approval.

Madam Speaker, that must be unacceptable, not just in this land but throughout the world. Agreeing with or acquiescing in such religious and ethnic bigotry is every bit as dangerous as an incitement to it, and neither the acquiescence nor the incitement can go unchallenged in the civilized world.

As the British politician Edmund Burke wrote more than 200 years ago, “The only thing necessary for the triumph of evil is for good men to do nothing.” We must not do that.

I thank the gentlewoman for her time.

Ms. BERKLEY. Madam Speaker, I thank the gentleman from Maryland for those poignant remarks, and I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member on the Subcommittee on Asia and the Pacific.

Mr. FALEOMAVAEGA. Madam Speaker, I thank the gentlewoman for yielding me the time.

I want to thank the gentlewoman from Nevada (Ms. BERKLEY), my good friend, the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. HOYER), my good friend, as chief sponsors of this legislation, and I also want to thank my colleague and good friend the gentleman from Iowa (Mr. LEACH), the chairman of our the Subcommittee on Asia and the Pacific of the Committee on International Relations.

Madam Speaker, I rise to lend my support to the provisions of H. Res. 409 to repudiate the comments made recently by Prime Minister Dr. Mahathir Mohamad of the Republic of Malaysia. The prime minister's speech was given on October 16, about 2 weeks ago, at a meeting of the Organization of Islamic Nations. The conference was held in Malaysia and was attended by heads of states and government leaders and other political leaders from some 57 nations whose majority populations are followers of Islam.

Madam Speaker, Prime Minister Mohamad claimed that his speech was taken out of context. So I thought perhaps, in fairness to him, I would read his speech in its entirety, which I did, but I thought perhaps we also needed to examine the Prime Minister's prior statements, this very issue of anti-Semitic, this hatred of the people who are of Jewish ancestry. What I found out was a consistent pattern of anti-Semitic statements.

There was a great article in the Boston Globe written recently by Mr. Jeff Jacoby, who did some research on Prime Minister Mahathir Mohamad's utterances as a political leader of Malaysia. Thirty years ago, Prime Minister Mohamad wrote, “The Jews are not merely hook-nosed, but understand money instinctively.” The same Prime Minister, Madam Speaker, described the Jewish people as monsters.

In 1994, this same Prime Minister issued a ban in Malaysia not to show the movie Schindler's List because it showed too much favoritism towards the Jewish people, and in 1997, the same Prime Minister also accused an American businessman, an investor by the name of Mr. George Soros, as the cause of Malaysia's economic instability and currency collapse, specifically citing Mr. Soros as the “Jew who triggered the currency plunge” and coincidentally citing that he is Jewish.

Madam Speaker, this is not the first time Prime Minister Mohamad has made hateful and bigoted statements against the Jewish people. How convenient it is for a Muslim political leader like Prime Minister Mohamad to always blame the Jewish people for the failures of Muslim political leaders to solve the many socioeconomic problems that concurrently confront the needs of some 1.3 billion people who are associated with Islam or the Muslim religion.

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Prime Minister Mahathir claims that the Jews rule this world by proxy. I say, in response to such an outrageous statement by the Prime Minister, the contributions over the years by those of the Jewish ancestry have been truly a blessing to our world community. In the fields of medicine, of law and of physics, literature, and social sciences, I need only to mention the name of Dr. Jonas Salk, who discovered the cure for the dreaded disease of polio, the names of Dr. Albert Einstein, Dr. Teller, and Dr. Oppenheimer as the founding fathers of modern nuclear physics and the theory of relativity.

Time will not allow me to elaborate further the many positive contributions made for the benefit of mankind by those in the Jewish community given generously to the world community. Suffice it to say to political leaders like Prime Minister Mahathir, if it was your intention to tell your fellow

Muslims that the sacred writings contained in the Koran have been misinterpreted by your own Muslim scholars, and partly the reason why there is so much divisiveness among your own adherers to Islam, then say so; but do not blame the Jewish community for your own failures.

Madam Speaker, I sincerely hope as we contemplate the beginning of this sacred month called Ramadan among the adherents of Islam as a period of fasting and prayer and for greater patience and greater love towards all mankind, which in my humble opinion is the essence and the heart and soul of the religion of Islam as taught by the prophet Mohammed some 400 years ago, I do not believe, Madam Speaker, that Prime Minister Mahathir's statement reflects the real meaning and teachings of Islam.

This resolution will announce to the world that this institution, the Congress of the United States of America, will not tolerate and does not support the Prime Minister's statement. And I also reflect upon statements made earlier by my colleague, that I too remember what was said by Martin Luther King, Jr., years ago: "At the end, we will not remember the words of our enemies but the silence of our friends."

Mr. LEACH. Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I thank the chairman for yielding me this time, and I want to raise my voice in opposition to what Prime Minister Mahathir said. He is a racist, a bigot, and an anti-Semite who represents his country very poorly, a country which depends on international trade.

Madam Speaker, let me read some of the names of Malaysian companies who depend on U.S. trade. It is these companies whose livelihoods are now threatened by the remarks of their own Prime Minister: Telekom Malaysia, Maxis, Celcom, Digi, Time dotCom, Jaring, Celcom Berhad, Mimos Berhad, and Proton, all of whose business in the United States is now threatened by the remarks of the Malaysian Prime Minister.

If the Malaysian Prime Minister continues, he threatens Malaysian jobs in Kuala Lumpur, Penang, Seremban, Ioph and Kuching. It is something that he should think very clearly about, understanding that so many people in his country depend on trade with the United States.

We have been very disappointed by this speech and very disappointed also by the reaction of one of our friends in the Middle East, Egypt, and the comments of their foreign minister, who, when he read Prime Minister Mahathir's statement, said, "I saw nothing controversial in the statement."

Now, we are subjecting Malaysian exporters to a withering analysis, and their dependence on the U.S. market is now in jeopardy. I would hope that the Government of Egypt would think twice before that same kind of analysis applies to their own exports. For us here, the message should go forth to the Malaysian Government: Your exports are now at risk, and jobs which depend on the U.S. market are in jeopardy. Continue down this road, and you continue down a road of unemployment for Malaysian jobs.

Ms. BERKLEY. Madam Speaker, I yield 30 seconds to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of House Resolution 409. I too want to associate myself with the remarks of my colleagues. We should speak out against anti-Semitic and prejudice comments made by any leader of the world, or anyone for that matter.

Just this past weekend, I met with the Jewish community of Guam and shared with them my wonderful impressions of my recent visit to Israel. Guam is located in the Asia-Pacific area, and I am very concerned, Madam Speaker, with intolerance or any kind of racism in our region of the world.

Ms. BERKLEY. Madam Speaker, I yield myself such time as I may consume, and before I yield time back to the majority to close, I would like to thank the majority whip, the gentleman from Missouri (Mr. BLUNT), the minority whip, the gentleman from Maryland (Mr. HOYER), as well as the gentleman from Virginia (Mr. CANTOR), the gentleman from Iowa (Mr. LEACH), the gentleman from Illinois (Mr. HYDE), and the gentleman from California (Mr. LANTOS) for helping to move this legislation to the floor and helping to ensure its quick passage.

I am pleased this was handled in a bipartisan manner, and I thank my colleagues from both sides of the aisle for their assistance. I also want to thank the gentleman from Illinois (Mr. KIRK) as well.

Madam Speaker, I yield back the balance of my time.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume. In conclusion, let me first thank the gentlewoman from Nevada for her tremendous leadership on this issue. Second, let me, in a broad way, stress that philosophically the three great monotheistic religions of the world, Christianity, Judaism, and Islam are each rooted in the Ten Commandments. They embrace the Ten Commandments. And the Ten Commandments, above anything else, outline how we should live together in society; and they are doctrines of love and compassion, not hatred and revenge.

One of the things we are all going to have to think through in all societies is how we emphasize what brings us together and not what tears us apart. Fundamentally, what is of deep concern to this body is that a leader of a great Muslim country, a country with which we are very close, a leader who is considered one of the most modern leaders in the Muslim world, has uttered words that, from an American perspective, seem out of context with the times, with good judgment, and with decency.

What we have to emphasize to our friends, as well as to ourselves, is that we are going to have to think through differences in the world in such ways that we can reach compromise, based on a set of feelings that bring us together. Unfortunately, these remarks seem to move in the other direction.

It is extremely unusual—not unprecedented but virtually unprecedented—that the Congress of the United States would deal with a resolution about the words of a head of state of another democracy, a country which we admire, yet we are obligated to do just that today because we want to bring the world together.

So we say to Dr. Mahathir, we hope you repent and think through these words. We also say that we are willing to listen to differences of judgment, but we want to listen to differences of judgment that are based on decency in values, not in intolerance of views. It is this decency of values that we want to emphasize at this time.

Mr. PAUL. Madam Speaker, I rise with great concerns over this legislation—both over its content and what it represents. First, I think it is absurd that the U.S. Congress believes it has the responsibility and authority to rectify the inappropriate statements of individuals in foreign countries. Have we moved beyond meddling in the internal affairs of foreign countries—as bad as that is—to even meddling in the very thoughts and words of foreign leaders and citizens? It is the obligation of the U.S. Congress to correct the "wrong thoughts" of others that have nothing to do with the United States? Additionally, is it our place to demand that other sovereign states, such as the members of the European Union, react as we say they must to certain international events?

More troubling than what is stated in this legislation, however, is the kind of thinking that this approach represents. The purpose of this legislation is to punish inappropriate thoughts and speech—to free debate on difficult topics and issues. In this, it contains a whiff of totalitarian thinking. This legislation advances the disturbing idea that condemnatory speech that does not explicitly incite violence is nevertheless inherently dangerous. It asserts that even debating controversial topics inevitably leads to violence. This is absurd on its face: it is only debate that leads us to come to understandings over controversial topics without violence. That is why nations engage in diplomacy.

Those who feel aggrieved over an issue can either broach the issue through discussion and debate or they can attempt to address the grievance through the barrel of a gun. Which is preferable? I think the answer is self-evident. Once persuasion is taken from the realm of possibility, the only approach left to address grievances is violence.

Is the prime minister of Malaysia wrong in his statements? Debate him. Invite him to one of the various multilateral gatherings with someone who disagrees with him and have a debate and discussion over the issue. This approach is much more likely to result in a peaceful resolution of the dispute than what we are doing here: a blanket condemnation and a notice that certain difficult issues are not subject to any inappropriate thoughts or statements. This is chilling for a nation that prides itself on its tradition of protecting even the most distasteful of speech.

Dr. Mahathir has long been known for his statements on the Middle East. His views are no secret. Yet even President Bush, who invited Prime Minister Mahathir to Washington in May, 2003, chose the path of debate over blanket condemnation. President Bush said at a joint press conference that, "we'll also talk about the Middle East, and I look forward to hearing from the Prime Minister on the Middle East. So we'll have a good discussion." Abandoning our beliefs and traditions—especially those regarding the right to hold and express even abhorrent thoughts and ideas—when it comes to our foreign relations is hardly the best way to show the rest of the world the strength of our system and way of life.

A careful reading of the prime minister's speech did not find any explicit calls for violence. Actually, Dr. Mahathir called for Muslims around the world to cease using violence to seek their goals. He stated, "is there no other way than to ask our young people to blow themselves up and kill people and invite the massacre of more of our own people?" Also, he advises against "revenge" attacks and urges Muslims to "win [the] hearts and minds" of non-Muslims including "Jews...who do not approve of what the Israelis are doing." While we may agree or disagree with the cause that Dr. Mahathir espouses, the fact that he calls for non-violent means to achieve his goals is to be commended rather than condemned. This is not to agree with every aspect of his address—and certainly not to agree with some of the ridiculous statements contained therein—but rather to caution against the kind of blanket condemnation that this legislation represents. Do we not also agree with his words that Muslim violence in the Middle East has been counterproductive? President Bush himself in May invited Dr. Mahathir to the White House to, in the president's words, "publicly thank the Prime Minister for his strong support in the war against terror."

I strongly believe that we need to get out of the business of threatening people over what they think and say and instead trust that our own principles, freedom and liberty, can win out in the marketplace of ideas over bigotry and hate. When the possibility of persuasion is abandoned, the only recourse for the aggrieved is violence. Haven't we seen enough of this already?

Mr. VAN HOLLEN. Madam Speaker, I rise to strongly condemn the hateful anti-Semitic slurs made by Malaysian Prime Minister Mahathir Mohammad in his October 16 address to the Organization of the Islamic Conference.

In his address, Prime Minister Mohammad called Israel, and I quote, "the enemy allied with the most powerful nations." He also said, and again I quote, that "the Jews rule the world by proxy" and that "the Muslims will forever be oppressed and dominated by the Europeans and the Jews."

Madam Speaker, there is no place in international diplomacy for this baseless and hateful rhetoric.

World leaders have a great responsibility to avoid the use of such incendiary rhetoric that could incite further hatred or violence against any racial or ethnic minority. This kind of hatred and scapegoating, including the blaming of Jews for all the ills of the Muslim world, has no place in civilized society, especially by elected officials. Words and actions, especially at a conference such as this, have far reaching consequences—they not only have the power to make policy, they have the power to change hearts and minds. To blame Israel and the Jewish people for problems and difficulties experienced by other cultures is wrong and has led to senseless bloodshed and violence, including the atrocities committed by the Nazi regime in the 1930s and 1940s.

These words are especially damaging at a crucial time when the Palestinian people and Israel struggle to reach a lasting peace. Actions that inflame tensions between the Islamic and Jewish worlds serve only to make that struggle become complicated and the all-too-elusive peace more difficult to achieve.

Mr. WAXMAN. Madam Speaker, I rise in strong support of H. Res. 409, which condemns the appalling anti-Semitic remarks made by Malaysian Prime Minister Mahathir Mohamad during his keynote address at the recent Islamic Summit Conference.

Sadly, Dr. Mahathir's remarks were only a culmination of years of bitter anti-Semitic and anti-Israel rhetoric that have been hallmarks of his political career. Only months ago, he handed out the Protocols of the Elders of Zion during his political party's annual meeting. When the Asian financial crisis caused the collapse of the Malaysian currency, Dr. Mahathir often used Jews as scapegoats for political and economic setbacks claiming that they were the result of a Jewish conspiracy. In a 1986 speech he stated that "the expulsion of Jews from the Holy Land 2,000 years ago and the Nazi oppression of Jews have taught them nothing. If anything at all, it has transformed the Jews into the very monsters that they condemn."

While Dr. Mahathir's outrageous comments have caused fury in the past, the reaction to this speech by the leaders of the Islamic world dangerously signals the mainstream acceptance of his hateful and extremist views. In the days following the conference Dr. Mahathir's remarks were glorified in the Saudi newspaper Ar-Riyadh, deemed "brilliant" by the supposedly moderate President Mohammad Khatami of Iran, affirmed by Afghan President Hamid Karzai, admired by the Foreign Minister of Egypt, and defended by the Foreign Minister of Yemen.

Just as troubling as this effusive praise was the silence that followed from the leaders of most Western European nations. These countries have seen first-hand an alarming rise of anti-Semitic attacks because of the explosion of anti-Semitic hatred and intolerance in European Muslim communities. They lived through the Holocaust and World War II and should know they must not repeat the mistake again of silence and/or participation in anti-Semitism.

Although Dr. Mahathir's reign is thankfully coming to an end, the international community must recognize the pervasive growth of anti-Semitic and anti-Western literature, television shows, and political platforms in Arab and Muslim countries and take action. If not, the world will suffer the consequences for generations to come.

Mr. CROWLEY. Madam Speaker, I rise today in strong support of this resolution. The statements made by the Prime Minister of Malaysia are shocking and show the anti-Semitism that exists around the world and is unfortunately growing at a frightening rate. Even after nations from around the world condemned his remarks, Dr. Mahatir continued to make anti-Semetic statements claiming that our condemnations of his remarks proved his statements to be true. That is just simply ridiculous.

Madam Speaker, his statements only poison the thoughts of people, and incite hatred toward the Jewish people. While I would like to say that his remarks were unusual or surprising, the fact of the matter is that these sort of inflammatory remarks have become standard for the Malaysian Prime Minister. It is truly disheartening that the tremendous economic success of the Malaysian people is being overshadowed by the outrageous comments of its Prime Minister. It is sad but fitting that these forceful comments will be the most recent and strongest of memories of Dr. Mahatir as he begins his retirement.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in support of H. Res. 409, and to join my colleagues in repudiating Dr. Mahathir Mohamad for his recent comments made to the Organization of the Islamic Conference.

It is distressing to me that an individual such as Dr. Mohamad—often portrayed as a moderate Muslim leader—would feel the need to issue what I view as a call to arms to the Muslim world. In doing so, his characterization of Jews as vast cabal that "rules the world by proxy" serves no constructive purpose whatsoever. Rather, it merely perpetuates hateful and destructive millennia-old sterotypes that have long made Jewish people scapegoats for any number of societal ills.

I call upon my colleagues to join me in condemning the anti-Semitic comments of Dr. Mohamad, and I echo the language of H. Res. 409 in calling on the European Union to also repudiate these remarks. I thank Mr. BLUNT for his leadership in bringing this timely resolution to the floor, and urge my fellow members to give it their full support.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 409 that condemns the anti-Semitic remarks made by outgoing Malaysian Prime Minister Dr. Mahathir Mohamad. As a Member who is actively trying to support understanding between the Islamic world and the West, I am disturbed by the Prime Minister's derogatory comments. There can be no room for anti-Semitic or bigoted speech by any head of state.

The Prime Minister's speech touting the idea that "Jews rule the world by proxy" was inappropriate and deserves the reprimand of this body. Such comments cannot be justified; they only serve to fulfill a hateful myth about the Jewish people. Furthermore, his allusion to the Holocaust and the 6 million Jews who died in Europe is deeply disturbing. The fact that the Jewish people survived the horror of the Holocaust should not be looked upon as proof of a global conspiracy, but instead as a story of hope for people who have suffered through oppression.

Prime Minister Mahatir's speech marked the opening of the 57-nation Islamic Summit being held in Malaysia. Had he not made his anti-Semitic remarks, many in this body would have considered his speech monumental. I welcomed his call for Muslims to end the use of suicide bombing. Furthermore, his comments that strict theological interpretations of the Koran had tainted its message showed that he could be a progressive leader. However, any progress made in his speech was crushed by this blatantly anti-Jewish remarks. The Muslim world will not be able to flourish if it holds the Jewish people responsible for all its ills. The Islamic Summit provided an opportunity for Islamic nations to condemn terrorism and open dialogue with the Jewish people; instead Prime Minister Mahathir's speech only furthered ignorance.

The continued dissemination of anti-Semitic rhetoric by leaders of Islamic nations can only weaken the chances for peace between the Palestinians and the Israelis. Comments such as those made by Prime Minister Mahathir taint the minds of both the Palestinians and Israelis. We cannot hope to achieve peace when both sides are continually made to believe they are mortal enemies. Nations such as Malaysia should act as intermediary promoting dialogue and understanding between both the Palestinians and Israelis. This is why it is important that the new Malaysian government distance itself from the comments made by the outgoing prime minister. In fact all Islamic nations need to take this opportunity to condemn all forms of hatred against the Jewish people.

I welcomed President Bush's condemnation of Prime Minister Mahathir's remarks made at the Islamic Summit in Malaysia. However, President Bush must also take this opportunity to censure and reassign Lieutenant General William Boykin for the derogatory remarks he made against Muslims. General Boykin's assertion that this war against terrorism is a war between Christians and Muslims must not be allowed to stand. We must condemn all forms of bigoted speech especially when they are made by a high-ranking member of our military. President Bush must take this action in part to demonstrate to people like Prime Minister Mahathir that their skewed view of the United States is wrong.

It is due to my dismay over Prime Minister Mahathir's speech that I recently signed on to a letter with a number of my colleagues asking him to apologize for his anti-Semitic remarks. Unfortunately, he has not apologized and in fact has defended his outrageous remarks. It is due to this stance that this entire body must support H. Res. 409.

Mr. LEACH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 409.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BASIC PILOT EXTENSION ACT OF 2003

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2359) to extend the basic pilot program for employment eligibility verification, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Basic Pilot Extension Act of 2003".

SEC. 2. EXTENSION OF PROGRAMS.

(a) IN GENERAL.—Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "6-year period" and inserting "11-year period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM FOR STATUS INQUIRIES BY GOVERNMENT AGENCIES.

(a) IN GENERAL.—Section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)) is amended by adding at the end the following:

"An inquiry described in the preceding sentence may be submitted and responded to using the confirmation system established under section 404.".

(b) CONFORMING AMENDMENT.—Section 404(h) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

"(3) STATUS INQUIRIES BY GOVERNMENT AGENCIES.—Notwithstanding any other provision of this section, the confirmation system may be used to submit, and to respond to, inquiries described in section 642(c). In the case of such an inquiry, citizenship or immigration status information may be provided in addition to the identity and employment eligibility information provided under subsections (b) and (c).".

SEC. 4. OPERATION OF BASIC PILOT PROGRAM IN ALL STATES.

(a) IN GENERAL.—Section 401(c)(1) of the Illegal Immigration Reform and Immigrant Responsiblity Act of 1996 (8 U.S.C. 1324a note) is amended by striking "in, at" and all that follows through the semicolon at the end and inserting "in all States;".

(b) CONFORMING AMENDMENTS.—Section 402(c) of the Illegal Immigration Reform and Immigrant Responsiblity Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in paragraph (2)(B), by striking "electing—" and all that follows through "(ii) the citizen" and inserting "electing the citizen"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2359, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ illegal aliens and required employers to check the identity and work eligibility documents of all new employees. Unfortunately, illegal aliens have used the easy and cheap availability of counterfeit documents to make a mockery of IRCA. Today's document-based verification system just does not work, and it frustrates employers who do not want to hire illegal aliens, but have no choice other than to accept documents that have a high likelihood of being counterfeit.

In 1996, Congress created a pilot program to help employers verify worker eligibility. Under this program, the employers who elect to participate in the pilot program may submit Social Security numbers and alien identification numbers of newly hired employees to be checked against Social Security Administration and INS records. This weeds out bogus numbers provided by illegal aliens and thus helps to ensure that new hires are genuinely eligible to work.

The pilot program has been a great success over its 6 years of operation. A recent study conducted by the Institute for Survey Research at Temple University, in conjunction with Westat, found that 96 percent of participating employers believe the pilot to be an effective and reliable tool for employment verification; 94 percent believed it to be more reliable than the IRCA- required document check; and 83 percent believed that participating in the pilot reduced uncertainty regarding work authorization. The study recommended the continuation of the pilot.

Several participating employers indicated in a recent letter to the gentleman from Indiana (Mr. HOSTETTLER), the chairman of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, that "the pilot is the best tool employers have to make sure they are not hiring unauthorized aliens. Employers have embraced the tools granted by Congress and Congress should grant a continuation of the pilot employment verification program."

H.R. 2359, introduced by the gentleman from California (Mr. CALVERT), would extend the pilot program for an additional 5 years. It would also allow volunteer employers throughout the Nation to participate in the pilot. Currently, the Department of Homeland Security is required to operate the pilot in at least five of the seven States with the highest estimated number of illegal aliens. There is no reason why employers elsewhere in the Nation should not be allowed to participate and reap the same rewards as the current participants.

The study of the pilot found that now is not the time to require all businesses in the United States to participate. However, all this bill does is to open the pilot program to additional volunteer employers. The study explicitly found that "the Social Security Administration and INS are currently capable of handling" a nationwide voluntary program. That is all H.R. 2359 does. The study did indicate that the pilot could be improved.

However, as chairman of the Subcommittee on Immigration, Border Security, and Claims will elaborate, in the years since the time the study reviewed the pilot, the INS and the Department of Homeland Security have been successfully making these improvements. At the request of the Department of Homeland Security, H.R. 2359 would also provide that inquires by Federal, State, and local government agencies seeking to verify or ascertain the citizen or immigration status of any individual for any purpose authorized by law may be made using the mechanism of the pilot program.

□ 1800

Under current law, DHS must already respond to these agencies' request. The bill merely allows DHS to utilize the pilot program in responding. And, the pilot program contains no new databases. It merely relies on current Social Security Administration and Department of Homeland Security records system.

I urge my colleagues to support this bill. This legislation will provide willing employers throughout the Nation the tools they need to hire a legal workforce and comply with the law.

Madam Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong opposition to H.R. 2359, the Basic Pilot Extension Act of 2003. While proponents of this bill claim it is a simple extension of the basic pilot program for employment eligibility verification, this bill actually comes dangerously close to threatening the privacy of U.S. citizens and noncitizens alike.

H.R. 2359 would permit any government agency to use the basic pilot confirmation system to check the immigration or citizenship status of U.S. citizens and immigrants who come within their purview. This would include those who seek drivers' licenses, it would include professional licenses, or any person who is subject to an inquiry of a Federal, State, or local government agency.

My own home State of Texas is one of the sites for the current pilot program. Although the program was set up with the best of intentions, a recent independent study conducted for the U.S. Department of Justice concluded that the basic pilot program is not ready for larger scale implementation at this time. The study identified problems such as inaccurate and outdated immigration databases. It brought out the civil rights violations by employers and insufficient privacy protections.

Although the program is not supposed to be used as a prescreening mechanism before employment is offered, many employers are basing hiring decisions on these checks. As a result, eligible workers are being denied employment opportunities because an outdated database says they are not eligible to work. The study concluded that these problems could become insurmountable if the program were to be expanded dramatically in scope.

Despite the findings of this study, this bill would expand a flawed program to every State of the Union. I can only conclude that this legislation is a veiled attempt to put in place the mechanism for eventual adoption of a controversial national identification program. The expansion of the pilot program would effectively create a single database, with no privacy protections, that would make it much easier for the government to track its own citizens.

Madam Speaker, it leads me to believe that such a vast invasion of a citizen's privacy must be carefully examined and debated by Congress. However, this broad expansion of government power has been attached to a seemingly benign program extension circumventing any committee hearings or subcommittee markup.

We all agree that we need to find ways to ensure employers hire workers that are legally authorized to work in the United States; however, the Basic Pilot Extension Act does nothing to take us closer to this goal. Instead, this legislation expands a currently imperfect program and creates a new and controversial identification database that could threaten the privacy of all U.S. citizens and immigrants. I urge my colleagues to oppose H.R. 2359.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Halloween is coming up, and I am afraid that the argument used by the gentleman from Texas (Mr. HINOJOSA) is designed to scare people into doing something that this bill does not do. First of all, the bill creates no new databases. The basic pilot program relies on both the Social Security Administration and INS database, and there is nothing added to these databases by this bill whatsoever.

Secondly, the bill does expand this voluntary program nationwide so that employers in other States may volunteer to participate in the verification of employment eligibility. Because the problem of illegal aliens taking jobs away from Americans is a problem that exists in more than the 45 States that are not covered by this program, there is nothing wrong with giving these employers the opportunity to volunteer to participate in the program.

Thirdly, the gentleman from Texas (Mr. HINOJOSA) seems to argue against this legislation in that it will allow government agencies to be able to find out the employment and Social Security status and immigration status of people whose names are in an existing database.

The only change in the law is to allow the other government agencies to utilize the pilot program database, which contains information that is already available to the other government agencies through existing law. I think if anybody is to be scared by this bill, it is people who are trafficking in illegal and counterfeit documents which will be the sole source of employment verification should this bill go down and the pilot program be allowed to expire.

Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Madam Speaker, I want to emphasize two points about the Basic Pilot Extension Act of 2003. First, employers participating in the pilot program find it of immense help in the day-to-day operations of their businesses.

Second, despite some of what we have heard today already, the pilot is working extraordinarily well and will only get better in the future. The report commissioned by the INS to evaluate the program found that "an overwhelming majority of employers participating found the basic pilot program to be an effective and reliable tool for employment verification."

Participating employers appreciate the pilot because it reduces uncertainty. The pilot ensures that their operations will not be disrupted by the mass dismissal of employees after the Department of Homeland Security or the Social Security Administration questions the status of their employees. The pilot ensures that they will not be put in a position of hiring illegal aliens, investing hundreds or thousands of hours in training them, and then losing the benefits of this investment years down the road when they are forced to dismiss illegal aliens who were employees.

As Paul Weyrich has said in support of this bill, "If we are really serious about enforcing the immigration laws we have on the books, then we must provide the means for employers to quickly determine the validity of the documents with which they are presented. The way the pilot program works is simple and reflects plain common sense."

The report indicated that the pilot program could be improved in a few areas. Some employers had taken adverse actions against new employees tentatively found ineligible to work, and INS databases had to be improved, especially in the context of adding data for persons recently issued a work authorization document and for new immigrants and refugees. However, remember that the report evaluated operations of the pilot in the 1990s. Since that time, INS and now the Department of Homeland Security have been actively making any needed improvements. DHS believes there has been "an overwhelming improvement in the timeliness of data entry, particularly in response to the events of September 11."

In fact, DHS now requires that all new data regarding an immigrant be entered into the system within 3 days and all new information regarding temporary visitors be entered within 14 days. As to employer responsibilities, "greater emphasis on pilot procedures has been added to training materials, and safeguards have been added to pilot software to increase compliance with required procedures. For instance, employers will be required to certify that they have talked with their employees and advised them of their rights if they cannot immediately be confirmed."

Finally, DHS reports that the soon to be implemented Internet-based version of the pilot will greatly reduce or eliminate any remaining problems.

In only about 4 percent of total cases did new hires contact the Social Security Administration or INS to resolve problems with their work authorization status. Of those employees who did contact the government, 99 percent were found to be work-authorized. Thus, employees who carried out their obligations under the verification system, as it is today, were almost always found to be work-authorized. It is not the verification system's fault when a new hire is tentatively found ineligible to work, and then that new hire fails to contact the Social Security Administration or the Department of Homeland Security. It most likely means the employee does it because he or she knows they are ineligible.

Madam Speaker, all this bill does is give willing employers nationwide the voluntary opportunity to benefit from the pilot program just the way participating employers have been benefiting for the last 6 years. I urge my colleagues to vote for H.R. 2359.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Wisconsin (Mr. SENSENBRENNER) just said that this bill does not create a new database, and I disagree with the gentleman. I disagree with the gentleman, and for the first time since I have been in Congress do I agree with the organizations called Americans for Tax Reform and the American Conservative Union.

In their report to H.R. 2359, they say that the Basic Pilot Extension Act of 2003, that the undersigned organizations write to ask Members to vote against H.R. 2359 because this bill puts in place the mechanism for eventual adoption of a national identification system.

They say, perhaps more importantly, section 3 of this proposed bill establishes the precursor of a national identification system by amalgamating data of citizens and immigrants into what is effectively a single database that would be used for multiple purposes.

It is quite interesting if it is not going to do what the gentleman says, why they do not just put it through the regular process and let the committees debate it and discuss it and vote on it in committee instead of attaching it to another bill. All of this to say that it is alarming to see what is being done here by a group that is circumventing the process that has worked here for years and years in the House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I rise in support of H.R. 2359, the Basic Pilot Extension Act of 2003. The basic pilot employment verification system is the only system offered to employers to verify employment eligibility for new employees.

In 1994, I spoke with a Border Patrol agent who identified a key need in the enforcement of immigration laws: Employers need a simple and reliable tool to verify the worker status of new employees.

□ 1815

In response, I introduced a bill to create the basic pilot program to do just that, operate in six of the most problematic States on a voluntary basis. The basic pilot program has proven to be an overwhelming success.

The basic pilot program is the best tool available for employers to comply with immigration laws which prohibit hiring undocumented immigrants. Recently, a contract cleaning service for Wal-Mart was raided by the Bureau of Immigration and Customs Enforcement and over 250 employees were arrested. If Wal-Mart's cleaning service contractors had used the basic pilot program and verified the I–9 documents provided by their workers, this could have been avoided. We must provide companies the option of using this employment verification program and assist them in complying with Federal immigration law. Without this system, employers have no means of verifying legal work status for immigrants, causing many employers to discriminate against legal workers. This program gives employers the confidence to hire legal immigrants, reducing discrimination in the workplace.

Additionally, H.R. 2359 allows employers from any State to voluntarily use this program. Many of my colleagues expressed concerns that this will expand the program too far, too fast. The reality is that the current program States are home to 80 percent of illegal immigrants, which means the impact on the system will be relatively small. After 7 successful years, it is time to give all employers the option of verifying their workforce and avoiding entanglements with Immigration and Customs Enforcement.

As a former restaurant owner, I tried to do the right thing. When I filed those forms, that I–9, and put two identifications in the back of that form, I hoped that they were legal. But many times you cannot tell the difference. The only chance that an employer has today to try to do the right thing is verifying the legitimacy of that Social Security number against the name of the potential employee that is coming in for employment. This is the only way they can do it, Madam Speaker. If we take this away, there will be no other options for employers.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Indiana (Mr. HOSTETTLER) for their work on this important bill. I hope that we keep this program intact in this country. We need it desperately as employers.

Mr. HINOJOSA. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. BERMAN), ranking member of the Subcommittee on Courts, the Internet, and Intellectual Property.

Mr. BERMAN. Madam Speaker, I rise in opposition to H.R. 2359. I think it is important to point out a few facts. First of all, the people on this side of the aisle would be speaking in favor of this bill if it were simply to extend the sunset date on this pilot program to allow the pilot program to continue to work out the weaknesses and deficiencies that the INS study found in the program.

But this program does far more than that. This program goes from a pilot program in 5 States to a nationwide program. While my friend from California, the sponsor of the bill, may be correct, although I am not quite sure how he knows where 80 percent of the illegal immigrants are located, but let us assume that for a second the fact is 80 percent of the employers are not located in those 5 States. This is a massive expansion of the pilot program.

In 1996, we created the pilot program. In the law in 1996 we told the INS to get people to study how the program was working. The INS went and did that. They commissioned two different groups, organizations, to study the program and what was happening with those employers who were voluntarily participating. The study came back. What did the study say? The study said, based on the evaluation findings, the basic pilot program should not be expanded to a mandatory program, and this does not do that, or a large-scale program. I would suggest that opening it up to every employer in America on a voluntary basis constitutes that kind of large-scale expansion which the study commissioned by the INS and required by the Congress said we should not do.

Why did they say that? They talked about the problems and the deficiencies in this program. It would have been nice if the Immigration Subcommittee of Judiciary had had a hearing on this bill, where the authors of the study could have come forward and answered questions and developed it; but we had no hearing, we had no markup, the bill was taken directly to a markup in the full committee and put on the floor, not with a rule to allow amendments to address specific deficiencies in the operation of this pilot program, not with a rule that allowed any kind of amendments, but on suspension where no amendments can be made.

What the study found about the program, I think, is very important. The program was hindered by inaccuracies, inaccuracies and outdated information in the INS databases. The program did not consistently provide timely immigration status data which delayed the confirmation of a worker's employment authorization in one-third of the cases. The employer has decided to hire somebody. He participates in this program. He asks Social Security and INS to verify that person. In one-third of the cases he does not get an answer and then does not hire that person but goes to another person. A person who was fully authorized to work, who was in this country legally, is denied a job because of inaccuracies and a slow-to-respond operation from the INS and the Social Security Administration.

A sizable number of workers who were not confirmed, who were rejected, it turned out were work authorized, but there was something wrong in the processing of their papers. There was a mistake in the database. When they went out and checked who these people were, it turned out well over 42 percent of the sample that they used were work-authorized, but were told by the people operating the pilot program that they were not. Forty-two percent of that sample did not get a job. In some cases, the employer did not follow the rules and the guidelines of the pilot program. In other words, the program was riddled with deficiencies.

Theoretically, I have to say, if we could get an accurate, quick employee identification system where employers could know they were getting accurate information and workers who were authorized to work in this country, who were here legally, who had a right to work could get the right answer, then I would say let us talk about expansion and let us pursue that by continuing this program. But I urge this body to reject an effort to expand this nationwide to add not simply employers but State, local and Federal Government agencies to the list of people who will be using a program when that program by the INS's own study was riddled with deficiencies and weaknesses which delayed responses, which kept people who are here legally from getting jobs or rights they would otherwise get, or be entitled to get simply because of inaccuracies in the database. This is not the kind of a program to expand at this time.

I urge a "no" vote.

Mr. HINOJOSA. Madam Speaker, I yield myself such time as I may consume. I agree with much of what the gentleman from California pointed out.

I want to summarize my comments and say that this bill provides for the extension and expansion of a program to verify if employees are legally authorized to work in the U.S. But we have Representatives on both sides of the aisle who oppose this bill because it expands this current pilot program to all 50 States, when today the pilot program is currently covering only six States. That includes California, Texas, Florida, New York, Illinois, and Nebraska. They are the ones who have these pilot programs. This legislation would allow all the States then to have access to what is existent right now in the database.

Again, I urge my colleagues to vote "no" on H.R. 2359.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think we ought to put this legislation into its proper perspective. First, yes, this bill expands the pilot program voluntarily to the 44 States where employers cannot get this information. But it is a voluntary program, and only those employers who choose to participate will participate. No employer will be forced to participate under this piece of legislation either in the 44 new States that are opened up or in the six existing States.

Secondly, there is nothing in this bill that expands the database or which is the precursor for a national identification card. Nothing whatsoever. I personally am strongly opposed to a national ID card and will not support any legislation that establishes a national ID card either through the front door or through the back door.

Thirdly, this legislation allows State and local governments to use the basic pilot program to access information that they can get from the Department of Homeland Security or the Social Security Administration through other means. It just makes it easier when a State and local government needs to get this information for them to get it. If we do not include this change in the law, then a private sector employer will be able to get the information in a much easier manner than our State and local governments. That does not make any sense at all.

Finally, let us look at what will happen if this bill is voted down. The basic pilot program will expire next month in the six States that have been using it for the last 6 years. That means that when it expires, those employers that have been using the basic pilot program for verification of the legal employment status of those people that they wish to hire will be forced to go back to paper documents. There are a lot of counterfeit paper documents out there. You can get them on the Internet, and you can get them on the street corner. But now in the State of California, an illegal alien can get a driver's license, which is one of the documents that is acceptable for employment verification status under the Immigration Reform Act of 1986. Thus, even a legitimate California driver's license would not verify the employment status of someone who presents that document, whether that person be a U.S. citizen, a permanent resident alien who has employment status, or an illegal alien who obtained a legal California driver's license as a result of the law that was signed by Governor Davis just a few weeks ago.

If this bill is voted down, we would go back to the bad old system of using documents as the exclusive way of establishing an applicant for a job's legal ability to be able to get that job under our immigration law. That would be a terrible tragedy.

I urge an "aye" vote.

Mr. UDALL of Colorado. Madam Speaker, I cannot vote for this bill in the manner in which it has been brought to the floor.

The Basic Pilot program was intended to streamline the process of identifying employees eligible for work in the United States. Though the Basic Pilot program has been successful for many employers in the six participating States, there are enough serious questions about its workings that I do not believe it is ready to be implemented in all fifty States.

The bill will open up the database used in this program to all government agencies, including local and state governments. This is far more than a simple extension. There are no privacy protections for individuals in this bill. The database can be used for a plethora of reasons, not limited to the verification for employment by local, State, and federal governments across the country. This will open the door to abuse.

The database has proven to have out of date information specifically in regard to visa status. Before this program is used nationwide it is imperative that the system be purged of these inaccuracies. This poses threats that both hinder a person's legal ability to work, as well as allow ineligible individuals to obtain employment.

The program itself is not the issue at hand. The intentions of the Basic Pilot program are good for employers, employees and our economy in general. It modernizes and speeds the ability of Americans to start working. However, these intentions are fruitless if the program is not effective or efficient. Before we open this program up to the rest of the country we must ensure that it is free of the kinks that have come up since its beginning. Then and only then, should this system be available for employers throughout tbe country.

This bill clearly goes beyond a simple extension. It is controversial. The Basic Pilot Extension Act deserves hearings, debates, and amendments to be offered. Thus, I must vote against suspending the rule and passing this bill and I urge my colleagues to do the same so that H.R. 2359 can be considered under normal procedures.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise in opposition to The Basic Pilot Extension Act of 2003 (H.R. 2359) and urge all of my colleagues to vote against this bill.

The Basic Pilot Program is a new, more reliable way for employers to verify that employees are legally eligible to work in the United States. I support the Basic Pilot Program and I support an extension of the program for an additional five years.

However, I oppose the Basic Pilot Extension Act because this bill goes well beyond just extending the program for an additional five years.

This bill makes the Basic Pilot Program a national employee verification system available in all 50 states. Currently, the Basic Pilot Program is being tested in only 6 states so that flaws in the program can be addressed. Those flaws were detailed in a report by the Institute for Survey Research at Temple University. The report concluded that the Basic Pilot Program is not ready for larger-scale implementation at this time, and that the Program should remain available in only 6 states until the many problems with the program are addressed.

The problems described in the report include inaccurate and outdated information in the INS databases used to verify employment eligibility. The report also describes problems with the reliability of the training and system software, hardware, and telephone systems used in the Basic Pilot Program. The report also described how employees had their privacy violated, were not fully informed of their rights under the Basic Pilot Program, and that employers failed to submit forms in the required time deadlines.

Despite these problems and despite the explicit recommendation of the Institute for Survey Research for needed improvements, this bill expands the Basic Pilot nationwide and includes provisions that go well beyond merely verifying employment eligibility.

This bill adds a new provision that allows federal, state, or local governments, not employers, to use the pilot program to access the databases to obtain citizenship and immigration status information on anyone for any reason they wish. This includes both citizens and non-citizens, and unlike other regulations that control the use of federal databases, there are no limitations that protect the employees against discrimination, privacy violations, or other misuse. This new provision is very close to the establishment of a national register of all immigrants or a national identification card program.

Madam Speaker, the Basic Pilot Extension Act should be opposed for all of the reasons I have described. Another serious concern is that the Judiciary Committee did not hold any hearings on the changes to the information sharing provisions of this bill, and the Subcommittee on Immigration did not consider this bill at all. The Basic Pilot Extension Act of 2003 will threaten the privacy of all Americans and is riddled with flaws. I urge all of my colleagues to oppose this bill.

Mr. REYES. Madam Speaker, I rise today in opposition to H.R. 2359, the Basic Pilot Extension Act. The existing Basic Pilot Verification Program assists employers in verifying the authenticity of new employee's eligibility information. The program operates in six States, including my state of Texas. Authorization for the program expires next month.

The bill before us today would go a great deal further than extending the pilot program in its current form. It would expand the program to all 50 states, despite the fact that a recent Immigration and Naturalization Service-funded report concluded that the Basic Pilot Program is not ready for nationwide implementation. The report cited concerns about invasions of privacy and factual inaccuracies. We need to address these problems before we extend the program to the rest of the United States.

Also, the bill expands the program beyond the area of employment, allowing any government agency to use the system to verify the immigration status of any individual for any purpose authorized by law. Expanding the program in this way would only magnify privacy concerns with the current Basic Pilot Program.

Finally, it is unfortunate that this bill is being brought before the House under suspension of the rules. Legislation of this magnitude requires far more than careful consideration that we have been afforded the time to have here today.

Madam Speaker, for all of these reasons, I urge my colleagues to vote no on H.R. 2359, the Basic Pilot Extension Act.

Mr. BACA. Madam Speaker, I rise in opposition of H.R. 2359, the Basic Pilot Extension Act. H.R. 2359 will create a new and controversial identification database that will threaten the privacy of all Americans.

The program allows employers to verify the legal status of newly hired employees by using immigration databases. Although well intentioned, the program is severely flawed. Over 40 percent of the employees denied by this program, were authorized to work. We need a program that works, not one that unjustly denies families the ability to put food on the table.

Some employers that have used this program as a screening tool, have not allowed workers to contest incorrect information, and have even refused to let employees know of their rights under the program.

Madam Speaker, the information being reported by this database is flawed and it is a result of the inaccurate and outdated information contained in the databases of the Bureau of Citizenship and Immigration Services. We cannot continue to support a program that denies workers the ability to earn a living just because a computer in Washington, D.C. has bad information. But, the most troubling part of this bill is that it allows any local or state government to look up the immigration status of any American citizen or immigrant for virtually any reason.

It is clear that H.R. 2359 will place all workers, and especially minority and immigrant workers, at risk of discrimination, mistreatment and labor rights violations. Immigration experts, civil rights advocates, and even a Congressionally mandated study of the program all say that—the Basic Pilot should not expand nationwide.

Madam Speaker, I urge my colleagues to oppose this legislation.

Mr. SHERMAN. Madam Speaker, today H.R. 2359, the Basic Pilot Extension Act, was brought to this floor on the suspension calendar. The suspension calendar should be used to pass bills which are not controversial. Given the issues involved with this legislation, the leadership should not have brought this bill to the floor as a "suspension." This is but the most recent example of abuse of the suspension calendar during the 108th Congress.

Ms. WOOLSEY. Madam Speaker, I rise in opposition to the H.R. 2359, The Basic Pilot Extension Act, because this program has not demonstrated a record strong enough to be extended across the country. I know first hand that this pilot program has not lived up to its expectations because my home state of California is one of the test areas.

Madam Speaker, as you know, many employers in the counties I represent, Marin and Sonoma counties, just over the Golden Gate

Bridge from S.F, depend on immigrant workers to staff their vineyards, dairies and businesses. I certainly support providing employers the tools they need to hire only those workers authorized to work in the United States. While the intent of this pilot program was a good one, it has not lived up to its promises. Now it is plagued with problems including new hires being denied by the program when they were actually authorized to work and employers abusing the program to engage in prohibited employment practices. These anti-worker practices include pre-employment screening, denying eligible workers jobs or the opportunity to contest inaccuracies in the database. Creating more loopholes for bad employers to conduct unfair labor practices was not the intent of this pilot project.

Madam Speaker, until these and other abuses are fixed, we should not be quick to expand the program. That's why I am asking my colleagues to join me in opposing this legislation, so that we can that the basic pilot program is friendly to workers as well as employers before expanding the program.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of H.R. 2359, the Basic Pilot Extension Act of 2003. This Member, who is a co-sponsor of the measure, would like to thank the distinguished gentleman from California (Mr. CALVERT) for introducing the measure and the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Judiciary Committee, for his efforts in bringing H.R. 2359 to the Floor.

Under H.R. 2359, the Basic Pilot Program, which is an employment verification program, would be extended through 2008 and, indeed, would expand access to the program for the entire U.S.

Madam Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act.

For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of illegal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Madam Speaker, throughout the 1990's, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the state and in meeting needs to effectively enforce immigration laws in this country's interior. On March 19, 1999, the U.S. Department of Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.

Madam Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify document fraud and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for H.R. 2359.

Mr. OSBORNE. Madam Speaker, I am pleased to be an original cosponsor of H.R. 2359, the Basic Pilot Extension Act of 2003, which passed the House Judiciary Committee on September 24, 2003. The Basic Pilot Verification Program is a voluntary program that employers use in conjunction with the Bureau of Immigration and Citizenship Services (BCIS) and the Social Security Administration (SSA) to confirm employment eligibility in my home State of Nebraska, among others. This pilot, which started in November 1997, involves verification checks of the SSA and the BCIS databases of all newly hired employees regardless of citizenship. Unfortunately, the Basic Pilot program is scheduled to terminate on November 30 of this year.

The agricultural economy of Nebraska's Third District relies heavily on immigrant labor. Employers across my district have told me that they want to comply with the Immigration Reform and Control Act of 1986, which made it unlawful for employers to knowingly hire or employ aliens not eligible to work, and required employers to verify documents of new workers. However, a simply visual check of these documents by employers will not tell them if these are in fact counterfeit documents, and that this potential new hire is in fact an illegal alien.

I have heard from many business people in the Third District about their need for the Basic Pilot program. Employers need the appropriate tools to ensure that they are indeed hiring eligible workers. By checking the new hire's documents against the BCIS and SSA databases, the Basic Pilot program allows employers to feel more confident about their new hire.

H.R. 2359 will extend the Basic Pilot program for employers in Nebraska and all other states for five years. I thank my colleague, Representative CALVERT, for introducing this much needed extension, and I urge all my colleagues to support H.R. 2359.

Mr. SMITH of Texas. Madam Speaker, the Basic Pilot Program was originally authorized in the 1996 Immigration Act. It allows employers in six states to verify the validity of the Social Security numbers of new hires. H.R. 2359 reauthorizes this program, and expands it to allow employers in all fifty states to voluntarily participate in the Basic Pilot Program.

The program offers employers the opportunity to ensure that the individuals they hire are eligible to work in the United States. Illegal immigrants drive down wages and take jobs from American workers. Recent studies show immigration has depressed the wages of American workers by more than $2,500 per year. Our education systems spend millions of dollars educating illegal immigrant children. And hospitals spend millions of dollars providing health care to illegal aliens.

Ninety percent of the American people believe that we should reduce illegal immigration. Seventy-nine percent of individuals polled recently agree that the Federal government should require employers to verify the work status of potential employees.

The main attraction for the 10 to 20 million illegal aliens who have crossed our borders is work. If we want to stop illegal immigration—and its negative impacts—we must reduce the availability of jobs for illegal aliens. This pilot program combats illegal immigration because it allows employers to make sure they are hiring someone who is eligible to work in the United States.

Everyone who is concerned about lost jobs and unemployment should support the expansion of the Basic Pilot Program. If we are serious about saving jobs for citizens and legal immigrants, we should pass H.R. 2359.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2359, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HINOJOSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida (during consideration of H.R. 2359) submitted the following conference report and statement on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–330)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $850,321,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $850,321,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $792,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That of the funds provided, $99,000,000 is to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided further, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $13,976,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $18,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking "for years 2002 through 2003" and inserting in lieu thereof "for years 2004 through 2008"; and (2) in section 28g, by striking "and before September 30, 2003" and inserting in lieu thereof "and before September 30, 2008".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $963,352,000, to remain available until September 30, 2005, except as otherwise provided herein: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $60,554,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $43,628,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $30,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $82,614,000, of which $32,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,600,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, *the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $70,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.*

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,629,641,000, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: Provided further, That notwithstanding sections 5(b)(7)(c) and 7(a)(2) of Public Law 105–58, the National Park Service may in fiscal year 2004 provide funding for uniformed personnel for visitor protection and interpretation of the outdoor symbolic site at the Oklahoma City Memorial without reimbursement or a requirement to match these funds with non-federal funds.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,859,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,544,000, of which $1,600,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding the provisions contained in sections 7(a)(1) and (2) of Public Law 105–58.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: Provided, That, of the amount provided herein, $500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $33,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $333,995,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: Provided further, That the restriction in the previous proviso applies to all funds available to the National Park Service, including partnership and fee demonstration projects: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: Provided further, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National

Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds: Provided further, That not to exceed $800,000 of the funds provided for Dayton Aviation Heritage National Historical Park may be provided as grants to cooperating entities for projects to enhance public access to the park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $142,350,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $95,000,000 is for the State assistance program including $2,500,000 to administer this program: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer $5,000,000 to the United States Fish and Wildlife Service "Resource Management" account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the U.S. Army Corps of Engineers "Construction, General" account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the U.S. Army Corps of Engineers for this purpose: Provided further, That, subsequent to the transfer of the $5,000,000 to the U.S. Fish and Wildlife Service and the transfer of funds, if any, to the U.S. Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval by the House and Senate Committees on Appropriations of a reprogramming request by the Secretary detailing how the remaining funds will be expended for this purpose.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $949,686,000, of which $64,536,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,201,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $24,390,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; and of which $176,099,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement *only, $165,316,000, of which $80,396,000 shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.*

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $192,969,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,916,317,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $86,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $49,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,551,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554; and of which $9,968,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation: Provided, That of the payment to the Quinault Indian Nation, $4,968,000 shall be derived from amounts provided under the heading "United States Fish and Wildlife Service, Land Acquisition" in Public Law 108–7.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,343,000, of which: (1) $70,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $6,434,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99–658; section 103(f)(2) of title I of H.J. Res. 63 or S.J. Res. 16, (as introduced July 8, 2003, and July 14, 2003, respectively); and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and between the Government of the United States and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended. Further, $142,400,000 shall be available until expended, of which $76,700,000 shall be provided for the Federated States of Micronesia and shall be used for grants and necessary expenses as provided for (and in accordance with and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, and 216 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003); $50,700,000 shall be provided for the Republic of the Marshall Islands and shall be used for grants and necessary expenses as provided for (and in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in) sections 211, 212, 213, 214, 215, and 217 of the Compact of Free Association and its related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003); and $15,000,000 shall be made available for the effect of U.S.-FSM Compact and U.S.-RMI Compact, in accordance with, and subject to the terms, conditions, procedures, and requirements set forth in section 104(e) of title I of H.J. Res. 63, or S.J. Res. 16 (as introduced July 8, 2003, and July 14, 2003, respectively). The funding made available in this paragraph shall not be used to fund the Trust Funds of the Compacts of Free Association, however measures necessary to set up the Trust Funds in accordance with the agreement between the Government of the United States and the Government of the Federated States of Micronesia (signed May 14, 2003) and the agreement between the Government of the United States and the Government of the Republic of the Marshall Islands (signed April 30, 2003) implementing section 215 and section 216, respectively, of the Compacts regarding a Trust Fund are authorized and may commence. If the aforementioned H.J. Res. 63, S.J. Res. 16, or similar legislation as identified in the President's fiscal year 2004 budget to approve the Compacts of Free Association (dated April 30, 2003, and May 14, 2003) and their related agreements is enacted, any funding made available under this paragraph shall be considered to have been made available and expended for and under that enacted legislation purposes of funding for fiscal year 2004.

Section 231 of Public Law 99–239 is amended by striking "If these negotiations" and all that follows through the final period and inserting the following: "The period for the enactment of legislation approving the agreements resulting from such negotiations shall extend through the earlier of the date of the enactment of such legislation or September 30, 2004, during which time the provisions of this Compact, including title three, shall remain in full force and effect.''.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,933,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website: Provided further, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: Provided, That from unobligated balances under this heading, $20,000,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $227,500,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,374,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $38,749,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $189,641,000, to remain available until expended: Provided, That of the amounts available under this heading not to exceed $45,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: Provided further, That nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103–412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of the Interior to commence or continue historical accounting activities with respect to the Individual Indian Money Trust until the earlier of the following shall have occurred: (a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or (b) December 31, 2004: Provided further: That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $21,980,000, to remain available until expended: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading ''Office of Special Trustee for American Indians, Indian Land Consolidation'' of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, *suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.*

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading "Bureau of Land Management, Land Acquisition" in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 126. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 127. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 128. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 129. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 130. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 133. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 134. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access to the Ranch as well as to adjacent lands managed by the Bureau of Land Management.

SEC. 135. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 136. (a) Section 122 of division F of Public Law 108–7 is amended as follows:

(1) Paragraph 122(a)(4) is amended to read—

"(4) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.) or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504).".

(2) Paragraph 122(b)(1) is amended by striking the second sentence and inserting: "The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds.".

(3) Subsection (c) is amended by inserting after "EFFECT OF GRANT.—" the following: "(1) Except as provided in paragraph (2) of this subsection," and is further amended by adding the following new paragraph:

"(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance under the Tribally Controlled Schools Act or the Indian Self-Determination and Education Assistance Act or (ii) a school operated by the Bureau of Indian Affairs.".

(b) Notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108–7, as amended by this Act, the Saginaw-Chippewa tribal school and the Redwater Elementary School shall receive priority for funding available in fiscal year 2004. The Saginaw-Chippewa tribal school shall receive $3,000,000 from prior year funds, and the Redwater Elementary School shall receive $6,000,000 available in fiscal year 2004.

SEC. 137. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 138. (a) SHORT TITLE.—This section may be cited as the "Eastern Band of Cherokee Indians Land Exchange Act of 2003".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over $1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational "village," where Cherokee language and culture can be taught alongside the standard curriculum.

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The

218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior ("Secretary") shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(3) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the "Yellow Face Tract" on the map entitled "Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians," numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(4) RAVENSFORD TRACT.—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the "Ravensford Tract" on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

(d) IMPLEMENTATION PROCESS.—

(1) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(2) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band's need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the "No New Construction" area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

SEC. 139. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2003. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilites under the same fiduciary standards as those to which the Secretary of the Interior is held: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the "Blue Ridge National Heritage Area Act of 2003".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled "The Blue Ridge Heritage and Cultural Partnership" and "Western North Carolina National Heritage Area Feasibility Study and Plan", the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(1) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(E) STATE.—The term "State" means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of nine members, of whom—

(I) two members shall be appointed by AdvantageWest;

(II) two members shall be appointed by HandMade In America, Inc.;

(III) one member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) one member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) three members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State

or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this section.

SEC. 141. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SEC. 142. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

SEC. 143. INTERIM COMPENSATION PAYMENTS.—Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: ", unless the amount of the interim compensation exceeds the amount of the final compensation".

SEC. 144. Pursuant to section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3), the following claims shall be given notice of defect and the opportunity to cure: AKFF054162–AKFF054163, AKFF054165–AKFF054166, and AKFF054170–AKFF054171.

SEC. 145. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: Provided, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

SEC. 146. In addition to amounts provided to the Department of the Interior in this Act, $5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 147. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.—Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by inserting after "map" the following: "and the approximately 10 acres of land in Clark County, Nevada, described as the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian".

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.—The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) ACQUISITION OF ADDITIONAL LAND.—

"(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

"(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled "Congaree National Park Boundary Map", numbered 178/80015, and dated August 2003.

"(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

"(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

"(6) EFFECT.—Nothing in this section—

"(A) affects the use of private land adjacent to the monument;

"(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

"(C) negatively affects the economic development of the areas surrounding the monument.

"(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.".

SEC. 149. Section 104 (16 U.S.C. 1374) is amended in subsection (c)(5)(D) by striking "the date of the enactment of the Marine Mammal Protection Act Amendments of 1994" and inserting "February 18, 1997".

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $269,710,000, to remain available until expended: Provided, That of the funds provided, $52,359,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $308,140,000, to remain available until expended, as authorized by law of which $64,934,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $500,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,382,916,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106–248, to be segregated in a separate fund established by the Secretary of Agriculture: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, *notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.*

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,643,212,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $236,392,000 is for hazardous fuels reduction activities, $7,000,000 is for rehabilitation and restoration, $22,300,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $51,700,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, $25,000,000 is for forest health activities on State, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the statement of managers accompanying this Act: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

For an additional amount, $301,000,000, to repay prior year advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities: Provided, That this additional amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004: Provided further, That this additional amount and $253,000,000 of the funds appropriated to the Forest Service for the repayment of advances for fire suppression in Public Law 108–83, shall be transferred to the following Forest Service accounts: $96,000,000 to the Land Acquisition account, $95,000,000 to the Capital Improvement and Maintenance account, $9,000,000 to the Working Capital Fund, $52,000,000 to the National Forest System account, $31,000,000 to the State and Private Forestry account, $10,000,000 to the Forest and Rangeland Research account, $35,000,000 to the Salvage Sale fund, $28,000,000 to the Timber Purchaser Election account, $154,000,000 to the Knutson Vandenburg fund, $20,000,000 to the Brush Disposal account, $14,000,000 to the Forest Service Recreation Fee Demonstration fund, and $10,000,000 to the Forest Land Enhancement Program account.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $562,154,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $350,000 appropriated in Public Law 108–7 within the Capital Improvement and Maintenance appropriation to the State and Private Forestry appropriation, and shall provide these funds for planning and construction of backcountry huts in Alaska.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $67,191,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 460l–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated under this heading from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, *as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.*

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of managers accompanying this Act.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of managers accompanying this Act.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress, and make available to interested persons, a report containing the results of a management review of outfitter and guiding operations in the John Muir, Ansel Adams, and Dinkey Lakes Wilderness Areas of the Inyo and Sierra National Forests, California. The report shall include information regarding: (1) how the Secretary intends to minimize adverse impacts on the historic access rights of special use permittees in these three wilderness areas; and (2) how the Secretary intends to ensure timely compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004, and $88,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $681,163,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $172,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $18,219,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $888,937,000, to remain available until expended: Provided, That $274,500,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,500,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $173,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $82,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,561,932,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $467,046,000 for contract medical care shall remain available for obligation until September 30, 2005: Provided further, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts *received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $5,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (2) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $6,000,000 to be divided as follows among the following Alaska Native regional organizations to provide substance abuse treatment and prevention programs: (1) $2,500,000 for Southcentral Foundation's Pathway Home, (2) $1,500,000 for Cook Inlet Tribal Council's substance abuse prevention and treatment programs, (3) $1,500,000 for Yukon-Kuskokwim Health Corporation's Tundra Swan Inhalant Abuse Center, and (4) $500,000 for the Southeast Alaska Regional Health Consortium for its Deilee Hitt program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That the State of Alaska must maintain its existing level of effort and must use these funds to enhance or expand existing efforts, or initiate new projects or programs and may not use such funds to supplant existing programs.*

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $396,232,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act *are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.*

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $494,748,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $108,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $87,849,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,730,000: Provided, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan,, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, and 108–7 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking "20" and inserting "30";

(2) in subsection (c) by striking "3" and inserting "8"; and

(3) in subsection (d), by striking "2006" and inserting "2007".

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: Provided further, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: Provided further, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: Provided further, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking "September 30, 2004" and inserting "December 31, 2005"; and

(2) by striking "2007" and inserting "2008".

SEC. 333. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) "Gallatin Land Consolidation Act of 1998" means Public Law 105–267 (112 Stat. 2371).

(2) "Option Agreement" has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) "Secretary" means the Secretary of Agriculture.

(4) "Excess receipts" means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) "Special Account" means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) "Eastside National Forests" has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90–171 (commonly known as the "Sisk Act", 16 U.S.C. §484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) CONSIDERATION.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) Cash Equalization.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) Solicitations of Offers.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) Methods of Sale.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) Brokers.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) Receipts from Sale or Exchange.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) Miscellaneous Provisions.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. §500, as amended), or the Act of March 4, 1913 (16 U.S.C. §501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) Option Agreement Amendment.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

Sec. 334. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61) is amended to read as follows:

"(c) Use of Funds.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.".

Sec. 335. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000, as enacted into law by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1501A–204; 16 U.S.C. 528 note), is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "not less than the fair market value" and inserting "fees under subsection (c)"; and

(B) by striking the second sentence and inserting the following: "The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.";

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) Imposition and Collection.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.";

(3) in subsection (d)(1), by striking "charges and fees under subsections (b) and" and inserting "a fee under subsection";

(4) in subsection (f)—

(A) in paragraph (1), by striking "subsections (b) and" and inserting "subsection";

(B) in paragraph (2), by striking "in excess of the amounts collected for forest botanical products during fiscal year 1999";

(C) in paragraph (3), by striking "charges and fees collected at that unit under the pilot program to pay for" and all that follows through the period at the end and inserting "fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1)."; and

(D) in paragraph (4), by striking "subsections (b) and" and inserting "subsection";

(5) in subsection (g)—

(A) by striking "charges and fees under subsections (b) and" and inserting "fees under subsection"; and

(B) by striking "subsections (b) and" the second place it appears and inserting "subsection"; and

(6) in subsection (h), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) Collection of Fees.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2009.".

Sec. 336. Transfer of Forest Legacy Program Land. Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by inserting after paragraph (2) the following:

"(3) Transfer of forest legacy program land—

"(A) In general.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of the State of Vermont, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

"(B) Requirements.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

"(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

"(I) conserves the land or interest in land; and

"(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

"(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State of Vermont, the State shall—

"(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

"(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

"(C) Disposition of funds.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Wildland Fire Management account, to remain available until expended.".

Sec. 337. Notwithstanding section 9(b) of Public Law 106–506, funds hereinafter appropriated under Public Law 106–506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106–506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

Sec. 338. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

Sec. 339. (a) In General.—The Secretary of Agriculture may cancel, with the consent of the timber purchaser, a maximum of 70 contracts for the sale of timber awarded between October 1, 1995 and January 1, 2002 on the Tongass National Forest in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale would result in a financial loss to the purchaser and the costs to the government of seeking a legal remedy against the purchaser would likely exceed the cost of terminating the contract; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) Effect of Cancellation.—

(1) In general.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) Limitation.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) Timber Available for Resale.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

Sec. 340. (a) Justification of Competitive Sourcing Activities.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested.

(2) Paragraph (1) applies to programs, projects, and activities—

(A) of the Department of the Interior for which funds are appropriated by this Act;

(B) of the Forest Service; and

(C) of the Department of Energy for which funds are appropriated by this Act.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(c) DECLARATION OF COMPETITIVE SOURCING STUDIES.—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

(d) LIMITATION ON COMPETITIVE SOURCING STUDIES.—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is $500,000; and

(ii) with respect to the Department of the Interior is $2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than $5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 341. Section 4(e)(3)(A)(vi) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended by striking "under this Act" and inserting "under this Act, including costs incurred under paragraph (2)(A)".

SEC. 342. LAKE TAHOE RESTORATION PROJECTS. Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is further amended—

(1) in clause (v), by striking "and" at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

"(vi) transfer to the Secretary of Agriculture, or, if the Secretary of Agriculture enters into a cooperative agreement with the head of another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as amended), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts, in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and".

SEC. 343. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 344. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.646 percent of—

(1) the budget authority provided for fiscal year 2004 for any discretionary account in this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2003.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

TITLE IV—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SEC. 401. SHORT TITLE. This title may be cited as the "Flathead and Kootenai National Forest Rehabilitation Act of 2003".

SEC. 402. FINDINGS AND PURPOSE. (a) FINDINGS.—Congress finds that—

(1) the Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) the fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) the environmental planning and analysis to restore areas affected by the Robert Fire and Wedge Fire will be completed through a collaborative community process;

(4) the rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) wildlife and watershed resource values will be maintained in areas affected by the Robert Fire and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this title is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert Fire and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 403. REHABILITATION PROJECTS. (a) IN GENERAL.—The Secretary of Agriculture (in this title referred to as the "Secretary") may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled "North Fork Drainage" which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as otherwise provided by this title, the Secretary shall conduct projects under this title in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this title, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this title, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this title due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this title, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) ADMINISTRATIVE APPEALS.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this title.

SEC. 404. CONTRACTING AND COOPERATIVE AGREEMENTS. (a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this title.

(b) EXEMPTION.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 405. MONITORING REQUIREMENTS. (a) IN GENERAL.—The Secretary shall establish a multiparty monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this title.

(b) REPORTING REQUIREMENTS.—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this title in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 406. SUNSET. The authority for the Secretary to issue a decision to carry out a project under this title shall expire 5 years from the date of enactment.

SEC. 407. IMPLEMENTATION OF RECORDS OF DECISION. The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30-day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to as the "ROD's") for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10 percent designated old growth below 5,500 feet elevation in third order watersheds in which the project is located as specified in the forest plan.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

And the Senate agree to the same.

CHARLES H. TAYLOR,
BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT JR.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ANDER CRENSHAW,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
JOHN W. OLVER,
Mangers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
SAM BROWNBACK,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2691 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 108–195 or Senate Report 108–89 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The managers have revised the reprogramming guidelines to address the issue of assessments and charges within departments and agencies or by other agencies, and to clarify other issues. Changes to the guidelines proposed by the House include a technical change to the definition section and a revised section 2(e).

The following are the revised procedures governing reprogramming actions for programs and activities funded in the Interior and Related Agencies Appropriations Act:

1. *Definition.*—"Reprogramming," as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that more detailed level shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project (identified in the justification or Committee report) to another. A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations even without a change in funding.

2. *Guidelines for Reprogramming.*—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

(d) Reprogramming proposals submitted to the Committee for approval shall be considered approved 30 calendar days after receipt if the Committee has posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

(e) Proposed changes to estimated working capital fund bills and estimated overhead charges, deductions, reserves or holdbacks, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process.

3. *Criteria and Exception.*—Any proposed reprogramming must be submitted to the Committee in writing prior to implementation if it exceeds $500,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exception:

With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, Operations of Indian Programs account, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during the first six months of the fiscal year by no later than May 1 of each year, and shall provide a final report of all reprogrammings for the previous fiscal year by no later than November 1 of each year.

4. *Quarterly Reports.*—(a) All reprogrammings shall be reported to the Committee quarterly and shall include cumulative totals. (b) Any significant shifts of funding among object classifications also should be reported to the Committee.

5. *Administrative Overhead Accounts.*—For all appropriations where costs of overhead administrative expenses are funded in part from "assessments" of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

6. *Contingency Accounts.*—For all appropriations where assessments are made against various budget activities or allocations for contingencies, the Committee expects a full explanation, separate from the justifications. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committee expects reports each year detailing the use of these funds. In no case shall a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

7. *Declarations of Taking.*—The Committee directs the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the Forest Service to seek Committee approval in advance of filing declarations of taking.

8. *Report Language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

9. *Forest Service.*—The following procedures shall apply to the Forest Service, Department of Agriculture:

(a) The Forest Service shall not change the boundaries of any region, abolish any region, move or close any regional office for research, State and private forestry, or National Forest System administration, without the consent of the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

(b) Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) and of 7 U.S.C. 147b shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with these reprogramming procedures.

10. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior Appropriations Act unless such assessments and the basis therefore are presented to the Committees on Appropriations and are approved by such Committees, in compliance with these procedures.

11. *Land Acquisitions and Forest Legacy.*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

12. *Land Exchanges.*—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than $500,000, shall not be consummated until the Committees on Appropriations have had a 30–day period in which to examine the proposed exchange.

13. The appropriation structure for any agency shall not be altered without advance approval of the House and Senate Committees on Appropriations.

COMPETITIVE SOURCING

The managers support the underlying principle of the Administration's competitive sourcing initiative, which is that the government must continually strive to improve the efficiency of its operations and the delivery of the services it provides to the citizens of the United States. The managers are concerned that this far-reaching initiative appears to be on such a fast track that the Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made. The managers remain concerned that the Administration has failed to budget adequately for the cost of the initiative and to justify such costs in budget documents. As a result, significant sums are being expended in violation of reprogramming guidelines and at the expense of critical, on-the-ground work such as the maintenance of Federal facilities. While millions have been spent to date, reprogramming letters have not been forwarded to the House and Senate Committees on Appropriations and funds have been diverted from important programs.

The managers have included bill language in Title III, General Provisions, outlining specific spending limits and reporting requirements for each program, project, and activity affected by the competitive sourcing initiative. These fiscal year 2004 funding instructions apply to all studies for which work has not yet begun, even though a department or agency may have previously announced plans to conduct such studies. The managers note that these requirements should not be construed as opposition to the careful and considered conduct of a competitive sourcing program. The managers want to ensure that there is full disclosure on the use of appropriated funds in order to enable Congress and the public to evaluate the costs and tradeoffs involved in an initiative of this magnitude.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $850,321,000 for management of lands and resources instead of $834,088,000 as proposed by the House and $847,091,000 as proposed by the Senate.

Changes to the House for land resources include increases of $1,000,000 for the National Center for Invasive Plant Management, $500,000 for Idaho weed control, $200,000 for the Rio Puerco watershed, and $200,000 for range monitoring.

The bureau is urged to implement the provisions of a Candidate Conservation Agreement in Idaho concerning Lepidium Papilliferdum should adequate funding exist.

The managers expect the bureau to use the additional funds provided for range management to increase service to grazing permittees by increasing cooperative monitoring on grazing allotments.

Changes to the House for recreation management include an increase of $1,000,000 for the Undaunted Stewardship Program and decreases of $500,000 for Otay Mountains management, and $1,000,000 for the National Landscape Conservation System.

Changes to the House for energy and minerals include an increase of $1,500,000 for processing applications to drill for coalbed methane and conventional fuels on the public lands.

The managers direct that the additional funds for processing applications for coalbed methane and conventional oil and natural gas be earmarked for Colorado, Montana, New Mexico, and Utah. The managers believe that the Bureau has made progress developing necessary mechanisms to ensure that the backlog of oil and gas permitting activities will be addressed in a timely manner. Based on this assessment, the managers have modified Senate report language to give the Director of the Bureau of Land Management the discretion on whether to implement the pilot program outlined in Senate report 108–89.

Several years ago, the Appropriations Committees recognized the need to increase staffing for the Bureau's energy activities to ensure that additional amounts of clean natural gas could be produced on Federal lands where production could be accomplished in an environmentally balanced manner. Based on the recently completed Environmental Impact Statement for the Powder River Basin and increased staffing for the Buffalo and Miles City field offices, the managers expect more than 3,000 permits to drill will be issued in 2004.

The managers understand that the greater Green River and Uinta-Piceance basins have large amounts of producible natural gas. The managers have provided additional resources for these field offices as well as for promising basins in New Mexico, Colorado and Utah. The managers urge the Bureau to contract for the next Energy Policy Act basin study. This information is essential for making decisions on future energy production. The Bureau should continue to work diligently to reduce impediments to production.

The change to the House for Alaska minerals is an increase of $262,000.

Changes to the House for realty and ownership management include increases of $9,500,000 for Alaska conveyance, $1,000,000 for GIS mapping in Utah, $225,000 for Spirit/Twin Lakes Omitted Lands Act activities, $1,000,000 for rights-of-way cost recovery, $750,000 for the Alaska public lands database, and $1,000,000 for recordable disclaimer applications in Alaska.

The managers support the Bureau's efforts to continue implementing realty actions set forth in the Clark County Act.

Changes to the House for resource protection and maintenance include decreases of $200,000 for desert rangers in California, $200,000 for the restoration of lands in Arizona damaged by undocumented aliens, and $500,000 for Imperial Sand Dunes law enforcement and management.

The change to the House for transportation and facilities maintenance is an increase of $1,000,000 for capping oil wells in the National Petroleum Reserve Alaska.

The change to the House for challenge cost share is a decrease of $504,000.

The managers retained House language for the horse and burro program instead of Senate language, which had minor technical differences.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $792,725,000 for wildland fire management instead of $698,725,000 as proposed by both the House and the Senate. The total includes $99,000,000 to repay prior year advances as described below.

The change to the House for preparedness is a decrease of $25,000,000 of which $20,000,000 is redirected to fire suppression operations.

The change to the House for other operations is a decrease of $5,000,000 that is redirected to fire suppression operations.

The change to the House fire suppression operations is an increase of $25,000,000. This funds fire suppression operations at the ten-year average.

The managers have provided an additional $99,000,000 in emergency funding as requested by the Administration to repay prior year advances from other appropriation accounts from which funds were transferred for wildfire suppression activities.

The managers retain Senate language establishing criteria for contracting certain fire activities; the House had similar language.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,978,000 for the central hazardous materials fund as proposed by the House and the Senate.

CONSTRUCTION

The conference agreement provides $13,976,000 for construction instead of $10,976,000 as proposed by the House and $12,476,000 as proposed by the Senate.

Changes to the House for construction include increases of $1,000,000 for the construction of the California Trail Interpretive Center in Nevada and $2,000,000 for site preparation work associated with the construction of the Agua Caliente Cultural Museum in California. This completes the Bureau's participation in the Agua Caliente project.

LAND ACQUISITION

The conference agreement provides $18,600,000 for land acquisition instead of $14,000,000 as proposed by the House and $25,600,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Blackfoot River Watershed (MT)	$3,000,000
California Wilderness (CA)	750,000
Canyon of the Ancients NM (CO)	600,000
Chain-of-Lakes RMA (MT)	1,750,000
Elkhorn/Ironmask (MT)	750,000
Kasha-Katuwe Tent Rocks NM (NM)	1,500,000
Lower Salmon River ACEC (ID)	750,000
Otay Mountains/Kuchama AHCP (CA)	1,000,000
Sandy River/Oregon NHT (OR)	1,000,000
Santa Rosa and San Jacinto Mountains NM (CA)	750,000
Upper Snake/South Fork Snake River (ID)	1,250,000
Washington County HCP (UT)	500,000
Subtotal	13,600,000
Land Equalization Payment	500,000
Acquisition Management	3,500,000
Emergency/Inholdings/Relocation	1,000,000
Total	18,600,000

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $106,672,000 for Oregon and California grant lands as proposed by both the House and the Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the both the House and the Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $18,657,000 in the Senate bill instead of an estimated $20,490,000 in the House bill.

Changes to the House estimate for service charges, deposits, and forfeitures include decreases of $1,333,000 for rights-of-way processing and $500,000 for realty cost recovery.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $12,405,000 for miscellaneous trust funds as proposed by both the House and the Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $963,352,000 for resource management instead of $959,901,000 as proposed by the House and $942,244,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In endangered species programs, there are increases in candidate conservation of $150,000 for Alaska sea otter and walrus and $10,000 for slickspot peppergrass. In recovery, there are increases of $100,000 for wolf recovery efforts of the Nez Perce Tribe, $100,000 for the Service's Snake River Basin office wolf recovery efforts, $460,000 for the Idaho Office of Species Conservation wolf recovery efforts, $2,000,000 for Atlantic salmon grants administered by the National Fish and Wildlife Foundation, $500,000 for Lahontan cutthroat trout, $150,000 for fresh water mussels at the White Sulphur Springs NFH, WV, and $900,000 for Eider recovery through the Alaska SeaLife Center. There is also an increase in recovery of $15,000 for wolf monitoring in Montana and Wyoming, which provides a total of $515,000 for efforts in those two States.

In habitat conservation, increases for the partners for fish and wildlife program include $500,000 for the Montana Water Center wild fish habitat initiative, $1,250,000 for Nevada biodiversity research, $100,000 for bald eagle restoration through the Vermont natural heritage partners program, $750,000 for Hawaii endangered species, $700,000 for Hawaii invasive species control, $500,000 for ferret reintroduction on Rosebud Sioux tribal lands, $850,000 for wildlife enhancement in Starkville, MS, and $50,000 for technical assistance at the New Jersey Meadowlands. There are also decreases in the partners program of $500,000 for Walla Walla Basin fish passage and salmon recovery, $250,000 for restoration in the Tunkhannock and Bowman's Creek watersheds in Pennsylvania, and a general decrease of $4,000,000. There is an increase in project planning of $550,000 for Middle Rio Grande/Bosque research.

In refuge operations and maintenance there are general decreases of $3,000,000 for refuge operations and $3,000,000 for refuge maintenance.

In migratory birds programs, increases include $575,000 for seabird bycatch reduction and $800,000 for management of albatross in the north Pacific.

In law enforcement operations, increases include $700,000 for a Louisville, KY port of entry and $700,000 for a Memphis, TN port of entry. There are also decreases of $1,000,000 for wildlife inspectors along the northern and southern borders and $450,000 for the Atlanta, GA port of entry.

In fishery programs, there is a decrease of $312,000 for hatchery operations. In fish and wildlife management, increases include $250,000 for the Connecticut River Commission, $300,000 for whirling disease research through the National Partnership on Management of Wild and Native Coldwater Fisheries, $100,000 for resistant trout research with the Whirling Disease Foundation Health Center in Montana, $400,000 for the Wildlife Health Center in Montana, $403,000 for Yukon River salmon treaty implementation, $150,000 for fish passage adjacent to railroads in Alaska, $250,000 for the Regional Mark Processing Center, and $1,000,000 for marine mammal population surveys in Alaska.

In general administration, increases include $450,000 for operations and maintenance at the National Conservation Training Center, WV, and $400,000 for the Caddo Lake Ramsar Center in Texas.

Bill Language.—The conference agreement includes the House earmark of $2,000,000 for Natural Communities Conservation Planning, as provided in past years, rather than suggesting that this program compete for funds through the cooperative endangered species program as proposed in Senate report language. The conference agreement does not include Senate language on economic development in Starkville, MS, but $850,000 is included under the partners for fish and wildlife program for wildlife enhancement in Starkville, MS.

The managers continue to be concerned about the Service's cost allocation methodology. The Inspector General is currently examining this issue. The Service should work closely with the Inspector General and the House and Senate Committees on Appropriations to resolve the current problems in CAM. The managers agree that CAM needs to be reformed so that it is clearly justified and transparent. It is inappropriate to supplement shortfall funding in headquarters and regional office budgets using CAM. The Service should realign its budget justification line items to budget accurately for the costs of headquarters and regional offices and clearly explain what costs are included in CAM and why.

The managers agree to the following:

1. There is up to $15,000,000 in the Forest Service budget for ESA consultation work associated with fuels reduction projects but these funds have not been fully utilized by the Service. The Service should work more closely with the Forest Service to see that those funds are released in a timely manner to address critical fuels reduction needs in Montana and elsewhere.

2. Sixty percent of the funding provided for wolf monitoring in Montana and Wyoming is for work in Montana and 40 percent is for work in Wyoming.

3. The partners for fish and wildlife program has been very successful and any increase in base program funding should be used by the Service to fund additional projects within the context of the existing program.

4. While appreciating the merits of an oyster revitalization program in Delaware Bay, no funding is included because this program should be under the jurisdiction of the National Marine Fisheries Service rather than the U.S. Fish and Wildlife Service.

5. The $50,000 provided for the New Jersey Meadowlands project in the partners for fish and wildlife program should be used together with unobligated balances available from fiscal year 2003, and the appropriate amount needed for the project in fiscal year 2005 should be included in the budget request for fiscal year 2005.

6. None of the funds provided for the Caddo Lake Ramsar Center in Texas may be used for infrastructure or construction-related projects.

7. The Service may use a portion of the funds provided for fish passage to continue its effort to develop a computerized fish passage decision support system.

8. With the increase provided for the National Partnership on Management of Wild and Native Coldwater Fisheries whirling disease program, there is a total of $1 million for that program in fiscal year 2004.

9. With the increase provided for resistant trout research with the Whirling Disease Foundation, there is a total of $350,000 for that program in fiscal year 2004.

10. The reprogramming request for expansion of the Service's California/Nevada Office is approved with the understanding that the Service will keep the House and Senate Committees on Appropriations advised on at least a semi-annual basis of progress in phasing-in the additional staffing for the office.

11. Within the funds provided for refuge operations and maintenance, $450,000 should be used for rodent control at the Alaska Maritime NWR.

12. There is no earmark within available funds in the refuge operations and maintenance budget for spartina grass control at the Willapa NWR, WA, because the conference agreement provides an increase of $300,000 for that program as proposed by the House.

13. The Service should work closely with the office of aircraft services to develop a plan for replacement of aircraft. Increased payments to the OAS reserve account will need to be phased in over time and the necessary increases should be included in future budgets as uncontrollable cost increases and should not be funded at the expense of the base budget.

14. While the managers have accepted the travel reductions proposed in the budget request, mission essential travel, including travel associated with mandatory or Service-critical training requirements, should not be reduced.

15. The managers are aware that the U.S. Fish and Wildlife Service has provided assistance to private entities attempting to remove cattle from Chirikof Island in the Alaska Maritime NWR. Given that these efforts have not been entirely successful, the managers urge the Service to work with the State and interested stakeholders on alternative strategies for cattle management. The managers further encourage the State to consider making range available on nearby State-owned islands.

16. In 2003, the Don Edwards National Wildlife refuge expanded by 10,000 acres as a result of acquisition of the former Cargill Salt Ponds, which was financed mainly by nonfederal sources. The managers recognize that this expansion may require an increase in the operating budget for the refuge.

CONSTRUCTION

The conference agreement provides $60,554,000 for construction instead of $52,718,000 as proposed by the House and $53,285,000 as proposed by the Senate. Funds are to be distributed as follows:

[Dollars in thousands]

Project	Description	Disposition
Alaska Maritime NWR, AK	Equip visitor center	$400
Anchorage Int'l Airport, AK	Hangar—Phase II [cc]	5,000
Audubon Center for Research of Endangered. Species, LA.	Whooping Crane Breeding Facility [cc].	1,200
Bear River NWR, UT	Water mgmt. improvements	500
Bitter Lake NWR, NM	Joe Skeen Visitors Center [cc].	1,400
Bozeman Fish Technology Center, MT.	Laboratory/Administration Building—Phase V [cc].	1,887
Cabo Rojo NWR, PR	Replace Office Building (Seismic)—Phase II [cc].	3,700
Canaan Valley NWR, WV	Visitor improvements/law enforcement housing.	600
Cape Romain, NWR, SC	Dike/Water control structures [c].	500
Clark R. Bavin Forensics Laboratory, OR.	Security upgrades (not funded in 2003).	765
Crab Orchard NWR, IL	Devil's Kitchen Dam—Phase I [d].	500
Dam Safety	Structural Studies (not funded in 2003).	660
Entiat NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d].	120
Garrison Dam, ND	Fish pond improvements	300
Iron River NFH, WI	Replace Domes at Schacte Creek with Buildings—Phase III [cc].	600
Jordan River NFH, MI	Replace Great Lakes Fish Stocking Vessel, M/V Togue—Phase III [cc].	5,500
Kenai NWR, AK	Cabins, trails, campgrounds	1,000
Kodiak NWR, AK	Visitor Center [c]	1,000
Kofa NWR, AZ	Seismic Safety Rehabilitation—Phase I [p/d].	350
Lacreek NWR, SD	Little White River Dam—Phase II [d].	730
Lahontan NFH, NV	Seismic Safety Rehabilitation of Two Buildings—Phase I [p/d].	70
Makah NFH, WA	Seismic Safety Rehabilitation of One Building—Phase I [p/d].	80
Mammoth Springs NFH, AR	Visitor center renovation [c]	1,000
National Eagle Repository, CO.	Repository incinerator [p/d/cc].	110
Neosho NFH, MO	Office and Visitors Center [c].	1,000
Northeast Fishery Center Complex, PA.	Laboratory expansion, accessible fishing, etc	1,150
Northwest Power Planning Area.	Fish screens, etc	3,000
Ohio River Islands NWR, WV	Visitors Center, office space & equipment [cc].	1,561
Okeefenokee Concession, GA	Concession facility	525
Puerto Rican Parrot, PR	Replace/Relocate Aviary	1,700
Security Upgrades	Servicewide (not funded in 2003).	700
Servicewide	Bridge Safety Inspections	575
Servicewide	Dam Safety Programs and Inspections.	730
Servicewide	Replace Survey Aircraft	1,000
Servicewide	Initial inspections for recently acquired dams.	1,291
Sevilleta NWR, NM	Laboratory construction	1,000
Silvio O. Conte NWR, VT	Nulhegan Div. visitor contact station, office & maintenance buildings [p/d].	450
Visitor Contact Facilities	Servicewide	3,000
White Sulphur Springs NFH, WV.	Equipment upgrades	50
Winthrop NFH, WA	Seismic Safety Rehabilitation of Four Buildings—Phase I [p/d].	130
Wolf Creek NFH, KY	Visitors Center [cc]	2,100
World Birding Ctr., TX	Construction	1,300
Subtotal, Line Item Construction.		49,234
Nationwide Engineering Services:		
Cost Allocation Methodology		3,058
Environmental Compliance		1,650
Other, non-project specific Nationwide Engineering Services.		6,262
Seismic Safety Program		200
Waste Prevention, Recycling Environmental Mgmt.		150
Subtotal, Nationwide Engineering Services.		11,320
Total		60,554

The managers agree to the following:

1. Language is included in the resource management account and the departmental management account concerning the replacement of survey aircraft.

2. The funding provided for equipment at the Alaska Maritime NWR, AK, completes the Service's commitment for construction of this project.

3. The funding provided for cabins, trails, and campgrounds at the Kenai NWR, AK, is the full amount needed for this project.

4. The funding provided for laboratory expansion and other improvements at the Northeast Fishery Center Complex, PA, is the full amount needed for these projects.

5. No funding is provided for a master plan and environmental assessment at the Patuxent Research Center, MD. The Service should work closely with the U.S. Geological Survey to develop a budget for this program that clearly and fairly delineates the funding requirements for each of the bureaus. The Service should not fund any costs that are not specifically required for the refuge. The USGS should fund the costs related to the research center.

6. The funding provided for replacing the Puerto Rican parrot aviary is the full Federal share from the Service's construction budget.

7. The funding provided for the Wolf Creek NFH, WV, visitor center completes this project.

LAND ACQUISITION

The conference agreement provides $43,628,000 for land acquisition instead of $23,058,000 as proposed by the House and $64,689,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Alaska Peninsula NWR (AK)	$250,000
Baca NWR (CO)	7,000,000
Back Bay NWR (VA)	750,000
Balcones Canyonland NWR (TX)	2,000,000
Big Muddy NFWR (MO)	500,000
Boyer Chute NWR (NE)	500,000
Canaan Valley NWR (WV)	600,000
Cape May NWR (NJ)	750,000
Chickasaw NWR (TN)	750,000
Clarks River NWR (KY)	500,000
Dakota Tallgrass Prairie (SD)	1,000,000

Area (State)	*Amount*
Great River NWR (MO/IL)	500,000
Great Swamp NWR (NJ)	750,000
James Campbell NWR (HI)	250,000
Lower Hatchie NWR (TN) ..	1,800,000
Lower Rio Grande NWR (TX)	1,000,000
Northern Tallgrass Prairie (MN/IA)	470,000
Patoka River NWR (IN)	500,000
Rachel Carson NWR (ME) ..	750,000
Red River NWR (LA)	500,000
Rhode Island refuge complex (RI)	1,000,000
San Diego NWR (CA)	2,000,000
Silvio O Conte NWR (MA/NH/VT)	750,000
Togiak NWR (AK)	1,000,000
Waccamaw NWR (SC)	1,300,000
Western Montana Project/Blackfoot Challenge	2,000,000
White Sulphur Springs NFH (WV)	400,000
Yukon Flats NWR (AK)	500,000
Subtotal	30,070,000
Acquisition Management ..	8,500,000
Emergencies and Hardship	1,000,000
Exchanges	500,000
Inholdings	1,500,000
Cost Allocation Methodology (CAM)	2,058,000
Total	43,628,000

The managers are supportive of the Detroit River International Wildlife Refuge but have deferred decisions on further appropriations at this time based on information from the Service that additional funds could not be obligated in 2004. Further acquisitions have been delayed pending resolution of outstanding issues related to contaminants. The managers strongly encourage the Service to work to address these issues so that further development of the refuge can proceed.

The managers understand and appreciate the potential benefits of a proposed expansion of the James Campbell National Wildlife Refuge on the island of Oahu, Hawaii. The expansion would restore over 800 acres of prime wetland habitat, while simultaneously mitigating flood risks for neighboring communities. The managers strongly urge the Service to work expeditiously to complete action on the joint EIS.

The managers have not included funding for Minnesota Valley National Wildlife Refuge because there are presently no options to purchase land.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides $30,000,000 for the landowner incentive program instead of $40,000,000 as proposed by both the House and the Senate.

STEWARDSHIP GRANTS

The conference agreement provides $7,500,000 for stewardship grants instead of $10,000,000 as proposed by both the House and the Senate.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $82,614,000 for the cooperative endangered species conservation fund instead of $86,614,000 as proposed by both the House and the Senate. The managers have agreed to a decrease of $4,000,000 for Section 6 grants.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by both the House and the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $38,000,000 for the North American wetlands conservation fund instead of $24,560,000 as proposed by the House and $42,982,000 as proposed by the Senate. Increases to the House proposed level include $12,902,000 for wetlands conservation and $538,000 for administration.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides $4,000,000 for Neotropical migratory bird conservation instead of $5,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $5,600,000 for the multinational species conservation fund instead of $5,000,000 as proposed by the House and $6,000,000 as proposed by the Senate. Changes to the House level include an increase of $200,000 each for the African elephant program, the Asian elephant program, and the great apes program.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides $70,000,000 for State and tribal wildlife grants instead of $75,000,000 as proposed by both the House and the Senate.

Bill Language.—The conference agreement earmarks $6,000,000 for competitive grants with tribes as proposed by the House instead of $5,000,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate on the use of funds for education efforts. This issue is addressed below.

The managers agree that the purpose of State and tribal wildlife grants is to restore and protect habitat. To the extent that an education component is critical to the success of a habitat restoration and preservation project, it is permissible. The managers expect that such an education component should involve a de minimus amount of funding and will not be required for many projects. An example of an acceptable education component is on-site posting of signs explaining the purpose of a habitat restoration project and explaining why it is important to avoid trespassing on newly restored habitat. Another example is the development of an explanatory handout or simple brochure that could be distributed to interested parties. In no case should the cost of an education component exceed 10 percent of the funding for a project.

While the managers agree that there may be synergies between the State and tribal wildlife grant program and the State assistance program in the National Park Service, the managers caution the Service and the States that the mission of the State and tribal wildlife grant program is habitat restoration and preservation.

ADMINISTRATIVE PROVISIONS

The conference agreement includes language referring to the reprogramming guidelines in the front of the statement of the managers accompanying this Act. The House and Senate had referenced the reprogramming guidelines in earlier reports.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,629,641,000 for the operation of the national park system instead of $1,630,882,000 as proposed by the House and $1,636,299,000 as proposed by the Senate.

The conference agreement provides $340,114,000 for resource stewardship. Changes to the House level include a reduction of $1,106,000 to restore half of the fiscal year 2003 across the board reduction, an increase of $3,102,000 for park specific increases, a reduction of $2,924,000 for inventory and monitoring programs, an increase of $225,000 for Cumberland Piedmont Network, and an increase of $375,000 for Vanishing Treasures.

The conference agreement provides $324,348,000 for Visitor Services. Changes to the House level include a decrease of $1,031,000 to restore half of the fiscal year 2003 across the board reduction, and an increase of $649,000 for park specific increases.

The conference agreement provides $567,230,000 for maintenance. Changes to the House level include a reduction of $1,701,000 to restore half of the fiscal year 2003 across the board reduction, an increase of $1,765,000 for park specific increases, and a reduction of $2,000,000 for facility condition assessments.

The conference agreement provides $286,378,000 for park support. Changes to the House level include reductions of $516,000 for park specific increases, $500,000 for management accountability review, and $927,000 to restore half of the fiscal year 2003 across the board reduction and increases of $300,000 for partnership wild and scenic rivers programs and $400,000 to expand the volunteers in parks programs.

The conference agreement provides $114,571,000 for external administrative costs. This is a reduction of $352,000 from the House level.

There is a general reduction of $3,000,000.

Within the maintenance account, the managers direct the following: $300,000 for landscape improvements at Gettysburg NMP, $550,000 for improvements to comfort stations and the North Shore Cemetery at Great Smoky Mountains NP in North Carolina, $210,000 for a water connection at Indiana Dunes NL, $250,000 for access improvements at Apostle Islands NL, $200,000 for rehabilitation at Valley Forge NMP, $300,000 for Ocmulgee NM repairs, and $250,000 for a boundary survey and $200,000 for building stabilization and demolition work at New River Gorge NR, West Virginia. Up to $1 million of funds appropriated for repair and rehabilitation should be used for maintenance work associated with the First Flight Centennial Celebration at the Wright Brothers National Memorial, North Carolina.

In addition to the statutory requirements and limitations agreed to in this bill, the managers believe that the National Park Service in reviewing requests for use of the Mall for special events should ensure that event organizers have addressed the requirements which such events may impose on public transportation systems and, when events involve very large numbers of visitors or unusual times, ensure that these needs have been coordinated with the Washington Metropolitan Transportation Authority.

The managers urge the Service to provide, to the extent possible, the necessary support for the administration of the National Historic Lighthouse Preservation Act. Within the increases provided above the request for base operations, $500,000 is provided for nationally designated trails.

UNITED STATES PARK POLICE

The conference agreement provides $78,859,000 for the United States Park Police, as proposed by the House instead of $78,349,000 as proposed by the Senate.

The National Academy of Public Administration conducted a comprehensive review of the U.S. Park Police's mission, budget, staffing and other functions and issued a report to the House and Senate Committees on Appropriations in August 2001. The report raised concerns about budget accountability, management issues, and overtime. In addition, the Academy made a recommendation to the Secretary and the Director of the National Park Service to clarify and streamline the mission, responsibilities and priorities of the Park Police. To date this has not been done.

During the past few months, the managers have become increasingly concerned that most of the Academy's major recommendations have not been implemented and that cost growth continues in several areas, particularly the use of overtime. Therefore, the managers direct the Park Police to contract with the Academy for a follow-up review of the actions taken on their recommendations. The managers strongly urge the Secretary to place a high priority on addressing this issue in a timely manner.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $62,544,000 for national recreation and preservation, instead of $54,924,000 as proposed by the House and $60,154,000 as proposed by the Senate.

The conference agreement provides $555,000 for recreation programs. The change to the House is a reduction of $300,000 for the federal lands to parks program.

The conference agreement provides $11,011,000 for natural programs. There are no changes to the House level.

The managers are concerned about the finding of the House Appropriation Committee's Surveys and Investigative staff report on the Rivers and Trails technical assistance program. The report raises concerns about the accuracy of the published guidance regarding the availability of financial assistance, the use of non-competitive grants through cooperative agreements and oversight of the program.

The managers continue to support strongly this technical assistance program and recognize that there has been valuable assistance provided to many communities over the years. However, the managers insist that the officially published guidelines clearly reflect what specific types of assistance are available to communities and set a national deadline for applications. In addition, the program should reassess its use of non-competitive cooperative agreements. The Service should address the issues raised in the study in a report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

The conference agreement provides $19,936,000 for cultural programs. Changes from the House level include increases of $765,000 for national register programs and $100,000 for technical assistance at Gettysburg Battlefield NHD. Within available funds, $300,000 is provided to continue activities of Heritage Preservation, Inc.

The conference agreement provides $1,626,000 for International park affairs, the same level as the House and Senate.

The conference agreement provides $401,000 for environmental compliance review, the same level as the House and Senate.

The conference agreement provides $1,595,000 for grant administration, the same level as the House and Senate.

The conference agreement provides $14,453,000 for nationally designated heritage areas. Funds, excluding $124,000 for administrative costs, are to be distributed as follows:

Project	*Amount*
America's Agricultural Heritage Partnership	$750,000
Augusta Canal National Heritage Area	400,000
Automobile National Heritage Area	600,000
Blue Ridge National Heritage Area	500,000
Cache La Poudre River Corridor	45,000
Cane River National Heritage Area	800,000
Delaware and Lehigh National Heritage Corridor	800,000
Erie Canalway National Corridor	600,000
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	550,000
Illinois & Michigan Canal National Heritage Corridor	600,000
John H. Chafee Blackstone River Valley NHC	795,000
Lackawanna Valley National Heritage Area	550,000
National Coal Heritage Area	123,000
Ohio and Erie Canal National Heritage Corridor	1,000,000
Quinebaug and Shetucket Rivers Valley NHC	800,000
Rivers of Steel National Heritage Area	1,000,000
Schuylkill River Valley National Heritage Area	497,000
Shenandoah Valley Battlefields NH District	500,000
South Carolina National Heritage Corridor	1,000,000
Tennessee Civil War Heritage Area	209,000
Wheeling National Heritage Area	1,000,000
Yuma Crossing National Heritage Area	210,000
Total	14,329,000

The conference agreement provides $12,967,000 for statutory or contractual aid, instead of $6,471,000 as proposed by the House and $9,919,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Amount*
Benjamin Franklin Tercentenary Commission	$200,000
Blue Ridge Parkway (Folk Art Center)	750,000
Brown Foundation	200,000
Chesapeake Bay Gateways	2,500,000
Dayton Aviation Heritage Commission	87,000
Flight 93 Memorial	298,000
French and Indian War (PA)	500,000
Harry S. Truman Statue	50,000
Ice Age National Scientific Reserve	806,000
Jamestown 2007	199,000
Johnstown Area Heritage Association	49,000
Lake Roosevelt Forum	50,000
Lamprey River	1,000,000
Mandan Interpretive Center and Lodge Project	500,000
Martin Luther King, Jr. Center	528,000
Native Hawaiian Culture and Arts Program	740,000
New Orleans Jazz Commission	66,000
Oklahoma City Memorial	1,600,000
Office of Arctic Studies	1,500,000
Roosevelt Campobello International Park Commission	847,000
Sleeping Rainbow Ranch, Capitol Reef NP	497,000
Total	12,967,000

Funds provided for the Office of Arctic Studies are for work in cooperation with the Anchorage Museum Foundation and funds provided for Sleeping Rainbow Ranch are for work in cooperation with the Utah Valley State College. The $175,000 provided in the Senate bill for activities to commemorate the Louisiana Purchase at the Jean Lafitte NHP&P in Louisiana will be provided from within the additional funds provided to the Service for park operations.

The managers are aware that the Oklahoma City Trust and the National Park Service are cooperatively exploring a proposal to make changes to the law establishing the Oklahoma City Memorial. In the interim, the managers have included bill language that will allow the Service to establish an operating base to conduct ongoing protection and interpretation activities at the site without the requirement for reimbursement or a non-federal match. Also included is a one-time grant to the Trust of $1,600,000.

The managers have not included bill language as proposed by the House regarding the use of cooperative agreements. This issue has been addressed under natural programs. The Service is directed to continue its support for the Northern Forest Canoe Trail through the challenge cost share program at $250,000.

URBAN PARK AND RECREATION FUND

The conference agreement provides $305,000 for the urban park and recreation fund, the same as the House and the Senate.

HISTORIC PRESERVATION FUND

The conference agreement provides $74,500,000 for the historic preservation fund instead of $71,000,000 as proposed by the House and $75,750,000 as proposed by the Senate. Changes to the House level include an additional $1,000,000 for grants-in-aid to States and Territories, a reduction of $1,000,000 for Historically Black Colleges and Universities, an additional $3,000,000 for Save America's Treasures, and an additional $500,000 for grants-in-aid to the National Trust for Historic Preservation.

Of the $33,000,000 provided for Save America's Treasures, $15,000,000 is for competitive grants. The balance of the funds are to be distributed as follows:

Project/State	*Amount*
Adlai Stevenson House, IL	$100,000
Admiral Theater, Bremerton, WA	200,000
Adventure Gloucester, MA	250,000
Artrain USA Museum, Ann Arbor, MI	150,000
Astoria Column Astoria, OR	345,000
Augusta Theatre, KY	150,000
Avery Point Lighthouse, CT	100,000
Barber Scotia College, NC	100,000
Belfry House, MS	150,000
Belmont Mansion, Philadelphia, PA	200,000
Bemis Auditorium, Bemis, TN	200,000
Benjamin Mays birthplace Greenwood, SC	300,000
Bethany College, Bethany, WV	220,000
Bogalusa City Hall, LA	100,000
Borman Arts Center Martinsburg, WV	100,000

Project/State	Amount
Buckland Preservation, VA	50,000
Camp Washington Carver Cliff Top, WV	150,000
Carillo Ranch, CA	200,000
Cheraw & Darlington Railroad Depot Society Hill, SC	75,000
Chester Academy, Chester, OH	237,000
Conservation of paintings in Old State Capitol, Frankfort, KY	75,000
Council House Grounds, NY	100,000
Crotona Park Bath House, New York, NY	100,000
Davidge Hall Baltimore, MD	350,000
Edgar Allan Poe Cottage, New York, NY	100,000
El Paso Plaza Theater, El Paso, TX	200,000
Emily Dickinson Homestead, Amherst, MA	200,000
Emporium Building, San Francisco, CA	200,000
Estudillo Mansion, CA	250,000
F.W. Woolworth Building, Greensboro, NC	150,000
Falling Waters, PA	100,000
Feehan Memorial Library Mundelein, IL	200,000
Fitz-Green Hallock House, Lake Ronkokoma, NY	40,000
Five Fingers Lighthouse, Juneau, AK	200,000
Fort Reno historic restoration, Fort Reno, OK	300,000
Fox Theatre, WA	250,000
Frank Theater Abbeville, LA	100,000
Fremont Adobe, CA	150,000
French Gratitude Boxcar Bismarck, ND	80,000
Ft. Abercrombie State Historical Site Ft. Abercrombie, ND	200,000
Gen. Joseph Wheeler Home, Pond Spring, AL	150,000
Grand Opera House of the South, Crowley, LA	150,000
Grand Opera, GA	250,000
Gray Building Northfield, VT	250,000
Graycliff Estate Derby, NY	275,000
Great Brick Chapel, St. Mary's City, MD	200,000
H. Alden Smith Mansion, Minneapolis, MN	200,000
Haines House, OH	56,000
Hardman Art Building, Macon, GA	150,000
Hayesville Opera House, OH	92,000
Henry Whitfield House, Guilford, CT	150,000
Homesteak Opera House Lead, SD	375,000
Johnstown Flood Memorial, St. Michael's, PA	325,000
Karl L. King Band Shell, Fort Dodge, IA	253,000
Landers Theatre, MO	250,000
Lloyd House, Alexandria, VA	100,000
Lombard Theatre, IL	300,000
Lopez Adobe, San Fernando, CA	150,000
Madison County Courthouse, MT	250,000
Mansion House, VA	200,000
Marks-Rothenberg Building, Meridian, MS	200,000
Martin Luther King, Jr. Memorial in Columbia, MO	100,000
McKinley High School Baton Rouge, LA	100,000
McKinley Museum, OH	50,000
McVicker House, Irvington, NY	200,000
Metropolitan Hotel Project, Paducah, KY	250,000
Morris Lighthouse, SC	100,000
Municipal Auditorium, LA	100,000
Murphy-Bromelsick House, Lawrence, KS	100,000
Ohio Theatre, OH	25,000
Old Dutch Church repairs, Kingston, NY	100,000
Old Henderson County, Courthouse, NC	400,000
Old Main Building, PA	200,000
Old Marion High School, Marion, SC	200,000
Oneida County Courthouse, WI	240,000
Paramount Theater, Middletown, NY	100,000
Pastime Theatre, AL	50,000
Pendleton Courthouse, WV	100,000
Pennsylvania Academy of Fine Arts, Hamilton Building, Philadelphia, PA	200,000
Perry County Courthouse, OH	180,000
Pontotoc Courthouse and Downtown Restoration, MS	300,000
Providence Performing Arts Center Providence, RI	275,000
Ramirez Solar House, PA	250,000
Rowan Courthouse, KY	50,000
Rye Bath House, Rye NY	200,000
Seaman Mineral Museum Houghton, MI	225,000
Sears Art Deco Tower Miami, FL	125,000
Single Sisters House, NC	200,000
Ste. Genevieve Memorial Cemetery, MO	150,000
Story Mansion, Bozeman, MT	500,000
Sunnyhill Pavillion, KY	200,000
Taliesen West, Scottsdale, AZ	75,000
Tennessee Theatre, TN	47,000
The Grand Jury Building, Eutaw, AL	435,000
The Music Hall, Portsmouth, NH	400,000
Veterans National Cemetery, Alexandria, VA	100,000
Walking Box Ranch Clark County, NV	275,000
Ward Chapel AME Episcopal Church & Museum Prattville, AL	200,000
Wilderstein Preservation, NY	150,000
Total	18,000,000

Bill language is included authorizing the grant to the national trust and setting conditions for Save America's Treasures grants. Funds provided for the historically black colleges and universities are competitive and cost shared at 70 percent federal, 30 percent private.

CONSTRUCTION

The conference agreement provides $333,995,000 for construction instead of $303,199,000 as proposed by the House and $342,131,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	Amount
Acadia NP, ME (rehabilitation)	$7,017,000
American Memorial Park, Saipan (upgrade water delivery)	892,000
Badlands NP, SD (safety/ADA deficiencies)	3,996,000
Big Bend NP, TX (plan curatorial facility)	268,000
Big Cypress NPres, FL (complete rehabilitation of ORV trails)	500,000
Blue Ridge Pkwy (historic guard walls)	3,186,000
Blue Ridge Pkwy, NC (visitor center)	1,000,000
Boston Harbor Islands NRA, MA (George's Island)	727,000
Boston NHP, MA (USS Constitution, maintenance facility)	2,408,000
Bryce Canyon NP, UT (renovation)	859,000
Chesapeake and Ohio Canal NHP, MD (stabilize towpath wall, construct footbridge)	1,538,000
Colonial NHP, VA (visitor center & Jamestown collections)	7,611,000
Colonial NHP, VA (Yorktown museum collection)	725,000
Crater Lake NP, OR (restore historic residence)	999,000
Craters of the Moon NM, ID (upgrade visitor center)	1,334,000
Cuyahoga NRA, OH (rehabilitation)	2,500,000
Dayton Aviation NHP, OH (various)	1,550,000
Delaware Water Gap NRA, PA (cabin replacement)	300,000
Denali NP & Pres, AK	750,000
Eleanor Roosevelt NHS, NY (restoration)	2,750,000
Everglades NP, FL (water system)	12,990,000
Fort Washington Park, MD (rehabilitation)	2,724,000
Frederick Douglass NHS, DC (rehabilitation)	955,000
Fredericksburg & Spotsylvania County Battlefields Memorial NMP, VA (stabilization)	1,560,000
Gateway NRA, NY (rehabilitation)	2,416,000
General Grant NMem, NY (rehabilitation)	1,732,000
George Washington Carver NM, MO (rehab/expand visitor center)	2,000,000
George Washington Memorial Pkwy, VA	400,000
George Washington Memorial Pkwy, VA (Marine Corps War Memorial)	3,383,000
Gettysburg NMP, PA (conservation)	2,000,000
Grand Teton NP, WY (visitor center)	3,000,000
Great Smoky Mountains NP, TN (rehabilitate comfort stations & picnic areas)	525,000
Harpers Ferry NHP, WV (rehabilitate buildings, transportation system)	3,200,000
Homestead NM of America, NE (plan visitor facility)	50,000
Horace M. Albright Training Center, AZ (rehabilitation)	7,437,000
Hot Springs NP, AR	1,012,000

Project	Amount
Independence NHP, PA (Independence Square, site rehab)	1,750,000
Independence NHP, PA (Independence Mall improvements)	1,250,000
Indiana Dunes NL, IN (cultural/historic reports)	225,000
Jefferson National Expansion Memorial, MO (security)	4,339,000
John H. Chafee Blackstone River Valley NHC, RI/MA	750,000
L.Q.C. Lamar House NHL, MS	300,000
Lake Mead NRA, NV (wastewater system)	3,514,000
Lincoln Library, IL	5,000,000
Lowell NHP, MA (stabilize/rehabilitate railroad tunnel)	674,000
Mammoth Cave NP, KY (electrical system)	3,593,000
Mammoth Cave NP, KY (water system)	6,014,000
Marsh-Billings-Rockefeller NHP, VT (rehabilitate barn)	750,000
Mesa Verde NP, CO (design curatorial facility)	600,000
Mesa Verde NP, CO (HVAC systems)	1,207,000
Minute Man NHP, MA (protect resources, access)	1,365,000
Moccasin Bend NAD, TN (erosion control)	500,000
Morris Thompson Visitor and Cultural Center, AK	2,250,000
Morristown NHP, NJ (rehabilitation)	1,789,000
Mount Rainier NP, WA (electrical system)	4,000,000
Natchez Trace Parkway (resurfacing)	1,000,000
National Capital Parks-Central (Jefferson Memorial Security)	4,858,000
National Capital Parks-Central (Washington Monument Security-vehicle barrier)	15,100,000
New Bedford Whaling NHP, MA (Corson Building)	2,500,000
New River Gorge NR, WV	2,691,000
Olympic NP, WA (Elwha River restoration)	12,950,000
Organ Pipe Cactus NM, AZ (vehicle barrier)	4,405,000
Pacific Coast Immigration Museum, CA	385,000
Petersburg NB, VA (Appomattox Manor)	881,000
Petrified Forest NP, AZ (rehabilitation)	3,124,000
Puukohola Heiau NHS, HI (re-establish historic scene)	3,046,000
Rock Creek Park, DC (Fitzgerald rehabilitation)	1,400,000
San Francisco Maritime NHP, CA (C.A. Thayer)	4,177,000
Sequoia and Kings Canyon NP, CA (water tanks, fire suppression)	2,210,000
Southwest Pennsylvania Heritage Comm., PA	2,500,000
St. Croix NSR, WI (complete administrative building)	4,900,000
Stones River NB, TN (trails)	300,000
Sun Watch NHL, OH	375,000
Tallgrass Prairie NPres, KS (design resource center)	500,000
Thomas Stone NHS, MD (restrooms, kiosk, office space)	500,000
Timucuan Ecological and Historic Reserve, FL (structural analysis, improvements)	765,000
Tuskegee Airmen NHS, AL (continue planning)	500,000
Utah Public Lands Artifact Preservation Act, UT	3,000,000
Western Arctic National Parklands, AK (heritage and administrative center)	700,000
White House, DC (rehabilitation)	3,443,000
Wind Cave NP, SD (wastewater treatment)	3,909,000
Wrangell-St. Elias NP & Pres, AK (rehabilitation)	933,000
Yellowstone NP, WY (Old House and Old Faithful Inn)	5,973,000
Yellowstone, NP, WY (snowcoaches and support infrastructure)	1,892,000
Yellowstone NP, WY (west entrance station)	1,888,000
Subtotal	216,969,000
Emergency/Unscheduled Projects	5,500,000
Housing replacement	8,000,000
Dam safety	2,700,000
Equipment replacement	35,460,000
Construction planning	24,480,000
Construction program management	27,466,000
General management planning	13,420,000
Total	333,995,000

The National Park Service has developed a planning model for visitor facilities that can be a very useful tool for parks contemplating visitor centers and other improvements. The model was developed after extensive research into visitor facilities across the nation, including NPS examples, and visitor facilities developed by other public (Federal, State, local) agencies as well as private museums. The managers expect any proposal for park visitor centers improvements to be run through the model. Project proposals that exceed the model's baseline will receive significant scrutiny.

The model is a predictive tool. Its results on a facility-by-facility basis must be weighed by senior Service officials to determine whether the investment proposed could be justified in light of the tremendous infrastructure and operational needs facing the Service, even if the project is within the model's parameters. The managers remain concerned about the scope and cost of proposed NPS capital improvements, especially visitor and other centers, and will work with the Service to continue addressing this issue. The Service must expand its efforts to manage expectations about future funding, especially very early in the conceptual stages, both for NPS and partnership projects.

Funding is not proposed at this time for further work on the proposed visitor center at Assateague Island National Seashore. In fiscal year 2002, the managers expressed concerns about the scope and cost of the project and directed the Service to provide a report analyzing the costs of the proposed visitor and learning centers. The managers expect the requested report by February 1, 2004, and expect it to include an analysis of the proposed visitor center as compared with the facility-planning model for visitor centers developed by the NPS.

Little Rock Central High School NHS was authorized in 1998. A general management plan, completed in 2002, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the $3–$4 million range.

No funding is provided for security improvements at Independence National Historical Park in Philadelphia. The managers have deferred funding in light of the unresolved issues between the National Park Service, the Department of the Interior, the Department of Homeland Security, and local interests. The project presented in the budget assumed the closure of Chestnut Street. Because that closure decision was reversed earlier this year, the managers await a revised plan and cost estimate.

The managers have included $1,750,000 requested in the budget for completion of the site rehabilitation of Independence Square. In addition, $1,250,000 is provided as a Federal contribution toward landscaping improvements for Independence Mall between Independence Hall and the National Constitution Center. The managers are aware of a $17,000,000 estimate to complete the rehabilitation of Independence Mall; and strongly encourage the continued use of partnerships to leverage this Federal investment.

Funding provided for Mesa Verde National Park is to begin planning for the proposed curatorial facility. The managers understand that the concept for the proposed partnership project at Mesa Verde assumes non-Federal funding for the cultural center component of the project. The managers are concerned about the Federal costs of phases 1 (curatorial) and 2 (operations) and expect the Service to examine the scope and costs of these components and to explore opportunities for partnership.

The managers have provided $300,000 to improve lodging conditions at the Pocono Environmental Education Center at Delaware Water Gap NRA, PA. The managers understand the estimated cost of these facility improvements is $2,500,000, and encourage the park and its partner to complete the site development plan before initiating detailed project design. A value analysis of alternatives should be conducted so that the entire project can be completed within the $2,500,000 estimate.

The managers have provided $3,000,000 towards the Federal share of a joint partnership for a proposed new visitor center at Grand Teton National Park. With the deferred maintenance challenges facing the Service, the managers expect parks and partners to seek cost-effective design solutions that address visitor and resource protection needs while recognizing the significant costs needed to address problems across the Service. The managers are concerned about the size and cost of the proposed facility at Grand Teton National Park, which is currently estimated in excess of 29,000 square feet. The managers understand that the current visitor facility at this location is approximately 3,000 square feet, and does not adequately serve the needs of today's visitors. The managers expect the project to be downsized to remain within the parameters of the facility planning model, which is about a 23,000 square foot facility. The managers do not intend for the Federal contribution towards this visitor facility to exceed $8,000,000. Any costs associated with a facility larger than the benchmark should be 100 percent non-Federal.

Funding has been reduced for the security improvements to the Washington Monument consistent with the recent decision by the Department of the Interior to proceed with the vehicle barrier proposal, and not to pursue the underground screening and visitor facility and tunnel. The current approach includes the construction of the vehicle barriers, improvements to the plaza, and landscaping on the mall grounds.

Tallgrass Prairie National Preserve was established in 1996. A general management plan, completed in 2000, recommends a visitor facility. The Service has not yet prioritized this project through the line-item construction five-year planning process. While the managers recognize the importance of addressing the most critical deferred maintenance needs of the Service, important mission and resource projects should also be considered in the establishment of construction priorities. The Service should work to analyze the appropriate level of visitor services for this park using the facility-planning model for visitor centers. The park should be aware that recent actions by the managers regarding visitor centers at other small park units have capped facilities in the $3–$4 million range.

Funding of $500,000 is recommended to complete enhancements at Thomas Stone NHS. Funds provided in fiscal year 2003 allow for renovation of the east wing and improvements to the parking lot. The managers understand that these funds have not yet been obligated. Funding provided this year allows for office improvements to move staff out of the historic home as well as to expand the existing visitor contact station to allow for larger group events. Given the limited visitation to this site, the managers do not recommend significant visitor education space expansion. Progress to complete planning for this project should proceed so that all the work can be accomplished with the funds provided in fiscal years 2003 and 2004.

The managers have not provided funds for the following projects due to a delay in the project construction schedule: Big Bend NP (Chisos Basin water supply), Boston Harbor Islands NRA (Commandant's House), Dry Tortugas NP (stabilize fort), Petersburg NB (maintenance facility), and Rock Creek Park (Meridian Hill Park).

Additional funding is not recommended for Lincoln Home NHS because previously appropriated funds remain unobligated. The managers understand that nearly $700,000 remains from funds appropriated in fiscal years 1994 and 2000.

The managers have provided $1,550,000 for Dayton Aviation NHP for the following projects: $600,000 for interpretive film and wayside exhibits, $800,000 for a parking lot and $150,000 for a historic sites report on 26 South Williams Street. Funds provided in the Senate bill under the construction account for the Harry S Truman statue have been moved to the National Recreation and Preservation account. Funds provided for the Pacific Coast Immigration Museum in California complete the federal investment. Within available funds, the managers direct the Service to complete rehabilitation of the Saratoga Monument.

The managers are concerned that the Department has failed to complete the study authorized in section 7 of Public Law 106–271, the "Corinth Battlefield Preservation Act of 2000". The managers direct the Department to complete this study no later than 90 days after the enactment of this Act.

Bill language is included authorizing funds from the historic preservation fund for L.Q.C. Lamar House NHL and Sun Watch NHL. Also included is Senate proposed language prohibiting the use of funds for planning, design or construction of an underground security screening or visitor contact facility at the Washington Monument.

The managers have included language contained in the House bill, conditioning release of Modified Water Deliveries money to annual reports from the Secretary of the Interior, the Administrator of EPA and the Attorney General, which guarantees that the State of Florida is meeting water quality standards.

Funds for the Oklahoma City Memorial are provided in the National Recreation and Preservation account. Within available funds, the Service is directed to conduct a heritage area study for Muscle Shoals and a watershed study for San Gabriel. The House report contained language directing a study on the SW Campaign. The managers have been made aware that this study has not been authorized therefore this study is not included in the conference agreement.

The managers are aware that the U.S. Army will be relocating some of its fire and emergency services personnel currently located in Hawaii. This relocation will severely undercut the availability of vital services at Hawaii Volcanoes National Park. The managers understand, and greatly appreciate, that the County of Hawaii is willing to provide these services and direct the Service to provide the county with $250,000 in transition funding.

The managers strongly urge the Service to accelerate the General Management Plan for Cedar Creek and Belle Grove NHP.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $142,350,000 for land acquisition and State assistance instead of $131,154,000 as proposed by the House and $158,473,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Big Thicket National Preserve (TX)	$3,500,000
Civil War Battlefield Sites (Grants)	2,000,000
Ft. Clatsop NM (OR)	1,250,000
Great Sand Dunes NP (CO)	2,000,000
Gulf Islands NS (Cat Island) (MS)	4,000,000
Gulf Islands NS (Horn Island) (MS)	1,100,000
Hawaii Volcanoes NP (HI)	4,000,000
Ice Age NST (WI)	2,000,000
New Jersey Pinelands Preserve (NJ)	750,000
Obed Wild and Scenic River (TN)	750,000
Shenandoah Valley Battlefields NHD (VA)	1,000,000
Sleeping Bear Dunes NL (MI)	1,000,000
Timucuan Ecological and Historic Preserve (FL)	500,000
Tumacacori NHP (AZ)	1,500,000
Valley Forge NHP (PA)	5,000,000
Wrangell-St. Elias NP (AK)	2,500,000
Subtotal	32,850,000
Acquisition Management	10,500,000
Emergencies/Hardships	2,000,000
Inholdings/Exchanges	2,000,000
Stateside Grants	92,500,000
Stateside Administration	2,500,000
Total	142,350,000

The conference agreement includes bill language under the Park Service land acquisition account dealing with unobligated balances for South Florida Restoration as proposed by the House.

The managers recommend $2,000,000 for matching grants pursuant to the Civil War Battlefield Protection Act of 2002. The managers are aware that many of the lands identified by the Civil War Sites Advisory Commission as high priorities for protection are located within or adjacent to national park boundaries. This has led to questions about the relationship between the battlefield grant program and the national park system. In no case should battlefield grants be used for the acquisition of lands within the existing boundaries of a park unit. The process for the acquisition of lands within park boundaries is well established, and should not be complicated by the introduction of a separate Federal program. With regard to lands adjacent to park boundaries, the managers are concerned that the acquisition of such lands using battlefield grant funds could ultimately increase pressures to include those lands in the national park system. The Service should make clear to all recipients of battlefield grants that the award of funds for acquisition of lands adjacent to park units should in no way be construed as an indication of Service or Congressional support for the ultimate inclusion of such lands in the park system. The process for the expansion of park boundaries is well established, and involves consideration of many factors that are beyond the scope of the battlefield grants program. These considerations include the cost to the Service of maintaining and interpreting lands to be acquired, consistency of proposed expansions with a park's general management plan, and the priority of a given park expansion relative to other needs in the park system. While the managers do not propose a prohibition on the use of battlefield grants to acquire lands adjacent to park boundaries, grant recipients and park managers should be aware of these concerns. The managers will reevaluate program guidelines in the event battlefield grants lead to a flood of proposed park boundary expansions.

The managers agree to the following revisions to the reprogramming guidelines for the National Park Service only. Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations, declarations of taking, and tracts with an appraised value of $500,000 or less, unless such acquisitions are submitted to the House and Senate Committees on Appropriations for approval in compliance with established procedures.

The managers are aware that the Service recently released a Finding of No Significant Impact (FONSI) for the acquisition of lands near Theodore Roosevelt's historic Elkhorn Ranch in North Dakota. While the finding did recommend acquisition of lands within the viewshed of the existing Elkhorn Unit and associated river lands, it did not offer specific information on the number of acres that should be acquired or the cost of such an acquisition. The managers therefore direct the Service to submit a report to the House and Senate Appropriations Committees by January 1, 2004, outlining the number of acres the Service recommends be acquired and the anticipated cost of the acquisition.

The managers note that the funding for Valley Forge NHP completes the project.

ADMINISTRATIVE PROVISIONS

The managers have retained the Senate language regarding the National Park Passport program and authority for a grant to construct a memorial to Kris Eggle.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $949,686,000 for surveys, investigations, and research instead of $935,660,000 as proposed by the House and $928,864,000 as proposed by the Senate.

Changes to the House for national mapping programs include an increase of $2,795,000 for information technology and decreases of $1,500,000 for geospatial one-stop, and $625,000 for the national map.

The managers are aware of the recent malfunction of scanning equipment onboard the Landsat 7 earth observing satellite and the disappointing failure to correct the problem. This failure has resulted in degraded data collected by the satellite. The managers recognize the significance of Landsat data to many activities, including agricultural monitoring and research, environmental monitoring, and regional planning, to name a few. The managers understand that, although the data has relatively small gaps, the remainder of each image has data of original quality and hence will remain useful for many of the activities they currently support. The managers believe that the Survey should take a proactive approach where Federal agencies are concerned, particularly the Departments of Agriculture and Defense, to try to secure data purchase agreements now in order to have a stable funding source. In addition, the managers expect the Survey to investigate and document the current level of interest from the user community for continued data purchases. The Survey should conduct data sales in the near term and, based on this, estimate potential annual revenues that may be derived from this source. This analysis will provide the basis for subsequent recommendations regarding the types and amounts of funding necessary to continue operation of Landsat 7. The managers also expect the Survey, Federal agencies, and other users needing medium resolution data to work together to determine how the degraded Landsat data can best meet their needs prior to seeking data from alternative sources. To the degree that Landsat data does meet the needs of Federal agencies, the managers encourage them to use the Survey as the provider of this data.

The managers are supportive of the Survey's efforts to manage more efficiently the growing volume of collected, archived, and distributed data at the EROS Data Center. Accordingly, the managers support efforts by the Survey to convert its archived remote sensing data to a modern disk based storage system. The managers believe that such a conversion will accommodate the growing volume of data, and provide access to users more efficiently and at lower costs. Finally, the managers support implementation of a continuity of operations capability utilizing "remote mirroring" technology.

Changes to the House for geology programs include increases of $1,500,000 to support the Western Aleutians volcano monitoring effort, $200,000 for Mauna Loa volcano monitoring in Hawaii, $244,000 for the National Cooperative Geological Mapping program, $1,500,000 for the minerals at risk program in Alaska which completes this project, $500,000 for the expansion of the ANSS program, $500,000 for the coastal erosion program in North Carolina, $750,000 for the minerals information program, $500,000 for a mineral inventory in Clark County Nevada, $300,000 for a well log inventory in Kansas, $900,000 for the Tongue River coalbed methane study, and decreases of $475,000 for science on DOI lands, $600,000 for national energy policy assessments, $500,000 for the geothermal program, and $500,000 for the Central Great Lakes Geologic Mapping Coalition.

Within the funding increase provided for the expansion of the Advanced National Seismic System, the managers have earmarked $250,000 for seismic monitoring and hazard assessment in the Jackson Hole/ Yellowstone area.

Changes to the House for water resources include increases of $1,500,000 for cooperative research on the Roubidoux Aquifer at the University of Oklahoma, $200,000 for the Berkeley Pit study in Montana, $50,000 for mercury contamination in South Carolina rivers, $500,000 for the Potomac River Basin ground water research, $299,000 for the Lake Champlain toxics study, $450,000 for Hawaiian water monitoring, $250,000 for Delaware River flow modeling, and $350,000 for Hood Canal fish mortality research and decreases of $375,000 for science on DOI lands, $500,000 for the U.S./Mexico border initiative, and $250,000 for the Chesapeake Bay program.

Changes to the House for biological research include increases of $750,000 for the Mark Twain National Forest mining study that will be completed and a final report issued in 2005, $800,000 for molecular biology at the Leetown Science Center, $500,000 for the Pallid Sturgeon study, $200,000 for the Diamondback Terrapin study, $1,000,000 for the Northern Continental Divide Ecosystem Genetic Survey in Montana, $300,000 for a multidisciplinary study into the quality and quantity of the water at the Leetown Science Center, $500,000 for a Lake Tahoe decision support system, $500,000 for the NBII Mid Atlantic node, and $500,000 for the cooperative research units and decreases of $1,025,000 for invasive species, $625,000 for chronic wasting disease research, and $650,000 for science on DOI lands.

The managers are aware and supportive of efforts by the Great Lakes Science Center to rehabilitate Lake Sturgeon in the Detroit River. The managers encourage the Survey to work with existing partnerships on Lake Sturgeon research in Lake Michigan, the Milwaukee River, and the Manitowoc River.

Within the funds provided for invasive species, the managers have earmarked $1,000,000 for the GeoResources Institute of Mississippi State University. The managers understand that the University will work with the Survey through the National Institute of Invasive Species Science in developing remote sensing techniques and monitoring strategies for early detection of SE invasives, control techniques for invasive aquatic plants, and assessment of new invaders.

Changes to the House for science support include an increase of $600,000 for accessible data transfer and a decrease of $500,000 for enterprise GIS.

The change to the House for facilities is an increase of $200,000 for unanticipated construction costs at the Leetown Science Center.

The managers are aware that the request for the Survey's facilities budget activity may not contain sufficient funding for rent and operations and maintenance for some of the Survey's science centers. The managers understand that this is due, in part, to insufficient funds being transferred when this budget activity line was created in fiscal year 2000. The managers remain concerned about this situation and direct the Survey to develop a funding strategy by March 15, 2004, to resolve this issue and avoid jeopardizing ongoing science programs.

The managers have restored $3,013,000 in streamlining reductions proposed in the Administration's budget request. The survey is directed to spread these funds to the program areas based on a pro rata distribution.

ADMINISTRATIVE PROVISIONS

The managers have agreed to bill language proposed by the House continuing a provision included in the fiscal year 2003 Interior and Related Agencies Appropriations Act to make it easier for the Survey to co-locate its facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $165,316,000 for royalty and offshore minerals management instead of $164,216,000 as proposed by the House and $166,016,000 as proposed by the Senate.

Changes to the House for royalty and offshore minerals management include increases of $800,000 for the Center for Marine Resources, MS and $800,000 for the Marine Mineral Technology Center, AK and a decrease of $500,000 for the regulatory program.

The managers have provided $900,000 to the Offshore Technology Research Center, TX instead of $1,400,000 as proposed by the Senate to perform critical mission research for MMS through the cooperative agreement dated June 18, 1999.

Within the funds provided for royalty and offshore minerals management $150,000 is earmarked for the Alaska Whaling Commission.

OIL SPILL RESEARCH

The conference agreement provides $7,105,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $106,699,000 for regulation and technology as proposed by the House and the Senate. This total includes an indefinite appropriation estimated to be $275,000.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $192,969,000 for the abandoned mine reclamation fund instead of $194,469,000 as proposed by the House and $190,893,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except there is a reduction of $1,500,000 from State grants for environmental restoration. The managers note that this funding will provide all States with at least as much funding as in fiscal year 2003, with an increase of $2,076,000 to be spread by the normal formula. The conference agreement does not include the House bill language on the emergency program but the Senate proposed bill language concerning grants in Maryland is included.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,916,317,000 for the operation of Indian programs instead of $1,902,106,000 as proposed by the House and $1,912,178,000 as proposed by the Senate.

Changes to the House for tribal priority allocations include increases of $1,000,000 for welfare assistance, and $1,000,000 for tribal courts and a decrease of $560,000 for new tribes.

Changes to the House for other recurring programs include increases of $10,000,000 for tribally controlled community colleges, $7,000 for Western Washington Boldt, $261,000 for Great Lakes resource management, $66,000 for fish hatchery maintenance, $100,000 for the Alaska Sea Otter Commission, $800,000 for the Bering Sea Fisherman's Association, $600,000 for the intertribal bison program, $350,000 for the Chugach Regional Resources Commission, and $320,000 for the upper Columbia River tribes.

The managers direct that the $10,000,000 increase for the tribally controlled community college operating grants be allocated to the Title II institution at a level commensurate with the fiscal year 2003 grant, taking into account concerns expressed by the Congress with respect to the Bureau's proposed allocation of the 2003 increases.

The managers have revised Senate report language regarding reimbursable support agreements to read the Assiniboine Sioux rural water system.

Changes to the House for non-recurring programs include increases of $750,000 for the distance-learning program in Montana, $750,000 for the Rural Alaska fire program, $392,000 for Alaska legal services, and $1,000,000 for the Salish and Kootenai College nursing program (housing project) and a decrease of $150,000 for the Seminole Tribe Everglades restoration program.

Changes to the House for central office operations include decreases of $250,000 for the branch of acknowledgment and $5,000,000 for information technology.

Changes to the House for special programs and pooled overhead include increases of $200,000 for special higher education scholarships, $450,000 for the United Sioux Tribes Development Corporation, $750,000 for the Alaska native aviation training program, $1,250,000 for the western heritage center, and $125,000 for the Crownpoint Institute of Technology.

The managers are concerned about the growing number of tribes, both landless and with an existing reservation, that are attempting to claim reservation rights that would allow them to engage in gaming operations in States where they have no reservation or trust land status. For example, the Seneca-Cayuga tribe of Oklahoma is attempting to open a gaming operation in the State of New York. The Jena Band of Choctaw in Louisiana is attempting to take land into trust for gaming purposes in an area of Louisiana that is outside their traditional service area. Trust status for gaming purposes on non-contiguous lands requires that a tribe engage in a rigorous approval process requiring approval by the Governor of an affected State as well as input and support from the local community. The managers expect the Department of the Interior and the National Indian Gaming Commission to implement fully the existing rules and regulations governing these types of gaming operations.

The managers are aware of the delays experienced by the Mashpee Wampanoag Indians in the recognition process and urge the Bureau to complete its review of the Mashpee petition as expeditiously as possible.

CONSTRUCTION

The conference agreement provides $351,154,000 for construction as proposed by the Senate instead of $345,154,000 as proposed by the House.

The managers have provided a $6,000,000 increase above the House for the Redwater Elementary School in Mississippi as part of the tribal school construction demonstration program.

The managers have agreed to amend the tribal school construction demonstration program to allow schools not funded by the Bureau of Indian Affairs to participate in this demonstration program. In addition, funds have been earmarked for the Redwater Elementary School in Mississippi and the Saginaw-Chippewa Tribal School in Michigan. The funding for the Saginaw-Chippewa Tribal School is from carryover funds that were appropriated in fiscal year 2003.

The managers are concerned by the pace of completion of replacement schools. The replacement school priority list is not being updated in a timely fashion, resulting in delays in advance planning and design. The managers direct that the Secretary submit a new priority list by February 15, 2004, containing a sufficient number of schools to continue the replacement school program through fiscal year 2007. The priority list should address the most critical needs based on the Bureau's facility management information system.

Within carryover and slippage, the Bureau may use up to $1,000,000 for the Chiloquin Dam removal study.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $55,583,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of $50,583,000 as proposed by the Senate. This total excludes $4,968,000 derived by transfer as explained below.

The managers have agreed to $9,968,000 for the Quinault Indian Nation settlement of which $4,968,000 is derived by transfer from prior year appropriations from the U.S. Fish and Wildlife Service land acquisition account.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $6,497,000 for the Indian guaranteed loan program as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $76,343,000 for assistance to territories instead of $74,343,000 as proposed by the House and $71,343,000 as proposed by the Senate. The managers have agreed to the House distribution of funding with an increase of $2,000,000 for technical assistance activities. Funds provided for the CNMI water system repair should be focused on Saipan where the problem is most acute. The managers expect that the increase for the technical assistance program will be used for priority needs of the territories and the freely associated States, in consultation with the House and Senate Committees on Appropriations. These funds should be used to facilitate the operation of the newly revised Compact of Free Association, to address the situation of the Prior Services Trust Fund, and to address other high priorities. The managers note that Compact impact assistance funding of $15,000,000 will be available from the Compact of Free Association mandatory account, a substantial increase from fiscal year 2003. The House proposed bill language is included which encourages a grant for the Pacific Basin Development Council.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $6,434,000 for the Compact of Free Association instead of $16,354,000 as proposed by the House and $16,434,000 as proposed by the Senate. The managers note that $10,000,000 has been transferred to mandatory activities according to the new financial arrangements of the Compact of Free Association. The managers have agreed to the Senate proposal to provide $1,700,000 for Enewetak support instead of the $1,620,000 proposed by the House. The remaining balance provides $2,734,000 for Federal postal services for the Freely Associated States and the cost of conducting audits for Palau and $2,000,000 for program grant assistance in the fields of education and health care for Palau.

The conference agreement also includes bill language to guarantee that mandatory payments are continued for financial assistance to the Federated States of Micronesia and the Republic of the Marshall Islands in accordance with the terms and conditions of the 2003 negotiated agreements until such time as Congress completes its actions to approve the amended Compacts of Free Association.

The managers are aware that in accordance with Section 118(d) of P.L. 104–134, on September 19, 1996, the United States Department of the Interior entered into an agreement providing ex gratia assistance to the Rongelap Atoll Local Government to support radiological rehabilitation and resettlement of Rongelap Island. Section 2(c) of the agreement recognizes that a final payment of $5,300,000 to the Rongelap Resettlement Trust Fund will complete funding for resettlement of Rongelap as authorized by Congress and agreed to by the Department of the Interior pursuant to Section 118(d) of P.L. 104–134. The managers understand that these funds have been recommended by the Senate Committee on Energy and Natural Resources for inclusion in the Compact of Free Association Amendments Act of 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $78,933,000 for departmental management instead of $76,027,000 as proposed by the House and $78,433,000 as proposed by the Senate. Changes to the House include increases of $3,000,000 to restore funds cut on the House floor and $6,000 for worker compensation, and a decrease of $100,000 for the public lands volunteers program. This total is offset partially by the cancellation of $1,400,000 in unobligated balances in the special foreign currency account as proposed by the Senate.

The conference agreement retains bill language contained in the Senate bill concerning the Buy American Act.

The conference agreement retains bill language contained in the House bill restricting the number of reserve accounts in the Working Capital Fund.

The managers agree that benefiting parties should pay for operation of the airport at Midway Atoll National Wildlife Refuge if it remains open and note that the airport is not critical for U.S. Fish and Wildlife Service refuge operations and maintenance.

The managers expect the Office of Aircraft Safety to move forward with the replacement of the Fish and Wildlife Service survey aircraft using funds from the replacement reserves and, at a minimum, to match the funding included in the FWS construction account. The Fish and Wildlife Service should work with OAS to repay the reserves over time to minimize the impacts to other programs.

The managers expect OAS to develop a plan for all bureaus that considers options for recovering the full cost of replacing aircraft, with inflationary increases, for all new aircraft as they enter the fleet. This plan can consider options that allow the Department to raise fees over time to reduce the impacts to ongoing programs. The managers remain concerned that the process for funding aircraft replacement is being subsidized by programmatic funding.

The managers reluctantly approve the consolidation of realty appraisal functions within the Department. The managers are particularly concerned about the effect of the consolidation on the small easement acquisition program within the Fish and Wildlife Service. The Department should take special consideration to ensure the ongoing success of the small easement program. The managers direct the Department to report to the Committees on Appropriations on consolidation implementation within six months of enactment of this Act. The report should demonstrate that the consolidation has not harmed agencies' realty programs, and it should also note cost savings and efficiencies gained by the consolidation of appraisal functions. The managers will revisit this issue in fiscal year 2005 should the report prove unsatisfactory. Given that the reasons for this proposal were partly to provide consistency between agencies and realize cost savings to the government, the managers strongly urge the Department not to charge any surcharges or assessments for services provided by the National Business Center to this office.

The managers are aware of the Department's initiatives to make the resources of electronic-based geographic information systems widely available to federal, state, and local governments, and the public through the Geospatial One-Stop Initiative (GOS). An important component of this effort is the GOS Web Port Version 2.0. The managers believe that the entire system must be built upon widely accepted industry standards for interoperability in order to ensure that the GOS program can efficiently and broadly access the maximum available governmental and private sector geospatial data, exclusive of National security information. The managers expect the Department to move the GOS initiative in a direction that is consistent with such widely accepted interoperability standards. To that end, the managers direct the Department to submit to the House and Senate Committees on Appropriations a brief report detailing the actions that have been taken thus far with respect to the electronic-based geographic information systems, the GOS initiative and related initiatives. This report should include the Department's plans for follow-on procurement and any interoperability requirements for existing and future GOS initiatives and when it expects to begin a competitive procurement. This report should be submitted no later than January 30, 2004.

WORKING CAPITAL FUND

The conference agreement cancels $20,000,000 in unobligated balances in the working capital fund as proposed by the House instead of $11,700,000 as proposed by the Senate. The conference agreement also permits the use of $11,700,000 for the financial and business management system migration project as proposed by the Senate instead of no funding as proposed by the House.

The managers caution the Department on the implementation of the financial management system migration project. The Department's previous record with new database systems suggests that the Department should proceed cautiously and provide the Committees on Appropriations with regular updates on its progress, including any revisions to timelines and funding requirements of the new system.

The managers have included language that requires the Department to justify Working Capital Fund charges to bureaus and offices in annual budget justifications; request approval of the Appropriations Committees for any departures from the budget justification; and require the Secretary to provide a semi-annual report to the House and Senate Committees on Appropriations on reimbursable agreements between the Office of the Secretary, the National Business Center, and the bureaus and offices of the Department.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $227,500,000 for payments in lieu of taxes instead of $225,000,000 as proposed by the House and $230,000,000 as proposed by the Senate.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $50,374,000 for salaries and expenses of the office of the solicitor as proposed by the House instead of $50,179,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $38,749,000 for salaries and expenses of the office of inspector general, instead of $39,049,000 as proposed by the House and $37,474,000 as proposed by the Senate. Changes to the House include increases of $190,000 for policy and management fixed costs, and decreases of $90,000 for audits fixed costs, $100,000 for investigations fixed costs, and $300,000 for program integrity reviews.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $189,641,000 for Federal trust programs instead of $219,641,000 as proposed by both the House and the Senate.

Changes to the House include a shift of $981,000 from program operation, support, and improvements into executive direction and a reduction of $30,000,000 for the historical accounting project.

The Department of the Interior's July 2, 2002, report to Congress detailed the cost involved if the government were required to undertake a transaction-by-transaction historical accounting of the Individual Indian Money accounts without regard to when the funds were deposited. The Department indicated that such an accounting would cost at least $2.4 billion over 10 years. Both prior to and subsequent to submission of that report, Congress has stated in no uncertain terms that it would not appropriate billions of dollars for a historical accounting of such magnitude. Partly in response to Congressional concerns, the Department submitted to the Court a $335 million accounting plan that included both a transaction-by-transaction accounting as well as the use of sound, well-proven statistical methods. The Department argues that such an accounting is consistent with its duties under law.

In its September 25, 2003, ruling in the Cobell v. Norton class action lawsuit, the Court dismissed Congressional concerns about the scope of the accounting and ordered a greatly expanded effort that surpasses even the accounting described in the July 2, 2002, report to Congress. Initial estimates indicate that the accounting ordered by the Court would cost between $6 billion and $12 billion over this Court-mandated time frame.

There is only one source of money available to the Subcommittee on Interior and Related Agencies, and an accounting of this magnitude would require that vast amounts of funds be diverted away from other high-priority programs, including Indian programs. That would be devastating to Indian country and to the other programs in the Interior bill. The managers note that, over the past three years, funding increases for the Bureau of Indian Affairs were primarily for trust reform related activities. The Office of Special Trustee for American Indians also tended to receive a disproportionate share of the funding increases available to the Department.

The managers continue to believe that fixing trust systems prospectively is a high priority, thereby allowing the Secretary to meet her trust and fiduciary responsibility to Indian country. But Indian country would be better served by a settlement of this litigation than the expenditure of billions of dollars on an accounting. Those billions would not provide a single dollar to the plaintiffs, and would without question displace funds available for education, health care and other services.

There will be further court proceedings in the Cobell case based on the government's likely appeal of the September 25, 2003, court ruling. The managers believe that it would be unwise to expend hundreds of millions of dollars on further accounting while this case is under appeal. Furthermore, the managers reject the notion that in passing the American Indian Trust Management Reform Act of 1994 Congress had any intention of ordering an accounting on the scale of that which has now been ordered by the Court. Such an expansive and expensive undertaking would certainly have been judged to be a poor use of Federal and trust resources.

The managers therefore feel that it is time for Congress to act to delineate the exact scope of the historical accounting called for in the 1994 Act, or to develop alternative methods of resolving the current dispute. To provide time for thoughtful action on this question, language has been included in the bill affirmatively declaring that nothing in the 1994 Act or common law shall be construed to require the type of accounting described in the September 25th ruling. It is not the intent of the managers to forestall indefinitely either the Cobell litigation or any efforts to conduct an historical accounting. But in light of the expansive accounting and constrained timelines contemplated in the Court's order, it is clear that time is needed for Congress to consider the issues and tradeoffs at stake. The managers have therefore limited the funds available to the Department for historical accounting to those activities that need to be accomplished and can be accomplished in the short-term. Beyond that, the managers will not provide any funding until the scope of an historical accounting is resolved by the courts or by the legislative committees of jurisdiction.

During floor debate over the Interior bill, the chairman of the authorizing committee in the House made a commitment to develop a comprehensive legislative solution to what has become an intractable problem. The authorizing committee in the Senate has held numerous hearings, and has also expressed interest in addressing the problem. The managers believe that a legislative solution may be the only way to resolve these trust reform issues.

INDIAN LAND CONSOLIDATION

The conference agreement provides $21,980,000 for Indian land consolidation programs instead of $20,980,000 as proposed by the House and $22,980,000 as proposed by the Senate. The increase above the House is to support the land consolidation efforts of the Quapaw Nation.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,633,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the Senate proposed language regarding administrative provisions for Departmental Offices. The agreement also requires a semiannual report on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 103–107, and 111, which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 109, 110, 112, 115, 116, 117, 119, 121, 123, 125, 129, 130, and 132.

The conference agreement retains Senate sections 101 and 102, which continue provisions providing authority to expend or transfer program funds for expenditures in cases of emergencies. The House had similar provisions.

The conference agreement does not include House section 108 prohibiting the expenditure of funds for Outer Continental Shelf leasing activities in the North Aleutian planning area. This area is not included in the current five-year oil and gas-leasing plan.

Section 112—The conference agreement modifies House section 113 permitting the transfer of funds between the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians to exclude the transfer of funds for historical accounting activities. The Senate had a similar provision.

The conference agreement does not include House section 114 dealing with the renewal of grazing permits under the Federal Lands Policy and Management Act of 1976. This issue is addressed in Title III—General Provisions.

Section 116—The conference agreement includes House section 118 that continues a provision limiting the use of Huron Cemetery in Kansas City to religious and cultural purposes. The Senate had a similar provision.

Section 118—The conference agreement modifies House section 120 making permanent a provision authorizing a cooperative agreement with the Golden Gate National Parks Association. The Senate contained a similar provision.

Section 120—The conference agreement retains Senate section 120 which continues a provision permitting the sale of improvements and equipment at the White River Oil Shale mine in Utah. The House had a similar provision.

Section 122—The conference agreement retains Senate section 122 which provides for the purchase of land and the protection of paleontological resources pursuant to the Virgin River Dinosaur Footprint Preserve Act.

Section 123—The conference agreement modifies House section 124 authorizing federal funds for Shenandoah Valley Battlefield NHD, Ice Age NST, and New Jersey Pinelands Preserve to be transferred to a State, local government, or other governmental land management entity for acquisition of lands. The Senate had a similar provision.

Section 125—The conference agreement retains House section 126 continuing a provision preventing the demolition of a bridge between New Jersey and Ellis Island.

Section 126—The conference agreement retains House section 127 continuing a provision prohibiting the posting of signs at Canaveral National Seashore as clothing optional areas if it is inconsistent with county ordinance.

Section 127—The conference agreement retains language in House section 128 continuing a provision limiting compensation for the Special Master and Court Monitor appointed in the Cobell v. Norton litigation.

Section 130—The conference agreement includes language proposed in House section 131 continuing a provision allowing the transfer of Departmental Management funds for operational needs at the airport at Midway Atoll National Wildlife Refuge.

Section 131—The conference agreement modifies language in Senate section 127 clarifying the effect of section 134 of the Department of the Interior and Related Agencies Appropriations Act of 2002, regarding certain lands in Kansas.

Section 133—The conference agreement retains language in Senate section 129 allowing the National Indian Gaming Commission to collect $12,000,000 in fees for fiscal year 2005.

The conference agreement does not include Senate section 130 prohibiting the use of funds for Cooperative Ecosystem Study Units in Alaska.

Section 134—The conference agreement modifies Senate section 131 which deems the State of Utah's contribution requirement complete for the purposes of Public Law 105–363.

Section 135—The conference agreement retains Senate section 132 designating Congaree National Monument as Congaree National Park.

Section 136—The conference agreement modifies language in House section 133 allowing schools that are not funded by the Bureau of Indian Affairs to participate in the tribal school demonstration program with certain limitations.

Section 137—The conference agreement retains Senate section 133 requiring the Secretary of the Interior to submit distribution plans for Indian Settlement Judgment Funds.

Section 138—The conference agreement replaces House section 134 to include the text of H.R. 1409, the "Eastern Band of Cherokee Indian Land Exchange Act of 2003".

Section 139—The conference agreement modifies Senate section 134 establishing a demonstration project with respect to compacting and management of Tribal trust resources.

The conference agreement does not include House section 135 providing for a land exchange at the Mojave National Preserve.

The conference agreement does not include Senate section 135 requiring the Department of the Interior to report on competitive sourcing activities. This issue is addressed in Title III—General Provisions.

Section 140—The conference agreement retains House section 136 establishing the Blue Ridge National Heritage Area.

Section 141—The conference agreement retains Senate section 136 authorizing payment of $11,750 to the Harriet Tubman Home in Auburn, New York.

The conference agreement does not include House section 137 limiting the use of funds to support the Klamath Fishery Management Council.

Section 142—The conference agreement retains Senate section 137 dealing with the issuance of grazing permits authorized by the Bureau of Land Management for the Jarbidge field office.

Section 143—The conference agreement retains Senate section 138 amending section 2303(b) of Public Law 106–246 dealing with interim compensation payments to fishermen in Glacier Bay NP, Alaska.

Section 144—The conference agreement modifies Senate section 139 retroactively restoring a mining claim voided because of a defective waiver of the $100 hard rock mining maintenance fee.

Section 145—The conference agreement retains Senate section 140 prohibiting the use of funds for certain special events on the National Mall.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. The Department has completed competitive sourcing at the Southeastern Archeological Center in Tallahassee, Florida and the Federal employees won the competition. Based on lessons learned in the study of this archeological center, the Department has concluded that no further study of the Midwestern Center is necessary.

Section 146—The conference agreement provides for a $5,000,000 grant to Kendall County, IL.

Section 147—The conference agreement modifies Senate section 341 amending a previous act conveying land in Clark County to the City of Las Vegas, NV.

Section 148—The conference agreement retains Senate section 343 revising the boundary of Congaree Swamp NM, SC.

Section 149—The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act amendments of 1994 to permit the importation of polar bears harvested prior to the enactment of final regulations.

Section 150—The conference agreement includes language directing the National Park Service to promulgate rules regarding hunting at New River Gorge National River and to do so in compliance with the Administrative Procedures Act and the National Environmental Policy Act.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $269,710,000 for forest and rangeland research instead of $267,230,000 as proposed by the

House and $266,180,000 as proposed by the Senate. The managers agree to the following changes to the House recommendations as proposed by the Senate:

1. There is a general reduction of $3,384,000.

2. The forest inventory and analysis program (FIA) is increased by $2,911,000. The managers note that with the additional $5,000,000 provided for the forest resource information and analysis activity within the State and Private Forestry appropriation below, the FIA program is provided a total of $57,359,000, the same total as proposed by the Senate.

3. The allocation of $500,000 for global climate change work in the Northeast is not provided.

4. The administrative cost adjustment for the Pacific NW station is not provided.

5. Baltimore urban watershed research is allocated $200,000.

6. The Northeast States research cooperative is provided $2,000,000.

7. The hardwood tree improvement program, IN, is allocated $921,000.

8. The Sitka, AK lab is allocated $1,130,000.

The managers agree to the following additional changes to the House recommendations:

1. Funding for the advanced housing research consortium is reduced by $300,000 for a total of $1,200,000.

2. Research on adelgids and insects in the east is provided $1,500,000 as proposed by the House, but the $500,000 described by the Senate for pest and pathogen research in Morgantown, WV, should come from this allocation.

3. The invasive species initiative is reduced $650,000 from the House recommendation.

4. The conference agreement includes $250,000 for the Joe Skeen Institute for Range Research in New Mexico and $250,000 for the Joe Skeen Institute at Montana State University.

5. The Forest Products Lab, WI, research on salvage lumber is allocated $450,000.

6. A total of $230,000, transferred from the State and Private Forestry account where it was proposed by the Senate, is provided for the Fernow Experimental Forest, WV, flood modeling and associated research.

7. Bill language is included which specifies that $52,359,000 is available for the FIA program.

STATE AND PRIVATE FORESTRY

The conference agreement provides $308,140,000 for State and Private Forestry instead of $290,758,000 as proposed by the House and $295,349,000 as proposed by the Senate. Funding for this appropriation should follow the House recommendations unless otherwise instructed herein.

Forest Health Management.—The conference agreement provides $54,500,000 for Federal lands forest health management, instead of $56,000,000 as proposed by the House and $48,642,000 as proposed by the Senate. This allocation includes a general decrease of $1,500,000 below the House recommendation. The southern pine beetle initiative is provided $3,000,000 as proposed by the House.

The conference agreement includes $45,300,000 for cooperative lands forest health management instead of $47,000,000 as proposed by the House and $31,431,000 as proposed by the Senate. This allocation includes a general decrease of $2,000,000 below the House recommendation. The southern pine beetle initiative is provided $7,000,000 as proposed by the House. The agreement also includes $300,000 for Vermont forest monitoring as proposed by the Senate, but the specific allocation for Lake Arrowhead, CA, hazardous tree removal is now part of the allocation for southern California mountains within the State fire assistance activity. The managers emphasize the urgent forest health situation in southern California and encourage the Forest Service to give this area special consideration. Within the cooperative forest health activity, $250,000 should be provided to the American Chestnut Foundation, southern Appalachian office, to help with recovery efforts for the American chestnut.

The managers have provided no bill language nor funding for the proposed new emerging pest and pathogens fund which was proposed by the Senate, but the managers agree that the Forest Service should withhold forest health funding, up to $2,000,000, from immediate distribution so it is available later in the year to address new problems that may emerge.

Cooperative Fire Assistance.—The conference agreement includes $33,800,000 for State fire assistance instead of $36,000,000 as proposed by the House and $25,486,000 as proposed by the Senate, This allocation includes $5,000,000 as proposed by the House for urgent work in southern California Mountains, including the Lake Arrowhead and Idyllwild areas emphasized by the Senate under a different heading. The managers also agree to the $300,000 proposed by the Senate for Cook Inlet Tribal Council, AK and instructions concerning distribution of these funds in the Senate report should be followed. The agreement includes a general program decrease of $2,500,000 below the House level.

The conference agreement includes $5,100,000 for volunteer fire assistance as proposed by the House instead of $5,043,000 as proposed by the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

Forest Stewardship.—The conference agreement includes $32,282,000 for forest stewardship instead of $32,683,000 as proposed by the House and $32,012,000 as proposed by the Senate. This allocation includes the $500,000 proposed by the House for the New York City watershed, and Senate proposals for: an increase above the House of $250,000 for the Chesapeake Bay forestry program; $300,000 for Utah forestry education; and a general decrease of $951,000.

Forest Legacy Program.—The conference agreement includes $64,934,000 for the forest legacy program instead of $45,575,000 as proposed by the House and $84,716,000 as proposed by the Senate. The conference agreement includes the following distribution of funds for the forest legacy program:

State and project	*Conference*
AL Mobile Tensaw Delta	$3,000,000
WA Raging River Forest Headwaters	1,000,000
NH Pillsbury/Sunapee Highlands	2,530,000
NC Cool Springs	1,500,000
DE Green Horizons	2,000,000
NJ Upper Delaware River Watershed	4,900,000
UT Chalk Creek/South Fork	800,000
WA Yakima River Forest Headwaters Phase II	1,500,000
SC Cooper River Corridor	7,700,000
CA Dofflemeyer Ranch	2,500,000
ME Machias River Project Phase I	2,000,000
NM Lagunas Bonitas	3,000,000
AK Diamond Creek	450,000
MT Dutton Ranch	441,000
CT Peaceful Hill	200,000
MA Belmont Springs	1,400,000
CO Soap Mesa	1,000,000
IN Shawnee Hills	2,000,000
VT Chittenden Uplands	3,150,000
ID St. Joe Basin/Mica Creek Phase I	3,500,000
GA Rocky Creek at Broxton Rocks	1,500,000
UT Cedar Project	1,550,000
MN Lester River	500,000
IA Canyons	290,000
PA River Hills	580,000
VA Dragon Run	2,000,000
RI Great Grass Pond	328,000
VA The Cove	1,000,000
TN Ray Gettelfinger (Rugby)	1,000,000
MD Broad Creek	1,000,000
IL Byron Rock River	1,200,000
CT Nipmuck	350,000
ME Mt. Blue/Tumbledown Phase III	1,500,000
NH Moose Mountain	1,000,000
MA Bush Hill	227,000
TN Jim Creek parcel	838,000
MT Swan River Valley	3,000,000
WI Holy Hill Woods	2,000,000
NY Pochuck Mtn	1,300,000
VT Monadnock Mtn	500,000
KY New State Start-up	500,000
MI New State Start-up	500,000
WV New State Start-up	500,000
MT Schiemann project (complete)	400,000
Project Subtotal	68,134,000
Administration, Acquisition Management & AON Planning	3,800,000
Use of Prior Year Funds	−7,000,000
Total, Forest Legacy	64,934,000

The conference agreement retains bill language proposed by the House requiring notification of the Appropriations Committees when the Forest Service makes funds available for specific forest legacy projects and the conference agreement includes the Senate proposal to derive the forest legacy program funding from the Land and Water Conservation Fund.

Urban and Community Forestry.—The conference agreement includes $35,299,000 for the urban and community forestry program instead of $36,000,000 as proposed by the House and $35,999,000 as proposed by the Senate. Changes from the House proposal for this activity include a decrease of $100,000 for northeast PA community forestry and a total of $200,000 for the Chicago greenstreets program, $200,000 for Cook County forest preserve, IL, and $150,000 for the People and Parks Fund for work on Baltimore, MD urban watershed activities and a $1,151,000 general decrease.

The managers do not concur with the House proposal concerning the implementation of a new methodology for the allocation of urban and community forestry funds prior to the disbursal of funds in fiscal year 2004. The managers believe that before a new allocation methodology is adopted by the agency, additional information is needed so the Committees can fully evaluate the consequences of such a change on the program. Accordingly, the managers direct the agency to present to the House and Senate Committees on Appropriations, by April 1, 2004, a report describing the current allocation methodology and one or more alternative methodologies that focus additional emphasis on program performance. The report must include at least one methodology which considers both State and large urban area populations, and this methodology should propose increasing allocations to States with large urban centers. The report may also include other allocation methodologies which do not increase allocations to more populated States but instead focus on means to enhance program performance. At least one of the proposed methodologies should include competitive funding for nationally or regionally significant projects. The report shall also include an analysis of whether it is still necessary to require certain specific staffing levels by a State as a condition for obtaining grants through the program. The managers expect that this report shall be done in collaboration with participating State and nongovernmental partners and with public input.

Economic Action Programs.—The conference agreement includes $25,925,000 for the economic action programs instead of $17,400,000 as proposed by the House and $24,020,000 as proposed by the Senate. The managers have provided $1,000,000 for the wood in transportation program with the understanding that this will be the final year of Federal assistance. The conference agreement does not include the specific allocation of $2,000,000 for the Northeast-Midwest in the rural development through forestry program. The conference agreement includes bill language concerning a $500,000 direct payment for the Kake land exchange, AK. The allocation for Cradle of Forestry conservation education, NC, includes $250,000 for the Pisgah Forest Institute and $300,000 for the Cradle of Forestry, USDA. The allocation of $750,000 for the education and research consortium of western North Carolina includes $250,000 for the new educational program at Pisgah Forest Institute, $250,000 for expanding this educational program in northeastern Pennsylvania, and $250,000 for the landscape management system program. The Senate instructions on the disbursal of funds for the Chugach Avalanche Center and Ketchikan Wood Technology Center should be followed.

The conference agreement includes the following distribution of funds for the economic action programs:

Program/Project	*Amount*
Economic recovery base program	$5,000,000
Rural development base program	4,000,000
Forest products, conservation & recycling	1,300,000
Wood in transportation	1,000,000
Subtotal, Programs	11,300,000
Special projects:	
Alabama rural economic action	500,000
Arid Lands Research Consortium	400,000
Cradle of Forestry conservation education, NC	550,000
Gonzaga Univ. Inland NW Natural Resources Center, WA	600,000
KY mine waste reforestation	1,000,000
Lake Tahoe erosion control grants, CA, NV	1,750,000
Education & research consortium of western NC	750,000
Rural forestry technology, Univ. WA and WA St. U.	625,000
Woody biomass applications, SUNY, Syracuse, NY	750,000
Wood Education & Resource Center, WV	2,700,000
Chugach avalanche center, AK	200,000
Ketchikan wood technology Center, AK	750,000
Mountain studies institute, CO	500,000
Environmental Science & public policy research, ID	250,000
Missouri forest foundation biomass project	1,000,000
Fuels-in-schools biomass program, MT	1,250,000
Univ. of Idaho collaborative working forests	350,000
Northern forests partnership program	100,000
Fontana Lake, Swain county econ. development Study, NC	100,000
Kake land exchange, AK	500,000
Subtotal, Special Projects	14,625,000
Total, Economic Action	25,925,000

Forest Resource Information and Analysis.—The conference agreement includes $5,000,000 for forest resource information and analysis instead of $9,000,000 as proposed by the House and no Senate funding. Additional information on the FIA program is under the forest and rangeland research heading.

International Program.—The conference agreement includes $6,000,000 for the International program as proposed by both the House and the Senate.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,382,916,000 for the national forest system instead of $1,394,792,000 as proposed by the House and $1,370,731,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$70,868,000
Inventory and monitoring	171,776,000
Recreation, heritage & wilderness	258,232,000
Wildlife & fish habitat management	137,375,000
Grazing management	46,471,000
Forest products	268,319,000
Vegetation & watershed management	196,106,000
Minerals and geology management	54,065,000
Landownership management	92,692,000
Law enforcement operations	83,862,000
Vales Calderas National Preserve, NM	3,150,000
Total	1,382,916,000

The following discussion describes funding changes from the House passed bill.

1. The land management planning activity includes $400,000 for the environmental training program proposed by the Senate and the Senate proposed general decrease of $3,461,000.

2. The inventory and monitoring activity includes a decrease of $100,000 for Lake Tahoe basin adaptive management and the Senate proposed general decrease of $1,620,000.

3. The recreation activity does not include the $1,900,000 for national trails management proposed by the House; however, these funds have been transferred to the capital improvement and maintenance account. The agreement includes Senate proposals for $250,000 for Coffman Cove, AK, $150,000 for the backcountry hut network plan, AK, and a general decrease of $2,550,000. Additional instructions concerning the backcountry hut project are under the Capital Improvement and Maintenance heading.

4. The wildlife and fish habitat management activity includes the Senate proposed increase of $250,000 for the Batten Kill River, VT, $1,100,000 for north continental divide genetic survey, and a general decrease of $2,300,000.

5. The grazing management activity is $400,000 below the House level, an increase of $471,000 from the Senate level. The increased funding over the enacted level should be used to perform NEPA analysis to address the backlog of expiring grazing permits and to engage in cooperative monitoring activities in conjunction with grazing permittees.

6. The forest products activity includes the Senate proposed earmark in bill language of $5,000,000 for Tongass national forest timber sales preparation and the Senate proposed general decrease of $10,185,000. Total funding for forest products is at the requested level so the Forest Service should be able to meet its timber target. The managers do not agree with respect to the Senate proposal concerning the use of the Scribner timber scaling system.

7. The vegetation and watershed management activity includes the general decrease proposed by the Senate of $6,666,000 and increases of: $2,950,000 for the Lake Tahoe basin; $1,000,000 for Tongass National Forest, AK, pre-commercial thinning; $135,000 for Monongahela National Forest hydrology study, WV; and $300,000 for leafy spurge control.

8. The land ownership management activity has a general reduction of $2,645,000 below the House level, and within funds, $200,000 should be used for the Senate proposed Lolo NF, MT, land exchange.

9. The law enforcement activity has an increase of $100,000 for Daniel Boone NF, KY, drug control, a decrease of $100,000 for Mark Twain NF, MO, counter drug work, and an increase of $250,000 for additional officers on the Ouachita NF, OK.

10. The Valles Caldera National Preserve, NM, is funded at the Senate proposed level and includes the Senate bill language for the preserve and its staff.

11. The $6,000,000 general reduction to this account passed on the House floor is not agreed to by the managers.

12. The agreement includes the House bill language concerning transfer authority for the wild horse and burro program.

13. The managers are aware of activities within the southern region to designate portions of the Roosevelt Roads Naval Station in Puerto Rico as a part of the National Forest System. The managers believe that this would impose substantial additional costs on the Forest Service and the agency should not proceed with this proposal before fully consulting with the House and Senate Committees on Appropriations. Other agencies may be better able to manage this marine estuary.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,944,212,000 for wildland fire management instead of $1,624,632,000 as proposed by the House and $1,543,072,000 as proposed by the Senate. This total includes $301,000,000 in emergency funds, as requested by the Administration, to repay costs incurred during wildfire suppression emergencies. This emergency amount replaces the funds recommended in Title IV of the Senate bill.

Wildfire Suppression Operations.—The conference agreement includes $604,580,000 for suppression operations, instead of $520,000,000 as proposed by the House and $514,327,000 as proposed by the Senate. The managers have provided the full amount requested by the administration for wildfire suppression, an increase of $252,616,000 above the fiscal year 2003 funding level. The conference agreement retains the bill language in administrative provisions, which allows funds from other Forest Service accounts to be transferred for suppression during emergencies if appropriated funds in this account are exhausted, but the language has been modified to require the Forest Service to first transfer some portion of funds not immediately needed for project completion from the land acquisition and forest legacy programs. The wildfire borrowing has caused serious program disruption throughout the Forest Service during the past two years. The managers implore the Administration to work with the Congress to create a more reasoned approach to funding these vital wildfire suppression activities, while implementing new, substantial measures to control costs of large wildfire events.

The conference agreement has modified bill language proposed by the Senate concerning reimbursements to States for nonfire related costs incurred during national emergencies. The new language allows these reimbursements if it is clear that the funds would be derived from Federal emergency agencies, not the Forest Service. The managers agree with the Senate direction concerning the use of a private contract with commercial providers of off-duty or trained personnel with law enforcement backgrounds to provide security services in firefighting camps. The managers expect the Forest Service to develop the mechanisms, plans, and procedures for consistent, efficient, and cost-effective fire camp security and develop a business analysis of the costs and benefits of such a contract compared with the costs and benefits of providing such services using comparable Federal personnel. The managers are pleased with the progress of the first two phases of the Incident Qualification and Certification System project. The managers recognize the importance of this interagency effort in relation to firefighter safety and fire resource management and look forward to its national implementation.

Wildfire Preparedness.—The agreement includes $680,000,000 for preparedness, a reduction of $18,000,000 from the House recommendation and $20,000,000 below the Senate recommendation. The managers note that funds provided in this Act are at a level that approximates the amount used by the agency in fiscal year 2003 to achieve a consistent level of readiness and enable the agency to promptly execute initial attack operations. The managers direct the agency to generate appropriate programming efficiencies that will result in a similar level of on-the-ground resources being available for initial attack operations. The managers expect the agency to maximize efforts to reduce expenses in program management functions to ensure priority is given to maintaining the level of on-the-ground resources that is consistent with levels of the past two years. The managers also direct the agency to evaluate further actions that may be necessary to maintain this level of readiness and to inform the subcommittees of such actions that are planned for implementation.

Other Wildfire Operations.—The conference agreement includes $358,632,000 for other fire operation activities instead of $406,632,000 as proposed by the House and $328,745,000 as proposed by the Senate. The allocation of this funding is as follows:

Program	*Amount*
Hazardous Fuels	$236,392,000
Rehabilitation & restoration	7,000,000
Research & Development	22,300,000
Joint Fire Science	8,000,000
Forest Health Management federal	15,000,000
Forest Health Management cooperative	10,000,000
State and community fire assistance	51,700,000
Volunteer fire assistance	8,240,000
Total other wildfire operations	$358,632,000

The conference agreement includes $236,392,000 for hazardous fuels treatments, a reduction of $10,000,000 below the House level and $5,000,000 above the Senate recommendation. This allocation includes the $5,000,000 proposed by the House for the San Bernardino national forest area, CA, and the Senate proposals of $2,100,000 for the Lake Tahoe basin and $1,500,000 for the Santa Fe watershed, NM. The managers also encourage the Forest Service to coordinate more closely with the Fish and Wildlife Service to ensure that funds provided in the Forest Service budget for ESA consultation are more fully utilized.

The conference agreement includes bill language which specifies $7,000,000 for rehabilitation and restoration activities instead of $40,000,000 as proposed by the House and no funding as proposed by the Senate.

The conference agreement includes $22,300,000 for research and development activities. Changes from the House proposal include an increase of $1,000,000 for the University of Montana landscape analysis center and $200,000 for the related University of Idaho project and a $900,000 general program decrease.

The conference agreement includes $15,000,000 for federal forest health activities and $10,000,000 for cooperative forest health activities as proposed by the House. These funds should be used for high priority work, as part of the national fire plan, to implement activities which should clean up forests and stop forest declines which can increase wildfire danger and result in resource damage and danger to communities.

The managers have included $51,700,000 for State and community fire assistance. Changes from the House recommendation include allocations of $1,700,000 for the Alaska Matanuska-Sustitna Borough, $1,500,000 for the Alaska Kenai peninsula borough, $2,000,000 to the Municipality of Anchorage, and $500,000 for the Alaska, City of Nenana. The Forest Service shall follow Senate instructions concerning disbursal of these funds. There is also a general program decrease of $5,000,000 below the House level.

The conference agreement includes no funding nor bill language for economic action activities associated with the national fire plan as proposed by the Senate instead of $6,000,000 as proposed by the House. Volunteer fire assistance receives $8,240,000 as proposed by the House and the Senate.

Emergency Wildfire Repayment.—The conference agreement includes $301,000,000 for repayment of wildfire suppression funds transferred from other accounts during fiscal year 2003 for wildfire emergencies as requested. This amount replaces the $325,000,000 in Title IV of the Senate passed bill. The managers note that this partial repayment still leaves the Forest Service accounts $141,000,000 short from fiscal year 2003 wildfires as well as the $283,000,000, which the agency had to absorb during fiscal year 2002. The managers have directed the repayments to specific appropriation accounts. The managers direct that in no instance shall projects identified in the agency's fiscal year 2003 budget justification or Congressional projects agreed upon in the fiscal year 2003 conference report be reduced as a result of not fully reimbursing non-fire accounts for fire transfers.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $562,154,000 for capital improvement and maintenance instead of $560,473,000 as proposed by the House and $532,406,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Activity/Project	*Amount*
Facilities:	
Maintenance	$98,342,000
Capital Improvement	93,993,000
Congressional Priorities:	
Allegheny NF recreation projects, PA	975,000
Bradford RD office completion, PA	190,000
Cherokee NF, Chilhowee rec area I & II, TN	674,000
Cradle Forestry rehab & exhibits, NC	175,000
D. Boone NF, recreation improvements, KY	795,000
Nantahala NF Santeetlah Lake boat ramp improvements, NC	1,250,000
Nantahala NF Jackrabbit rec area, NC	1,030,000
Pisgah NF, Lake Powhatan cmpgrd rehab, NC	1,660,000
Pisgah NF, Mortimer Recreation Area, NC	200,000
San Bernardino NF sanitation rehab, CA	725,000
Waldo Lake rec rehab, OR	450,000
Tongass Juneau housing phase I, AK	1,051,000
Tongass Juneau housing phase II, AK	552,000
Tongass Admir. NM/Juneau RD admin phase I, AK	619,000
Tongass Admir. NM/Juneau RD admin phase II, AK	2,419,000
Black Hills Mystic Lab/common area, SD	4,300,000
Monongahela NF facilities, WV	1,190,000
University of Montana planning, MT	150,000
Smith County lake feasibility study, MS	300,000
Inst. Pacific Islands Forestry, HI	2,500,000
Forest Products lab durability facility, WI	500,000
Camp Ouachita, AR	1,000,000
Tongass NF log transfer facilities, AK	1,500,000
Chugach NF Russian River visitor center planning, AK	500,000

Activity/Project	*Amount*
Subtotal, Congressional Priorities	24,705,000
Subtotal, Facilities	217,040,000
Roads:	
Maintenance	$153,000,000
Capital Improvement	75,500,000
Congressional Priorities:	
Caribbean NF emergency repairs, PR	325,000
Chattahooche NF Rich Mtn rd, GA	318,000
Coweeta research center improvements, NC	125,000
Lake Tahoe basin, rehab & decommissioning, CA NV	2,000,000
Mt. Hood NF, Cloud Cap & Hood River Meadows, OR	396,000
Highland Scenic Hwy, Williams River, WV	800,000
Tongass NF, AK	5,000,000
Subtotal, Congressional Priorities	8,964,000
Subtotal, Roads	237,464,000
Trails:	
Maintenance	$37,750,000
Capital Improvement	32,000,000
Congressional Priorities:	
D. Boone NF, Cave Run & Laurel Lake horse trails, KY	500,000
FL National scenic trail	500,000
Pacific Crest trail improvements, CA OR WA	850,000
Mount Yonah & Pinhoti Trails, GA	350,000
Continental Divide Trail	1,000,000
Pulaski trail, ID	300,000
Fernwood Park, Wasatch-Cache NF, UT	500,000
National trails, national responsibility	1,500,000
National trails, national responsibility	400,000
Subtotal, Congressional Priorities	5,900,000
Subtotal, Trails	75,650,000
Infrastructure Improvement:	
Fish Passage Barriers	7,200,000
Deferred Maintenance	24,800,000
Subtotal, Infrastructure Improvement	32,000,000
Total, Capital Improvement and Maintenance	562,154,000

The managers agree with the overall program direction for this account provided by both the House and the Senate. The funds for fish passage barriers include the $7,000,000 recommended by the House and the $200,000 for the Senate proposed project in Craig, AK. The agreement includes the House bill language concerning road decommissioning but not the Senate bill language earmark for Fernwood Park, UT. Funds for this Utah project are included in the table above.

The managers do not concur with Senate report language contained in the Capital Improvement and Maintenance account regarding the construction of Backcountry Huts in Alaska. Rather, $350,000 shall be available in the economic action budget line item of the State and Private Forestry account from funds appropriated in Public Law 108–7. To facilitate this construction, the managers have included bill language to transfer funds provided in Public Law 108–7, from the Capital Improvement and Maintenance account to the State and Private Forestry account. The managers direct the Forest Service to use expeditiously funds provided in the National Forest System account in this Act and additional funds, as needed, to complete necessary environmental analysis in advance of such construction. The managers direct the Forest Service to make the Economic Action funds available to the Alaska Mountain and Wilderness Huts Association for planning and construction of the huts. Huts constructed on national forest lands shall be available for use by the general public, as specified in the special use permit administered by the Forest Service. The Association will not have exclusive rights to use of such huts on national forest system land.

The managers note that in several cases specific congressional priority projects involve maintenance, improvement, and construction of a combination of facilities, roads, and trails. Although such congressional priorities are reflected in a single budget line item, the managers expect the agency to comply with congressional intent for completion of the entire project and authorize the agency to move funds between budget lines within the account to complete projects as intended while accurately reflecting project costs.

LAND ACQUISITION

The conference agreement provides $67,191,000 for land acquisition instead of $29,288,000 as proposed by the House and $76,440,000 as proposed by the Senate. Funds should be distributed as follows:

Area (state)	*Amount*
Alabama National Forests, multiple NFs (AL)	$750,000
Arapaho NF: Beaver Brook Watershed (CO)	2,400,000
Black Hills NF (SD)	1,000,000
Chatooga River Corridor, multiple NFs (NC/SC/GA)	750,000
Chattahoochee NF: Georgia Mts.—Riparian Project (GA)	500,000
Chequamegon-Nicolet NF: Wisconsin Wild Waterways (WI)	2,000,000
Cherokee NF: Tennessee Mountain (TN)	3,800,000
Coconino NF: Thomas Point (AZ)	400,000
Columbia River Gorge NSA	1,000,000
Custer NF: Schwend Ranch (MT)	750,000
Daniel Boone NF (KY)	750,000
DeSoto NF (MS)	360,000
Flathead NF: Swan Valley (MT)	2,750,000
Florida National Scenic Trails, multiple NFs (FL)	3,000,000
Francis Marion NF (SC)	1,300,000
Great Lakes/Great Lands, multiple NFs (MI)	1,500,000
Greater Yellowstone Area, multiple NFs (MT)	2,000,000
Green Mountain NF (VT)	1,500,000
Hoosier NF: Hoosier Unique Areas (IN)	500,000
Idaho Wilderness/W&S Rivers, multiple NFs (ID/MT)	706,000
Lake Tahoe Basin sensitive lands (CA/NV)	3,000,000
Los Padres NF: Ahearn Ranch (CA)	1,500,000
Mark Twain NF: Ozark Mountain Streams and Rivers (MO)	500,000
Monongahela NF: Beckwith (WV)	1,800,000
Mt. Baker-Snoqualmie NF: I–90 Corridor (WA)	5,000,000
Pacific Northwest Streams, multiple NFs (OR/WA)	1,875,000
Sawtooth NRA (ID)	1,000,000
Shawnee NF (IL)	500,000
Sumter NF (SC)	1,300,000
Suwannee Wildlife Corridor, multiple NFs (FL)	750,000
Talladega NF: Pinhoti Trail (AL)	1,000,000
Uwharrie NF: Uwharrie Trail (NC)	500,000
Wasatch-Cache NF: Bonneville Shoreline Trail (UT)	1,250,000
Wasatch-Cache NF: High Uintas (UT)	1,500,000
White River NF: High Elk Corridor (CO)	1,000,000
Subtotal	50,191,000
Acquisition Management	15,000,000
Critical Inholdings/Wilderness Protection	1,500,000
Land Exchange Equalization Payment	500,000
Total	67,191,000

For several years the managers have provided funds for the acquisition of small lots in the Lake Tahoe Basin. These funds have been provided under several descriptions, including urban lots, critically sensitive lands, and sensitive lands. The managers direct the Forest Service to consolidate unobligated balances from previous years for acquisition of these lots with the money provided for such acquisitions in this conference agreement.

Within the funds provided for Pacific NW Streams in Washington and Oregon, the managers agree that $1,075,000 is for the Tieton River project in Washington and $800,000 is for projects in the State of Oregon.

The conference agreement includes statutory language proposed by the Senate dealing with the acquisition of certain lands in the Tongass NF, AK. The conference agreement does not include statutory language earmarking funds for the Beaver Brook watershed in the Arapaho NF, CO. These funds have been added to the land acquisition account as shown in the table above.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,000,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,535,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate. The managers have not included the Senate proposed language providing special authority to transfer funds from this account for the Office of the General Counsel.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have retained the Senate bill language concerning aircraft for replacement. The conference agreement includes the Senate bill language concerning the transfer authority during wildfire emergencies after all fire suppression funds are obligated, but the agreement also specifies that the Forest Service will first transfer some portion of the funds from the land acquisition and forest legacy programs when available. The conference agreement allows the Forest Service to advance $3,000,000 to the National Forest Foundation and permits the Foundation up to $350,000 for administrative costs. The conference agreement includes the House proposed bill language for the National Fish and Wildlife Foundation. The conference agreement does not include specific direction concerning Jobs in the Woods grants in the State of Washington. The House language concerning High Sierra packers, CA is retained as is the Senate proposal concerning transfers of funds to implement the T'uf Shur Bien Preservation Trust Act in New Mexico. The conference agreement includes the Senate proposal for the Older Americans Act matching funds and the Senate proposal concerning sale of excess buildings on the Wasatch-Cache NF, UT.

The managers are very concerned about USDA working capital fund charges levied against Forest Service accounts that far exceed anticipated levels. Bill language in section 342 of this Act requires greater clarity from all the agencies funded in this Act in their use of assessments.

Both the House and the Senate Committee reports expressed serious concern for the manner in which the Forest Service has implemented competitive sourcing studies. The managers remain very concerned and have provided instructions for the Forest Service and other agencies in section 340 of this Act, which replace the earlier instructions. The managers understand that last year the Forest Service spent at least $18,000,000 on this effort without any prior notification of, or approval by, the Committees on Appropriations. The managers understand that this effort will go forward during fiscal year 2004, but the Administration will provide more timely information to Congress and the public when undertaking competitive sourcing activities.

The managers encourage the Departments of the Interior and Agriculture to resume settlement negotiations regarding the new license for the Box Canyon Project (P–2042) with Public Utility District No. 1 of Pend Oreille County, WA, the Kalispel Tribe of Indians, and others. The goal of these negotiations should be a comprehensive settlement that addresses the power needs of the utility while ensuring reasonable measures are taken to address the environmental impacts of the project.

DEPARTMENT OF ENERGY

The managers agree that all energy technology program offices as well as other agencies and programs participating in the Clean Energy Technology Exports Initiative are strongly urged to contribute to this nine-agency effort.

CLEAN COAL TECHNOLOGY

(DEFERRAL AND RESCISSION)

The conference agreement defers $97,000,000 in clean coal technology funds as proposed by the Senate instead of a deferral of $86,000,000 as proposed by the House. The conference agreement also rescinds $88,000,000 in clean coal technology funds. These funds have been added to the base budget for the fossil energy research and development account where all continuing research programs and associated administrative expenses should be funded. Clean coal technology funds are limited to completing active projects under that program. Once those projects are completed, a separate clean coal technology account will no longer be required.

The managers have not included bill language authorizing the use of clean coal technology funds for the FutureGen program as proposed by the Senate. Funding is included in the fossil energy research and development account for FutureGen. The managers agree that clean coal technology funds should not be transferred to fund ongoing programs in fossil energy research and development. Rather, a rescission of excess clean coal funds should be proposed and, to the extent new and expanded research program funds are required, including funds for FutureGen, they should be budgeted directly in the fossil energy research and development account.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement includes $681,163,000 for fossil energy research and development, instead of $609,290,000 as proposed by the House and $593,514,000 as proposed by the Senate. The conference agreement includes funds for several ongoing programs that were previously funded under the clean coal technology account, funding to begin the FutureGen program, and funding increases for programs that provide critical underpinning for, and are critical for the success of, FutureGen. The increase in funding above the Senate proposed level is offset fully by the rescission of $88 million in clean coal technology funding. The numerical changes described below are to the House recommended level.

The conference agreement includes increases of $42,000,000 for the clean coal power initiative and $9,000,000 to initiate the FutureGen program. The funds provided for the FutureGen program are contingent on the receipt of a complete program plan that clearly and fully delineates by project and by year the funding for each element of, and milestone associated with, the FutureGen program. This plan should be closely coordinated with industry cooperators and submitted to the House and Senate Committees on Appropriations no later than December 31, 2003. The managers understand the need for a lower cost share for the initial research and planning stages of the FutureGen program, but any demonstration component must include at least a 50 percent industry cost share.

In transportation fuels and chemicals, there is an increase of $700,000 for syngas membrane technology.

In advanced fuels research, there is an increase of $350,000.

In advanced research, there are decreases of $33,000 in technology crosscut for the focus area for computational energy science, $750,000 for materials research, $19,000 for university coal research, and $7,000 for HBCU education and training. There is also an increase of $3,000,000 for coal utilization science as proposed by the Senate.

In distributed generation systems, there is an increase of $2,000,000 for fuel cell systems development for molten carbonate fuel cells including the MCFC/hybrid program.

There is an increase of $1,000,000 for the U.S./China Energy and Environmental Center. This program previously was funded using clean coal funds. The program has been moved from the clean coal account to the fossil energy research and development account. The managers note that this program complements both the clean coal power initiative and the FutureGen program.

In natural gas exploration and production, there is an increase of $3,000,000 for Arctic research.

In the gas hydrates program, there is an increase of $4,000,000, which will restore that program to the fiscal year 2003 level.

There is an increase of $50,000 for program support for the natural gas infrastructure program.

In oil technology, there is an increase of $1,500,000 for the Arctic Energy Office and a decrease of $20,000 for program support in the exploration and production activity. There is also an increase of $1,836,000 for effective environmental protection.

Other changes include an increase of $500,000 for cooperative research and development, a decrease of $234,000 for travel in the headquarters program direction activity, and an increase of $4,000,000 for National Energy Technology Laboratory infrastructure improvements in the general plant projects activity.

Bill Language.—The conference agreement includes $4,000,000 for NETL facilities renovation as proposed by the Senate rather than $2,000,000 as proposed by the House. As noted above, the $4,000,000 is added to the budget for this purpose. The conference agreement also includes language proposed by the Senate limiting headquarters travel expenditures to $536,000.

The managers agree to the following:

1. Any future funding for the FutureGen program should be requested as a direct appropriation in the fossil energy research and development program and should not be derived by transfer from any other account.

2. The FutureGen program should not be funded at the expense of ongoing fossil energy research.

3. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in fossil energy research and development.

4. In addition to the activities described by the House for the use of the funds provided for the Russia technology program, the managers do not object to cooperative Russia/Korea oil and gas technology efforts.

5. There is no earmark for general plant projects other than the $4,000,000 provided in statutory language for NETL.

6. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

7. The Department should continue research on mercury emissions reductions from lignite-fired power plants, consistent with the project proposals funded in September 2003. The managers understand that a second round of projects will be funded in January 2004 and expect the Department to

consider this important research area when making awards.

The managers are concerned by the lack of progress in product design improvements aimed at reducing the cost of commercial fuel cell technology, especially with respect to tubular solid oxide fuel cell technology. If the fuel cell developers cannot provide evidence that clearly demonstrates that the commercial product will be capable of meeting a $400 per kilowatt target by the end of fiscal year 2004, without needing any additional product development, funding should be redirected to the Solid State Energy Conversion Alliance program and SECA-based hybrid technology development.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $18,219,000 for naval petroleum and oil shale reserves instead of $20,500,000 as proposed by the House and $17,947,000 as proposed by the Senate. The change to the House level is a decrease of $2,281,000 for restoration activities in the production and operations program.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides an advance appropriation of $36,000,000 for the Elk Hills School Lands Fund as proposed by both the House and the Senate. These funds will become available on October 1, 2004.

ENERGY CONSERVATION

The conference agreement provides $888,937,000 for energy conservation instead of $879,487,000 as proposed by the House and $861,645,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In vehicle technologies, there is a decrease of $500,000 in innovative concepts for the graduate automotive technology education program. There is an increase of $1,000,000 in subsystem integration and development for heavy vehicle propulsion and ancillary subsystems to fund an application specific refuse vehicle demonstration. There are decreases for advanced combustion engine research of $1,000,000 for combustion and emissions control for light and heavy-duty vehicles, $1,000,000 for heavy truck engine, and $500,000 for health impacts. There is also an increase in advanced combustion engine research of $2,000,000 for waste heat recovery.

Also in vehicle technologies, there is a decrease of $1,000,000 in materials technology for automotive lightweight materials research. In fuels technology, there are decreases of $3,000,000 for advanced petroleum based fuels and $1,000,000 for environmental impacts and an increase of $400,000 in non-petroleum fuels and lubes for renewable and synthetic fuels. In technology introduction, there is an increase of $500,000 in testing and evaluation for vehicle evaluation. Finally, there is a decrease of $100,000 for the biennial FreedomCAR peer review.

In fuel cell technology, increases include $1,000,000 for transportation systems, $2,500,000 for stack component research and development, and $10,000,000 for technology validation. There is a decrease of $4,000,000 for fuel processor research and development.

In weatherization and intergovernmental, there are increases of $500,000 for the clean cities program and $500,000 for the inventions and innovations program and decreases of $10,000,000 for weatherization assistance, $500,000 for State energy programs, and $500,000 for the rebuild America program.

In distributed energy resources, there are decreases of $500,000 for industrial gas turbines, $1,000,000 for reciprocating engines (with the understanding that Argonne National Laboratory will provide technical support for this program), and $2,000,000 for advanced materials and sensors and an increase of $1,000,000 in distributed energy systems applications integration for the National Accounts Energy Alliance. The oil heat research program has been moved to the building technologies activity.

In building technologies, there are increases of $500,000 for oil heat research for residential buildings, $1,250,000 in emerging technologies for lighting research and development, and $500,000 in equipment and analysis for appliance standards and decreases in emerging technologies of $350,000 for space conditioning and refrigeration and $250,000 for appliances and emerging technology research and development.

In industrial technologies there are decreases of $2,500,000 for the black liquor gasification program and $1,000,000 for industrial assessment centers.

In biomass and biorefinery systems, there is an increase of $7,600,000 to restore partially the base budget. The Department should keep the House and Senate Committees on Appropriations advised on how these funds will be used and should ensure that these programs have a direct relationship to programs historically funded in the Interior bill and are clearly distinct from biomass programs funded in the Energy and Water bill.

In program management, there is a decrease of $5,000,000 for the energy efficiency science initiative and an increase of $900,000 for management of the distributed energy resources program, including additional staffing and program management support through the National Energy Technology Laboratory.

Finally, there is an increase of $15,000,000 because the managers have not agreed to the general decrease adopted in House floor action.

Bill Language.—The conference agreement earmarks $274,500,000 for energy conservation grant programs instead of $285,000,000 as proposed by the House and $274,000,000 as proposed by the Senate. The conference agreement earmarks $230,000,000 for weatherization assistance as proposed by the Senate instead of $240,000,000 as proposed by the House. The conference agreement earmarks $44,500,000 for State energy programs instead of $45,000,000 as proposed by the House and $44,000,000 as proposed by the Senate.

The managers agree to the following:

1. The budget justification for fiscal year 2005 should include a program specific table like the one provided separately to the House and Senate Committees on Appropriations for fiscal year 2004. The Department should also clearly indicate, in the budget justification for the program management account, the amount of management funds and staffing for each program area. The official budget detail table should contain stub entries for sub-activities within each program area. The Department should consult with the House and Senate Committees on Appropriations on the Congressional budget justification presentation for fiscal year 2005 as soon as possible but no later than November 25, 2003.

2. The managers support the goals of the national climate change technology initiative—reducing greenhouse gas emissions and sequestering greenhouse gases—and encourage the Department to propose funding in future budgets within the context of existing programs in energy conservation and fossil energy research and development.

3. The funds available for health impacts research in the vehicle technologies program should be used to continue existing projects.

4. Of the funds provided for waste heat recovery research, $500,000 is to continue the base program and $2,000,000 is for engine turbocharger research.

5. Within the amount provided in vehicle technologies for materials research, the Department should continue work on metal matrix composites and should work on predictive engineering for lightweight materials.

6. With the increased funds provided above the budget request for medium duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will partner with industry to design/engineer at least two additional medium duty vehicle platforms with fully integrated natural gas engine and fuel systems to serve critical market niche applications; improve understanding and acceptance of natural gas vehicle technologies among fire, safety, and code officials; and conduct on-road evaluations of natural gas vehicles to determine their performance and identify technology development needs.

7. With the increased funds provided above the budget request for heavy duty trucks in the non-petroleum fuels and lubes program, the managers understand that the Department will develop heavy duty engines to operate on natural gas feedstock fuels used as either neat fuels or as blend stocks with conventional diesel fuels; develop engine and vehicle systems that use liquefied natural gas for optimal use in class eight trucks; and conduct on-road evaluations of liquefied natural gas vehicles to determine their performance and identify technology development needs.

8. With the increased funds provided above the budget request for fueling infrastructure in the non-petroleum fuels and lubes program, the managers understand that the Department will conduct research on a fueling station that could dispense compressed natural gas, liquefied natural gas, and compressed hydrogen; obtain exhaust samples and complete emissions characterization of emissions from natural gas vehicles using various after-treatment devices and ascertain the toxicity of resulting emissions; and complete development of particulate measurement technologies capable of obtaining and characterizing nanometer-scale samples.

9. The amount provided for lighting research includes $7,750,000 for the solid-state lighting program (also known as the next generation lighting initiative).

10. Funding for the National Fenestration Rating Council should continue at the same level as in fiscal year 2003.

11. Not less than $1,000,000 in the distributed energy systems applications integration program shall be used for the National Accounts Energy Alliance. The Department should complete its existing contracts; keep the funds provided in fiscal year 2004 in the base budget for future years; and add new projects as the current ones are completed.

12. Within the funds provided for the black liquor gasification program, research should continue on the low temperature Kraft process.

13. The managers are aware that under current law the Secretary of Energy can qualify additional energy conservation devices for grants under the weatherization assistance program. The Senate bill included a provision to make electrothermal storage technology explicitly eligible for funds provided under this program. The managers expect the Secretary to consider including electrothermal storage technology as an eligible energy conserving device.

14. There is no funding provided in fiscal year 2004 for the energy efficiency science initiative.

15. The managers encourage the use of the National Energy Technology Laboratory for energy conservation program management support. However, to the maximum extent possible, funds for NETL support should come from the program management activity. The managers agreed, in approving the energy efficiency and renewable energy reorganization, to transfer program management funds from individual programs to a single account. Programs should not be asked to pay additional management costs for NETL. Those costs should already be factored into the program management activity. If sufficient funds are not available in the program management activity, a reprogramming should immediately be submitted to the House and Senate Committees on Appropriations clearly explaining why additional funds are needed and fully justifying any use of program funds for management. Under no circumstances should funds provided in the Interior bill for program management be used to support programs funded in the Energy and Water bill.

The managers agree that the $3,000,000 provided for cooperative programs on technology transfer from National Laboratories with the Education and Research Consortium of the Western Carolinas is for technology maturation research to improve the cost-performance of technologies including late-stage engineering and high performance computing support, when appropriate, as well as database development and data mining and monitored field evaluations of novel technologies.

The DOE National Laboratories have developed numerous new energy conservation technologies that have the potential to reduce the energy required to heat and cool buildings in southeastern climates. Their micro sensors, controls, and wireless communications inventions can significantly improve the energy efficiency and economic competitiveness of industrial processes such as the pulping and drying of forest products. The National Laboratories also have developed fuel cell devices and engine emission control systems that have significant commercial appeal, can improve air quality, and can strengthen the energy security of the nation. A concerted technology transfer effort will help translate these and other National Laboratory-developed technology concepts into marketable products that have significant potential for reducing both energy usage and energy costs.

ECONOMIC REGULATION

The conference agreement provides $1,047,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $173,081,000 for the strategic petroleum reserve as proposed by the Senate instead of $175,081,000 as proposed by the House. The decrease to the House proposed level is for storage facilities development and operations.

The conference agreement does not include bill language proposed by the Senate requiring the Department to develop procedures to obtain oil for the SPR that maximize domestic supply of crude oil and minimize the cost to the Department of the Interior and the Department of Energy. The House had no similar provision.

NORTHEAST HOME HEATING OIL RESERVE

The conference agreement provides $5,000,000 for the northeast home heating oil reserve as proposed by both the House and the Senate. The managers agree that the Department should report to the House and Senate Committees on Appropriations on the circumstances under which the reserve will be used. The report should be submitted no later than December 1, 2003, and should provide various scenarios and the underlying assumptions for each of those scenarios.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $82,111,000 for the energy information administration as proposed by the House instead of $80,111,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,561,932,000 for Indian health services instead of $2,556,082,000 as proposed by the House and $2,546,524,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In hospital and clinic programs there are increases of $850,000 for a mobile women's health unit in the Aberdeen area and $500,000 for staffing and operations at the King Cove, AK clinic and a decrease of $2,500,000 for the Indian health care improvement fund. In contract health care, there is an increase of $7,000,000.

Bill Language.—The conference agreement earmarks $467,046,000 for contract medical care instead of $460,046,000 as proposed by the House and $472,022,000 as proposed by the Senate. The conference agreement earmarks $270,734,000 for contract support costs as proposed by the House instead of $268,974,000 as proposed by the Senate.

Statutory language is included modifying the Senate-proposed distribution and use of $15,000,000 for alcohol control, enforcement, prevention, treatment, sobriety and wellness education in Alaska. The House had no similar provision. The managers expect the Service to submit a progress report no later than January 15, 2004, detailing how these funds have been used and the accomplishments that have been achieved in each prior year.

The managers agree to the following:

1. The funds provided for a mobile women's health unit in the Aberdeen area supplement a project begun with a grant from a private foundation. The unit will service the entire Aberdeen area, but will be based initially in North Dakota. The managers understand that no more than $50,000 will need to remain in the base budget for fiscal year 2005 for start-up costs. Afterwards the program should be self-sustaining.

2. Any costs paid by the Indian Health Service to any entity within the Department of Health and Human Services should be fully justified and explained in the budget request or justified through the reprogramming process. The Service should not be required to "absorb" any increases in such costs.

3. The managers are extremely concerned about FTE reductions imposed on the Service. This issue is addressed in more detail under administrative provisions.

4. The managers are pleased by the Department's recent decision to exempt the Service from the human resources consolidation effort. The House and Senate Committees on Appropriations should be kept fully informed of any consolidation efforts in HHS that affect the Service.

INDIAN HEALTH FACILITIES

The conference agreement provides $396,232,000 for Indian health facilities instead of $392,560,000 as proposed by the House and $391,188,000 as proposed by the Senate. The change to the House recommended level is an increase in hospital and clinic construction of $3,672,000 for a regional youth treatment center in Wadsworth, NV. Use of these funds is contingent on continued agreement among the tribes in the area.

The managers agree to the following distribution of hospital and clinic construction funds:

Project	Amount
Pinon, AZ clinic (complete construction)	$19,577,000
Red Mesa, AZ clinic (ongoing construction)	30,000,000
St. Paul, AK clinic (complete construction)	6,520,000
Metlakatla, AK clinic (complete construction)	9,205,000
Sisseton, SD clinic (ongoing construction)	17,960,000
Eagle Butte, SD clinic (design)	2,800,000
Bethel, AK staff quarters (complete construction)	5,000,000
Dental units (ongoing program)	1,000,000
Regional Youth Treatment Center, Wadsworth, NV (full cost)	3,672,000
Total	95,734,000

The managers agree that if mammography equipment is a high priority for the Alaska Tribal Health Consortium and for the Alaska area, it should be funded within the area's allocation provided for equipment.

Bill Language.—The conference agreement earmarks a maximum of $1,000,000 from the services and facilities accounts for ambulances purchased from the General Services Administration as proposed by the Senate instead of $500,000 from the facilities account only as proposed by the House.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

The conference agreement modifies a provision proposed by the Senate prohibiting the use of funds for HHS-wide consolidation efforts and for associated assessments and charges. The modification drops the reference to consolidation efforts but prohibits the use of funds for HHS assessments or charges that are not specifically identified in the budget request and provided in this Act, or justified through the reprogramming process. The provision also includes a restriction on FTE reductions similar to that carried in past years. The FTE limitation would prohibit the reduction of FTEs in the Service below the fiscal year 2002 level adjusted upward for staffing required for new and expanded facilities, additional staffing requirements funded for the Lawton, OK hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $13,532,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by both the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $6,250,000 for payment to the institute as proposed by the Senate instead of $5,250,000 as proposed by the House.

The change to the House is an increase of $1,000,000 in matching funds that will allow the Institute to begin construction of its new learning center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $494,748,000 for salaries and expenses of the Smithsonian Institution, instead of $489,748,000 as proposed by the House and $487,989,000 and proposed by the Senate. The increase of $5,000,000 to the House level is provided to offset in part the general reduction of $12,349,000 to this account that was included in the fiscal year 2004 budget justification.

FACILITIES CAPITAL

The conference agreement provides $108,970,000 for the Facilities Capital account, instead of $93,970,000 as proposed by the House and $89,970,000 as proposed by the Senate. The increase of $15,000,000 to the House funding level is provided to further assist the National Zoo with its repair and rehabilitation efforts.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement does not include the voluntary separation incentive provision contained in the House-passed bill because such authority has been provided to the Smithsonian Institution through other legislation. The Senate bill contained no such provision.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $87,849,000 for salaries and expenses of the National Gallery of Art instead of $88,849,000 as proposed by the House and $85,650,000 as proposed by the Senate. The change to the House proposed level is a decrease of $1,000,000 for operation and maintenance of buildings and grounds.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $11,600,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $16,560,000 for operations and maintenance of the Kennedy Center as proposed by both the House and the Senate.

CONSTRUCTION

The conference agreement provides $16,000,000 for construction as proposed by both the House and the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides $8,604,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by both the House and the Senate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement provides $122,480,000 for grants and administration of the National Endowment for the Arts instead of $127,480,000 as proposed by the House and $117,480,000 as proposed by the Senate. Decreases to the House level include $3,000,000 from the Challenge America grants base program and $2,000,000 from Challenge America State partnerships.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides $120,878,000 for grants and administration of the National Endowment for the Humanities, instead of $125,878,000 as proposed by both the House and the Senate. Decreases to the House level include $4,000,000 from the "We the People" grants initiative and $1,000,000 from estimated administrative costs associated specifically with that program. When combined with amounts provided within the Matching Grants account that follows, the total appropriation for the NEH for fiscal year 2004 is $137,000,000, an increase of $12,064,000 above the current year enacted level.

The conference agreement includes an amount of $10,000,000 in new funding to support the Administration's "We the People" American history and civics initiative. Both Congress and the Administration have demonstrated strong interest in expanding the monies intended specifically for grants in this area. Legislation currently pending in the Congress may complement and extend the reach of the "We the People" grants proposal put forward by the Administration in its fiscal year 2004 budget justification. Should the authorization bill now under consideration be enacted into law, the managers expect that this will be reflected in future budget requests. The NEH should, however, not wait on potential future action before allocating available funds for the initiative as originally proposed. Further, the managers are aware that throughout the past year, State humanities councils have dedicated considerable time and effort to crafting program proposals for the "We the People" initiative that would be implemented at the local and regional levels. The managers expect that as funds are allocated to the various programmatic areas participating in the American history initiative, state humanities councils will be represented appropriately.

An overall administrative increase of $1,374,000 has been included in the budget that will allow the NEH to meet the escalating costs associated with pay, benefits, rent and the like. However, the managers do not agree to the establishment of a separate office with its own funding line dedicated to the administration of the "We the People" initiative. These activities should be incorporated and managed through the existing programmatic and administrative structure of the NEH.

MATCHING GRANTS

The conference agreement provides $16,122,000 for matching grants as proposed by the House and the Senate.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $1, 422,000 for salaries and expenses of the Commission of Fine Arts as proposed by the House and the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,000,000 for national capital arts and cultural affairs as proposed by the House instead of $6,000,000 as proposed by the Senate. The agreement does not include the bill language proposed by the House and enacted in fiscal year 2003 concerning alterations to the budget structure of this account.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $4,000,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the Senate instead of $4,100,000 as proposed by the House.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $7,730,000 for salaries and expenses of the National Capital Planning Commission as proposed by the House instead of $8,030,000 as proposed by the Senate. The managers direct that no funding be used for the railroad relocation study. The NCPC should not initiate such security planning efforts without clear direction from Federal security agencies and approval by the House and Senate Committees on Appropriations.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $39,997,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $20,700,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301–304, 307, 309–317, and 319–321which were identical in both the House and Senate bills.

The conference agreement includes the text of the following sections in the House bill, which contained identical text in the Senate bill, but had different section numbers in the Senate bill. The House section numbers were 326, 327, and 329.

Section 305—The conference agreement retains Senate section 305 continuing a provision restricting departmental assessments unless approved by the Committees on Appropriations. The House had a similar provision.

Section 306—The conference agreement retains Senate section 306 continuing a provision limiting the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees. The House had a similar provision.

Section 308—The conference agreement retains House section 308 dealing with contract support costs in the Bureau of Indian Affairs and the Indian Health Service.

Section 318—The conference agreement retains House section 318 continuing a provision regulating the export of Western Red Cedar from the national forest system in Alaska. The Senate had a similar provision.

Section 322—The conference agreement retains House section 322 extending the Forest Service Conveyances Pilot Program.

Section 323—The conference agreement retains Senate section 322 continuing for one year a provision providing authority for the staff of Congressionally established foundations to use GSA contract air and hotel rates. The House proposed to make this provision permanent.

Section 324—The conference agreement retains Senate section 323 providing the Secretary of Agriculture and the Secretary of the Interior the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. The House had a similar provision.

Section 325—The conference agreement modifies Senate section 324 continuing a provision dealing with processing expired grazing permits by the Bureau of Land Management and the Forest Service. The House had a similar provision.

Section 328—The conference agreement retains House section 328 continuing a legislative provision limiting funds for oil or gas leasing or permitting on the Finger Lakes National Forest, NY.

The conference agreement does not include Senate section 329 allowing for a local exemption from the Forest Service fee demonstration program.

Section 330—The conference agreement retains Senate section 328 continuing a provision authorizing the Secretary of the Interior and the Secretary of Agriculture to give consideration to rural communities and nonprofit groups for hazardous fuels reduction contracts. The House had a similar provision.

Section 333—The conference agreement retains Senate section 330 modifying the Gallatin Land Consolidation Act of 1998.

Section 331—The conference agreement retains House section 331 limiting the use of funds for filing declarations of takings or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act.

Section 336—The conference agreement modifies Senate section 331 allowing the Secretary of Agriculture to convey land acquired under the Forest Legacy program; the new provision applies only to the State of Vermont, and if the conveyed lands or interests in lands are ever sold in the future by the State of Vermont, the State must reimburse the Secretary of Agriculture and this funding would be credited to the Forest Service wildfire management account.

Section 332—The conference agreement modifies House section 332 to extend the Recreation Fee Demonstration Program for 15 months instead of a two-year extension as proposed by the House.

Section 337—The conference agreement retains Senate section 332 amending the Lake Tahoe Restoration Act to modify cost sharing requirements.

Section 334—The conference agreement retains House section 333 making permanent existing procurement authorities for the Land Between the Lakes NRA, KY and TN.

Section 338—The conference agreement retains Senate section 333 concerning legal challenges to timber sales on the Tongass National Forest.

Section 335—The conference agreement retains House section 334 amending and extending the pilot program for the harvest of botanical products on Forest Service lands.

Section 339—The conference agreement modifies Senate section 334 concerning cancellation of certain timber sale contracts in Alaska by removing the first clause, and by adding language so that the authority to terminate a contract under this section shall apply to a maximum number of 70 timber sale contracts on the Tongass national forest awarded between October 1, 1995 and January 1, 2002; and the Secretary of Agriculture must determine that the cost to the government of seeking a legal remedy against a purchaser would likely exceed the cost of terminating the contract.

Section 340—The conference agreement modifies House section 335 requiring full accounting of the funding requirements of competitive sourcing studies and limiting the use of funds for competitive sourcing studies under certain situations.

The managers have modified the House language to require that funding levels for competitive sourcing studies be displayed in annual budget justifications for the programs funded in this bill for the Department of the Interior, the Department of Energy, and the Forest Service. This section also requires these agencies to provide detailed reporting on the results of past competitive sourcing studies by December 31, 2003. In addition, for fiscal year 2004, these agencies and programs are required to submit to the House and Senate Committees on Appropriations, within 60 days of enactment of this Act, a detailed program of work for competitive sourcing activities planned for fiscal year 2004.

The total amounts that may be spent by the Department of the Interior and the Department of Energy for competitive sourcing activities initiated or continued in fiscal year 2004, without obtaining approval through the reprogramming process, are $2,500,000 and $500,000, respectively. If additional funds are required over and above these amounts, the Department of the Interior and the Department of Energy should follow established reprogramming guidelines. The Forest Service may, on the other hand, spend a maximum of $5,000,000 on competitive sourcing activities initiated or continued in fiscal year 2004.

Each competitive sourcing study involving more than ten Federal employees must be based on a most cost efficient and cost effective organization plan and the contracted function must be less costly to the government by ten percent or $10,000,000. Certain types of procurements and businesses involving non-profit handicap organizations, Indian tribes, and Hawaiian natives are exempt from the most effective and cost efficient organization plan requirement and the ten percent or $10,000,000 threshold.

The conference agreement does not include Senate section 335 permitting use of previously appropriated funds and other funds for acquisition of land in the Blueberry Lake area in Green Mountain NF, Vermont.

The conference agreement does not include House section 336 limiting the use of funds for implementing competitive sourcing studies at Archeological Centers in Nebraska and Florida. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 336 dealing with electrothermal storage technology. This issue is addressed under the energy conservation account.

The conference agreement does not include House section 337 limiting funds to implement amendments to Bureau of Land Management regulations on recordable Disclaimers of Interest.

The conference agreement does not include Senate section 337 establishing a Zortman/Landusky mine reclamation trust fund with annual deposits from the Treasury of $2,250,000.

Sections 341 and 342—The conference agreement modifies Senate section 338 amending the Southern Nevada Public Land Management Act, and includes an additional amendment to the same Act regarding land exchanges.

The conference agreement does not include Senate section 339 authorizing the acquisition of land by donation in Nye County, NV, for administrative and visitor facilities for Death Valley NP.

The conference agreement modifies Senate section 341 dealing with the conveyance of lands to Las Vegas, NV. This issue is also addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 342 requiring a report detailing the scenarios under which the Northeast Home Heating Oil Reserve will be drawn down.

The conference agreement retains Senate section 343 amending a previous act regarding a boundary revision at Congaree Swamp NM, SC. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement retains Senate section 344 amending the Marine Mammal Protection Act. This issue is addressed in General Provisions, Department of the Interior at the end of Title I.

The conference agreement does not include Senate section 345 exempting business size restrictions for rural business enterprise grants for Oakridge, Oregon.

Section 343—The conference agreement includes language requiring Departmental assessments to be displayed in the budget justification and requiring approval of the Committees on Appropriations for any changes to the assessments.

The conference agreement does not include a separate Title IV dealing with wildland fire emergency appropriations as proposed by the Senate. However, $99,000,000 in emergency fire funds for repayment of monies borrowed from other accounts is included in the Bureau of Land Management, Wildland Fire Management account. An additional $301,000,000 for a similar purpose is included in the Forest Service Wildland Fire Management account. These amounts were requested by the Administration.

Section 344—The conference agreement includes an across the board reduction of 0.646 percent. This reduction should be applied to each program, project, and activity.

TITLE IV—FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

The conference agreement contains, with minor modifications, the text of the Flathead and Kootenai National Forest Rehabilitation Act as proposed by the Senate. This legislation provides authority for the Forest Service to expedite implementation of restoration projects on these national forests.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management	35,824	34,936	36,136	+312
Range management	72,256	70,180	72,880	+624
Forestry management	7,188	8,197	8,197	+1,009
Riparian management	21,967	21,972	21,972	+5
Cultural resources management	15,257	14,700	14,700	-557
Wild horse and burro management	29,524	29,422	29,422	-102
Subtotal, Land Resources	182,016	179,407	183,307	+1,291
Wildlife and Fisheries				
Wildlife management	22,201	22,423	22,423	+222
Fisheries management	11,593	11,869	11,869	+276
Subtotal, Wildlife and Fisheries	33,794	34,292	34,292	+498
Threatened and endangered species	21,532	21,831	21,831	+299
Recreation Management				
Wilderness management	17,374	16,999	17,499	+125
Recreation resources management	41,472	48,718	48,718	+7,246
Recreation operations (fees)	993	1,000	1,000	+7
Subtotal, Recreation Management	59,839	66,717	67,217	+7,378
Energy and Minerals				
Oil and gas	86,123	85,953	88,953	+2,830
Coal management	9,526	9,538	9,538	+12
Other mineral resources	10,250	10,434	10,434	+184
Subtotal, Energy and Minerals	105,899	105,925	108,925	+3,026
Alaska minerals	2,484	2,222	2,484	---
Realty and Ownership Management				
Alaska conveyance	36,826	32,943	42,443	+5,617
Cadastral survey	15,024	13,945	16,920	+1,896
Land and realty management	36,770	34,045	35,045	-1,725
Subtotal, Realty and Ownership Management	88,620	80,933	94,408	+5,788
Resource Protection and Maintenance				
Resource management planning	47,242	48,146	49,146	+1,904
Resource protection and law enforcement	14,318	14,798	14,798	+480
Hazardous materials management	16,705	16,726	18,426	+1,721
Subtotal, Resource Protection and Maintenance	78,265	79,670	82,370	+4,105
Transportation and Facilities Maintenance				
Operations	6,386	6,402	6,402	+16
Annual maintenance	31,974	31,025	31,025	-949
Deferred maintenance	13,600	11,503	12,503	-1,097
Infrastructure improvement	30,826	29,414	31,414	+588
Subtotal, Transportation/Facilities Maintenance	82,786	78,344	81,344	-1,442
Land and resources information systems	19,215	18,991	18,991	-224
Mining Law Administration				
Administration	32,696	32,696	32,696	---
Offsetting fees	-32,696	-32,696	-32,696	---
Subtotal, Mining Law Administration	---	---	---	---
Workforce and Organizational Support				
Information systems operations	16,342	18,762	18,762	+2,420
Administrative support	49,785	49,817	49,817	+32
Bureauwide fixed costs	65,885	70,195	70,195	+4,310
Subtotal, Workforce and Organizational Support	132,012	138,774	138,774	+6,762

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Challenge cost share	13,882	20,973	16,378	+2,496
Total, Management of Lands and Resources	820,344	828,079	850,321	+29,977
Wildland Fire Management				
Preparedness	275,411	282,725	277,725	+2,314
Fire suppression operations	159,309	195,310	195,310	+36,001
Supplemental appropriations (P.L. 108-83)	36,000	---	---	-36,000
Borrowing repayment (emergency appropriations)	---	---	99,000	+99,000
Other operations	215,433	220,690	220,690	+5,257
Other appropriations (P.L. 108-7)	189,000	---	---	-189,000
Total, Wildland Fire Management	875,153	698,725	792,725	-82,428
Central Hazardous Materials Fund				
Bureau of Land Management	9,913	9,978	9,978	+65
Construction				
Construction	11,898	10,976	13,976	+2,078
Land Acquisition				
Land Acquisition				
Acquisitions	27,272	18,186	13,600	-13,672
Emergencies and hardships	1,490	1,500	1,000	-490
Acquisition management	3,974	3,500	3,500	-474
Land exchange equalization payment	497	500	500	+3
Total, Land Acquisition	33,233	23,686	18,600	-14,633
Oregon and California Grant Lands				
Western Oregon resources management	85,794	87,454	87,454	+1,660
Western Oregon information and resource data systems	2,192	2,202	2,202	+10
Western Oregon transportation & facilities maintenance	10,887	10,911	10,911	+24
Western Oregon construction and acquisition	297	297	297	---
Jobs in the woods	5,777	5,808	5,808	+31
Total, Oregon and California Grant Lands	104,947	106,672	106,672	+1,725
Range Improvements				
Improvements to public lands	7,873	7,873	7,873	---
Farm Tenant Act lands	1,527	1,527	1,527	---
Administrative expenses	600	600	600	---
Total, Range Improvements	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing	1,115	12,000	10,667	+9,552
Adopt-a-horse program	1,225	1,225	1,225	---
Repair of damaged lands	3,666	3,666	3,666	---
Cost recoverable realty cases	515	1,015	515	---
Timber purchaser expenses	50	50	50	---
Copy fees	1,329	2,534	2,534	+1,205
Subtotal (gross)	7,900	20,490	18,657	+10,757
Offsetting fees	-7,900	-20,490	-18,657	-10,757
Total, Service Charges, Deposits & Forfeitures	---	---	---	---
Miscellaneous Trust Funds				
Current appropriations	12,405	12,405	12,405	---
TOTAL, BUREAU OF LAND MANAGEMENT	1,877,893	1,700,521	1,814,677	-63,216

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services				
Endangered species				
Candidate conservation	9,867	8,670	9,930	+63
Listing	9,018	12,286	12,286	+3,268
Consultation	47,459	45,734	47,734	+275
Recovery	65,412	62,029	68,754	+3,342
Subtotal, Endangered species	131,756	128,719	138,704	+6,948
Habitat conservation	85,070	82,336	88,411	+3,341
Environmental contaminants	10,710	10,805	10,805	+95
Subtotal, Ecological Services	227,536	221,860	237,920	+10,384
Refuges and Wildlife				
Refuge operations and maintenance	367,377	402,015	391,315	+23,938
Salton Sea recovery	992	---	---	-992
Migratory bird management	28,697	31,121	32,496	+3,799
Law enforcement operations	51,590	52,666	54,366	+2,776
Supplemental appropriations (P.L. 108-83)	5,000	---	---	-5,000
Subtotal, Refuges and Wildlife	453,656	485,802	478,177	+24,521
Fisheries				
Hatchery operations and maintenance	54,098	58,027	58,715	+4,617
Fish and wildlife management	52,538	45,579	57,032	+4,494
Subtotal, Fisheries	106,636	103,606	115,747	+9,111
General Administration				
Central office administration	14,474	17,275	17,275	+2,801
Regional office administration	24,060	23,787	23,787	-273
Servicewide administrative support	58,132	57,709	57,709	-423
National Fish and Wildlife Foundation	7,620	7,670	7,670	+50
National Conservation Training Center	16,037	15,639	16,489	+452
International affairs	8,114	8,178	8,178	+64
Caddo Lake Ramsar Center	199	---	400	+201
Subtotal, General Administration	128,636	130,258	131,508	+2,872
Total, Resource Management	916,464	941,526	963,352	+46,888
Construction				
Construction and rehabilitation				
Line item construction	43,425	24,073	49,234	+5,809
Nationwide engineering services	10,648	11,320	11,320	+672
Total, Construction	54,073	35,393	60,554	+6,481
Land Acquisition				
Fish and Wildlife Service				
Acquisitions - Federal refuge lands	55,507	24,684	30,070	-25,437
Inholdings	1,987	2,500	1,500	-487
Emergencies and hardships	1,987	2,000	1,000	-987
Exchanges	993	1,000	500	-493
Acquisition management	9,935	8,495	8,500	-1,435
Cost allocation methodology	2,484	2,058	2,058	-426
Total, Land Acquisition	72,893	40,737	43,628	-29,265
Landowner Incentive Program				
Grants to States	39,740	40,000	30,000	-9,740
Rescission of FY 2002 funds	-40,000	---	---	+40,000
Total, Landowner incentive program	-260	40,000	30,000	+30,260

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Private Stewardship Grants Program				
Stewardship grants	9,935	10,000	7,500	-2,435
Rescission of FY 2002 funds	-10,000	---	---	+10,000
Total, Private stewardship grants program	-65	10,000	7,500	+7,565
Cooperative Endangered Species Conservation Fund				
Grants to States	26,754	34,029	30,029	+3,275
HCP land acquisition	51,136	50,000	50,000	-1,136
Administration	2,583	2,585	2,585	+2
Total, Cooperative Endangered Species Fund	80,473	86,614	82,614	+2,141
National Wildlife Refuge Fund				
Payments in lieu of taxes	14,320	14,414	14,414	+94
North American Wetlands Conservation Fund				
Wetlands conservation	36,777	47,578	36,480	-297
Administration	1,532	1,982	1,520	-12
Total, North American Wetlands Conservation Fund	38,309	49,560	38,000	-309
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants	2,981	---	4,000	+1,019
Multinational Species Conservation Fund				
African elephant conservation	1,192	1,000	1,400	+208
Rhinoceros and tiger conservation	1,192	1,000	1,400	+208
Asian elephant conservation	1,192	1,000	1,400	+208
Great ape conservation	1,192	1,000	1,400	+208
Neotropical migratory bird conservation	---	3,000	---	---
Total, Multinational Species Conservation Fund	4,768	7,000	5,600	+832
State and Tribal Wildlife Grants				
State and tribal wildlife grants	64,577	59,983	70,000	+5,423
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,248,533	1,285,227	1,319,662	+71,129
Appropriations	(1,298,533)	(1,285,227)	(1,319,662)	(+21,129)
Rescission	(-50,000)	---	---	(+50,000)
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship	338,149	334,646	340,114	+1,965
Visitor services	315,375	318,028	324,348	+8,973
Maintenance	519,970	569,695	567,230	+47,260
Park support	283,305	294,590	286,378	+3,073
Subtotal, Park Management	1,456,799	1,516,959	1,518,070	+61,271
External administrative costs	107,532	114,923	114,571	+7,039
Travel reduction	---	---	-3,000	-3,000
Total, Operation of the National Park System	1,564,331	1,631,882	1,629,641	+65,310
United States Park Police				
Park Police	77,921	78,859	78,859	+938
National Recreation and Preservation				
Recreation programs	548	855	555	+7
Natural programs	10,877	12,511	11,011	+134
Cultural programs	19,918	19,071	19,936	+18
International park affairs	1,708	1,626	1,626	-82
Environmental and compliance review	397	401	401	+4
Grant administration	1,575	1,595	1,595	+20

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Heritage Partnership Programs				
Commissions and grants	14,162	7,616	14.329	+167
Administrative support	118	124	124	+6
Subtotal, Heritage Partnership Programs	14.280	7,740	14,453	+173
Statutory or Contractual Aid				
Aleutian World War II Historic Area	397	---	---	-397
Benjamin Franklin Tercentenary Commission	---	---	200	+200
Blue Ridge Parkway (Folk Art Center)	---	---	750	+750
Brown Foundation	200	101	200	---
Chesapeake Bay Gateway	1,987	798	2,500	+513
Dayton Aviation Heritage Commission	446	47	87	-359
Flight 93 Memorial	298	---	298	---
French and Indian War (PA)	---	---	500	+500
Harry S. Truman Statue	---	---	50	+50
Ice Age National Scientific Reserve	801	806	806	+5
Jamestown 2007	199	---	199	---
Johnstown Area Heritage Association	49	49	49	---
Lake Roosevelt Forum	50	---	50	---
Lamprey River	596	155	1,000	+404
Louisiana Purchase Comm of Arkansas	199	---	---	-199
Mandan Interpetive Center and Lodge project	---	---	500	+500
Martin Luther King, Jr. Center	525	528	528	+3
National Constitution Center, PA	497	---	---	-497
Native Hawaiian culture and arts program	735	740	740	+5
New Orleans Jazz Commission	66	66	66	---
Oklahoma City Memorial	---	---	1,600	+1,600
Office of Arctic Studies	1,490	---	1,500	+10
Penn Center National landmark, SC	497	---	---	-497
Roosevelt Campobello International Park Commission	797	847	847	+50
Sewall-Belmont House	397	---	---	-397
Sleeping Rainbow Ranch, Capitol Reef NP	497	---	497	---
St. Charles Interpretive Center	497	---	---	-497
Vancouver National Historic reserve	248	---	---	-248
Virginia Key Miami Beach	497	---	---	-497
Subtotal, Statutory or Contractual Aid	11,985	4,137	12,987	+1,002
Total, National Recreation and Preservation	61,268	47,936	62,544	+1,276
Urban Park and Recreation Fund				
Urban park grants	298	.305	305	+7
Historic Preservation Fund				
State historic preservation offices	33,779	34,000	35,000	+1,221
Tribal grants	2,981	3,000	3,000	+19
Grants for millennium initiative	29,805	30,000	33,000	+3,195
National trust (endowment)	1,987	---	500	-1,487
HBCUs	---	---	3,000	+3,000
Total, Historic Preservation Fund	68,552	67,000	74,500	+5,948
Construction				
Emergency and unscheduled	3,477	5,500	5,500	+2,023
Housing	9,935	8,000	8,000	-1,935
Equipment replacement	31,752	38,460	35,460	+3,708
Planning, construction	25,235	24,480	24,480	-755
General management plans	13,806	13,420	13,420	-386
Line item construction and maintenance	214,194	207,231	216,969	+2,775
Construction program management	24,631	27,466	27,466	+2,835
Dam safety	2,682	2,700	2,700	+18
Total, Construction	325,712	327,257	333,995	+8,283
Land and Water Conservation Fund				
(Rescission of contract authority)	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States				
State conservation grants	94,383	156,000	92,500	-1,883
Administrative expenses	2,981	4,011	2,500	-481
Total, Assistance to States	97,364	160,011	95,000	-2,364

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
National Park Service				
Acquisitions	53,530	58,969	32,850	-20,680
Emergencies and hardships	3,974	4,000	2,000	-1,974
Acquisition management	12,506	11,654	10,500	-2,006
Inholdings	3,974	4,000	2,000	-1,974
Total, National Park Service	73,984	78,623	47,350	-26,634
Total, Land Acquisition and State Assistance	171,348	238,634	142,350	-28,998
TOTAL, NATIONAL PARK SERVICE	2,239,430	2,361,873	2,292,194	+52,764
Appropriations	(2,269,430)	(2,391,873)	(2,322,194)	(+52,764)
Rescission	(-30,000)	(-30,000)	(-30,000)	---
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Mapping, Remote Sensing, and Geographic Investigations				
Cooperative topographic mapping	81,120	74,108	81,497	+377
Land remote sensing	35,711	34,039	34,039	-1,672
Geographic analysis and monitoring	16,374	12,335	15,355	-1,019
Subtotal, National Mapping Program	133,205	120,482	130,891	-2,314
Geologic Hazards, Resource and Processes				
Geologic hazards assessments	74,990	72,776	75,967	+977
Geologic landscape and coastal assessments	78,698	79,430	79,074	+376
Geologic resource assessments	79,479	69,369	81,213	+1,734
Subtotal, Geologic Hazards, Resource & Processes	233,167	221,575	236,254	+3,087
Water Resources Investigations				
Hydrologic monitoring, assessments and research				
Ground water resources program	5,410	6,529	6,029	+619
National water quality assessment	63,217	63,818	63,818	+601
Toxic substances hydrology	13,437	11,065	15,034	+1,597
Hydrologic research and development	15,386	13,723	17,273	+1,887
National streamflow information program	14,217	14,356	14,356	+139
Hydrologic networks and analysis	25,088	26,069	30,106	+5,018
Subtotal, Hydrologic monitoring, assessments and research	136,755	135,560	146,616	+9,861
Federal-State program	64,433	64,536	64,536	+103
Water resources research institutes	5,963	---	6,500	+537
Subtotal, Water Resources Investigations	207,151	200,096	217,652	+10,501
Biological Research				
Biological research and monitoring	132,133	134,036	136,313	+4,180
Biological information management and delivery	22,787	20,700	24,897	+2,110
Cooperative research units	14,896	14,139	14,889	-7
Subtotal, Biological Research	169,816	168,875	176,099	+6,283
Science support	85,177	91,529	91,629	+6,452
Facilities	90,756	92,948	94,148	+3,392
Streamlining add-back	---	---	3,013	+3,013
TOTAL, UNITED STATES GEOLOGICAL SURVEY	919,272	895,505	949,686	+30,414
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program	37,521	37,245	37,245	-276
Resource evaluation	26,831	25,708	26,808	-23
Regulatory program	50,774	50,402	50,402	-372
Information management program	22,991	25,851	25,851	+2,860
Subtotal, OCS Lands	138,117	139,206	140,308	+2,189

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Royalty Management				
Compliance and asset management	48,493	46,264	46,264	-2,229
Revenue and operations	34,407	34,117	34,117	-290
Indian allottee refunds	15	15	15	---
Subtotal, Royalty Management	82,915	80,396	80,396	-2,519
General Administration				
Executive direction	2,023	2,062	2,062	+39
Policy and management improvement	4,075	4,150	4,150	+75
Administrative operations	16,540	16,827	16,827	+287
General support services	20,807	21,805	21,805	+998
Subtotal, General Administration	43,445	44,844	44,844	+1,399
Subtotal (gross)	264,477	264,446	265,546	+1,069
Use of receipts	-100,230	-100,230	-100,230	---
Total, Royalty and Offshore Minerals Management	164,247	164,216	165,316	+1,069
Oil Spill Research				
Oil spill research	6,065	7,105	7,105	+1,040
TOTAL, MINERALS MANAGEMENT SERVICE	170,312	171,321	172,421	+2,109
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	161	163	163	+2
Environmental protection	78,644	79,463	79,463	+819
Technology development and transfer	12,511	12,749	12,749	+238
Financial management	482	491	491	+9
Executive direction	12,610	13,558	13,558	+948
Subtotal, Regulation and Technology	104,408	106,424	106,424	+2,016
Civil penalties	273	275	275	+2
Total, Regulation and Technology	104,681	106,699	106,699	+2,018
Abandoned Mine Reclamation Fund				
Environmental restoration	173,561	157,137	175,637	+2,076
Technology development and transfer	4,137	4,184	4,184	+47
Financial management	6,139	6,260	6,260	+121
Executive direction	6,661	6,888	6,888	+227
Total, Abandoned Mine Reclamation Fund	190,498	174,469	192,969	+2,471
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	295,179	281,168	299,668	+4,489
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	386,421	390,494	392,054	+5,633
Human services	149,970	148,588	149,588	-382
Education	49,839	49,991	49,991	+152
Public safety and justice	1,373	1,244	1,244	-129
Community development	40,461	40,467	40,467	+6
Resources management	61,117	63,029	63,029	+1,912
Trust services	58,004	58,373	58,373	+369
General administration	25,296	25,503	25,503	+207
Subtotal, Tribal Priority Allocations	772,481	777,689	780,249	+7,768

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded	445,073	458,524	458,524	+13,451
Other school operations	67,489	69,991	69,991	+2,502
Subtotal, School operations	512,562	528,515	528,515	+15,953
Continuing education	42,838	39,206	49,206	+6,368
Subtotal, Education	555,400	567,721	577,721	+22,321
Resources management	42,324	34,342	44,076	+1,752
Subtotal, Other Recurring Programs	597,724	602,063	621,797	+24,073
Non-Recurring Programs				
Community development	2,235	---	2,500	+265
Resources management	32,850	36,287	36,437	+3,587
Trust services	37,400	37,256	37,648	+248
Subtotal, Non-Recurring Programs	72,485	73,543	76,585	+4,100
Total, Tribal Budget System	1,442,690	1,453,295	1,478,631	+35,941
BIA Operations				
Central Office Operations				
Tribal government	3,133	2,653	2,903	-230
Human services	901	907	907	+6
Community development	869	875	875	+6
Resources management	3,465	3,488	3,488	+23
Trust services	8,766	5,317	5,317	-3,449
General administration				
Education program management	2,393	2,413	2,413	+20
Education personnel services	2,116	2,134	2,134	+18
Other general administration	47,936	81,574	71,574	+23,638
Subtotal, General administration	52,445	86,121	76,121	+23,676
Subtotal, Central Office Operations	69,579	99,361	89,611	+20,032
Regional Office Operations				
Tribal government	1,327	1,345	1,345	+18
Human services	3,141	3,192	3,192	+51
Community development	847	857	857	+10
Resources management	5,414	5,474	5,474	+60
Trust services	24,225	24,435	24,435	+210
General administration	28,851	29,178	29,178	+327
Subtotal, Regional Office Operations	63,805	64,481	64,481	+676
Special Programs and Pooled Overhead				
Education	16,366	16,254	16,579	+213
Public safety and justice	162,306	171,147	174,647	+12,341
Community development	8,576	1,061	8,232	-344
Resources management	1,299	1,306	1,306	+7
General administration	80,625	82,830	82,830	+2,205
Subtotal, Special Programs and Pooled Overhead	269,172	272,598	283,594	+14,422
Total, BIA Operations	402,556	436,440	437,686	+35,130
Total, Operation of Indian Programs	1,845,246	1,889,735	1,916,317	+71,071
BIA SPLITS				
Natural resources	(146,469)	(143,926)	(153,810)	(+7,341)
Forward-funding	(445,073)	(458,524)	(458,524)	(+13,451)
Education	(181,041)	(179,989)	(190,314)	(+9,273)
Community development	(1,072,663)	(1,107,296)	(1,113,669)	(+41,006)
Total, BIA splits	(1,845,246)	(1,889,735)	(1,916,317)	(+71,071)

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Construction				
Education	293,795	292,634	298,634	+4,839
Public safety and justice	5,013	5,044	5,044	+31
Resources management	38,918	39,162	39,162	+244
General administration	2,168	2,181	2,181	+13
Construction management	6,094	6,133	6,133	+39
Total, Construction	345,988	345,154	351,154	+5,166
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin)	621	625	629	+8
Hoopa-Yurok settlement fund	248	250	252	+4
Pyramid Lake water rights settlement	141	142	143	+2
Ute Indian water rights settlement	24,567	22,494	21,467	-3,100
Rocky Boy's	5,035	---	33	-5,002
Shivwits Band Settlement	18,876	---	123	-18,753
Santo Domingo Pueblo Settlement	3,116	9,884	9,884	+6,768
Colorado Ute Settlement	7,948	8,000	8,052	+104
Cherokee, Choctaw, and Chickasaw settlement	---	10,000	10,000	+10,000
Quinault Settlement	---	---	9,968	+9,968
Transfer from '03 FWS land acquisition	---	---	-4,968	-4,968
Total, Miscellaneous Payments to Indians	60,552	51,375	55,583	-4,969
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	5,457	6,497	6,497	+1,040
TOTAL, BUREAU OF INDIAN AFFAIRS	2,257,243	2,292,761	2,329,551	+72,308
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs	5,261	6,321	6,321	+1,060
Technical assistance	13,374	7,561	12,561	-813
Maintenance assistance fund	2,285	2,300	2,300	+15
Brown tree snake	2,335	2,350	2,350	+15
Insular management controls	1,481	1,491	1,491	+10
Coral reef initiative	497	500	500	+3
Subtotal, Territorial Assistance	25,233	20,523	25,523	+290
American Samoa				
Operations grants	22,950	23,100	23,100	+150
Northern Marianas				
Covenant grants	27,720	27,720	27,720	---
Total, Assistance to Territories	75,903	71,343	76,343	+440
Compact of Free Association				
Compact of Free Association - Federal services	7,306	2,734	2,734	-4,572
Mandatory payments - program grant assistance	12,000	12,000	2,000	-10,000
Enewetak support	1,620	1,391	1,700	+80
Total, Compact of Free Association	20,926	16,125	6,434	-14,492
Total, Insular Affairs	96,829	87,468	82,777	-14,052
Departmental Management				
Departmental direction	13,318	13,524	13,524	+206
Management and coordination	26,283	30,322	28,917	+2,634
Hearings and appeals	8,145	8,280	8,080	-65
Central services	23,375	27,070	27,070	+3,695
Bureau of Mines workers compensation/unemployment	836	4,108	842	+6
Financial management system migration project	---	13,836	---	---
Public lands volunteers	---	---	500	+500

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Foreign currency account	---	---	-1,400	-1,400
Total, Departmental Management	71,957	97,140	77,533	+5,576
Working Capital Fund				
Working capital fund (cancellation)	---	---	-20,000	-20,000
Financial management system migration project	---	---	11,700	+11,700
Subtotal, Working Capital fund	---	---	-8,300	-8,300
Payments in Lieu of Taxes				
Payments to local governments	218,570	200,000	227,500	+8,930
Office of the Solicitor				
Legal services	38,182	39,911	39,911	+1,729
General administration	9,280	9,418	9,418	+138
Ethics	---	1,045	1,045	+1,045
Total, Office of the Solicitor	47,462	50,374	50,374	+2,912
Office of Inspector General				
Audit	19,453	16,480	16,390	-3,063
Contracted CFO Audits	---	3,812	3,812	+3,812
Investigations	7,166	8,176	8,076	+910
Program integrity	1,478	2,155	1,855	+377
Policy and management	7,906	8,426	8,616	+710
Total, Office of Inspector General	36,003	39,049	38,749	+2,746
Office of Special Trustee for American Indians				
Federal Trust Programs				
Program operations, support, and improvements	137,845	273,347	187,366	+49,521
Executive direction	2,514	1,294	2,275	-239
Total, Federal Trust programs	140,359	274,641	189,641	+49,282
Indian Land Consolidation Program				
Indian land consolidation	7,928	20,980	21,980	+14,052
Total, Office of Special Trustee for American Indians	148,287	295,621	211,621	+63,334
Natural Resource Damage Assessment Fund				
Damage assessments	3,901	3,933	3,933	+32
Program management	1,352	1,450	1,450	+98
Restoration support	248	250	250	+2
Total, Natural Resource Damage Assessment Fund	5,501	5,633	5,633	+132
TOTAL, DEPARTMENTAL OFFICES	624,609	775,285	685,887	+61,278
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,632,471	9,763,661	9,863,746	+231,275
Appropriations	(9,712,471)	(9,793,661)	(9,794,746)	(+82,275)
Emergency appropriations	---	---	(99,000)	(+99,000)
Rescission	(-80,000)	(-30,000)	(-30,000)	(+50,000)
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research	250,049	252,170	269,710	+19,661

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
State and Private Forestry				
Forest Health Management				
Federal lands forest health management	50,047	44,963	54,500	+4,453
Cooperative lands forest health management	30,836	25,088	45,300	+14,464
Emerging pest and pathogens fund	---	11,968	---	---
Subtotal, Forest Health Management	80,883	82,019	99,800	+18,917
Cooperative Fire Assistance				
State fire assistance	25,486	25,385	33,800	+8,314
Volunteer fire assistance	5,007	5,043	5,100	+93
Subtotal, Cooperative Fire Assistance	30,493	30,428	38,900	+8,407
Cooperative Forestry				
Forest stewardship	32,012	65,609	32,282	+270
Forest Legacy	68,380	90,809	64,934	-3,446
Urban and Community Forestry	35,999	37,893	35,299	-700
Economic action programs	26,268	---	25,925	-343
Forest resource information and analysis	4,964	4,006	5,000	+36
Subtotal, Cooperative Forestry	167,623	198,317	163,440	-4,183
International program	5,713	5,059	6,000	+287
Total, State and Private Forestry	284,712	315,823	308,140	+23,428
National Forest System				
Land management planning	71,726	70,868	70,868	-858
Inventory and monitoring	174,216	177,796	171,776	-2,440
Recreation, heritage and wilderness	252,542	254,941	258,232	+5,690
Wildlife and fish habitat management	132,936	134,794	137,375	+4,439
Grazing management	40,584	43,180	46,471	+5,887
Forest products	263,628	268,019	268,319	+4,691
Vegetation and watershed management	189,703	192,606	196,106	+6,403
Minerals and geology management	52,293	54,065	54,065	+1,772
Landownership management	92,411	91,692	92,692	+281
Law enforcement operations	80,275	80,628	83,862	+3,587
Valles Caldera National Preserve	3,130	984	3,150	+20
Total, National Forest System	1,353,444	1,369,573	1,382,916	+29,472
Wildland Fire Management				
Preparedness	677,996	609,747	680,000	+2,004
Fire suppression operations	351,964	604,580	604,580	+252,616
Supplemental appropriations (P.L. 108-83)	283,000	---	---	-283,000
Borrowing repayment (emergency appropriations)	---	---	301,000	+301,000
Other operations	341,008	327,448	358,632	+17,624
Other appropriations (P.L. 108-7)	636,000	---	---	-636,000
Total, Wildland Fire Management	2,289,968	1,541,775	1,944,212	-345,756
Capital Improvement and Maintenance				
Facilities	202,312	200,876	217,040	+14,728
Roads	231,344	245,358	237,464	+6,120
Trails	69,226	78,337	75,650	+6,424
Infrastructure improvement	45,568	---	32,000	-13,568
Total, Capital Improvement and Maintenance	548,450	524,571	562,154	+13,704
Land Acquisition				
Forest Service				
Acquisitions	113,572	25,756	50,191	-63,381
Acquisition management	14,902	16,374	15,000	+98
Cash equalization	1,490	---	500	-990
Critical inholdings/wilderness protection	2,981	2,000	1,500	-1,481
Total, Land Acquisition	132,945	44,130	67,191	-65,754
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	+7
Acquisition of lands to complete land exchanges	232	234	234	+2
Range betterment fund	3,380	3,000	3,000	-380

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Gifts, donations and bequests for forest and rangeland research	91	92	92	+1
Management of national forest lands for subsistence uses	5,506	5,535	5,535	+29
TOTAL, FOREST SERVICE	4,869,839	4,057,972	4,544,253	-325,586
DEPARTMENT OF ENERGY				
Clean Coal Technology				
Deferral	-87,000	---	-97,000	-10,000
Rescission	---	---	-88,000	-88,000
Total, Clean Coal Technology	-87,000	---	-185,000	-98,000
Fossil Energy Research and Development				
Clean coal power initiative	149,025	130,000	172,000	+22,975
FutureGen	---	---	9,000	+9,000
Fuels and Power Systems				
Central Systems				
Innovations for existing plants	22,056	22,000	22,000	-56
Advanced Systems				
Integrated gasification combined cycle	44,360	51,000	51,000	+6,640
Combustion systems including hybrid	10,332	---	5,000	-5,332
Turbines	16,889	13,000	13,000	-3,889
Subtotal, Advanced Systems	71,581	64,000	69,000	-2,581
Subtotal, Central Systems	93,637	86,000	91,000	-2,637
Sequestration R&D				
Greenhouse gas control	39,939	62,000	40,800	+861
Fuels				
Transportation fuels and chemicals	21,956	5,000	22,200	+244
Solid fuels and feedstocks	5,961	---	6,060	+99
Advanced fuels research	3,279	---	3,350	+71
Subtotal, Fuels	31,196	5,000	31,610	+414
Advanced Research				
Coal utilization science	8,941	9,000	12,000	+3,059
Materials	8,941	12,000	11,250	+2,309
Technology crosscut	11,078	9,500	11,467	+389
University coal research	2,981	5,000	2,981	---
HBCUs, education and training	993	2,000	993	---
Subtotal, Advanced Research	32,934	37,500	38,691	+5,757
Distributed Generation Systems - Fuel Cells				
Advanced research	3,477	10,000	10,000	+6,523
Systems development	9,935	6,000	11,000	+1,065
Vision 21-hybrids	13,412	5,000	13,000	-412
Innovative concepts	33,779	23,500	35,500	+1,721
Novel generation	3,005	2,500	2,500	-505
Subtotal, Distributed Generation Systems - Fuel Cells	63,608	47,000	72,000	+8,392
U.S./China Energy and Environmental Center	---	---	1,000	+1,000
Subtotal, Fuels and Power Systems	261,314	237,500	275,101	+13,787
Gas				
Natural Gas Technologies				
Exploration and production	23,298	14,000	22,480	-818
Gas hydrates	9,438	3,500	9,500	+62
Infrastructure	8,991	---	9,050	+59
Emerging processing technology applications	2,663	6,555	---	-2,663
Effective environmental protection	2,623	2,500	2,500	-123
Subtotal, Gas	47,013	26,555	43,530	-3,483

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Petroleum - Oil Technology				
Exploration and production supporting research	23,248	2,000	18,680	-4,568
Reservoir life extension/management	8,941	5,000	7,000	-1,941
Effective environmental protection	9,836	8,000	9,836	---
Subtotal, Petroleum - Oil Technology	42,025	15,000	35,516	-6,509
Cooperative R&D	8,186	6,000	8,500	+314
Fossil energy environmental restoration	9,652	9,715	9,715	+63
Import/export authorization	2,981	2,750	2,750	-231
Headquarters program direction	18,777	22,700	22,466	+3,689
Energy Technology Center program direction	68,452	70,085	70,085	+1,633
Clean coal program direction	---	---	15,000	+15,000
General plant projects	6,954	3,000	7,000	+46
Advanced metallurgical processes	5,961	10,000	10,000	+4,039
Use of prior year balances	---	-14,000	---	---
Transfer from SPR petroleum account	---	-5,000	---	---
National Academy of Sciences program review	497	---	500	+3
Total, Fossil Energy Research and Development	620,837	514,305	681,163	+60,326
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Production and operations	---	9,101	9,820	+9,820
Management	---	7,399	8,399	+8,399
Naval petroleun reserves Nos. 1 & 2	5,391	---	---	-5,391
Naval petroleum reserve No. 3	6,805	---	---	-6,805
Program direction (headquarters)	5,519	---	---	-5,519
Total, Naval Petroleum and Oil Shale Reserves	17,715	16,500	18,219	+504
Elk Hills School Lands Fund				
Elk Hills school lands fund	---	36,000	---	---
Advance appropriations	36,000	---	36,000	---
Total, Elk Hills School Lands Fund	36,000	36,000	36,000	---
Energy Conservation				
Vehicle technologies	---	157,623	180,223	+180,223
Fuel cell technologies	---	77,500	66,000	+66,000
Weatherization and intergovernmental activities				
Weatherization assistance grants	---	288,200	230,000	+230,000
State energy program grants	---	38,798	44,500	+44,500
State energy activities	---	2,353	2,353	+2,353
Gateway deployment	---	27,609	35,609	+35,609
Total, Weatherization and intergovernmental acivities	---	356,960	312,462	+312,462
Distributed energy resources	---	51,784	61,784	+61,784
Building technologies	---	52,563	60,613	+60,613
Industrial technologies	---	64,429	94,229	+94,229
Biomass and biorefinery systems R&D	---	8,808	7,600	+7,600
Federal energy management program	---	19,962	19,962	+19,962
National climate change technology initiative	---	9,500	---	---
Program management	---	76,664	86,064	+86,064
Building Technology, State and Community Sector				
Building research and standards				
Technology roadmaps and competitive R&D	2,342	---	---	-2,342
Residential buildings integration	12,397	---	---	-12,397
Commercial buildings integration	4,481	---	---	-4,481
Equipment, materials and tools	40,155	---	---	-40,155
Subtotal, Building research and standards	59,375	---	---	-59,375
Building Technology Assistance				
Weatherization assistance	223,537	---	---	-223,537
State energy program	44,708	---	---	-44,708
Community partnerships	17,920	---	---	-17,920
Energy star program	4,173	---	---	-4,173
Subtotal, Building technology assistance	290,338	---	---	-290,338

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Management and planning	14,001	---	---	-14,001
Subtotal, Building Technology, State and Community Sector	363,714	---	---	-363,714
Federal Energy Management Program				
Program activities	19,299	---	---	-19,299
Program direction	4,426	---	---	-4,426
Subtotal, Federal Energy Management Program	23,725	---	---	-23,725
Industry Sector				
Industries of the future (specific)	71,646	---	---	-71,646
Industries of the future (crosscutting)	58,228	---	---	-58,228
Management and planning	7,585	---	---	-7,585
Subtotal, Industry Sector	137,459	---	---	-137,459
Power Technologies				
Distributed generation technologies development	68,585	---	---	-68,585
Management and planning	1,609	---	---	-1,609
Subtotal, Power Technologies	70,194	---	---	-70,194
Transportation				
Vehicle technology R&D	163,212	---	---	-163,212
Fuels utilization R&D	20,052	---	---	-20,052
Materials technologies	37,157	---	---	-37,157
Technology deployment	15,995	---	---	-15,995
Management and planning	10,035	---	---	-10,035
Subtotal, Transportation	246,451	---	---	-246,451
Policy and management	41,780	---	---	-41,780
National Academy of Sciences program review	497	---	---	-497
Cooperative programs with States	2,981	---	---	-2,981
Energy efficiency science initiative	4,968	---	---	-4,968
Total, Energy Conservation	891,769	875,793	888,937	-2,832
Economic Regulation				
Office of Hearings and Appeals	1,477	1,047	1,047	-430
Strategic Petroleum Reserve				
Storage facilities development and operations	157,823	158,979	156,979	-844
Management	13,909	16,102	16,102	+2,193
Total, Strategic Petroleum Reserve	171,732	175,081	173,081	+1,349
SPR Petroleum Account				
Oil acquisition	6,954	---	---	-6,954
Rescission of previously appropriated funds	-5,000	---	---	+5,000
Transfer to Fossil energy research and develpment	---	(-5,000)	---	---
Total, SPR petroleum account	1,954	---	---	-1,954
Northeast Home Heating Oil Reserve				
Northeast home heating oil reserve	5,961	5,000	5,000	-961
Energy Information Administration				
National Energy Information System	80,087	80,111	82,111	+2,024
TOTAL, DEPARTMENT OF ENERGY	1,740,532	1,703,837	1,700,558	-39,974

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,211,988	1,194,600	1,265,373	+53,385
Dental health program	99,633	105,566	105,817	+6,184
Mental health program	50,297	53,959	53,959	+3,662
Alcohol and substance abuse program	136,849	139,975	139,975	+3,126
Contract care	475,022	493,046	485,046	+10,024
Subtotal, Clinical Services	1,973,789	1,987,146	2,050,170	+76,381
Preventive Health				
Public health nursing	39,616	43,112	43,112	+3,496
Health education	10,991	11,940	11,940	+949
Community health representatives program	50,444	51,633	51,633	+1,189
Immunization (Alaska)	1,546	1,580	1,580	+34
Subtotal, Preventive Health	102,597	108,265	108,265	+5,668
Urban health projects	31,323	31,568	32,014	+691
Indian health professions	31,114	35,417	31,158	+44
Tribal management	2,390	2,406	2,406	+16
Direct operations	60,176	56,607	61,471	+1,295
Self-governance	5,553	10,250	5,714	+161
Contract support costs	268,974	270,734	270,734	+1,760
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(449,985)	(567,620)	(567,620)	(+117,635)
Total, Indian Health Services	2,475,916	2,502,393	2,561,932	+86,016
Indian Health Facilities				
Maintenance and improvement	49,507	47,331	49,507	---
Sanitation facilities	93,217	114,175	94,175	+958
Construction facilities	81,585	69,947	95,734	+14,149
Facilities and environmental health support	132,254	139,522	139,522	+7,268
Equipment	17,182	16,294	17,294	+112
Total, Indian Health Facilities	373,745	387,269	396,232	+22,487
TOTAL, INDIAN HEALTH SERVICE	2,849,661	2,889,662	2,958,164	+108,503
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	14,397	13,532	13,532	-865
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	5,454	5,250	6,250	+796
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,968	1,907	1,907	-61
Archives of American Art	1,790	1,849	1,849	+59
Arthur M. Sackler Gallery/Freer Gallery of Art	6,128	5,790	5,790	-338
Center for Folklife and Cultural Heritage	1,899	1,954	1,954	+55
Cooper-Hewitt, National Design Museum	3,030	3,126	3,126	+96
Hirshhorn Museum and Sculpture Garden	4,693	4,150	4,150	-543
National Air and Space Museum	20,269	21,498	21,498	+1,229
National Museum of African Art	4,435	4,566	4,566	+131
National Museum of American Art	8,273	7,739	7,739	-534
National Museum of American History	22,209	20,434	20,434	-1,775
National Museum of the American Indian	33,397	38,610	38,610	+5,213
National Museum of Natural History	44,690	43,319	43,319	-1,371
National Portrait Gallery	5,514	4,986	4,986	-528
National Zoological Park	24,515	18,323	18,723	-5,792

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
Astrophysical Observatory	20,984	21,801	21,801	+817
Center for Materials Research and Education	3,438	3,542	3,542	+104
Environmental Research Center	3,487	2,912	2,912	-575
Tropical Research Institute	11,454	11,280	11,280	-174
Subtoal, Museums and Research Institutes	222,173	217,786	218,186	-3,987
Program Support and Outreach				
Outreach	8,329	9,393	9,393	+1,064
Communications	1,347	1,386	1,386	+39
Institution-wide programs	5,967	6,195	6,195	+228
Office of Exhibits Central	2,571	2,659	2,659	+88
Major scientific instrumentation	4,968	5,000	5,000	+32
Museum Support Center	2,453	1,678	1,678	-775
Smithsonian Institution Archives	1,663	1,664	1,664	+1
Smithsonian Institution Libraries	8,433	8,813	8,813	+380
Subtotal, Program Support and Outreach	35,731	36,788	36,788	+1,057
Administration	53,625	64,687	64,687	+11,062
Facilities Services				
Office of Protection Services	58,293	---	---	-58,293
Office of Physical Plant	90,374	---	---	-90,374
Facilities maintenance	---	40,615	40,615	+40,615
Facilities operations, security and support	---	141,821	141,821	+141,821
Subtotal, Facilities Services	148,667	182,436	182,436	+33,769
Offsetting reduction, FY 2003	---	-12,795	---	---
Offsetting reduction, FY 2004	---	-12,349	-7,349	-7,349
Rescission of prior year unobligated funds	-14,100	---	---	+14,100
Total, Salaries and Expenses	446,096	476,553	494,748	+48,652
Repair, Restoration and Alteration of Facilities				
Base program	82,883	---	---	-82,883
Construction				
National Museum of the American Indian	15,896	---	---	-15,896
Facilities Capital				
Revitalization	---	71,670	90,670	+90,670
Construction	---	10,000	10,000	+10,000
Facilities planning and design	---	8,300	8,300	+8,300
Total, Facilities capital	---	89,970	108,970	+108,970
TOTAL, SMITHSONIAN INSTITUTION	544,875	566,523	603,718	+58,843
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	27,739	29,927	29,927	+2,188
Operation and maintenance of buildings and grounds	16,599	21,757	20,757	+4,158
Protection of buildings, grounds and contents	17,729	19,717	19,717	+1,988
General administration	14,650	17,448	17,448	+2,798
Total, Salaries and Expenses	76,717	88,849	87,849	+11,132
Repair, Restoration and Renovation of Buildings				
Base program	16,125	11,600	11,600	-4,525
TOTAL, NATIONAL GALLERY OF ART	92,842	100,449	99,449	+6,607
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	16,204	16,560	16,560	+356
Construction	17,486	16,000	16,000	-1,486
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	33,690	32,560	32,560	-1,130

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and Expenses				
Fellowship program	1,251	1,331	1,331	+80
Scholar support	655	647	647	-8
Public service	2,246	2,319	2,319	+73
General administration	1,955	1,897	1,897	-58
Smithsonian fee	207	284	284	+77
Conference planning	1,955	1,961	1,961	+6
Space	164	165	165	+1
TOTAL, WOODROW WILSON CENTER	8,433	8,604	8,604	+171
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	46,964	47,121	47,121	+157
Challenge America grants	16,889	10,200	13,200	-3,689
State partnerships				
State and regional	24,641	24,723	24,723	+82
Underserved set-aside	6,668	6,691	6,691	+23
Challenge America grants	---	6,800	8,800	+8,800
Subtotal, State partnerships	31,309	38,214	40,214	+8,905
Subtotal, Grants	95,162	95,535	100,535	+5,373
Program support	1,296	1,304	1,304	+8
Administration	19,274	20,641	20,641	+1,367
Total, Arts	115,732	117,480	122,480	+6,748
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	31,622	31,829	31,829	+207
Preservation and access	18,782	18,905	18,905	+123
Public programs	13,029	13,114	13,114	+85
Research programs	12,978	13,063	13,063	+85
Education programs	12,542	12,624	12,624	+82
Program development	394	397	397	+3
We The People Initiative grants	---	23,000	10,000	+10,000
Subtotal, Grants	89,347	112,932	99,932	+10,585
Administrative Areas				
Administration	19,572	20,946	20,946	+1,374
We The People Initiative administration	---	2,000	---	---
Total, Grants and Administration	108,919	135,878	120,878	+11,959
Matching Grants				
Treasury funds	5,649	5,686	5,686	+37
Challenge grants	10,368	10,436	10,436	+68
Total, Matching Grants	16,017	16,122	16,122	+105
Total, Humanities	124,936	152,000	137,000	+12,064
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	240,668	269,480	259,480	+18,812
COMMISSION OF FINE ARTS				
Salaries and expenses	1,216	1,422	1,422	+206

DEPARTMENT OF INTERIOR AND RELATED AGENCIES (Amounts in thousands)
(Conference amounts exclude 0.646% across-the-board cut)

	FY 2003 Enacted	FY 2004 Request	Conference	Conference vs. Enacted
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,954	5,000	7,000	+46
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	3,643	4,100	4,000	+357
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	7,206	8,230	7,730	+524
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum	38,412	39,997	39,997	+1,585
PRESIDIO TRUST				
Operations	21,188	20,700	20,700	-488
TOTAL, TITLE II, RELATED AGENCIES	10,479,010	9,727,318	10,307,417	-171,593
Appropriations	(10,549,110)	(9,727,318)	(10,155,417)	(-393,693)
Emergency appropriations	---	---	(301,000)	(+301,000)
Advance appropriations	(36,000)	---	(36,000)	---
Rescission	(-19,100)	---	(-88,000)	(-68,900)
Deferrals	(-87,000)	---	(-97,000)	(-10,000)
TITLE IV - WILDLAND FIRE SUPPLEMENTAL				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Wildland fire management (contingent emergency appropriation)	---	99,000	---	---
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Wildland fire management (contingent emergency appropriation)	---	301,000	---	---
TOTAL, TITLE IV, WILDLAND FIRE SUPPLEMENTAL	---	400,000	---	---
GRAND TOTAL, ALL TITLES	20,111,481	19,890,979	20,171,163	+59,682

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2003	$20,111,481
Budget estimates of new (obligational) authority, fiscal year 2004	19,890,979
House bill, fiscal year 2004	19,601,125
Senate bill, fiscal year 2004	20,012,291
Conference agreement, fiscal year 2004[1]	20,171,163
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	+59,682
Budget estimates of new (obligational) authority, fiscal year 2004	+280,184
House bill, fiscal year 2004	+570,038
Senate bill, fiscal year 2004	+158,872

[1] Conference agreement excludes 0.646% across-the-board cut.

CHARLES H. TAYLOR,
BILL YOUNG,
RALPH REGULA,
JIM KOLBE,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ANDER CRENSHAW,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
JOHN W. OLVER,
Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE DOMENICI,
ROBERT F. BENNETT,
JUDD GREGGNEW JERSEY,
BEN NIGHTHORSE CAMPBELL,
SAM BROWNBACK,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 377 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 377

Resolved, That upon adoption of this resolution the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, is hereby recommitted to the committee of conference.

☐ 1830

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 377 is a rule providing for the conference report accompanying H.R. 2115, the Flight 100–Century of Aviation Reauthorization Act to be recommitted to the conference committee. In an effort to ensure support for the bill, the House committees of jurisdiction have committed to making this important legislation even better through another conference.

I would like to thank the gentleman from Alaska (Chairman YOUNG) for his extraordinary leadership on this issue, as well as the other Members who have worked hard to make this a reality as we continue to address the concerns of Members on both sides of the aisle.

Mr. Speaker, I urge my colleagues to support this important rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary time.

Mr. Speaker, the conference report for H.R. 2115, the FAA Reauthorization Act, is not quite ready for prime time. The good news is that the conference report is complete. The bad news is that there is no way it can pass the House in its current form. That is why we are here today. By voting for this rule, the House will send this conference report back to the conference committee for further consideration, an action that is sorely needed.

Mr. Speaker, the reason we need to recommit this conference report back to the conference committee is simple: There are three major provisions in this bill that will undermine efforts to protect the American public, while weakening our country's competitive position in the international air cargo markets.

The first and most obvious problem with the conference report is the provision that would allow for the immediate privatization of 69 air traffic control towers, with the authority to privatize all other air traffic control towers after 4 years. If this provision becomes law, it will begin the dismantling of the air traffic control system as we know it. We cannot allow our air traffic control system to be farmed out to the lowest bidder. Safety must come first, and we cannot do it on the cheap. Members on both sides of the aisle feel so strongly about this provision that they have pledged to vote against the conference report.

Mr. Speaker, FAA controllers responded magnificently during the tragic terrorist attacks of September 11. They successfully landed 4,482 aircraft within 2 hours without a single operational error. Their performance on that fateful day earned them the U.S. Department of Transportation's highest award for achievement. But the fact of the matter is they did an outstanding job before 9/11, and they have continued to do so every day since.

The FAA controllers and technicians are a highly-skilled group of dedicated professionals who deserve better than to be discarded just 2 short years after the world became so familiar with the challenges that they face. This conference report does not accord them the respect and the gratitude that they have earned and so rightly deserve.

Contrary to the various claims that have been made, this provision would not just affect airports that exclusively serve general aviation aircraft. Eighteen of the airports included in the list of 69 airports that could be privatized are served by commercial carriers. This includes Hanscom Airfield in my home State of Massachusetts, which is served by several commercial carriers, including Continental, Delta and Northwest. But even more alarming is the fact that 11 of these 69 air towers are among the 50 busiest in the country.

Now, as misguided as this provision is, the way it magically appeared in the conference report is just as galling. Not only was the provision not included in either bill passed by the House or the Senate, it runs completely counter to language in both the House and Senate bills that expressly prohibited the privatization of air traffic control. Yet, the conference committee, acting on orders from the White House, defied the wishes of the Members who serve in both Chambers and snuck this unwise, special-interest provision into the conference report.

This tactic, Mr. Speaker, is a new favorite of the Republican leadership. They ignore what the full House and full Senate have done, and secretly rewrite important bills in some back room. It is a terrible way to do the people's business. It makes a mockery of the legislative process and confirms the most cynical suspicions people have about how this Congress operates.

And it gets worse. A last minute one-word change in the conference report has changed antiterrorism training for flight crews from mandatory to discretionary. The Homeland Security Act of

2002 directed the Transportation Security Administration to issue security training guidelines for flight crews. Section 603 of the FAA conference report guts this directive in order to give air carriers the authority to establish such training requirements.

The TSA has developed the training for Federal flight deck officers and the Federal air marshals. It only makes sense that the TSA should be responsible for developing the antiterrorism training for flight attendants so that there is a coordinated response from the entire flight crew in the event of a terrorist attack. To do anything less, Mr. Speaker, is to place special interests above passenger and crew safety, and that is absolutely unacceptable.

The third and final provision of this conference report that must be fixed is the giveaway exemption that will allow foreign airlines to carry air cargo between two U.S. domestic points, provided one of those domestic points is in Alaska and only in Alaska. There is no similar exemption for international air cargo going through Hawaii, Florida or California; just Alaska.

This provision represents an unprecedented change in U.S. transportation policy that for 200 years has protected domestic point-to-point service from foreign competition. No other country in the world grants U.S. carriers the kind of open access to its domestic transportation network that this provision would grant to foreign carriers operating in the United States. It is unfathomable that we would make such a dramatic change to long-standing transportation policy without a single hearing or a minute of debate.

Now, make no mistake, the Alaska cargo provision will add the U.S. aviation industry to manufacturing, textiles and other sectors of our economy that are hemorrhaging jobs to other countries. The U.S. airline industry has seen losses of $7 billion per year since September 11, resulting in the layoffs of 150,000 American workers.

This provision will do nothing but harm our efforts to help the U.S. aviation industry recover, while widening the gaping holes that already exist in our homeland security with respect to screening air cargo.

So, Mr. Speaker, it is important that the conference committee not just meet to strip the privatization provision, an action that will not fully fix the problem, but that the conference actually reconvene and address all of the flaws now contained in this bill.

Mr. Speaker, I urge my colleagues to support this rule and send this conference report back to the conference committee, where, hopefully this time, the will of the House will be respected.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as Representative of one of the largest rural districts east of the Mississippi and cochairman of the Rural Congressional Caucus, I rise today because I feel an obligation to uphold the will of the House, which seems to have been bypassed in this report.

Just several months ago, we had an amendment on the floor here that removed a provision that forced rural airports to pay a portion of up to 10 percent of the essential air service that helps them provide service in difficult times. The House removed it; the Senate removed it. Today, it is back here.

Now, it is limited to 10 communities and it will not hurt as many, but it is very possible that for these 10 communities, it could cost over $100,000.

Rural airports have a very limited income stream. They do not have much means of income. They are fortunate to have money to match Federal money to pave their runways, fix their lights and run the airport.

So I ask that if this bill is recommitted to conference for other issues, and many other rural Members strongly urge the committee leadership, to remove Section 408, the Essential Air Service Local Participation Pilot Program, from this provision. I personally will find it extremely difficult, and many other rural Members will too, to support the conference report, and I do not want to be in that position.

Mr. Speaker, I include for the RECORD copies of letters signed by 48 House Members and 16 Senators.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 8, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.
Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.
Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

As you know, the local cost share provision was removed in H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster, which passed by a voice vote. Likewise, a similar local cost share provision was removed from S. 824 by an amendment offered by Senator Bingaman.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to $100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act Conference Report before it is brought to the House and Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,
John E. Peterson, Allen Boyd, Tom Osborne, Nick Rahall, Phil English, Max Burns, Bud Cramer, Earl Pomeroy, Steve Pearce, Ray LaHood, James A. Leach, —— ——, Lincoln Davis, —— ——, Michael H. Michaud.

U.S. SENATE,
Washington, DC, September 29, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.
Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.
Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.
Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

GENTLEMEN: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization conference report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and the Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

The local cost share provision was removed from S. 824 by a bipartisan amendment offered by 15 senators, which passed on a voice vote. Likewise, a similar local cost share provision was removed from H.R. 2115 by an amendment offered by Representatives McHugh, Peterson (PA) and Shuster.

It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

Additionally, this provision will have untold effects on many small rural communities. It is unacceptable to force communities to pay up to $100,000 in a local cost share, in addition to the many costs they currently incur in running a small local airport.

We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act conference report before it is brought to the House and Senate floors for consideration, and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

Jeff Bingaman, Olympia Snowe, Hillary Rodham Clinton, Patrick Leahy, Blanche L. Lincoln, Jim Jeffords, Mark Pryor, Tom Udall, Charles Schumer, Jim Daschle, Arlen Specter, E. Benjamin Nelson, Susan M. Collins, Chuck Grassley, Mark Dayton, Chuck Hagel.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 24, 2003.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. FRITZ HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, Dirksen Office Building, Washington, DC.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG, CHAIRMAN MCCAIN, RANKING MEMBER OBERSTAR, RANKING MEMBER HOLLINGS: We write out of grave concern for a provision added to the Vision 100—Century of Aviation Reauthorization Conference Report regarding the adoption of a local cost share for certain Essential Air Service communities. This addition to the conference report not only goes against the will of both the House and Senate, but may also have a disastrous effect on many of our small rural airports. Therefore, we urge the conference committee to remove this language before bringing the report to the respective floors for a vote.

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It is our understanding that negotiations are currently under way to remove language from the conference report regarding the privatization of air traffic controllers. This provides the conference committee an excellent opportunity to remove the EAS local match provision that was already stricken on both the House and Senate floors and not included in either bill brought to the conference committee.

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We respectfully request the removal of Section 408 from the Vision 100—Century of Aviation Reauthorization Act Conference Report before it is brought to the House and the Senate floors for consideration and we look forward to working with you in the future to ensure rural communities continue to receive essential air service.

Sincerely,

John E. Peterson, Allen Boyd, John McHugh, Jerry Moran, Bill Shuster, Chris Cannon, John Shimkus, Marion Berry, Barbara Cubin, Charles F. Bass, Ron Paul, John Tanner, Frank D. Lucas, Scott McInnis, Kenny C. Hulshof, Rick Renzi, Rob Bishop, Dennis A. Cardoza, Jim Gibbons, Jim Matheson, Ed Case, Anibal Acevedo-Vilá, Mike Ross, Tom Udall, Lane Evans, Timothy Johnson, Bernie Sanders, John Boozman, Tom Latham, Heather Wilson, Ron Lewis, Jo Ann Emerson, Doug Bereuter, Bart Stupak, Collin C. Peterson.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the House finds itself in a bit of an awkward position here. The Federal aviation reauthorization legislation passed this body some months ago with little controversy, an excellent bill moving us forward with investment in the future of aviation air traffic control air safety. A quite similar bill passed the Senate, and it appeared we were on our way to meeting the October 1 deadline.

Unfortunately, something strange happened on the way to adopting a Federal aviation reauthorization, and that is White House ideology and politics and stupidity.

We were summoned to an emergency meeting of the conference the day before the House was to adjourn for the August recess, because the FAA bill was going to be brought to the floor the next day. There was just one little change, an unwritten amendment to privatize 71 air traffic control towers.

Well, the gentleman from Alaska (Chairman YOUNG) did not like that much, so, whoops, suddenly these deeply-held principles could be changed, and it was suddenly 69 towers could be privatized, because the two in Alaska did not need to be privatized anymore.

Now, when the Senator from Arizona was questioned as to how he came up with the list of 69 that presented to him by the White House, he said, oh, there were really good reasons for it. These were all just little VFR dinky airports and this would be a more efficient way to do it.

I said well, I wonder if he ever landed at Boeing Field in Seattle. I did not think Boeing was aware of the fact that that was just a VFR field, a little dinky field. I thought it was actually kind of crucial to the aviation industry of the United States of America and Boeing, our largest manufacturer, in fact, our only commercial manufacturer. Then others went on to question about others on the list. The bottom line was he was defending the indefensible.

The White House wants to say that it is not the business of the government of the United States of America, it is not the business of government employees, to control air traffic, to provide for safety and control of the national air space. That should be a private sector function. Somebody might be able to make a little bit of money doing it, despite the fact there is no successful model of privatization in the world. They are all more expensive and less efficient.

Well, what the heck, that does not matter to this White House. So what if we gouge the taxpayers for more money, if someone can make a little money, and maybe we can bust another union here. That is all this is about. It is quite simple.

Both the House and the Senate, by near unanimous majorities, voted to not privatize the air traffic control system. But the ideologues at the White House presented to their compliant lap dogs that order, and they trotted into the conference with it. They got it done by voice vote, no one signed the conference report from this side of the aisle. But they have not been able to bring the bill to the floor because, guess what? They cannot get the support in the House or the Senate for what they wanted and what they got, which is privatization of air traffic control, jeopardizing the safety and the future of the air space of the United States of America.

Now they say, well, we will just go back to conference and strike it. Now, they are going to try the bait and switch rouse here which is to say, well, we will strike out that offensive and stupid provision out of the bill, you know, the arbitrary privatization of 69 air traffic control towers against the will of the Senate and the House. We will just strike that out altogether.

But, of course, what they are conveniently omitting there is that both the Senate and House had had affirmative language to prohibit privatization, and absent that, the ideologues at the White House can actually privatize more air traffic control towers, further jeopardizing the safety of the traveling public and the control of the air space of the United States of America. So that is what they are going to try now.

But I do not think that this House, the Members of this House or the Members of the other body, are that dumb that they are going to fall for that. I do not think it gives those who are weak-kneed enough cover to go in that direction.

It is the same issue: Do you believe in privatization of air traffic control or not. Do you want to follow the failed models of other countries that are more expensive and less efficient or not? That is the bottom line when this comes back up on Thursday.

They are going to say, oh, we took that out of the bill. It is underlying the bill without a prohibition, and the ideologues at the White House will sure as heck rush forward with privatization, because someone might be able to make a little bit of money. So what if it kills people and jeopardizes the air space.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, given the fact that I see the distinguished chairman of the Subcommittee on Aviation seated over there, perhaps he could give us some assurance that as we vote for this rule to send this flawed conference report back to the conference committee, that maybe he can give us an assurance that the conference committee will be open and Members will be allowed to offer amendments in the committee.

□ 1845

Mr. Speaker, I am happy to yield to him if he would be willing to answer that question.

Mr. MICA. Mr. Speaker, I thank the gentleman; but I will close, hopefully, for our side and answer that question at that time.

Mr. McGOVERN. Mr. Speaker, I appreciate the gentleman's response. We are all anxiously awaiting the answer to that question.

At this juncture I yield 9 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased, Mr. Speaker, that we are finally going forward with the rule to commit the conference report back to conference, and I will vote for that motion. But I am concerned that going back to conference simply will repeat the sham we had the first time that there was a conference. I have served for 24 years on conference committees, and this is the first time I have been to a conference that did not have legislative language. We had concepts. So at a certain point I was allowed to offer a conceptual amendment to a concept that had been presented. And after some discussion, there was a vote, the concept that I offered was defeated on a voice vote, the bells rang for a vote in the House, and Senators were notified of a vote in their body. The conference dissolved and, the next thing I knew, the next day, miraculously, legislative language appeared and it contained a number of items that we were expecting; but we did not have it the day before, and it was an urgent matter to get this conference completed. That is 94 days ago. I marvel at the urgency that suddenly vanished along with the legislative language which also then miraculously appeared the next day.

There is a lot of good in this bill. We need to provide funding for the airport improvement program, facilities and equipment account for the operation air traffic control system. There are three issues that are very critical to the future of aviation. The first the gentleman from Oregon and the gentleman from Massachusetts on our side have discussed at some length, and that is privatization of the air traffic control system.

This is not the first time this issue has been raised before our Committee on Transportation and Infrastructure. When I chaired the Subcommittee on Aviation, it was raised by the first Bush administration and we had a discussion about it; and my colleague, the ranking member on the Republican side, Mr. Clinger, and I both agreed that was a bad idea and it went away. Then it came back during the Clinton-Gore administration and it was more fully refined and defined, and I said it was a terrible idea and vigorously opposed it, with great support on the Republican side. Now that the idea has surfaced for a third time from a Republican administration, my colleagues, many of my colleagues on the other side of the aisle, suddenly have had a change of heart, or maybe many of them were not here in the House when the first two attempts were made. The fact is, this is just a very bad idea.

The second issue is to establish training guidelines for flight attendants. The House bill said, you "shall" establish these training guidelines. We were all agreed on that. We marched arm in arm together in subcommittee, in full committee, and to the House floor, and through the House. And then a one-word change in Senate floor debate from "shall" to "may" makes the whole thing speculative. We were all agreed that it was important. If you are going to arm the flight deck crew, have guns on the flight deck and you are going to have the sealed door, the bullet proof, bomb-proof door protecting the flight deck crew, the flight attendants say, what about us? Should we not have training? Should that not be mandatory? We say yes. This body voted "yes." But somehow, miraculously in conference, or in Senate floor debate, the White House said, no, we do not want it mandatory.

The question we have to raise is, are we a three-party government or are we a parliamentary system in which the legislative is merely an extension of the executive branch? This body has time and again stood up against the executive branch for what we believe, the people's elected representatives, is the right thing for the best national interest; and we made that decision here in an overwhelming vote, not to privatize, to train the flight attendants on board aircraft; and all of a sudden, that just vanished, succumbed.

Then the third issue is that of training cabin crews, I mean of cabotage, which we have never permitted previously to allow foreign airlines to ferry goods between cities. Well, that is, as the gentleman from Oregon said, the beginning of dissolution of another major sector of the American economy that other countries protect. Why should we let our guard down now just because that exchange of goods will take place in Alaska? I think that is just dead wrong.

The gentleman from Pennsylvania has very well expressed a fourth issue requiring small communities to underwrite essential air service. That was an issue that was fundamental to deregulation in 1978. I sat on the committee. I voted for deregulation because it had protection for essential air service for small communities that they would not have to pay for. Now we are going to bring that concept back and make it almost a certainty that some communities in my district, if they do not have air service, the only way to get there is to be born there. Well, I do not want to see that happen; the gentleman from Pennsylvania does not want to see that happen; and we must not let that happen.

Then the thing that I find, the step that I find very unpalatable, two steps, one is we will just remove the offending language when we recommit this bill to conference about the 69 towers and go back to current law. That is the poison pill. The current law is the President's executive order stating that air traffic control is not an inherently governmental service. That then opens the whole system up for privatization. I know there is language that says the rest of the air traffic control until 2007 cannot be privatized; but once we start down that road, the whole chain becomes unraveled.

Then there is the second effort that we have been hearing about and reading about in news accounts of trading towers: if you agree to vote for this, we will take your tower out. Well, I find if you take this to its logical conclusion, eventually all the Members who have their tower in their district voted taken out of the privatization will have protected themselves against privatization, but they will be voting for the privatization system. So all of those who voted against privatization will have privatized towers. Those who want to vote for privatization will have their towers removed from the privatization requirement. I do not understand how anybody can take that home and sell that to their constituencies.

Let us commit this bill to conference. I appeal to the chairman of the subcommittee and the chairman of the full committee to have a real conference, not a sham. Let us gather the members together. Let us have full debate. Let us have a discussion of the merits of the issues. Let us have real give and take on this issue as we have done time and again historically in House-Senate conferences on aviation legislation. Let us do it the right way, not this back-door sham way.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. I am pleased to address some of the issues relating to this motion to recommit.

First of all, I do support the motion to recommit the FAA reauthorization legislation and urge those on both sides of the aisle for this recommittal.

To answer the gentleman from Massachusetts' question to me previously about commitments that I would make as to what would be in and what would be out of the final legislation and conference report that comes out, I can make no guarantee tonight. I am but one member of the conference committee, even though I chair the Subcommittee on Aviation and am willing to work with the other side.

But let me set some facts straight tonight as we conclude the debate on the motion to recommit. First of all, my colleagues heard the ranking member of the full committee just cite that air traffic control is an inherently governmental function and that somehow this has been politicized by our side of the aisle. Nothing, I say to my colleagues, could be further from the truth. In fact, for 7½ years of the Clinton administration, there was no inherently governmental label placed on FAA air traffic control. That was done in the last waning months of the Clinton administration as a bone to some of those in organized labor. But prior to that, there was no inherently governmental label. President Bush did remove that when he came into office and has asked for the option to look at which tower should be privatized or which should be contract towers and which should be fully FAA-operated towers.

The fact is, almost half, 219, of our towers today are contract towers. They are run by the FAA, but managed by a private company. The fact is, on September 11, half of the towers in this country that were contract towers, so-called privatized towers, also brought down the planes safely on September 11. The fact is, the President wanted the ability to look at every tower that is fully FAA-staffed and decide which should be fully FAA-staffed and which should be contract. We decided in this report, not just by picking towers at random, but by taking a report that was first done in the year 2000 by the Inspector General who looked at some 71 FAA, fully FAA-run towers. He looked at all 71 of them. And he came back and he said, based on first safety and secondly on cost, these are towers that should be looked at for becoming contract towers.

Then, not only in the year 2000 did he look at it, but NATCA, the union that runs air traffic control, asked for a relook and disputed the cost figures. So we asked for a relook. And in the year 2002, he conducted a relook; and we just got that report. It showed that the contract towers, in fact, when compared to the fully FAA towers, had a 2½ times better safety rate in the year 2000; and then the relook, I have a copy here, says 4½ times safer with a contract tower than a fully FAA; that is on the basis of safety.

Then just turning to the next page and looking at cost, the cost here, our analysis showed that the 12 contract towers on average cost about $917,000 less to operate. So on the basis of safety and cost, it was safer to have contract towers. And they compared the 2000 study and the 2002 study which we just got in 2003, and both confirmed this.

But a campaign of disinformation to Members in Congress, to the public, and to everyone who has had the opportunity to see it, a campaign of disinformation to the tune of $6 million has tried to say just the opposite of what the facts are. Now, these, I say to my colleagues, are the facts.

So we will take this back to conference, and we will revisit this issue. Anyone who would like, we will make a copy of this report available. But this campaign of disinformation is now forcing us to go back to conference. I make no guarantees as to what will come out of that conference. None of these provisions or the 69 towers that we have included were secretly written provisions.

□ 1900

That provision was voted on in open conference and the other side lost in this issue. So these are the facts that we deal with.

Finally, the cargo extension provision in Alaska, I hope we do not change that. Because if you want to see more jobs lost in the United States, if you want to see a transportation cargo hub moved from Alaska to Canada, go ahead and change this provision. And you will put thousands of people out of work and move cargo to another country. Try that. See how that works.

Finally, the local share match, we heard the plea of the rural communities. The administration wanted a match. We eliminated all the match except in 10 demo essential air service locations. And even with those 10 demos, we have allowed for a waiver. I hope we keep that provision that that allows that waiver and allows essential service.

Those are the facts. We can deal with fantasy, or we can deal with a multimillion dollar disinformation campaign. I urge the recommittal of this legislation, and I ask that you fasten your seat belts and put your tray tables in an upright and locked position and get ready for a ride to conference.

Mr. McGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I have got my seat belt in place, tray table is up, waiting for a real conference. The points the gentleman from Florida raised are the kinds of issues that we should be discussing in the conference. We did not have that kind of discussion before, and if you go back to the report of the Inspector General and, as verified by, as reviewed further by GAO, you find that the selection of air traffic control towers was arbitrary, did not follow a consistent pattern, was flawed in the number of towers selected.

Furthermore, there are 63 million operations a year run by our FAA control towers. The contract towers handle a fraction of that amount, and they handle different kinds of traffic. And those are the kinds of issues I say to my good friend, the distinguished chairman of the Committee on Transportation and Infrastructure Subcommittee on Aviation, the gentleman from Florida (Mr. MICA) that we should be discussing in the House-Senate conference. That is where we ought to have that debate, not here in 1-minute sound bites.

Mr. Speaker, the gentleman from Florida cited 7½ years of the Clinton administration not doing anything. That was because I, with the support of Republicans in the House, vigorously opposed the Gore reinventing government proposal to privatize air traffic control. We took it on head-on and stopped them dead in their tracks. I say to the gentleman, keep that in mind.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just close by saying we are here today because the Republican leadership in the White House have forgotten that the House of Representatives is a deliberative body where Members of both parties insist that when they express their will, it will be respected and in conference committees. They do not like secret deals in back rooms.

The question that I ask the gentleman from Florida (Mr. MICA), the distinguished chairman of the Subcommittee on Aviation, was not a question of whether or not he could guarantee that certain provisions would be in the bill or provisions would be removed from the bill, what I asked him was very simply a guarantee that this would be an open conference, unlike what happened before, that this would be an open conference, an open process, a fair process, where Members of both parties, Democrats and Republicans, would have the opportunity to not only discuss issues, but to be able to offer their amendments. That was the question that the gentleman did not answer.

And I would hope, and I would urge all my colleagues to vote for this rule, to send this flawed conference report back to the conference committee and let us hope this time they get it right.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the debate. I think it is very important that the facts alluded to by Mr. MICA are here in writing, written down, black and white here. So the gentleman from Florida (Mr. MICA) has the copies available for the membership if any of the Members want to review the facts.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today, the House of Representatives is making a procedural vote on whether not to recommit the FAA Reauthorization bill to conference. What this is really is an attempt to circumvent the real legislative process—an up or down vote on the merits of their proposal. Why is the Republican leadership doing this? Because they are trying to sneak through provisions that are seriously flawed and pose a major risk to flight safety and national security.

As a cochair of the newly created Congressional Labor and Working Families Caucus, I find it appalling that Congress would consider privatizing air traffic controllers when our security is at a greater risk that ever. This and two other provisions in this bill would do less—not more—to protect us from terrorism, and seriously undermine the airline industry in our country and jeopardize the safety of our personal air travel.

First, this bill opens the door for private companies to purchase air traffic control towers from the Government. This means our Government will no longer be in control of the safety of our airspace. Privatizing the Nation's air traffic control system is a risky and dangerous experiment at a time when public safety is of the highest importance.

Also, under this bill flight attendants are no longer required to receive antiterrorism training. Following the events of 9/11, flight attendants want to be properly trained; passengers want them to be trained; and as a frequent flyer I personally want them to be trained.

Lastly, it would allow international airlines to carry cargo throughout the United States without it being properly screened or tracked. The proposed changes would affect national security as well as jeopardize the livelihood of our domestic industry.

Ironically, after 9/11, airport screeners were federalized because we realized that our safety depended on the individuals working those posts to be under Federal supervision. It is same with air traffic controllers.

Look at it this way . . . the price of a plane ticket—$235, the price of airport parking for a week—$75, and the expertise and experience of air traffic controllers to land your airplane, priceless.

There is no price tag to our safety. For the safety for all Americans, I strongly urge my colleagues to vote "yes" to recommit the FAA Conference Report and take out these heinous provisions. Let's put safety first.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that the quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. GIBBONS). Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX this 15-minute vote on the House Resolution 377 will be followed by four other votes. The middle three votes in this series will be 5-minute votes. The first and last votes will be 15-minutes votes.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 27, as follows:

[Roll No. 569]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—27

Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson

Lantos
McCollum
Nethercutt
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1926

Mr. SOUDER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules and on three motions to instruct conferees previously postponed.

Votes will be taken in the following order:

H.R. 2359, a suspension;

H.R. 6, a motion to instruct;

H.R. 1, a motion to instruct;

HR. 1308, a motion to instruct, all by the yeas and nays.

Votes on suspending the rules with respect to H. Con. Res. 291 and H. Res. 409 will be taken tomorrow. The next three votes will be conducted as 5-minute votes. The fifth and final vote in this series will be a 15-minute vote.

BASIC PILOT EXTENSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2359, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2359, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 170, not voting 33, as follows:

[Roll No. 570]

YEAS—231

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Case
Castle
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—33

Ballenger
Bell
Burns
Burton (IN)
Cardoza
Carter
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lantos
McCollum
Nethercutt
Pryce (OH)
Royce
Schakowsky
Smith (MI)
Stupak
Sweeney
Thornberry
Visclosky
Whitfield

□ 1934

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore (Mr. GIBBONS). The unfinished business is the vote on the motion to instruct on H.R. 6 offered by the gentleman from Massachusetts (Mr. MARKEY) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. MARKEY).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 59, not voting 29, as follows:

[Roll No. 571]

YEAS—346

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burr
Burton (IN)
Buyer

Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kingston
Kirk
Kleczka
Kline
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—59

Akin
Barrett (SC)
Biggert
Bonilla
Bonner
Boozman
Burgess
Camp
Cannon
Cantor
Carter
Chocola
Collins
Cubin
Culberson
DeLay
Everett
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Goss
Hall
Hart
Hayes
Hensarling
Hunter
Issa
Johnson, Sam
Keller
King (IA)
Knollenberg
Lewis (CA)
Linder
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Ose
Oxley
Paul
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (MI)
Sessions
Shadegg
Smith (TX)
Souder
Taylor (NC)
Thomas
Tiberi
Toomey
Vitter
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—29

Ballenger
Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lantos
McCollum
Nethercutt
Pombo
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1941

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will now resume on motions to instruct in the following order:

H.R. 1308, by the yeas and nays;

H.R. 1, by the yeas and nays.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 1308 offered by the gentlewoman from California (Ms. WOOLSEY) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. WOOLSEY).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 197, nays 208, not voting 29, as follows:

[Roll No. 572]

YEAS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—208

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach

Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Ballenger
Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Isakson
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lantos
McCollum
Murtha
Nethercutt
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1949

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1 offered by the gentleman from Ohio (Mr. BROWN) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Ohio (Mr. BROWN).

The vote was taken by electronic device, and there were—yeas 194, nays 209, not voting 31, as follows:

[Roll No. 573]

YEAS—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Sullivan
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—209

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hyde
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Ballenger
Bell
Burns
Chabot
DeMint
Dooley (CA)
Fletcher
Ford
Frost
Gephardt
Green (WI)
Gutierrez
Hoekstra
Hunter
Isakson
Jackson-Lee (TX)
John
King (NY)
LaHood
Lampson
Lantos
McCollum
Murtha
Nethercutt
Pryce (OH)
Royce
Schakowsky
Stupak
Sweeney
Thornberry
Visclosky

☐ 2005

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act of 2003.

The form of the motion is as follows:

Ms. EDDIE BERNICE JOHNSON of Texas moves that (1) The House conferees shall be

> instructed to include in the conference report the provisions of section 837 of the Senate Amendment that concern reformulated gasoline in ozone nonattainment areas and ozone transport regions under the Clean Air Act.
>
> (2) The House conferees shall be instructed to confine themselves to matters committed to conference in accordance with clause 9 of rule XXII of the House of Representatives with regard to any matters relating to ozone nonattainment and ozone transport.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. DAVIS of Florida. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

> Mr. DAVIS of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

PASS H.R. 3365, FALLEN PATRIOTS TAX RELIEF ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise this evening to express my strongest support for H.R. 3365, the Fallen Patriots Tax Relief Act. This bill addresses one of the most outrageous and unjust practices that I have ever witnessed as a Member of Congress.

Mr. Speaker, as a Member of this body, as a veteran of two wars, but more importantly as an American, it angers me to think that after losing a loved one in combat, a grieving family could be ordered to pay taxes on a gift presented to them on behalf of a grateful Nation.

Our men and women in uniform and the families who love them deserve the tremendous respect and gratitude of this Nation. We can show our respect and gratitude by repealing this onerous and unjust tax. Our Nation is truly grateful for the sacrifices of our men and women in uniform, and I urge my colleagues to join me in supporting our veterans and vote yes on H.R. 3365.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tonight I rise to recognize October 2003 as National Domestic Violence Awareness Month. Fortunately, in recent years we have made great strides in bringing attention to domestic violence and in providing assistance to its victims. It is critical that we raise awareness of the problem because domestic violence has historically been considered a private matter.

During 2001, there were almost 700,000 incidents of domestic violence. As we concentrate on national security and the economic state of our country, we cannot forget the crimes that disrupt homes and families in each and all of our communities. The fact is that domestic violence is occurring at an alarming rate. Recent statistics show that domestic violence makes up 20 percent of all violent crimes against women, and accounts for 33 percent of female murder victims. During 2001 in Kansas alone, one domestic violence incident occurred every 26 minutes.

Throughout this past year, I have spent time visiting with the domestic violence program directors in my district, and they have shared with me their concerns that domestic violence shelters and support agencies are now seeing victims with even more complicated needs. During these tough economic times, it is more difficult to find jobs and affordable housing to make women more self-sufficient and to give them the independence to escape their abusive environments.

With almost 20,000 incidents of domestic violence occurring in Kansas in 2001, the nine domestic violence service centers in the rural, 69-county district I represent are striving to serve all those in the community who may be affected by abuse. Our experience in Kansas has shown that proximity and access to safe facilities is crucial to helping women and children escape abusive environments.

Education and comprehensive community involvement are also essential to providing services and holding batterers accountable. Directors, employees, and volunteers work very hard to help domestic violence victims, but they cannot do it alone. In my district, domestic violence centers strengthen ties to the community by including law enforcement officers, county attorneys, social workers, and business leaders on their governing boards. In addition, agencies in Kansas are able to draw upon the resources of a statewide network through the Kansas Coalition Against Sexual and Domestic Violence.

Congress also plays a role in preventing domestic violence and helping victims. Most domestic violence shelters are dependent primarily upon grants and local donations. Federal grants, made possible under the Violence Against Women Act, provide essential funds for prevention, enforcement, response, prosecution and victim services. We must continue to ensure that our shelters and crisis centers receive adequate funding.

Although we are generating increased awareness of domestic violence during the month of October, this is a crime that demands attention all year long. I appreciate the commitment of those who work every day to help victims of domestic violence, and I applaud the efforts of those nine service centers in my district, including Dodge City, Emporia, Garden City, Hays, Hutchinson, Liberal, Salina, and Ulysses, Kansas. Through education, funding, and support, we must continue to work together to provide safe environments for victims and end the tragic cycle of domestic violence.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-331) on the resolution (H. Res. 416) providing for consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. Res. 75, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-332) on the resolution (H. Res. 417) providing for consideration of the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-333) on the resolution (H. Res. 418) waiving points of order against the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING MARTHA GIBBONS, LATE WIFE OF FORMER CONGRESSMAN SAM GIBBONS

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, tonight I rise in honor of Martha Gibbons, who hand in hand with her husband, former Congressman Sam Gibbons, faithfully and selflessly served the Tampa Bay area.

Sam and Martha were partners in all that they did. During Sam's 34 years in Congress, Martha was Sam's right hand. From her desk in his office, Martha helped Sam respond to letters from constituents, and she gave countless tours of the Capitol to visitors from Tampa. Martha served as Sam's campaign manager and joined him on all his travels, both in his congressional district and around the world. Sam served as chairman of the House Committee on Ways and Means Subcommittee on Trade and, by his side, Martha played an important role in representing the United States during international trips and meetings.

While in Washington, Martha also served as president of the Congressional Club, the International Friends Club, and the Florida House Foundation; and throughout her life she was active in a host of civic and charitable organizations. Tampa Bay residents will always see Martha's legacy at the University of South Florida in Tampa. Martha worked with her husband to provide the legislative authority for the creation of the University of South Florida. The Sam and Martha Gibbons Alumni Center located on the USF campus in Tampa stands in honor of their efforts.

Those who had the pleasure of getting to know Martha will remember her warmth and graciousness, her boundless energy, and the strength with which she supported all of her husband's endeavors in our community. Martha was and always will be a near-perfect model of grace and the best of Southern charm and hospitality. She represented our community in a manner that made us very proud. Tampa, Florida, and the entire Nation is a better place in countless ways thanks to Martha's work.

Martha's recent passing, I know, is an enormous loss for Sam, their three very talented sons and seven grandchildren. On behalf of the Tampa Bay community and all of us here in Congress, I extend my deepest sympathies.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for some time, the gentleman from Minnesota (Mr. GUTKNECHT), the gentlewoman from Missouri (Mrs. EMERSON), myself and a number of others, Congressmen from the Democrat side, the gentleman from Vermont (Mr. SANDERS), our independent Congressman, have been working very hard to make sure that Americans do not pay any more for their pharmaceutical products than they do in other parts of the industrialized world.

One of the things we found out when we were doing our investigation was that some of the pharmaceutical products that are sold in Canada sell for one-seventh or one-eighth or one-tenth of what they sell for in the United States. Tamoxifen, for instance, which is one of the drugs of choice for a woman who has breast cancer, costs seven times as much in the United States as it does Canada. That just is not right. Americans should not pay a disproportionate amount of the costs of research and development for a pharmaceutical product or advertising or anything else as they do in other parts of the world.

Yet Americans are bearing an undue amount of the burden of producing these products. Toward that end, a number of us have been working to try to get that changed through reimportation of pharmaceutical products from Canada, from Germany, from Spain, from other industrialized nations so that Americans get the benefit of the lower prices. The prices of pharmaceuticals have been rising at about 15 percent a year and Americans simply cannot afford that tremendous amount of increase year after year after year. We have seniors that are going to pharmacies with prescriptions saying, how much is it? If it is too much, they say, well, maybe I'll be back tomorrow. Or maybe they buy half a prescription and they split it in two, and that is not sufficient for the problems that they face. So we have been working on this.

We now find that we have a lot of allies in the States around this country. Governor Blagojevich of Illinois, one of our former Democrat colleagues from the Congress, did some research and found out in the State of Illinois for State employees, the State would save $91 million a year in Illinois alone if they went to a reimportation plan. Today, Mayor Bloomberg of New York, a Republican, has said that he is going to look into this to try to do it to save money because New York is strapped for cash. The Governor of Minnesota, a Republican, has said that he is going to do it, and it is going to save tens of millions of dollars for the State of Minnesota. The Governor of Iowa is working on it. The mayor of Springfield, Massachusetts.

Mayors in Vermont and across the country, Governors and mayors, are starting to realize that they are strapped for cash and need money to run their governments for fire protection, education, safety and other causes; and they need that money. They either raise it through taxes or find ways to economize in their States and cities. They have found they can save tens of millions of dollars across this country in each city and State by buying pharmaceutical products from outside the United States, the very same products that we buy here, made by the same manufacturers. There is no difference. The only difference is Americans pay six or seven times or as much as 10 times more than they do in other countries. That is not right.

There is a groundswell of support to bring about positive change in the cost of pharmaceuticals across this Nation. It is a groundswell that is not going to stop.

I would like to say to my friends in the pharmaceutical industry, it is time to sit down and reason with Members of Congress to try to find a solution to this problem rather than have Americans having to import the same products you are selling here in the United States from other countries. It makes no sense for you to sell them to Canada and for us to have to reimport them in order to save the taxpayers, the people of this country, millions of dollars and save the Governors and mayors of the States and cities of this country millions and maybe even billions of dollars. We spend over $200 billion a year for State and Federal employees for their pharmaceutical products, I understand; and it is estimated by experts we can save 30 percent, that is, $60 billion a year could be saved if we had a fair pricing like they do in Canada, Spain, Germany, and elsewhere. That could pay for the Medicare prescription drug program that we have all been talking about.

We need to get with the program. The pharmaceutical industry needs to get with the program. We want them to make a profit. We want them to have money for research and development, and we want them to get their tax credits; but we do not want them to burden the American taxpayer with all of these expenses, and that is what is going to happen if we do not deal with this now.

I would just like to say once again, Mr. Speaker, if anybody in the pharmaceutical industry is listening, we want to work with you to solve this problem; but one way or another, Americans are going to get a fair price for their pharmaceutical products. If we have to fight for reimportation, we will do it that way; or we will deal with you to do it a better way.

THE ECONOMY'S TRUE VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise this evening to remind my colleagues of our most pressing domestic problem, the plight of our unemployed workers. I really should not have to offer this reminder to my colleagues. The recent newspaper headlines and the heart-wrenching stories from our unemployed constituents should be reminder enough. But it looks like this Chamber's leadership unfortunately needs to be reminded that the true victims of this recession are not corporations, but the millions of Americans who have lost their jobs over the last 3 years.

It is no secret that our manufacturing industry has been the hardest hit. Of the 3.2 million jobs lost over the past 3 years, 2.7 million of them were good-paying manufacturing jobs that provide a livable wage and sustain this country's middle class. These job losses were not the result of increased American productivity. They are the result of flawed American tax and trade policies that actually provide incentives for American companies to ship their jobs overseas. That is right, to ship these jobs overseas. In the name of free trade, we have forced our companies to compete against businesses in countries with no or little environmental standards and labor standards and that pay their workers low wages. And how do our companies react? They are forced to scour their books to find any and every cost to cut. They cannot disregard environmental regulations because that is the law. They cannot deny their American workers fair labor protections because that is the law. But what they can do is reduce labor costs by moving production to an overseas land without these worker or environmental protections.

Despite all that this country has sacrificed for free trade, the World Trade Organization, the WTO, has now ruled that this country's foreign sales corporation and extraterritorial income laws are illegal tax subsidies. Considering that these tax provisions were enacted specifically to help our manufacturing sector, this ruling comes at an extremely difficult time for the manufacturing and other export industries. With a staggering trade deficit that seems only to rise, the last thing our export industry needs is to be slapped with $4 billion in sanctions from the WTO.

So the answer is clear. Congress must fix the problem to comply with international trade law. If only it were so easy. Our friends on the Committee on Ways and Means, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL), have recognized the burden that a solution would place on our manufacturers who receive billions of dollars annually from these laws. They also recognize the tremendous impact that the manufacturing sector has on our country, that manufacturing has long been the engine of economic growth in this country. Not only does the manufacturing industry drive our gross domestic product, our GDP; it drives our job growth. In fact, every million dollars in manufacturing sales creates 14 jobs, eight in manufacturing and six in our service sector. In contrast, every million dollars sold in the service sector only creates 3.5 jobs.

So when faced with tight budgets and record unemployment, it does not take a genius to see that we get the most bang for our buck by shoring up our manufacturing sector. The gentleman from Illinois and the gentleman from New York have put forth a bill that would fix this tax provision while mitigating the negative effects on our manufacturing industry. Most important, however, the aptly titled Jobs Protection Act would provide the necessary incentives to keep these well-paying manufacturing jobs here in the United States. With this bill they hit the nail on the head. The AFL–CIO knows it, the National Association of Manufacturers knows it, and 149 of my colleagues know that this is the right direction to go.

Unfortunately, it is becoming all too clear that the fix is on. Just this morning, the Committee on Ways and Means chairman rammed a competing bill through his committee. Sure this bill fixes our problem with the WTO, but it only exacerbates the problems experienced by our manufacturing sector. They will tell you that the Thomas bill cuts the tax rate for manufacturing and production income, and it does; but it also includes a package of international tax provisions that only encourages companies to send more of their production jobs overseas. Sure we want to increase our exports, but I want those exports to be American products, not American jobs. The Thomas bill's focus on multinational corporations at the expense of our manufacturing workers is no way to restore strength to our ailing manufacturing sector. And it is no way to alleviate this country's unemployment problems, either.

When we consider these issues, let us remember that our unemployed workers are the true victims of our economic downturn. Let us keep in mind that they are desperately depending on us to help them. Let us not let them down.

OXI DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise proudly to celebrate "oxi" day. The historical significance of this day and what it meant to the outcome of World War II cannot be overstated. By October of 1940, World War II had begun and the Nazi war machine was already in high gear. Along with Hitler's ally, Italian dictator Benito Mussolini, the German and Italian forces were threatening the whole of Europe. European nations were bowing to tyranny and destruction as the Germans and the Italians marched through Europe. Great Britain endured German's aerial bombardment, forcing Hitler to seek another avenue to subdue the British. Hitler intended to eliminate British operations in the Mediterranean in order to weaken their ability to deter German advances.

To achieve this, Hitler needed the Axis powers to strike at British forces in Greece. By conquering Greece, Hitler would gain access to an important connecting link with Italian bases in the Dodecanese Islands. This would give the Italians a stranglehold on British positions in Egypt where British forces were already facing attack from the Italian Army in North Africa. The British considered the defense of Egypt vital to Allied positions in the oil-rich Middle East.

On October 28, 1940, the Italian ambassador in Athens presented an insulting ultimatum to Greek Prime Minister Metaxas, demanding the unconditional surrender of Greece or Italy would declare war and invade Greece. Mussolini had given the Greek Prime Minister Metaxas 3 hours to reply.

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Prime Minister Metaxas responded with the now historic word "oxi," which means "no" in Greek. Italy then invaded.

It is important to note that in addition to Greece having a population seven times smaller than Italy, the disparity in their armed forces was even greater. Italy had close to 10 times the firepower of Greece in its army and navy and seven times the troops. Italy's large air force had total air superiority, since Greece had a very small defensive air force. However, despite their lack of equipment, the Greek army proved to be well-trained and resourceful. Within a week of the invasion, it was clear that Italian forces were suffering serious setbacks, despite having control of the air and fielding superior armored vehicles.

On November 14, the Greek army launched a counter-offensive and quickly drove the Italian forces back into Albania. The fighting continued for a few more months. In a last ditch effort to bring the war to a close before the Italians would be forced to ask Hitler to intervene, they launched another assault on March 12, 1941. After 6 days of fighting, the Italians made only insignificant gains, and it became clear that German intervention was necessary.

On April 6, 1941, Hitler ordered the German invasion of Greece. It took the Germans 5 weeks to finally end the conflict. This delay proved to be critical to the outcome of the war.

Due to Mussolini's humiliating defeat by the Greeks in Albania and Greece, Hitler was compelled to capture the Balkans, mainly Yugoslovia and Greece, thus delaying his Barbarossa plan to invade and capture the Soviet Union before the winter of 1941. The Greek resistance, both in Albania and in the other famous battle in Crete, altered, favorably for the allies, his Barbarossa timetable by at least 6 months.

Perhaps most importantly, the Germans never gained the advantage against the British. Although Germany had conquered much of Europe, its inability to decimate British and Russian forces early in the war would eventually prove to be fatal. Thanks to the heroic Greek resistance and their countless sacrifices, the war tide had been permanently changed for Hitler due to the delay of this critical timetable.

Nearly one million Hellenes died during that time. That was 14 percent of the population in 1940. That is equivalent, Mr. Speaker, to losing 39 million people in this country today in the case of a war to defend our country.

The entire Western world, discouraged and fearful of the Axis powers and the growing ugly war, took hope from these incredible victories. British Prime Minister Winston Churchill said of the Greeks, "Today we say the Greeks fight like heroes; from now on we will say that heroes fight like Greeks."

A very small number of those Greeks who fought like heroes are still alive today. Some now are American citizens. One of these heroes lives in my Congressional district, Mr. Demetrios Palaskas, who, along with others, has shared those traumatic stories of the mountain fighting by the rag-tag Greeks against such a powerful equipped invader. We all salute you, Mr. Palaskas, you and your many fellow heroes, for helping to keep the world free.

Mr. Speaker, "oxi" day is an inspiration to all those who cherish democracy and freedom. It marks defiance against terrible odds. As an American of Greek descent, I am proud to honor the memory of those brave patriots who fought for freedom for themselves and ultimately for all the free world on this important day.

CONCERNS REGARDING INTERIOR APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to express my deep concerns regarding the fiscal 2004 Interior appropriations conference report which was just reported out of the Committee on Rules, and in particular a provision relative to American Indian trust accounts. This provision would prevent the use of any Federal funds to conduct a complete historical accounting of Individual Indian Money Accounts as recently ordered by the U.S. District Court for the District of Columbia.

Mr. Speaker, this provision should not be included in the Interior conference report because it was not included in S. 1391, the Senate-passed Interior appropriations bill, or H.R. 2691, the House-passed Interior appropriations bill. Furthermore, this provision completely circumvents the House Committee on Resources, which retains authority over all issues impacting Native Americans, including trust reform.

I would like to point out this is the not the first time language has been inserted into the Interior appropriations bill that would seek to legislate a resolution to the trust reform issue. Just this past July there was an attempt to add similar language that would have authorized the Secretary of Interior to unilaterally settle any claim relating to the balance of the individual Indiana accounts. That language was successfully stricken from the Interior appropriations bill before the bill was subsequently approved by the House.

At that time, members of the Committee on Resources were told that they would have an opportunity to come up with a legislative solution to the trust reform issue without interference by the appropriators. The Committee on Resources has begun a series of hearings on the issue, with an eye towards accomplishing that goal in this Congress. But it was envisioned that Congressional action would complement the court action and not circumvent it.

While this bill contains some provisions that are Native American friendly, if this language is allowed to move forward the negative effects will be felt throughout Indian Country. Prohibiting the Department of Interior to use Federal funds to implement the U.S. District Court's decision essentially permits the Department to do nothing to move towards settlement of the Individual Indian Money Accounts, and only further delays resolving a century old dispute.

Mr. Speaker, a fair and equitable resolution to trust reform can only be reached by having all the necessary stakeholders at the negotiating table. Accordingly, I urge my colleagues to vote no on the Interior appropriations conference report, and I hope that this provision relative to the American Indian Trust Accounts can be stricken from the bill before it is finally sent to the President for his signature.

DO RIGHT BY OUR MILITARY FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, yesterday was the bloodiest day in Iraq since our forces took control of the country. These latest deaths of humanitarian relief workers, Iraqi police and another American serviceman illustrate the extreme dangers that continue to confront our military and the civilian population in Iraq.

When the President commands and Congress authorizes to send our sons and daughters, fathers and mothers into harm's way, then we have a special duty to take care of the families and the survivors of those servicemen and women who sacrificed their lives.

This is why, Mr. Speaker, I strongly support increasing the military death gratuity to $12,000, restoring its tax exempt status and providing these funds to the families and the survivors of those Armed Forces personnel who have perished on or following September 11, 2001. I am very pleased that the House will vote on this urgent matter tomorrow.

As of this morning, 350 American military personnel have lost their lives in Iraq. At least 67 others have perished in Operation Enduring Freedom, mainly in Afghanistan. Among those who have fallen are nine men from Massachusetts, including Marine Captain Benjamin W. Sammis, age 29, from the town of Rehobeth in my own Congressional District. They range in age from 20 to 40. They served in the Army, the Marines and in the Army National Guard. They were privates, specialists, sergeants, lieutenants and captains, and they lost their lives in Afghanistan, the Philippines and Iraq.

Every day we awake to news of yet another American who has paid the ultimate sacrifice for service to our country. At such times, it matters not at all whether you are liberal or conservative, Republican or Democrat. In the face of such loss, we are united in sorrow and in our common need to express our respect and condolences to the families and loved ones of that soldier, sailor, airman or marine.

We are also united in wanting to ensure that the surviving family's most pressing needs are provided for. Currently these families receive only $6,000 as a death benefit, and half of that is subject to tax. Mr. Speaker, that is simply wrong.

On September 5, I introduced H.R. 3019, to increase the military death gratuity to $12,000, exempt it from taxes and make it retroactive to September 11, 2001. My colleague the gentleman from Arizona (Mr. RENZI) recently introduced nearly identical legislation, H.R. 3566, and it is his bill that the Republican leadership will move to the floor tomorrow.

Mr. Speaker, I am proud to be a cosponsor of his bill, and the gentleman from Arizona (Mr. RENZI) and others will be speaking about it later this evening. I am pleased that the House leadership has turned its attention to this matter, and I urge all my colleagues on both sides of the aisle to vote in favor of H.R. 3566 tomorrow.

Mr. Speaker, it is no secret to the Members of this House that the current military death gratuity needs to be fixed. Historically, the death gratuity has been tax exempt. But when Congress last increased the death benefit to $6,000, half of this amount became subject to taxation. On several occasions Congress has attempted to rectify this mistake by passing the Armed Forces Tax Fairness Act. Unfortunately, that bill remains stalled at the Speaker's desk.

While efforts are underway in the defense authorizations conference to double the death benefit and make it retroactive to September 11, 2001, only passage of H.R. 3566 can remedy the unfair tax burden on our military families.

Mr. Speaker, tomorrow the House will do the right thing by our military families and pass H.R. 3566. I would urge the House majority leadership to ensure that the other body also approves the bill and sends it to the President before Congress adjourns. Only if this bill becomes law can we guarantee that grieving families are not burdened with an unexpected tax bill.

But, Mr. Speaker, that is not enough. I also call on the House Republican leadership to act now to ensure the Armed Forces Tax Fairness Act be sent to the President so that other tax incentives that benefit our uniformed men and women, especially our Guard and Reserves, may go into effect.

It is astonishing to me that this Congress can provide billions of dollars in tax relief to the wealthiest in our society, but it fails to move this modest set of tax incentives for the men and women who put their lives on the line every single day in defense of freedom. So while I am glad that tomorrow we will do something positive, we still have much more to do before the actions of this Congress match its rhetoric.

Mr. Speaker, I include for the record the names of the Massachusetts military personnel who have fallen in combat since September 11, 2001.

MEMBERS OF U.S. ARMED FORCES FROM MASSACHUSETTS KILLED IN ACTION OR DIED WHILE ON ACTIVE DUTY, SEPTEMBER 11, 2001 TO CURRENT DATE

(Information may be partial or incomplete.)

(Sources: CNN "Forces: U.S. and Coalition Casualties" and Central Command Public Affairs Office/U.S. Department of Defense)

(1) Staff Sergeant Joseph P. Bellavia, Age: 28, Unit: 716th Military Police Battalion, 16th Military Police Brigade, XVIII Airborne Corps, U.S. Army, Hometown: Wakefield, MA, Date and Place of Death: October 16, 2003 in Karbala, Iraq.

(2) Specialist Mathew G. Boule, Age: 22, Unit: 2nd Battalion, 3rd Aviation Regiment, 3rd Infantry Division, U.S. Army, Hometown: Dracut, MA, Date and Place of Death: April 2, 2003 in central Iraq.

(3) Staff Sergeant Joseph Camara, Age: 40, Unit: 115th Military Police Company, Army National Guard, Hometown: New Bedford, MA, Date and Place of Death: May 21, 2003 in an area south of Baghdad, Iraq.

(4) Sergeant Justin W. Garvey, Age: 21, Unit: 1st Battalion, 187th Infantry Regiment, 3rd Brigade, 101st Airborne Division, U.S. Army, Hometown: Townsend, MA, Date and Place of Death: July 20, 2003 in Tallifar, Iraq.

(5) Private First Class John D. Hart, Age: 20, Unit: 1st Battalion, 508th Infantry Regiment, 173rd Airborne Brigade, U.S. Army, Hometown: Bedford, MA, Date and Place of Death: October 18, 2003 in Taza, Iraq.

(6) 1st Lieutenant Brian M. McPhillips, Age: 25, Unit: 2nd Tank Battalion, 2nd Marine Division, U.S. Marines, Hometown: Pembroke, MA, Date and Place of Death: July 27, 2003 in central Iraq.

(7) Captain Benjamin W. Sammis, Age: 29, Unit: Marine Aircraft Group 39, 3rd Marine Aircraft Wing, U.S. Marines, Hometown: Rehobeth, MA, Date and Place of Death: April 4, 2003 in Ali Aziziyal, Iraq.

(8) Sergeant First Class Daniel H. Petithory, Age: 32, Unit: U.S. Army, Hometown: Cheshire, MA, Date and Place of Death: December 5, 2001 in Afghanistan.

(9) Staff Sergeant Bruce A. Rushforth, Jr., Age: 35, Unit: U.S. Army, Hometown: Middleboro, MA, Date and Place of Death: February 21, 2002 in the Philippines.

SUPPORTING THE FALLEN PATRIOTS TAX RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I do not want to be redundant in terms of the eloquence of my predecessor, the gentleman from Massachusetts (Mr. McGOVERN), and what he has already so adequately articulated, but I rise in support of what was initially the McGovern bill, referred to as the Fallen Patriots Tax Relief Act, and I will support, of course, the Renzi bill, which I understand will be considered on the floor tomorrow, also known as the Fallen Patriots Tax Relief Bill.

Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. McGOVERN) for bringing this subject matter to the ears and eyes of America, and particularly to the House of Representatives, which has responsibility for its passage. The bill will increase the military benefit to $12,000 and make it tax exempt, an idea certainly that is long overdue in terms of its implementation.

We cannot be concerned about the cost of the bill. I have been reading the CQ reports and other analyses of what this bill will eventually cost, particularly that section that suggests that it go back retroactively to September 11, 2001 and provide exemption for those who were in the service at that time forward.

Currently 340 American military personnel have lost their lives in Operation Iraqi Freedom, and 92 in Operation Enduring Freedom in Afghanistan and in the Philippines. While an examination of the bill shows it does in fact impose a great cost on the American people, the cost of the lives cannot be measured in terms of dollars.

The death tax gratuity payment of $6,000, of which $3,000 is taxable, is proposed to be increased to $12,000 in terms of the gratuity payment, and the entire amount would be tax-free, which is, of course, no less than right. The deceased's surviving spouse, parents, children, brothers and sisters should not have to worry about running afoul of the IRS because their loved one just lost their life in the line of duty. The bill also extends the filing deadline for income tax purposes, an idea, of course, whose time has come and passed.

I want to commend the authors of both bills for bringing this very needed legislation to the House, Mr. Speaker, and also the fact that it provides the National Guard and Reserve members an above-the-line tax deduction for overnight transportation, meals, and lodging expenses for those who travel more than 100 miles.

□ 2045

The National Guard is indeed a vital aspect of our military operation of this Nation and should be treated with respect and with the kind of exemptions that they so rightly deserve.

I understand that the bill also, Mr. Speaker, eliminates the qualifying 5-year period from capital gains on the sale of the residence while the taxpayer or taxpayer's spouse serves on qualified official extended duty as a member of the Armed Forces or the foreign services.

Again, Mr. Speaker, I am proud that the House of Representatives has come to this point to rectify an injustice that has existed in law insofar as it has affected the military men and women who serve and who sacrifice and so many of them who lose their lives as a result of preserving the freedom of this Nation. I support the legislation, and I encourage Members of the House to do likewise.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AN IDEA WHOSE TIME HAS COME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, this afternoon and earlier in the Special Orders, our colleague, the gentleman from Indiana (Mr. BURTON), talked about a meeting that we had, a forum that we conducted today in Boston, Massachusetts. We had about seven or eight Members of the House, and we had a forum talking about the issue of prescription drugs and how much Americans pay for prescription drugs relative to what industrialized countries around the world pay for those same drugs. It was sort of appropriate that we had this forum in Boston; and I observed at the beginning of the meeting that a little over 200 years ago there were patriots who began to throw tea in Boston Harbor because a king in England had imposed a half-penny tax on tea, and they were mad as hell and they were not going to take it anymore. That same spirit of that Boston Tea Party was alive today and that spirit is growing.

At that forum we had Governor Pawlenty of the State of Minnesota. I have to tell my colleagues I was so proud of him because he outlined the plan that he has for Minnesotans to allow them to have access to world-class drugs at world market prices. Now, he did not put a number on it, but my estimate is that Minnesotans will save at least $50 million by simply opening up markets as we do with virtually every other product. He also said in his remarks that the States are the laboratories of democracy and that it is time for the States to take the leadership and demonstrate what can be done in terms of opening up markets and saving consumers billions.

We also had the Attorney General from the State of Massachusetts. He made a very good point, that as these big pharmaceutical companies now are reaching out and saying we are not going to ship as many drugs to Canada, he reminded us and them that there are antitrust laws on the books and if the Federal Government will not enforce them, then the States will.

We also had representatives from Governor Blagojevich from the State of Illinois who talked about their plan and his plan and how he believes that they can save the State of Illinois $91 million. That is $91 million that can be spent on children. That is $91 million that can be spent on firefighters and police officers to keep the State safer.

We also had Dr. Steve Schondelmeir, who is a pharmacist himself, teaches pharmacology at the University of Minnesota. He estimated that Americans next year will spend at least $220 billion on prescription drugs. He went on to say that he believed that if you simply opened up markets, that markets would begin to level. He agrees with me or I agree with him that the goal is not for Americans to go to other countries to buy prescription drugs; the goal is to open up markets, and markets level. Prices here in the United States would come down at least 30 percent.

Now, I am not good in mathematics, but 30 percent of $220 billion is over $60 billion a year. That would be the largest tax cut we could ever give the American people. If the goal of the tax cut is to allow Americans to keep and spend more of their own money, then market access certainly should be part of that equation.

We also had Dr. Elizabeth Wenner, who has her own program going in the State of Vermont to encourage the patients there in her clinics to buy their drugs and make it easier for them to legally and safely buy those drugs from pharmacists across the border in Canada. She has numbers to demonstrate how much their patients have saved; and the average, believe it or not, is over 60 percent.

Then we had Mayor Albano, the mayor of Springfield, Massachusetts. He began his voluntary plan for city employees there and he has only been operating for a few months, and his estimates are that they have saved $600,000. We are talking about real money, I say to my colleagues. It is not just about seniors; it is about everybody.

Victor Hugo said, more powerful than an invading army is an idea whose time has come. I do not know what is going to happen in the conference committee, but I know this: you cannot hold back an idea whose time has come.

PASS THE ARMED FORCES TAX FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, earlier this year, the House majority leader, the gentleman from Texas (Mr. DELAY), said this, and I quote: "Nothing is more important in the face of war than cutting taxes."

As someone who represents Fort Hood in Texas where 17,000 soldiers have left, now fighting in Iraq, I find the gentleman's priorities to be somewhat bizarre. I think he is wrong, and I think the American people would agree that he is wrong. In a time of war, nothing is more important than supporting our troops and our military families.

I find it shameful that the same majority leader who said, "Nothing is more important than cutting taxes during a time of war," has actually, along with the Speaker of the House, kept bottled up right here in the well of the House for 7 months the Armed Forces Tax Fairness Act, an act that would provide some meager tax benefits for brave servicemen and -women and their families, including our military personnel now in Iraq, in Afghanistan. The same House Republican leadership who earlier this year fought so hard to pass a $230,000 tax break to American citizens making $1 million this year in dividend income cannot seem to say we can afford to pass a modest tax benefit bill for military servicemen and -women even though our Nation is at war.

I find it amazing that that same House leadership today thought that we had enough time in the Congress to rename three post offices this afternoon; but they have not had time in 7 months, in 7 months, to grab the Armed Forces Tax Fairness Act and bring it to the floor of the House, which they could do tomorrow and we could pass by unanimous consent.

I think it sends a terrible message to our military families and to those in combat, in harm's way, that we can pass a $230,000 tax break for people making $1 million in dividend income this year sitting safely in their homes and offices in America, but we cannot afford or we cannot find time to help out a little bit with real estate tax benefits, with gratuity tax benefits, which we will partly deal with tomorrow with the Renzi-McGovern bill, but also with benefits to help Guardsmen and Reservists pay for the cost of their travel and overnight stay and meals when they are doing training for our country.

Mr. Speaker, I think the House Republican leadership should explain to the American people why they would hold up the Armed Forces Tax Fairness Act simply because the Senate added an amendment, and then passed the bill unanimously, to pay for that military benefit by shutting the loophole on Benedict Arnolds who turn their backs on our country, renounce their citizenship, just to simply avoid paying American taxes. It seems to me that the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT) should explain why, at least in their actions, they are saying, in effect, that protecting Benedict Arnolds is more important than providing tax benefits for our brave servicemen and -women.

Now, I commend the gentleman from Arizona (Mr. RENZI) and the gentleman from Massachusetts (Mr. MCGOVERN). I think the gentleman from Massachusetts (Mr. MCGOVERN) originally introduced this bill back in September, but I commend the gentleman from Arizona (Mr. RENZI) for his leadership tomorrow on the bill to provide increased death benefit gratuities, as someone who just received two death notices from Fort Hood soldiers in my district today. That is the right thing to do, although, frankly, I am not sure we should be too proud of the fact that we are increasing the military death combat benefit to surviving family members to $12,000. Families whose loved ones lost their lives in the September 11 tragedy received on average over $1 million from various sources, and yet we are increasing the death gratuity to $12,000.

Now, even that death gratuity benefit, as important as it is, and I will vote for it and we will probably pass it unanimously tomorrow; but let us keep it in perspective. If we assume approximately 300 deaths so far in the Iraqi war and in Afghanistan and in that whole combat arena, that is going to cost the American taxpayers about $1.8 million, million. Yet the House Committee on Ways and Means today found time and the affordability to pass a $40 billion tax cut to multinational corporations and, overall, a $60 billion tax cut.

Mr. Speaker, we should pass the Armed Forces Tax Fairness Act. Our servicemen and women deserve no less.

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEATH GRATUITY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I really appreciate what the gentleman from Massachusetts (Mr. MCGOVERN) from the Democratic side and the gentleman from Arizona (Mr. RENZI) from the Republican side are doing. I want to explain as to some of the speeches I have heard tonight. This is an effort; I go back myself. I hate to talk about myself, but for 2 years I have been trying to get this death gratuity tax removed. In fairness to the leadership, both Democrat and Republican, we have passed to the Senate, five times over 2 years, a bill, a larger bill than this bill, that would have removed the death gratuity and also some of the other issues that would have been fair to our military as it relates to tax fairness that the gentleman from Texas, my friend, mentioned. I do not know about the recent bill, but the bills that we passed in the last five times in the last 2 years would have accomplished some of these considerations for our men and women in uniform.

I just want to mention very quickly that this year, and I want to thank the gentleman from Massachusetts (Mr. MCGOVERN), my bill dealt with removing the death gratuity 2 years ago; but it was $6,000. That was the cap on the death gratuity amount. I am glad that the McGovern bill and the Renzi bill both move it up to $12,000. It is what it should be. But for me, when I started this effort 2 years ago, I say to the gentleman from Texas (Mr. EDWARDS), it dealt with eliminating the death gratuity tax.

So again I want to say that I am pleased tonight that we are all, both Republican and Democrat, believing that the military tax fairness bill that has been sent over a few months ago has not been taken up by the Senate side, and I do not know the status on this side of a second bill.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, first I want to commend the gentleman. He has been courageous in standing up for military families and veterans, one of only two Republicans to sign the discharge petition on concurrent receipt.

The gentleman was mistaken in that the Senate has taken no action on the Armed Forces Tax Fairness Act. They passed that unanimously 97 to 0 in March, 7 months ago. It has been sitting here at the Speaker's desk, and if the House Republican leadership would bring it to the floor tomorrow, we could pass it unanimously. Apparently, what they object to in passing the bill is closing the Benedict Arnold tax loophole.

Mr. JONES of North Carolina. Mr. Speaker, reclaiming my time, I thank the gentleman for correcting me. I was mistaken about the Senate's action and I stand corrected. I will say, and then I will yield back the balance of my time, because I think even though we all have our reasons for feeling that some action has not been taken and possibly, I will say this, that I believe that we all, in a bipartisan way, support our men and women in uniform, we support their families, and we want to make sure that those who have given their lives for this country that the families are adequately compensated; not that there is enough, quite frankly, to pay those who have given their lives for this country.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FOREIGN POLICY CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the comments of the gentleman from North Carolina (Mr. JONES) and the gentleman from Texas (Mr. EDWARDS) and the good work they have done. I have come to the House floor night after night since July sharing concerns about the treatment of our men and women in uniform in Iraq, concerns about the basis of our Iraq policy, concerns about the $87 billion we are spending in Iraq, in addition to the $1 billion a week we have already been spending; about the corruption and the ineptness of the Bush administration and their all-too-often focusing more on the private contractors like Halliburton and Bechtel than they have on the safety of our armed services and our troops.

□ 2100

And as a result, Mr. Speaker, I have shared these from my constituents night after night since July about these issues. I would like to do that again this evening.

Paula from Akron, Ohio, writes, "We need to be concerned with our troubled economy at home. This country doesn't have $87 billion to send overseas when we have an education system that is in shambles and millions out of work."

Cory of Copley, Ohio, writes, "Please do not give the administration another blank check so they can continue their oil wars. Tell them to pull out of Iraq and let the U.N. take control. The administration has lied to the country. Please do your part in returning our country to the people."

I think Cory was talking about some of the statements from some of the top leaders in this country about weapons of mass destruction and other issues which have proven to be not true.

Karen of Broadview Heights writes, "We have been way too patient with men who clearly do not know what they are doing and who do not care how much of the taxpayers' money they spend to do it."

Michael of Strongsville writes, "I think it is either irresponsible or insane, or perhaps both, to have huge tax cuts at the same time we are spending huge amounts for war." What Michael is referring to is that this Congress and the President have passed a tax cut where the average millionaire gets a $93,000 tax cut while half of the people in my State got literally zero dollars in a tax cut. "I hope our legislative branch of government," Michael writes, "deliberates long and hard before coughing up another $87 billion."

Colette of Strongsville writes, "To give them $73 billion more to continue their real aim, contracts for Halliburton, Bechtel, and others in corporate America, would be a crime against the people in the United States who now reel with economic deterioration at home. It is time to hold those accountable who led us into such a dark place in our Nation's history."

What Colette is talking about, Mr. Speaker, is that we spend a billion a week today, before the $87 billion appropriation, a billion dollars a week in Iraq today.

The President has by and large privatized the military in the sense that one-third of that billion now goes to private contractors, Halliburton, Bechtel, other major companies, all of those companies are major contributors to the President, to his campaign. The President has raised almost $100 million already. Much of it comes from these companies.

I would add too that Halliburton, the company where Vice President CHENEY, before Governor Bush tapped him as his running mate, Vice President CHENEY was CEO of this company. He still is receiving $13,000 a month from Halliburton while Halliburton is getting, literally, hundreds of millions of dollars in unbid contracts.

So what we see, Mr. Speaker, and what Colette obviously is upset about, is we are privatizing, in many ways, much of the military, $300 million a week going to these private companies in unbid contracts, and those companies are still paying, in one case, the Vice President of the United States $13,000 a month.

Sandy of Hinckley, Ohio, writes, "It is of extreme importance for the future of this country to hold President Bush accountable. We lost a great deal in human life and money for claims that even President Bush cannot now and does not now defend."

Vera of Strongsville writes, "I want my tax dollars rebuilding us, not Iraq or any other country. $87 billion would go a long way here in the United States. Secretary Rumsfeld and his team need to be replaced with some honest and caring people who will tell the truth and do the best things for the Iraqi people and will bring our troops home safely."

Mr. Speaker, a couple of weeks ago when the $87 billion was approved by this body, I had an amendment that required that all U.S. companies which relocated their headquarters to an offshore tax haven would be ineligible for any government contracts. In other words, if a company moved offshore to avoid taxes, they could no longer get any government contracts to do work in Iraq.

Unfortunately, the Bush administration opposed that amendment. The Republican leadership in this House would not even allow that amendment to be offered. That is what I mean, and what many of these letter writers mean, when they talk about the corruption and the incompetence of the Bush administration and the failure of the Bush administration to provide safe drinking water and body armor and other things for our troops to protect them and supply them in a faraway land.

CONDEMNING RELIGIOUSLY INSENSITIVE REMARKS OF GENERAL WILLIAM BOYKIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, today 16 of my colleagues and I have introduced a resolution calling on the President of the United States to censure and reassign General Boykin for his religiously intolerant remarks against people of Islamic faith.

As Members of Congress, we should all be embarrassed and disturbed by General Boykin's controversial remarks made in uniform over a period of time which includes such statements as, quote, "Our spiritual enemy will only be defeated if we come against them in the name of Jesus." "I knew that my God was a real God and the Muslim God was an idol." "Islamic extremists hate the United States because we are a Christian nation." And, "President Bush is in the White House because God put him there."

These remarks do untold damage to our efforts to reach out to the Iraqi people and the Muslim world and to battle terrorism.

Last week the President rightly criticized the Prime Minister of Malaysia for his anti-Semitic remarks by telling him his comments were, quote, "wrong and divisive," end quote. I agree with these criticisms, but the administration must show the world that it is willing to condemn all religiously intolerant remarks, including those that occur within our own military.

President Bush's failure so far to criticize General Boykin's remarks make it imperative for Congress to demand action. Our Nation must show the world that we will not stand for the type of intolerant behavior exhibited by General Boykin.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 17, 2003.

Hon. DONALD H. RUMSFELD,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my extreme displeasure over Lieutenant General William Boykin's remarks about the war and the Muslim religion. Lt. Gen. Boykin serves as deputy undersecretary of defense for intelligence and is charged with heading a Pentagon office that focuses on finding Osama bin Laden, Saddam Hussein and other targets. This is a critical policymaking position, and it is outrageous that someone who holds such extreme, closed-minded, zealous views would be allowed such a prominent position in our military.

Lt. Gen. Boykin's remarks over the past few years, including remarks that Islamic extremists hate the United States because "we're a Christian nation," that "our spiritual enemy will only be defeated if we come against them in the name of Jesus," that President Bush "is in the White House because God put him there," and that Boykin's "god was a real god and [the Muslim god] was an idol," are disgraceful and wholly inappropriate for a man in his position. These remarks are inflammatory to Muslims in our communities and abroad.

While every American has the freedom to speak his mind and express his opinion, it is essential that those who hold high profile, policymaking positions in our government exercise judgment in their public speaking. Lt. Gen. Boykin clearly lacks such judgment. I urge you to reassign or reprimand him; we cannot afford to have such an extremist speaking on behalf of our nation and our military.

Sincerely,

JOHN CONYERS, JR.
Ranking Member

LT. GEN. BOYKIN CONTROVERSY CHRONOLOGY

June 2002: William G. ("Jerry") Boykin speaks from the pulpit at the First Baptist Church of Broken Arrow, Okla., describing photos that he had taken of Mogadishu, Somalia from an army helicopter in 1993. He said that he noticed a strange dark mark over the city and that he had an imagery interpreter trained by the military look at the mark in the photo. "Ladies and gentlemen, this is your enemy," he said to the congregation as he flashed the pictures on a screen. He continued, "It is a demonic presence in that city that God revealed to me as the enemy."

January 2003: Boykin tells the following story in a speech at a church in Daytona, Fla.: "There was a man in Mogadishu named Osman Atto," whom Boykin described as a top lieutenant of Mohammed Farah Aidid. When Boykin's Delta Force commandos went after Atto, they missed him by seconds, he said. "He went on CNN and he laughed at us, and he said, 'They'll never get me because Allah will protect me.'" "Well, you know what?" Boykin continued. "I knew that my God was bigger than his. I knew that my God was a real God and his was an idol."

June 2003: Pentagon announces that Secretary of Defense Donald Rumsfeld has nominated Boykin for a third star and names him to a new position as deputy undersecretary of defense for intelligence. Boykin's duties include reinvigorating Rumsfeld's "High Value Target Plan" to track down Osama bin Laden, Saddam Hussein, Mullah Omar and other terrorist leaders. Boykin speaks from the pulpit of the Good Shepherd Community Church in Sandy, Ore., displaying slides of Osama bin Laden, Saddam Hussein, and North Korea's Kim Jung Il. He asks the congregation, "Why do they hate us? The answer to that is because we're a Christian nation. . . . We are hated because we are a nation of believers." Our "spiritual enemy," Boykin continued, "will only be defeated if we come against them in the name of Jesus."

October 15, 2003: Audio and videotapes of Boykin's appearances before religious groups while wearing his Army uniform over the last two years surface and are reported on by NBC News on the "Nightly News with Tom Brokaw."

October 16, 2003: Rumsfeld declines to criticize Boykin's remarks and praises the general's military record. Gen. Richard Myers, chairman of the Joint Chiefs of Staff, issues a statement that he did not think Boykin broke any rules.

October 17, 2003: Pentagon officials confirm General Meyers' assessment and report that lawyers in the Department of Defense General Counsel's office found no legal grounds for action against Lt. Gen. Boykin after a preliminary review of Boykin's reported remarks. Rep. John Conyers, Jr. sends a letter to Defense Secretary Rumsfeld calling for him to reassign or reprimand Boykin, arguing that "While every American has the freedom to speak his mind and express his opinion, it is essential that those who hold high profile, policymaking positions in our government exercise judgment in their public speaking. Lt. Gen. Boykin clearly lacks such judgment." Senate Armed Services Committee Chairman John Warner joined the ranking minority member of his committee, Sen. Carl Levin, in asking Defense Secretary Rumsfeld to refer this matter to the Department of Defense Inspector General to conduct an investigation into the conduct and remarks made by Boykin and asking that Boykin be reassigned while the investigation was pending. Boykin issues an apology to ". . . those who might have been offended by [his] statements . . ." and denied he was anti-Islam.

October 20, 2003: In response to a statement made by Malaysia's Prime Minister Mahathir Mohamad that "the Jews rule the world by proxy" and that Islamic nations should unite against being "defeated by a few million Jews," President Bush takes Mohamad aside during the economic summit in Bangkok and tells him that what he said was "wrong and divisive," and that "it stands squarely against what I believe in."

October 21, 2003: Rep. Conyers issues a statement to Rumsfeld arguing that the "Inspector General review of General Boykin's statements . . . is insufficient to deal with the growing controversy." Rep. Conyers continues, "What we need from the Administration now is a clear and resolute condemnation of remarks which are hateful and racist in nature and content. The fact that General Boykin, our lead military official in charge of rooting out terrorism, can be permitted to spew invectives which undermine not only our friends and allies, but millions of our own citizens without being reassigned from his sensitive position is shameful."

October 22, 2003: President Bush is asked by reporters about Gen. Boykin's comments during his trip to Asia. Bush says that the subject had come up during his meeting with Muslim leaders from Asian countries and offers a mild rebuke of Gen. Boykin's controversial statements: "I said, [Boykin] didn't reflect my opinion . . . it just doesn't reflect what the government thinks." Bush goes on to say that Gen. Boykin will not be reassigned as a result of his controversial remarks.

H. RES. 419

Whereas Lieutenant General William Boykin, United States Army, who is currently serving as Deputy Under Secretary of Defense for Intelligence and War-Fighting Support, has recently made a number of intolerant remarks against people of the Islamic faith while wearing his military uniform during numerous public addresses;

Whereas those remarks by Lieutenant General Boykin include the following: Islamic extremists hate the United States because "we're a Christian nation"; "Our spiritual enemy will only be defeated if we come against them in the name of Jesus"; President Bush "is in the White House because God put him there"; "I knew that my God was a real God, and [the Muslim God] was an idol"; "The enemy that has come against our nation is a spiritual enemy" named Satan;

Whereas Islam is a monotheistic faith, a faith whose followers are an integral part of the social fabric of America and many other countries;

Whereas the position currently held by Lieutenant General Boykin requires him to interact routinely with Muslims from all over the world;

Whereas Lieutenant General Boykin has failed to retract his remarks or to issue a full apology for those controversial and divisive statements;

Whereas the remarks made by Lieutenant General Boykin have impaired the image of the United States worldwide and threaten to endanger United States forces in Iraq and Afghanistan; and

Whereas such remarks by a high-ranking military official undermine the war on terrorism by insulting Muslim allies of the United States and Muslim citizens of the United States, including those Muslim citizens in the United States Armed Forces: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns bigotry and intolerance against any religious group, including people of the Islamic faith; and

(2) calls on the President—

(A) to clearly censure Lieutenant General William Boykin, United States Army, for his religiously intolerant remarks against people of the Islamic faith; and

(B) to reassign Lieutenant General Boykin to a new position in which his views will not impact United States Government policy decisions toward Muslims.

HOW IS A SURGEON TO SURVIVE IN BUSINESS?

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise again this week as I have done in previous weeks to call attention to declining Medicare reimbursement for physicians. Effective January 1, 2004, physicians and other providers paid pursuant to the Medicare physician fee schedule face at least a 4.2 percent cut in reimbursements.

For nearly 40 years, Medicare has provided necessary health care to those millions of patients across this country. Another steep cut in reimbursement rates is now forcing many physicians who care for Medicare patients to make very difficult choices. Complicating the situation, Mr. Speaker, further, is the fact that doctors in some areas are experiencing double and even triple-digit percentage increases of their liability premiums. In a host of States, like my State of Georgia, surgeons are scrambling to find affordable liability insurance, if it is available at all.

When doctors are forced out of practice, patient access to care is further compromised. Fewer doctors overall translates into greater difficulty obtaining an appointment for every patient but especially those who rely on Medicare.

Earlier this year we passed H.R. 5, the HEALTH Act to combat the problem of increased liability premiums at the Federal level. Unfortunately, this commonsense legislation has now languished in the Senate. I reiterate my support for this bill, and I urge its swift passage by the entire Congress so that President Bush can sign it into law this year.

Until that time, however, one of the main costs of running a medical practice for many high-risk specialists, including general surgeons, will continue to be liability insurance. Looking at this chart, you can easily see that increases in liability premiums have grossly outpaced Medicare reimbursement.

Using information collected by the independent trade publication Medical Liability Monitor, this chart compares the average liability premiums for general surgeons to the Medicare physician payment update. In 2001, physicians received a 5.1 percent Medicare payment update. During that same period liability premiums increased 14.6 percent. Then the next year Medicare physician payments were cut 5.4 percent. While doctors are trying to manage this cut, their liability premiums spiked to an additional 29 percent. There is no doubt that at least with respect to liability premiums, Medicare reimbursement continues to fall far behind the cost of doing business.

As an OB/GYN myself, I can assure you that a physician's practice is indeed a small business. When faced with decreasing income and soaring expenses, doctors cannot simply increase the cost of patient visits. To keep medical practices open, doctors make tough choices. Some doctors delay the purchase of new equipment; others reduce the size of the staff. Many increase the percentage of non-Medicare patients they see, leaving insufficient time in a busy schedule to see a sufficient number of Medicare patients.

Mr. Speaker, I would like to relay a story that demonstrates just how the cuts in physician reimbursements are affecting medical practices in my home State of Georgia. Dr. Harry Sherman, former president of the Georgia chapter of the American College of Surgeons, has lived in Georgia for more than 70 years. He remembers when Congress first enacted Medicare. Now, about 40 percent of his surgical patients are Medicare.

I recently had an opportunity to speak with Dr. Sherman at the American College of Surgeons annual meeting in Chicago. During our conversation, it became clear to me that Dr. Sherman obtains a great deal of personal satisfaction from treating Medicare patients.

As a physician myself, I understand that unique bond that develops between doctor and patient, but as the cost of doing business continues to increase and the level of reimbursement drops, further and further, he admits that it influenced his decision about when to retire.

Dr. Sherman is one of Georgia's most seasoned surgeons. He was born and raised in Georgia, and is truly an asset to his community and his patients. When continued Medicare payment cuts are forcing good surgeons like Dr. Sherman to retire for financial reasons, something is badly wrong.

One of the greatest achievements of the Medicare program is the access to high-quality care it has brought to our Nation's seniors and disabled patients. This level of access cannot be expected to continue in the face of deep Medicare cuts and growing liability premiums.

Mr. Speaker, doctors are the linchpin of the Medicare system. Let us not force them out of the system. Stop the 4.2 percent Medicare physician cut; help doctors help those who need their care the most.

OXI DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, today I join people of Greek descent in Astoria, New York, the country, and the world in saluting the courageous acts of the Greeks against Mussolini and Hitler.

October 28, 2003, marks the 63rd anniversary of a very historic day in Greek history. On October 28, 1940, the Italian Minister in Athens gave an ultimatum to the Prime Minister of Greece, demanding the unconditional surrender of Greece. His answer was "Oxi," which means "no" in Greek.

Military success for the Italians would have sealed off the Balkans from the south and helped Hitler's plan to invade Russia. In fact, the Italian army was fully equipped, well supplied, and backed by superior air and naval power. They were expected to overrun Greece within a short time. Fortunately, the Greek Army proved to be well trained and resourceful despite their lack of military equipment.

In less than a week after the Italians first attacked, it was clear that their forces had suffered a serious setback in spite of having control of the air and fielding armored vehicles. On November 14th, the Greek Army launched a counteroffensive and quickly drove Italian forces far back into Albania. On December 6th, the Greeks captured Porto Edda and continued their advance along the seacoast toward Valona. By February 1, 1941, the Italians had launched strong counterattacks, but the determination of the Greek Army coupled with the severity of the winter weather, nullified the Italians' efforts.

The Italians launched another offensive on March 12, 1941, but after six days of fighting, the Italians made only small gains, and it became clear that German intervention was necessary if the Italians were going to win.

On March 26th, Hitler declared that he would make a clean sweep of the Balkans. It took him five weeks, until the end of April, to subdue Greece. It turned out to be an important five weeks. These five weeks delayed Hitler's invasion of Russia and contributed to the Germans' failure in Russia.

The victory of the Greek Army against the Italians astonished the world. The heroic stance by the Greeks against insurmountable odds, was the first glimmer of hope for the Allies, and today we can take great pride in those who risked their lives to defend their country.

PASS THE FALLEN PATRIOTS TAX RELIEF ACT, H.R. 3365

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, I rise to urge passage of the Fallen Patriots Tax Relief Act, H.R. 3365, which has been introduced by the distinguished gentleman from Arizona (Mr. RENZI). Contemporaneous with the Persian Gulf conflict, Congress increased from $3,000 to $6,000, the military death gratuity payable to the survivors of deceased members of our Armed Forces.

Unfortunately, unlike the original $3,000 benefit, this additional $3,000 to the survivors of our fallen patriots was left exposed to taxation. This cannot continue. The Fallen Patriots Tax Relief Act will restore the military death gratuity to its rightful and tax exempt status and increase the military death gratuity for survivors of our fallen patriots up to a total of $12,000, retroactively effective to September 11, 2001.

Mr. Speaker, of course, so many today are tempted to measure their compassion in money. Let us make no mistake, no amount of money will mute or diminish these survivors' immeasurable pain, an immeasurable pain which can only be told by the mounting of time and the mercy of God.

□ 2115

Yet, still in support of and in tribute to our fallen and their families, our humanitarianism compels us to try. Consequently, in support of our troops and their families our words are prolific.

Now, during this current Persian conflict, our deeds must best our rhetoric. It is the least and not the last we must do for those who have so terribly sacrificed and suffered for our freedom, for our country, for us.

FALLEN PATRIOTS TAX RELIEF ACT OF 2003

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Arizona (Mr. RENZI) is recognized for 60 minutes as the designee of the majority leader.

Mr. RENZI. Mr. Speaker, I want to begin by recognizing the steadfast leadership provided by my colleagues, especially the gentleman from North Carolina (Mr. JONES) who has fought for this legislation, for this issue, for over 2 years, as well as the gentleman from Massachusetts (Mr. MCGOVERN), who without their original initiatives, the Fallen Patriots Tax Relief Act would not have become a reality and gained such bipartisan support. In addition, I want to thank them for their guidance on this bill and their strong cooperation in drafting this legislation.

Mr. Speaker, H.R. 3365, the Fallen Patriots Tax Relief Act of 2003, addresses the death gratuity paid to a survivor of a military member of the United States, which historically has been exempt from taxation. An oversight in the Tax Code after gratuity was increased to $6,000 left half of this payment subject to taxation. The benefit was designed to assist survivors of deceased members of the military with their financial needs during the period following the soldier's death and before other survivor benefits become available.

The first section of this legislation raises the death gratuity payment to $12,000. This increase has already been funded in the Defense Appropriations Act recently signed into law.

The second section of this bill amends the U.S. Tax Code to restore the payment to its historical full tax exempt status. This provision applies to deaths occurring on or after September 11, 2001, in order to provide for the families of those military personnel who lost their lives at the onset of the war on terrorism.

At a time when our Nation's sons and daughters and their families are making great sacrifices on behalf of this Nation, it is unconscionable to ask them to shoulder a tax burden on a gift intended to be free from taxation.

What is most important to remember when considering this significant legislation is that this bill will help families with the loss of their loved ones; the death gratuity payment must remain as a gift to the surviving family as a gesture of a grateful Nation and be done in a manner which dignifies their ultimate sacrifice.

The bipartisan support on this legislation shows that Congress recognizes the sacrifices made by these men and women of our Armed Forces against the war on terror.

What motivated me to become involved are three of our fallen patriots from my district in rural Arizona. The first was Spencer Karol, a 20-year-old Army Specialist with the 165th Military Intelligence Battalion from Holbrook, Arizona. Spencer was raised in California until his family moved to Holbrook while he was a junior in high school. He graduated from Holbrook High in 2001 and signed up with the Army with two of his friends. They were sent to Iraq this year.

Specialist Karol's mother, Bridget, a single mother, depended on her son for assistance, and he did so willingly. She said, "He helped me with his younger brothers. I, being a single mother, needed help on our ranch fixing roofs, putting up fences, clearing brush, with the livestock and he did all of it on his own without ever having to be told."

When he was not helping his mother in caring for his little brothers he was involved in community service activities that included helping the Hashknife Sheriff's Posse. His mom said he was also good with computers and worked a short time in the Navajo County Assessor's Office before going off to boot camp. She said he liked music and that Spencer was a gentleman. He liked to play the guitar and piano and was loved by his family and community.

Specialist Karol died when his vehicle was hit by an explosive device on patrol while looking for enemy combats on October 6, 2003, at Ar Ramadi, Iraq. This legislation gives Spencer Karol's mother the ability to cover the funeral expenses to bury her son.

Secondly, Private Lori Piestewa of the much-publicized 507th Maintenance Division was the first Native American woman on record known to be killed in action in our Nation's history. As a testament to her proud Hopi Indian warrior tradition, Lori went back into the thick of battle outside of An Nasirah, Iraq, to help her fellow soldiers, including Private Jessica Lynch, escape an Iraqi ambush. Lori was a 23-year-old single mother of two. She has a mountain and freeway named after her in Arizona, but her family still pays taxes on the payment they received from Lori's sacrifice.

This legislation corrects this injustice and gives her children added support.

Finally, 27-year-old Army Specialist Alyssa Peterson was a great athlete and graduated at the top of her class. She was good with languages and gracious to her family and friends.

I would like to share with you an essay that this bright, energetic young woman wrote when she was in fifth grade as a student at Sechrist Middle School in Flagstaff, Arizona.

Alyssa wrote, "What is an American patriot? I believe an American patriot can be anyone who lives in America. I think that no matter what anyone does with their time, they can be a patriot each day. To be a patriot you need to be a loyal American. You need to stand up for what is right. You need to be the best person you can be. A patriot needs to help America be a better place to live. Cleaning up litter is being patriotic. Obeying traffic rules is being patriotic. Helping our neighbors and giving of ourselves is being patriotic. Participating in your school activities is being patriotic, just like adults participate in voting for our government leaders and laws is patriotic. A patriot obeys all the laws of the land. Patriotism is an attitude which shows up every day in our actions. No one needs to wait to be a patriot."

Let us all reflect on Alyssa's words by not waiting any longer to pass the Fallen Patriots Tax Relief Act of 2003 and give proper tribute and honor to those who have given their all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. STUPAK (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. ROYCE (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Florida, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, October 29, 30, 31, and November 3 and 4.

Mr. HENSARLING, for 5 minutes, today and October 29.

Mr. FEENEY, for 5 minutes, today and October 29.

Mr. GUTKNECHT, for 5 minutes, today and October 29, 30, and 31.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota; to the Committee on Resources.

In addition to the Committee on Energy & Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

S. 1768. An act to extend the national flood insurance program; to the Committee on Financial Services.

ADJOURNMENT

Mr. RENZI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4915. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Notice, Comment, and Appeal Procedures for National Forest System Projects and Activites (RIN:0596-AB89) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4916. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Forest Land Enhancement Program (RIN: 0596-AB95) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4917. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantine and Regulations [Docket No. 02-125-1] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4918. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Sapote Fruit Fly [Docket No. 03-032-3] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4919. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Approved Treatments [Docket No. 02-115-2] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4920. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of East Anglia With Regard to Classical Swine Fever [Docket No. 00-080-3] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4921. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Vinclozolin; Time-Limited Pesticide Tolerances [OPP-2003-0311; FRL-7327-6] received Ocotber 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4922. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4923. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal pertaining to commissioned military officers serving in the position of Associate Director of Central Intelligence for Military Support; to the Committee on Armed Services.

4924. A letter from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Choice Voucher Program Homeownership Option; Eligibility of Units Owned or Controlled by a Public Housing Agency; Correction [Docket No. FR-4759-C-04] (RIN: 2577-AC39) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4925. A letter from the Regulations Coordinator, OP/RPMS, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 02N-0276] (RIN: 0910-AC40) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4926. A letter from the Regulations Coordinator, OP/RPMS, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2003 [Docket No. 02N-0278] (RIN 0910-AC41) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plans Corrections [SIP NO. UT-001-0048, UT-001-0049, FRL-7573-8] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units; Control of Emissions From Existing Large Municipal Waste Combustors; Nevada; American Samoa; Northern Mariana Islands [NV-AM-NMI-103-NEGDECa; FRL-7572-5] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Municipal Solid Waste Landfill Location Restrictions for Airport Safety [RCRA-2002-0034, FRL-7573-6] (RIN: 2050-AE91) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — West Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7575-1] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4931. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulation of Air Quality Implementation Plans; Maryland; Modifications to the Attainment Plans for the Baltimore Area and Cecil County Portion of the Philadelphia Area to Revise the Mobile Budgets Using MOBILE6 [MD146-3103; FRL-7578-1] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4932. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Grants Pass PM-10 Nonattainment Area Redesignation to Attainment and Designation of Area for Air Quality Planning Purposes [Docket # OR-02-003a; FRL-7572-7] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4933. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Oregon; Klamath Falls PM-10 Nonattainment Area Redesignation to Attainment and Designation of Area for Air Quality Planning Purposes [Docket # OR-02-002a; FRL-7568-7] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4934. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ada County/Boise, Idaho Area [ID-02-003; FRL-7568-9] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4935. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion [FRL-7575-9; Electronic Docket OAR-2002-0068; Legacy Docket A-2002-04] (RIN: 2060-AK28) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4936. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised MOBILE6-based Motor Vehicle Emission Budget for the Pennsylvania Portion of the Philadelphia- Wilmington-Trenton Ozone Nonattainment Area [PA-201-4401a; FRL-7570-4] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4937. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Revision to Motor Vehicle Emission Budgets in Bernalillo County, New Mexico Carbon Monoxide Air Quality Maintenance Plan Using MOBILE6 [NM-46-4-7615a; FRL-7571-1] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4938. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Iowa [IA 187-1187a; FRL-7569-9] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4939. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokane County Air Pollution Control Authority, and Southwest Clean Air Agency for New Source Performance Standards [FRL-7567-8] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4940. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District and Santa Barbara County Air Pollution Control District [CA 253-0405a; FRL-7567-2] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4941. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia; Approval of Financial Assurance Regulations for the Commonwealth's Municipal Solid Waste Landfill Permitting Program [FRL-7569-4] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4942. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review —— Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4943. A letter from the Associate Chief, CPD, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements [WC Docket No. 02-112] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4944. A letter from the Deputy Chief, Policy Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 94-129] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4945. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00-256]; Federal-State Joint Board on Universal Service [CC Docket No. 96-45] Recieved October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4946. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Revision of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems [ET Docket No. 98-153] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4947. A letter from the Associate Chief, Competition Policy Division, Federal Communications Commission, transmitting the Commission's final rule — The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4948. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67]; Americans with Disabilites Act of 1990 [CG Docket No. 03-123] Recieved October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4949. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alamo Community, New Mexico) [MM Docket No. 00-158 RM-9921] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4950. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.0202(b), FM Table of Allotments, FM Broadcast Stations. (Manning and Moncks Corner, South Carolina) [MM Docket No. 01-121 RM-10125] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4951. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Braodcast Stations. (Grants, Milan, and Shiprock, New Mexico) [MM Docket No. 01-118 RM-10106]; (Van Wert and Columbus Grove, Ohio) [MM Docket No. 01-119 RM-10127]; (Lebenon and Hamilton, Ohio and Fort Thomas, Kentucky) [MM Docket No. 01-122 RM-10130] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4952. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Junction, Texas) [Dkt No.01-198 RM -10213]; (Dilley, Texas) [Dkt No.01-200 RM-10215]; (Goree, Texas) [Dkt No.01-202 RM-10217]; (Leakey, Texas) [Dkt No.01-203 RM-10 218]; (Sweetwater, Texas) [Dkt No.01-204 RM-10219]; (Arnett, Oklahom a) [Dkt No.01-236 RM-10242]; (Sayre, Oklahoma) [Dkt No.01-237 RM-10243]; (Hebbronville, Texas) [Dkt No.01-238 RM-10244]; (Bruni, Texas) [Dkt No.01-239 RM-10245]; (Rison, Arkansas) [Dkt. No.01-240 RM-10246]; (Matador, Texas) [Dkt. No.01-270 RM-10277]; (Turkey, Texas) [Dkt. No01-272 RM-10279]; to the Committee on Energy and Commerce.

4953. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Longview, Texas) [MM Docket No. 03-121 RM-10707] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4954. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 730202(b), Table of Allotments, FM Broadcast Stations. (Ephraim, Wisconsin) [MM Docket No. 00-238 RM-10008] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4955. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, -61BT, -32PT, and -24PHB Revision (RIN: 3150-AH27) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4956. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the Netherlands (Transmittal No. DTC 096-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4957. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DTC 090-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4958. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the United Kingdom, France, and Germany (Transmittal No. DTC 095-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4959. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 091-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4960. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Charles R. Holland, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on International Relations.

4961. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4962. A letter from the United States Capitol Police Board, transmitting the Board's report to Congress, pursuant to Public Law 108—7, section 1014; to the Committee on House Administration.

4963. A letter from the Staff Director, Office of Regulatory and Management Services, Forest Service, Department of Agriculture, transmitting the Department's final rule — Land Uses; Revenue-Producing Visitor Services in Alaska (RIN: 0596-AB57) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4964. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 100203B] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4965. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 100203A] received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4966. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on March 18, 2003, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

4967. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulation; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal, Chesapeake, VA [CGD05-02-108] (RIN: 1625-AA09) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4968. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety/Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland [CGD05-03-153] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4969. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lower Grand River (Alternate Route), Grosse Tete, LA [CGD08-03-041] received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4970. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Anchorage, Knik Arm, Alaska [COTP Western Alaska 03-003] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4971. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 03-002] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4972. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wisconsin Central Rail Road Bridge Fox River, Green Bay, Wisconsin [CGD09-03-270] (RIN: 1625-AA00) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes (Rept. 108–304 Pt. 2).

Mr. POMBO: Committee on Resources. House Concurrent Resolution 268. Resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries (Rept. 108–327). Referred to the House calendar.

Mr. POMBO: Committee on Resources. H.R. 313. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund (Rept. 108–328). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2766. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; with an amendment (Rept. 108–329). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina. Committee of Conference. Conference report on H.r. 2691. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–330). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 416. Resolution providing for consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes (Rept. 108–331). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 417. Resolution providing for consideration of the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes (Rept. 108–332). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 418. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 and for other purposes (Rept. 108–333). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself, Mr. Hostettler, Mr. Capuano, Mr. Taylor of Mississippi, Mr. Coble, Mr. Delahunt, and Mr. LoBiondo):

H.R. 3374. A bill to amend title 14, United States Code, to authorize the Commandant of the Coast Guard, after informing the Secretary of the department in which the Coast Guard is operating, to make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 3375. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income health care subsidy payments made to employers by local governments on behalf of volunteer firefighters; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 3376. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Transportation and Infrastructure.

By Mrs. DAVIS of California (for herself, Mr. Waxman, and Mr. Dingell):

H.R. 3377. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements; to the Committee on Energy and Commerce.

By Mr. GILCHREST:

H.R. 3378. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Resources.

By Mr. HILL (for himself, Mr. Hostettler, Ms. Carson of Indiana, Mr. Burton of Indiana, Mr. Visclosky, Mr. Pence, Mr. Chocola, Mr. Souder, and Mr. Buyer):

H.R. 3379. A bill to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the "Francis X. McCloskey Post Office Building"; to the Committee on Government Reform.

By Mr. JONES of North Carolina:

H.R. 3380. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act concerning the use of Federal disaster assistance for hazard mitigation measures; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 3381. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama:

H.R. 3382. A bill to amend titles II and XVIII of the Social Security Act to waive certain waiting periods for Social Security disability and Medicare benefits in the case of a terminally ill, disabled individual; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO (for himself, Mr. Engel, Mr. Ackerman, Mr. Bishop of New York, Mr. Boehlert, Mr. Crowley, Mr. Fossella, Mr. Hinchey, Mr. Houghton, Mr. Israel, Mr. King of New York, Mrs. Kelly, Mrs. Lowey, Mrs. Maloney, Mrs. McCarthy of New York, Mr. McHugh, Mr. McNulty, Mr. Meeks of New York, Mr. Nadler, Mr. Owens, Mr. Quinn, Mr. Rangel, Mr. Reynolds, Ms. Slaughter, Mr. Sweeney, Mr. Towns, Ms. Velázquez, Mr. Walsh, and Mr. Weiner):

H.R. 3383. A bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the "James J. Peters Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the maximum amount of the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations.

By Ms. ROS-LEHTINEN (for herself, Mr. Pallone, and Mr. Nadler):

H. Con. Res. 311. Concurrent resolution expressing the sense of Congress that the international community should recognize the plight of Jewish refugees from Arab countries and that the United Nations Relief and Works Agency for Palestine Refugees in the Near East should establish a program for resettling Palestinian refugees; to the Committee on International Relations.

By Mr. KILDEE:

H. Con. Res. 312. Concurrent resolution recognizing the valuable contributions of higher education faculty in the education of our Nation's students; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. Hyde, Mr. Dingell, Mr. Tauzin, Mr. Boehner, Mr. Smith of Texas, Mr. Ferguson, Mr. McCotter, Mr. Smith of New Jersey, Mr. Jones of North Carolina, Mr. Ballenger, Ms. Ros-Lehtinen, Mrs. Myrick, Mr. Burr, Mr. Stupak, Mr. Vitter, Mr. Shaw, Ms. Hart, Mr. Tom Davis of Virginia, Mr. Kleczka, Mr. Obey, Mr. Leach, Ms. Ginny Brown-Waite of Florida, Mr. Kanjorski, Mr. Kennedy of Minnesota, Mr. Green of Wisconsin, Mr. Quinn, Mr. Murphy, Ms.

Bordallo, Mr. Acevedo-Vilá, and Mr. Renzi):

H. Con. Res. 313. Concurrent resolution to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church; to the Committee on Government Reform.

By Mr. ENGLISH (for himself, Mr. DeLay, Mr. Ballenger, Mr. Green of Wisconsin, Mr. Manzullo, Mr. Rogers of Michigan, Mr. Stenholm, Ms. Pryce of Ohio, Mr. Collins, Mr. Baker, Mr. Gillmor, Mrs. Biggert, Ms. Hart, Mr. King of Iowa, Mr. McIntyre, Mr. Souder, Mr. Hill, Mr. DeMint, Mr. Hayworth, Mr. Coble, Mr. Everett, Mr. Platts, Mr. Ehlers, Mr. Hayes, Mr. Burr, Mr. Norwood, Mr. Boswell, Mr. Lipinski, Mrs. Myrick, Mr. Johnson of Illinois, Mr. Otter, Mr. Upton, Mr. Ford, Mr. Sensenbrenner, Mr. Oxley, Mr. Ryan of Wisconsin, Mr. Shuster, Mr. Brown of South Carolina, Mr. Cramer, Mr. McInnis, and Mr. Goodlatte):

H. Res. 414. A resolution to encourage the People's Republic of China to fulfill its commitments under international trade agreements, support the United States manufacturing sector, and establish monetary and financial market reforms; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. Lincoln Diaz-Balart of Florida, Mr. Davis of Florida, Mr. Hastings of Florida, Mr. Keller, Mr. Foley, Mr. Deutsch, Mr. Mica, Ms. Harris, Ms. Ginny Brown-Waite of Florida, Mr. Shaw, Ms. Corrine Brown of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Putnam, Mr. Feeney, Mr. Miller of Florida, Mr. Crenshaw, Mr. Stearns, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Goss, Mr. Boyd, Mr. Weldon of Florida, Mr. Bilirakis, and Mr. Young of Florida):

H. Res. 415. A resolution congratulating the Florida Marlins for winning the 2003 World Series; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. Pascrell, Mr. Kucinich, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Mr. Weiner, Mr. Meeks of New York, Mr. Wexler, Mr. McDermott, Ms. McCollum, Ms. Waters, Ms. Lee, Mr. Honda, Ms. Lofgren, Ms. Watson, Mr. Hinchey, and Mr. Meehan):

H. Res. 419. A resolution condemning religiously intolerant remarks and calling on the President to clearly censure and reassign Lieutenant General Boykin for his religiously intolerant remarks; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H. Res. 420. A resolution unequivocally condemning the damaging rhetoric of Lieutenant General William G. Boykin, United States Army, which has promoted hateful stereotypes of the religion of Islam; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

208. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to House Resolution No. 131 memorializing the United States Congress to support efforts to establish National Funeral Service Education Week; to the Committee on Government Reform.

209. Also, a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 18, memorializing the United States Congress to pass legislation that will immediately and permanently prohibit any state from imposing a tax on access to the Internet; to the Committee on the Judiciary.

210. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 6 memorializing the United States Congress to pass the Human Cloning Prohibition Act of 2003; jointly to the Committees on the Judiciary and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Ms. Loretta Sanchez of California.

H.R. 218: Mr. Reyes.

H.R. 220: Mr. Simpson.

H.R. 369: Ms. Pelosi and Mr. Gutierrez.

H.R. 371: Mr. LaHood.

H.R. 375: Mr. Mica and Mr. John.

H.R. 423: Mr. Fossella.

H.R. 476: Mr. Janklow.

H.R. 673: Mr. Wamp.

H.R. 687: Mr. Ramstad, Mrs. Emerson, and Ms. Granger.

H.R. 716: Mr. Boswell and Mr. Price of North Carolina.

H.R. 737: Mr. Owens and Mr. Bishop of Georgia.

H.R. 738: Mr. Grijalva and Mrs. Jones of Ohio.

H.R. 742: Mr. Souder and Mr. Sanders.

H.R. 768: Mr. Ney and Mr. Davis of Alabama.

H.R. 785: Mrs. Napolitano.

H.R. 802: Mr. Filner.

H.R. 833: Mr. Towns.

H.R. 840: Mr. Sweeney.

H.R. 857: Mr. Whitfield and Ms. Norton.

H.R. 869: Mr. Owens.

H.R. 876: Mr. Taylor of Mississippi, Mr. Cardoza, and Mr. Ballenger.

H.R. 882: Mr. Ross.

H.R. 898: Mr. Rahall.

H.R. 935: Mr. Price of North Carolina.

H.R. 936: Mr. Lewis of Georgia, Ms. Waters, Mr. Meeks of New York, Mr. Ballance, Mr. Thompson of Mississippi, Mr. Conyers, Mr. Wynn, Mr. Fattah, and Ms. Kaptur.

H.R. 944: Mr. Rodriguez, Mr. McNulty, Mr. Cummings, Ms. Watson, and Mr. Gonzalez.

H.R. 992: Mr. Kingston.

H.R. 1080: Mr. Moran of Virginia.

H.R. 1083: Mr. Camp.

H.R. 1102: Mr. Boehlert.

H.R. 1125: Mr. Lampson.

H.R. 1157: Mr. Bell, Mr. Davis of Florida, and Mr. Meeks of New York.

H.R. 1200: Mr. Clay, Mr. Towns, Mr. Berman, Mr. Jackson of Illinois, Mr. Frank of Massachusetts, and Mr. George Miller of California.

H.R. 1205: Mr. Israel.

H.R. 1212: Mr. Allen.

H.R. 1231: Mr. Shaw, Ms. Carson of Indiana, and Mr. Emanuel.

H.R. 1258: Mr. Jackson of Illinois, Mr. Bell, Mr. Green of Texas, and Mr. Owens.

H.R. 1286: Mr. Michaud.

H.R. 1288: Mr. Stenholm, Mr. Ose, and Mr. Cramer.

H.R. 1294: Mr. Shays.

H.R. 1316: Mr. Ryan of Ohio and Mr. Wolf.

H.R. 1322: Mr. Stark, Ms. Lofgren, Mr. Murtha, Mr. McDermott, Mr. Owens, and Mr. Berman.

H.R. 1345: Mr. Shays.

H.R. 1385: Mr. Wilson of South Carolina and Mr. Bishop of Georgia.

H.R. 1406: Mr. Emanuel and Mr. Isakson.

H.R. 1472: Mr. Davis of Illinois.

H.R. 1482: Mr. Michaud.

H.R. 1483: Mr. Udall of New Mexico.

H.R. 1582: Ms. Eddie Bernice Johnson of Texas.

H.R. 1585: Mr. Gutierrez.

H.R. 1653: Mr. Turner of Ohio and Mr. Wexler.

H.R. 1657: Mr. McDermott.

H.R. 1684: Mr. Udall of New Mexico, Mr. Allen, Mr. Nadler, and Mr. Payne.

H.R. 1708: Mr. Ose and Mr. Turner of Ohio.

H.R. 1726: Mr. Frank of Massachusetts.

H.R. 1798: Mr. Peterson of Pennsylvania.

H.R. 1819: Mr. Jackson of Illinois, Mr. Lincoln Diaz-Balart of Florida, Mr. Emanuel and Mr. Manzullo.

H.R. 1822: Mr. McDermott, Ms. Waters, Mrs. Capps, Ms. Eshoo, and Mr. McKeon.

H.R. 1824: Mr. Wu, Mr. Cantor, Mr. English, Mr. Bonner, Ms. DeLauro, and Mr. Simmons.

H.R. 1833: Mr. Putnam and Mr. Pomeroy.

H.R. 1890: Mrs. Johnson of Connecticut.

H.R. 1910: Mr. Duncan.

H.R. 1916: Mr. Frank of Massachusetts, Mr. Manzullo, Ms. Hart, and Mr. Quinn.

H.R. 1943: Mr. Upton.

H.R. 1993: Mr. Filner.

H.R. 1997: Mrs. Miller of Michigan.

H.R. 2131: Mr. McKeon.

H.R. 2169: Ms. Watson.

H.R. 2176: Mr. Green of Wisconsin.

H.R. 2181: Mr. Weller.

H.R. 2203: Ms. Lee and Mr. Weiner.

H.R. 2216: Mr. Filner and Mr. McCotter.

H.R. 2239: Ms. Millender-McDonald, Mr. Lipinski, Mrs. Capps, Mr. Bell, and Mr. Moran of Virginia.

H.R. 2256: Mr. McDermott.

H.R. 2260: Mr. Schrock, Mr. Olver, Ms. Schakowsky, Mr. Sullivan, Mr. Mario Diaz-Balart of Florida, and Mrs. Wilson of New Mexico.

H.R. 2262: Ms. Carson of Indiana.

H.R. 2318: Mr. Jackson of Illinois.

H.R. 2339: Mr. Holt.

H.R. 2347: Mr. Hensarling, Mr. Mario Diaz-Balart of Florida, and Mr. Putnam.

H.R. 2349: Mr. Jackson of Illinois.

H.R. 2365: Mr. Israel.

H.R. 2389: Ms. Schakowsky.

H.R. 2450: Mr. Rohrabacher.

H.R. 2511: Mr. Ryan of Ohio and Ms. Lee.

H.R. 2558: Ms. Harris.

H.R. 2671: Mr. Burgess, Mr. Upton, and Mr. Camp.

H.R. 2695: Mr. English and Mr. Murphy.

H.R. 2699: Mr. Deutsch, Mr. Greenwood, Mr. Strickland, and Mrs. Emerson.

H.R. 2705: Mr. Grijalva, Mr. Price of North Carolina, Mr. Cardoza, and Mr. Davis of Florida.

H.R. 2711: Mr. Manzullo, Ms. Hart, and Mr. Stupak.

H.R. 2728: Mr. Sullivan.

H.R. 2729: Mr. Sullivan.

H.R. 2730: Mr. Sullivan.

H.R. 2731: Mr. Sullivan.

H.R. 2768: Mr. Ehlers, Mr. McKeon, Ms. DeLauro, Mrs. McCarthy of New York, and Mr. Hall.

H.R. 2771: Mr. Ackerman, Mr. Hinchey, Mrs. Maloney, and Mr. Towns.

H.R. 2787: Mr. Inslee.

H.R. 2832: Mr. Gutierrez.

H.R. 2849: Mr. McGovern, Mr. Levin, Mr. Bradley of New Hampshire, and Mr. Hoeffel.

H.R. 2908: Mr. Walsh.

H.R. 2929: Mr. Radanovich.

H.R. 2932: Mr. Owens.

H.R. 2970: Mr. Allen.

H.R. 2986: Ms. Schakowsky, Ms. Eddie Bernice Johnson of Texas, and Mr. Reynolds.

H.R. 3019: Mr. Honda, Ms. Lee, Ms. Norton, Mr. Kildee, Mrs. Christensen, Mr. Ross, Mr. Reyes, Ms. Waters, Ms. DeLauro, Ms. Millender-McDonald, Mr. Snyder, Mr. Towns, Mr. Alexander, Mr. Hoeffel, Ms. Bordallo, Mr. Wynn, Mr. Case, Ms. Carson of Indiana, Mr. Pomeroy, Mr. Filner, Mr. Israel, Mr. Cooper, Ms. Hooley of Oregon, Mr. Edwards, Mr. Bishop of Georgia, Mr. Matheson, Mr. Kleczka, Mr. Evans, and Mr. Farr.

H.R. 3027: Mr. Owens.

H.R. 3042: Mr. Burgess and Mr. Hall.

H.R. 3049: Mr. Payne.

H.R. 3051: Mr. Faleomavaega, Mr. Serrano, and Mr. Ruppersberger.

H.R. 3052: Mr. Platts.

H.R. 3063: Mr. Ackerman and Mr. Owens.

H.R. 3092: Mr. Carson of Oklahoma.

H.R. 3112: Mrs. Miller of Michigan and Mr. Rogers of Michigan.

H.R. 3122: Ms. Hart.

H.R. 3125: Mr. Cannon and Mr. King of Iowa.

H.R. 3129: Mr. Grijalva.

H.R. 3133: Mr. Rothman and Mr. Serrano.

H.R. 3142: Mr. Janklow, Mr. Boehlert, Mr. McInnis, Ms. Harman, Ms. Linda T. Sánchez of California, and Mr. Capuano.

H.R. 3155: Ms. Woolsey.

H.R. 3171: Ms. Eshoo, Ms. Linda T. Sánchez of California, and Mr. Owens.

H.R. 3178: Mr. Manzullo, Mr. Quinn, Mr. Ackerman, Mr. Marshall, Ms. Schakowsky, Mr. Murtha, Mr. Rahall, and Mr. Kline.

H.R. 3180: Mr. Jackson of Illinois.

H.R. 3184: Mr. Miller of North Carolina.

H.R. 3188: Mr. Hayes and Mr. Nethercutt.

H.R. 3190: Mr. Graves, Mr. Doolittle, Mr. Shimkus, Mr. Bartlett of Maryland, and Mr. Rogers of Alabama.

H.R. 3192: Mr. Bishop of Georgia, Mr. Ackerman, Mr. Owens, Mr. Davis of Tennessee, and Mr. Berry.

H.R. 3219: Mr. Barton of Texas, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Miller of North Carolina, Mr. Sherman, Mr. Lampson, Ms. Lofgren, Ms. Woolsey, Mr. Bell, Mr. Ortiz, Mr. Thornberry, Mr. Sandlin, Mr. Matheson, Mr. Wu, Mr. Udall of Colorado, Mr. Honda, Mr. Davis of Tennessee, Mr. Baird, Mr. Weiner, Mr. Cardoza, Mr. Larson of Connecticut, and Mr. Costello.

H.R. 3226: Mr. Evans.

H.R. 3227: Mr. Sweeney and Mr. Wynn.

H.R. 3228: Mr. Hefley, Mr. Barrett of South Carolina, Mr. Miller of North Carolina, and Ms. Woolsey.

H.R. 3243: Mr. Wynn, Ms. Millender-McDonald, and Mr. Owens.

H.R. 3244: Mr. Crowley, Mr. Tierney, Mr. Allen, Mr. Olver, Mr. Ackerman, Ms. Hooley of Oregon, Mr. Price of North Carolina, Mr. Wynn, Mrs. Christensen, and Mr. Sanders.

H.R. 3251: Ms. Watson.

H.R. 3263: Mr. Wexler, Mrs. Tauscher, Mr. McCotter, Mr. McGovern, Mr. Blumenauer, Mr. Lantos, Mr. Gutknecht, and Mr. Renzi.

H.R. 3266: Mr. Fossella and Mr. Wilson of South Carolina.

H.R. 3277: Mr. Kanjorski.

H.R. 3287: Mr. Castle, Mr. Smith of Washington, Mr. Putnam, Mr. Barrett of South Carolina, and Mrs. Musgrave.

H.R. 3293: Mr. Pastor, Mr. Davis of Alabama, Ms. Norton, Mr. Boucher, Mr. Ross, Mr. LaHood, Mr. Clay, Mr. McDermott, Mr. Conyers, Ms. Waters, Mr. Kleczka, Ms. Millender-McDonald, Mr. McNulty, Mr. Wynn, Ms. DeLauro, and Mr. Grijaalva.

H.R. 3295: Ms. Hart and Mr. Gerlach.

H.R. 3304: Mr. Kildee and Mr. Conyers.

H.R. 3318: Mr. Vitter.

H.R. 3319: Mr. Hostettler.

H.R. 3323: Mrs. Napolitano.

H.R. 3325: Mr. Acevedo-Vilá, Mrs. Capps, Ms. McCollum, Ms. Waters, and Mrs. Davis of California.

H.R. 3341: Mr. Spratt, Mr. Israel, Mr. Farr, Mr. McDermott, and Mr. Brown of Ohio.

H.R. 3344: Mrs. Christensen and Mr. Acevedo-Vilá.

H.R. 3350: Mr. Kleczka, Mr. Grijalva, and Mr. Clay.

H.R. 3352: Ms. Kilpatrick.

H.R. 3353: Ms. Bordallo, Mr. McDermott, Mr. Taylor of North Carolina, Mr. Lewis of Georgia, Ms. Jackson-Lee of Texas, Mr. Wynn, Mr. Fattah, Ms. Norton, Mr. Jefferson, Ms. Slaughter, Mr. Evans, and Mr. Scott of Virginia.

H.R. 3355: Mr. Rangel and Mr. Wynn.

H.R. 3357: Mr. Markey.

H.R. 3358: Mr. Herger, Mr. Kline, Mr. King of Iowa, and Ms. Hart.

H.R. 3365: Mr. McGovern, Mr. Gerlach, Mr. Rogers of Alabama, Mr. Hayes, Mr. Taylor of Mississippi, Mr. McIntyre, Mr. Smith of New Jersey, Ms. Kilpatrick, Mrs. Musgrave, Mr. Graves, Mr. Burgess, Mr. Terry, Mr. Taylor of North Carolina, Mr. Tancredo, Mr. Bereuter, Mr. Reyes, Mr. Hastings of Florida, Mr. Ross, Mr. Wilson of South Carolina, Mr. Shays, Mr. Case, Mr. Price of North Carolina, Ms. Waters, Mr. Alexander, Mr. Hoeffel, Mr. Snyder, Mr. Cooper, Mr. Pomeroy, Mr. Kolbe, Ms. Hooley of Oregon, Mr. Bartlett of Maryland, Mr. Matheson, Ms. Ginny Brown-Waite of Florida, Ms. Harris, Mr. Kennedy of Rhode Island, Mr. Ford, Mr. Gutknecht, Mr. Feeney, Mr. Etheridge, Mr. Gibbons, and Mr. McCotter.

H.J. Res. 22: Mr. Hastings of Washington, and Mr. Thompson of California.

H. Con. Res. 111: Mr. Farr.

H. Con. Res. 126: Mr. Kolbe.

H. Con. Res. 218: Mr. Moran of Virginia and Mr. Houghton.

H. Con. Res. 247: Mr. Saxton, Mr. Abercrombie, Mr. Green of Wisconsin, Mr. Wu, Mr. George Miller of California, Mr. Gutierrez, Mr. Quinn, Mr. Hinojosa, Ms. Lofgren, Mr. Nethercutt, and Ms. Lee.

H. Con. Res. 249: Mr. Owens.

H. Con. Res. 280: Mr. Honda, Mr. Pombo, and Mr. Pence.

H. Con. Res. 281: Mr. Cummings and Mr. Owens.

H. Con. Res. 285: Mr. Coble, Ms. Slaughter, and Ms. Hart.

H. Con. Res. 288: Mr. Weiner, Mr. Ackerman, Mr. Sanders, Mr. Hastings of Florida, Mr. Leach, Mr. Israel, Mr. Hinchey, Mr. Dingell, Mr. Cardin, Mr. Gutierrez, Mr. Markey, Mrs. Maloney, Mr. Moran of Virginia, Mrs. Capps, Mr. Delahunt, Mr. Kucinich, Mr. Schiff, Mr. Houghton, Mr. McNulty, and Mr. Wexler.

H. Con. Res. 302: Mrs. Musgrave, Mr. Greenwood, Mr. Langevin, Mr. Stearns, Mr. Engel, Mr. Berry, Mr. Feeney, Mr. Faleomavaega, Mr. Green of Wisconsin, Ms. Eddie Bernice Johnson of Texas, Mr. Hastings of Florida, Mr. Burton of Indiana, Mr. Bilirakis, Ms. Corrine Brown of Florida, Mr. Crowley, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Terry, Mr. McNulty, Mr. Jones of North Carolina, Mr. Ballance, Mr. Cox, Mr. Lincoln Diaz-Balart of Florida, and Mr. Ackerman.

H. Con. Res. 306: Mr. Pallone and Ms. Kilpatrick.

H. Con. Res. 307: Mr. Van Hollen, Mr. Costello, Mr. Tom Davis of Virginia, Mr. Towns, Mr. Wexler, and Mr. Wilson of South Carolina.

H. Con. Res. 308: Mr. Evans, Mr. Dingell, Mr. McDermott, Mr. Davis of Tennessee, Ms. Lee, Mr. Costello, Mr. Wynn, Mrs. Christensen, and Mr. Burton of Indiana.

H. Res. 60: Ms. Woolsey, Mr. Bishop of Georgia, and Ms. Lofgren.

H. Res. 157: Ms. Eshoo, Mr. Sanders, Mrs. Tauscher, and Mr. Udall of Colorado.

H. Res. 167: Mr. Faleomavaega.

H. Res. 291: Mr. Brown of Ohio, Mr. Holt, and Mr. Frank of Massachusetts.

H. Res. 313: Ms. Millender-McDonald, Mr. Foley, Mr. Holden, Mr. Ruppersberger, Mr. Capuano, Mr. Filner, Mr. McGovern, and Mr. Owens.

H. Res. 378: Mr. Putnam and Mr. Kingston.

H. Res. 384: Mr. Faleomavaega.

H. Res. 393: Mrs. Tauscher, Mr. McNulty, Mr. Simmons, Mr. Wolf, Ms. Dunn, Ms. Millender-McDonald, Mr. Bell, Mr. Frank of Massachusetts, Mr. Greenwood, Mr. Wexler, Mr. Crowley, Mr. Conyers, Ms. Roybal-Allard, Mr. Moran of Virginia, and Mrs. Napolitano.

H. Res. 394: Mr. Schrock, Mr. Boswell, Mr. Ryan of Wisconsin, and Mr. Sullivan.

H. Res. 402: Mr. Coble and Mr. Smith of Washington.

H. Res. 409: Mr. Sessions, Mr. Brady of Texas, Mr. Pence, Mr. Carter, Mr. King of Iowa, Mr. Crane, Mr. Bachus, Mr. Chabot, Mr. Hensarling, Mr. Otter, Mr. Doolittle, Mrs. Musgrave, Mr. Tancredo, Mr. Burgess, Mr. Wilson of South Carolina, Mr. Weldon of Florida, Mr. Goode, Mr. Franks of Arizona, Mr. Barrett of South Carolina, Mr. Souder, Mr. Isakson, Mr. Saxton, Mr. Burton of Indiana, Mr. Graves, Mr. Miller of Florida, Mr. Gerlach, Mr. Manzullo, Mr. Ferguson, Mr. Linder, Mr. Boozman, Mr. Greenwood, Mr. DeMint, Mr. Feeney, Mr. Brown of South Carolina, Mr. Jones of North Carolina, Mr. Sullivan, Mr. Garrett of New Jersey, Mr. Gutknecht, Ms. Hart, Mr. Bartlett of Maryland, Mr. Hayes, Mr. Cole, Ms. Harris, Mr. Tiahrt, Mr. Flake, Mr. Hayworth, Mr. Janklow, Mr. Beauprez, Mr. Pearce, Mr. Pitts, Mrs. Wilson of New Mexico, Mr. Ryun of Kansas, Mr. Barton of Texas, Mr. Shays, Mr. Lincoln Diaz-Balart of Florida, Mr. Rohrabacher, Mr. Sweeney, Mr. Rogers of Alabama, Mr. Smith of New Jersey, Mr. Shadegg, Mr. Weiner, Mr. Holden, Mr. Wu, Ms. DeLauro, Mr. Inslee, Mr. Engel, Mr. Van Hollen, Mr. Waxman, Mr. Israel, Mrs. Maloney, Mr. Rothman, Mr. Lantos, Mr. Wexler, Mrs. Tauscher, Mr. Hastings of Florida, Mr. Cardin, Mrs. Lowey, MR. MATSUI, Mr. Crowley, Mr. Sandlin, Mr. Menendez, Mrs. McCarthy of New York, Mr. Emanuel, Mr. Ackerman, Mr. Etheridge, Mr. Berman, Mr. Markey, Ms. Watson, Mr. Hoeffel, Ms. McCarthy of Missouri, Mr. Wynn, Mr. Cardoza, Ms.

SCHAKOWSKY, Ms. LOFGREN, Mr. PALLONE, Mr. HONDA, Mr. SHERMAN, Mr. NADLER, Mr. SCHIFF, Mr. BELL, Mrs. DAVIS of California, Mr. CARSON of Oklahoma, Mr. FROST, Ms. HARMAN, and Mr. MCNULTY.

H. Res. 410: Mr. EVANS, Ms. WATERS, and Ms. LORETTA SANCHEZ of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: At the end of title VI, insert the following new section:

SEC. 6 . BUY AMERICAN REQUIREMENTS FOR AIRCRAFT.

No aircraft, including helicopters, may be acquired (directly or indirectly) by the Coast Guard unless the aircraft are manufactured in the United States using components at least 65 percent of which are manufactured in the United States.

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 2: Insert at the end of title VI the following new section:

SEC. 6 . LIMITATION ON BRIDGE ALTERATION PROJECTS.

The Coast Guard may conduct bridge alteration projects using amounts authorized under section 101(1)(B)(iv) of this Act only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

H.R. 2443

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 3: At the end of title VI, insert the following new section:

SEC. 6 . SPECIAL RULES FOR APPLYING BUY AMERICAN ACT.

(a) ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES.—With respect to any acquisition made with amounts made available under this Act or any amendment made by this Act of articles, materials, or supplies that are subject to section 2 of the Buy American Act (41 U.S.C. 10a), such section shall be applied to such acquisition by substituting "at least 65 percent" for "substantially all".

(b) CONTRACTS FOR CONSTRUCTION, ALTERNATION, OR REPAIR.—With respect to any contract for the construction, alteration, or repair of any public building or public work entered into with amounts made available under this Act or any amendment made by this Act that is subject to section 3 of the Buy American Act (41 U.S.C. 10b), such section shall be applied to such contract by substituting "at least 65 percent" for "substantially all".

H.R. 2443

OFFERED BY: MR. JONES OF NORTH CAROLINA

AMENDMENT NO. 4: At the end of title II add the following:

SEC. . RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93 of title 14, United States Code, is amended—

(1) in paragraph (w) by striking "and" after the semicolon at the end;

(2) in paragraph (x) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(y) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.".

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 5: At the end of title VI (page 43, after line 2), insert the following:

SEC. . PATROL OF NAVIGABLE WATERS ADJACENT TO NUCLEAR FACILITIES.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

"§ 99. Patrol of navigable waters adjacent to nuclear facilities

"The Coast Guard shall patrol all navigable waters that are adjacent to a production facility or utilization facility, as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), on a daily basis.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"99. Patrol of navigable waters adjacent to nuclear facilities.".

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 6: Page 43, after line 2, insert the following:

SEC. . SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall—

(1) conduct a security assessment of Indian Point Energy Center, located in Westchester County, New York; and

(2) submit to the Congress a report on the findings of that assessment.

H.R. 2443

OFFERED BY: MR. ENGEL

AMENDMENT NO. 7: Page 43, after line 2, insert the following:

SEC. . SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall—

(1) conduct a security assessment of navigable waters adjacent to Indian Point Energy Center, located in Westchester County, New York; and

(2) submit to the Congress a report on the findings of that assessment.

H.R. 2443

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 8: In the amendment to section 409, in lieu of the text proposed to be inserted (page , beginning at line) insert the following:

SEC. 409. REVISION OF BASES FOR DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) by striking "or" after the semicolon at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

"(4) operates a vessel in a negligent manner or interferes with the safe operation of a vessel, so as to endanger the life, limb, or property of a person; or

"(5) poses a terrorism security risk.".

H.R. 2443

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 9: At the end of title VI (page 43, after line 2), add the following:

SEC. . PORT SECURITY GRANT AUTHORITY.

Section 70107 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "Secretary of Transportation, acting through the Maritime Administrator," and inserting "Secretary";

(2) by striking "Secretary of Transportation" each place it appears and inserting "Secretary"; and

(3) by striking "Department of Transportation" each place it appears and inserting "Department of Homeland Security".

SENATE—*Tuesday, October 28, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who is our refuge and strength, our shelter in the time of storms, we begin this day by looking to You for guidance and discernment. Thank You for daily victories over our worst selves and for fellowship with You.

Bless our Senators. Give them strength for their difficult tasks, victory over temptation, and fulfillment in their work.

Help each of us to stand guard against those thoughts and passions that lead us from You. May our consciousness of Your presence become more real with each hour of every day.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of the nomination of Michael Leavitt to be Administrator of the Environmental Protection Agency. There will be 1 hour of debate prior to the nomination. I am pleased this distinguished nominee for the President's Cabinet will receive an up-or-down vote and anticipate his confirmation by an overwhelming majority this morning.

Following the disposition of the Leavitt nomination, the Senate will resume debate on the foreign operations appropriations bill. There are several amendments pending to the bill. We hope to begin scheduling votes on those amendments. Senator MCCONNELL will be here following the nomination vote. We anticipate completing action on the bill during today's session. Therefore, Senators should expect rollcall votes throughout the day and possibly votes into the evening, if necessary.

Each day I come to the floor I mention the schedule and the remaining business before the Senate. Again, I would like to reiterate that the days of this session are waning, but we have a full legislative agenda and executive matters to finish. We have the appropriations bills and the conference reports, Healthy Forests—and the tragic events in California underscore the need for this crucial legislation. Regarding the Fair Credit Reporting Act, we are in discussions, and I hope an agreement can be reached on its consideration. If not, it will be necessary to take the procedural steps to ensure that the Senate does act on this very important piece of bipartisan legislation.

We have the Internet tax moratorium. Discussions are underway on an agreement to allow us to act before the expiration of the existing law.

On the climate change legislation, we have a 6-hour agreement. I hope we can possibly use less time than those 6 hours. We are looking for an available time to consider it this week.

We have the judicial nominations as well.

Again, I hope to make efficient use of the Senate's time over the coming days, and I hope and look forward to working with the Democratic leadership so we can consider these bills under time agreements and in a timely fashion.

Everybody is aware of the scheduling challenges we have during this time of year. But with the cooperation of all Members, we will be able to finish our work and adjourn at the earliest possible time. As always, I thank our colleagues and Senators for their cooperation and energy and patience to accomplish this as we go forward.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, while the distinguished majority leader is in the Chamber, the Senator from Kentucky and I had a conversation on the floor here last night—it was public in nature—indicating that it was the majority leader's intention for us to work on November 10 and 11 that is, Monday and Tuesday of the week after next.

I totally support that. If we are going to get out of here, we have to work that week. The leader set November 7 as a time when we should get out. I think that will be nearly impossible. We may. I hope, if we are going to try to adjourn on November 14, that Members will understand we are going to have to do more that Monday and Tuesday than have votes on judges. We are going to have to go into substantive matters and all during Monday have votes. If we are going to come at 5 o'clock and have a relatively unimportant vote, then I don't think we will accomplish much.

If we have, I repeat, any intention, any hope of getting out of here on November 14—which I hope we could do—we are going to have to work Monday and Tuesday. I fully support the majority leader.

As I said last night on the floor, the veterans of the State of Nevada would also understand why, on an important holiday, Veterans Day, we would be here doing the people's business. A lot of the business we are doing relates directly to the veterans.

So I hope, if we are going to work those 2 days, they are meaningful, hard days.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, through the Chair in response, it is our objective to adjourn as soon as we possibly can, completing the business before us. Thus, there is a very good possibility we will be able to finish our work that week.

A lot of people do want to be back at home, and rightfully so, for Veterans Day itself. That Monday before Veterans Day we will have to have a productive day here if our goal is to finish that week.

I do want to keep flexible. Right now, I ask the understanding of my colleagues because it very much depends on what happens over the next several days on the floor of the Senate. That is why we have to keep moving ahead with appropriations and see what happens with the supplemental in conference today, see the progress with the energy and medicare conferences. For right now, we need flexibility, but I think based on the comments the Democratic whip just made, as well as mine, if we have a chance of finishing that week, we can make that a very productive week.

I know we will have a full hour before the vote. I just want to comment very briefly on another issue for 3 or 4 minutes.

THE ECONOMY

Mr. FRIST. Mr. President, it is widely expected that the Federal Reserve will vote later today to keep the short-term interest rates at the historically low level of 1 percent. This is good news for our economy and very good news for American households. Low interest rates are allowing consumers to cut their monthly payments, their debt payments, and to invest their hard-earned money in the American dream, and that is the ownership of a home.

Indeed, sales of previously owned homes have hit their third highest level on record. Yesterday, the National Association of Realtors reported that previously owned home sales rose 3.6 percent to a record annual rate of 6.69 million units in the month of September.

The realtor association's chief economist says the strong home sales are a result of "the powerful fundamentals that are driving the housing market—household growth, low interest rates, and an improving economy."

Meanwhile, on Thursday, the Commerce Department will release the data on third-quarter economic growth. Most observers expect the agency will report significant gains. Indeed, if the forecasters are right and the economy does show a 6-percent gain, this would be the fastest upward swing since 1999.

Virtually every region of the country is benefiting from the recovery, as are a host of industries. You read it daily. Sara Lee saw its earnings rise 25 percent. Black and Decker's earnings are up 36 percent. Xerox profits climbed by 18 percent. Also revealing are "first timer" corporate profits. For example, Amazon.com reported a profit for the first time in a nonholiday period. Lucent Technologies is posting profits for the first time in 3 years. Corning and AMR, the parent company of American Airlines, both broke a string of 10 quarter losses.

All of this activity is helping to bolster the job market.

The labor market added 57,000 new jobs last month after seven straight months of job cuts.

Wages have gone up, on average, at nearly all income levels. Higher wages combined with lower debt payments and mortgage refinancing options are adding much needed juice to the economic engine.

So I am optimistic about the direction of the economy as it continues on this road to recovery. Even the New York Times credits the Bush tax cut with higher consumer spending.

In the Senate, we will continue to champion policies that work—policies that return tax dollars to the taxpayer yet encourage entrepreneurship and innovation, and that promote even higher levels of jobs and growth.

I ask unanimous consent that 60 minutes remain in order prior to the vote.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to resume consideration of Executive Calendar No. 405, which the clerk will report.

The legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes equally divided between the ranking members, or their designees, and there will be 20 minutes under the control of the Senator from New Jersey.

Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President. I will use most of the 20 minutes I have available, and perhaps all of it. But first, I thank the majority leader and the minority leader for accommodating my desire to speak on the nomination of Utah Gov. Michael Leavitt to be Administrator of the Environmental Protection Agency prior to the vote to confirm him.

I was, unfortunately, not able to be here last night. So I appreciate that I have a chance to make some remarks this morning.

A few weeks ago, I placed a "hold" on Governor Leavitt's nomination because of serious concerns many of his constituents have raised about his record of enforcing our national environmental laws.

The President has the right to nominate people of his choosing to serve in his Cabinet. That, however, does not obligate anyone to vote for each and every one of them.

I want to make it perfectly clear that I am not impugning Governor Leavitt's character. He has been a public servant for many years and has been credited with many significant accomplishments.

I will vote against confirming Governor Leavitt because I have not had sufficient time to investigate the serious allegations that have been brought to my attention.

In fairness to Governor Leavitt, I asked the Congressional Research Service (CRS) to review and assess the allegations. In a few more days, CRS staff would have been able to get back to me. Unfortunately, the majority has seen fit to force a vote on this nominee today.

Governor Leavitt has waited 2 months. When former President Clinton nominated Katie McGinty to be chair of the Council on Environmental Quality, Republicans delayed her confirmation for more than a year.

Unfortunately, the majority did not honor the holds placed on this nominee, so the process of vetting him properly has been short-circuited. Consequently, we are being asked to vote to confirm an individual nominated to be the nation's highest-ranking environmental regulator—without the benefit of having some answers to some very important questions.

The current "tide" of environmental protection in America is at low ebb under the current administration. I don't have enough time here to enumerate the hundreds of rollbacks and dilutions of our environmental laws that President Bush and his administration have foisted on the American people. Given such a state of affairs, I think it would be wise to determine if the nominee shares the same careless disregard for clean water, clean air, land conservation, and global warming as the President.

I had planned to ask Governor Leavitt many questions based on information provided to me by the southern Utah Wilderness Alliance and other Utah conservation and citizens' groups. They have cast serious doubt on the Governor's commitment to enforcing our laws to protect human health and the environment.

In 1998, Governor Leavitt was quoted as saying:

> The national government should establish standards. Local governments must figure out how best to meet them . . . governments must focus on outcomes, not programs.

I agree with the Governor's sentiment that outcomes are what count. The important questions are: Are our rivers getting cleaner? Is the air healthier? Are toxic sites being decontaminated?

On that score, our environmental laws and programs have a proven track record. Even this White House has grudgingly acknowledged as much.

The Office of Management and Budget issued a report recently which concludes that the health and social benefits of enforcing tough clean air regulations during the past decade have been 5 to 7 times greater in economic terms than the costs of complying with the regulations.

When compared to the 1950s and 1960s, before most of our major environmental laws were enacted, we have made outstanding progress. Rivers like the Cuyahoga no longer catch on fire. Air pollution inversions no longer kill 20 people and sicken 4,000 more in one fell swoop, like an incident in Donora, PA, in 1948.

These achievements have resulted from the careful implementation of congressional laws. But those laws can only be effective if they are voluntarily obeyed or enforced by EPA and the States. Regulations won't do any good if they are not enforced.

We can be proud of the progress we have made over the past few decades but there is so much more to be done to protect human health and the environment. We can't stop now, but that is what President Bush is trying to do, and I am concerned that is what Governor Leavitt will try to do, too, if he is confirmed. Despite his commentary about "balance" and "stewardship," Governor Leavitt's record portrays a dramatically different approach to the environment. His record reveals a disturbing tendency to place the short-sighted economic interests of regulated industries above protecting the long-term health of the public.

I will highlight just a few of more than a dozen examples which illustrate this pattern. As I mentioned before, much of the information that follows has come from citizens of Utah who visited my Senate office here in Washington to complain about problems they saw with respect to Governor Leavitt's willingness to protect their environment. I might add that I know the State very well. I spend a lot of time in Utah. I love it. I love the terrain. I love the Wasatch Mountains all of that of which Utah residents are so proud.

Governor Leavitt has strongly supported something called the "Legacy Highway" project. This highway was set to cut through highly significant wetlands next to the Great Salt Lake that provide the breeding ground for 500 American Bald Eagles.

The Tenth Circuit Court of Appeals ruled last fall that the Environmental Impact Statement the Governor's staff prepared was invalid because it ignored obvious harmful impacts. To top that, the alternative they chose would have violated the Clean Water Act.

In another instance, the Governor made a secret deal to remove 2.6 million acres from possible designation as "wilderness".

Utah's Sierra Club issued a statement that said:

> Governor Mike Leavitt's environmental track record, which includes working behind closed doors with Interior Secretary Gale Norton to open up Utah's wildlands to polluting industries, suggests that he will be a good fit for the Bush administration, but a disappointing choice for Americans concerned with environmental protection. . . .

Earlier this year, EPA released a report on the States' record of enforcing the Clean Water Act. Utah received one of the lowest scores for enforcement.

Governor Leavitt's "hands-off" approach is a recurring theme. He has argued in favor of downsizing and even dismantling agencies like the Environmental Protection Agency. It is not hard to imagine the demoralizing impact it could have on EPA staff if the next Administrator is on record saying that EPA should be dismantled. This viewpoint reveals the importance Governor Leavitt places on protecting our air, water, and land.

Do we really want to return to the days before the EPA was established, when rivers caught on fire and people literally keeled over from air pollution? I, for one, do not relish the results of confirming a "rollback" Governor as the guardian of our Nation's environment under a "rollback" administration!

Another widely reported matter of concern has to do with a fish hatchery the Governor and his family have owned. The family was served with 33 indictments for illegal fish transfers that helped to spread a severe fish disease known as "whirling disease." This is a serious matter, but pales in comparison to the actions taken by Mr. Leavitt once he became Governor. According to the Salt Lake Tribune and other Utah papers, after being elected Governor, Mr. Leavitt had officials in his administration transfer, demote, or fire as many as 70 State employees who had worked on the fish hatchery indictments.

This whole affair definitely has a nasty smell, and it is not just due to the dead fish!

Utah's Kennecott copper mine is reportedly the world's largest open-pit mine. The ore extracted from this mine has brought enormous wealth to its owners, but has been paid for by the public in the form of extensive environmental damage. Acid mine drainage and the careless dumping of waste rock have contaminated surface waters and groundwater on an unprecedented scale. For at least 10 miles along the Oquirrhs mountain face, clean water is all but impossible to find by the local wildlife. Cyanide leach pads, acid mine drainage, and other forms of dangerous contamination have spread across 20,000 acres of land. Metallic contamination has reached Utah's Great Salt Lake and Jordan River.

Mining has always come with a high environmental price tag, and I will grant that some improvements have been made at Kennecott in reducing its toxic air emissions. But what I find especially noteworthy is that for nearly 20 years conservation and citizens' groups have clamored for a clean-up plan for Kennecott. Yet conveniently, this long-sought-after clean-up plan didn't make any headway until this year, right after the Governor's August 11 nomination to become EPA's Administrator. What a coincidence of timing. He has been Governor for many years now. What accounts for this "Road to Damascus" conversion? Is it political expediency?

Utah's U.S. Magnesium Corporation also illustrates Governor Leavitt's environmental "credentials" for the job as EPA Administrator. MagCorp, as it is called, is listed No. 1 on EPA's list of toxic polluters. Some years, it falls to No. 2. At a minimum, it is one of the nation's worst toxic polluters.

According to EPA's Toxic release Inventory, MagCorp accounted for more than 90 percent of total chlorine releases in the United States from 1998 to 2000. Since 2000, MagCorp's chlorine emissions have decreased and it now accounts for only 80 percent of the Nation's chlorine releases. But this slight decrease has not resulted from any enforcement action taken by Governor Leavitt's administration. Rather, the reductions are attributable to actions taken by the EPA.

My question is, Why did the EPA have to step in to enforce the law? Tests of the company's waste-water ditches have revealed dioxin contamination at 170 parts per billion. That is 170 times higher than EPA's "action level" for clean-up. EPA eventually had to step in where the State had failed to do so. That strikes me as a serious lapse in enforcement responsibilities.

Remember that Governor Leavitt has said, "The national government should establish standards. Local governments must figure out how best to meet them." But in case after case of significant environmental damage, we find that the Governor appears to believe that "he who enforces least enforces best." What good are environmental health standards, if they are being ignored, year after year? Those standards exist for sound scientific reasons and are developed only after years of extensive research and independent peer review.

The plain fact is this: toxic pollution is dangerous to our health, especially to the health of our children and grandchildren. We may not immediately see the lowered I.Q. scores, cancer "clusters," or autoimmune diseases, but make no mistake, they are among the tragic results when polluters are allowed to flaunt with the law with impunity. Failure to enforce our environmental laws portrays either a sad ignorance of the health costs or, even worse, a knowing disregard for them. In recent years, scientific analysis of the highest caliber has shown that, if anything, our environmental health standards may be too lax.

We have learned, for instance, that children under 2 are 10 times more likely to develop cancer when exposed to the same toxic concentration as adults. An article that appeared in the New England Journal of Medicine last April reported that the concentration of lead in the blood which can lower a child's I.Q. is lower than previously believed. In the latest study published in the New England Journal of Medicine, researchers report that at blood-lead levels allowed under the current health standard, children's I.Q. scores declined by an average of 7.4 points.

We will not be well served by an EPA Administrator who continues, or even accelerates, the pace at which President Bush is dismantling our fundamental environmental protections. The last person we need as Administrator is someone whose philosophy on key environmental issues is less regulation, no matter what the cost to public health and the environment.

I would add that it is not just the Sierra Club and the Southern Utah Wilderness Association who have voiced opposition to this nomination. Rocky Anderson, Mayor of Salt Lake City, who opposed the Governor's "Legacy Highway" project, said:

> On environmental issues governor Leavitt and I differ greatly. He's had some great opportunities to provide real leadership, but I think he has been unwilling to spend the political capital to make the important changes. We have serious air quality issues that are simply going to get worse without strong leadership.

The last 3 years have been the "darkest hour" of our Nation's commitment to environmental protection since EPA was created. This White House has repeatedly foisted its penchant for secrecy and cover-up on the Environmental Protection Agency. It held back the Children's Environmental Health Report for 9 months. It has hidden and misrepresented the impacts of its New Source Review rule. And for the first time ever, White House officials insisted that the global warming chapter be deleted from EPA's Air Quality Trends Report. You do not have to be an atmospheric scientist or professor to know what is happening because of global warming. We see the trend all over, and we see the consequences of that trend. But the administration will have none of that.

Earlier this year, the administration tried to prevent the release of a report on EPA's abysmal enforcement record. I am thankful the report was leaked to the press. Now we have some of the facts regarding EPA's enforcement record under President Bush:

Enforcement actions against some of the worst environmental violators have been cut by at least 45 percent;

Half of the facilities that violate their toxic limits do so by 100 percent;

13 percent violate their limits by a staggering 1,000 percent; and

80 percent of Clean Water Act violators never receive a formal enforcement action.

This is a total disregard for the law. I think it's time to end the disregard, the secrecy, the obfuscation, and the wholesale abdication of responsibility for protecting two of the Nation's most precious resources: human health and our environment.

My fear is that this abdication won't end with the nominee the Senate is poised to confirm; it will get worse. Therefore, I must vote "No." And I hope many others will vote no to show that we are opposed to this degradation of our environment and to this willful ignorance of the costs that degradation will impose on our society.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. INHOFE. Madam President, I had a hard time figuring out whom the distinguished Senator from New Jersey was talking about.

Let me just outline how this side is going to use its 30 minutes. I have a few comments to make, and I may respond to some of the things the Senator said about Governor Leavitt. I understand Senator BOND wants to come down and have about 5 minutes.

I ask if Senator JEFFORDS would mind if Senator HATCH could have our last 10 minutes because he was not able to spend as much time in the Chamber yesterday in order to respond to anything else that has been said about Governor Leavitt.

Mr. JEFFORDS. No objection.

Mr. INHOFE. Thank you very much. I appreciate the cooperation we have had.

First of all, as far as the comments the Senator from New Jersey made about Governor Leavitt are concerned, talking about the Legacy Parkway, let me just mention to him that the construction on the highway began only after Utah had the legal authorization to do so from the various States and the Federal agencies. The 2,000 acres of wetlands would be protected as a nature preserve.

But I think the most significant point, since he is criticizing the administration along with Governor Leavitt, is that all required Federal approvals for the Legacy Parkway project were issued by the Clinton administration after 6 years of study, public comment, and legal review. That was the Clinton administration.

Secondly, on the water quality report, first of all, the report they are quoting is from PIRG, which is another environmental extremist group. It is not part of the Federal Government. The truth is, the PIRG report relied on incomplete data to reach the findings for Utah. When the Utah data was corrected, Utah showed one of the lowest Clean Water Act noncompliance rates in the country.

For example, between January of 2000 and March of 2001, Utah's noncompliance rate placed Utah among the top 10 States with the lowest rates of noncompliance. Right now, 73 percent of the streams in Utah meet all Federal and State requirements. That is a 24-percent improvement over the time since Governor Leavitt took office. It is one of his greatest accomplishments, and here he is being criticized for it.

I have to go back and reread—I wish there were more time to do it. I certainly appreciate Senator JEFFORDS' comments when he said—and this is a quote—

> First of all, it has nothing to do with the qualifications of Mr. Leavitt. I will vote for him and I am hopeful that at some point I will be able to do so. I look forward to that. I consider him a friend. I have worked with him in the past on [various matters].

Gov. Bill Richardson, a Governor with Governor Leavitt, said:

> He has worked effectively with other Governors regardless of party. Obviously the same willingness and ability to work collaboratively with other elected and appointed environmental officials is crucial to the effectiveness of any EPA Administrator. Mike Leavitt is a consensus builder and can bring people together.

That is Gov. Bill Richardson of New Mexico, one of his biggest fans.

We have talked over and over about the accomplishments of Governor Leavitt. He was the chairman of the National Governors Association. He is chairman of the Republican Governors Association, chairman of the Western Governors Association. Under his leadership, the visibility in the West has improved. There have been accolades all over the country on the job he has done as the cochairman of the Western Regional Air Partnership cleaning up the air.

During his 11-year term, we already mentioned 73 percent of Utah streams currently meet all water quality standards compared to 59 percent 10 years ago. And it has all happened since Governor Leavitt took office.

I do not understand at this late hour that finally someone is coming and criticizing him. I have been critical of the debate so far because they have not really talked about Governor Leavitt, except in praising him, but they have talked about misrepresenting the Bush administration's environmental progress.

Now, I think something has to be said that, prior to his markup, committee Democrats submitted 400 questions to Governor Leavitt. And if you compare that to other administrations, when Carol Browner was up in 1993—remember that—she had only 67 questions that came from Republicans—not 400; 67. And, of course, for William Reilly there were just a handful of questions at that time.

Also, going back to the number of days it took between the nomination and actually becoming the Administrator, for William Reilly it was just 13 days; for Carol Browner, just 11 days; and for Governor Whitman, it was 13 days. Now, this has taken 55 days. And when Senator LAUTENBERG, a few minutes ago, said he has not had time to look at it, my gosh, if he did not need any more than 10 or 13 days for the others, what is wrong with having 55 days? It is certainly more than enough time.

We desperately need to have this man in this office. For weeks we have heard nothing about Mike Leavitt and everything about President Bush, and yet I would like to suggest to you that President Bush's record and accomplishments are second to none.

Let me quote Greg Easterbrook from an op-ed in the Los Angeles Times. He is the senior editor of the very liberal New Republic. He doesn't say many good things about Republicans. He is a Democrat. He is very sympathetic to their causes. He says most of the charges made against the White House are "baloney," made for "purposes of partisan political bashing and fundraising." He also contends that "environmental lobbies raise money better in an atmosphere of panic and so they are exaggerating the case against Bush." In his view, President Bush's new rules for diesel engines and diesel fuel "should lead to the biggest pollution reduction since the 1991 Clean Air Act amendment."

Last night I went over all of the accomplishments of the Bush administration. The fact that the Clear Skies legislation is coming up and is going to be the largest mandated reduction in pollutants of any President in history, a 70-percent reduction in sulfur dioxide and nitrogen oxide and mercury. On cleaner fuels and engines, there is the diesel rule. I am prepared to talk about these.

At this point I yield to the minority side for any comments they want to make because, quite frankly, I want to be in a position to respond. I appreciate Senator JEFFORDS allowing the senior Senator from Utah to have the last 10 minutes of our time. We will wait for other Members to arrive.

I yield the floor.

Mr. JEFFORDS. Madam President, I yield the 7 minutes remaining from the time of the Senator from New Jersey to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I appreciate the time. As I understand it, I am yielded how many minutes?

The PRESIDING OFFICER. Seven minutes.

Mrs. BOXER. Madam President, I rise as a proud member of the Environmental Committee and the chair of the Democratic environmental team. I will be voting no on the Leavitt nomination. The reason is, while I am not pinning all the terrible decisions of this administration regarding the environment on Mr. Leavitt—clearly, he was not there for those—I was very distressed that the questions I asked him were simply papered over or, in some cases—six cases—there was no answer at all. I will explain in a moment.

I am going to divert for a sentence or two to again express my concern about the fires burning out of control in my State. I send my prayers to the people of my State and thank the President for declaring it a disaster area. This was absolutely necessary because we need help from all over the country. These fires are far from out, and the winds are unpredictable.

Our 7,000 firefighters, the heroes of the day again, are out of breath and need relief. We cannot stand back and say the winds will dictate what happens. We have to save lives and homes. I will be going to the State as soon as I can, when it is appropriate, and offer all the help we can.

My colleagues have been so kind and so good in asking questions. Right now we have lost 14 people, 1,518 homes; 501,000 acres are burning, four times the size of Chicago. It is a travesty.

Getting back to the issue at hand, I do not think it is terribly comforting to the American people to hear that the questions I asked were not answered—many of them—because they know we have had many rollbacks. As Senator LAUTENBERG so eloquently said, I have a little scroll I could bring to the Chamber, if I were allowed—I think the rules do not allow for that—and I could let out the scroll all the way past where the Presiding Officer is sitting. It would list, in fairly large type, 300 environmental rollbacks.

I was stunned to hear a Senator on the radio today say that this administration has the greatest environmental record of any President. I can't even respond to that except with the truth. The truth is, we have documented 300 rollbacks.

One of my leaders on this issue, in addition to Senator LAUTENBERG, is Senator JEFFORDS. He has been fighting for clean air harder and longer and with more focus than anyone I know. He could tell you chapter and verse why we are losing the battle to clean up our air. Every time the administration calls something "Clear Skies, beautiful forests," or "lovely day," it is just the opposite when one cuts through it. It is essentially special interest legislation that is rolling back the progress we have made.

If you go to any school in this country and ask the children, do you have asthma, does someone in your family have asthma, do any of your friends, literally almost half the classroom will raise their hands high. This is not the way it used to be.

This is the time when we need strong environmental leadership. Governor Leavitt is one of the nicest people I have ever met. We had a couple of great meetings. But he essentially rolled over my questions, in many cases not even answering them at all, just as if I hadn't asked anything.

Let me tell you about what happened this summer. I call this past summer "toxic summer." Senator JEFFORDS and I held a press conference. Senator LAUTENBERG was there. We documented what has happened just this summer. Let me give you a quick reason why we need a real environmental leader at the EPA.

"Toxic-site cleanups slowing, report says," Sacramento Bee.

Spending on the cleanup of hazardous waste sites is slowing under the Bush administration, and that could delay the cleanup of three dozen sites in California, including several around Sacramento. . . .

U.S. is Seeking to Limit States' Influence on Offshore Decisions; California Officials Denounce the Proposed Revisions as an Effort to Bypass Court Rulings. . . .

Whatever happened to States' rights? I thought this administration liked to help States. They are rolling over the States, if the States want to do more cleanup, if the States want to protect their coasts.

EPA's 9/11 Air Ratings Distorted. . . .

We all know Senator CLINTON did a masterful job of holding up this nomination until she got some promises from the administration that she could see exactly what went on behind the scenes and how "in the days after the terrorist attack, White House officials persuaded the EPA to minimize its assessment of the dangers posed by airborne dust and debris from the skyscrapers' collapse." Withholding information is sick. There is something terribly wrong with this administration.

Bush Eases Clean Air Act for Industries.

In one of the broadest changes to air-pollution regulations since the Clean Air Act was first approved in 1970, the Bush administration . . . eased smog rules affecting more than 500 older power plants and some 20,000 aging factories. . . .

This is the issue Senator JEFFORDS has championed.

This is another one from the Los Angeles Times, just this summer. This isn't all the 300. This is just this summer.

EPA Won't Regulate "Greenhouse Gases"; Environmental Groups' Bid for the Agency to Cut New-Vehicle Emissions is Denied. California May Sue, Saying the Decision Threatens State Efforts.

Later on this week we will vote on the McCain-Lieberman bill. The administration opposes it.

I ask if I may have 2 more minutes from my friend.

Mr. JEFFORDS. I yield the Senator from California 1 additional minute.

Mrs. BOXER. The last chart is frightening.

EPA Eases Rules on PCB-Tainted Properties.

These are the most polluted, dangerous properties. People were not allowed to sell those properties or transfer those properties until they had a plan that EPA signed off on and approved.

Madam President, we need an EPA Administrator with guts and strength and the ability to stand up and say he is going to fight for the environment. The fact that he did not answer a number of my questions tells me that I am afraid that, in the room when they are debating these issues, Mike Leavitt will be a full team player with the Bush administration and not a team player for the health of the American people.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield time to the Senator from Nevada.

Mr. REID. Madam President, what I want the American people to understand is that this administration's environmental policies are awful, starting with arsenic, the Arctic National

Wildlife Refuge, clean air, and what they have not done with Superfund. We can go through a litany of bad decisions. We are going to have a bipartisan bill brought up this week dealing with global warming. The most glaring issue is this administration doesn't believe global warming is taking place.

So when Mike Leavitt called me and said he had been asked by the President to be the EPA Administrator, I said: Mike, why would you want this job, with what this administration has done on the environment?

I said: I like you and I will do everything I can to help you. But you should understand that this administration's environmental policy is the worst this country has ever had.

So I have done what I could to help Mike Leavitt get through this process.

The main thing I wanted to say and why I have such warm feelings about Mike Leavitt goes back many years ago. I was a sophomore in college. I went there on an athletic scholarship at a junior college in southern Utah called the College of Southern Utah. My wife and I decided we were going to get married between my sophomore and junior years, and that we did. Prior to doing that, I went to an insurance agent in Cedar City, UT, by the name of Dixie Leavitt. I didn't know who he was.

I said: Mr. Leavitt, the reason I want to buy a health insurance policy is because my wife may get pregnant and we don't have the money to pay the hospital bill. I want to make sure the insurance policy covers pregnancy.

So we went away to another school, several hundred miles away, to Utah State University. A couple years later, she became pregnant. Well, we were going through the process of contacting doctors, and she has the baby and the insurance policy does not cover maternity. So I call Dixie Leavitt long distance, which I could not afford, to Cedar City, UT.

I said: Mr. Leavitt, I don't know if you remember, but I bought an insurance policy from you. The only reason I bought it was for maternity, and it doesn't cover that.

Without him saying he didn't remember or anything else, he said: Send me the bills. He personally paid those bills.

Now, I have to think some of that goodness rubbed off on his son, Michael Leavitt. I think the story about Dixie Leavitt, whom I have never talked to since I talked to him on the telephone many decades ago, speaks volumes about the kind of man that Mike Leavitt must be because of his father.

I am sorry that Governor Leavitt has accepted this job. I am going to do everything I can, and I hope it works out. Governor Whitman was a total disappointment to me. She had a much stronger environmental record than does Mike Leavitt when she was Governor of New Jersey.

With all the bad things that this administration has done on the environment, it is important to note that at least in this instance they chose a man who has character. I hope that character will come through in the environmental policy of this country and override the bad policies of this administration.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There are 22 minutes on the majority side and 5 minutes on the minority side.

Mr. INHOFE. Let me take a minute or two, and then I will yield to Senator BOND. First of all, the Senator from California was talking about the dismal record in Superfund of this administration, and the fact that not enough money has been spent. I want to suggest that there is no correlation between the money raised when they had the tax and the money spent on Superfund cleanups.

In 1996, during the Clinton administration, the tax fund was at its highest level. Yet money spent by the Clinton administration for cleanup was near a 10-year low.

To contrast that, in President Bush's 2004 budget, the money for actual cleanup is near a 10-year high, while the fund is at a low point. In fact, the 2004 request of the President is $1.38 billion, which is higher than 7 of the 8 years of the Clinton administration. So I don't think there is anything to that particular argument.

I also remind the Senator of this: When she talked about people praising the President for his environmental record, many of these people praising the President are not Republicans, they are not pundits. These are Democrats and liberals, who are giving him credit, such as Gregg Easterbrook, senior editor of the liberal New Republic magazine, as I have mentioned.

At this time, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I appreciate the opportunity to speak on behalf of Governor Leavitt. I think the President has made an excellent choice in nominating this Governor, who has a great record. I think the environment and the Environmental Protection Agency will be well served by his nomination. At a time when there are many pressing issues facing us in the environmental area, it is important that we have a good leader.

Governor Leavitt is a good leader. He is a Governor, as I was formerly, and I know that he has brought leadership and management skills and a State perspective. He was very successful in Utah, and he will bring success, as the Nation's longest serving Governor, to the EPA. I believe he stands for environmental principles that we desperately need: collaboration, not polarization; national standards and neighborhood solutions; rewarding results, not programs; science for facts, process for priorities; markets before mandates. All of these things are necessary to move forward in improving our environment.

Governor Leavitt has a record of environmental achievement to match his environmental vision. As my colleagues from Utah will describe shortly, because of him the air in Utah and the West is cleaner and clearer. Visibility over the Grand Canyon has improved because of the Governor's role with the Western Regional Air Partnership. I know our friends from Utah are proud that Utah has among the Nation's cleanest watersheds. That has improved dramatically during the Leavitt administration. Utah's most environmentally sensitive land is better protected because of Governor Leavitt's service.

Unfortunately, Governor Leavitt is entering a job in a city where political opponents try to use the environment to make political gains. We heard charges a few minutes ago that he had not answered all the questions. The interesting part is that we went back and looked at similar questions asked of previous nominees, particularly Administrator Brown in the last administration. She was not able to answer those questions dealing with the internal operations of the EPA either. At the time, we understood, and the Republicans confirmed her.

I am delighted that we are moving forward to confirm Governor Leavitt because he cannot be expected to know everything going on inside the EPA. As far as the record of this administration under President Bush, environmental and health benefits from drastically reduced levels of NO_X and SO_X and mercury pollution in the President's Clear Skies proposal are being held hostage by those who want to use global warming as a political issue against the President.

Environmental benefits, improved energy security, and more efficient and reliable electricity protection in New Source Review improvements are being attacked and blocked by the President's political opponents.

Even my own modest incremental suggestions for improved environmental collaboration in the transportation bill were leaked to the press, mischaracterized by the very environmental stakeholders, some of whom we worked with to formulate those improvements.

Fortunately, President Bush is maintaining a strong commitment to the environment and the Environmental Protection Agency. In the face of funding a war on terrorism, growing deficits, and, yes, even tax cuts, President Bush has requested more money for

EPA. President Bush's $7.6 billion request for the EPA is $300 million more than President Clinton requested for the EPA in his last budget. President Bush's $431 million request for EPA enforcement is the largest request for Federal environmental enforcement funds in our Nation's history. I just hope that my colleague, Senator MIKULSKI, and I have enough money in the budget of VA-HUD to meet those goals. It is questionable at this point. But we certainly want to achieve the President's funding.

Just last week in the Environment and Public Works Committee, we were able to pick up the broken transportation pieces and fashion a bipartisan agreement on environmental provisions relating to NEPA and the Clean Air Act. I think this spirit of cooperation can serve this body and our Nation's highway needs well, and maybe we can even flow that cooperation into the Leavitt nomination.

I urge my colleagues to follow this new bipartisanship and move forward and support the nomination of Governor Leavitt without delay.

I yield the floor.

Mr. JEFFORDS. Madam President, I rise to support the nomination of Governor Leavitt to be Administrator of the Environmental Protection Agency. I have worked with him in the past on education issues and found him to be insightful and, most importantly, cooperative. That is what I seek from this administration—cooperation. My support for Governor Leavitt brings with it the renewed call for cooperation from this administration on outstanding information requests that I have on important environmental issues impacting the health of our citizens and our environment. I will continue to pursue these requests with Governor Leavitt when he becomes Administrator of the EPA.

This vote should not be seen as an endorsement of the Bush administration's environmental policy but a vote in support of a fine and honorable man who has an extremely difficult job ahead. I look forward to working with him to improve the environmental protection that our country deserves.

Madam President, it has surprised me to hear some Senators use the word obstruction in the context of Governor Leavitt's nomination to be the new Administrator of the EPA. It was a surprise because that is exactly what this administration has been doing—obstructing Congress and our legitimate requests for information. Much of the obstruction has been related to the unfortunate and probably illegal activities of the administration on New Source Review and on other important air quality matters such as multi-pollutant legislation.

As Senators may know, the General Accounting Office released a report last week which looked into the effect that the administration's proposed NSR changes would have on pending enforcement actions. That report strongly suggests that administration political appointees were well aware that the proposed changes would negatively affect swift and environmentally protective resolution of those enforcement cases. Yet they proceeded with the changes anyway.

In the course of the GAO investigation, GAO conducted some very interesting interviews that bear on Congress's right of access to agency information. In GAO's February 12, 2003, interview with Bob Fabricant, then-EPA general counsel, the interview notes say, "Mr. Fabricant mentioned that they were in the process of putting together a confidentially agreement [to provide access to sensitive NSR documents] with the SEPW staff last year but they never completed the agreement." When asked by GAO why the agreement was not completed, ". . . Mr. Fabricant and Mr. Valeri laughed and responded that the agreement was not completed because of the results of the mid-term elections." The GAO interview asked, ". . . why the results of the election should affect GAO and Congress's ability to conduct oversight. Mr. Fabricant did not respond directly to this question but did say that his understanding is that GAO's access to agency documents is governed by the position of the Congressional requestor."

This new assertion by the agency will come as a very large surprise to Senators on both sides of the aisles, both ranking and chair, particularly for those whose information requests were made while they were chairmen, as I was, and are still unsatisfied. It appears that the Agency and the administration have adopted a posture, which is not defensible by any statute or precedent, that they will just wait for House of Congress to change parties and ignore requests for information that is their duty and responsibility to provide in a timely fashion. I would hope that my colleagues would see the peril in any administration implementing such a cavalier attitude toward the Nation's elected representatives.

The administration has shown an active disrespect for the legislative branch of government which is most disturbing. This pattern is becoming abundantly clear, whether it is vital environmental and public health information or important intelligence and national security data. This is not a healthy situation for reasoned public policy debates or a well-functioning democracy.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, first let me say to my friend from Vermont that is an excellent statement, and I share his view on the qualifications of our nominee. I look forward to his becoming a historic Administrator of the EPA.

I would like to yield myself 5½ minutes so that I can ensure the senior Senator from Utah has the final 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. INHOFE. Let me just mention a few things. It seems as if we really do not need to talk about Governor Leavitt. I agree with the praises that many people have made of him. I believe that he is probably the best, most qualified nominee we have ever had, but let me take this time to mention some other things.

I already talked about the record, about the Clear Skies legislation mandating a 70-percent reduction in sulfur dioxide, nitrogen oxides, and mercury. No President in history has ever mandated that. I look forward to getting to the Clear Skies legislation.

As to cleaner fuels and engines, the diesel rule has been applauded all around for the amount of reduction it will bring. The rule requiring new heavy-duty trucks and buses to run cleaner will cut harmful pollutants by 95 percent. That is a huge amount.

Also, in terms of enforcement, I talked about these in more detail last night, but the President has done more in terms of settlements. Just in this short period of time he has been President we have had settlements with Virginia Electric Power, and they are going to spend $1.2 billion to reduce pollutants. The Archer Daniel Midland settlement has taken place under this administration. It is going to total $335 million that will go toward cleaning up the environment; Alcoa, $2.5 million to fund environmental projects; Lion Oil Company will spend $2.5 million to install state-of-the-art pollution control technologies throughout its refinery; and the settlement with Toyota, the same thing, $34 million. These are all settlements in the Bush administration. They were not settled during the Clinton administration. So he has that record, and it is a record that is better than any previous administration.

In terms of his budget proposal, I think the Senator from Missouri covered that very well. In cleaner water, we have legislation right now in the committee that I chair, and with the cooperation of Senator JEFFORDS, we have now passed out a nuclear security bill, waste water security bill, and a chemical security bill. Hopefully, they will be taken up and passed before long.

As far as this administration, on brownfields, nobody has been able to hold a candle to what President Bush and his administration have done in brownfields. I am very sensitive to this because I had an amendment on the brownfields bill that would include petroleum sites, some 200,000 petroleum sites, and that has been used as an example for the greatest single area of accomplishment, in terms of cleaning up these sites. We are talking about brownfields as opposed to Superfund sites. The legislation will significantly increase the pace of brownfields cleanups. President Bush's 2004 budget proposal provides $210 million, more than twice the level of funding prior to the passage of this legislation. So I would just say that I join with the U.S. Conference of Mayors and the Trust for Public Land in applauding the President for the accomplishments he has made in brownfields, certainly much better than any other administration.

Then lastly, I would just say that the President has actually done not just good enforcement but smart enforcement. Over the last two fiscal years, the EPA and the Department of Justice enforcement has obtained $8 billion in environmental remediation. This is the best consecutive 2 years of enforcement of any prior administration on record.

I repeat that. In his enforcement, this is the best consecutive 2 years of enforcement of any prior administration on record—the Clinton administration and the previous Bush administration. In fiscal year 2002 the EPA compliance assistance centers provided environmental technical assistance to more than 673,000 businesses and individuals to help them comply with environmental laws. I think that is consistent with the fundamental belief of this President that he does not want to just go out and punish people. He does not want to use that for the mark or the indicator as to what kind of jobs have been done. He wants to help people, help people get sites cleaned up.

Comments have been made about the Superfund by the previous speakers. I would only say that the amount of money that has been appropriated for cleanup of Superfund sites is higher than any other administration that this President actually has for the 2004 budget. I appreciate that.

Mrs. FEINSTEIN. Mr. President, I rise to address the nomination of Governor Michael Leavitt to be Administrator of the U.S. Environmental Protection Agency, and to speak more generally on my concerns regarding the impact of EPA policies on environmental issues in California.

I have many concerns about the Bush administration's commitment to advancing strong environmental policy. However, because I believe that it is important for a President to be able to select his own Cabinet, I do not oppose the President's nomination of Governor Leavitt to be Administrator of the Environmental Protection Agency. It is only in exceptional cases that I believe the Senate in its role of advice and consent should reject a nominee.

Governor Leavitt will be assuming leadership of the EPA at a critical time. The Agency stands at a crossroads in its mission. I strongly believe that the administration's environmental policies thus far have moved the EPA in the wrong direction. It will require strong leadership from Governor Leavitt to steer EPA back onto a progressive course.

Many environmental issues must be addressed in the coming 2 years on both a national and State level. I look forward to working with Governor Leavitt if confirmed as Administrator of the EPA, and I am certain that together we will be able to find innovative and efficient solutions to the environmental problems confronting California.

I would like to discuss a few of the issues.

First, I would like to begin by asking Governor Leavitt to take a definitive stance in the battle against climate change. There is strong evidence that most of the global warming that has occurred during the past 50 years is attributable to human activities.

Shamefully, the White House under the Bush administration has chosen to disregard this worldwide problem by thwarting efforts to regulate greenhouse gas emissions.

And given the overwhelming evidence of U.S. culpability regarding greenhouse gas emissions, EPA needs to take a strong stance regarding the enactment of stringent rules and regulations.

The United States must catch up to the rest of the modern world in the battle against climate change.

Voluntary programs are not sufficient. They barely work—and certainly not to the extent necessary to reduce emissions.

We must work to reduce overall greenhouse gas emissions as opposed to merely reducing emissions intensity in the manner proposed by the White House.

Even if we achieve the administration's goals of reducing emissions intensity by 18 percent, the actual amount of emissions will still likely increase.

The recent revisions to the Clean Air Act's New Source Review rules are one example of the Bush administration's disregard for air quality control. These revisions allow aging and inefficient power plants whose permits are up for renewal to continue operating in the exact same manner—environmentally speaking—that they did decades ago.

For example, a coal power plant can conduct major repairs and parts replacement, without updating the pollution control equipment.

It has been years since the problem associated with clean air and powerplants became apparent to everyone, and yet the current administration has pushed through regulations that will let the pollution continue unabated.

I look forward to the upcoming Senate debate and vote on the McCain-Lieberman climate change bill this week. In anticipation of this vote, I encourage the Agency to take a firm stance on climate change.

I want to turn now to address a very important issue for California voters: the joint State-Federal CALFED program designed to improve California's water supply, fishery resources and water quality.

I have been extremely disappointed to date at EPA's lack of involvement in CALFED. EPA can and should take a role in CALFED's water quality program.

I urge the next Administrator of EPA to work closely with California on water quality. Here are some important steps EPA could take:

The CALFED plan proposes to take action on wastewater treatment, bromide reduction at municipal water intakes and new efforts to stem contaminants from abandoned mines.

These actions will be spliced with source water protection, new health effects research on Delta water, as well as comprehensive monitoring and assessment of Delta drinking water quality.

Finally, to assure progress, public and peer review processes will monitor compliance with drinking water standards, and measure performance against consumer water rates.

If EPA partners with California on this program, the benefits could include better tasting water at lower costs, a longer life for Californians' plumbing and consumer appliances, and more reliability from recycling and groundwater storage programs.

A decade ago, there were efforts to deregulate a portion of the radioactive waste stream and allow these wastes to be either recycled into consumer products or disposed of in local municipal landfills.

This effort created such a firestorm of public concern that the Congress prohibited it in the 1992 Energy Policy Act.

Since that time, there has been no effort to try again to deregulate radioactive waste—until now.

Recently, the EPA has announced that in the next few weeks it intends to issue an Advanced Notice of Proposed Rulemaking to consider deregulating the manner of disposal of radioactive wastes.

This action would allow radioactive wastes to be sent to landfills that were neither designed nor licensed to handle such wastes.

Radioactively contaminated materials could also be recycled into consumer products, where they could end up in everything from children's braces to spoons and automobiles.

These are not theoretical risks. The Los Angeles Times has reported that the Santa Susana Field Laboratory in Ventura County, CA shipped hundreds of tons of radioactively contaminated metals from decommissioned old reactors to a metal recycler in San Pedro.

That radioactively contaminated metal was then melted down and shipped out into the consumer metal supply.

It is my understanding that these Advanced Notices of Proposed Rulemaking—designed to once again try the controversial deregulation of radioactive waste—are being held until after the confirmation of the EPA Administrator has been addressed.

It is my hope that Governor Leavitt, if confirmed as the new Administrator, will take a hard look at this issue and block this misguided proposal. I know I will be keeping a close eye on the matter.

I would like to now move on to an issue of paramount importance to California.

The degraded air quality in California has reached a crisis point. It is imperative that EPA addresses the various factors contributing to air pollution in California with immediate regulatory efforts.

A bit of statistical background is necessary to understand the breadth of the air quality problems.

California has the worst air quality in the Nation. For example, Los Angeles is the only area in the country that has "extreme non-attainment" for air pollution standards.

Two thousand three has been the worst year for smog in southern California since 1997. The Los Angeles basin has experienced unsafe levels of ozone approximately every other day since the first of May.

Legislators and regulators from California are working together to address the sources of air pollution.

I am fighting to remove language inserted into the VA/HUD spending bill that would prohibit California from limiting the amount of pollution that can be released from small engines, those that are less than 175 horsepower, such as lawnmowers and small tractors.

The California Air Resource Board recently approved landmark regulations—which were written with significant input from the small engine industry—that would set strict pollution standards on engines of 25 horsepower or less, but these regulations would effectively be preempted if the language in the VA/HUD bill is signed into law.

These small engines release a disproportionately large amount of pollution based on their size. In California alone, these engines emit the pollution equivalent of 18.3 million cars. Appropriate regulations could cut the emissions from small engines in half.

The EPA must take another look at regulating the obscene amount of pollution that comes from small engines such as lawnmowers and leaf blowers. It is my sincere hope that upon confirmation, Governor Leavitt will direct the EPA to examine this issue further.

The EPA can also help improve California's air quality by granting California a waiver to the Federal mandate requiring States to add oxygenates such as ethanol to its gasoline.

Ethanol is a highly volatile substance. According to the California Department of Environmental Quality, ethanol actually appears to have resulted in an increase in the amount of volatile organic gases that are released into the atmosphere. These gases are implicated in increase levels of smog and ozone in our air.

Ethanol use has increased tremendously in California. In fact, 70 percent of the gasoline used in southern California and 57 percent of that in northern California is now blended with ethanol.

In fact, the conference committee on the energy bill is debating an ethanol mandate that would almost triple the amount of ethanol used in the Nation's gas supply.

California, however, can meet clean air standards without ethanol or MTBE. These oxygenates are not necessary to achieve cleaner air. It is imperative to examine the role of increased ethanol use on current higher smog levels.

Winston Hickox, Secretary of the California Environmental Protection Agency, concluded that:

> . . . our current best estimate is that the increase in the use of ethanol-blended gasoline has likely resulted in about a one percent increase in emissions of volatile organic gases (VOC) in the SCAQMD [South Coast Air Quality Management District] in the summer of 2003. Given the very poor air quality in the region and the great difficulty of reaching the current federal ozone standard by the required attainment date of 2010, an increase of this magnitude is of great concern. Clearly, these emission increases have resulted in higher ozone levels this year than what would have otherwise occurred, and are responsible for at least some of the rise in ozone levels that have been observed.

I urge the EPA to stop the legal wrangling, accept the ruling of the 9th Circuit Court of Appeals, and issue the waiver to improve California air quality.

I now want to discuss my concerns surrounding two specific water contamination issues in California: groundwater contamination by perchlorate, and the deplorable state of the New River that flows along the border between California and Mexico.

Perchlorate is both a naturally occurring and man-made chemical that is used as the primary ingredient of solid rocket fuel propellant. Widespread perchlorate contamination was found in California drinking water in 1997, most of it from the manufacture and improper disposal of the chemical.

According to the EPA, perchlorate poses a serious health risk to human health because it interferes with the proper function of the thyroid and can potentially cause tumors.

I urge Governor Leavitt, if confirmed as Administrator of the Environmental Protection Agency, to both hasten and increase EPA's efforts to identify and hold accountable those entities that have contaminated California's groundwater.

To date, perchlorate has been detected in more than 300 groundwater wells operated by 80 different agencies throughout California.

Collectively, these agencies serve 24.8 million people.

In the Inland Empire, a 7-mile plume has contaminated 22 drinking water wells, jeopardizing water supplies for approximately 500,000 residents.

The next EPA Administrator must direct the Agency to use its powers under Superfund law to compel the companies responsible for this contamination to participate in its cleanup.

On a broader scale, the next EPA Administrator must direct the Agency to set a federal drinking water standard for perchlorate as soon as possible, both to clarify clean-up standards and to provide oversight for the cleanup efforts.

There have been recent suggestions that it will take another 6 years before the EPA can issue a clean-up standard. Six years is an unconscionable delay given that we are discussing pollution of our drinking water supply.

EPA should take conduct site-specific assessments to evaluate the level of perchlorate contamination, and when appropriate, provide replacement water for the communities suffering from contaminated water.

This is a matter of utmost urgency for California because human health is at stake. I strongly believe the EPA must both accelerate and strengthen its response to this problem.

I also want to draw the EPA Administrator's attention to the status of the New River, which flows along the border between California and Mexico.

The New River has been consistently named one of the most polluted rivers in the United State by American Rivers.

The New River flows North from the Mexicali Valley into California's Imperial Valley, carrying with it vast quantities of urban runoff, such as raw sewage, industrial and municipal wastes, such as pollution from factories, and agricultural runoff, including pesticides.

Here is one startling statistic: Every day, the river pumps between 20 to 25 million gallons of raw sewage into California.

This is such a massive amount of horrific pollution flowing into California every day that we desperately need the help of EPA and the Federal Government to develop a solution to this problem.

The EPA has worked in Mexico to build two sewage treatment plants; however, I urge the agency to focus efforts on clean-up strategies in California.

In Utah, Governor Leavitt demonstrated his commitment to clean water when he supported the Colorado River Basin Salinity Control Act. This legislation helped reduce salt and agricultural drainage, and has had beneficial ramifications in California as well.

I applaud Governor Leavitt's efforts in this arena, and I would very much like to see his Clean Water Initiatives expanded to include other imperilled rivers such as the New River in California.

I must also voice my concern about the status of the Superfund Trust Fund. In 1980, citizen concern and outrage over highly toxic sites led to the creation of the EPA Superfund program to locate, investigate, and then clean the most hazardous sites nationwide.

Superfund has not been renewed since it expired in 1995, leaving dwindling Federal dollars to clean-up contaminated sites.

This is a big shift from the Clinton administration, when taxes on chemical and petroleum products provided up to $3.7 billion to clean up toxic waste sites.

As a result, the EPA is cleaning up 31 percent fewer Superfund sites, and taking in 64 percent less in fines per month than it did during its peak.

There are 96 sites in California that are currently on the Superfund national priorities list, the second highest number in the Nation behind New Jersey.

Approximately 40 percent of Californians live within four miles of a contaminated Superfund site.

One site in particular, the Santa Susana Field Laboratory in Ventura County owned by Rocketdyne, has been at the center of years of controversy regarding clean-up standards and funding.

A partial meltdown occurred there in 1959, and over the years other accidents and spills resulted in widespread chemical and radioactive contamination, which the federal government has been attempting to clean up.

EPA has played a key role in overseeing the cleanup.

I have been repeatedly promised by EPA that EPA would maintain that role, that it would ensure that contamination at the facility will be remediated to EPA's CERCLA, i.e., Superfund, standards, and that EPA will conduct a thorough radiation survey of the site to those CERCLA, standards to find the remaining contamination that needs to be cleaned up.

Recently, there have been indications that the administration may be pulling back from those commitments. DOE has said it doesn't want the promised EPA survey to go forward and that it wishes to remove only 5500 cubic meters of radioactively contaminated soil

This plan would leave behind 400,000 cubic meters of soil DOE concedes are contaminated above EPA's primary cleanup goal, and then release the site for unrestricted residential use.

Children could end up playing atop the strontium-90 and cesium-137 from a past reactor meltdown if EPA does not stand firm and stick to the commitments it has made to me.

I take the longstanding promises by EPA seriously, and will be closely watching to see that a new Administrator lives up to them. Governor Leavitt has set an encouragingly progressive precedent in his interactions with the Department of Energy, particularly during his work to remove uranium mine tailings from the Colorado River at Moab, Utah. Now we ask the Governor, in his role as Administrator of EPA, to continue that protective stance.

I applaud Governor Leavitt in his past efforts to ensure that the Department of Energy behaves in an environmentally responsible manner, and I urge the Governor to martial all available resources to continue cleaning Superfund sites.

Among the most serious issues we face as a country is the risk of terrorism, and among the most worrisome of those threats is that a radiological dispersal device—a so-called "dirty bomb"—could be detonated.

The Homeland Security Agency, with input from a number of other agencies including EPA, has been attempting to develop cleanup standards to remediate the radioactive contamination that could result from such an event.

Some agencies have pushed for cleanup standards far more lax than EPA historically has viewed as protective of human health and the environment.

Given the concern many in this Chamber have about EPA's public pronouncements regarding health risks from the World Trade Center tragedy, I will be looking to the EPA Administrator to stand firm in insisting that any cleanup standards established for the aftermath of a "dirty bomb" terrorist event be fully protective of human health and the environment.

These standards should be no less protective than EPA's existing standards for cleaning up radioactive contamination from non-terrorist causes such as spills and accidents.

I support the nomination of Governor Mike Leavitt, and look forward to working with him and the Environmental Protection Agency.

Mr. HARKIN. Mr. President, I will vote to confirm Michael Leavitt to be Administrator of the Environmental Protection Agency, but I want to emphasize that I am hoping that Governor Leavitt will bring change to the sorry record that this administration has had on the environment.

I am concerned by the direction that our Nation's environmental policy is headed. We need an active Environmental Protection Agency, working to protect the health of our people. This administration has been active, all right—actively rolling back the environmental progress our country has made, actively working to narrow the reach of Federal environmental policy, actively working to promote oil drilling in environmentally sensitive areas and actively cutting funding for conservation and anti-pollution enforcement efforts.

Under this administration, we've seen cuts in funding for the EPA. We've seen an increased focus on cutting sweetheart deals with polluters. And we've seen a failure to move forward on new, innovative programs that will help our environment. While environmental regulation requires action and distributes responsibility among Federal, State and local authorities, Governor Leavitt needs to recognize that the Federal EPA is the backstop. The environmental buck will stop on Governor Leavitt's desk. If a State is not acting responsibly and protecting the health and safety of its citizens, Governor Leavitt must step in. I hope that Governor Leavitt will fight for the environment, rather than fighting for the priorities of the White House.

I have concerns with this nominee. A number of environmental watchdog groups have expressed their disappointment about Governor Leavitt's record on environmental protection during his tenure as Governor of Utah. He has a record of supporting a number of projects that were environmentally questionable, such as the Legacy Highway Project in Davis County, UT. It is my understanding that this highway project as originally conceived would harm a significant migratory bird habitat.

But in the end, I decided that Governor Leavitt has the background and qualifications necessary to do this job. As a governor who has a distinguished background not only leading his own State, but also the National Governors Association and the Western Governors Association, he will bring an experienced hand to the leadership of the agency. Further, as the Vice-Chair of the National Governors Association, he pushed through a bipartisan policy supporting working out environmental issues through a collaborative process.

In the area of agriculture, the Administration has delayed the implementation of the Conservation Security Program, a fresh farmer-friendly approach to farm policy that uses incentives to help farmers do what's best for their land and for the air and water they and their neighbors breathe and drink. This bipartisan, bicameral program was a key part of the 6 year farm bill passed last year. Yet, it is still not implemented.

We've also seen a serious pullback from the Clean Water Act. In the face of the SWANCC decision limiting federal jurisdiction on certain isolated wetlands, the EPA has released an Advance Notice of Proposed Rulemaking and policy guidance that pulls back even further. The intent of Congress for the CWA is clear—to protect the waters of the United States, and to reach all waters within Federal constitutional jurisdiction.

The court's decision in SWANCC has removed jurisdiction from intrastate, non-navigable waters where jurisdiction was based solely on the so-called "migratory bird rule." The contemplated changes to the rules pull back much further and would relinquish jurisdiction that the Federal Government clearly has and needs to protect waters of the United States.

One of Governor Leavitt's achievements at the National Governors Assocation was the adoption of a set of environmental principles he calls "enlibra." The term means "balance," and refers to a process of bringing in all the stakeholders in environmental issues together to try to work issues out. I hope that, as EPA Administrator, Governor Leavitt will truly strive for balance—because, unfortunately, there has been very little balance in the environmental policies of the administration he is joining.

Mr. VOINOVICH. Mr. President, I rise today in support of the nomination of Gov. Michael Leavitt to serve as Administrator of the Environmental Protection Agency.

As my colleagues here in the Senate know, I have more than a passing interest in the people who run our Government. Many of our problems have been caused because we do not have the right people with the right knowledge and skills in the right place at the right time. The process is even more difficult when trying to find people to nominate for controversial appointments like Federal judgeships or high-profile Cabinet officers.

Well, I would like to say that President Bush got it right. Mike Leavitt is clearly one of the best people we could ever get to run the EPA.

I first met Mike while we were both Governors and were active together in the Republican Governors and National Governors Associations. Mike served as NGA vice-chairman, under then-Gov. Tom Carper, NGA chairman, RGA vice-chairman, while I was chairman, and as RGA chairman.

He has established a very strong reputation as a straight-shooting consensus builder with the proven ability to work on a bipartisan basis. On many issues, Mike was willing to take on tough issues—such as internet taxation and unfunded mandates legislation—and worked with both Republican and Democratic Governors to form consensus and move the ball down the field.

During his three terms as Governor, Mike has demonstrated an outstanding ability to efficiently and effectively manage the State of Utah's provision of public goods and services. Time after time, Governor Leavitt has set an agenda in Utah, and each time he has rolled up his sleeves, pulled together broad coalitions, reached consensus, and gotten results.

Under Mike's watch, Utah has hosted the most environmentally friendly Olympics ever, reduced crime, decreased reliance on welfare, reduced unemployment, and improved education funding and performance—all while the State's sales, income, and property taxes have been reduced. In fact, During Mike's tenure as Governor, Utah has been named the best-managed State five times. No wonder he was recently named "Public Official of the Year" by Governing magazine.

Governor Leavitt's record on the environment is equally as impressive. Consider: Utah's air quality has demonstrably improved during the Leavitt administration. Utah currently meets all Federal air quality standards; this was not the case when Governor Leavitt started his service. Visibility and air quality in the West have improved because of Governor Leavitt's co-chairmanship of the Western Regional Air Partnership. Utah has among the Nation's cleanest watersheds and water quality has improved dramatically during the Leavitt administration. Governor Leavitt helped protect 500,000 acres of remarkable land in national parks, monuments, recreation areas and wilderness study areas through value-for-value land exchanges with the Federal Government. Utah's Quality Growth Commission, which Governor Leavitt helped establish, has conserved approximately 35,000 acres of critical land in perpetuity, protecting critical wildlife, watershed and historical and agricultural assets in the State. Governor Leavitt helped found Envision Utah, the Nation's largest voluntary quality growth partnership. It was formed to create a vision and implement strategies to protect Utah's environment for future generations.

I cannot think of anyone who is better suited to lead the EPA. Governor Leavitt has continuously demonstrated the tremendous interpersonal skills and management experience necessary to handle the major challenges that the Agency faces during the months and years ahead. He cares deeply about the environment and will pull people together to get things done.

Mike's proven ability to facilitate the creation of positive solutions to multiple problems and interests is exactly what is needed at the EPA's top post. He has established an impressive track record of producing results; one that I believe will continue should he be confirmed as Administrator of the Environmental Protection Agency.

I strongly urge all my colleagues here in the Senate to support Mike's nomination.

Mr. DOMENICI. Madam President, I rise today to support President Bush's nomination of Governor Michael O. Leavitt to be the next Administrator of the Environmental Protection Agency. I am proud to have the opportunity to make a statement for the record that expresses my endorsement of this qualified nominee. President Bush has chosen an individual who understands the importance of a clean and healthy environment and who will ensure that the regulations promulgated by the EPA will be based on sound science, not speculation and conjecture. All too often, these regulations are put into effect not because they will increase health benefits, but because it was the politically expedient thing to do.

Governor Leavitt's record speaks for itself. I think that there is little doubt, on either side of the aisle that Governor Leavitt is extremely qualified to serve as the next administrator of the EPA. He has thrice been elected as Governor of Utah and is currently the longest serving Governor of any State in the Nation. Under this watch, Utah saw a reduction in crime, hosted the 2002 Winter Olympics, and cut taxes. It comes as no surprise that five times during Governor Leavitt's 11 years as Governor, Utah has been voted the best managed State five times. As Governor, he has demonstrated his fitness to serve as our Nation's top environmental official by solving problems through consensus building and cooperation. Governor Leavitt has demonstrated his ability to bring all affected parties to the table, roll up his sleeves and reach a solution. These skills will be of critical importance as the 2006 arsenic regulations approach and we work toward domestic energy security.

Of great concern to the people of my State and the State of Utah is the implementation of the EPA's 2006 arsenic drinking water standard which lowers the maximum allowable parts per billion of arsenic from 50 to 10. Arsenic is a naturally occurring element in my home State of New Mexico and in the State of Utah. Compliance with this regulation comes at a great cost to small communities, those that least have the resources to achieve implementation. The estimated national cost of implementing this new EPA rule is $600 million annually and will require $5 billion in capital outlays.

The EPA estimates that roughly 97 percent of the systems expected to exceed the standard are small systems, those serving fewer than 10,000 people. These small communities lack the economies of scale present in larger communities and are less able to spread out costs. In Governor Leavitt's home State for example, the Utah Department of Environmental Quality estimates that implementing the new standards will require $40 million in capital outlays and predicts that annual operation and maintenance costs will run into the tens of millions of dollars. We need an administrator that will work with these communities so that implementation of this standard can be accomplished as smoothly and painlessly as possible.

There is no doubt that our Nation is facing an energy crisis. The Energy and Natural Resources Committee, on which I serve as chairman, has spent many months and many people have put in long hours developing a comprehensive energy policy that best meets our Nation's energy needs while safeguarding the environment. I have come to the realization that every department of our Government needs to start looking not only at their policies but how their policies affect America's energy future. As we move forward with America's energy policy, it is critical that we have an EPA Administrator who understands our country's energy needs and is able to make assessments that are both based on empirical proof and will protect our invaluable natural resources for future generations. We need an Administrator who will evaluate how our environmental policies affect the goal of energy self-sufficiency. We need an Administrator that will promote scientifically valid initiatives when making assessments on the impact of regulations the EPA promulgates. I have no reservation that Governor Leavitt is the man for the job.

Accomplishing these national priorities will be no easy task. I hope that he has a very successful term because if he does, we will be a more secure Nation for it. I bid him well.

Mr. WYDEN. Madam President, I supported Governor Levitt's nomination in the Environment Committee, but that does not mean that I support the Bush administration's environmental polices. Far from it. Under the Bush administration, the Environmental Protection Agency has ignored the law and gutted its enforcement. It has been a 30-month polluters' holiday.

I think the record is clear. There is also an enormous gap between the bipartisan approach that Mike Levitt supported in dealing with environmental issues while he has served as Governor of Utah, and this administration. For example, the bipartisan Western Governors' policy states "Westerners do not reject the goals and objectives of federal environmental laws, nor the appropriate role of federal regulation and enforcement." Recently, the EPA Office of Enforcement found that during the past 2 years, only 24 percent of the facilities that were in major noncompliance with respect to the Clean Water Act faced enforcement actions. So the EPA's own enforcement office says on major water violations, there hasn't been enforcement.

Gap number two, the Western Governors Association has always stressed consultation with all the parties and involving the States. Two examples where the administration isn't doing that are on the question of these closed door negotiations with industrial livestock firms, behind closed doors they are talking about amnesty from the Clean Air Act and the Superfund law. Another is the lack of consultation with the States on the proposed rule to limit the scope of the Clean Air Act. Thirty-nine States have objected and said they were not party to that discussion. So on the question of consultation involving States, there is a big gap between the Western Governors and this administration.

The third big gap can be seen in the Western Governors Association positions on the environment where there is a clear commitment to following the law. Certainly that hasn't been done with the Bush administration when it comes to the, Clean Air Act. I was on the conference committee that wrote the law in 1990, and I can tell you there was absolutely no question that it was the intent of Congress that powerplants, oil refineries and industrial facilities would be required to install pollution controls. This is a blatant example of the Bush administration's failure to follow the law.

What I am interested in is seeing an effort to go back to the kinds of policies that the Governors, particularly those in the West, have sought to try to bring people together on these contentious issues and find common ground. That has not been what the Environmental Protection Agency has done in Washington, D.C. But that is what is needed.

When Governor Leavitt came before the Environment and Public Works Committee, I was particularly concerned about his willingness to use the enforcement tools of the agency against serious and egregious violations of the environmental laws. My sense is that the collaborative model that he wishes to pursue is one I support. But it is clear, Mr. President and colleagues, that when companies abuse that kind of good-faith effort by government, the government has got to be willing to come down with hobnail boots on those who are putting at risk our air and our land and water. Prior to the committee vote, Governor Leavitt sent me a memo making it clear that he is willing to look at a different enforcement approach than this administration has used in the past. In the memo, Governor Leavitt wrote "in warranted circumstances I would use the enforcement power rigorously." By contrast, during the Bush administration, enforcement has been essentially abandoned, and even the EPA's own internal reports indicate that that is the case.

The American people need an administrator who is going to end this polluters' holiday and put the Environmental Protection Agency back to work protecting the environment. I think that the Governor's ideas about collaboration are important. They are fresh and creative, and I think that if he is willing to do as he pledged to work with members of Congress on both sides of the aisle, that they could revitalize the agency and bring a fresh approach to environmental policy. But it is important for senators to understand that those who talk about collaboration only, without a willingness to back it up with tough enforcement policies, could be talking about just window dressing for business, or really lack of business as usual.

Over the past several weeks, Governor Leavitt has worked hard to convince me he means business. He has reached out and made the extra effort to show he will be no just an advocate for collaboration but also a tough, nonnonsense enforcer when he needs to be. He has also committed to look at the situation involving the City of Portland's sewer overflows during wet weather and whether this is an appropriate case for enforcement, given that the local community is making progress in addressing the situation and that local ratepayers have already spent more than $500 million toward what will eventually be a $1 billion project.

So the Governor, in my view, has made clear that he wants to bring to EPA a fresh and independent approach to these kinds of issues. He has convinced me that he understands that tough no-nonsense enforcement of this country's environmental laws is absolutely essential when the environmental collaborative approach does not work. I will be closely watching how Governor Leavitt follows through on these changes in EPA's approach to enforcement.

It is very obvious to me that there needs to be a dramatic set of changes put in place at the Environmental Protection Agency. My vote today is essentially a vote because I think the Governor of Utah has the potential to do this job right. I am supporting the Mike Leavitt who I know can be a tough, independent administrator of EPA. For all Americans' sake, I hope Governor Leavitt will be successful in bringing about this change in EPA's direction. I want to give him a chance to succeed, and that is why I am supporting his nomination today.

Mr. FEINGOLD. Madam President, the Senate's responsibility to scrutinize and confirm Presidential nominees is an important one, and never more so than when we are considering who should oversee the agency that, as its name indicates, is designed to protect the country's environment.

The individual charged with this responsibility will advise the President on setting the direction for our national efforts to protect the environment. This person will have the power to decide whether to nurture and conserve, or to develop and destroy our Nation's great resources. Throughout my career, I have committed myself to a career of environmental stewardship. I have tried to cast votes and offer legislation that fully reflect and respond to the importance and lasting legacy of America's environmental needs. I thus take this vote very seriously.

At the same time, I also have another tradition to defend and uphold. I have committed myself to playing a constructive role with respect to the Senate's duty to provide advice and consent on the President's nominees for Cabinet or other senior executive branch positions. I take that role seriously as well.

As the Administrator of the Environmental Protection Agency, Mike Leavitt would be charged with unique and historic responsibilities, which will be as important as they are far reaching. In varying ways, all Americans will be affected by his decisions. As the Nation's principal environmental agency, the EPA has responsibility for the protection of air and water resources, for the clean up of toxic wastes, and for the regulation of the quality of our environment.

That is why I am sensitive to the concerns of some that Governor Leavitt will not live up to this responsibility for environmental stewardship if his nomination is confirmed. I have been at odds with some of Governor Leavitt's environmental management decisions, and I am concerned that his background might cloud his judgement and objectivity on a number of important issues and place him at odds with members of the conservation community and with this Senator.

While I am concerned with Mr. Leavitt's professed unfamiliarity with many of the laws that I regard as critical for the promotion of a balanced environmental policy, I am somewhat heartened by his comments that he will give this position "the full measure of his heart." I am encouraged by this commitment to listen to the views of all stakeholders and all points of view and make, in his words, environmental protection a national "ethic."

I will take Mr. Leavitt at his word—that he will devote his time and energy to the proper enforcement of the EPA's policies, rather than circumventing or repealing laws which preserve our dwindling resources, that he will attempt to address the pollution that makes our air unfit to breathe and our water unsafe to drink, and that he will protect our land and water resources. I intend to hold him to his word.

I also will act in accordance with what I feel is the proper constitutional role of the Senate when it comes to confirming Presidential nominees for positions advising the President. I believe that the Senate should allow a President to appoint people to advise him who share his philosophy and principles. My approach to judicial nominations, of course, is different—nominees for lifetime positions in the judicial branch warrant particularly close scrutiny.

For these reasons, I will support Governor Leavitt's nomination today. However, in doing so, I fully recognize that I have an ongoing responsibility to oversee the institution with stewardship of our environmental quality to ensure that it lives up to its duties. The Senate does not, by confirming Mr. Leavitt, discharge its responsibility to protect our resources and ensure that our environmental laws are enforced. I feel a responsibility to listen to the voices of the many Wisconsinites and others who are deeply concerned about this administration's environmental record. I am hopeful that these voices will be heard by Mr. Leavitt and I will be vigilant in ensuring that Governor Leavitt takes his responsibilities with the utmost seriousness.

Ms. MURKOWSKI. Madam President, I join with those of my colleagues who are pleased to see that the nomination of Governor Michael Leavitt to be Administrator of the Environmental Protection Agency will finally be moving forward.

Governor Leavitt is one of the founders of a bipartisan and collaborative approach to environmental decisionmaking that is a model for dealing with the difficult issues that face us today. His "En Libra" philosophy has been adopted by the National Governors Association and is being used by Federal, State, local and private entities throughout the country. He is the former chair of the National Governors Association, the Western Governors Association, the Republican Governors Association and the Council of State Governments. His experience spans the private sector, academia, and government.

Governor Leavitt is without question qualified for the job. In fact, he is superbly qualified for the job. He is the Nation's longest-serving, and arguably most successful Governor, whose tenure has brought unprecedented prosperity to his State, unparalleled efficiency to its management, and unequaled improvements to its environment. Along the way he has strived for and achieved—if not perfect harmony—then a notable reduction in the volume and intensity of debate over the kind of issues that are more often polarizing than they are unifying.

There can be no better recommendation for the individual who is to lead the agency charged with stewardship of our country's environment.

Unfortunately, Governor Leavitt's nomination was treated shamefully by a small handful of individuals bent on using it as an excuse to accuse the current administration of all kinds of environmental wrongs, to perpetuate outmoded and ineffectual approaches to environmental issues, and to cater to the worst kind of unscientific and unsupportable rhetoric—all that Governor Leavitt stands against and that this Senate should repudiate for the sake of our nation's welfare.

My State of Alaska, as many others—especially in the west—has often struggled with environmental restrictions sought by, imposed by, and maintained by interests with very little knowledge of the conditions we live with. Nonetheless, we take our environmental responsibilities very seriously.

We care about our environment, and we try very hard to address serious issues with clarity and common sense. All too often, common sense is lacking when one-size-fits-all solutions are imposed from outside, and based more on fanciful gloom-and-doom predictions than on facts.

The truth is that we have made mammoth strides in improving our environment, and every day we learn new ways to apply research and technology toward doing an even better job.

This administration is providing a breath of fresh air—and I mean that both literally and figuratively—when it comes to environmental issues.

While improvements can certainly be forced—at great cost—by the threat of heavy-handed government enforcement, they come far more rapidly when they are to the participants' economic advantage. There is all the difference in the world between making money and not losing money.

If we look honestly at what works and what doesn't, we have to conclude that reform of the regulatory process is badly needed. Frankly, I commend the administration for being willing to look at new approaches to building a better environment, rather than continuing to hammer at the same old nails.

I am confident that I will not always agree with the positions that Governor Leavitt may take if he becomes the EPA Administrator. Alaska has a number of outstanding issues with the EPA.

We have long hoped to establish Alaska as a separate EPA region, because attempting to administer such a vast area with so few people who have even seen the issues first-hand is an impossible task that often leads to unnecessary and damaging misunderstandings.

We would like to move forward on a determination that better defines the extent of Clean Water Act authority over Alaska's wetlands. We have over 174 million acres of land classified as wetlands, more than all the other States combined. Much of it is neither use for navigation nor connected in any substantive way with other water bodies, or exists solely because it is underlain by permafrost.

We would like to receive active assistance from the EPA in evaluating the long-term health benefits of our reliance on small, diesel-powered utilities.

We would like to receive recognition that uncontrollable temperature inversions due to our climate are the primary reason some of our cities have difficulty attaining compliance with carbon monoxide rules.

We would like the agency to work with us on developing a mechanism that will more effectively deliver grants to Alaska's many rural Native communities.

In fact, the list of issues between us ranges from minuscule to mammoth—from local issues that should be easily resolved to those which require the intervention of the Supreme Court.

I by no means believe that confirming Governor Michael Leavitt will lead to a resolution of them all. What I do believe is that Governor Leavitt will offer comprehensive, impartial and thoughtful consideration. That is all I ask, and all that my constituents ask.

I strongly support this nomination, and I am very pleased to see that it is moving at this time. I would like to think that this marks a triumph for the American people, who have little patience for diversionary rhetoric and divisionary politics. The American people want their Congress to simply do its job, to the best of its ability, and with the welfare of the entire country in mind.

I will vote to confirm Governor Leavitt on behalf of my constituents, on behalf of all Americans, and on behalf of a safe, productive and healthy environment. I urge all my colleagues to do the same.

Mr. NELSON of Florida. Madam President, yesterday on the Senate floor, I voiced my concerns about the Bush administration's weak environmental record and the need to further debate those concerns. I also shared my belief that Governor Leavitt is an able public servant who will likely be confirmed by the U.S. Senate.

In follow up to those remarks and following the vitiation of the cloture vote, I spoke with Governor Leavitt and explained my views on the direction of environmental policy under this President and the need for him to emerge as champion for the environment in an administration that lacks one. I informed him that, having made my objections known, I would vote in favor of his nomination in the hopes that we could forge a strong working relationship to reach suitable resolutions to the many environmental problems, including Superfund issues, that plague my State of Florida and the Nation.

Mr. INHOFE. And with that I ask the minority, do they have anyone else who wants the time?

Mr. JEFFORDS. Madam President, I yield back the remainder of my time.

Mr. INHOFE. I yield at this time the final 10 minutes to the Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair. I thank my colleague for reserving his time for me. I also want to pay tribute to the distinguished Senator from Vermont and the distinguished Senator from Oklahoma for their leadership on this matter, for their goodness and kindness in support. I have to say with these two fine Senators we have in the Senate, both of them supporting this nominee speaks volumes of the fine man he is. But I have also heard from a couple of my colleagues whom I respect that they have "serious concerns." Governor Leavitt has had a "careless disregard for water and air," "a disturbing tendency to ignore regulations," "a hands off approach." He is a "rollback administrator."

As I understand it, those statements were made this morning. The distinguished Senator from Illinois said that Governor Leavitt has "turned his back on the wilderness." He also said that "Utah is one of the biggest polluter States in the Nation."

I cannot blame him too much for making that statement because he is just quoting some of the irresponsible people in the environmental field who basically have totally ignored the facts, which I am going to speak about in a minute.

I am grateful to these two leaders for the kind way they have handled this nomination and for the effective way they have handled it so we will have a final vote on one of the finest Governors in this land to head one of the most difficult agencies in this land. He is a Governor who is known for working with everybody, known for keeping an open mind, known for being honest, known for being active, and known for intelligence. I could go on about Mike Leavitt. He is a very fine man.

Yesterday during the debate on the nomination of Gov. Michael Leavitt to be Administrator of the Environmental Protection Agency, my friend and colleague Senator RICHARD DURBIN from Illinois stood up on the Senate floor and began an attack on the State of Utah and on Utah's Governor. Now this morning, I find that another friend and colleague, Senator FRANK LAUTENBERG of New Jersey, has been following suit. I am certain both of them are sincere, but I am going to show that both of them are absolutely wrong as well.

First, I am very disappointed that my colleagues would spend time highlighting the supposed weakness of another Senator's State and the supposed weakness of that State's top elected official, especially when they are wrong in both instances.

It was very appropriate for the Members of the Senate in the Environment and Public Works Committee to ask the Governor questions orally and in writing about his management of Utah's natural resources and to allow him to provide answers to those questions, but to ignore his answers to those questions and to use the Senate floor to cast aspersions at Utah I find personally offensive.

Secondly, to be frank, I have to say I am especially offended that my colleagues choose this forum to make these attacks with information that is so clearly inaccurate and so cleverly twisted to cast Utah and its Governor in the worst possible light, so I find it necessary to make part of the RECORD the truth about some of the aspersions cast at my State.

Utah is one of the cleanest States in the Nation, and in large part this is due to Gov. Michael Leavitt, so one can imagine my surprise when one of my colleagues comes to the Senate floor to call Utah one of the Nation's biggest polluters and to blame our Governor for it. What does my colleague mean when he calls Utah a big polluter? A more important question is, What does the public think it means when they hear my colleagues say it?

Let me shed some light on where others have sown confusion. One of the principal indexes being looked at by my colleagues is the Toxic Release Inventory, or TRI, which is collected and published by the EPA. The most recent TRI report came out in 2001, but we should keep in mind that the data for that report, or for the TRI, are 2 years old. In other words, the 2001 TRI report makes use of data from 1999.

A very careful distinction must be made before using numbers from the TRI report. Some may believe or wish to cause others to believe that the TRI simply counts up how much pollution goes into our water and our air, but this is not necessarily the case, to say the least. In fact, every time a company uses a chemical and then correctly and legally disposes of it, that is considered a release.

Even if a pound of a certain chemical is properly recycled, that, too, is considered a pound of release. When a mining company takes a pound of dirt and rock and removes metals from it, that leftover soil and rock often contains chemicals from the processing and must be handled according to a very strict environmental set of regulations. However, each pound of that soil and rock is counted as a release under the TRI.

States such as Utah and Nevada have very large mining operations, and because the amount of leftover rock and soil from these operations is very large, these two States show up at the top of the list when all types of releases are combined.

So do TRI numbers really reflect pollution that is going into our air and water? Yes, in some cases. But as I just pointed out, many of the "releases" reported under TRI never go into our air or our water but are safely sequestered according to the law.

I quote from the EPA's TRI report itself, 2001 TRI public data release, ES-26:

> TRI reports reflect releases and other waste management activities of chemicals, not exposures of the public to those chemicals. Release estimates alone are not sufficient to determine exposure or to calculate potential adverse effects on human health and the environment.

Most citizens will be more concerned about chemicals actually emitted into the air and discharged into our surface water than they will about leftover rock and soil from mining activities that are legally sequestered. According to the 2001 TRI report, Utah emitted about 19 million pounds of chemicals into the air during 1999, but the same report shows that the State of Illinois released nearly 60 million pounds of chemicals into the air. In other words, according to the TRI, during 1999 Illinois was three times the air polluter that Utah was. I point out that since then, Utah's biggest air polluter, MagCorp, has voluntarily upgraded its facilities and reduced its emissions by more than 90 percent. This is all under Governor Leavitt's management.

Let's look at surface water discharges. During that same year, Utah released 1.2 million pounds of chemicals into the surface water. This was below the average of all States. However, the TRI report shows that New Jersey released 3.7 million pounds and Illinois released 8 million pounds of chemicals into the surface water. In other words, according to the EPA, New Jersey is three times the water polluter that Utah is and Illinois almost eight times the polluter that Utah is.

So what does this mean? Does it mean that Illinois and New Jersey should be labeled as large polluters or, as my State was erroneously labeled, the biggest polluters in the country? No, of course not, and I certainly do not believe that to be the case. I believe they are both beautiful and well run States, just as I know Utah to be.

I think it does mean, though, that the Senators from these two States should be more careful about attempting to pin the "polluter" label on my State and on my Governor, and I am not going to stand for it. That is why I am making these remarks today, among other reasons. Frankly, I am going to stand up for this very fine Governor and good person who is known to be a person who works with people of all beliefs and from all parties.

Some of my colleagues and many in the environmental community have been a little too fast and too loose with pinning that unhelpful label of "polluter" on others and on the industries that keep our society running.

I have also heard on the Senate floor that Utah has one of the worst records for water quality enforcement in the Nation. This is patently false. There was a report put out by the environmental group that states this falsehood. However, the statement was based on incomplete reporting on water quality data from Utah.

In an analysis of the complete data, the EPA has in fact determined that Utah ranks among the top 10 States in water quality compliance—one of the top 10 States—and yet we have to put up with this type of unfortunate mischaracterization of my State.

Admittedly, some of my colleagues pay much too much attention to some of these people who are in this game for politics rather than for doing what is right for the environment. I might as well point out that Utah is also in complete compliance with EPA's air quality standards. This is rare amongst States, and it was not the case when Governor Leavitt took office.

I have also heard that Governor Leavitt has turned his back on wilderness in Utah and he supports bulldozing new roads through our national parks. Both statements are false as well, and rather than launch into a long debate about wilderness and BLM roads, I ask unanimous consent that the memorandum of understanding between the State of Utah and the Department of the Interior on State and county road acknowledgment be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Anyone who reads this document will see that the understanding does nothing to allow new roads or even the upgrade of existing roads.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. They will also see that the understanding specifically excludes roads in our parks, refuges, wilderness areas, and even in our wilderness study areas. More important, these issues have nothing whatever to do with the Environmental Protection Agency, and that needs to be pointed out.

Finally, I reiterate my love for my beautiful State of Utah and for my good friend Michael Leavitt. In my statement yesterday, I showed that the record is clear that Michael Leavitt is a champion of the environment and that he is widely recognized as one of our Nation's top public managers. I urge my colleagues to put their full support behind his nomination to head up the Environmental Protection Agency and I do not believe they will be sorry. I believe my colleagues will find him to be the great leader that we all know him to be.

MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR ON STATE AND COUNTY ROAD ACKNOWLEDGMENT

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of the Interior and the State of Utah on this 9th day of April 2003.

Whereas,

1. In a Report to Congress prepared in June of 1993, the Department of the Interior explained that unresolved conflicts over the status of rights-of-way created pursuant to Revised Statute 2477 were creating a continuing cloud on federal agencies' ability to manage federal lands.

2. On August 7, 2002, a bipartisan group of eight western governors wrote urging the Department of the Interior to bring finality to R.S. 2477 disputes in a cooperative manner.

3. On July 16, 2002, the National Association of Counties adopted a resolution urging the Department of the Interior to adopt a policy approach to R.S. 2477 rights-of-way that would allow counties to maintain historical rights of way across federally managed lands.

4. Disputes involving R.S. 2477 rights-of-way have generated numerous expensive and inconclusive federal court lawsuits that have left numerous questions concerning the ownership status of R.S. 2477 rights-of-way unresolved; and the high cost of this litigation has made it difficult for states and counties to assert their rights and for conservation groups to assert their interests.

5. The Department of the Interior has traditionally approached R.S. 2477 issues by trying to define the precise legal limits of the original statutory grant.

6. Most of the asserted R.S. 2477 rights-of-way that actually have been part of western states-inventoried and maintained transportation infrastructure since before the enactment of the Federal Land Policy and Management Act (FLPMA) in 1976 satisfy the statutory requirements of "construction" and "highway" under almost any interpretation of those statutory terms.

7. The State of Utah has many R.S. 2477 claims, and on June 14, 2000, sent to the Secretary of the Interior a Notice of Intention to File Suit under 28 U.S.C.[1] 2409a(m) to quit the title to those claims.

8. The roads in which the State of Utah and Utah counties assert claims include many roads of continuing importance to rural transportation.

9. Rights-of-way granted under R.S. 2477 are vested property rights that cannot be eliminated or diminished without due process. However, the statutory grant of the rights-of-way did not require the issuance of an identifying record, such as a patent. The resulting uncertainty surrounding the identity and scope of R.S. 2477 rights-of-way has created unnecessary difficulties in federal, state and local transportation and land use planning decisions.

10. The State of Utah and Utah counties have spent considerable time and substantial resources to gather information about road claims and are prepared, if necessary, to litigate those claims.

11. Federal, state and local managers and environmental advocacy organizations have all demonstrated a desire to put disputes surrounding R.S. 2477 to rest and move toward an approach to land management that emphasizes cooperation.

Now, therefore, the parties stipulate and agree as follows:

1. The Department shall implement a State and County Road Acknowledgment Process

(Acknowledgment Process) to acknowledge the existence of certain R.S. 2477 rights-of-way on Bureau of Land Management land within the State of Utah, as further described in, and subject to the terms and conditions of, this MOU.

2. For purposes of the Acknowledgment Process only, neither the State nor any Utah county shall assert a right-of-way for any:

a. roads that lie within Congressionally designated Wilderness Areas or Wilderness Study Areas designated on or before October 21, 1993, under Section 603 of FLPMA; and

b. roads that lie within the boundaries of any unit of the National Park System; and

c. roads that lie within the boundaries of any unit of the National Wildlife Refuge System; and

d. roads that are administered by a federal agency other than the Department of the Interior, unless that federal agency consents to the inclusion of the road in the Acknowledgment Process.

3. The State of Utah, or any Utah county, shall submit a request to initiate the Acknowledgment Process for a candidate road and shall reimburse the Bureau of Land Management for the reasonable and necessary cost of processing each request. Each eligible road submitted shall have the following characteristics:

a. the road existed prior to the enactment of FLPMA in 1976 and is in use at the present time;

b. the road can be identified by centerline description or other appropriate legal description;

c. the existence of the road prior to the enactment of FLPMA is documented by information sufficient to support a conclusion that the road meets the legal requirements of a right-of-way granted under R.S. 2477; this information may include, but is not limited to, photographs, affidavits, surveys, government records concerning the road, information concerning or information reasonably inferred from the road's current conditions; and

d. the road was and continues to be public and capable of accommodating automobiles or trucks with four wheels and has been the subject of some type of periodic maintenance.

4. The Acknowledgment Process referenced in this MOU that the Department shall use to acknowledge eligible roads is FLPMA's recordable disclaimer of interest process.

See 43 U.S.C. 1745; 43 C.F.R. subpart 1864. The recordable disclaimer of interest process provides a clear statutory basis for resolving claims and provides an opportunity for public notice and participation. The Utah State Director of the Bureau of Land Management will issue a recordable disclaimer of interest if the requirements of the applicable statutes and regulations, and the terms of this MOU, have been satisfied.

5. By signing this agreement, the Department recognizes that road width and ongoing maintenance levels are essential aspects of road management. Therefore, the scope of a road that the Department disclaims should include a sufficient width to allow the State or county to maintain the character, usage, and travel safety of the road existing at the date of this MOU. For purposes of the Acknowledgment Process only, the width of the road asserted and the width of the road disclaimed shall not exceed the width of ground disturbance that currently exists for the road at the date of this MOU.

6. After the Department issues a recordable disclaimer of interest for an acknowledged road, the State or a county may want to increase the road's width beyond the already disclaimed right-of-way, or to improve the road in a way that substantially alters its character (such as by paving a previously unpaved surface). But the recordable disclaimer of interest process will not be used as a mechanism to substantially alter the characteristics of a road. In cases where the State or a county wishes to substantially alter a road that is subject to the Acknowledgement Process in a way that is outside the scope of ordinary maintenance, it will do so only after notifying BLM of its intentions and giving BLM an opportunity to determine that no permit or other authorization is required under federal law; or, if a permit or other authorization is required, securing such a permit or other authorization, issued in compliance with any applicable law, including requirements of Title V of FLPMA and the National Environmental Policy Act. In the event a permit is deemed necessary, the Department will make its best effort to process requests for access under Title V of FLPMA promptly and cooperatively.

7. In order to facilitate the Acknowledgment Process in Utah, the Department hereby declares that the requirements for determinations under the "Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways; Revocation of December 7, 1988 Policy," dated January 22, 1997, shall be inapplicable to acknowledgment requests submitted in accordance with this MOU. While the 1997 Interim Policy shall still apply to all other requests for right-of-way acknowledgment that are not submitted pursuant to this MOU, the Department recognizes that other interested states and counties may wish to submit proposed MOU's for consideration by the Department that are generally consistent with the principles set out in this agreement.

8. The State, Utah counties and the Department shall work cooperatively to minimize trespass situations on roads that are outside the scope of this MOU.

9. It is understood that the State and counties have evidence regarding the existence of many roads, including those in which they assert no ownership interest. They may choose to use this evidence for other purposes, such as to illustrate whether the land through which the roads run have wilderness-like characteristics or resource values. The Acknowledgment Process will take place independently and without prejudice to any other use of this evidence or other valid existing rights, if any.

10. After submitting a road to the Acknowledgment Process, the State or a county may withdraw it from consideration at any time prior to the actual recording of the disclaimer issued by the Department, for any reason, without prejudice. The submission of a road to the Acknowledgment Process does not prejudice the State's or a county's valid existing rights regarding that road under the law.

11. The Department shall execute any implementing agreements with the State of Utah or Economy Act agreements as appropriate with other federal agencies, as required by applicable statutes and regulations, when effectuating the purposes of this MOU.

12. Activities under this MOU and any implementing agreements shall be conducted in accordance with mutually-agreed upon plans for the classification of information by the State, for the review and release of information, and for cooperation in the preparation of any and all reports to Congress. The release of any information by the Department under this MOU will be in accordance with applicable statutes and regulations.

13. Any expenditure of appropriated funds by the Department will be developed in specific agreements authorized by applicable statutes and regulations and is subject to the availability of funds. This MOU shall not be used to obligate or commit funds or as the basis for the transfer of funds.

14. This MOU shall not be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the State of Utah, Utah counties, the United States, it agencies, its officers, or any other person. This MOU shall not be construed to create any right to judicial review involving the compliance or noncompliance of the State of Utah, Utah counties, the United States, its agencies, its officers, or any other person with the provisions of this MOU.

Signed 4-9-03
Gale A. Norton
Secretary
United States Department of the Interior.

Signed 4-9-03
Michael O. Leavitt
Governor
State of Utah.

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[1] For purposes of this MOU, the terms "road" and "highway" shall be deemed synonymous.

Mr. CARPER. Will the Senator from Utah yield briefly?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARPER. I ask unanimous consent that the Senator from Utah be given 1 additional minute and he yield it to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I am less familiar with Governor Leavitt's environmental record in Utah than is our colleague Senator HATCH. I have known him for more than a decade. We became Governors together in the same year. We were elected in 1992. We know him. We know his family.

I know him to be a thoughtful, decent, caring human being. He is a good manager and a good leader of his State. He has also been a great leader of our Nation's Governors.

I was privileged to serve as Chair of the National Association of Governors at the time he was Vice Chair. He succeeded me as Chair. He is very bright and surrounds himself with excellent people. But what I like best is he is very good at bringing together people with diverse points of view, trying to build consensus. We need that in a lot of areas in our Nation's Capitol these days, and we especially need it with respect to environmental issues. I look forward to voting for his nomination and working with him if he is confirmed.

I thank the Senator for yielding.

Mr. HATCH. I thank my colleague from Delaware. His comments speak volumes as to why we should support Governor Leavitt. I am particularly pleased and grateful for his support in this matter, as I am for the support of the two leaders.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Senate will proceed to a vote on confirmation of the nomination. The question is, Shall the Senate advise and consent to the nomination of Michael O. Leavitt to be Administrator of the Environmental Protection Agency?

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 412 Ex.]

YEAS—88

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—8

Boxer
Corzine
Dayton
Durbin
Lautenberg
Reed
Rockefeller
Schumer

NOT VOTING—4

Bingaman
Edwards
Kerry
Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

Byrd amendment No. 1969, to require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President, by and with the advice and consent of the Senate.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I begin by thanking the Senator from Idaho. It has been a pleasure for me to work with him on this issue. I think we have been working now for close to 3 years, beginning with the Quincy Library Group in California to try to forge a different forest policy, and also to recognize that our forests are overburdened with undergrowth, with nonindigenous species; and so fires, when they happen, burn hotter and do much more destruction than they have done historically.

I thank the Senator for his sympathy for what our State is going through. I want to tell you that I just spoke with the White House, with Mr. Rove, because I had heard from Mr. Blackwell, the regional forester, that the forest fire has taken a turn, because the winds have changed, and is now heading for half a million acres of bark beetle-infested forests near Lake Arrowhead and 44,000 homes are now in jeopardy.

This is just huge. I hope that anyone listening will begin to bring in some military help, more C–130s. With the winds down, the C–130s can work. Perhaps this area can be worked from the air. But the fire is advancing so strongly and also like a spear into San Diego itself, and over the Santa Monica mountains into Malibu. So we have a real maelstrom on our hands.

We think we have a good bill. We believe we have the only bill that can be accepted by this body, and I am hopeful that the leadership will bring this bill to the floor very shortly. I think we need to put everything aside and just get a bill passed.

The Senator is right about streamlining the administrative review process. Our bill does that. It does so in a way that it does not prevent collaboration, does not prevent public testimony, but it streamlines the process.

I think we have handled judicial review in a way that we can agree makes it truncated; temporary injunction, 60 days, and if you want another, you have to come back and justify it. It is the Federal court in the area of the project. We have the first old-growth protection which will be codified in the history of this country.

It is a good bill. I hope that those who might want to place amendments on this bill will really not do so, so we can pass a bill and get it moved on so the 20 million acres that are in this bill, which we know are at the highest risk of catastrophic fire, can be dealt with quickly.

The Senator and I have talked. The Appropriations Committee has been helpful in getting additional dollars for bark beetle infestation. But for 3 years now, we have known this was going to happen. The day is upon us and we must do right by our forests. So I am very grateful for the Senator's help and collaboration on this.

Mr. CRAIG. I thank the Senator from California. She has been a full cooperative partner in working in a bipartisan way. She has outlined many of the provisions in the bill that have been worked out between the Agriculture Committee, the chairman, MIKE CRAPO, Senator DOMENICI, BLANCHE LINCOLN, and a good many others. It was a collaborative, bipartisan effort.

I agree that this is a bill that should be on the floor as we speak. It should not be amended. There are a lot of other bills that will come and other issues that can be addressed.

But California is facing its worst nightmare as we speak in the form of fire. The reality of what the Senator spoke to in the San Bernardino Forest in the Greater Lake Arrowhead area is truly a firestorm of great proportions, and we hope the winds will die down and shift and they will come in off the ocean and bring moisture and lift the dewpoint and lower the fires. That isn't happening as we speak. Quite the opposite is happening, as we play out the Santa Ana and get through this season.

But in the meantime, the destruction is now almost immeasurable. You see it on the faces of the people being interviewed. Maybe America finally recognized it when San Diego could not play football in their home stadium. They had to move to Phoenix because they are using the parking lot as a staging area. Maybe America scratched its head a little and said: What is wrong with this? Should this be happening? No, it should not be—at least to the extent that it is.

The Senator from California is right that procedure can help lessen the impact of the kind of fire scenario we are seeing. She and I have teamed up with our leadership and said let's debate this bill now on the Senate floor and throughout the balance of the week, after we finish foreign operations. We can do that. It should not take but a full day of debate. A lot of issues ought to be talked about on this bill, and then we ought to pass it so America can see that the Congress of the United States is responsive when California is at risk to the proportion that it is today. I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator from Idaho, also. I was just talking to Representative LEWIS. He indicated that two members of his family each lost their homes. I understand that Representative DUNCAN HUNTER also lost his home. So they join literally 1,500 families now who are bereft, without housing, without their home. Really, everything they have built is just gone. Now we find that there are another 44,000 homes in jeopardy. So I very much appreciate the comments of the Senator.

AMENDMENT NO. 1977

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1977.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 1977.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care)

At the appropriate place, insert the following:

SEC. . For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term "HIV/AIDS prevention" means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add Senator SNOWE and Senator MURRAY as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the fiscal 2004 foreign operations bill to provide the administration with greater flexibility in how it funds HIV/AIDS prevention programs.

We believe this amendment is critical to our efforts aimed at stopping the spread of the HIV/AIDS virus and providing a safe and healthy future for millions of people around the world. Time is not on our side, and we must act now.

Our amendment does two things. First, it reserves at least one-third of the funds for prevention of sexual transmission of HIV rather than one-third of all prevention funds for "abstinence-until-marriage" programs. This recognizes that HIV prevention includes many types of activities, and those that target the sexual transmission of HIV/AIDS such as abstinence-until-marriage programs are really only a subset.

Second, our amendment defines an abstinence-until-marriage program as any program that includes, but is not necessarily limited to, providing information that emphasizes the public health benefits of refraining from sexual activity outside of marriage.

Earlier this year I was proud to join my colleagues in passing the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. This is a historic piece of legislation that expressed our resolve to see the United States take a leadership role in the fight against the HIV/AIDS pandemic. The bill recognized that prevention, along with care and treatment, is an essential component of that fight.

The bill, as passed by both Houses and signed by President Bush, contains language that recommends for fiscal year 2004 and 2005 that at least one-third of all global HIV/AIDS prevention funds be set aside for abstinence-before-marriage programs. This sense of the Senate provision becomes a mandate for fiscal year 2004 through 2008. Our amendment simply clarifies the congressional intent of this provision and increases the flexibility of how HIV/AIDS prevention funds are spent.

In order to fulfill our goal of stopping the spread of HIV/AIDS, we should not tie the hands of workers on the ground by limiting the use of HIV/AIDS prevention funds. A brief glance at some of the numbers related to the HIV pandemic demonstrates the importance of funding a wide range of prevention activities.

Worldwide, 40 million people—that is huge—are infected with HIV; 29.4 million people are infected in sub-Saharan Africa alone. That is 70 percent of the world's total. As of 2001, 21.5 million Africans had died of AIDS. That is 21.5 million Africans dead from AIDS. The national intelligence council projects at least 50 million new cases of HIV by 2010 in five countries alone: China, Ethiopia, India, Nigeria, and Russia. Fifty million new cases in five countries. That is a huge pandemic.

Currently fewer than 1 in 5 persons at risk for HIV/AIDS worldwide have access to prevention. Yet UNAIDS and the World Health Organization have conducted research that shows that two-thirds of the estimated 45 million new HIV infections expected to occur between now and 2010 could in fact be averted with effective prevention. Two-thirds of 45 million anticipated cases could be prevented. That is a very critical figure for us to make use of.

Passing the global HIV/AIDS bill was an important first step to meeting that challenge. Our amendment builds on that endeavor and increases the effectiveness of the legislation.

Let me be clear. Our amendment does not strike the 33 percent earmark for abstinence-until-marriage programs. It simply expands the definition of abstinence-until-marriage and gives the administration maximum flexibility to fund programs that successfully increase abstinence among young people. The key word is "successful." All Senators, including myself, know that abstinence is a key strategy in preventing the spread of HIV/AIDS, and the importance we place on those programs is reflected in the legislation. What we are trying to do—and I am trying to do—is give the administration and the people on the ground the flexibility needed to design HIV prevention programs that meet the needs of a given community.

Different programs work better in different communities. There is no real one-size-fits-all program. A May 2003 report from the Bill and Melinda Gates Foundation and the Henry J. Kaiser Foundation highlights that proven AIDS prevention programs involve behavior change programs, including delay in the initiation of sexual activity, faithfulness, correct and consistent condom use, testing and treatment for sexually transmitted disease, promoting voluntary counseling and testing, harm reduction programs for HIV drug users, preventing the transmission of HIV/AIDS from mother to child, increasing blood safety, empowering women and girls, controlling infection in health care settings, and devising programs geared toward people living with HIV/AIDS.

Let's take a closer look at one of these prevention programs: preventing the transmission of HIV from mother to child. We have seen great strides in recent years in this area. Studies have shown that combining drugs such as Nevirapine with counseling and instruction on the use of such drugs reduces mother-to-child transmission by 50 percent. And we have tens of millions of AIDS orphans in Africa alone. So it is a really important program.

Such cost-effective prevention programs are not related to abstinence and should not be constrained by the 33 percent earmark in funds for prevention. Our amendment will allow local communities to spend money on HIV prevention that is most effective in that community. If the most effective program in a community is the promotion of abstinence until marriage, my amendment will not preclude funding for such a program.

Ensuring that the earmark applies only to programs related to preventing the sexual transmission of HIV would free up additional resources for non-abstinence programs while at the same time maintaining the importance of abstinence-until-marriage activities. In fact, my amendment would not prevent the United States from spending more than one-third of funds for the prevention of the sexual transmission of HIV on abstinence-until-marriage programs if the administration decided that was the most effective use of those funds.

We believe the United States should have the flexibility to fund programs that are successful in leading to increased abstinence.

In response to a letter I wrote to Assistant Secretary of State for Legislative Affairs, Paul V. Kelly inquiring about the definition of an "abstinence-until-marriage" program, Secretary Kelly responded:

> Achieving the HIV/AIDS prevention goals of the President's Emergency Plan will require a comprehensive and sustainable approach recognized by both the Plan and the law. The "ABC" model [Abstain, Be faithful, Use condoms], has been used successfully to prevent HIV/AIDS transmission in Uganda as well as Zambia and Ethiopia. These successes show that promoting behavior change and healthy lifestyles, including abstinence and delayed sexual initiation, mutual monogamy, faithfulness and fidelity in marriage and reduction in the number of partners, consistent and correct use of condoms, and avoidance of substance abuse, are successful in preventing the spread of HIV/AIDS.

This tells me that this administration understands that the most effective way to prevent HIV is a multipronged approach. We should be able to fund programs that place a priority emphasis on abstinence but also discuss other methods as outlined under the ABC approach.

For example, the United States Agency for International Development has sponsored Zambia's HEART, Helping Each Other Act Responsibly Together, HIV/AIDS prevention program, a mass media campaign that promotes HIV/AIDS prevention through messages about abstinence, consistent condom use, and the fact that "you can't tell by looking" if another person is HIV-positive.

A 2001 impact survey of youth aged 13 to 19 found that many of the respondents chose to remain abstinent because of the campaign. In fact, respondents were more likely to report that they chose to abstain than to report condom use. This confirms what I have long believed: if young people are given the necessary information and education, they will make an informed and health decision regarding their sexual activity.

If programs like the HEART program in Zambia are successful in increasing abstinence, we should not turn our back on them or limit the amount of resources available because they discuss multiple prevention strategies.

Again, this amendment is about giving our Government and other countries the flexibility to get the job done.

Cultural differences, epidemiology, population age groups, and the stage of the epidemic in a given community will all play roles in how an effective HIV/AIDS prevention program is designed.

This amendment is pro-abstinence, it recognizes that there is more to preventing the spread of HIV/AIDS than preventing the sexual transmission of HIV, it balances congressional priorities with public health needs, and it preserves the administration's flexibility in deciding which programs to fund that would be most likely to increase abstinence.

It is a commonsense amendment and I urge my colleagues to support it.

I thank Senators SNOWE and MURRAY for cosponsoring this amendment.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the amendment offered by Senator FEINSTEIN and myself to clarify the funding under the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003.

As my colleagues will remember, we stayed on the floor late into the night to pass that bill, and we did so in a bipartisan manner, without amendment, because of the critical importance of providing the President with a bill before he attended the G–8 Summit in Evian, France. In doing so, we sent the President to the G–8 with the firm commitment and resolve of the United States to tackle the global AIDS crisis.

This clarification was not made in May, because of the fact that there was no time to conference any changes from the House-passed bill. I believe we did the right thing by sending that bill to the President when we did, but as we address issues today related to funding that commitment, I believe we have a responsibility to address this clarification.

This amendment recognizes prevention—along with care and treatment—as essential to stemming the AIDS epidemic and supports a multiplicity of HIV prevention strategies. HIV prevention must include many types of activities, of which prevention activities targeting sexual transmission are only a subset.

The amendment is consistent with the intent of the bill by reserving at least one-third of the funds for the prevention of the sexual transmission of HIV for "abstinence-until-marriage" programs—otherwise known as "abstinence only." Ensuring that one-third of prevention funds, instead of one-third of all funds, are used for these "abstinence only" programs preserves the funding for multilayered approaches which have been most effective in combating HIV transmission. It is also important to note that the amendment takes into account the fact that there are many ways to succeed in changing the behavior of young people so that they abstain, including programs that emphasize the health benefits of refraining from sexual activity before marriage, and ensures that these programs can benefit from this funding.

This clarification reinforces the notion that encouraging programs that educate about abstinence and delayed sexual initiation is a key strategy in preventing the spread of HIV/AIDS. Strategies that include encouraging the delay in the initiation of sexual activity, faithfulness as well as consistent and correct condom use have had the highest rate of prevention of HIV/AIDS on the continent of Africa. According to the May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation, we need to develop a multilayered approach that combines those types of programs with testing and treatment for sexually transmitted diseases, promoting voluntary counseling and testing, harm-reduction programs for IV drug users, preventing mother to child transmission, increasing blood safety, and controlling infection in health care settings.

This amendment supports the intent of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 by ensuring that funds are targeted to the programs that are the most effective, while balancing the priorities on spending these resources. The amendment also preserves the President's flexibility in determining which programs will be supported.

Mr. President, I believe this amendment provides the right approach to this critical issue and I urge my colleagues to support this clarification.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from California. I am very strongly supportive of the points she has made.

I see the distinguished chairman of the subcommittee, the senior Senator from Kentucky. I think he and I totally agree that if Members have amendments, they should get them to the floor and then we can begin voting on them. Traditionally, we break at 12:30 for the Republican and Democratic caucuses. I would like to get a vote before then. I do not know what the situation is on the Feinstein amendment. I ask my friend from Kentucky whether that is something on which we might vote. There has not been a chance for someone on the other side to speak as of yet.

I think what we need to do, if we can, and before I yield the floor, is make this plea on our side of the aisle—and I suspect the same one will be made on the other side—that if Members have amendments, bring them and see either Senator McCONNELL or myself. If they are going to require a rollcall, we can enter into some time agreements.

Senator McCONNELL and I have some housekeeping amendments which we can dispose of by voice vote, but let's get these others with a time agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I certainly concur with my friend from Vermont. We hope to finish this bill today. We believe we can. There are not a large number of amendments on each side.

With regard to Senator FEINSTEIN's amendment, we are taking a look at that now and hope to be able to react soon about moving that one forward as well. If everyone would share our view that it might be desirable to finish this bill today, the way to get that done is to talk to Senator LEAHY and myself about amendments. We are open for business and would love to sit down with Members and talk about their amendments.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Kentucky and the Senator from Vermont for their comments. I very much appreciate them.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are now about a month behind time in getting a number of the appropriations bills through. Senator McCONNELL and I worked very hard on this bill. I think we have crafted good, bipartisan legislation. Unlike some of the things that happen around here, this has had strong input from both sides of the aisle. It would be a shame if there were so many delays it became part of an omnibus—or, as some more accurately describe, an "ominous"—appropriations bill.

This bill, as much as anything, can reflect the real nature of America. We are the wealthiest, most powerful nation on Earth. There are so many things we can do and should do even better. It requires pennies per person, for example, to remove the threat of measles, diphtheria, and other diseases in Africa and elsewhere, diseases that kill millions of children.

I do not doubt that if anybody in this body were told, "Look at these 20 children; if they will give us $2 or $3, we will save their lives; if they do not, the children are going to die," of course we would reach in our pocket and say: "How about some money for others?"

We do have some money for that. It is nowhere near as much as a wealthy nation such as ours should have, but it is a start. That is just one of the things that is in the bill on which we should move forward.

There will be those who will try to bring the amount on AIDS prevention up to the amount the President of the United States has promised over and over again in speeches. We will be supportive and try to bring it up to that amount. I hope the administration will support us as we try to support what the President has said he wants.

There are so many other areas. There is money in there to help the victims of landmines. There are still millions of landmines in the ground all over the world. The Leahy War Victims Fund that is in here is designed to help them. That is a bipartisan effort.

I say that, not to go down through a litany of everything that is in this piece of legislation, because I would much prefer people come forward and raise their amendments and have them voted on. We, as Senator McCONNELL said, can finish this bill today. We can finish by early evening with cooperation. After 29 years here, I know what happens to a bill such as this. It is almost like pulling teeth to get people to the floor now. At about 5 or 6 at night, people are here saying, My gosh, I have to go to this; I have to go to that; can't you put this over to tomorrow?

I know we have time agreements. Now is the time to do it. The McConnell-Leahy store is open. Come by and do your shopping. Let us talk. Let us reason together. Let us seek prayerful guidance under the benevolent tutelage of the distinguished Presiding Officer, and let us get this bill off and get it voted through. The final package is going to pass overwhelmingly. Let's get the amendments done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, AND 1988, EN BLOC

Mr. McCONNELL. Mr. President, the Senator from Vermont and I have cleared a series of amendments which I will send to the desk to be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and others, proposes amendments numbered 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988, en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1978

(Purpose: To provide funding to protect and promote media freedoms in Russia)

On page 27, line 1 after the colon insert the following: "*Provided further*, That $5,000,000 shall be made available to promote freedom of the media and an independent media in Russia:".

AMENDMENT NO. 1979

(Purpose: To provide authority to use economic assistance appropriations for "Transition Initiatives", and for other purposes)

On page 13, line 22 before the period, insert the following: ": *Provided further*, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations".

AMENDMENT NO. 1980

(Purpose: To permit USAID to modify the terms of guaranteed loans, and for other purposes)

On page 14, line 6 strike "costs" and insert the following: "costs, including the cost of modifying such direct and guaranteed loans,".

On page 14, line 7 before the period insert the following: ": *Provided further*, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act of prior Acts".

AMENDMENT NO. 1981

(Purpose: To require a report on the admission of refugees)

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

AMENDMENT NO. 1982

On page 75, line 17, after "Afghan" insert the following: "Independent".

AMENDMENT NO. 1983

On page 35, line 10, after the semi-colon, insert "and".

Page 35, line 12, strike "; (3)" and insert in lieu thereof the following: ": *Provided further*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that".

On page 35, line 15, strike "; and" and insert in lieu thereof the following: ": *Provided further*, That".

AMENDMENT NO. 1984

On page 105, line 25, strike "180 days" and insert in lieu thereof the following: "one year".

On page 106, line 3, strike "nongovernmental" and everything that follows through "plan" on line 6, and insert in lieu thereof the following: "governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy".

On page 106, line 10, strike "$10,000,000" and insert in lieu thereof the following: "$5,000,000".

On page 106, line 11, strike "implement the action plan" and insert in lieu thereof the following: "develop the strategy".

AMENDMENT NO. 1985

On page 87, line 23, strike "That in" and everything thereafter through "subsection" on line 24, and insert in lieu thereof the following: "That the application of section 507(4)(D) and (E) of such Act".

On page 87, line 26, strike "the" and everything thereafter through "subsection" on page 88, line 1, and insert in lieu thereof the following: "and".

AMENDMENT NO. 1986

On page 20, line 9, before the colon, insert the following: ", of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development".

AMENDMENT NO. 1987

On page 34, line 17, strike "$2,500,000" and insert in lieu thereof: "$3,500,000".

AMENDMENT NO. 1988

(Purpose: To withhold funds for foreign assistance for nations that refuse to pay diplomatic parking tickets)

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

Mr. MCCONNELL. Mr. President, included in the cleared amendments that I sent to the desk is an amendment by myself providing funding for media freedoms to Russia; another McConnell amendment providing authority to ESP assistance for transition initiatives; another one relating to development credit authority guaranteed loans; and an amendment by Senator BROWNBACK related to refugee admissions. Senator LEAHY has four technical amendments and one providing funds for administrative expenses for USAID in the Democratic Republic of Timor-Leste; another Leahy amendment increasing funding for Colombian-United Nations High Commissioner for Human Rights; and a Schumer amendment withholding funds for nations that refuse to pay diplomatic parking tickets.

That is the summary of the amendments that are at the desk. As I have indicated, they have been cleared on both sides.

Mr. LEAHY. Mr. President, I understand I am a cosponsor of Senator BROWNBACK's refugee amendment. If not, I should be.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have no objection. These are all cleared on our side of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1978 through 1988), were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I have offered an amendment to this foreign operations bill cosponsored by Senators BROWNBACK, KENNEDY, and LEAHY that will help persecuted refugees across the world.

I think this amendment will enhance our Nation's commitment to humanitarian principles.

In 1990, Congress passed what has become known as the "Lautenberg amendment," a provision that has allowed nearly 700,000 persecuted religious minorities to come to the United States.

These individuals have qualified for refugee status based on their membership in an ethnic, religious, or national minority facing a credible threat of state-enforced persecution.

In 1998, I traveled to the Balkans to visit ethnic Albanians Kosovars who had fled their homes in the face of the brutal rampage of Slobodan Milosovic. Many of these refugees eventually came to the United States, and I was proud to greet them at Fort Dix in New Jersey.

Today, I continue to believe that the United States, as a prosperous global leader, has a special responsibility to those who have been displaced because of political conflict or those who are threatened by ethnic, racial, or religious persecution.

The amendment we included in this bill today reflects our serious concern about the low number of refugees currently gaining entrance to the U.S.

Each year, the President designates a maximum number of refugees to be admitted under the U.S. Refugee Resettlement Program. It is then up to various Government agencies to find and process those refugees who are eligible and to help them gain admission to the U.S.

However, in the past few years, the annual number of admitted refugees has been dramatically lower than ceiling set by the President. In fiscal year 2003, for example, the U.S. admitted only 28,419 refugees, though the limit had been set at 70,000.

With 13 million refugees worldwide, it is unconscionable that the U.S. cannot offer admission to the full number of individuals legally authorized.

There are various reasons for the shortfall in refugees admitted to the U.S. It is extremely demanding on our foreign service officers abroad to find and process each refugee applicant. The amendment agreed to today attempts to improve this process by directing the Department of State to reach out to international non-profit organizations and private voluntary organizations to help identify refugee applicants.

Our amendment also urges the Secretary of State to prioritize those refugees who are most in need, so we can ensure that humanitarian considerations not political ones determine the order of the waiting list for entry.

There is a refugee crisis in the world, and this nation must play a role in trying to solve this crisis. On the African continent alone, some 45 countries host over 3.3 million refugees. These numbers are growing as the accelerating violence in West Africa continues to uproot thousands from their homes.

Current civil conflicts in Liberia, the Congo and elsewhere suggest that the number of refugees will increase in the coming months.

I thank my colleagues for remaining committed to helping victims of oppression, war and persecution across the world. As a child of immigrants, I believe that our country's history and values instruct us to continue welcoming in the "tired, the poor, and the huddled masses."

I thank my colleagues for supporting this amendment.

AMENDMENT NO. 1989

Mr. McCONNELL. Mr. President, there are three additional amendments that have been cleared which we would like to act on individually.

There is a Craig amendment regarding reforestation in Afghanistan. I commend Senator CRAIG for recognizing a problem that we solved while we were in Afghanistan 2 weeks ago, which is the country has stripped a huge percentage of its trees. As a result of that, there is enormous erosion that they would not have otherwise had.

Senator CRAIG knows a good deal about reforestation. He jumped on that and has offered this very worthwhile amendment which would appropriate $5 million for a reforestation program in Afghanistan. I know Senator CRAIG is hoping this fund will be something like a challenge grant in which corporations and individuals in America and foundations in America that have an interest in reforestation would contribute knowing that at least up to $5 million of that money will be matched by the these USAID funds.

It is a very worthwhile project. I commend Senator CRAIG for recognizing this and coming up with a way to begin to deal with a huge problem related to the rebuilding of Afghanistan.

I send the Craig amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. CRAIG, proposes an amendment numbered 1989.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To facilitate a reforestation program in Afghanistan)

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than $5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American Universities: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

Mr. LEAHY. Mr. President, I ask unanimous consent that I might be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1989) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1990

Mr. McCONNELL. Mr. President, I send to the desk an amendment by Senator DOMENICI relating to the International Law Enforcement Academy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. DOMENICI, proposes an amendment numbered 1990.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 7, before the colon insert the following: ", of which $2,105,000 should be made available for construction and completion of a new facility".

Mr. McCONNELL. Mr. President, I am unaware of any opposition on this side. I believe that is the case on the other side.

Mr. LEAHY. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 1990) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1991

Mr. McCONNELL. Mr. President, finally I send an amendment by Senator LEAHY and myself to the desk which provides assistance to the Ibn Khaldun Center for Development in Egypt related to democracy building.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1991.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance for the Ibn Khaldun Center for Development in Egypt)

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, $2,000,000 shall be made available for the Ibn Khaldun Center for Development:

Mr. McCONNELL. Mr. President, I am pleased to offer an amendment—cosponsored by the ranking member of the subcommittee—that provides $2 million for the Ibn Khaldun Center for Development in Egypt.

The Center is directed by Dr. Saad Eddin Ibrahim, a vocal champion of human rights and democracy in Egypt. My colleagues may remember that Dr. Ibrahim was arrested on June 30, 2000, on charges that included defaming the country's image. Many in Cairo and abroad believe that Dr. Ibrahim's arrest was a direct response by the Egyptian Government to his investigations into discrimination against the country's Coptic Christian minority and parliamentary fraud.

Dr. Ibrahim spent several years in jail and was finally acquitted this spring after a second retrial. However, imprisonment neither dulled his desire for democracy, justice or human rights in Egypt nor his passion for pursuing these fundamental rights in the face of repression from the authoritarian Egyptian government.

In fact, when my staff visited Dr. Ibrahim in prison almost 2 years ago he was just as feisty in support of democracy for Egypt as when he passed through Washington a few short months ago.

Given Dr. Ibrahim's noble cause, the amendment provides funding for the center for core support and programmatic activities that promote democracy, the rule of law and human rights in Egypt.

I urge my colleagues to support this amendment, which underscores that an important front in the war on terrorism includes the pursuit of freedom, democratic institutions, the rule of law and human rights in countries throughout the Middle East.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1991) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, Senator SESSIONS is here and I am prepared to offer an amendment. Therefore, I yield the floor.

AMENDMENT NO. 1993

Mr. SESSIONS. Mr. President, I spoke last night about my concern over our inadequate attention given to the substantial problem of health care transmission of AIDS in Africa. As part of this bill, we are moving forward with a $15 billion program to deal with AIDS in Africa.

Some of the agencies involved have been too slow, frankly, to recognize how significant the transmission of AIDS is in Africa as a result of medical transmissions. It occurs in two primary ways. One, throughout Africa they are reusing needles for injections. When people come in, they are given shots. There is one story of an elementary classroom where all were injected with an immunization using the same needle, something we would not tolerate in America.

As a matter of fact, we have taken extraordinary steps to make sure that no one in America who goes to a physician or doctor or hospital or clinic comes home infected with AIDS. We did that with the Ryan White Act. We dealt with hemophiliacs who have blood transfusions. We knew that was a major cause of the transmission of AIDS. We stopped that. We test all blood. We know it is clean or we will not allow it to be injected in someone's body.

That is not true now in Africa. Twenty-five percent of the blood in Africa is transfused without being tested.

We also know that in some countries in Africa as much as 40 percent of the adults have the HIV virus. We know that many more transfusions take place in Africa than in the United States. You would be surprised to know that; most people would. Diseases such as malaria cause anemia, and frequently physicians utilize transfusions to deal with that.

They have other problems that lead to the need for transfusions. Many more transfusions take place in Africa. Many more injections take place in Africa, surprisingly. We find that when people go to the doctor in Africa, they can receive a pill, but they tend to get a shot for whatever their problem is. We believe at least as much as 40 percent of the injections in Africa are unnecessary. Perhaps even more of the transfusions are unnecessary. But in addition to being unnecessary, they are highly risky.

That is the problem. When you reuse a needle, you put patients at risk. In America, we have gone to extraordinary lengths to make sure our blood is clean and our needles are clean. In addition, we have gone to great lengths to make sure that health care workers, through accidents, won't prick themselves with a needle that might be contaminated. Remember, we have only about a 1 percent infection rate in the United States, whereas in Africa it is much larger throughout the continent.

We have numbers from a study in South Africa that between ages 2 and 15, there are 670,000 children infected with HIV. Studies have shown that some of their mothers are not infected with HIV. How did they get it? This is not a sexually caused problem for most of them. This is a problem caused, I am afraid, from unsafe health care practices.

Senator LEAHY knows Holly Burkhalter of Physicians for Human Rights. They have been dealing with this issue for some time. They have concluded that it may be the single most significant act we can take to prevent AIDS in the short term in the world.

We have also discovered that it would take only a relatively small portion of the $15 billion to fix it, the combination of testing and certifying that every transfusion is done with blood that is clean and safe. You take every injection in Africa, even some that are unnecessary, but every injection in Africa, if you examined all of those and gave a free and clean non-reusable needle for every injection in Africa, we are talking about less than $100 million, really about $75 million. That is what it would take. We are going to be spending $3 billion a year in Africa on AIDS over the next 5 years.

There has been some dispute over how much of HIV is caused by medical transmissions. The WHO says the number is 10 percent. They say that blood transfusions are 5 to 10 percent. They also say that needles account for 2.5 percent.

I have conducted two hearings before the Health, Education Labor and Pensions Committee, of which Senator ENZI, the Presiding Officer, is an able member. We have taken the best witnesses we could get. Dr. Gisselquist and others who are familiar with the issues have testified. I have become more convinced than ever that those numbers are conservative. But at the 10-percent number, the numbers come in at 250,000 to 450,000 infections per year from health care in Africa.

Imagine that: 250,000 to 450,000 human beings, many of them children, many of them infants, going to the doctor to get health care, to get a shot, coming home infected with a disease that will lead to their early death.

Because it is a matter of such colossal error, we need to confront it, and we can. We can do so much better. I will be offering an amendment to urge that we earmark at least $75 million to fix the problem. I believe in very short order we can completely fix it. There is no excuse for any blood in Africa being used that had not been tested. Seventy-five percent of it is tested now. Why don't we go the rest of the way? Do you think that is not a large number, the 25 percent? It is a tremendous number.

Particularly, women who go for transfusions after birth or because of malaria and anemia, those kinds of conditions, are the ones causing the transfusions. They are coming home with AIDS, and they are dying.

These numbers don't consider the fact that people who have been infected by a health care injection or transfusion can go out and infect others, their spouses, or other people. It creates a cycle of growth in the spread of AIDS that is unacceptable.

Dr. Gisselquist says the numbers should be declining in Africa today. They are not. The only explanation for the failure of the numbers of infections in Africa to decline, in his view, is medical transmissions. He has studied every study of this issue that has ever been done in Africa. From that, he considers it as high as 30 percent, three times the number I mentioned before, three times that number. And on the WHO numbers, we are talking about 1,000 infections per day, a number that can be fixed.

It is time for us to ensure, as part of this bill, that the people who are running our AIDS program for the United States and the world understand we expect them to confront the medical transmission issue.

The good news is, the great news is that we can bring these percentages to virtually zero. We can stop 1,000 to 2,000 infections per day. We can take it to zero and eliminate this problem for less than $100 million a year.

I say let's do it. We need to have a sense of urgency. Mr. Tobias, heading this effort, needs to have a sense of absolute urgency. This has been talked about for years.

Last night I had a chart that depicted a headline article in the San Francisco Chronicle, dated October 27, 1998—5 years ago yesterday—detailing needles of death, talking about this very problem. Nothing has been done about it. It will not undermine the effort to deal with the sexual transmission of the disease and it will not, in my view, scare people from going to health care clinics to get treatment—the only two excuses I have heard to date as to why we should not go forward.

I thank the Chair and Senator McCONNELL for his leadership in managing this bill and his willingness to listen to my concerns.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, this is an excellent amendment that has been cleared on both sides of the aisle. It is an important contribution. The Senator from Alabama is making an effort to combat this plague, which is clearly the No. 1 public health problem in the world today. I thank him for this important contribution.

Has the Senator sent the amendment to the desk?

Mr. SESSIONS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1993.

Mr. SESSIONS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that a portion of the funds appropriated for the Global AIDS Initiative shall be made available for injection safety and blood safety programs)

On page 23, line 8, strike the period and insert ": *Provided further*, That of the funds appropriated under this heading, not less than $29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further*, That of the funds appropriated under this heading, not less than $46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs.".

Mr. McCONNELL. Mr. President, I see my friend from Vermont here.

Mr. LEAHY. Mr. President, I think the Senator has done us all a service with his amendment. I ask unanimous consent that I may be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I thank the Senator from Vermont.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1966

Mr. DURBIN. Mr. President, I would like to speak for a few moments on behalf of an amendment that I believe is now pending, offered by Senator DEWINE and myself relative to global AIDS.

I thank Senator MIKE DEWINE for his amazing leadership on public health issues, particularly relating to the Third World. Most of my colleagues are not aware of the commitment Senator DEWINE and his wife Fran have made to the island of Haiti, which they have visited, as I understand, 15 different times. I was fortunate to join him on one of those trips a few months back and to meet with some of the poorest people in the world, who happen to live in our backyard. They are suffering from the worst conditions you can imagine and, sadly, also being devastated by their own AIDS epidemic.

Senator DEWINE has, through his family and friends, politically committed himself to the people of Haiti. I believe this amendment he offers today is consistent with that commitment. That is why I am honored to be his cosponsor on this amendment relative to global AIDS, which takes an important step forward in meeting a pledge America has made.

Senator DEWINE said Friday, when he introduced our amendment, this is clearly the right thing to do. If we want to put this into perspective, our headlines every day focus on the war on terrorism and the situation in Iraq, as they should; but Secretary of State Colin Powell very eloquently told the U.N. a few days ago what his perspective was. I will quote that:

AIDS is more devastating than any terrorist attack, any conflict or any weapon of mass destruction.

He went on to say:

It kills indiscriminately, and without mercy. As cruel as any tyrant, the virus can crush the human spirit. It is an insidious and relentless foe. AIDS shatters families, tears the fabric of societies, and undermines governments. AIDS can destroy countries and destabilize entire regions.

That is what Secretary of State Colin Powell said to the U.N. I think it is an appropriate introduction in the consideration of this important amendment. This is becoming the worst plague the world has ever seen. Imagine those words for a moment, when we consider the plagues throughout the history of the world. Already, 25 million people have been killed by HIV/AIDS. Eight thousand people die from AIDS every day—that is 8,000 mothers, fathers, and children. Today, another 42 million people around the world face a death sentence from AIDS because they have no access to treatment. It can cost as little as a dollar a day.

As parents die, 14 million AIDS orphans have been left without the care and support they need. Unless we act soon, there will be 25 million AIDS orphans by the end of the decade.

Reflect for a moment on the scenes that we have seen in Liberia and other parts of Africa, where we find children carrying automatic weapons, hell-bent on violence and destruction—children who, frankly, have no parental supervision for a variety of reasons, but increasingly because their parents have died from the AIDS epidemic. The boys become predatory with these guns, destabilizing villages, societies, and governments, threatening violence on people in a wanton fashion. The girls, these AIDS orphans, sadly without education and support, many times turn to prostitution, perpetuating the cycle of infection which will then, of course, not only claim their lives but their children as well. That is the cycle of AIDS as we know it today. To think of orphans alone is a sad thought. To think as orphans as predators, or orphans who are young girls who become submissive in societies and perpetuate sexual disease is to really take to heart the comments of Secretary of State Colin Powell.

Each year the world loses a population greater than the population of the city of Chicago, which I represent. We lose a population greater than that to AIDS. We know how to stop these deaths. It is not hopeless. For those who have given up and say this is God's verdict on people who deserve it one way or another, they are not only wrong morally, they are wrong medically.

According to the World Health Organization, 5 million to 6 million HIV-infected people in developing countries immediately need treatment. Fewer than 1 percent of medically eligible people in Africa now have access to treatment. Less than 1 percent have access to treatment today.

The World Health Organization declared AIDS an emergency and promised to treat 3 million people by 2005. It is not going to happen.

Current global spending on AIDS is now less than half of the bare-bones budget, $10.5 million, that is needed to reach this goal. We know what the goal should be. We have set the goal. America has joined in setting it with the World Health Organization, and we are going to utterly fail in meeting this goal.

According to Global HIV Prevention Working Group, current prevention spending falls $3.8 billion short of what is needed by 2005. If we close this prevention gap, if we meet the goals we have set—those of us in the West who are blessed with the best hospitals, doctors, and technology in the world—we can prevent 29 million to 45 million infections by 2010.

As the CIA director, Mr. Tenet, recently said about AIDS:

> Is this a security issue? You bet it is. With more than 40 million people infected right now, a figure that—by 2010—may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa.

As the disease spreads, it unravels social structures, decimates populations, and destabilizes entire nations.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 million to 75 million by 2010. AIDS is particularly devastating national armies around the world that ensure stability. In South Africa, according to the RAND Institute, some military units have infection rates as high as 90 percent.

This amendment will add $289 million in funding to the battle against AIDS. The President pledged the U.S. would come forward with $15 billion over 5 years. This Congress went on record saying we would spend $3 billion this year. The DeWine-Durbin amendment moves us to $2.4 billion. We are still not where we promised we would be. But we must take this important step forward. I urge my colleagues to join me.

As Majority Leader FRIST said so well:

> History will judge whether a world led by America stood by and let transpire one of the greatest destructions of human life in recorded history—or performed one of its most heroic rescues.

We can spare babies from AIDS. We can give mothers hope. We can give families an opportunity to survive. I have been to Africa. I have met these people. I have sat with them. I have cried with them over their plight in this world today. I have left feeling helpless and determined to come to this floor, as often as God gives me the strength to stand behind this desk, and fight that we will have money in our budget to meet the promise we have given to these poor people around the world.

No one else, no other nation, is as rich as the United States. No other nation has stepped forward with this massive commitment. The DeWine-Durbin amendment today moves us closer. We reached $2.4 billion. We are still about $600 million short of what we promised. After this amendment is considered, I will offer an amendment to make up that difference.

I implore my colleagues on both sides of the aisle, do what is right today, not only for the stability of the world but to give hope to people around the world who wonder if anyone notices and anyone is listening. We notice, we are listening, and the DeWine-Durbin amendment, with so many cosponsors, will move us toward providing hope to these families for a future.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent that the time for the noon recess be extended by 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Illinois for his very fine statement and for his sponsorship of this amendment. This is the third time my colleague and I have worked on an amendment on AIDS help for the people of the world who are literally dying of this dread disease. I salute him for his very fine work and for his very fine comments today.

Last Friday, we offered an amendment to the Foreign Operations bill that would increase the bill's current funding level for the global AIDS initiative by $289 million, as Senator DURBIN has indicated. This additional funding would bring the total fiscal year 2004 allocation to $2.4 billion. This $2.4 billion would allow us to meet our goal of providing at least $2 billion in bilateral assistance, and it would also allow us to meet our current matching commitment to the global fund to fight AIDS, tuberculosis, and malaria.

The new AIDS coordinator, Randall Tobias, would be able to distribute this money for the prevention, treatment, and control of and research in regard to AIDS/HIV, tuberculosis, as well as malaria.

I am very pleased a number of our colleagues have joined us as cosponsors of this amendment. In addition to Senator DURBIN, Senator COLEMAN, Senator WARNER, Senator DASCHLE, Senator LEAHY, Senator GRAHAM of South Carolina, Senator ALEXANDER, Senator SANTORUM, Senator COLLINS, Senator SMITH of Oregon, Senator BINGAMAN, Senator CORZINE, Senator BROWNBACK, Senator LUGAR, Senator ROBERTS, Senator HAGEL, Senator DOLE, Senator SPECTER, Senator HATCH, Senator CLINTON, as well as Senator KERRY have also cosponsored this amendment. I thank them all for their cosponsorship. I thank each one of them for their support and for their own efforts to fight the ravages of the global AIDS epidemic.

Fighting AIDS is a monumental task, a huge effort that will demand the time, resources, support, and certainly the prayers of the American people and people around the world for years to come.

It is a global problem with global implications. It is delicate; it is intricate; it is anything but simple. I think the American people understand this. They certainly need to know this. They need to know we will be fighting against AIDS and HIV for a long time.

The disease, death, and destruction it has left in its wake will not go away overnight, no matter what we do. Our amendment today will not completely solve this problem. It will not make AIDS go away, but it will help. It will begin to make a difference. It certainly can make a difference. The resources this amendment will provide will, in fact, save lives.

Let there be no mistake about it; passing this amendment will save thousands of lives. It will save lives because the resources we will provide by this amendment will go to organizations, groups, doctors, and nonprofit organizations that are already in the field, already are in these countries, that have already proven they have the ability to go out and do the job. So in this regard, it is very simple. There are things we can do right now to save these lives and to make an immediate difference. For example, as I said Friday, I have had the opportunity to travel to Guyana and Haiti in this hemisphere and, as we did this past summer, along with Senator FRIST and other Members of the Senate, we traveled to the southern part of Africa, where we had the opportunity to see doctors and organizations in the field doing the work. They were already saving lives and they looked at us and, in so many words, said: Give us the resources, give us the help, give us the assistance we need so we can expand the work we are doing.

We saw them in place. What this bill will do is to give them more help and assistance so they can expand their work, treat more people and help save more lives.

I think the most striking example of this is when we see a mother who is HIV-positive, we know the facts are if she is HIV-positive when she is pregnant with a child and about to give birth, the odds are 30 percent that child will be HIV-positive and that child will be condemned to death. We also know, though, that for as little as $3, that mother can be treated and the odds will be reduced from 30 percent to 5 percent or 4 percent that she will give birth to a child who will be HIV-positive. We can give lifesaving drugs and that lifesaving treatment for a very small amount of money, for the cost of two cups of coffee in the United States. We can do that, and we need to do it.

In addition to fighting HIV/AIDS, we must remain vigilant in our efforts to fight other global epidemics. That is another reason this amendment is so important. The funds it provides, in addition to fighting HIV/AIDS, can be used to fight the spread of tuberculosis and malaria. These are two diseases we have the ability to fight, two diseases we have an obligation to fight.

Like HIV/AIDS, the statistics are staggering. According to the World Health Organization, tuberculosis kills 2 million people per year. It is estimated that between 2000 and 2020, nearly 1 billion people will be newly infected by TB; 200 million people will get sick from it; and 35 million people will die from it if the control of it is not further strengthened. TB is a leading cause of death among women of reproductive age worldwide and it is estimated to cause more deaths among this group than all causes of maternal mortality. With an estimated 3 million new cases of TB each year, Southeast Asia is the world's hardest hit region. In Eastern Europe, TB deaths are increasing after almost 40 years of steady decline. More than 1.5 million TB cases occur in sub-Saharan Africa each year. This number is rising rapidly, largely due to the high prevalence of HIV.

The fact is, people who are HIV positive or who already have AIDS are far more susceptible to acquiring tuberculosis. Their compromised immune system, quite simply, has a very difficult time fighting off the TB infection. As a result, TB is the leading killer of people living with HIV/AIDS. One-third of people infected with HIV would develop TB—one-third. At the end of the year 2001, 13.1 million people living with HIV/AIDS were coinfected with tuberculosis.

In Africa alone, more than 50 percent of individuals with active TB are also HIV positive. And in Asia, TB accounts for 40 percent of AIDS deaths.

The spread of malaria is equally troubling. According to the World Health Organization, over 40 percent of the world's children live in malaria epidemic countries. Each year, approximately 300 to 500 million malaria infections lead to over 1 million deaths, of which over 75 percent occur in African children. In fact, every 30 seconds an African child dies of malaria.

As with HIV/AIDS, there are some relatively simple things we can do to help prevent these needless deaths. For example, insecticide-treated nets have been shown to reduce mortality among children under 5 years by approximately 20 percent. This translates to the prevention of almost half a million deaths each year in sub-saharan Africa alone. Simple items such as these nets can cost as little as $1.50, while a year's supply of insecticides to retreat a net costs from 30 cents to 60 cents. Yet a recent "Child Survival" series in the British medical journal The Lancet concluded that:

> Fewer than 5 percent of children in regions of Africa with very high prevalence rates of malaria are using insecticide treated materials to prevent malaria.

Again, as with HIV/AIDS, we as a nation and as a people have the resources and the ability to fight these preventable diseases. With this amendment, we can do so much good. So I say to the Members of the Senate, I say to my colleagues, we should not and we must not tolerate a world where so many people are suffering from HIV/AIDS and so many people are suffering from malaria and tuberculosis. We simply should not tolerate a world where this suffering and dying occurs. And where we have the ability and where we have the tools to help make a difference and to save lives, we must act, and we must act quickly. We should not delay. We must act now.

Every 10 seconds, someone in the world dies because of AIDS. In just the short time I have been speaking here on the Senate floor—in just that time—at least 60 people have died because of AIDS. Those are lives that we can help save. Those are lives that I believe we must help save.

I urge my colleagues to join us, to join Senators DURBIN, COLEMAN, WARNER, DASCHLE, LEAHY, GRAHAM of South Carolina, ALEXANDER, SANTORUM, COLLINS, SMITH of Oregon, BINGAMAN, CORZINE, BROWNBACK, LUGAR, ROBERTS, HAGEL, DOLE, SPECTER, HATCH, CLINTON, and KERRY in supporting this amendment. This amendment will mean more lives can be saved. It is as simple as that.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, under the unanimous consent agreement we are now in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator LEAHY asked that I fill in for him for the next little bit. We have an amendment to offer. We have no one here from the majority, but I am very confident there is no problem with the Senator from North Dakota offering an amendment. I ask unanimous consent that the pending amendment be set aside so the Senator from North Dakota can offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

AMENDMENT NO. 1994

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself and Mr. SCHUMER, proposes an amendment numbered 1994.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To urge the President to release information regarding sources of foreign support for the 9-11 hijackers)

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

Mr. DORGAN. Mr. President, this amendment is a sense-of-the-Senate amendment. I note there are other sense-of-the-Senate amendments in this legislation. I will at the end of my statement ask consent that we consider waiving points of order.

Let me describe what the amendment is and why I have offered the amendment. I offer this amendment on behalf of myself and Senator SCHUMER from New York.

The Congressional Joint Intelligence Committee inquiry into the intelligence community activities before and after the terrorist attacks of September 2001 finished its work. This past summer, when the report was finally authorized for release by the administration, we discovered that the report, which took 9 months to write and 7 months to declassify, contained 28 pages that had been redacted by White House lawyers.

I will quote a couple of people, one who is in the Chamber now. I will quote Senator SHELBY and Senator GRAHAM, the chair and ranking member of the Intelligence Committee while this inquiry was underway. As I indicated, 28 pages of this report were redacted by White House lawyers. That means the American public cannot see what was in that report. We will have no knowledge and no information about what was contained in that rather exhaustive report.

The Bush administration has refused to declassify these pages, citing concern for intelligence-gathering "sources and methods." I don't think that is an insignificant issue, by the way. I think intelligence gathering and the sources and methods for doing so are important. But it is also important, it seems to me, to ask the question, Should these 28 pages have been redacted? Should the 28 pages have been outside the view of the American people, given the fact that this report was done in order to evaluate what happened leading up to 2001, what was happening with respect to our intelligence community, what was happening with respect to other countries?

There has been a great deal of speculation about Saudi Arabia. It is assumed that somehow in these pages there is discussion about the Saudis. The Saudi Government is implicated by some because 15 of the 19 hijackers were from Saudi Arabia. Even the leaders of the Saudi Government, who some have said are the object of the redacted pages, want it declassified. They are angry and embarrassed at being singled out and want to defend themselves, and therefore they want this declassified.

How much of the 28 pages could be declassified? Senators GRAHAM and SHELBY, the former chair and cochair of the Intelligence Committee who directed the report are quoted saying the following: "I think they are classified for the wrong reason," the former vice chairman of the Senate Intelligence Committee told NBC's "Meet the Press." "I went back and read every one of those pages thoroughly. My judgment is 95 percent of that information should be declassified and become uncensored so the American people would know." Asked why the section was blacked out, Shelby said: "I think it might be embarrassing to international relations."

Senator BOB GRAHAM of Florida, who was the chairman of the committee investigating this, also called for declassification. He said releasing the report would permit "the Saudi Government to deal with any questions which may be raised in the currently censored pages and allow the American people to make their own judgment about who are our true friends and allies in the war on terrorism." Senator GRAHAM made that request in a letter to President Bush.

This is a very important issue and it has gone on for months and months and months. This report was developed after an extensive amount of study and investigation. The report was then published after being edited by the Bush administration and the White House. And a rather substantial portion of that report—most speculate dealing with the Saudis—was censored, classified, or redacted. That is, the American people are not permitted to see that which is included in the report on those 28 pages.

Again, the chairman and vice chairman of the committee that led or that directed the preparation of this report say most of that information of the 28 pages should be declassified, implying, I believe, since they are not quoted directly, that declassifying that would not compromise sources and methods and not compromise our intelligence community.

My hope is that the Senate, with a sense-of-the-Senate resolution, will weigh in on this in a very significant way and say to the administration these 28 pages should be made available.

Now, in the sense-of-the-Senate resolution, I point out that it is the sense of the Senate that in light of the findings—and I have a series of findings—the President should declassify the 28-page section of the joint inquiry into intelligence community activities before and after the terrorist attacks of 2001 that deal with the foreign sources of support for the 9/11 hijackers and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources or methods should remain classified.

In point of fact, those whose expert opinions I respect have said they have read the redacted or the censored or classified portions very carefully and believe most of it should not have been classified; most of it should have been made available to the American people. If that is the case, and if the Saudi Government itself has said this information ought to be declassified, let us deal with it on the public record. Then I believe the American people ought to expect a right to see this information.

My hope is we will have a vote on this amendment, a sense-of-the-Senate amendment that will allow the Senate in this forum to send a message to the President and to the White House that we believe the bulk of this 28-page redaction should be made available to the American people posthaste.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I commend my colleague, the Senator from North Dakota, for having offered this sense of the Senate. The sense of the Senate has an additional significance as we face some fundamental issues in the closing days of this session.

First, I will talk about the base concerns. As the Senator from North Dakota said, the principal purpose of the joint inquiry was to determine what had been the role of the intelligence community in the events leading up to September 11. In many instances in the course of that pursuit, the committee staff came to unearth FBI reports, CIA reports, and other intelligence community reports. We were not in a position, either in terms of our staff capabilities or our jurisdiction, to then go behind those reports to attempt to validate them. These were reports written by agents of these appropriate intelligence agencies, but we could not, from primary sources, validate them. The FBI, primarily—and some other intelligence agencies, as well—were tasked to do exactly that, to find out if their own documents in many cases could be substantiated.

Those requests were made approximately a year ago. Still, today, many of those requests have not been answered. The administration has said, either directly or in some cases through intermediaries, that our report is deficient in that there is not second- and third-party confirmation of the statements we include. We included exactly what the FBI or CIA or other agencies had written. We asked the appropriate agencies, primarily FBI, to pursue these to determine if they were substantiated, and in many instances that has not occurred.

There is also an issue not of micro but of macro importance: This report makes a very compelling case, based on the information submitted by the agencies themselves, that there was a foreign government which was complicitous in the actions leading up to September 11, at least as it relates to some of the terrorists who were present in one part of the United States.

There are two big questions yet to be answered. Why would this government have provided the level of assistance—financial, logistical, housing, support service—to some of the terrorists and not to all of the terrorists? We asked that question. There has been no response.

My own hypothesis—and I will describe it as that—is that in fact similar assistance was being provided to all or at least most of the terrorists. The difference is that we happened, because of a set of circumstances which are contained in these 28 censored pages, to have an unusual window on a few of the terrorists. We did not have a similar window on others. Therefore, it will take more effort to determine if they were, in fact, receiving that assistance. That effort has, in my judgment, been grossly insufficiently pursued.

An even more serious question is what would lead us to believe that if there was this infrastructure of a foreign government supporting some of the 19 terrorists, that as soon as September 11 concluded, as soon as the last flames were put out at the Pentagon, the World Trade Center and on the field in Pennsylvania, all that infrastructure was immediately taken down? Again, this is my hypothesis: I don't believe it was taken down. I believe that infrastructure is likely to still be in place assisting the next generation of terrorists who are in the United States.

Those are very fundamental questions, and if the public had access to these 28 pages, they would be demanding answers.

As I mentioned in the beginning of my remarks, there is another issue which is going to emerge in the next few days. We had a long debate in this Chamber on the supplemental appropriations bill, the bill providing $87 billion for the reconstruction and occupation of Iraq. We had a long debate as to whether some of that reconstruction money should be in the form of loans rather than, as the President has insisted, all of it being in grants.

What is one of the practical effects of making all of the U.S. money which will go into the reconstruction of Iraq a grant? The answer to that question is that one of the consequences, ironically, will be that we will make all of the countries which currently have loans to Iraq that much more solvent because we will have, without any request for repayment, made a significant investment in enhancing the economic viability of Iraq and, therefore, the ability of whatever government is placed in ultimate control of Iraq more capable of repaying those loans.

There is a further irony that some of those countries, which are disclosed in the 28 censored pages as having been complicitous with the terrorists, are among the list of those creditors of Iraq that are going to get this indirect economic benefit. I believe the Members of Congress, who are going to be called upon to vote on whether we should grant this indirect benefit to a country that has been less than supportive of our Nation's war on terror, ought to know that before we vote and then find out later the full consequences of what we have done.

So there was an issue as to why these 28 pages should have been released when the report was initially completed in December of 2002. Those issues remain today. And there is the additional issue of whether we are going to inadvertently grant a significant financial benefit to a country that has been to say less than our ally in the war on terror would be a gross understatement.

I commend the Senator from North Dakota for having offered this sense of the Senate. It is a very important issue. I hope this Senate will adopt the sense of the Senate. If not, if the President continues to refuse to allow the American people to have access to this information, then I hope the Congress will be willing to use some of the authorities that it has to declassify information. Because the higher interest is not in placating this administration's unwillingness to be forthcoming on the issue. The higher interest in this democracy is that the people have access to relevant information which is not an issue of national security but which is a significant issue in terms of understanding the consequences of decisions that we have and will soon be making.

I urge adoption of the sense of the Senate and again express my admiration to the Senator from North Dakota for having presented it this afternoon.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a few additional comments. My colleague from Florida is in a very unique position. Having worked with his colleague from Alabama, Senator GRAHAM and Senator SHELBY provided a great public service as they initiated this inquiry.

The inquiry, as described by my colleague in part, is an evaluation of whether there were other governments that participated in supporting groups of terrorists who committed acts of terror against this country. The answer to that question is very important. My colleague indicates that if such a program were in place or had been in place by another government to support groups of terrorists, what leads us to believe that parts of that program are not continuing to still operate and, therefore, continue to threaten our country?

The very important question with this sense-of-the-Senate resolution is: Should we not have the ability to know, should full disclosure not be the routine rather than the exception? Should the 28 pages that have been withheld from the American people be made available to them so we all are able to evaluate exactly the same set of information?

My conclusion is, yes, absolutely. It ought to be done sooner rather than later.

I have been intending to offer two amendments to this appropriations bill. One dealt with this sense of the Senate which I have just offered. The second dealt with a sense of the Senate with respect to the cooperation that is now being received or lack of cooperation by the 9/11 Commission, the other commission that is headed by former Governor Kean that is looking into 9/11 and the relationship of a series of issues, both prior to 9/11 and following, by our intelligence community and others.

One of my great concerns is reading in the newspapers just in recent days about the 9/11 Commission. This is a blue-ribbon commission. One of our former colleagues, Senator Cleland, is on the Commission. It is a commission that has to finish its work by May of next year. It has a relatively short timeframe. Now we hear that they have had to issue a subpoena to one of the Federal agencies to get them to cooperate giving information to them. There were other stories yesterday and the day before. They are concerned about not getting information from the White House.

We are not going to be satisfied until we have everything we need to do our job. Governor Kean says—he is a former Republican Governor from New Jersey—this is not about politics. It is about a blue-ribbon commission having access to all of the information so it can do its job.

I find it unbelievable that any agency or crevice or any corner of this Government would not open its records and provide full and immediate cooperation with the 9/11 Commission. That is the least we should expect of every single agency. They have had to subpoena information from the FAA and yet they are not getting information from the White House that they are requesting. Kean said in an interview that he will resume negotiations with the White House this week and hopes to reach a resolution one way or the other on documents the panel is seeking. The Commission has the power to issue subpoenas and Kean says he does not rule out sending one to the White House.

Why should we read this in the papers? I don't understand it. There ought not be any agency, including the White House, that does not fully cooperate in every respect immediately with the request for information from this 9/11 Commission.

We have had two studies, one initiated by the Senate Intelligence Committee. That is the one that was the focus of my first amendment. The second was to have been the focus of the second amendment. Both were sense of the Senate—first, to declassify the information so that the American people will be able to see what was there. Don't censor this material; give the American people information. The second is to say to all Federal agencies, cooperate with the 9/11 Commission fully, completely, and immediately.

Now, my understanding is, having consulted with the majority, they will raise a point of order against the amendment I have offered just moments ago because it is "legislating on an appropriations bill." My second amendment would be the same. They would make a point of order against them, and the point of order would stand, I expect. So when such a point of order is made, I will regret it. I understand those are the rules of the Senate. But on the very next piece of legislation that comes to the floor—and I believe one is coming later this week that is an amendable vehicle and is a nonappropriations bill—we will vote on both of these sense-of-the-Senate amendments.

I might also say that while a point of order will be raised on these, there are sense-of-the-Senate provisions, I believe, in the underlying bill, or sense-of-the-Senate provisions to be added to it. I will not raise similar points of order. My hope is that all Senators will join me in understanding that this is not partisan or political, it is about this country's interests—our interests in preventing future acts of terrorism, our interests in finding out what happened, what went wrong, and how we can improve the intelligence-gathering system in this country. Who did what? Were foreign governments involved? If so, which ones and to what extent? These questions need to be answered. Both of my resolutions are designed to do one thing—provide more information to the American people, No. 1; No. 2, to ask every corner of our Government in every official working of this Government to decide that they will completely, cooperatively, and immediately work with the 9/11 Commission to provide the requested information.

We ought not to have to come to the Senate floor to ask why the White House, the FAA, or this or that agency has not already fully cooperated with the 9/11 Commission. It is in this country's interest to see that happen.

Mr. President, I ask for consideration of my amendment.

Mr. McCONNELL. Was consent requested, Mr. President? I am sorry, I didn't hear.

Mr. DORGAN. I asked for consideration of my amendment. I ask unanimous consent that we waive points of order and have my amendment be considered.

Mr. McCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, in accordance with the precedent of May 17, 2000, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. McCONNELL. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 1974

(Purpose: To authorize appropriations for Foreign Relations and for Foreign Assistance, and to authorize Millennium Challenge Assistance)

Mr. LUGAR. Mr. President, I call up amendment No. 1974.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1974.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LUGAR. Mr. President, I am pleased to offer an amendment that authorizes the spending contained in this appropriations bill. I thank Senator McCONNELL and Senator LEAHY specifically for the way in which they have worked with me throughout this year on matters pertaining to foreign policy. Our staffs have consulted closely for months, and I believe that our respective legislative efforts have been enhanced greatly by this cooperation.

My amendment is an up-to-date version of S. 925, the foreign affairs authorization bill. It contains all of the amendments included in the S. 925 Senate floor action in July. It is truly a bipartisan product. On those 3 days in July in which we debated the bill, we considered dozens of amendments from both sides of the aisle. The Senate Foreign Relations Committee worked with Members on constructive legislative language to enhance the bill; various components have received unanimous committee support.

I thank almost every Member of this body who has contributed in one way or another to this amendment because the amendments of almost every Member of this body are a part of the product we are considering today. That is why it not only has enormous bipartisan support, it has pride of authorship of virtually every Senator.

In this amendment, the Senate speaks forthrightly on the foreign policy challenges that this appropriations bill addresses by setting forth funding levels for specific programs and projects. This amendment gives voice to the Senate's views on issues touching every continent, from the threats of terrorism and weapons of mass destruction, to the safety of Americans working in our embassies overseas, to the President's proposed Millennium Challenge Account, which is designed to spur economic growth in the poorest countries.

My amendment authorizes appropriations for our diplomats, our foreign aid workers, our Peace Corps volunteers, many of them in harm's way. They are our civilian soldiers in the war on terrorism, and they are engaged in a noble battle against disease, poverty, and humanitarian disasters. American diplomats and aid workers have become targets in most countries and embassies around the world, but there is no shortage of recruits who want to be trained and sent abroad to do America's work.

I thank every member of my committee for their hard work during the authorization process. Members on both sides of the aisle have devoted tens of hours to developing constructive approaches to a number of very difficult foreign policy questions. The Senate Foreign Relations Committee has approached many foreign policy problems in a bipartisan spirit; thus, all of our authorizing legislation in S. 925 passed out of the committee by a vote of 19 to 0.

I thank and commend, once again, the distinguished ranking member of our committee, Senator BIDEN, for his abiding cooperation through this whole lengthy process of this year. Republicans and Democrats reasoned together and made compromises that led to excellent legislation. The members of our committee are united in our belief that the authorization bill contained in this amendment will enhance U.S. national security.

A vote for this amendment is a vote of confidence in the Senate's ability to help shape a world where peace, justice, and prosperity might prevail. This is not an academic exercise. Authorization legislation is important. If we are to have a foreign policy that has the long-term support of the American people, the Congress must be in it on the takeoffs as well as the landings. We should not be satisfied with appropriating funds after American soldiers are on the ground. Congress must be in on the policy formulations and the fulfillment of U.S. commitments. Our role is to help make the hard decisions, not just to sign the checks after decisions are made.

Extensive hearings in the Senate Foreign Relations Committee have formed this amendment. The Senate needs the authorization process to project its voice on foreign policy and to have an impact on the direction this country takes in the world. I believe this step is especially necessary because we are now trying to accomplish our legislative work in extraordinary and dangerous times. These times demand the Senate do its duty to pass a foreign affairs authorization bill.

Up to this point, we have not done our duty. We are asking a great deal of our diplomats, our military, and the administration; and on a daily basis, Senators of both parties can be heard delivering commentary on the administration's war effort. Our responsibilities as the elected representatives of the people make such commentary relevant and expected.

Even as we perform oversight and function as loyal critics within our Government, we cannot forget we have our own responsibilities in fighting the war on terrorism. If we function merely as critics and commentators without taking the time and effort to authorize the very legislation that pertains to our Nation's security, we are failing in our duties. This simply cannot continue.

After September 11, 2001, we know we need a robust civilian foreign policy capacity in addition to a strong military if we are going to shape a world that embraces democracy, tolerance, open markets, and the rule of law. But we find the State Department is stretched thin. Our public diplomacy is underfunded and unfocused on many occasions. Our foreign assistance faces constant conflicting pressures and we need to play catchup just to make sure Americans are as safe as possible in their embassy workplaces, and Americans who approach those workplaces are as safe as possible.

We have no civilian surge capacity so our soldiers in Afghanistan and Iraq end up doing the nonmilitary tasks that should be done by civilians. Our appropriators have been sensitive to foreign policy needs. They have carried the burden of keeping vital foreign policy programs going, but a few lines in appropriations bills are not sufficient to provide the needed direction and framework and the sustained oversight this body should be paying to our civilian foreign affairs capacity.

This year the foreign affairs authorization bill has had to overcome obstacles that have had little to do with its own merits. This authorizing amendment lays out Senate priorities for foreign affairs spending. I have resisted adding anything to it that was not approved in July in open debate and after the adoption of the dozens of amendments I talked about from virtually most, if not all, Senators on this floor. The bill exists as it emerged from the Senate floor at that time and it puts people first, as well as the safety of Americans who work around the world for us. It places a high priority on programs that help foreign governments cooperate with us in tracking down terrorists. It authorizes additional funds for security upgrades at embassies which we know are among the most threatened U.S. targets in the world. As we saw in Kenya and Tanzania, Americans serving in embassies are on the front line in the war against terrorism.

The amendment authorized an increase in danger pay for the diplomats who serve in high-risk posts. We are in a race to prevent terrorists from acquiring weapons of mass destruction and the authorization of this amendment will increase our capabilities. The amendment authorizes a greater American effort to reach out to the Islamic world. Beyond the war on terrorism, the amendment places a high priority on recognizing the deep reservoir of hope for humanity that resides in the American heart. It authorizes the fulfillment of our humanitarian instincts, including programs for child survival, nutrition and health, famine assistance and the Peace Corps. It authorizes the Millennium Challenge Account, President Bush's new program to invest American development dollars where they are most likely to spur economic growth.

A lot of work has gone into the deliberations on the Millennium Challenge Account and the final product is supported by Republicans and Democrats in the Senate, as well as the President of the United States and the Secretary of State. All of us now support the President's concept for creating a new means of delivering economic assistance to nations that are implementing positive and measurable economic and political reforms. We agree with the President that this and our development assistance programs are important tools in the war on terrorism. They can prevent failed states, improve our relationships with developing countries, and reduce impoverished conditions that are conducive to terrorist recruitment.

The Senate has been diligent this year in moving other foreign policy items. Among the measures we have passed are the global AIDS bill, the Moscow Treaty, NATO expansion, and the Iraq supplemental. The Senate has shown a capacity to act decisively on the Nation's foreign policy business because we recognize that in these perilous times it is our duty to do so. American national security is at risk, and as the leaders entrusted with passing legislation to keep America secure, we should include the authorization for the civilian foreign affairs agencies and their programs among our accomplishments this year.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, and I apologize because I just arrived on the floor—I am sorry. I thought my distinguished friend, the senior Senator from Indiana, had propounded a unanimous consent request.

Mr. LUGAR. Yes. I am prepared to accept the passage of the amendment by voice vote if it is the pleasure of both managers of the bill.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say initially that in my experience in the Congress I have learned to recognize the quality of the senior Senator from Indiana. He is a fine man, an outstanding legislator, and his heart is always in the right place.

I understand the importance of the State Department authorization bill. I have understood it for the more than two decades I have been in the Congress. It is important legislation. On this side of the aisle, we understand that and that is why we have worked so hard over the years to try to move forward. As the Senator from Indiana knows, it certainly was not his fault, but we had great difficulty moving the bill previously as a result of one Senator. On this legislation he now wants to make a part of this foreign operations appropriations bill, we have spent 2 days on this bill and during that period of time we had some good debate. We adopted some amendments. But we on this side feel we should move forward as with all legislation and not cut it off. In effect, that is what is happening.

So without belaboring the point more, I raise a point of order that this is legislating on an appropriations bill.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I move to suspend rule XVI of the standing rules of the Senate during the Senate's consideration of H.R. 2800 in order to offer amendment 1974 to that bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I think the question of the two managers of the bills: How much time do we need to spend on this? It is my understanding the issue that has been raised by the Senator from Indiana will take a two-thirds vote to pass the Senate. I am sure there are a few people who wish to speak on this, and I am sure on our side we could arrive at a reasonable period of time prior to a vote.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I ask the Senator from Indiana how much time he desires before proceeding to a vote?

Mr. LUGAR. I respond to the distinguished Senator that I would like 15 minutes.

Mr. McCONNELL. Are there any requests for time on the other side?

Mr. LEAHY. Then would the request be a half hour evenly divided? Is that what the Senator is suggesting?

Mr. REID. I think that is totally reasonable, if I could interrupt. We need to check with the ranking member of the Foreign Relations Committee. Senator HARKIN has agreed to take 15 minutes. We don't know of anyone else who wished to speak on it, other than the manager of the bill.

I hope, if we can go into an extremely brief quorum call, we can come up with a time agreement very quickly.

Mr. McCONNELL. Mr. President, I hope we can move on with this very quickly. I think a brief quorum call is a good idea. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask that there be 30 minutes of debate, equally divided, on the Lugar amendment, after which we will have a vote on that amendment. Have we had the yeas and nays?

Mr. LEAHY. I ask for the yeas and nays on Lugar—on the motion to waive.

Mr. REID. No, on the motion to suspend.

Mr. LEAHY. On the motion to suspend; I am sorry.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 10 minutes at the outset of this debate.

Mr. President, I regret that objection has been made, although I understand the reasoning of those who have made the objection.

I identified this as the State Department authorization bill, a bill that also included authorization for the money in the challenge account and, for that matter, a good number of other things that, in this particular urgent period of the war on terrorism, attempts to help brave Americans who are serving in our embassies, who are serving in humanitarian ways abroad. I need not remind the Senate that a number of these brave Americans have lost their lives in recent days and weeks. I need not remind the Senate we are at war. This is not an incidental amendment or a last-minute whim of one Senator.

Nor, for that matter, is it a particular desire of our committee—which voted 19 to zero in behalf of some very important principles that support Americans on the civilian side of the war against terrorism—to impose our will upon the Senate. Obviously, we are not in a position to do so. But I pointed out in the days of debate on the amendment that I have offered today, there were tens of amendments offered by many Senators. A majority, I believe, of the body have tried to perfect this bill. It is not a controversial bill. It is, in fact, a statement of the best motivation, the idealism of the Senate. It is our best collective effort to try to meet an imperative in the war against terrorism.

At this point, a point of order has been raised that this is legislation on an appropriations bill. Indeed, it is. I have made a motion to waive that requirement, given what I believe is the gravity and the importance of the lives of the Americans we are trying to serve.

Members may decide that they wish to debate procedure today. And procedure in the Senate and the rules of the Senate are very important. But the rules of the Senate also permit, as one rule of the Senate, the waiver, so that authorization might occur on an appropriations bill.

Some Senators have approached me and indicated they think there is a lot of merit in the bill. As a matter of fact, some of their own work is in this bill, in this amendment I am offering. Yet at the same time, they are reluctant to vote for my waiver on this occasion, my desire to set aside rule XVI, because they believe there are, after all, many considerations the Senate might be taking up today. There is a broad gamut of domestic issues, for that matter, discussions of foreign policy—various ideas that might come to Senators that might be quite welcome to our national debate.

I do ask for consideration of the whole package of the ideas, authorizations, and support that my amendment provides the Senate today because I believe it is important to our country. I believe it is important, as a statement of who we are, that we are doing business. We might make a statement, when we have this vote, that we are prepared, really, not to do business, but in our own internal difficulties we are prepared to frustrate each other at almost every pass.

We enjoy the fact that, as a Senate, we are fairly evenly divided. Yet I pointed out on this particular bill we are not divided. So there almost has to be a very peculiar twist, it seems to me, that finds this debate whether or not we should authorize the State Department Millennial Challenge.

Beyond that, there has been perhaps a debate in the Senate throughout the year. It is an important one. It is important to be resolved constructively. There may be some Senators who would say that, by and large, it is probably useful to have authorization bills but some Senators almost in the next breath will say it is not very necessary. In other words, if in fact programs are not thought through and they are not fleshed out and there are not formats for them that, by and large, somehow we get along year by year appropriating money and adding some verbiage that gives a hint that someone authorized these expenditures along the way as well as appropriated them.

We found in July when Senator BIDEN and I were attempting to manage this bill that there were a lot of Senators who were in favor of what we were doing but some Senators said we have not really had our day on the floor; we have really not had a chance to offer our agenda; the reason we couldn't was because the format of the Senate always seemed to be taking up appropriations bills; and rule XVI says you cannot have authorization of general legislation. Therefore, we were cut out from any consideration of objectives which we thought were very important. As a result, we came along with an authorization bill and Senators said finally we have an authorization bill. This offers us the opportunity to pile in everything that we have.

The Senators who argued against that point of view said, no, that really wasn't what the debate on foreign policy was about. But the opposition to that was simply we understand that, but we have not had our chance and we don't see that we are going to have our chance. We don't see another authorization bill coming along the pike. Therefore, although yours will somehow disappear in the midst of all of these other discussions, that has happened for years. Very seldom do we pass authorization bills, and in the case of foreign relations, as a matter of fact, not many for many, many years.

As a result, our staff found as we approached the State Department and foreign assistance and what have you that this year there was a need for cleanup of a lot of our case activity, and we hope to do some more of that work next year. One reason for that is if you do not have authorization bills and force things to happen, no one really examines legislative language. There are a whole series of bureaucracies and responsibilities from year to year. No one pays attention and, legislatively, no one cares.

Let me say we do care. In fact, a large majority of Senators care about the content of this legislation. I believe it is very important on this occasion that my proposal to lay aside rule XVI should be adopted, and that will be our goal. I encourage an "aye" vote not only on the rule XVI waiver but a vote on behalf of brave Americans who this amendment supports and serves and remembers.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. There are 15 minutes in opposition, and 6 minutes for the proponents.

Mr. LEAHY. Obviously, if the distinguished Senator from Indiana needs more time, I would not object to a unanimous consent request from him.

Does the Senator from Iowa wish time?

Mr. HARKIN. I have an amendment but I am not seeking time on this amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, time is running. I ask unanimous consent that the time under the quorum call not be charged against the side of the distinguished Senator from Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, that leaves us how much time on each side?

The PRESIDING OFFICER. The opponents have 11 minutes 12 seconds, and the proponents have 6 minutes 12 seconds.

Mr. LEAHY. Mr. President, I don't know if we have people coming to speak. If no one does, I will soon yield back the time so we can vote. I urge, as Senator MCCONNELL has and as the leaders have, those who have amendments on which they seek votes to come to the floor and offer their amendments. I know that the intent of Senator MCCONNELL and myself is if there are no other amendments waiting to be disposed of or pending, we plan to go to third reading. Going to the third reading could be in a matter of the next couple of hours at that pace.

Some Senators have said they had a number of amendments. At such point that there are no amendments pending, it is our intention to go to third reading.

I suggest the absence of a quorum and ask unanimous consent that the time be charged to my side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I note the senior Senator from Massachusetts has arrived. I ask the Chair how much time is remaining.

The PRESIDING OFFICER. Those in opposition have 9 minutes and 12 seconds.

Mr. KENNEDY. I appreciate it. I will be prepared to address the Senate in a minute. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand, the amendment before the Senate is the State Department reauthorization legislation. I commend the Senator from Indiana and the Senator from Delaware for fashioning the reauthorization. It has not been done for a number of years, and I am very strong in support of that proposal. If the amendment of the Senator from Indiana is effective, we will lose the opportunity to have at least considered one of the very important amendments to the State Department reauthorization which dealt with hate crimes. I think it is entirely appropriate we have an opportunity to address the hate crimes issue on the State Department reauthorization because the State Department reauthorization obviously is dealing with foreign policy issues, and the origin of hate crimes is domestic terrorism. We have seen in recent times the growth of hate crimes in the United States. It is of significant importance. Hate crimes are not just crimes against an individual; they are crimes against a group in our society. They do not just do damage to an individual; they do something to our whole sense of community. That is why they are so treacherous. That is why they are so heinous. That is why they are so wrong.

We have seen the hate crimes that have taken place on the basis of race, and on the basis gender, and the basis of sexual orientation. Particularly the time of the tragic circumstances surrounding the death of Matthew Shephard, whose death in Wyoming was tragic. He had studied overseas and was fluent in Arabic and German before joining the Federal service.

Mr. President, crimes motivated by hate because of the victim's race, religion, sex, ethnic background, and disability are not confined to geographical boundaries of our great Nation. The current conflicts in the Middle East, the ethnic cleansing campaigns in Bosnia, Rwanda or the Holocaust itself demonstrate that violence motivated by hate is a worldwide danger. We have a special responsibility to combat it here at home.

Since the September 11th attacks, we have seen a shameful increase in the number of hate crimes committed against Muslim Americans, Sikh Americans, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks on September 11. We authorized the use of force against terrorists and those who harbor them in other lands. We have enacted legislation to provide aid to victims and their families, to strengthen airport security, to improve security of our borders, to strengthen our defenses against bioterrorism, and to give law enforcement and intelligence officers enhanced powers to investigate and prevent terrorism. But the one thing we have not done is to try to deal with the hate crimes issue.

We are prepared to vote on that. We are interested in half an hour time limitation, but we are told people have holds on that legislation. Members will refuse to let the Senate consider this legislation. I have indicated to the Senator from Indiana that I am prepared to permit and support the State Department reauthorization, but at least give us some opportunity to vote on hate crimes as a clean bill with a short time limit. We will take next week or the week after. We will even take a date in January or February of next year, but give us an opportunity to vote on hate crimes. The other side says no—not the Senator from Indiana—but the other side says no. So we are in a situation that says, well, let's circumvent or at least use the rules in such a way that will say we have two-thirds of the Senate that will permit him to use this reauthorization and effectively deny the Senate the opportunity to address the hate crimes issue. I don't fault the Senator from Indiana, but if this goes on, I am going to be there on the next amendment offering the hate crimes bill. Make no mistake about it. Make no mistake about it. We will have the opportunity and the time to take this up.

I might mention there are some other issues as well, including the issue of the minimum wage. Here we just increased our own salaries by $3,400 and we have not been given an opportunity to increase the minimum wage by 75 cents an hour for 2 years. We are denied that opportunity. We are excluded from that. We had that as an amendment to the State Department authorization and we were told we cannot have an hour to debate that.

Meanwhile, we see what is happening to the people at the lowest end of the economic ladder, primarily women.

Regarding the minimum wage, it is a women's issue because a majority of those receiving the minimum wage are women. It is a children's issue because one-third of the women who receive the minimum wage have children. It is a civil rights issue because a disproportionate number of the men and women who receive the minimum wage are men and women of color. And it is a fairness issue. In this country of ours, people who work 40 hours a week, 52 weeks, ought to have a living wage. But we are denied that opportunity. What is it about our Republican friends that they refuse to permit the Senate to go on record on these issues?

Now we are asked, let's have an exception. If we have an exception to this, we should face up to minimum wage, to hate crimes, and other issues. Fair is fair. I am for this legislation. It is up to the majority to set the agenda and give us an opportunity to vote on these issues and not deny a vote in the Senate in terms of hate crimes and minimum wage. They say no, no way, you are not going to get your opportunity.

I hope this amendment will not be accepted. I hope we can work this out with the majority leader. We have tried, we have tried, we have tried, and we have tried, but to no avail. Since it is of no avail and we do not have cooperation, there will be no alternative for me other than to offer the amendment.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself the remainder of the time.

Let me respond as thoughtfully and calmly as I can because the distinguished Senator from Massachusetts has indicated he has been a very strong friend of American diplomacy, of our diplomats abroad, of those who are at risk presently in the war against terror. I appreciate that. I have visited with him about ways in which we could have an authorization bill for the State Department, the millennium challenge, and the other issues that were in this comprehensive Senate bill, S. 925, originally, as amended by so many Senators. The Senator's statement illustrates precisely the problem on which Senators must now vote.

That is, simply, if we are to have an authorization bill this year for the State Department, this is the opportunity. We had an opportunity in July. The distinguished Senator from Massachusetts points out correctly that he and other distinguished Senators had a number of issues that they believed were important. Hate crimes and the minimum wage are two of them. And there were additional ideas that Senators wanted to present. They made the point at that time that they believed that on our side of the aisle, they had not been given an opportunity to forward their agenda, to have a time certain for clean bills.

Therefore, although in some cases they said, we regret the fact that the State Department authorization bill is likely now to be withdrawn and not to happen, essentially it hasn't happened for many years. As a matter of fact, very few authorization bills were happening. The only reason, I gather, that hate crimes and unemployment compensation came up in July was a belief on the part of proponents of those ideas that they had no other authorization bill on which to have a debate or to attach their amendments, that the appropriations procedure we are under today precluded all of that.

I ask that even those who are strong proponents of legislation dealing with the minimum wage and hate crimes support the authorization of legislation that helps civilian Americans who are at risk in the war against terror now. That is an important objective. It has not been my purpose to try to frustrate the aims of any Senator but, rather, simply on behalf of a committee that voted 19 to zero and on behalf of a Senate that approved tens of constructive amendments, to try to forward that work product while there is still an opportunity this year.

This is the moment in which Senators must make that sort of decision. Some may wish to make it on the basis of procedure or the basis of how the two parties get along with each other in the Senate. But I would plead with Senators that this is important by itself. It is an important, relevant vote for American security and American good governance.

I believe the American people respect this effort. They want us to do this. They want Senators to vote aye, even though some may say this is at least an opportunity to make points on other discussions at the expense of the totality of all of it ending up in failure.

I appreciate very much the cooperation of the managers of the bill. I thank, once again, my distinguished ranking member, Joe Biden, who has served our committee well as chairman and as a member for three decades, for all of the constructive work. I thank especially the members of the staffs on both sides of the aisle who have diligently devoted hundreds of hours of constructive work trying to reform aspects of the State Department, a bureaucracy of our Government that had not been observed and touched for a long time and which this bill, an authorization bill, has really the unique capacity to do.

For all these reasons, I ask that Senators vote aye and that we have an opportunity for this legislation to proceed.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has 20 seconds.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the hate crimes bill be considered as original text before March 15 on the floor of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I make a similar request in terms of the minimum wage before March 15 of next year.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 15 seconds remaining.

Mr. LUGAR. Mr. President, let me just say, in view of the two proposals made by the distinguished Senator from Massachusetts, I offered objection on both of these counts because I am the only Republican Senator in the Chamber. On behalf of the leadership of our party, that was my duty, given the fact that our party had not had an opportunity to consider those proposals.

I would just say, personally, I am hopeful that consideration will be given to the Senator from Massachusetts and to all Senators for proposals that are constructive. Those two have a lot of constructive emphasis, and it may well be that before March 15, the Senate will be able to entertain those motions. I hope the Senator understands my objection today. That is why I stated it as a part of this conclusion.

Once again, I am hopeful that Senators will vote constructively in favor of the foreign relations bill.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to suspend rule XVI with regard to amendment No. 1974.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 57, as follows:

[Rollcall Vote No. 413 Leg.]

YEAS—40

Alexander
Allen
Bayh
Biden
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Enzi
Feingold
Fitzgerald
Grassley
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
Murkowski
Smith
Snowe
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—57

Akaka
Allard
Baucus
Bennett
Bingaman
Boxer
Breaux
Byrd
Cantwell
Chambliss
Clinton
Cochran

Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Ensign
Feinstein
Frist
Graham (FL)
Graham (SC)
Gregg
Harkin
Hollings
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Specter
Stabenow
Stevens
Wyden

NOT VOTING—3

Edwards
Kerry
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 57. Two-thirds of the Senators voting not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am shortly going to bring up an amendment on UNFPA. I know the distinguished Senator from Iowa was here waiting.

Mr. McCONNELL. Will my friend from Vermont yield, just for an observation? The Senator from Colorado is here. He has an amendment which I believe is acceptable. I wonder if we could go ahead and process that.

Mr. LEAHY. Mr. President, obviously I will follow the lead of my friend from Kentucky. If the Senator from Colorado has one that is going to be accepted, let's do that. I ask we do that and then go to the Senator from Iowa. I hope he would accept a time agreement just so we can get moving because, as I stated earlier, certainly on my side, once there are no amendments pending, I am ready to go to third reading.

Mr. McCONNELL. We are looking at the amendment of the Senator from Iowa and hope to get back to him shortly as to whether we can support it. In the meantime, if it is all right with my colleagues—

Mr. REID. Will the Senator yield just for a brief question?

Mr. McCONNELL. Yes.

Mr. REID. Mr. President, Senator BYRD is on a very important appropriations conference committee. He is going to recess tonight at 6 o'clock. Senator BYRD cannot be here until 6 o'clock. On his amendment he would like to speak for 20 minutes.

Senator LANDRIEU, as I have said before, has an amendment she wishes to offer. She said she could speak for 15 minutes on her side on that.

Senator HARKIN has an amendment. If that cannot be worked out, he wants 15 or 20 minutes. And there, of course, are a couple of other things that need to be resolved. I just indicate that everyone on our side, as Senator LEAHY has announced, should come over and start offering these amendments because I have been told by the two leaders they want to finish this bill tonight. If that is the case, the way things are moving here—which is not very fast—it would be a long night. So I hope they would come over and offer these amendments on both sides.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I certainly agree with my friend from Nevada. The idea is to finish tonight. In order to facilitate that, we have a Senator on the floor ready to offer an amendment. I suggest the Senator from Colorado be allowed to send his amendment forward, say a few words on its behalf, and let's adopt it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1995, AS MODIFIED

Mr. ALLARD. Mr. President, I thank the Senator from Kentucky for allowing me to offer this amendment at this time.

There is an amendment I have at the desk, No. 1995. I understand I have the right to modify that. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1995, as modified.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

SEC. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

Mr. ALLARD. Mr. President, this amendment, co-sponsored by Senator Gordon Smith, would prohibit International Military Education Training funds for Indonesia. It also gives the President the authority to waive this prohibition for national security reasons. Let me explain why it is important for the Senate to consider and approve this amendment.

Nearly 15 months ago on August 31, 2002, 10 Americans living in Indonesia were brutally attacked less than 6 miles from their homes. Hundreds of rounds of ammunition were fired at them for 45 minutes, leaving two Americans dead and most of the other survivors nursing multiple bullet wounds.

I have had the opportunity to meet with one of the survivors of this horrible tragedy, Mrs. Patsy Spiers, who, along with her husband Rick, was shot multiple times. While Patsy was fortunate enough to survive this ordeal, her husband was not. In January, Mrs. Spiers was brave enough to sit down with me and walk through her painful experience. The next day I contacted President Bush urging him to press the Indonesian government to conduct a comprehensive investigation into the attack.

Immediately after the ambush, an investigation into the ambush was conducted by the Indonesian civil police. The police report implicated the Indonesian military in the attack, but indicated that further investigation into the ambush needed to be done. Shortly after the police report was filed, the Indonesian military exonerated themselves from the attack.

Only after diplomatic pressure from the United States did the Indonesian government decide to continue the investigation into the ambush. The Indonesian government also promised to permit the full participation of the FBI. Despite visiting the country multiple times, the FBI has not received the cooperation it needs to determine who was responsible for these brutal murders.

At this juncture, there are indications that Indonesian military may have had some involvement in this attack. Yet, despite these continued allegations and lack of cooperation, the Indonesian government and its military still receives U.S. assistance through the International Military Education Training fund. I believe that until a full and open investigation has been completed and those responsible are prosecuted, IMET funding for the Indonesians should be denied.

Since my face-to-face meeting with Mrs. Spiers, I have continued to work with the administration, FBI investigators, and colleagues here in the Senate with two distinct goals in mind. The first is to deny the release of funds until the Indonesians have completed the investigation into these murders. The second goal is to ensure that an impartial investigation, with help from the FBI, is conducted into the brutal attack so that those responsible will be brought to justice.

In no way should the United States government provide military assistance to Indonesia until this matter is resolved. What kind of message will we be sending to other governments if we provide this assistance without first determining who was responsible? Just as important, what kind of message do we send to the families of Ted Burgon and Rick Spiers who were murdered in the ambush if we continue this military assistance. Are not the lives of American citizens more important than this military assistance?

I fear that by our inaction we send the wrong message to the world. What kind of precedent will be set for other Americans who travel overseas? We cannot allow the murder of our citizens to be ignored and the Indonesian government should not let those responsible go unpunished.

I appreciate the efforts by the manager of this bill and his staff for their assistance on this amendment. It is my hope that we can quickly resolve any concerns with my amendment so it can be accepted. These American families deserve a resolution and justice.

I look forward to working with the chairman and ranking member on getting agreement on my amendment.

I need to get the attention of the floor manager, the Senator from Kentucky, if I might.

Mr. LEAHY. Mr. President, if the Senator will yield, I think there may be a Senator on this side who has a question. We are not quite prepared to accept it yet. I suggest that a way to handle this is to set it aside. Of course, it can be brought back at any time. If there is a need to have more debate and a vote, we will bring it up for that purpose.

I yield the floor.

Mr. McCONNELL. Mr. President, I apologize to the Senator from Colorado. I misspoke earlier when I thought it was cleared on the other side. We are working on that now. Hopefully, we will be able to get it cleared. If the Senator from Colorado will agree to temporarily set it aside and go back to it before we finish the bill, we hope to get it cleared.

Mr. ALLARD. Mr. President, I appreciate the Senator from Kentucky and the Senator from Vermont working on this most important amendment.

I yield the floor.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I send an amendment to the desk——

Mr. REID. Mr. President, Senator BYRD already has an amendment pending and he is here to speak on it. We have been waiting for him. His amendment is already here.

Ms. LANDRIEU. Mr. President, I ask the Senator if he wouldn't mind if I presented this for 5 minutes. That is all the time I need.

Mr. BYRD. I have no objection to that.

Ms. LANDRIEU. I thank the Senator.

Mr. BYRD. What does this mean with respect to the amendment I have pending, which is being set aside by unanimous consent?

Mr. McCONNELL. Mr. President, it is our hope that after the Senator from West Virginia speaks—and I have maybe 5 minutes or so to oppose the amendment—we vote.

Mr. REID. I say to my friend from Kentucky that Senator BYRD is here. I hope that before we dispose, with a recorded vote, of the Landrieu amendment, we will allow Senator BYRD to speak and, if necessary, we can have two votes in succession.

Mr. McCONNELL. We are certainly prepared to vote on the Byrd amendment. I will have to get back to the Senator from Louisiana on her amendment. I have no problem if she would like to explain it and send it to the desk.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for Senator LANDRIEU to offer her amendment; that following the offering and her statement, Senator BYRD obtain the floor and be allowed to make a statement. He indicated he would take approximately 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object—and I shall not—when would the vote on the Byrd amendment occur?

Mr. McCONNELL. Mr. President, if it is agreeable with the other side, it is my expectation that, after 5 minutes or less to oppose the Byrd amendment, we will move to a vote.

Mr. REID. That would be appropriate with us on this side.

Mr. BYRD. The vote on the Byrd amendment would occur, and after how many minutes can we vote on the amendment by the Senator from Louisiana?

Mr. REID. The majority has not seen that amendment. They don't know what they are going to do with it or whether we can have a vote.

Mr. McCONNELL. The Senator from Nevada is correct.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 1998

Ms. LANDRIEU. Mr. President, I thank the Senator for his courtesy because he was involved in a very important conference earlier today and he is anxious to proceed on his amendment.

I will offer this amendment in the hope that my friends on the other side will support it. There is very good support on this side for this amendment. It has to do with women and children in armed conflict.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1998.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading "INTERNATIONAL DISASTER ASSISTANCE", "TRANSITION INITIATIVES", "MIGRATION AND REFUGEE ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term "complex humanitarian emergency" means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

Ms. LANDRIEU. Mr. President, recent reports indicate that the percentage of civilians killed and wounded as a result of armed conflict has risen from 5 percent at the turn of the century to almost 90 percent today, which means that in war it is not just the soldiers who are being killed, the men and women in uniform, but also civilians. That is a new occurrence in this century. It is something that this amendment attempts to address by directing our resources—not adding money, not authorizing new language, but simply directing, within the context of this bill, some attention to be given to this fact.

War is not what it used to be. Its horrors are experienced by more than just the soldiers fighting on far-off battlefields. It is experienced by women and children. It is taking a brutal toll on these civilians, most of them women and children.

Over 30 wars are now being waged around the world. One in four of the world's children live in war zones.

In the past decade, more than 2 million children were killed during wartime, more than 4 million were wounded, and 1 million have been orphaned or separated from their families as a result of war.

It is estimated that over 300,000 children have been forced to serve as soldiers. These are children as young as 7, 8, and 9 years old serving as soldiers, including an alarming number of girls serving as combatants, cooks, and, unfortunately, sex slaves.

In Sierra Leone, 94 percent of displaced families surveyed had experienced sexual assaults, including rape, torture, and sexual slavery.

After the genocide in Rwanda, 70 percent of the remaining population was female and more than half of the mothers were widows.

Despite these statistics, a survey of current Government-sponsored foreign aid programs reveals that there are but a few coordinated programs targeted at the protection of women and children in conflict and after.

Senator BIDEN and I offered legislation to address the shortfall. S. 1001 would authorize the new women and children armed conflict fund, similar to the displaced children's fund. In addition, it would require several other efforts to be undertaken by our Government to make sure that this issue was addressed appropriately. It would require that the U.S. Government develop and implement a strategy to ensure that its humanitarian programs respond to and reduce the risks of exploitation, violence and abuse of women and children in places like Uganda, Liberia, and Iraq; prevent future crises by creating a list of early warning signs to alert policymakers of possible risks to women and children; foster stability in conflict-prone environments by focusing on reducing threats to innocent civilians in crises around the world.

What my amendment does is provide a bridge for us to stand on until this bill can be passed and this fund can be established. It says: Here is what we can do not, within our existing programs with our existing funds.

The Landrieu amendment ensures that organizations and programs currently serving refugees and displaced persons incorporate protections against violence; encourages the Secretary of State and Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of, and particular threats to, women and children; asks for the Secretary to report to Congress on their progress in this area to date and provide recommendations for improving U.S. and international systems for the protection of women and children.

Protecting women and children is not only the right thing to do, but it is also the smart thing to do. Women are a critical part of rebuilding war torn countries.

In March 2003, UN Secretary General Kofi Annan made the following observation:

> Study after study has shown that there is no effective development strategy in which women do not play a central role. When women are fully involved, the benefits can be seen immediately: families are healthier and better fed; their income, savings and reinvestment go up. And what is true of families is also true of communities and, in the long run, of whole countries.

A focus on safety and protection directly impacts the overall well being of women and children. This year's Mothers Index, published by Save the Children, reports that there is a direct correlation between under education and poor health and conflict. Seven of the bottom ten countries in the area of health and education are in conflict and post-conflict situations.

This amendment does not call for us to break the budget caps or create a new program. It merely ensures that every dollar that we are spending to secure the peace is spent in the most effective way possible.

Again, this amendment provides a bridge for us to stand on until the bill I just described can be passed in its complete authorized form. So this fund can be established, and then the authorizing bill would come forward with more of the details.

But it is important that we take this step today to recognize the fact that there are so many women and children brutalized in war. It is not just about the soldiers in uniform any longer, unfortunately. This amendment asks the Secretary to report to Congress on their progress in this area, and it encourages the Secretary of State and the Administrator of USAID to incorporate into their current agenda specific policies and programs that identify the specific needs of and particular threats to women and children.

In conclusion, I submit that study after study has shown the necessity of our effort to direct funds in this way.

I ask unanimous consent that specific quotes from individual young women and girls, particularly, be printed in the RECORD. The language is pretty graphic so I will not read it in the Chamber, but I want it printed in the RECORD to say how serious this issue is in terms of the United States and all of the aid we are giving, and directing a portion of that, and to be cognizant of the tremendous torture, humiliation, and pain inflicted upon innocent women and children.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROTECTION FROM SEXUAL VIOLENCE AND PHYSICAL HARM

"From Pweto down near the Zambian border right up to Aru on the Sudan/Uganda border, it's a black hole where no one is safe and where no outsider goes. Women take a risk when they go out to the fields or on a road to a market. Any day they can be stripped naked, humiliated and raped in public. Many, many people no longer sleep at home, though sleeping in the bush is equally unsafe. Every night there is another village attacked, burned and emptied. It could be any group, no one knows, but always they take the women and girls away."—United Nations official in Democratic Republic of the Congo.

PROTECTION FROM TRAFFICKING AND PROSTITUTION

"My mother died when I was very small and my father worked as a laborer on other people's farms. At the age of 16, I was lured by my neighbor into a good job. Feeling the pressure and hard times faced by my family and myself, I was very pleased to receive this opportunity. I didn't realize that my faith would land me into the brothel of Bombay. I spent the hell of my life for one year there. Then I was sold to a brothel in Calcutta. I spent three-and-a-half years there, and it was more bitter than ever. I'm happy that I was rescued, but now I've started thinking who will rescue all those Nepalese who are still in the brothels in many parts of India? I'm worried for those sisters and request the stop of such evil practices in the society."—Sita, 23-year-old former prostitute from Nepal

"I was eleven when the rebels attacked our town in Liberia. I got separated from my parents and was captured. I stayed with the rebels for four years. Seven men raped me at the same time and I was forced to pick up arms. I have one child of the rebels—I don't know exactly which one the father is. I escaped and went to Guinea. I had no caretaker and started to work as a 'hotel girl' (prostitute). I thank Save the Children protection workers for having identified me and offering me skill training."—Florence, 18-year-old girl living in a refugee camp in Guinea

Protection of Children From Military Recruitment

"I've seen people's hands get cut off, a 10-year-old girl raped and then die, and many men and women burned alive. So many times I just cried inside, because I didn't dare cry out loud."—Mariama, 14-year-old girl soldier from Sierra Leone

"During the fighting, you don't have time to think. Only shoot. If a bad person gives an order, you have to follow it. If he says burn the village, you have to burn it. If he says kill a person, you have to do it."—Aung, boy soldier from Myanmar, abducted from school at age 14 and forced into the army

Protection From Psychological Trauma

"We were living in a small village in Port Loko district when the rebels attacked us in 1998. It was daytime and we tried to run away, but I was unfortunate and was captured. I was holding my 2-year-old baby boy. First they killed him with an axe. I cried out: 'Where is my baby, oh my baby.' So they struck me on the head with a machete. There is a deep scar there. After that they ordered me to put my hand on a stick which was on the ground. They chopped and nearly severed my right hand. Then they ran away and left me. My hand hadn't completely severed so the doctor in the next town cut it off. It's hard to find someone who will marry you when your hand has been cut off."—Adamasay, 16-year-old girl from Sierra Leone

Protection From Family Separation

"When I lived in Palangkaraya, every day I helped my Dad and Mum sell chicken. When I had to run it felt as if my feet weren't even touching the ground. I followed the other people running, and I wasn't even thinking about where my parents were. The news that my parents were dead, victims of the violence, came from my aunt who was still in Palangkaraya. It's true I cried, I wanted to scream but I tried to be firm and I entrusted my fate to Allah. Now I have to find my own food. I was happy when my parents were still here. There was no need to think about how to eat. If I could go to school again and follow through the exams and gain a diploma, that would be great."—Rosi, 15-year-old street boy from Indonesia

Protection of Displaced Women and Children in Camp Settings

"When ma asked me to go down to the stream to wash plates, a peacekeeper asked me to take my clothes off so that he can take picture. When I asked him to give me money he told me, no money for children, only biscuit."—Refugee child in West Africa

Ms. LANDRIEU. That is the essence of my amendment. I hope it can be accepted. I hope there won't be a necessity for a vote on such a commonsense and much-needed amendment. I ask for the Senate's consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator JEFFORDS and Senator CORZINE be added as cosponsors to Byrd amendment No. 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is my amendment pending before the Senate?

The PRESIDING OFFICER. It is not yet pending, but if the Senator calls for the regular order it will be.

Mr. BYRD. Mr. President, I thank the Chair. I call for the regular order.

The PRESIDING OFFICER. Regular order has been called for. The amendment is now pending.

AMENDMENT NO. 1969

Mr. BYRD. Does that amendment need to be stated?

The PRESIDING OFFICER. That is not necessary.

Mr. BYRD. Mr. President, I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from West Virginia [Mr. BYRD] proposes amendment numbered 1969.
>
> At the appropriate place add the following: Section (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate. (b) This provision shall be effective March 1, 2004.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

I suggest my statement in support of this amendment be entitled "Too Much Money, Too Little Accountability." That would be an appropriate title if I were to suggest it.

This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority, CPA, has not been held accountable for the money it spends, and that is your money. That is your money, I say to the taxpayers of this great country. Those who spend it should be held accountable. That is what you believe, I am sure.

Not until the President requested $20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans. Let me say that again. This is an amendment about accountability. This is an amendment to ensure that those administration officials charged with spending taxpayer funds are held accountable to the American people and to their representatives in the Congress.

To date, the Coalition Provisional Authority has not been held accountable for the money it spends—your money. Not until the President requested $20 billion in reconstruction aid for Iraq did the CPA make any effort to inform the Congress and the public about the administration's reconstruction plans.

The CPA's access to nonappropriated funds—now get this—has allowed it to maintain a low profile, so low that one cannot see it, and to operate largely outside the scope of congressional oversight.

Last fiscal year, the CPA, the Coalition Provisional Authority, in Iraq spent $1.7 billion in assets frozen under the Saddam Hussein regime. The CPA spent almost $1 billion in assets seized after the war. That is your money. The CPA spent $2.5 billion in oil revenues collected through the United Nations Food for Oil Program. Altogether, it spent $7.5 billion in the fiscal year 2003, including $2.5 billion appropriated in the supplemental that was passed and enacted by Congress in April of this year.

This CPA did not appear before the Congress even once to explain how those funds would be spent. This year, assuming that the Congress appropriates the $20 billion in reconstruction aid requested by the President, the CPA's budget will grow to $23 billion, which includes $2 billion in unappropriated funds left over from last fiscal year and almost $1 billion included in the supplemental for the Coalition Provisional Authority's administrative expenses.

At $23 billion, the Coalition Provisional Authority's budget will be more than three times what it spent in the last fiscal year. Now, that will be more than the Federal budget for seven Cabinets out of the 15 Cabinet Departments that run the Federal Government. That is a lot of money to flow through the hands of the Coalition Provisional Authority in Iraq.

The CPA's budget is four times the budget of the Commerce Department. Think of that. Do we demand accountability from the Commerce Department? The CPA's budget is twice the size of the entire Interior, Labor, and Treasury Departments and it is billions of dollars larger than the budgets of the Agriculture Department and the Justice Department.

The Senate gives its advice and consent to Presidential appointments to the highest level positions in the Bush administration, or any administration. In the Clinton administration, Reagan administration, and Carter administration, the Senate gave its advice and consent to Presidential appointments to these high-level positions in the Departments. Even a lowly second lieutenant in the Army—now get this. Even a lowly second lieutenant in the Army, who is responsible for the two dozen to three dozen soldiers under his command, is subject to the confirmation by the Senate. And yet the official who is responsible for governing and rebuilding Iraq, a country made up of 23 million, 24 million people—the official with a budget larger than half the Federal departments and responsible for the livelihood of 23 million or 24 million Iraqis—is not subject to confirmation by the Senate.

As it stands today, the people's representatives—that is you, Senator. That is you, Senator. And that is you. I say to every other Senator and I say it to myself as well. As it stands today, the people's representatives—that is us. I am talking about us—the people's representatives in the Senate have no say in who leads the CPA, even though the administration's endeavors in Iraq have drained $118 billion from our budget, have seized tens of thousands of National Guardsmen from our States, and have so far taken the lives of 351 U.S. soldiers in this war. The CPA claims to be vested with all the legislative, executive, and judicial authority necessary to achieve the administration's objectives in Iraq and yet the Congress has done nothing—nothing—to ensure that its administrator is held accountable to the American people.

Beginning March 1, 2004, my amendment would prohibit the Coalition Provisional Authority in Iraq from spending any appropriated funds until its administrator has been appointed by the President with the advice and consent of the Senate. Is it asking too much, that we ask that the person, the one individual, the Coalition Provisional Authority's administrator—is it asking too much that he be appointed by the President of the United States by and with the consent of the Senate? That is not asking too much. That is in defense of the American taxpayer. That will make sure, yes, that person will be accountable to the American taxpayer, to the American people, to the representatives of the American people in Congress.

The sums of money that are being spent in Iraq are enormous. This is not just chickenfeed we are talking about. We are talking about huge amounts of the taxpayers' money. That person should be accountable to the taxpayers of the country, accountable to the Congress of the United States, made up of the elected representatives of the people. The sums of money are enormous—$87 billion we spent, of which $20.3 billion would be in that amount. I said a moment ago we have appropriated already $118 billion. That includes the April supplemental and includes the supplemental we just passed. It was passed by the Senate. This is too much money to appropriate without ensuring that the decisionmakers in Iraq will be held accountable to the American people. We owe it to the taxpayers, don't we? Yes. We owe it to the taxpayers to do better than that.

I urge the adoption of my amendment and I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Kentucky.

Mr. McCONNELL. Madam President, with all due respect to my good friend from West Virginia, who has had many good ideas in his 45 years in the Senate, let me suggest this may not be one of them. What the Senator from West Virginia is suggesting here is that we change a temporary position—a position currently held by Ambassador Bremer, which he is trying very hard to work his way out of by having at the earliest opportunity a chance to turn Iraq over to Iraqis and come home—into a confirmed Senate position. Ambassador Bremer spent a lot of time back here testifying, as he should have, on the supplemental. But the real job to do is over in Iraq, trying to get this new government up and running, trying to get the Iraqi security force to a substantial level so we can begin to draw down American troops. I think most of us have concluded we have too many positions that need to be confirmed.

In fact, I can recall a meeting in my office earlier this year, right before the August recess, a bipartisan meeting discussing the possibility of reducing the number of positions which require confirmation and having that bill take effect January 20, 2005, for whoever the next President is, to try to make it possible for the next administration to function more successfully without all of the problems that come from an excessive number of confirmations.

Secretary Rumsfeld is the designated authority for Iraq. Of course, he was confirmed by the Senate. Ambassador Bremer, the CPA administrator, reports to the Secretary of Defense. During the consideration of the supplemental, my good friend from Vermont tried to shift the authority from the Defense Department over to the State Department. Certainly an argument can be made for that. But that failed on a vote of 56 to 42.

The fact is Ambassador Bremer, as I indicated earlier, is trying very hard to work his way out of this job. This is very much a temporary position. We didn't go in there to be there a very lengthy period of time. This temporary job can end the moment the Iraqis are in a position to take over the administration of their own country. We all know how lengthy confirmations can be. Do we really want to derail reconstruction by having Ambassador Bremer back here for lengthy confirmation proceedings? He is already on the job. As I understand the amendment, if this were to take effect and he were not to be confirmed by March 1 of next year, all the funding would be cut off. So this would be an extraordinarily high profile confirmation.

I know my good friend from West Virginia thought this war was a mistake. He has been very clear about that. A Senator would have to be extraordinarily inattentive not to get the point that the Senator from West Virginia believes the whole thing was a mistake. But I would say with the utmost respect for my good friend, we are there. We are there now. Regardless of how one felt about the process of getting us there, it seems to me we have a lot on the line in having this Iraqi effort be successful, regardless of how we felt about going in.

I venture the opinion that no matter who the next President is, they will try to finish the job in Iraq just like this administration is still in Bosnia and Kosovo, an administration policy of the previous administration.

This job needs to be finished. I plead with my colleagues. Let us not make it any more difficult to wrap up this very tough assignment and have Ambassador Bremer come back and do something else for the rest of his life.

I hope the Byrd amendment will not be approved. We have had ample opportunity to cross-examine Ambassador Bremer and to question him on every conceivable issue related to this, and I am sure we will have other opportunities to do it. But I think the confirmation process is simply not appropriate for this particular position.

I yield the floor.

Mr. LEAHY. Madam President, how much time remains to the senior Senator from West Virginia?

The PRESIDING OFFICER. There is no time limit.

Mr. LEAHY. Madam President, I ask unanimous consent that I be allowed to speak for 3 minutes, of course with an equal amount of time on the other side.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, I would like to have a few minutes myself with an equal amount of time allotted to the distinguished Senator from Kentucky. I have a few words I would like to say in attempting to rebut what my friend said.

Mr. McCONNELL. Madam President, I really have said all I wish to say. I would be happy to yield time, if I have any time remaining.

The PRESIDING OFFICER. There is no time limit at this point.

Mr. LEAHY. I thought we had 20 minutes.

The PRESIDING OFFICER. No.

Mr. McCONNELL. Madam President, I say to my friend from West Virginia that I basically have completed my argument and am not interested necessarily in having the last word. I would be anxious to move ahead with a vote.

Mr. LEAHY. Madam President, I didn't realize there was no time limit. I will be brief.

I have heard the arguments of my friend from Kentucky: Why stop things now ahead of this confirmation? Unfortunately, while a great deal of planning went into the war in Iraq—even though there was never any question of the outcome, because we are the most powerful nation history has ever known, of course, and we would succeed against a third-rate or fourth-rate military power like Saddam Hussein—it appears that very little planning went into what happens after the war. Of course, there have been more American casualties since the President said the mission was accomplished, the war was over, and as he famously taunted the Iraqis, "Bring it on." Unfortunately, they did. But we saw first a general being placed in there, which didn't work, and we put Paul Bremer in there, again without much planning. The distinguished Senator from Kentucky said we had debate on the floor about the transfer from the Department of Defense to the State Department. That was defeated. I remember the debate very well. Interestingly enough, the talking points of the administration in opposition were that they are perfectly satisfied with having all of this coordinated by the Secretary of Defense. There was no need to place it anywhere but the Secretary of Defense. That was it, and the White House position carried.

What the White House talking points didn't say, and we all found out about 3 days later, was they had already made the decision to take it out of the Department of Defense and put it into Dr. Rice's office. Actually, moving it out of the Department of Defense had already been decided by the White House. But as often happens when we are told one thing and something else is being done, the talking points coming over from the White House said they had every intention of leaving it—in effect emphatically every intention of leaving it—under the direction of the Under Secretary of Defense.

That probably should have been the tipoff, that they were emphatic and intended to leave it there. They had already made up their mind to leave it there. Of course, that is not how it turned out. But I worry because if you have somebody who is in charge of more foreign assistance than the Secretary of State and the Administrator of USAID combined, both of whom require confirmation, if you give all of this power to someone who does not require confirmation, what does that say about our role in the Senate? What does that say about what we feel about transparency and accountability?

We are appropriating over $20 billion basically to be distributed solely as the Administrator feels he should. That is more than the Secretary of State and the Administrator of the USAID get to distribute, and they have to be confirmed. The answers were not forthcoming.

I think of the plan we were suddenly shown on the Appropriations Committee. I recall the distinguished Senator from West Virginia asked for more time and, of course, he could not get it. Ambassador Bremer came here, and we were given a plan. They had gone out, apparently, for a couple of months before saying what they were going to do. Then it turned out, amazingly, I know—I am just shocked to find this out—the plan was given only to the Republicans, maintaining the same kind of partisanship there is on this. We were supposed to ask questions of Ambassador Bremer. But only Republicans were allowed to see this plan paid for by the taxpayers of this country. When Democrats asked about it, he said, Well, I thought that had all been sent to you. Apparently the mail only goes to 51 Senators and not to the other 49.

Be that as it may, the plan was interesting. It did say the United States wanted to give the Iraqi people a chance to form a government and a country that would fulfill President Bush's vision for them. Some thought that was a little bit condescending to a country where civilization goes back long before this country's was ever discovered. At least we had a chance finally to talk about it.

The same way in which the White House told us the Secretary of Defense was the only one who should be in charge of this—we find they had already made the decision; They did not tell us about it—apparently they didn't tell the Secretary of Defense about it either. They were yanking it out from him and putting it with somebody else.

My point is, if we are going to give somebody $20 billion to buy $33,000 pickup trucks and $6,000 telephones for Taj Mahal jail cells and have scholarships that are not available to Americans but apparently will be to Iraqis, the person ought to be at least confirmed so we have a chance to ask questions.

I think the Senator from West Virginia is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, my amendment does not cut off funds for reconstruction, as I thought I understood the distinguished Senator from Kentucky to say. If I am incorrect and did not hear him say that or indicate that, I certainly would be glad to be corrected.

My amendment would allow the President to allocate that money to other agencies but would not allow the CPA to spend that money until the Administrator is confirmed by the Senate. This won't shut down funding for the troops. The Senate has until March 1—4 months away—to confirm the Administrator of the CPA. After the Homeland Security Department was created, for example, the Senate confirmed Governor Tom Ridge in just a few short weeks—in just a matter of days. I think it would be the same with Ambassador Bremer.

I certainly have no complaint with respect to Ambassador Bremer. My amendment is not about Ambassador Bremer, currently the head of the CPA, and all of his potential successors. They will have a great deal of authority.

I say again that a lowly second lieutenant in the Army is subject to confirmation by the Senate. Surely the head of CPA should be as well.

My colleague talks about the desire to bring the situation to a conclusion in Iraq as soon as possible.

I agree with him that the job in Iraq should be finished as soon as possible. But it should be carried out with accountability to the elected representatives of the American people.

I also add this postscript: Judging from the events as we have seen them transpire going back several months, I don't believe this situation in Iraq is going to end very quickly. It shows every indication of intensifying. We are in one big mess.

I remember a time when I believed if the President and the administration were to hold out the olive branch and show an indication of willingness to share in economic and political responsibility in Iraq with major European countries and other countries in Asia and elsewhere, if that willingness had been demonstrated some months ago, there would be other major countries making large contributions in treasure and in manpower in Iraq today. But that olive branch was not extended. That willingness to share economic and political responsibility in Iraq was not voiced. It was not made manifest.

Now, I hope that the train has not gone by the station without stopping. As we see the horrific events unfolding in Iraq, I am not so sure that those major European erstwhile contributors would be so willing even to contribute now. The back of the hand was extended to them before the war and it has not been otherwise since the war, to any extent.

By virtue of these mistakes that the administration has made, it is not my belief that the situation in Iraq is going to end all that quickly. I hope it will. But we should not bet on that. Therefore, it would be appropriate to require the President appoint an Administrator and that the Senate be required to confirm or reject that person. That would assure the American people of accountability and of responsibility on the part of their elected representatives and on the part of the CPA Administrator. It is the right thing to do by the American people. It is the right thing to do under the Constitution because the power of the purse is vested here, in the Congress, in this body and the other body.

That power of the purse carries with it the duty of oversight. Congress cannot properly oversee an administrator who is not accountable to the Congress, an administrator who has not been confirmed by the Senate. Therefore, Congress is not in a position to carry out its responsibility under the Constitution of being accountable to the American people and in accordance with the words of the Constitution.

I say that it is time the Senate act. The Senate has been silent too long. The Senate was silent before the war. The Senate was silent before it voted on October 11 of last year to give the authority to the President of the United States to use the military forces of this country as he saw fit. The Congress gave the President of the United States a blank check, as it were, with respect to authority to take this Nation into war and to put these men and women, soldiers, sailors, airmen, and marines, in harm's way. It was a most shameful moment when Congress washed its hands. One of the most shameful moments in the history of the Senate was when it passed the cup and attempted to wash its hands of the responsibility of following the Constitution of the United States which says that Congress shall have the power to declare war.

That moment has come and gone, but still, as the distinguished Senator from Kentucky says, our people are there. We are now there. So what do we do?

I say to Senators, put yourselves into these desks, these chairs, into these shoes of ours 1 year from today and look back and see if you cast the right vote on this amendment. How will it be 1 year from today if we find we are in deeper and deeper and deeper and it has become another Vietnam—which I supported; I supported the war in Vietnam. I was practically the last person out of Vietnam because I supported the President. I supported Johnson. I supported Nixon. I supported them all the way. But one should learn by his mistakes.

We were ill advised when it came to the Gulf of Tonkin resolution. We were ill advised by the administration. I voted for it. Two Senators voted against it. Wayne Morse said that the resolution would pass but that those who voted for it would be sorry. I voted for it. I was sorry. I am sorry. We should learn by our mistakes.

We were not properly advised by that administration and we were not properly advised by this administration. That is why we are in Iraq. I will have more to say about that at another time.

The distinguished Senator from Kentucky is right. We are there. What do we do? In this matter, we have a responsibility to hold Ambassador Bremer, or whoever is the Administrator of the Coalition Provisional Authority, accountable to the Congress.

It has been said that Mr. Bremer has already testified before the Congress in supporting the President's $87 billion request for Iraq. Of course he testified. Yes, he testified. He was before the Appropriations Committee a short time, a few hours. Ambassador Bremer wanted the Congress to give him $20 billion. But how often will he testify after he receives the money? How receptive will he be to further invitations to testify before congressional committees once he has received a blank check, as it were?

Let's not delude ourselves to the extent which Ambassador Bremer was made available to the Congress. He testified only once before the Senate Appropriations Committee and he did not have to respond to a single outside witness called to challenge the administration's line. Ambassador Bremer went so far as to refuse to return to the Appropriations Committee to answer additional questions because, "I don't have time." He said that in response to me. I asked Ambassador Bremer if he could make himself available and would make himself available to the Senate Appropriations Committee in the event the chairman asked him to return and he said: I don't have time. I am sorry that the transcripts have not been printed—yet—but the transcripts are around, the transcripts of the hearings.

He said: I don't have time. Can you imagine that? He wouldn't say that if he had to be confirmed by the Senate. He would have time. He would make himself available whether the Senate would be under the control of the Republicans or under the control of the Democrats, whatever. He would find time. He would be available. Yes, indeed.

So he said: I don't have time. I am completely booked, and I have to get back to Baghdad to my duties.

What are his duties? If he were required to be confirmed, his duty would be to come back before the Senate and to answer questions, and to answer questions under oath, if necessary.

Senators who believe that sufficient action has been taken to ensure accountability by the CPA Administrator are kidding themselves. The CPA has not been sanctioned by the Congress. And Ambassador Bremer has not been confirmed by the U.S. Senate. Congress has no legislative ties to the CPA or its Administrator. Congress has no strings by which it can say to the Administrator: You come before this committee and, if necessary, you be prepared to take an oath that what you say is the truth, the whole truth, and nothing but the truth, so help me God.

That is a part of it. That is what we are talking about.

The secret national security directive that created the CPA dictates that Ambassador Bremer shall report to the Secretary of Defense and the President. It does not mention the Congress. It does not mention the American people.

When Tom Ridge was appointed Homeland Security Director after the September 11 attacks, the White House refused to allow him to testify before Congress. The President said: No, he is a member of my staff.

Well, technically that was correct. The President opted to create a new Homeland Security Department and reorganize the Federal Government rather than allow an unconfirmed member of his administration to testify before the Congress.

That kind of record should not comfort Members of Congress. We have a responsibility to the American people to ensure that the administration officials responsible for the lives of their loved ones who are fighting in Iraq and for their taxpayer dollars that are being spent in Iraq are held accountable for their actions. We must stop just passing the buck along to the President.

With regard to the argument that holding these officials accountable will somehow endanger our troops, I urge Senators to reject that flimsy scare tactic. What endangers the troops is not having their decisionmakers held accountable to the people. When funds are being spent on postal ZIP Codes, garbage trucks, and escalator and garage beautification projects rather than the necessities of the troops, that is when the Congress must be the most vocal in questioning the judgment of those in the administration who wield power.

I urge Senators to focus on the bigger picture. Senators should cast their votes not only with the thought of a Republican administration directing reconstruction efforts in Iraq, but with an image of a Democratic administration directing the reconstruction efforts in Iraq. I think I know what the answer would be then.

We need to look beyond the party label of the current administration. I am not talking about Mr. Bremer. I spoke of his saying he didn't have time, and he didn't. Those were his words, made of his own free will. Milton wrote about man's free will, "Paradise Lost." Those were Mr. Bremer's words. I have no reason to find fault with Mr. Bremer at all. He is not there without confirmation by virtue of his choice. But that is the way it is. As Walter Cronkite used to say, that is the way it was.

We need to look beyond the party label. We need to take a longer term view of accountability.

Let me say in closing, I thank my friend from Kentucky, who has always been a gentleman with me, has always been straightforward with me, and has conducted himself, on this occasion, as on all others, as a gentleman should.

I thank him for his characteristic courtesy in this instance. I respect his argument. I respect his vote. But the record will be made and the record will stand.

I yield the floor.

Mr. McCONNELL. Madam President, I am aware of no further debate on this amendment. I assume the Senator would like a rollcall vote.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1969. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there, any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 414 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Edwards
Kerry
Lieberman

The amendment (No. 1969) was rejected.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator CORZINE be added as a cosponsor to the Burma amendment No. 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask that Senator FEINSTEIN also be added as a cosponsor to amendment No. 1970, the Burma amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for accepting an amendment for the managers' package that deals with making sure we have something in the criteria for the Millennium Challenge Account, assistance dealing with people with disabilities.

Basically, the amendment makes a small but significant change to the Millennium Challenge Account ensuring that one criteria used in determining a country's eligibility for the Millennium Challenge Account funds is their commitment to providing opportunities for the inclusion of people with disabilities. This account represents one of the largest increases in foreign aid spending in half a century, about $1 billion this year and an additional $4 billion within the next 3 years.

People with disabilities have been left out of our foreign assistance programs for too long. This amendment does not require they do anything new.

Since 1996, over 100 countries, including the United States, have submitted reports to the United Nations under implementation of 22 rules to equalize opportunities for people with disabilities. President Bush has implemented a new freedom initiative in this country on behalf of people with disabilities. In 2001, he charged each agency with reviewing their policies to remove barriers that promote inclusion of people with disabilities in American society. I commend and I compliment President Bush for taking this step. This amendment takes this initiative and extends it basically to our foreign assistance programs.

I have a report from the National Council on Disability, dated September 9, 2003. It is titled: "Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities."

In the cover letter from the chairperson of the National Council on Disability to President Bush, Mr. Lex Frieden pointed out that in 1996:

> NCD recommended a series of policy changes to "ensure the inclusion of people with disabilities in all foreign assistance programs. . . .

He goes on to say:

> Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose.

That is what we have done. We have added specific legislative language to ensure in the Millennium Challenge Account one of the criteria to be used is whether that country is trying to provide opportunities for the inclusion of persons with disabilities.

In the executive summary of this report filed by the National Council on Disability, it says:

> Individuals with disabilities are subject to a broad pattern of discrimination of segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically materialized and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the word will achieve its full potential for economic development when it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.
>
> The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities.
>
> The Americans With Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life.
>
> At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history.
>
> The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world.

I ask unanimous consent that the executive summary of the National Council on Disability's report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PART I. EXECUTIVE SUMMARY AND CONCLUSIONS

More than 600 million people, almost 10 percent if the world's population, have a disability. This number will rise dramatically in the coming years as the population ages and as more people become disabled by AIDS. Rates of disability are particularly high in post-conflict societies, among refugee populations, and in countries with histories of political violence. Even in stable societies, however, people with disabilities make up the poorest of the poor. In some of the world's poorest countries, according to the United Nations (UN), up to 20 percent of the population has a disability.

Individuals with disabilities are subject to a broad pattern of discrimination and segregation in almost every part of the world. In most countries, people with disabilities and their families are socially stigmatized, politically marginalized, and economically disadvantaged. The economic cost to society of excluding people with disabilities is enormous. No nation in the world will achieve its full potential for economic development while it leaves out people with disabilities. No society will be a complete democracy unless people with disabilities can participate in public life. Failure to respond to the concerns of people with disabilities ignores one of the great humanitarian and human rights challenges of the world today.

The United States is well positioned to lead the world in demonstrating how to build on the tremendous human potential of people with disabilities. It is among the world leaders in protecting the civil rights of people with disabilities, with legislation that seeks to ensure their full participation in society, and in supporting their independent living. The Americans with Disabilities Act (ADA) represents a sweeping commitment on the part of the U.S. government to abolish discrimination against people with disabilities in all walks of life. Since the adoption of the Rehabilitation Act in 1973, U.S. civil rights laws have required all U.S. government programs to be inclusive of and accessible to people with disabilities. As they have exercised their rights over the past 30 years, Americans with disabilities have broken barriers to inclusion, shattered stereotypes about their limitations, and contributed to the economic, cultural, and political life of the nation.

At present, U.S. foreign policy does not reflect the great accomplishments of people with disabilities within the United States. U.S. citizens with disabilities cannot serve in many embassies abroad because these buildings are physically inaccessible. Qualified and talented individuals may be excluded from U.S. government service abroad based on their medical history. In addition to failing to protect U.S. citizens with disabilities in foreign operations, U.S. foreign policies and programs have generally not been designed to respond to the concerns of individuals with disabilities abroad. While the Foreign Assistance Act has long established that "a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries," the rights of people with disabilities have been long ignored.

The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world. All U.S. foreign operations abroad (including foreign assistance efforts) would be greatly improved if the principles established in U.S. civil rights law—under the Rehabilitation Act and the ADA—were applied to U.S. operations abroad. Such a policy would require U.S. foreign assistance funding to be used in a manner that is accessible to people with disabilities. Such protections would also ensure that U.S. citizens and contractors with disabilities would be protected against discrimination in the implementation of U.S. programs abroad. Leadership by U.S. citizens with disabilities in our foreign operations would greatly improve our ability to respond to the concerns of people with disabilities in other countries.

Mr. HARKIN. I also ask unanimous consent that the cover letter preceding that by Mr. Lex Frieden also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL ON DISABILITY,
Washington, DC, September 9, 2003.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Council on Disability (NCD), I am submitting a report entitled Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections To Ensure Inclusion of People with Disabilities. This report is a follow-up to NCD's 1996 Foreign Policy and Disability report that found continued barriers to access for people with disabilities in U.S. foreign assistance programs.

In the 1996 report, NCD recommended a series of policy changes to ensure inclusion of people with disabilities in all foreign assistance programs, including the establishment of specific objectives for inclusion with a timetable for their fulfillment. Seven years later, NCD has concluded that inclusion of people with disabilities in U.S. foreign policy will be achieved only when specific legislation is enacted to achieve that purpose. This report reviews a number of models that Congress has adopted for linking human rights and foreign policy that can be adapted to ensure the inclusion of people with disabilities. This report looks primarily at the U.S. Department of State and the United States Agency for International Development (USAID). Among the various strategies and approaches to improve foreign assistance policies and practices, NCD recommends that Congress amend the Foreign Assistance Act to ensure inclusion of people with disabilities in all U.S. programs by requiring every U.S. agency operating abroad to operate in a manner that is accessible and inclusive of people with disabilities. NCD recommends that this be accomplished by, among other reforms, amending the Foreign Assistance Act to create a Disability Advisor at the State Department and creating an office on Disability and Development at USAID.

NCD also calls on your Administration to recognize that all U.S. government operations abroad should be brought into compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

The principles of non-discrimination, access, and inclusion of people with disabilities have been established as civil rights. The reforms discussed in this report are needed to ensure that people with disabilities can fully contribute to U.S. foreign policies and programs abroad as they have done so effectively at home.

Sincerely,

LEX FRIEDEN,
Chairperson.

Mr. HARKIN. Again, I thank the manager and the ranking member for working out the language. This may seem like a small thing but, believe me, this is big. This is going to say—and we look at other criteria—but we will look at a country to see what they are doing to provide for people with disabilities.

Quite frankly, this country ought to be taking the lead around the world in that area because we have a lot to talk about in what we have done in our own country since the Americans with Disabilities Act was passed in 1990. What we have done is shown that people with disabilities can provide economic stimulus to a country. They can provide part of that economic engine that a country needs. We have shown conclusively, no matter where you are, no matter what country, that if your policy is one of exclusion of people with disabilities, keeping them institutionalized, materialized, not fully participating in society, it costs that society more to do that than it does to include them in education, for example, transportation, employment, and cultural affairs.

My amendment was designed basically to implement what the National Council on Disability concluded when they said, "The inclusion of people with disabilities in United States foreign policy will be achieved only when specific language is enacted to achieve that purpose." That is what we have done this evening with the inclusion of this amendment.

I only hope when we go to conference with the House that we can have the support of the administration. As I said, President Bush had an enlightened policy on people with disabilities when he came in in 2001. I hope the White House will take that inclusion policy of theirs and make sure we keep it in this foreign operations appropriations bill for the next year and that they will use the Millennium Challenge Account to promote and to stimulate other countries in thinking about how they can provide for the inclusion of people with disabilities.

I thank Senator MCCONNELL, Senator LEAHY, and their respective staffs for working on this issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

AMENDMENTS NOS. 2001; 2002; 2003; 1995, AS MODIFIED FURTHER; 2004; 2005; 2006; 1973; 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2014; 2015; 1998, AS MODIFIED; 2016; 2017; 2018; AND 2019; EN BLOC

Mr. MCCONNELL. Mr. President, we have two blocks of amendments that have been agreed to on both sides that we are prepared to move at this point.

The first is a series of amendments as follows: Senator LEAHY, providing funds for U.S. contribution to UNAIDS; Senator VOINOVICH, annual report on antisemitism; Senator DODD, providing assistance for OAS mission in Haiti; Senator ALLARD, amendment No. 1995 as modified further; Senator FEINGOLD, relating to U.S. citizens in Indonesia; Senator LUGAR, relating to danger pay for USAID; Senator DASCHLE, sense of Congress on delivery of assistance by air; Senator MCCAIN, amendment No. 1973 relating to Azerbaijan; Senator

FEINGOLD, report on Sierra Leone; Senator BIDEN, technical amendment; Senator FEINGOLD, report on Somalia; Senator LUGAR, relating to the Global Fund; Senator INOUYE, related to the guinea worm eradication; Senator HARKIN, disabilities; Senator ALLEN, related to intellectual property rights; Senator BROWNBACK, providing assistance to promote democracy in Iran; Senator BROWNBACK, sense of the Senate on Iran; Senator LANDRIEU, modification to amendment No. 1998; Senator DODD, relating to contracts in Egypt; Senator LUGAR, relating to Millennium Challenge Account; Senator ENSIGN, relating to democracy in Cuba; and Senator LEAHY, relating to HIV/AIDS.

Mr. President, I send this block of amendments to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to consideration of the amendments en bloc? Without objection, it is so ordered.

Without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 2001

On page 23, line 8, before the period, insert the following:

: *Provided further*, That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for a United States contributions to UNAIDS.

AMENDMENT NO. 2002

(Purpose: To require the Annual Report on International Religious Freedom to include a section on anti-Semitism and other religious intolerance)

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

"(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

"(ii) the response of the government of that country to such acts of violence; and

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

AMENDMENT NO. 2003

(Purpose: To provide assistance for the OAS Special Mission in Haiti to implement OAS Resolution 822 to restore security and hold elections)

On page 21, line 18, after the comma insert the following:

"That of the funds appropriated under this heading, up to $15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further*,"

AMENDMENT NO. 1995, AS FURTHER MODIFIED

(Purpose: To limit international military education and training funds from being made available for Indonesia)

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

SEC. 693. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct expanded IMET programs, programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that important national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

AMENDMENT NO. 2004

(Purpose: To encourage the Government of Indonesia to meet the conditions necessary for the normalization of military relations with the United States)

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

AMENDMENT NO. 2005

(Purpose: To increase the maximum rate of post differentials and danger pay allowances for civilian employees of the United States Agency for International Development)

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after "25 percent of the rate of basic pay" the following: "or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay".

(b) Section 5928 of title 5, United States Code, is amended by inserting after "25 percent of the basic pay of the employee" both places it appears the following: "or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

AMENDMENT NO. 2006

(Purpose: To state the sense of Congress on the use of small, locall-owned air transport providers to provide for the delivery by air of assistance under the bill)

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

AMENDMENT NO. 1973

(Purpose: To express the sense of Congress on the October 15, 2003 election in Azerbaijan and require a report on an investigation in Azerbaijan)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) International organizations and nongovernmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elections "cast doubt on the credibility of the election's results".

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee of Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

AMENDMENT NO. 2007

(Purpose: An amendment requiring a report on a USAID mission in Sierra Leone)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

AMENDMENT NO. 2008

(Purpose: To provide a clarification with respect to the availability of funds for a voluntary contribution to the International Atomic Energy Agency)

On page 40, line 18, insert after "Commission" the following: "and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004".

AMENDMENT NO. 2009

Purpose: To require a report on a strategy for promoting stability and improving the quality of life in Somalia)

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

AMENDMENT NO. 2010

(Purpose: To provide for the designation of the Global Fund to Fight AIDS, Tuberculosis and Malaria under the International Organizations Immunities Act)

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

AMENDMENT NO. 2011

(Purpose: To provide funding for the Carter Center's Guinea Worm Eradication Program)

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" and "DEVELOPMENT ASSISTANCE", not less than $5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

AMENDMENT NO. 2012

(Purpose: To clarify the criteria to be considered in determining eligibility for Millennium Challenge assistance)

On page 46, line 15, insert after "resources" the following: "and to providing opportunities for the inclusion of persons with disabilities".

AMENDMENT NO. 2013

(Purpose: To fund enhanced enforcement of intellectual property rights in foreign countries)

On page 32, line 10, before the period insert ": *Provided further*, That $5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property".

AMENDMENT NO. 2014

(Purpose: To set aside an amount for grants to media organizations to support broadcasting that promotes human rights and democracy in Iran)

Beginning on page 78, line 25, strike "funds" and all that follows through "Iran:" on page 79, line 3, and insert the following: "not to exceed $5,000,000 of such funds may be used in coodination with the Middle East Partnership Initiative for making grants to Educational, Humanitarian and Nongovernmental Organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

AMENDMENT NO. 2015

(Purpose: To express the sense of the Senate on the development of democracy in Iran)

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its "Patterns of Global Terrorism 2002" report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition: and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

AMENDMENT NO. 1998, AS MODIFIED

(Purpose: To ensure that women and children have access to basic protection and assistance services in complex humanitarian emergencies)

On page 147, between lines 6 and 7, insert the following new section:

SEC. . (a) None of the funds made available by title II under the heading "MIGRATION AND REFUGEE ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives and the Committees on Appropriations a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

AMENDMENT NO. 2016

(Purpose: To obtain assurance and a timetable for payments of U.S. contractors by the Egyptian Government)

On page 17, line 18 after the first comma add the following:

"That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further*."

AMENDMENT NO. 2017

(The amendment No. 2017 is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 2018

(Purpose: Democracy Building in Cuba)

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading "Transition Initiatives" not more than $5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to any allocation or transfer of funds made pursuant to this section.

AMENDMENT NO. 2019

On page 23, line 3, before the colon, insert the following:

: *Provided further*, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster.

On page 23, line 8, before the period, insert the following:

: *Provided further*, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2004

Mr. FEINGOLD. Mr. President, on August 31, 2002, two American schoolteachers and one Indonesian citizen who were working at an international school for the children of Freeport McMoRan's mine employees were killed, and eight more Americans were wounded, when they were ambushed on a mountain road in Indonesia. Indonesian garrisons reportedly controlled all access to the remote road where the attack occurred. Police reports indicated that the Indonesian military was very likely involved in the attack, but the investigation was then turned over to that same military, where it has stalled. The Indonesian military, to date, has proven unwilling to fully cooperate with the FBI.

The survivors of the attack and the families of the murdered want their government to insist that Indonesia cooperate in uncovering the truth about the ambush and in bringing those responsible to justice. The Senate should support them.

The House already has. Congressman HEFLEY of Colorado offered an amendment linking resolution of this issue to Indonesia's access to the International Military Education and Training program when the House considered the Foreign Operations Appropriations bill. His amendment was accepted by unanimous consent. The Senate should send an equally unequivocal signal.

Today I offered an amendment, with the support of Senators CAMPBELL and WYDEN, to do just that. I appreciate the support of the managers, Senators McCONNELL and LEAHY, who have accepted this amendment into the larger bill. I also appreciate the efforts of Senator ALLARD, who shares my interest in this issue.

My amendment is not out of step with current policy. I would like to call my colleagues' attention to an article from the October 23 edition of the Australian Financial Review. The article states that, during their recent talks in Bali, "Mr. Bush told Mrs. Megawati military relations could not resume until Jakarta had completed a full investigation into the killing of two Americans near the Freeport mine in Timika in Indonesia's Papua province last year." Our President was right to make that point. There can be no "business as usual" when it comes to the murder of American citizens, and there can be no "business as usual" until the FBI has received full cooperation, and any perpetrators uncovered by the investigation are held accountable for their actions.

This amendment simply makes it clear that the Senate wholeheartedly endorses that policy. It states that the full normalization of the military relationship between the United States and Indonesia cannot begin until the FBI has received full cooperation, not partial cooperation, in its investigation, and individuals found to be responsible are brought to justice. I am pleased that the Senate has taken action to make certain that our resolve is firm and our signal perfectly clear.

AMENDMENT NO. 2020

Mr. McCONNELL. Mr. President, I also have an amendment by Senator FEINGOLD that has been approved on both sides. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 2020.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To provide funds to support the development of responsible justice and reconciliation mechanisms in central Africa)
>
> On page 147, between lines 6 and 7, insert the following:
>
> RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA
>
> SEC. 692. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", $12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

Mr. McCONNELL. Mr. President, I am aware of no opposition to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2020) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senator GREGG be added as a cosponsor to amendment No. 1968 relating to the Leahy amendment on war crimes in Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, we are very close to completing the bill. We have a couple of problems on this side that are not yet worked out. We have a few more amendments we are working on which we are going to clear tonight. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1966

Mr. SESSIONS. Mr. President, I would like to share a few comments about the DeWine-Durbin amendment. It is well meaning. It is dealing with a critical subject that I am particularly interested in: the spread of AIDS in Africa.

I think we can do better in a lot of ways about how to confront that issue. I appreciate Senator MCCONNELL and Senator LEAHY today agreeing to an amendment that I proposed to deal with the medical transmission of AIDS. But I would just say a couple of things here.

We are moving to a historic increase in the amount of money we are spending for AIDS. The $15 billion we have approved is quite a significant increase in this important effort throughout the world, particularly in Africa.

If this amendment is passed, it would add another $289 million to the $2 billion that was requested by the President. I would like to offer into the RECORD and quote from a letter dated October 16 to Chairman STEVENS of the Appropriations Committee from Mr. Joseph O'Neill, deputy coordinator and chief medical officer, Office of the Global AIDS Coordinator.

As I said, this is in his letter of October 16:

> Dear Chairman STEVENS: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Fiscal Year 2004 Supplemental Appropriations bill currently under consideration on the Senate floor.
>
> I want to reiterate the Administration's strong support for the Fiscal Year 2004 budget request of $2 billion for all international HIV/AIDS, tuberculosis and malaria activities, including $200 million for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, as part of the President's larger commitment to spend $15 billion over the next five years through the Emergency Plan for AIDS Relief. I also want to highlight that it is by careful design that the President's Fiscal Year 2004 budget request is for $2 billion.
>
> The cornerstone of the President's Emergency Plan for AIDS Relief is its focused approach to use $9 billion in new funding over the next five years to bring comprehensive and integrated HIV/AIDS prevention, care and large-scale antiretroviral treatment to 14 countries in Africa and the Caribbean. These countries are home to nearly 70 percent of HIV-infected persons in Africa and the Caribbean and 50 percent of the HIV-infected persons in the world. There are considerable challenges inherent in meeting the bold goals the President has set for these 14 countries which must be addressed in the early years of implementation. We believe it is important to ramp up spending on these countries in a focused manner, increasing the amount spent each year to efficiently and effectively create the necessary training, technology, and infrastructure base needed to deliver appropriate long-term medical treatment in a sustainable and accountable way.

That is a mouthful, but I think it says some valuable things. This administration believes we have to effectively utilize the money, and it takes some time. It is certainly necessary for training, technology, and infrastructure that there be a base of that before we can fully implement and spend this extra amount of money we intend to spend.

It goes on to say:

> Similarly, the U.S. Government support for the Global Fund to Fight AIDS, Tuberculosis and Malaria is strong. Currently, the United States is responsible for 40 percent of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the United States in supporting the work of the Global Fund.
>
> For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the $2 billion requested in the President's Fiscal Year 2004 budget. I appreciate your support on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative. It is signed: Joseph F. O'Neill, MD, Deputy Coordinator and Chief Medical Officer, Office of the Global AIDS Coordinator.

One of our Senators, Mr. ALEXANDER, on September 3 made this statement. It has a lot of truth to it. He came back from a trip to Africa. He wrote an op-ed piece. He gave 10 very wise and practical bits of advice to the leadership in this AIDS effort on the Senate floor on September 3. This is one of his final bits of advice on how to handle the situation.

> Finally, move fast, but do not spend too fast. I imagine we are going to have a pretty good debate about that in the Senate. I have already heard some people say let's spend $2 billion and others say let's spend $2.5 and others say let's spend $3 billion. The fact is, we are going to spend $15 billion of taxpayers' money in fighting HIV/AIDS in 14 countries and the Caribbean. We are going to do it over 5 years. We need to keep in mind that the African system cannot absorb too much money too quickly. There are treatment guidelines to prepare and to teach. They are very complicated. There is a staff to recruit. There are patients to find and persuade. There are health care organizations to establish.

This amendment unfortunately is not offset. I would be very interested in seeing if we could fund this or we could utilize this money. I am very reluctant to not support an amendment Senator DEWINE has worked so hard on. He is a person committed to doing the right thing. He is a person committed to fighting AIDS. He wants to see us do even more than we are doing. I respect that. I admire him terrifically. He has been around this world. He has met people who are suffering. He wants to help, as we all do.

But the problem is, we agreed to a budget. I serve on the Budget Committee. That budget is a very serious matter. We decided we could spend only so much money. This foreign operations bill has a limit on the amount of money we have agreed to spend in foreign operations. If this amendment were to frame itself in terms of having an offset, that it would fund this $289 million out of the billions of dollars in this account and would show where we could withdraw and reduce some of those other accounts, I would be very tempted to support Senator DEWINE's amendment. Unfortunately, it does not. It spends on top of the budget. It increases and breaks the budget. It is $289 million above the amount we have agreed we could afford to spend. I can't see us doing that.

There are so many good ideas here. There are so many things we can do in this country and outside of this country. We have another increase in spending this year in our Federal appropriations bills. We would all like to spend more on projects than we are able to. But we have an increase that is not slashing our budget. We are not cutting our budget, even though we are going to set a record this year for deficit spending. We are going to set a record in deficit spending this year. But we can't continue to break the budget we fought so hard to create, a budget most of us committed to staying with.

Maybe somewhere, as this process goes along, there can be some offsets that can help increase funding for the Global AIDS Program. I hope so. But I have, as so many have, voted against extra spending for things I care about—IDEA, kids in school, education, highways, matters I believe in and care about, when they exceed our budget. I have not been able to support them. I will not be able to support this one.

I know all of us have priorities, items we care passionately about. I certainly do. I know Senators DEWINE and DURBIN do. I respect their concerns and their passion. We are going to have a huge increase in spending for HIV/AIDS in Africa. It is the right thing to do. I have had two hearings in the HELP Committee on which I am a member on the AIDS problem in Africa. I have concluded we can do more for medical care. The amendment I crafted deals with rearranging the moneys we plan to expend to focus on that problem which can result in the greatest immediate decline in infections of any other action we could take. I cannot go along with breaking the budget on this matter. I hope we can work on it. I will certainly be willing to work with the Senator and we will see what we can do to increase this funding as we can.

The budget is an important matter. We don't need to get in the habit of breaking it. I will not vote to break it in this instance.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFORESTATION PROGRAM IN AFGHANISTAN

Mr. CRAIG. Mr. President, I thank Chairman MCCONNELL for the hard work he has put into the Fiscal Year 2004 Foreign Operations and Related Agencies Appropriations bill. It is a challenging process, and he has done an excellent job balancing competing interests within the confines of a limited budget allocation.

I wish to engage in a colloquy with the distinguished chairman of the Subcommittee regarding the development of a reforestation program in Afghanistan. In this appropriations bill, with the adoption of an amendment the chairman and ranking member and I have worked on, $5 million is to further a reforestation program in Afghanistan. I recently traveled to the Middle East with the chairman and witnessed first hand the devastating conditions of the natural landscape in Afghanistan.

As the chairman of Public Lands and Forestry Subcommittee, it saddens me to see the degradation that has occurred to the natural landscape of this country. Years of war and poverty have put a great strain on the ecosystems of this country. It is time to put an end to the denuding of the hillsides and turn them back to their brilliant shades of green.

I would like to see this funding be used to develop a reforestation program for the country. I think it is important to cultivate the native species to replenish and rejuvenate the area to provide additional opportunities for recreation, wildlife, and business development. The intent of this provision is that the expertise and skill of land grant universities, such as the University of Idaho, should be used to assist in developing this program. I also feel that this is an area in which the private sector could lend their assistant with both the development of the program and the reforestation of the country. Again, there are also leading edge forest products companies in my State like Potlatch Corporation and Boise Cascade who also have expertise of their own and a long time working relationship with the university.

This is an opportunity, through active management, to change the fate of the natural landscape of Afghanistan.

Mr. MCCONNELL. I commend the Senator for his interest in this project and look forward to the development of the reforestation program.

LANDMINE AWARENESS PROGRAMS FOR AFGHAN CHILDREN

Mr. DODD. Mr. President, for over two decades, the Afghan people have endured conflict and internal unrest. And although they are now in the process of rebuilding their country, for many, safety remains elusive. One reason is the continued presence of landmines, which were put into use by occupying powers and governments such as the Soviet Union and Taliban. Unfortunately, these weapons, whose danger is recognized by nations throughout the world, remain a major threat to the safety of ordinary Afghans—especially children.

I know my colleague, Senator LEAHY, has been a leader in calling the world's attention to the dangers created by land mines and the obligation of the United States and other governments to help ensure that innocent civilians, especially children, are not killed or critically injured by land mines and unexploded ordnance left behind after armed conflict ceases.

There are now over 10 million land mines throughout Afghanistan. This number is truly staggering. It is estimated that the process of clearing these devices could take up to 25 years—almost three decades. These land mines pose a tremendous danger to the children of Afghanistan. As my colleagues may be aware, Afghan children often perform a variety of chores that entails their passage through mine-laden fields. In fact, as several types of mines are small and brightly colored, children can be tempted to pick them up or to play with them. Too often, young Afghans die or lose a limb as a result of landmine-related incidents. Indeed, every month, 150 Afghans are injured by landmines, and many of these are children.

We need to help these innocent children. We need to protect them not only from the horrors of war, but from the dangers that are left behind. Let me call to the attention of my colleagues an ideal organization to further this effort. Its name is "No Strings," and it is a new aid organization that seeks to use theater and puppetry to provide life-saving education about landmines to children in Afghanistan. "No Strings" is composed of two main groups: one with a broad background in humanitarian relief organizations, and the other with extensive experience in the field of children's educational entertainment and puppetry. I believe my colleague, Senator LEAHY also is aware of this organization.

I had intended to offer an amendment so that, "No Strings"—and other worthy organizations—would be able to engage Afghan children and teach them life saving mine safety lessons. Clearly, we must act in order to help to protect a generation of Afghans. However, since Senator LEAHY has generously offered to join with me in discussing this matter with appropriate officials at the State Department to encourage the Department to fund innovative programs like "No Strings," I will withhold offering the amendment at this time.

Mr. LEAHY. Mr. President, I concur with my colleague from Connecticut that we need to give special attention to children in Afghanistan and elsewhere who are being put at risk by landmines and unexploded ordnances that are a dangerous byproduct of the civil conflict in that country. Creative ways to teach children about the dangers that landmines and unexploded ordnances pose is critically needed to prevent any more innocent Afghani children from being killed or crippled. I believe that organizations, such as "No Strings" which has been mentioned by Senator DODD, that are prepared to develop novel programs to protect children from the dangers of landmines are worthy of US support. I look forward to working with Senator DODD in support of funding for such important projects.

INTERNATIONAL WATER SECURITY CENTER

Mr. LEAHY. I would like to ask the assistant minority leader two or three questions about international water security. First, what do we mean by water security and what is its relevance to foreign operations?

Mr. REID. I appreciate the question asked by my friend, the senior Senator from Vermont. As you know, water is vital for the life and health of people and ecosystems and a basic requirement for the development of countries. Yet, around the world, people lack access to adequate and safe water to meet their most basic needs. Water resources and the related ecosystems that provide and sustain them are under threat from pollution, unsustainable use, land-use changes, climate change and many other forces. Water shortages and degradation disproportionately affect arid regions of the world, many of which lack the technical and financial wherewithal to effectively address the problems. Water and poverty are closely related. In areas of water scarcity, the poor are hit first and hardest. Conversely, water is the single factor most limiting economic development in many arid regions. There is, of course, a huge diversity of needs and situations around the world, but together we have one common goal: to provide water security. This means ensuring that freshwater, coastal and related ecosystems are protected and improved; that sustainable development and political stability are promoted; and that every person has access to enough safe water at an affordable cost to lead a healthy and productive life.

Water security is closely linked to national security. As we in the west are fond of saying, "whiskey is for drinking; water is for fighting." That may sound tongue-in-cheek, but in reality, there exists a long history of international tensions and conflicts over water resources, the use of water systems as weapons during war, and the targeting of water systems during conflicts caused by other factors. Strategic areas of the Middle East, South and Central Asia, South America and North Africa are plagued by recurring tensions over transboundary allocation of scarce water resources.

Mr. MCCONNELL. I understand that over 1 billion people do not have access to safe and secure sources of drinking water. Does my friend from Nevada have any thoughts on additional actions this subcommittee can take to promote international water security?

Mr. REID. I appreciate the question from my friend, the senior Senator from Kentucky. To achieve water security, we face the serious challenges of meeting basic needs, securing the food supply, protecting ecosystems, sharing water resources, managing risks, valuing water, and involving stakeholders in governing water wisely, while maintaining a balance between social, political, cultural, environment needs. The challenges are formidable, but so are the opportunities.

There are many experiences around the world that can be built upon. For example, through our experiences in managing scarce water resources in the desert State of Nevada, we have gained a valuable knowledge base upon which other arid and water-starved regions can build. Scientists in our university system are recognized among the foremost world, leaders in water management in these lands. As an important initiative to increase water security, they have prepared an impressive proposal to launch an International Water Security Center.

Mr. LEAHY. What do you envision as the role of an International Water Security Center?

Mr. REID. The center would be a clearinghouse for scientific research in support of water conflict resolution. As a focal point for advanced research and education in water security issues, it would bring together scientists, engineers, water managers, and policy makers from arid and other water-starved regions worldwide. Through collaborative research exchanges, the center would promote long-term capacity building in developing countries, which would benefit from our leadership in desalinization, water treatment, hydrologic modeling, water-use efficiency, and other technical approaches. The center would also support education of young Americans in international water policy and security, an area of expertise that we will certainly need in the future. The wide spectrum of cultures and landscapes would broaden the outlook of everyone involved, fostering the multidisciplinary approaches needed to ensure project viability and longevity.

Mr. MCCONNELL. Where might the center be based?

Mr. REID. The University and Community College System of Nevada would provide an excellent home for the center. Through the research and educational programs undertaken by its major institutions, this University System is known throughout the world for its expertise in water resource and watershed management. For example, the Desert Research Institute, or DRI, is a unique blend of academia and entrepreneurship. Grounded in fundamental research, DRI and its Center for Watersheds and Environmental Sustainability apply scientific understanding to the management of scarce water resources in countries around the world while addressing needs for economic diversification and science-based education.

The University of Nevada, Reno, and University of Nevada, Las Vegas collaborate with DRI and conduct nationally recognized research and educational programs in their own right. The University of Nevada, Reno, UNR, has one of the Nation's largest and well-known education programs in the study of groundwater. A new international program at UNR sends undergraduate and graduate students to work with local villagers in some of the world's most impoverished nations. This training works both ways, helping the world's poorest people and training American students to work safely and effectively overseas. At the University of Nevada, Las Vegas, UNLV, the interdisciplinary educational program in Water Resource Management considers the scientific and engineering aspects of the hydrologic sciences within the context of policy and management issues related to water and water security. The expertise of UNLV's William S. Boyd School of Law in the field of water rights and water allocations is also a fundamental to this program.

With its strong tradition of fundamental research and collaboration, the University and Community College System of Nevada is perfectly poised to host an International Water Security Center. The University System is overseen by a chancellor and a 13-member Board of Regents.

Mr. LEAHY. How much funding is requested and how would it be used?

Mr. REID. I am requesting an annual appropriation of $1.25 million dollars each year for the next 3 years. This funding would be used to develop an administrative structure, identify potential collaborators and projects, initiate "seed" projects, educate and train American students in water security, launch research initiatives, and develop and implement a plan for continued center activities without the need for additional Congressional appropriations. The funding would be administered by the University of Nevada Chancellor's office, and made available to scientists and researchers throughout the University System. The Chancellor's office has a long tradition and expertise in administering federal, state and non-profit research grants.

Mr. NICKLES. Mr. President, S. 1426, the fiscal year 2004 Foreign Operations, Export Financing, and Related Programs Appropriations Act for 2004, as reported by the Senate Committee on Appropriations provides $18.1 billion in discretionary budget authority and $20.3 billion in discretionary outlays in fiscal year 2004 for Foreign Operations appropriations. This bill contains about two-thirds of total international affairs spending in the budget. The bill funds U.S. Export and Investment Assistance, Bilateral Economic Assistance, Military Assistance, and Multilateral Economic Assistance.

The bill equals the Subcommittee's 302(b) allocation for budget authority and is $9 million in outlays below the 302(b) allocation. The bill provides $796 million less in budget authority and $713 million less in outlays than the President's budget request. The bill provides $5.6 billion in budget authority less and $148 million in outlays more than the 2003 enacted level including 2003 supplemental appropriations. Excluding those supplemental appropriations, the bill provides a $1.866 billion increase over last year, or 11.5 percent.

I am concerned about a proposed amendment that would add funds for Global HIV/AIDs programs without providing an offset within the bill. Any amendments that add funding without offsets will have a budget act violation and I will not be able to support them.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1426, FOREIGN OPERATIONS APPROPRIATIONS, 2004.—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, dollars in millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	18,093	44	18,137
Outlays	20,294	44	20,338
Senate Committee allocation:			
Budget authority	18,093	44	18,137
Outlays	20,303	44	20,347
2003 level:			
Budget authority	23,708	45	23,753
Outlays	20,146	45	20,191
President's request:			
Budget authority	18,889	44	18,933
Outlays	21,007	44	21,051
House-passed bill:			
Budget authority	17,119	44	17,163
Outlays	20,182	44	20,226
Senate-Reported Bill Compared To			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−9	0	−9
2003 level:			
Budget authority	−5,615	−1	−5,616
Outlays	148	−1	147
President's request:			
Budget authority	−796	0	−796
Outlays	−713	0	−713
House-passed bill:			
Budget authority	974	0	974
Outlays	112	0	112

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. MCCONNELL. Mr. President, I take a brief moment to draw the attention of my colleagues to the situation in Cambodia, and in particular to the continued courage and determination of the Alliance of Democrats.

The Alliance—which consists of the opposition Sam Rainsy Party and the royalist FUNCINPEC party—has taken a bold stand for freedom in Cambodia in the wake of flawed parliamentary elections last July. Despite intimidation and pressure from the ruling Cambodian People's Party, CPP, the Alliance is refusing to enter into a coalition government that is led by Prime Minister Hun Sen—himself an enemy of democracy and justice.

Having met with Alliance leaders in Washington not too long ago, and having personally traveled to Cambodia in 1998, I can appreciate their refusal to allow Hun Sen to continue to mislead that country. In the past, senior Alliance leaders have been targets of assassination attempts, a bloody coup d'etat staged by the CPP, and imprisonment and political exile. Under Hun Sen's misrule, terrorists, criminal triads and pederasts find a haven in Cambodia. Corruption is the norm in that country, as are politically motivated killings.

It might interest my colleagues to know that there have been two high profile shootings in Phnom Penh over the past several weeks, both victims being affiliated with the FUNCINPEC party. Reporter Chour Chetharith was murdered outside the Ta Prohm radio station. According to press reports, the "execution-style killing followed a warning by Prime Minister Hun Sen . . . that Ta Prohm should stop broadcasting programs critical of his speeches."

Pop singer Touch Sunnich was shot a few short days ago—her only crime apparently being a supporter of non-CPP party. My heart goes out to these victims and their families.

It is not enough for the diplomatic community to condemn this killing. It is past time that someone is held accountable for all the lawlessness, violence, and corruption that unfortunately has become the norm in Cambodia. I offer to my colleagues that the Alliance is trying to do just that by holding Hun Sen accountable—and they deserve the full backing and support of the international community.

Let me close by expressing my great disappointment with the U.S. Embassy in Phnom Penh. Recently, they issued a visa to travel to the United States to a notorious human rights abuser and gangster in Cambodia—Chief of the National Police Hok Lundy. Why the Embassy would issue a visa to someone considered by many of his own compatriots to be a terrorist is beyond me. It is no understatement that Hok Lundy is the Li Peng of Cambodia—and should be held accountable for the violence following the 1998 elections.

AMENDMENTS NOS. 2021, 2022, 2023, AND 2024, EN BLOC

Mr. MCCONNELL. Mr. President, there are four remaining amendments that have been cleared on both sides: One by Senator BROWNBACK providing funds for certain programs in Tibet; Senator LEAHY, additional funds for the related accounts; Senator KENNEDY regarding HIV/AIDS; Senator FRIST, myself, Senator LEAHY, technical clarifications on HIV/AIDS. I send these four amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 2021

(Purpose: To provide for the use of not less than $3,000,000 by the Bridge Fund for certain programs in Tibet)

On page 77, beginning on line 20, strike "not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China:" and insert "not to exceed $4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to $3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:".

AMENDMENT NO. 2022

On page 53, line 21, strike "$8,898,000" and insert in lieu thereof the following: $898,000

On page 55, line 26, strike "$314,550,000" and insert in lieu thereof the following: $322,550,000

AMENDMENT NO. 2023

(Purpose: To provide for the disclosure of prices paid for HIV/AIDS medicines in developing countries)

At the appropriate place, insert the following:

SEC. . The Secretary of State should make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

AMENDMENT NO. 2024

(Purpose: To modify provisions relating to activities for the prevention, treatment, and control of HIV/AIDS)

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND

On page 22, line 10, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act," after "law,".

On page 74, line 22, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act" before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

"(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.";

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

"(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act). "; and

(3) in section 301(f), by inserting ", except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency" after "trafficking".

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST FIRES

Mr. CRAIG. Mr. President, I come to the Chamber to express my profound sorrow to the families in southern California who have lost their homes and some who have lost their loved ones during this conflagration of fire. I extend my sympathy to the millions of citizens in southern California who have lost part of their rural refuge to these massive wildfires.

Thirteen fires are burning an estimated 600,000 acres of brush and trees, and over 1,900 structures, as of this morning, have been burned. The fire has put thousands of others at risk and, of course, land and mud slides will come with the winter rains. More than 50,000 people have been evacuated as we speak. Over $20 million has been spent thus far on fire suppression.

Yesterday our President declared Los Angeles, San Bernardino, San Diego, and Ventura Counties as major disaster areas and ordered Federal aid to supplement State and local recovery efforts.

The Old Fire, which started Saturday morning and by Sunday had merged with the Grand Prix Fire, had grown to over 52,000 acres in only a matter of a few hours. It is expected now, as we speak, to consume Lake Arrowhead today. Many firefighters on the ground are describing this fire as Armageddon. For communities such as Lake Arrowhead, that have been suffering through the third year of western bark beetle epidemic, the fire was their worst nightmare. Now it has come true.

In the San Bernardino greater forest area around Lake Arrowhead, over 90,000 acres are now dead. They are simply kindling, standing, waiting for the wave of fire that is now striking that forest. If the U.S. Forest Service had had a streamlined NEPA and appeals process that recognized the importance of dealing with insects, disease, and damage from windstorms and ice storms, and fire, the Forest Service might have had the opportunity to cut fuel breaks between the live forests and the wildland and the urban interface.

Sadly, the Senate has been fiddling around with H.R. 1904, and now southern California is ablaze. Not all of H.R. 1904 would have been directed to the California problem, but now that we are into the standing timber areas of San Bernardino, and we have watched that forest die through bug infestation, unable to do anything about it, here is where it could have helped. The wildland urban interface, where firebreaks could have been built, where the fire could have come down from the trees and onto the ground, many homes could have been saved.

If the Forest Service didn't approach every project as a one-size-fits-all NEPA process, they might have been able to thin the forest out a little, which would have increased the intensity and strength of the western bark beetle epidemic and perhaps reduce this risk of conflagration.

If a viable forest products industry still existed in the area, one which closed its doors in the mid-1980s due to the Forest Service's failure to manage and thin the forest through the removal of trees, some of this pain and suffering might have been avoided.

While it is the Forest Service's duty to manage the lands entrusted to them, we in the Congress also must take some blame. It seems that we have forgotten to provide the leadership the agency needs to understand our expectation of them.

This is not new. Many of us have stood on this floor and many experts have spoken on the issue of forest health for a decade—whether it is the lower Sierras or the San Bernardino or the forests of Idaho or all of the Great Basin region of the West. We have 190 million acres now of dead and dying forests. The great tragedy is that California, with the Santa Ana winds that come this time of year, set up the perfect scenario, and now the great tragedy is hitting.

This Congress has to deal with the issue. Senator FEINSTEIN has been on the Senate floor working with it. She and I have worked together with the appropriate committees—the Agriculture Committee, and my colleague, MIKE CRAPO, Senator COCHRAN, Senator DOMENICI—we have all come together to try to solve this problem. We have a solution and it is H.R. 1904, and it is a positive step forward.

It is now time for this Senate to debate this bill, vote it up or down. I see my colleague from California on the floor. I turn to her and most sincerely say, Mr. President, I express great sadness and sorrow for the tragedy now underway in her State. I wish it was over. But the firestorm that is sweeping across southern California today will only die with the winds and when we begin a positive effort at restoring the health of our natural lands and forested areas.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On March 17, 1999, Murietta, CA, resident Randy Bowen, who is black, was attacked at a party in the Lake Skinner Hills. Bowen's two white assailants were self-proclaimed white supremacists. They first hit Bowen in the head with a bottle and, when he fled, slashed his back using a straight razor. Both men were found guilty of committing a hate crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT OF 2003

Mr. LEAHY. Mr. President, the Mentally Ill Offender Treatment and Crime Reduction Act is a good bipartisan bill that would help State and local governments deal effectively with a serious law enforcement and mental health problem—the extent to which mentally ill individuals commit crimes and recidivate without ever receiving appropriate attention from the mental health, law enforcement, or corrections systems. I am pleased that the bill passed the Judiciary Committee unanimously last week, and the Senate unanimously last night.

I have enjoyed working on this bill with Senator DEWINE, who has shown commitment and leadership on this issue. I am also pleased that Senators CANTWELL, DOMENICI, DURBIN, GRASSLEY, and HATCH have joined Senator DEWINE and I as cosponsors of this bill.

The issues this bill addresses have received increasing attention of late. For example, Human Rights Watch released a report just last week discussing the fact "that jails and prisons have become the Nation's default mental health system." The first recommendation in the report was for Congress to enact this bill.

All too often, people with mental illness rotate repeatedly between the criminal justice system and the streets of our communities, committing a series of minor offenses. The ever scarcer time of our law enforcement officers is being occupied by these offenders who divert them from more urgent responsibilities. Meanwhile, offenders find themselves in prisons or jails, where little or no appropriate medical care is available for them. This bill gives State and local governments the tools to break this cycle, for the good of law enforcement, corrections officers, the public safety, and mentally ill offenders themselves.

I held a Judiciary Committee hearing last June on the criminal justice system and mentally ill offenders. At that hearing, we heard from State mental health officials, law enforcement officers, corrections officials, and the representative of counties around our Nation. All of our witnesses agreed that people with untreated mental illness are more likely to commit crimes, and that our State mental health systems, prisons, and jails do not have the resources they need to treat the mentally ill, and prevent crime and recidivism. We know that more than 16 percent of adults incarcerated in U.S. jails and prisons have a mental illness, that about 20 percent of youth in the juvenile justice system have serious mental health problems, and that up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives. We know these things, but we have not done enough about them at the Federal level, and our State and local officials need our help.

The bill does not mandate a "one size fits all" approach to addressing this issue. Rather, it allows grantees to use the funding authorized under the bill for mental health courts or other court-based programs, for training for criminal justice and mental health system personnel, and for better mental health treatment in our communities and within the corrections system. The funding is also generous enough to make a real difference, with $100 million authorized for each of the next two fiscal years. This is an area where government spending can not only do good but can also save money in the long run—a dollar spent today to get mentally ill offenders effective medical care can save many dollars in law enforcement costs in the long run.

This bill has brought law enforcement officers and mental health professionals together, as we have seen at both of the hearings the committee has held on this issue.

Now that we have passed this bill, I would hope the Senate could turn its attention to S. 486, the Paul Wellstone Mental Health Equitable Treatment Act. Senators DOMENICI and KENNEDY introduced this bill in February and it has 66 cosponsors. It would provide for equal insurance coverage for mental health benefits, and would do a great deal to accomplish some of the same objectives we seek to achieve through this bill. I would hope that we could find an hour in the time we have remaining in this session to debate and pass this bipartisan and broadly supported bill.

AUTHORITARIANISM IN RUSSIA

Mr. MCCAIN. Mr. President, the arrest of Russian businessman Mikhail Khodorkovsky by Russian security agents last weekend is of grave consequence to U.S.-Russia relations. It caps a chilling and aggressive turn toward authoritarianism in Vladimir Putin's Russia. It is past time for all friends of Russia, and all who support strong U.S.-Russia relations, to speak out about the ascendant role of the Russian security services in the Kremlin, President Putin's suppression of free media, the government's politicized prosecutions of its opponents, continuing and grievous human rights violations at the hands of the Russian army in Chechnya, and increased Russian meddling, intimidation, and harassment of its sovereign neighbors. American policy must change dramatically as a result of these developments, which have been in evidence for several years, for there can be no stability in U.S.-Russian relations, to say nothing of any strategic partnership, as long as Russia is moving away from the values of freedom and democratic progress so many Russians celebrated when the Soviet Union fell 12 years ago. I will have more to say on this matter, but for the moment I wish to draw my colleagues' attention to an incisive opinion article by Bruce Jackson entitled "The Failure of Putin's Russia," published today in the Washington Post, and an accompanying Post editorial entitled "Pedaling Backward."

I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 28, 2003]

THE FAILURE OF PUTIN'S RUSSIA

(By Bruce P. Jackson)

Every so often the arrest of one man involves more than the charges he may face and his fate before the court. In these rare instances, the legal proceedings are a distraction from the larger moral and strategic implications, and so they are intended to be. The arrest of Mikhail Khodorkovsky by Russian secret services in Siberia over the weekend is one such arrest.

The "crimes" of Khodorkovsky are considerable in the eyes of the special prosecutor and the new regime of former KGB officers who now surround President Vladimir Putin. As chairman of Yukos Oil, Khodorkovsky is a successful businessman who built the largest privately held company in Russia from the wreckage of the Soviet energy sector, converted his firm to Western business practices and entered into merger discussions with American corporate giants. This conduct alone might, in today's Russia, be considered a threat to the state, but the real charge behind the arrest contains much more.

This has been a year in which independent media and major independent business owners in Russia have been put out of business by the strong-arm tactics of the special prosecutor and the newly vigilant Federal Security Service (FSB), the agency that succeeded the KGB. In a climate that progressive Russian business executives compare to the fearful period of the 1950s, Khodorkovsky made the fatal mistake of expressing political opinions and having the temerity to provide financial support to opposition parties. While this alone is insurrectionary behavior in the increasingly czarist world of President Putin, Khodorkovsky had the additional misfortune of being the last surviving oligarch. For those who have not kept up their Russian, "oligarch" is a term of art for "rich Jews" who made their money in the massive privatization of Soviet assets in the early 1990s. It is still not a good thing to be a successful Jew in historically anti-Semitic Russia.

Since Putin was elected president in 2000, every major figure exiled or arrested for financial crimes has been Jewish. In dollar terms, we are witnessing the largest illegal expropriation of Jewish property in Europe since the Nazi seizures during the 1930s.

Unfortunately, the implications of Khodorkovsky's arrest go beyond the suppression of democratic voices and the return of official anti-Semitism. This arrest must be seen in the context of increasingly aggressive, military and extrajudicial actions in Ukraine, Moldova, the South Caucasus and Chechnya. In the past month, Putin has demanded that Ukraine sign a concessionary economic treaty; Russian intelligence services have been detected behind election irregularities in Azerbaijan and Georgia and in influence-peddling in Moldova and Abkhazia; and Russian gunboats have confronted the Ukrainian Coast Guard in an illegal attempt to seize a valuable commercial waterway.

For the balance of his first term, Putin has skillfully taken advantage of America's necessary preoccupations with the war on terrorism and the liberation of Iraq. Now Moscow and the capitals of Eastern Europe are watching carefully to see how Washington responds to this latest crackdown. If the United States fails to take a hard line in response to such a high-visibility arrest, chauvinists in the Russian Ministry of Defense and the FSB will correctly conclude that there will be no meaningful response to the reestablishment of a neo-imperial sphere of influence in the new democracies to Russia's south and west. In addition to the expected Cold War thuggery and opportunistic financial seizures, we should expect that the new powers in Russia will rig the crucial elections in Ukraine and Georgia next year and continue to prop up the brutal dictatorship of Alexander Lukashenko in Belarus.

Finally, the incarceration of one man in Moscow's notorious Matrosskaya Tishina Prison poses painful questions for U.S. policy. It is now impossible to argue that President Bush's good-faith efforts at personal diplomacy with Putin have produced democratic outcomes. Indeed, each of Putin's visits to the Crawford ranch and Camp David has been followed by the cynical curtailment of democratic freedom inside Russia. While it remains unclear what positive qualities Bush detected in Putin's soul during their famous meeting in Slovenia, it is abundantly clear that this is the "soul" of a would-be Peter the Great.

If anyone should pay a price for the pursuit of thuggish policies, it is Putin. It's difficult to see why the U.S. Senate would even consider repealing the Jackson-Vanik Amendment, the 1974 legislation under which Russia still must receive an annual waiver from the United States to maintain normal trade relations. On the contrary, Congress should probably consider additional sanctions. The FSB-led attack on Russian business has already cost American shareholders multiple billions in their savings. These losses will undoubtedly continue until some element of the rule of law returns to Moscow.

The arrest of one man has sent us a signal that our well-intentioned Russian policy has failed. We must now recognize that there has been a massive suppression of human rights and the imposition of a de facto Cold War-type administration in Moscow. It is not too soon to wonder if we are witnessing the formal beginning of a rollback of the democratic gains we have seen in Central and Eastern Europe, in Ukraine and elsewhere since the fall of the Berlin Wall in 1989.

Obviously, there will be some in Washington who will argue that all the oligarchs are probably guilty of some unspecified crime or another. And that we would be wise not to jeopardize our relationship with Putin for the sake of one man or one company. But there are some who are probably still waiting for the facts of the Dreyfus case before jumping to conclusions. The rest of us already know that we have been played for fools.

[From the Washington Post, Oct. 28, 2003]

PEDALING BACKWARD

Speaking to his cabinet yesterday, Russian President Vladimir Putin dismissed the speculation sparked by last weekend's arrest of Mikhail Khodorkovsky, Russia's richest man. "Everyone should be equal under the law," President Putin said, "irrespective of how many billions of dollars a person has on his personal or corporate account."

Would that it were true. Whatever he may or may not have done, Mr. Khodorkovsky, chairman of the Yukos oil company, has not been arrested solely because he may have committed crimes. If the Russian government were to hold all wealthy businessmen to account for the laws they broke while accumulating capital over the past decade, far more people would be under arrest. In fact, Mr. Khodorkovsky's arrest has been widely understood in Russia as a political act—and possibly the beginning of a real change in official Russian attitudes toward private property and capitalism itself.

Mr. Khodorkovsky stands out in Russia because he has made his company and its books more transparent than had any of his rivals. Though the origins of his empire are shady, he is, in some ways, Russia's first real capitalist—and like a real capitalist, he hasn't hesitated to participate openly in the democratic system by donating money to political parties, including those who oppose Mr. Putin. Putting him under arrest sends a clear signal to other Russians that no one is safe from arbitrary prosecution, or from the political whims of the Kremlin.

It's also a signal that the Russian government cares far more about destroying its rivals than it does about genuinely improving the Russian economy. In recent months, there were signs that capital flight from Russia had stabilized, as Russian businessmen slowly began to feel more confident in the country's legal system. Following Mr. Khodorkovsky's arrest, the stock market crashed and the Russian ruble plunged, as rumors of new capital flight abounded. Large investors, including Western oil companies, may be confident they have enough Kremlin connections to stay in the country, but smaller investors are now more likely to stay away.

The Bush administration's reaction to this arrest may determine whether it sticks. Just a few weeks ago, President Bush endorsed "President Putin's vision for Russia: a country . . . in which democracy and freedom and rule of law thrive." It's hard to see how President Putin's "vision" can include the rule of law if it also includes arbitrary prosecution. Certainly there are some within the administration who believe that a Russian strategic decision to start rolling back democracy and the rule of law will undermine the Russian-American relationship. But the president himself must now recognize that that is what now may be happening. Mr. Bush may be unable to persuade his friend Vladimir to behave differently, but it is vital that he try. The preservation of democracy in Russia is more than an ideal; it is a crucial U.S. interest.

NATIONAL CYBERSECURITY DAY

Mr. LEAHY. Mr. President, I remind my colleagues of the vital importance of developing, and then maintaining, effective cybersecurity systems in our workplaces, our government offices, and our homes. We have all become acutely aware, as we confront the many possible threats to our national security, that much of our critical infrastructure is now run by computer networks. Illegal access to these networks can compromise the provision of power, telecommunications, and water in an instant. In the private sector, whole industries now rely on information technology in order to function. In addition, millions of Americans depend on their computers to explore the Internet, to access information and entertainment, and to preserve their personal records. At the same time they must protect their most significant, and often intimate, data—such as medical records and credit card information. With all this at risk, effective cybersecurity should be paramount in every corporation, government agency, and personal home.

This past weekend marked National Cybersecurity Day. With the strong efforts of the Federal Trade Commission and the Congressional Internet Caucus, we have come a long way in raising awareness about cybersecurity. The FTC has made a great deal of important information available on their website, and I encourage people to visit that website, at www.ftc.gov. I am proud to be a Senate cochair of the Internet Caucus, along with Senator BURNS, Congressman GOODLATTE, and Congressman BOUCHER. In addition to an impressive array of speakers on all aspects of the Internet, the caucus has begun a series of constituent education seminars, targeted at helping all of us provide better information, assistance, and support to the people in our home states as they grapple with the dizzying possibilities and pitfalls of the Internet.

Our efforts have not been limited to just one day. Last week this body passed important anti-spam legislation that will help to keep unwanted—often illicit—e-mail off the Internet, and off our computer screens. In the Judiciary Committee, we have held hearings recently on the dangers of peer-to-peer technology. This technology has the potential to revolutionize the way people share all sorts of information. But as with any technology, it can be abused. Peer-to-peer networks can be used to distribute child pornography and to expose our children to a host of obscene materials. It can also be used to delve into people's private records or illegally to share copyrighted material.

Pornography, and child pornography in particular, is prevalent on peer-to-peer networks. According to recent reports, as much as 42 percent of peer-to-peer requests are for pornography. What is more, at a recent committee hearing we learned that at least one popular peer-to-peer network does not identify its pornographic material in any way. Thus, advertisements on its network appear just as regularly with child pornography and other obscene content as with scientific reviews and scholarly papers.

Some of the danger of using peer-to-peer networks can be alleviated with good cybersecurity. Reading privacy statements, taking the time to understand the software you are using, as well as keeping filters and antivirus software turned on and up to date, all help. Knowing what your children are doing online is also important. In addition, we have given prosecutors powerful tools to go after the people who threaten our security.

Our efforts must continue. The very nature of cyberspace means that the threat to security is always changing. Our responses must evolve as well, both as individuals and as legislators. I am pleased to be continuing to work with Chairman HATCH as we investigate, not just the peer-to-peer situation, but the larger set of circumstances that may threaten our cybersecurity. As we identify those threats, our primary goal will be to raise awareness about those dangers, and to give citizens and law enforcement the tools they need to protect our rights, to improve our security, and to redress wrongdoing as we continue to develop ever-better cybersecurity systems.

HONORING OUR ARMED FORCES

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one month's time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being successfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a two-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The Council will name Iraqi Ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

Today I rise to honor a man who made the ultimate sacrifice one can make for his country. On August 23, Spec. Stephen M. Scott, 21, of Lawton, OK, died of noncombat-related injuries near Al Fallujah after being evacuated to the 28th Combat Support Hospital.

His wife, Marie Scott remembers her husband as a gentle giant with a very affectionate personality. "He was amazing," she said of Scott. "He was 6-foot-5 and weighed 225 pounds, but was so gentle . . . If there was a little guy getting picked on he'd be the one to stand up for him."

Spec. Scott died doing just that. His mission in Iraq was clear: to help the Iraqi people overthrow the shackles of a brutal dictatorship—to help the little guy.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Spec. Scott did not die in vain. He died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

MOVING TO SUSPEND RULE XVI

Mr. DORGAN. Mr. President, I hereby provide notice that I intend to move to suspend rule XVI of the Standing Rules of the Senate for my amendment No. 2000.

(The amendment is printed in today's RECORD under "Text of Amendments.")

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

DOMENICI MOTION TO TABLE FEINGOLD-BROWNBACK AMENDMENT TO THE ENERGY BILL

• Mr. KERRY. Mr. President, today I will clarify my position on an amendment offered by Senators FEINGOLD and BROWNBACK to the Energy Bill. Their bipartisan amendment was aimed at protecting small businesses and consumers from efforts to roll back regulations governing utility holding companies. I was absent for the vote, number 315, and at the time, was announced as an "aye" in favor of a motion to table the amendment. Through no fault of the distinguished Senator from Nevada who announced my vote, if I had been here, I would have voted "nay," and supported the amendment which would have required the Federal Energy Regulatory Commission to issue rules ensuring that small businesses can stay competitive with deregulated holding companies. The amendment also would have ensured that these holding companies do not damage the financial standing of small businesses or pass the costs of bad investments to consumers.

Senator FEINGOLD and Senator BROWNBACK were correct. This amendment is just good public policy and would have protected small contractors against big utilities. I appreciate their hard work and dedication to this important issue.•

ADDITIONAL STATEMENTS

TATYANA GORYACHOVA

• Mr. HAGEL. Mr. President, I rise today to recognize Tatyana Goryachova for her contributions to journalism and her strength in the face of extreme adversity. Ms. Goryachova is a Ukrainian newspaper editor who, as a result of her unbiased reporting and journalistic integrity, has suffered threats and physical assault.

A free press is a defining characteristic of a democratic society. A free press in the U.S. is provided for and protected by our Constitution. In Ukraine before the fall of communism in 1991, newspapers were censored and only allowed to publish officially sanctioned positions. While a free press is taking hold in Ukraine, significant pressure remains to publish only stories favorable to government and business interests.

Ms. Goryachova and her husband, Sergey Belousov, have owned and edited the Berdyansk Delovoy in Berdyansk, Ukraine since 1998. As editor, Ms. Goryachova has insisted on evenhanded coverage. The newspaper has exposed corruption in the city government and covered challengers as well as incumbents in city elections—a decision that brought her into conflict with government officials.

Ms. Goryachova's professional choices have made her the subject of severe personal hardships. The Berdyansk Delovoy office was vandalized. Ms. Goryachova's life has been threatened. She was attacked and had acid thrown in her face, causing serious damage to her eyes and skin. Despite this, she has persevered and continued complete coverage at the newspaper.

Ms. Goryachova found an advocate in Hal Foster, an American journalist and

Omaha World-Herald correspondent she met at a journalism seminar in Kiev, Ukraine. Mr. Foster arranged to have Ms. Goryachova's eye injuries treated in the United States. He secured an anonymous benefactor who paid for her care.

In addition, the Berdyansk Delovoy needed its own printing press to continue publishing. After hearing Ms. Goryachova's story, Omaha World-Herald Publisher John Gottschalk offered to donate a printing press to the newspaper. The generosity of an anonymous donor and the Omaha World-Herald has ensured that Tatyana Goryachova will have both her eyesight and a strong voice in her community.

U.S. Supreme Court Justice Louis D. Brandeis wrote in 1913 that, "Sunlight is the best of disinfectants; electric light the most efficient policeman." Ms. Goryachova understands that exposing corruption and illuminating Ukraine's darkest corners is the surest way to end abuse and promote democracy. A free press is not only a sign of a thriving democracy, it is an important tool of democracy.

Building a strong democratic tradition takes journalists and citizens like Tatyana Goryachova who are committed to transparency and integrity in government. For her commitment and sacrifices, her contributions to journalism and to democracy, Tatyana Goryachova deserves our recognition and respect.•

ROBERT AND MARGARET SCOTT'S 60TH WEDDING ANNIVERSARY

• Mr. CARPER. Mr. President, I rise today to congratulate Robert and Margaret Scott, better known as Bob and Muff, who will celebrate their 60th wedding anniversary on November 6, 2003.

As they celebrate this milestone in their lives, they will surely reflect on the many changes, successes and accomplishments they have experienced together over the last sixty years. Theirs is a journey of which they can be proud.

Bob is the son of the late Chester and Evangeline Scott. Bob attended Miami University of Ohio for his undergraduate degree and received his master's and PhD in Organic Chemistry from Northwestern University. His wife, Muff, is the daughter of the late Benjamin and Ann Penix. She received her bachelor's and master's degrees in English from the University of Kentucky.

Bob and Muff met and began dating in college. Although their respective schools were over sixty miles apart, a college weekend brought them together. They were married on November 6, 1943 in Morehead, KY.

The Scotts moved to Delaware in 1950, when Bob took a position with Hercules. Over his 35-year career at Hercules, Bob moved from being a bench chemist to a plant chemist, to eventually becoming the Director of Research and Development. Muff divided between raising a family, community service and substitute teaching at area schools. They are blessed with three children, Bob, Ann and Tom, and six grandchildren, Lee, Rob, Joshua, Clarissa, Clay and Lex.

Bob and Muff are active members of the community. Bob is Warden to Delaware's Episcopal Bishop, Wayne Wright, and has been Warden for the last four Bishops in Delaware. The Scott's are also members of Christ Church in Greenville, DE where Bob has often been a vestry member. Bob was also a delegate to the National Episcopal Church Triennial Convention for more than 20 years, during the contentious times when the Episcopal Church first accepted the ordination of women as clergy members and bishops. Reverend John Martiner of Christ Church describes Bob and Muff as a real team. Whether folding church bulletins or volunteering at community events, they are always working together. They are devoted to each other and to their families.

Bob and Muff are also dedicated to St. Michael's School and Nursery, a non-profit institution that provides affordable, high-quality early childhood education and childcare to the community. Both Bob and Muff are on the board of directors. They have served on the board alternately for over 30 years. Helen Riley, the executive director of St. Michael's, describes the Scott's as representing the true spirit of philanthropy. Muff is known as the "Board Builder" at St. Michael's. She brings in next generations of families to support the organization. She has involved young children in philanthropy by teaching them to donate their own toys and books, and by showing them the value in volunteering their own time. Bob serves as an advisor to the school and has proven to be reliable and dependable for expert advice from a business standpoint. They often sell books at their church and collect money in tin cans for scholarships and faculty training and advancement.

Today, I rise to congratulate Bob and Muff on their 60th wedding anniversary. Both have shown great service and commitment to their family and their community. They serve as true role models. I know that their years together hold many beautiful memories. It is my hope that those ahead will be filled with continued joy. I wish them both the very best in all that lies ahead.•

COMMENDING STEVE PICCO

• Mr. CORZINE. Mr. President, I wish to commend the work of Steve Picco, who is retiring after 8 years as a board member of the Northeast-Midwest Institute. A two-term chairman of the Institute's Board of Directors, Steve served with leadership, vision, and wit.

Steve has had a distinguished career in New Jersey, with more than 20 years of experience as a regulator and practitioner in the areas of environmental and energy law. He served as Assistant Commissioner in both the New Jersey Department of Environmental Protection and New Jersey Department of Energy and as a member of the New Jersey Economic Development Authority and the Delaware River Basin Commission. He currently is a partner with Reed Smith Shaw and McClay in Princeton.

The Northeast-Midwest Congressional Coalitions and Institute strive to promote the region's economic vitality while preserving its environmental quality. A goal served by our States working together to influence legislative policy important to the region. Steve Picco deserves much praise for his efforts on behalf of the State of New Jersey and for ensuring that the Institute's work is relevant to the key policy issues affecting Northeastern and Midwestern States.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

MESSAGES FROM THE HOUSE

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 1002(b) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 401 note), and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. HOEKSTRA of Michigan; from private life on the part of the House of Representatives: Mr. K Stuart Shea of Virginia, and Mr. Gardner G. Peckham of Maryland.

The message also announced that pursuant to section 103(c) of Public Law 108–83 (2 U.S.C. 130–2), and the order of the House of January 8, 2003, the Speaker appoints Ms. Martha C. Morrison as Director of the Office of Interparliamentary Affairs of the United States House of Representatives.

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW, in Canton, Ohio, as the "Richard D. Watkins Post Office Building".

The message also announced that the House has passed the bill (S. 926) to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies, without amendment.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building"; to the Committee on Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 28, 2003, she had presented to the President of the United States the following enrolled bill:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1757. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts (Rept. No. 108–174).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. 1786. A bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1787. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1788. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Governmental Affairs.

By Mr. MILLER:

S. 1789. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 1790. A bill to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the "Francis X. McCloskey Post Office Building"; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1791. A bill to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. BENNETT, Mr. SANTORUM, Mr. BUNNING, and Mr. WARNER):

S. 1792. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 1793. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. VOINOVICH, Mr. COLEMAN, Ms. COLLINS, Mr. REID, Mrs. BOXER, and Mr. SMITH):

S. Con. Res. 76. A concurrent resolution recognizing that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum; to the Committee on the Judiciary.

By Mr. SESSIONS:

S. Con. Res. 77. A concurrent resolution expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 377

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 377, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 448

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 448, a bill to leave no child behind.

S. 623

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 950

At the request of Mr. ENZI, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 950, a bill to allow travel between the United States and Cuba.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1422

At the request of Mr. CORZINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1422, a bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes.

S. 1482

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1482, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1506

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1506, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1562

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1562, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under state law.

S. 1586

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. NELSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1691

At the request of Mr. CORZINE, his name was added as a cosponsor of S. 1691, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 1706

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1706, a bill to improve the National Instant Criminal Background Check System, and for other purposes.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1746

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1746, a bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

S. 1751

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1757

At the request of Mr. INHOFE, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1757, a bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the names of the Senator from Utah (Mr. HATCH); the Senator from Pennsylvania (Mr. SPECTER), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1968

At the request of Mr. REID, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 1968 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1969

At the request of Mr. BYRD, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1969 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1970

At the request of Mr. MCCONNELL, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1970 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. 1786. A bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today Senator DODD and I are introducing the Poverty Reduction and Prevention Act of 2003. This bi-partisan bill proposes to reauthorize important legislation that provides meaningful assistance to 18 million Americans seeking to fight their way out of poverty. The bill includes the Community Services Block Grant, the Low-Income Heating and Energy Assistance Program, and the Assets for Independence Program.

Statistics show us that poverty touches a large proportion of Americans over their lifetimes. Sometimes poverty is a chronic condition that persists over several generations. But more often, poverty happens as a consequence of life's unexpected tragedies—illness, job loss, divorce, or disability. These can seriously undermine a family's ability to support itself. What's needed is a safety net in such times of need. Our Poverty Reduction and Prevention Act can provide that help and can make the difference in a family's efforts to fight their way out of poverty become self-sufficient again.

The services of the Poverty Reduction and Prevention Act are provided primarily through Community Action Agencies, created 40 years ago. The heart of these programs are those provided through the Community Services Block Grant, created in 1981. The block grant allows for maximum flexibility to tailor programs to meet local needs with minimal administrative cost. Today the programs touch the lives of almost 25 percent of those living in poverty. These programs fund a state-administered community services network of more than 1000 local agencies that work to alleviate poverty and empower low-income families in communities across the United States. The agencies are very effective in leveraging their funds to mobilize additional resources from local businesses and foundations, as well as other public sources, to make an effective impact in fighting poverty in their communities.

A number of social services are provided that are designed to help low-income individuals and their families achieve a better quality of life. They help people find and keep a good job, get an adequate education, obtain a decent place to live, pay their utility bills, and even learn how to manage a household income.

The Poverty Reduction and Prevention Act has five major themes for its services: to assist families in poverty address their immediate, most basic needs and work toward self-sufficiency; to serve the non-traditional poor who are facing poverty due to unexpected events such as a plant closing or a major illness or injury; to assist special populations, including those dealing with chronic poverty and for whom conventional solutions have failed; to work for systemic change in low-income communities to promote economic development and community revitalization; and to provide direct assistance to help low-income individuals pay their utility bills.

These programs are the true "safety net" for millions of low-income and at-risk families and individuals and serve as the centerpiece of most local social service programs in 96 percent of the counties across the country. Last year the programs in the Poverty Reduction and Prevention Act served over 19 million people, primarily through CSBG, serving 13 million, and the Low-Income Heating and Energy Assistance Program, providing assistance to over 5 million.

In Tennessee, over 100,000 individuals were served by CSBG last year, almost 25 percent of whom were disabled. Over 60,000 families were served, 90 percent were living below the federal poverty level, and 40 percent were elderly or disabled families living on a fixed income. And those who are helped in turn help others by volunteering in the programs and giving back to their community. For example, in my home State of Tennessee, long known as the Volunteer State, those who benefitted from these programs gave back to others by working over 190,000 volunteer hours.

And there is good accountability for how those funds are spent in the community. Each agency is governed by a board of directors, a third of which consists of representatives who live in the low-income community, a third are locally elected officials, and the remaining third are community leaders from business, labor, religion, and education.

These programs are not only important to those who receive services; they also make good use of the Federal dollar. Last year in addition to the Federal monies appropriated for these three programs, the community agencies identified other state and local monies and private contributions. In total, local agencies administered over $9 billion on behalf of low-income families and individuals in communities across the country.

In addition to good fiscal accountability and effective use of Federal dollars to leverage additional resources, the programs are a model when it comes to tracking and reporting the outcomes they are helping people achieve. In Tennessee, for example, we know that 43 percent of individuals who were seeking employment were able to find a job, and two-thirds of those jobs included health care coverage. Over 75 percent of those seeking housing assistance were able to move from sub-standard to good, stable housing, and 524 families were moved out of homelessness. Over 85 percent of elderly households assisted were able to continue living independently.

Through LIHEAP in Tennessee, over 72,000 received assistance in paying their utility bills, thereby avoiding having their heating and cooling cut off, which is of very real importance for health and safety as well as quality of life. The high cost of energy is a growing problem for those families trying to get by on a lower income and for our elderly living on fixed incomes.

By helping these people in meaningful ways, the programs administered under the Poverty Reduction and Prevention Act have not only made a difference in thousands of lives but have also saved my state money in significant ways—by avoiding the higher costs of homelessness, reducing the number of people in poverty, reducing the need for nursing homes and institutional care, and providing an important "bridge" to help people moving off of welfare achieve permanent self-sufficiency,

While these programs have had many very real successes in the past, as we approached this reauthorization we also looked for ways we could improve the programs and provide even better access to and delivery of these important services. In drafting the reauthorization we gave particular attention to clarifying and strengthening the purpose of these important programs, which, in summary, is to fight and reduce poverty, working in partnerships with community and state leadership.

In this reauthorization we believed it was important to give states greater flexibility in determining who should receive services. We wanted to expand services to the extent possible to assist more of the working poor and their families achieve economic stability and self-sufficiency. While giving more flexibility, we also provided incentives to encourage States to focus on those most in need and to help those transitions from welfare to self-sufficiency. And we strengthened the accountability and monitoring of funds at both the state and local level. We explicitly asked States to hold the line on excessive administrative salaries and expenses, again at both the state and agency level.

In this reauthorization we also wanted to highlight best practices and encourage creativity and innovation in fighting poverty. We called for identifying exemplary local agencies as Centers of Innovation to promote the sharing of best practices among all community agencies.

Focusing on outcomes, we directed local agencies to have established clear goals for reducing poverty in their community and to show that substantial progress is being made in meeting those goals before receiving continuing block grant funds. These goals include leveraging community resources and fostering coordination across Federal, State, local, and private programs and services.

In the area of heating and cooling assistance, we are recommending a significant increase in the funds authorized for this important program, and we have added provisions and specific triggers that allow for better, more effective release of emergency funds for LIHEAP assistance under extraordinary circumstances.

The programs included under the Poverty Reduction and Prevention Act of 2003 are important to millions of Americans who deserve our consideration and need our support. The services touch almost every community in the country and are often the only source of assistance available to the people the programs are designed to serve. Quite simply, what these services do is help restore dignity to those we serve. Every day one of these programs makes a difference in the lives of our neediest citizens. What this bill can accomplish will make possible a better quality of life for individuals and for neighborhoods and communities across this great land. I join my colleague Senator DODD in urging the passage of this important reauthorization legislation.

Mr. DODD. Mr. President, I am pleased to join Senator ALEXANDER in introducing the Poverty Reduction and Prevention Act, which reauthorizes the Community Services Block Grant, the Low-Income Home Energy Assistance Program, and the Assets for Independence Act. I would especially like to congratulate Senator ALEXANDER, Chairman of the Subcommittee on Children and Families, and his staff for working so hard to ensure that this bill would be a bipartisan piece of legislation.

I, like many of my colleagues, was greatly disturbed by the latest U.S. Census poverty data released last month, which shows that poverty rose to 12.1 percent in 2002, bringing the total number of people living in poverty to 34.6 million. The number of children in poverty rose by 400,000, which means that nearly 17 percent of children are living in poverty. Even more disturbing is that the number of people who lack health insurance rose by 2.4 million in 2002, bringing the total number of uninsured to an alarming 43.6 million. Although the proportion of uninsured children did not change between 2001 and 2002, 11.6 percent of all children remain without the necessary safety net of health insurance. Our children truly are our future; we must treat them like the precious resources that they are and provide them with the services and assistance they need.

There are many troubling signs for families today, particularly families with children. Unemployment continues to be a problem. Families are running out of unemployment benefits without finding jobs. The most recent data from the Department of Health and Human Services shows that welfare caseloads continue to decline overall, but in many States over the last year, caseloads are increasing. With States facing their worst budget crisis since WWII, many programs for low-income families are being cut. This is particularly a problem given that half the states are cutting child care funds. Parents need affordable child care to get and keep jobs. Clearly, this is a time of crisis for our Nation's low-income individuals and families. It is time for our government to help them through these difficult economic times and give them the opportunities and the tools to lift themselves back onto their feet.

The bill that we are introducing today will reaffirm our nation's commitment to alleviating poverty and upholding the American ethos of helping our neighbors. For over 40 years, Community Action Agencies have been using Community Service Block Grant (CSBG) funds to coordinate and deliver comprehensive poverty programs and services to our nation's poor. From administering Head Start programs, to delivering meals to the sick and elderly, providing adult education and literacy, and implementing the Low-Income Home Energy Assistance Program, CSBG funds are reaching and helping nearly a quarter of all people living in poverty in the United States. It goes without saying, that ideally, we would like to reach out to each and every individual and family living in poverty, but this bill is a start. It is a good start. It is a firm commitment to communities that when times are tough, Community Action Agencies will continue to work at the local level to address local needs.

The bill will enhance community flexibility in serving the poor and working poor. I don't need to tell you, that a poor person living in urban New Haven has different needs from an impoverished family living in rural Danielson, CT. The same holds true for Community Action Agencies across our Nation. One Community Action Agency could be using their CSBG funds to teach computer skills in a town where a major manufacturing plant just closed down, while another Community Action Agency is using the same funds to develop rural waste water management systems. I am pleased that this reauthorization retains and strengthens the flexibility that makes CSBG such a unique and successful program, by upholding and strengthening the successful and innovative Results Oriented Management Assessment (ROMA) system of accountability and monitoring procedures.

I am also pleased that reauthorization of this bill will allow crucial assistance to reach more of our country's poor and working poor by setting a minimum eligibility level for assistance at 125 percent of the poverty level and a maximum of 60 percent of the State median income. In Connecticut alone, nearly 32 percent, or 437,492 households, are below 60 percent of the State median income. Conversely, if we had set the maximum at 185 percent of the poverty threshold, we would only reach 269,373 households. By using the State median income as a maximum, not only will this bill be benefitting the Nation's families living in poverty, but it will also assist those working poor families just above the poverty line, including those leaving welfare to make a smooth and permanent transition to self-sufficiency.

The bill also reauthorizes the Low-Income Home Energy Assistance Program, LIHEAP, which allocates grants to States to operate home energy assistance programs for low-income households. According to the most recent data from the Department of Health and Human Services, 4.8 million households received winter heating assistance, 250,000 benefitted from cooling aid and 87,000 received summer crisis aid in fiscal year 2001. This legislation makes funding LIHEAP more responsive to community needs by basing emergency funding triggers on the price of home energy bills and the average number of heating and cooling days in a month. These simple automatic triggers will ensure that LIHEAP funds are readily available in times of crisis.

Again, I would like to congratulate and thank Senator ALEXANDER for his fine work on this bipartisan piece of legislation. I firmly believe that this bill is a step in the right direction. Every day in this chamber and throughout the halls of the Senate, we talk about leaving no child behind, food stamps, comprehensive health care, job training and rural housing assistance. Mr. President, this bill encompasses all of these programs and services, and many more important poverty initiatives. I urge my colleagues to support this legislation and join us in helping to strengthen low income communities, so that we can help more families become self-sufficient. In these tough economic times, families deserve this support.

By Mr. SPECTER:

S. 1787. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the "Steel Industry National Historic Site" to be operated by the National Park Service in southwestern Pennsylvania.

The importance of steel to the industrial development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethnic endemic to this great Nation. The National Park Service recently reported that Congress should make remnants of the U.S. Steel Homestead Works an affiliate of the national park system, rather than a full national park, which had been considered in prior years, including legislation I offered two years ago in the 107th Congress. Due to the current backlog of maintenance projects at national parks and the resulting moratorium on new national parks, the legislation offered today instead creates a national historic site that would be affiliated with the National Park Service. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America and continues to today.

I have long supported efforts to preserve and enhance this historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the City of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of roughly $1 million annually since fiscal year 1998. I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition needed for this important heritage. That is why I am introducing this legislation today.

It is important to note why southwestern Pennsylvania should be the home to the national site that my legislation authorizes. the combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration or destruction. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace Complex, the Hot Metal Bridges, and the United States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation.

Highlights of such a national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national site under this bill includes the location of the Battle of Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of Homestead marked a crucial period in the Nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the Federal Government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative MIKE DOYLE, who has been a longstanding leader in this preservation effort and who sponsors the companion legislation, H.R. 521, pending in the House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, President and Chief Executive Office of the Steel Industry Heritage Corporation, in order to bring this national historic site to fruition. I urge my colleagues to cosponsor this legislation and I intend to work for its swift passage.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1791. A bill to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that would greatly benefit one of the largest irrigation districts in Southern New Mexico. Last Congress, H.R. 706, the Elephant Butte Lease Lott Conveyance Act, passed the House and Senate unanimously. The purpose of the original bill was to provide security to 403 lease lot holders who were interested in purchasing property currently being leased to them by the Bureau of Reclamation. Many of the lease holders had, at the urging of the Federal Government, invested time and money into improving these lots, including the addition in many cases of permanent fixtures. The bill I bring today would amend that Act by clarifying where the proceeds from the sale of these lands would be deposited.

With regard to proceeds, the late Honorable Howard Bratton, a former Federal District Court judge for the District of New Mexico, ruled in 1992 and in 1997 that the Elephant Butte Irrigation District was entitled to net profits generated from the leasing of grazing and farm lands of the Rio Grande Project. I would just mention that while the latest in these rulings was handed down almost 6 years ago, the District has yet to receive these profits. I understand the Bureau of Reclamation, at the urging of the Federal District Court, has told the Elephant Butte Irrigations District that it will rectify this situation in fiscal year 2004. I intend to closely monitor that situation.

The Lease Lot Conveyance Act of 2002 is silent with regard to any crediting of the proceeds from the sale of the 403 lease lots. Reclamation has taken the position that the proceeds should be credited to the Reclamation Fund. I would just like to note that the repayment obligations of the District were met and title was transferred to the District in the early nineties. The District, therefore, believes that under current law and the opinions of the Federal District Court in New Mexico, they would be entitled to these funds.

The bill I am introducing today makes it clear that the proceeds of the sale should go to the irrigation district instead of to the Reclamation fund. With Reclamation expenses continually escalating, I have been told by the District that they would utilize these proceeds to offset on-going operation and maintenance costs.

While the appraisal of these lands is still pending I do want to be clear that we are only talking about roughly 250 acres out of the total 78,000 acres compromising the Elephant Butte and Caballo Reservoir boundaries. I believe it is reasonable to allow these funds to go to the District. I hope the Senate will act expeditiously on this matter, so that the process can continue to move forward as we intended it to.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASE LOT CONVEYANCE.

Section 4(b) of the Lease Lot Conveyance Act of 2002 (116 Stat. 2879) is amended—

(1) by striking "As consideration" and inserting the following:

"(1) IN GENERAL.—As consideration"; and

(2) by adding at the end the following:

"(2) USE.—Amounts received under paragraph (1) shall be—

"(A) deposited by the Secretary, on behalf of the Rio Grande Project, in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

"(B) made immediately available to the Irrigation Districts, to be credited in accordance with section 4(I) of the Act of December 5, 1924 (43 U.S.C. 501).".

By Mr. CAMPBELL:

S. 1788. A bill to amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing a bill that will help revitalize the Denver Federal Center (DFC) and the surrounding community of Lakewood, CO. This bill will allow the General Services Administration to enter into public/private partnerships, thereby efficiently and effectively addressing infrastructure and environmental issues at the DFC.

The DFC is a 670-acre campus with 77 active buildings. It began as a munitions manufacturing plan during World War II. Since then, many other agencies have called the DFC home, leaving behind a history of landfills, leaking underground storage tanks, chemical laboratories, and firing ranges that have contaminated the area. Additonally, many of the existing buildings are more than 60 years old and are in need of extensive repair or replacement. The Colorado Department of Public Health is requiring an environmental investigation and clean-up of contaminated areas at a cost of over $70 million.

As the Denver metropolitan region grows, the GSA has an opportunity to create public / private partnerships that will help foster the growth of the DFC campus into a regional hub of commerce and transportation as formulated in the visions of the local communities. At the same time, through these public / private partnerships, the DFC will be able to help clean up a 60-year-old environmental mess.

The Regional Transportation District (RTD) would like to create an intermodal facility and public transit hub as the West Corridor Light Rail is developed. New offices can be developed, not only for Federal tenants, but potentially for private businesses as well.

I believe this bill will provide many benefits all around—through the partnerships created, this bill will create new jobs and preserve jobs and institutions already in place, while at the same time taking care of a much needed and necessary environmental preservation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be cited as the "Denver Federal Center Redevelopment Act".

SEC. 2. DENVER FEDERAL CENTER DEVELOPMENT AUTHORITY.

Part C of subtitle II of title 40, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 71. DENVER FEDERAL CENTER DEVELOPMENT

"§ 7101. Master lease development authority

"(a) IN GENERAL.—The Administrator of General Services may enter into leases of Federal real property, including improvements thereon, with totally non-Federal entities to provide for the construction, rehabilitation, operation, maintenance, or use of all, or portions of, the Denver Federal Center as described in section 7106, or such other activities related to the Denver Federal Center as the Administrator considers appropriate. For purposes of this chapter, a lease of Federal real property, including improvements thereon, shall be referred to as a master lease.

"(b) TERMS AND CONDITIONS.—A master lease entered into under this section—

"(1) shall have as its primary purpose enhancing the value of the Denver Federal Center to the United States;

"(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

"(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office, storage or other usable space in a facility covered under the master lease;

"(4) shall be for a term not to exceed 50 years;

"(5) shall describe the consideration, duties and responsibilities for which the United States and the non-Federal entity are responsible;

"(6) shall provide—

"(A) that all development risk shall remain with the non-Federal entity;

"(B) that the United States will not be liable for any action, debt or liability of any non-Federal entity; and

"(C) that such non-Federal entity may not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

"(7) shall include such other terms and conditions as the Administrator considers appropriate.

"(c) CONSIDERATION.—A master lease entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under a master lease may be provided in whole or in part through in-kind consideration, including provision of other real and related property, goods or services of benefit to the United States, construction, repair, remodeling, or other physical improvements of Federal property, environmental remediation or maintenance of Federal property, or the provision of office, storage or other usable space.

"§ 7102. Additional authorities

"(a) AUTHORITY TO CONVEY REMAINING INTERESTS.—In carrying out a master lease entered into under this chapter, the Administrator is authorized to convey the interest of the United States in the property covered by the master lease to the non-Federal entity by sale or exchange, if the Administrator first determines in writing that such conveyance is in the interests of the United States;

"(b) OTHER AUTHORITIES NOT AFFECTED.—The authority to enter into a master lease under this chapter shall be in addition to, and not in lieu of, any other authorities of the Administrator to convey interests in real property by lease, sale, or exchange.

"(c) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods or services by the General Services Administration on property that is subject to a master lease under this chapter may only be made to the extent that necessary funds have been made available to the Administrator, in advance, in an annual appropriations Act.

"§ 7103. Relationship to other laws.—

"(a) IN GENERAL.—The authority of the Administrator under this chapter shall not be subject to—

"(1) sections 521 through 529 and sections 541 through 559;

"(2) section 1302;

"(3) section 3307; or

"(4) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this chapter.

"(b) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any property covered under a master lease entered into under this section shall be deemed to be property for which there is a continuing Federal need and may not be considered to be unutilized or underutilized for purposes of section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

"§ 7104. Use of proceeds

"(a) IN GENERAL.—Net proceeds from a master lease entered into under section 7101 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the Federal Building Fund established under section 592. In this section, the term 'net proceeds from a master lease entered into under section 7101' means the rental proceeds from the master lease minus the expenses incurred by the Administrator with respect to the master lease.

"(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of a master lease entered into under section 7101 amounts necessary to recover the expenses incurred by the Administrator with respect to the master lease. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs such expenses.

"§ 7105. Reporting requirements

"(a) IN GENERAL.—Before entering into a master lease under section 7101, the Administrator of General Services shall transmit to the appropriate committees of Congress a report on the proposed development and master lease of the Denver Federal Center not less than 30 days before the award of a master lease.

"(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed development and a description of the provisions of the proposed master lease.

"§ 7106. Description of the Denver Federal Center

"As used in this chapter, the term 'Denver Federal Center' means a parcel of land, located in section 9 and in the East half of the East half of the East half Section 8, Township 4 South, Range 69 West of the Sixth Principal Meridian, being more particularly described as follows:

"Commencing at the northeast corner of said section 9;

"thence S76°38′34″W a distance of 779.20 feet to a point on the southerly right-of-way line of West 6th Avenue being also the true point of beginning;

"thence S45°23′16″E a distance of 932.42 feet to a point on the westerly right-of-way line of Kipling Street;

"thence along the westerly right-of-way line of said Kipling Street the following three courses:

"thence S00°23′16″E, a distance of 1806.59 feet;

"thence S00°23′04″E, a distance of 2341.02 feet;

"thence S44°37′45″W, a distance of 355.19 feet to a point on the northerly right-of-way line of West Alameda Avenue;

"thence along the northerly right-of-way line of said West Alameda Avenue the following three courses:

"thence S89°23′50″W, a distance of 2298.81 feet;

"thence S89°24′08″W, a distance of 2544.90 feet to a point of tangent curve;

"thence along said curve to the left an arc distance of 475.81 feet, having a central angle of 11°38′25″, a radius of 2342.00 feet and a chord bearing of S83°31′57″W, a chord distance of 474.99 feet to a point on the south line of the southeast quarter of said section 8;

"thence S89°37′30″W, along the said south line, a distance of 296.29 feet to a point on the westerly line of the east half of the east half of the east half of said section 8;

"thence along the westerly line of the east half of the east half of the east half of said section 8 the following two courses;

"thence N00°00′10″W, a distance of 2634.40 feet;

thence N00°00′33″W, a distance of 2344.86 feet to a point on the southerly right-of-way line of West 6th Avenue;

"thence along said southerly right-of-way line the following five courses:

"thence N89°44′33″E, a distance of 655.37 feet to a point on the westerly line of the northwest quarter of said section 9;

"thence N89°44′33″E, a distance of 50.00 feet;

"thence N81°11′33″E, a distance of 856.70 feet;

"thence N89°14′41″E, a distance of 1741.83 feet;

"thence N89°14′40″E, a distance of 1876.55 feet to the point of beginning.

"Said parcel contains 29,182,824 square feet or 669.95 acres, more or less.

"Note: For the purpose of this description the bearings are based on the east line of the northeast quarter of said section 9 bearing S00°23′16″E, a distance of 2640.79 feet and monumented by a found 3¼ aluminum cap marked 'l.p.i. pls 34986' on the north end and by a found 3¼" aluminum cap marked 'vigil land consultants ls 20699' on the south end.".

SEC. 3. CONFORMING AMENDMENT

The index for part C of subtitle II of title 40, United States Code, is amended by inserting the following at the end:

"CHAPTER 71. DENVER FEDERAL CENTER DEVELOPMENT.".

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 1793. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it should be our common purpose to guarantee the promise of a good education to all from birth through college. The strength, security, and future of our Nation lie in the education and character of our people.

In recent years, on a bipartisan basis, we have been working to improve preschool, elementary, and secondary education. We should move forward in the same bipartisan way on higher education.

Last year, on a bipartisan basis, we passed the No Child Left Behind Act to raise standards for students in elementary and secondary schools to hold schools and states accountable for results. These worthwhile school reforms deserve to be well-funded, so that all public school students will have a fair chance to succeed.

Last year, Senator GREGG and I also introduced a bipartisan bill to improve the quality of early childhood education in the states, and help ensure that young children begin school ready to learn.

This year, in the Education Committee, again on a bipartisan basis, we have worked to strengthen the Individuals with Disabilities Education Act (IDEA) and ensure that special needs children receive a quality education. I hope we can pass that legislation soon, to assure that the federal government meets its full obligation to children with disabilities.

The next great challenge we should confront on a bipartisan basis is to ensure that every student with the talent, desire, and drive to go to college is able to afford to go to college. Education is the golden door of opportunity, but for too long, the door of higher education has been closed to many students, because of their inability to pay. Surely, we have reached a stage in America where we can say it and mean it—cost will never be a barrier to a college education.

Just as Social Security is a promise of retirement security to senior citizens, just as Medicare is a promise of health security to senior citizens, so we should make "Education Security" a promise to every young American. If you work hard, if you finish high school, if you are admitted to a college, we should guarantee that you can afford the cost of the four years it takes to earn a degree.

As we move forward on the reauthorization of the Higher Education Act, let us come together again on a bipartisan basis to make college affordable to all qualified students. No students should have to mortgage their future to obtain a college degree.

At other times in our nation's history, we have acted boldly to extend college opportunity. In 1862, a year after the Civil War began, President Abraham Lincoln signed into law the Morrill Land Grant Colleges Act which set aside at least 90,000 acres in each Union State—30,000 acres for each of the state seats in Congress. The Act was named for Congressman Justin Morrill from Vermont, and the funds from sales of the land were to be used for public colleges and universities in the fields of engineering, agriculture, and military science. In the following years, over 70 colleges were established, and in 1890, the Morrill Act was extended to Southern and Western States. Today, over 3.5 million students are educated in public colleges and universities first created under the Morrill Act.

The next great benchmark in higher education came in 1944 when President Franklin Roosevelt signed the GI Bill to help the vast number of veterans who would be returning to civilization when World War II ended. The nation embraced the transforming principles that became a cornerstone of our democracy, that the benefits of college education should be available to all in our society, not just the elite, the wealthy or the white. In less than a decade, 8 million veterans benefitted from the GI Bill, and the immense success of that bill is in no small measure the reason why the World War II generation is now called the Greatest Generation.

In the half century since the GI Bill was enacted, we have made ongoing efforts to make college a reality for as many young men and women as possible. In 1972, we created what we now know as Pell Grants to make college affordable for low and middle income families. Since then, over 79 million students have attended college with the assistance of a Pell Grant, which are named for our distinguished colleague Claiborne Pell, who served as Chairman of the Senate Committee.

In 1993, we created the Direct Loans to make inexpensive student loans available to college students. In the same year, we created AmeriCorps to encourage young people to serve their communities and pursue their education.

Now, in this new century, in this new century, it is essential for Congress to take new steps to make the dream of a college education a reality for all.

Men and women with a college degree now earn 75 percent more than those without it—a million dollars more in earnings over their lifetime. Those who use computers on the job earn 43 percent more than those who do not. Jobs requiring at least some post-secondary education are estimated to account for over 40 percent of total employment growth over the next decade.

The need for a college education is greater that ever, but so is cost, and the soaring cost today is often pressing college education out of reach for qualified students. Last year, tuition and fees at four-year public colleges rose an average of 14 percent, and the year before, 10 percent. For families in the lowest quartile of income average public university costs now consume over 62 percent of their income—compared to 42 percent in the early 1970's.

It is shameful that federal aid has not kept pace with rising tuition. Twenty years ago, a Pell Grant covered over 80 percent of four-year college costs. Today, it covers less than 40 percent. Twenty years ago, the typical package of student financial aid had 60 percent in grants and 40 percent in loans. Today, the ratio is reduced the typical package now has 40 percent in grants and 60 percent loans—and the grant-loan imbalance is getting worse.

Each year, over a half a million high school graduates who are qualified for college do not go to college full-time, because they cannot pay the bill. The average low-income, college student has an average of $3,800 a year in college costs not covered by grants, loans, work, or family savings.

Students who begin college have trouble staying in college and graduating from college. Only 48 percent of students from upper-income families graduate from college by age 24, and that figure is seven times the graduation rate of students from low-income families. Only 7 percent—7 percent—of low-income students graduate from college by age 24. Students from minority backgrounds and those who would be the first in their family to achieve a four-year college degree are 33 percent more likely to drop out of college.

Only forty percent of all whites in ages of 18 to 24 attend college. Only 30 percent of African-American and only 16 percent of all Latinos are enrolled in college. Four in ten Latino college students drop out within three years of their enrollment.

We cannot allow these unacceptable percentages to continue. We must do more to help students attend and finish college, and do more to help colleges train more teachers and better teachers for our public schools so that more young men and women will be able to go to college and earn their degree, and fulfill their role in the nation's future.

It is a privilege today to join our Democratic colleagues on the Education Committee, in introducing the College Quality, Affordability, and Diversity Improvement Act of 2003 to improve college opportunity for qualified students. We know that too many families and students across the country are struggling to afford the cost of college and we should do all we can to help them. The bill will improve access to college in six key ways. It helps students pay for college by providing more financial aid. It slows the excessive increases in college tuition. It makes the repayment of students loan less costly. It encourages and rewards students working their way through school. It help minority and low-income students go to college and finish college. It improves the recruitment and training of public school teachers who will prepare the next generation of college students.

In compliance with the Congressional Budget Act of 1974, the cost of our bill is offset by eliminating windfall profits to banks that participate in the student loan program.

Fulfilling a pledge of "Education Security" requires renewed resolve by everyone—students, families, colleges, states, and the federal government. Students should work to save money for college. Families should pay what they can afford. Colleges should commit to reducing increases in tuition. States should continue as much support as they can for students. Federal support should fill the gap that remains.

Under our bill, $1,500 more in student aid will be available to hard-pressed, middle-class families and $3,800 to lower income families.

We increase the maximum Pell grant by nearly $500, from $4,050 to $4,500, in order to keep pace with rising costs of tuition in public colleges; 4.8 million lower income and working class students will get larger Pell grants and 200,000 middle-class students will get Pell grants for the first time.

The Act makes $3,000 in HOPE tax credit aid available to low-income families who currently do not receive this aid, in part because the tax credit is not refundable, and doubles the $1,500 HOPE scholarship tax credit that middle-class families currently receive. Over 4 million Pell grant students in families with a median income of $15,200 a year will receive the HOPE tax credit for the first time. For 3.2 million middle-income families, their tax credit will double in size.

The bill increases campus-based financial aid programs such as College Work-Study and the Supplemental Education Opportunity Grants, which means $200 more in aid to needy students on average.

The bill eliminates $100 in annual student taxes (also called "origination fees") on federal need-based loans. Over 5 million students will no longer have to pay these up-front fees for the privilege of borrowing tens of thousands of dollars.

For needy families struggling to send their children to college, these changes will provide $3,800 in additional college aid each year—$500 in increased Pell aid, $3,000 in HOPE tax benefits, $200 more in campus-based aid, and $100 in waivers of student loan fees.

The rising cost of college is an increasingly serious problem for the nation. Students need more financial aid each year. Families need protection from tuition increases that year after year are in the hundreds, or even thousands of dollars. We have ignored the tuition increase problem in higher education for too long.

In fact, few students actually pay "sticker price" tuition at private colleges, since many get a discount. At private universities, 8 out of every 10 students receives a discount from the published tuition cost, and those discounts average 40 percent of the sticker price.

The sticker price of college tuition is rising for many reasons. Public colleges are dependent on state funding that has been declining with the struggling national economy. As states cut back their support for higher education, tuition rises. Colleges can reduce some costs in order to limit tuition increases, and we can help them do so.

Tuition is rising in general because colleges believe that in the constant competition for students and faculty, it is necessary for each college to have the best facilities and programs. In effect, and because of this, a "higher education arms race," colleges are constantly striving to be ahead of the competition.

This bill rejects the price controls on college tuition that some have suggested. Instead, it creates incentives for colleges to reduce costs. It reduces regulatory costs for colleges and supports voluntary limits on cost growth. It requires states to do their part in supporting higher education. It ensures that families obtain better information about the true cost of college. And importantly, it rejects the idea of withholding federal student aid for students who attend colleges with excessive tuition costs, because doing so would hurt the neediest students.

Our bill supports the creation of college consortiums that will jointly buy in bulk and share the costs of health care, libraries, faculties, and other needs, so that they achieve economies of scale. It reduces regulatory burdens on colleges. When we lower the operating costs of colleges, we make it easier for them to restrain tuition increases.

The bill requires the Secretary of Education to convene a "higher education arms control" summit. Groups of competing colleges will be convened by the Secretary to negotiate limits on future growth in tuition. The Secretary will be given the authority to waive anti-trust protections, when the waiver is needed to achieve reduced tuition growth.

States and colleges must do their part to make college affordable. The bill insists that states must not treat college students like piggy banks to balance state budgets. The bill offers a new partnership to States, under which additional federal resources will be available to states that invest in higher education. States that dramatically cut higher education will be limited to current levels of aid.

Finally, our bill requires schools to publish their true tuition: the extent and average amount of discounts offered to students. Families should know how much school really will cost and how possible it is to bargain for the best deal.

No matter what we do on grants and college costs, loans will continue to be a large part of college aid, but that debt should not be excessive. Today, the average debt on student loans is $17,000, but it can exceed $100,000 for graduate students and professional students. This bill makes it easier to repay student loan debt or work it off. It creates a new refinancing option for borrowers now saddled with consolidated loans at high interest rates. It saves taxpayers money by rewarding student and school participation in the Direct Loan program.

The Act converts the current tax deduction for interest tax on student loans into a tax credit. This bipartisan proposal of Senator SNOWE and Senator SCHUMER will provide low-income graduates with up to $1,500 in reimbursement for interest in student loans.

To encourage public service, the Act forgives the debt on Direct Loans for remaining after ten years for students in certain public sector jobs. Currently, student loan debt is often so large that it prevents students from accepting public interest jobs and forces them to look for higher paying jobs in the private sector. The bill rewards those who choose lower paying public interest jobs in sectors where the need is great, such as public safety, law enforcement, teaching, and public interest legal services.

In addition, the Act enables all college graduates to refinance their student loans, just as their families would refinance a home mortgage. Under current law, graduates who make payments on multiple variable interest rate student loans can consolidate their loans today into a single fixed rate loan at the relatively low interest rate of 3.42 percent. But over 5 million borrowers consolidated their student loans years ago at higher interest rates. The bill enables them to refinance that consolidated loan at today's prevailing interest rate.

The availability of new Refinanced Direct Loans will dramatically reduce student loan repayment for millions of college graduates. A middle-class borrower, for example, with $60,000 in student loan debt at 7 percent interest will save $1,200 a year, or more than $10,000 over the life of the loan, if they refinance under this proposal.

Further, the bill rewards schools and students that save taxpayers money by participating in the federal Direct

Loan program. For every dollar borrowed through the Direct Loan program instead of the traditional private FFEL program, taxpayers save approximately fourteen cents. Our bill offers schools that participate in the Direct Loan program a percentage of the federal savings earmarked for student aid. Taxpayers will save money and students will receive more financial aid, as a result of this "Direct Loan Reward Program." It's a win-win proposal.

In light of the growing need today, current law imposes too heavy a penalty on students who work their way through college. Their financial aid is reduced by 50 cents for every after-tax dollar they earn.

This bill exempts from penalty the first $9,000 earned by traditional college students and the first $18,000 earned by adults attending college. Those students who work to support their college education deserve this additional assistance.

This bill includes a series of proposals to enable larger numbers of minority first-generation college students to go to college and graduate from college. Our national commitment to diversity in college education has been re-affirmed earlier this year by the Supreme Court. A major part of that commitment is preparing all young persons to approach the doors of higher education, making sure the gates are fully and fairly open to them, helping students to pay the costs, and enabling them to stay in college and graduate from college.

The Act increases funding for the successful TRIO and GEAR UP programs that provide information and counseling about college preparation, financial aid, and admissions.

It increases the access of low-income students to college preparation and tutoring programs for the Scholastic Achievement Test and American College Test that have been proven to be effective.

In addition, it assists students in making well-informed decisions on college applications and enrollments, encourages colleges to act on their own to modify policies that make it more difficult for already disadvantaged students to apply or enroll.

The Act supports partnerships between community colleges and four-year colleges, and it encourages them to provide targeted assistance in the form of tutoring, financial aid, child care, counseling, mentoring, and innovative course schedules, all with the goal of improving the admission, retention and graduation rates of low-income students, and non-traditional students.

Increased funding will be available for Hispanic-Serving Institutions and Historically Black Colleges and Universities. These colleges are the source of an extraordinary proportion of minority graduates from college and they deserve greater support.

The federal government must do its part in strengthening further diversity in higher education and colleges and individual students must do their part as well. Diversity is our nation's strength, and all of us have an obligation to support it.

The Act includes a series of initiatives to help recruit and retain high-quality teachers for the nation's public schools. A fundamental aspect of preparing students for college means making sure they have a good teacher in every classroom.

The shortage of such teachers is increasingly severe. America will need more than 2 million new teachers in the next decade. Today, approximately one in every three teachers leaves teaching within the first three years, and almost half leave within the first five years. The No Child Left Behind Act has set a goal of a highly-qualified teacher in every classroom by 2006. Clearly, it is time for the nation to make teacher training a priority.

The Higher Education Act Amendments of 1998 included a new title II program to respond to the teacher shortage. The Act scales up the current title II "pilot program" and strengthens and expands it, so that every State will receive funds every year, in order to assure that as many children as possible are taught by highly qualified teachers.

The Act authorizes additional for State Grants and Partnership Grants, with the goal of establishing formula grants for every State. We need to train teachers more effectively, attract more men and women to the field of teaching, and encourage them to continue in the field. These grants will improve preparation, recruitment, and retention of teachers, and help States and schools put a highly qualified teacher in every classroom.

By increasing the accountability of teacher preparation programs, the Act strengthens teacher preparation courses, so that teachers will have the skills and support they need to succeed in the classroom. The bill creates a new national database to provide accurate information on the quality of these preparation programs.

In addition, the Act establishes innovative programs to attract and retain teachers. A mentoring program will help train new teachers and provide professional assistance from more experienced teachers. A new home-ownership program will provide teachers in high-need districts with funds to afford the purchase of a home. A separate initiative will develop links between community colleges and four-year colleges in teacher preparation programs, and help train teacher aides in high-need communities to become teachers.

The Act also helps attract teachers to high-need areas in high-demand subjects, by increasing the amount of student loan forgiveness from $5,000 to $15,000, for teachers who teach math, science, special education, bilingual education, or early education in these areas.

Good teachers in our schools are essential for preparing students to enter college. We must do all we can to support them and give them the training necessary to enable all students to achieve.

In total dollars, the size of this legislation is approximately $15 billion a year. For a sense of context, I would note that we have just approved an $87 billion package for Iraq, have a $786 billion annual discretionary budget, and a $2.3 trillion annual mandatory and discretionary budget. This legislation is comparatively small.

There are three types of cost included. First, there are the tax provisions that total approximately $9.2 billion a year—the same size as the President's tax breaks on dividend and capital gain income. We should replace those dividend and capital gains cuts for the very wealthy instead with the education tax benefits included in this legislation for families trying to pay for college.

Second, there are about $1.3 billion in annual changes to the student loan program for which this legislation fully pays. The bill eliminates windfall profits to lenders in the loan program in order to pay fully for the elimination student loan origination fees and to enable borrowers out of school to refinance their consolidated loans.

In particular, this bill closes a loophole in the student loan program whereby taxpayers subsidize a small minority of lenders to the tune of over $400 million a year in order to assure them a 9.5 percent rate of return. 9.5 percent is too much in today's interest rate environment. All lenders should receive the same guaranteed market rate of return for participating in the student loan program and no more.

Finally, the legislation includes approximately $4.5 billion in annual increases in discretionary education spending. That amount equals one half of one percent of the discretionary budget and is the same amount that education funding increased last year. It is a modest proposal, frankly.

In the past, higher education policy helped the poor and the middle class together. In recent years, though, we have developed separate approaches for these two groups—grants for the poor, and tax benefits for the middle class. The median family income of recipients of Pell grants is $15,000 a year. The HOPE Scholarship tax credit is available only to families with more than $40,000 in income.

Because of the high cost of higher education for everyone, and because each student's own interest in a college education is also in our common interest, this bill will help both hard-pressed low-income and hard-pressed middle income families to send their children to college and prepare them for the future.

Our bill has the support of a variety of national groups: the United States Students' Association, the United States Public Interest Research Group, the Direct Loan Coalition, the National Council for Community and Education Partnerships, the Council for Opportunity in Education, the College Migrant Association, the National Association of Secondary School Principals, the American Federation of Teachers, the National Education Association, and Kaplan, Inc.

Quality, affordability, and diversity—these are the focus of this act because these are the three great challenges we face today in higher education policy and each closely related to the others. Together, we can meet these new challenges in this new century and make the promise of Education Security a reality not just a reality for some of our citizens but a reality for all of our citizens.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Quality, Affordability, and Diversity Improvement Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—ACCESS TO COLLEGE FOR ALL

Sec. 101. Pell Grants.
Sec. 102. Expansion of Hope scholarships.
Sec. 103. Elimination of origination fees and adjustment of fees and terms.
Sec. 104. Direct Loan Reward Program.
Sec. 105. Costs of higher education.
Sec. 106. Credit for interest on higher education loans.
Sec. 107. Refinancing authority for Federal Direct Consolidation Loan.
Sec. 108. Loans funded through tax-exempt securities.
Sec. 109. Windfall profit offset.
Sec. 110. Support for working students.
Sec. 111. Student eligibility.
Sec. 112. Authorization of appropriations levels for campus-based aid.
Sec. 113. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 114. Loan forgiveness and cancellation for certain teachers.
Sec. 115. Revision of tax table.
Sec. 116. Income contingent repayment for public sector employees.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Amendment to title II.

TITLE III—DIVERSITY, RETENTION, AND ENRICHED ACADEMICS FOR MATRICULATING STUDENTS

Sec. 301. Test preparation for low-income students.
Sec. 302. Admissions and retention.
Sec. 303. Federal Trio program.
Sec. 304. Gear Up.
Sec. 305. Leveraging educational assistance partnership program.

TITLE IV—OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS

Sec. 401. Postbaccalaureate opportunities for Hispanic Americans.
Sec. 402. Definitions.
Sec. 403. Authorized activities.
Sec. 404. Elimination of wait-out period.
Sec. 405. Application priority.

TITLE V—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Sec. 501. Professional or graduate institutions.
Sec. 502. Graduate and professional degree development program.
Sec. 503. Authorization of appropriations.
Sec. 504. Patsy T. Mink fellowship program.

TITLE VI—RECRUITMENT OF TEACHERS TO TEACH AT TRIBAL COLLEGES OR UNIVERSITIES

Sec. 601. Loan repayment or cancellation for individuals who teach in Tribal Colleges or Universities.
Sec. 602. Amounts forgiven not treated as gross income.

SEC. 3. FINDINGS.

Congress finds the following:

(1) A college education is more important than ever, and the Federal Government should do more to make it affordable and accessible to all qualified students because—

(A) recent shifts in the economy have increased the demand for college-educated workers and increased the wage gap between college-educated workers and those without a degree (workers with a Bachelor's degree earn 75 percent more than workers with just a high school diploma); and

(B) jobs requiring some postsecondary education are expected to account for about 42 percent of total job growth from 2000 through 2010.

(2) Increased access to college, reformed admissions systems, and better retention of students are needed because—

(A) 65 percent of high-income students are on a college-preparatory track, whereas only 28 percent of low-income students are on a college-preparatory track;

(B) 7 times as many students from high-income families (48 percent) graduate from college by age 24 as students from low-income families (7 percent);

(C) 80 percent of 4-year institutions of higher education use the SAT in the admissions process;

(D) commercial SAT coaching classes, such as those run by Kaplan, Inc. and Princeton Review, have demonstrated effectiveness in raising a student's SAT score by 100 points or more, which can significantly improve a student's chance of getting into an elite college;

(E) SAT coaching programs range from $700 to $3,000 per course and the costs are prohibitive for low-income students;

(F) those students who receive SAT coaching tend to be disproportionally middle or upper class;

(G) 34 percent of students who receive SAT coaching are from families whose combined annual income is between $40,000 and $80,000, and 43 percent are from families whose combined annual income is more than $80,000;

(H) applying to college early decision provides an advantage to an applicant equal to an additional 100 points on the SAT;

(I) low-income students are less able to apply to colleges early decision because such students need to compare the financial aid packages at different colleges;

(J) 40 percent of all Whites age 18 through 24 are enrolled in institutions of higher education, whereas only 30 percent of all African-Americans and only 16 percent of all Hispanics are enrolled in institutions of higher education;

(K) nearly 4 out of every 10 Hispanics enrolled full time in 4-year colleges drop out within 3 years of their initial enrollment, African-Americans are half as likely as White students to complete a Bachelor's degree in 4 years, and low-income students are half as likely as upper-income students to complete a Bachelor's degree in 4 years;

(L) in 1990, 1 in 4 Americans was a member of a minority group, and in 2001, 1 in 3 Americans was a member of a minority group;

(M) low-income, college-qualified high school graduates have an annual "unmet need" of $3,800 in college expenses, expenses not covered by grants, loans, work, or family savings;

(N) 46 percent of all students who work in addition to being full-time students report 25 hours or more a week of employment; and

(O) 50 percent of those employed more than 25 hours a week report that working hurts their grades and retention in college, and students who work more than 35 hours a week are considerably less likely to complete a year of college than those who work less than 15 hours a week.

(3) Federal student aid is too focused on loans instead of grant aid because—

(A) although approximately $55,000,000,000 is made available annually in direct and indirect Federal aid to postsecondary education students and their families, in 2002, 60 percent of such Federal student aid was in the form of loans while only 40 percent was in the form of grants, a reversal of the distribution 20 years ago;

(B) the purchasing power of the Pell Grant has declined since Pell Grants cover only 40 percent of average fixed costs at 4-year public colleges, about half of what they covered 25 years ago;

(C) 15 years ago Pell Grants covered 98 percent of average tuition at 4-year public colleges, whereas today Pell Grants only cover 64 percent on average;

(D) the Federal Government saves money under the Direct Loan program and makes a profit of 3.5 cents on every dollar lent under the Direct Lending program, while it loses 10.37 cents on every dollar lent under the Federal Family Education Loan Program; and

(E) average student indebtedness is $17,000, and reaches over $120,000 for professional school graduates.

(4) The Federal Government should do more to help States, local educational agencies, and schools ensure a qualified teacher in every classroom because under the No Child Left Behind Act of 2001, States are required to ensure that all teachers teaching in core academic subjects within the State are "highly qualified" not later than the end of the 2005–2006 school year. States need to do much more to meet the challenges in the new Federal law. In the 1999–2000 school year, 29 percent of elementary school students, 59 percent of middle school students, and 29 percent of high school students were taught by teachers without both a major and certification in the subject in which they taught.

(5) There is a severe shortage of qualified teachers, especially in high-need fields and low-income areas because—

(A) approximately a third of America's teachers leave teaching sometime during their first 3 years of teaching and almost half leave during the first 5 years;

(B) overall turnover rate for teachers in high-poverty areas is almost a third higher than it is for teachers in all schools;

(C) underqualified teachers are more often found in high-poverty schools; and

(D) in low-poverty secondary schools, approximately ⅓ of students are taught by a teacher who lacks either a college degree in the subject area in which the teacher teaches or certification in such subject area, while in high-poverty secondary schools, approximately ½ of students are taught by such a teacher.

(6) Teacher shortages are more severe in some fields than in others:

(A) Employment opportunities in teaching special education are expected to grow 21 to 35 percent through 2010, an increase of over 150,000 positions.

(B) The most recent data from a 1994 General Accounting Office report estimates a shortage of 100,000 to 200,000 bilingual teachers, even as the limited English proficient student population continues to grow.

(C) It is estimated that of the 2,000,000 teachers needed over the next 10 years, almost 200,000 will be secondary school mathematics and science teachers.

TITLE I—ACCESS TO COLLEGE FOR ALL

SEC. 101. PELL GRANTS.

(a) Appropriation of Funds for Pell Grants.—There are authorized to be appropriated and there are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2004, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $14,515,000,000.

(b) Authorization Amount and Maximum Pell Grant.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "appropriation Act" and inserting "appropriation Act or subparagraph (C)"; and

(B) by adding at the end the following:

"(C) The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,500."; and

(2) in paragraph (2)(A), by striking clauses (i) through (v) and inserting the following:

"(i) $7,600 for academic year 2005–2006;

"(ii) $8,600 for academic year 2006–2007;

"(iii) $9,600 for academic year 2007–2008;

"(iv) $10,600 for academic year 2008–2009; and

"(v) $11,600 for academic year 2009–2010,".

SEC. 102. EXPANSION OF HOPE SCHOLARSHIPS.

(a) Expansion of Hope Scholarship Credit.—

(1) Double maximum credit to $3,000.—Subsection (b) of section 25A of the Internal Revenue Code of 1986 (relating to Hope and Lifetime Learning credits) is amended by striking "2" in paragraph (4) and inserting "3".

(2) Credit available for 4 years.—Subsection (b) of section 25A of such Code is amended by striking "2" each place it appears in paragraphs (2)(A), (2)(C), and (4) and inserting "4".

(3) Refundable credit.—

(A) In general.—Section 25A of such Code is hereby moved to subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits) and inserted after section 35.

(B) Technical amendments.—

(i) Section 36 of such Code is redesignated as section 37.

(ii) Section 25A of such Code (as moved by subsection (a)) is redesignated as section 36.

(iii) Paragraph (1) of section 36(a) of such Code (as redesignated by paragraph (2)) is amended by striking "this chapter" and inserting "this subtitle".

(iv) Subparagraph (B) of section 72(t)(7) of such Code is amended by striking "section 25A(g)(2)" and inserting "section 36(g)(2)".

(v) Subparagraph (A) of section 135(d)(2) of such Code is amended by striking "section 25A" and inserting "section 36".

(vi) Section 221(d) of such Code is amended—

(I) by striking "section 25A(g)(2)" in paragraph (2)(B) and inserting "section 36(g)(2)",

(II) by striking "section 25A(f)(2)" in paragraph (2)(B) and inserting "section 36(f)(2)", and

(III) by striking "section 25A(b)(3)" in paragraph (3) and inserting "section 36(b)(3)".

(vii) Section 222 of such Code is amended—

(I) by striking "section 25A" in subparagraph (A) of subsection (c)(2) and inserting "section 36",

(II) by striking "section 25A(f)" in subsection (d)(1) and inserting "section 36(f)", and

(III) by striking "section 25A(g)(2)" in subsection (d)(1) and inserting "section 36(g)(2)".

(viii) Section 529 of such Code is amended—

(I) by striking "section 25A(g)(2)" in subclause (I) of subsection (c)(3)(B)(v) and inserting "section 36(g)(2)",

(II) by striking "section 25A" in subclause (II) of subsection (c)(3)(B)(v) and inserting "section 36", and

(III) by striking "section 25A(b)(3)" in clause (i) of subsection (e)(3)(B) and inserting "section 36(b)(3)".

(ix) Section 530 of such Code is amended—

(I) by striking "section 25A(g)(2)" in subclause (I) of subsection (d)(2)(C)(i) and inserting "section 36(g)(2)",

(II) by striking "section 25A" in subclause (II) of subsection (d)(2)(C)(i) and inserting "section 36", and

(III) by striking "section 25A(g)(2)" in clause (iii) of subsection (d)(4)(B) and inserting "section 36(g)(2)".

(x) Subsection (e) of section 6050S of such Code is amended by striking "section 25A" and inserting "section 36".

(xi) Subparagraph (J) of section 6213(g)(2) of such Code is amended by striking "section 25A(g)(1)" and inserting "section 36(g)(1)".

(xii) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 36 of such Code".

(xiii) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

"Sec. 36. Hope and Lifetime Learning credits.

"Sec. 37. Overpayments of tax.".

(xiv) The table of sections for subpart A of such part IV is amended by striking the item relating to section 25A.

(4) Credit allowed for cost of attendance.—

(A) In general.—

(i) Subsection (b) of section 36 of such Code, as moved and redesignated by paragraph (3), is amended by striking "qualified tuition and related expenses" each place it occurs and inserting "cost of attendance".

(ii) Subsection (f) of such section 36 is amended by adding at the end the following new paragraph:

"(3) No Pell reduction.—The term 'cost of attendance' has the meaning given such term in section 472 of the Higher Education Act of 1965, except that the term shall not include any costs described in paragraph (4) or (5) of such section.".

(B) Conforming amendments.—

(i) Subsection (b)(1)(B) of such section 36 is amended by striking "such expenses" and inserting "such cost".

(ii) Subsections (e) and (g) of such section 36 are amended by inserting "the cost of attendance or" before "qualified" each place it appears.

(5) Expansion of limitation.—

(A) In general.—Subsection (d) of section 36 of such Code, as moved and redesignated by paragraph (3), is amended—

(i) in paragraph (1), by striking the period and inserting "in the case of the Lifetime Learning Credit and paragraph (3) in the case of the Hope Scholarship Credit.",

(ii) in paragraph (2), by inserting "FOR THE LIFETIME LEARNING CREDIT" in the heading after "REDUCTION", and

(iii) by redesignating paragraph (3) as paragraph (4) and by adding after paragraph (2) the following new paragraph:

"(3) Amount of reduction for hope scholarship credit.—The amount determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

"(A) the excess of—

"(i) the taxpayer's modified adjusted gross income for such taxable year, over

"(ii) the sum of—

"(I) the amount of any education assistance received by the student that is not subject to tax under this chapter, and

"(II) $40,000 ($80,000 in the case of a joint return), bears to

"(B) $10,000 ($20,000 in the case of a joint return).".

(B) Conforming amendments.—Subsection (h) of such section 36 is amended—

(i) in paragraph (2), by inserting "FOR THE LIFETIME LEARNING CREDIT" in the heading after "LIMITS", and

(ii) by inserting at the end the following new paragraph:

"(3) Income limits for hope scholarship credit.—

"(A) In general.—In the case of a taxable year beginning after 2003, the $40,000 and $80,000 amounts in subsection (d)(3) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) Rounding.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ELIMINATION OF ORIGINATION FEES AND ADJUSTMENT OF FEES AND TERMS.

(a) Direct Loans.—Section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is amended to read as follows:

"(c) Loan Fee.—

"(1) In general.—Except as provided in paragraph (2), the Secretary shall charge the borrower of a loan made under this part an origination fee of 4.0 percent of the principal amount of the loan.

“(2) EXCEPTION FOR SUBSIDIZED LOANS.—The Secretary may not charge the borrower of a loan made under this part an origination fee if the borrower receives an interest subsidy for such loan.”.

(b) FFEL PROGRAM.—Section 438(c) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(c)) is amended by adding at the end the following:

“(9) TERMINATION OF ORIGINATION FEES FOR SUBSIDIZED LOANS.—Notwithstanding any other provision of this subsection, with respect to any loan made, insured, or guaranteed under this part on or after the first July 1 after the date of enactment of this paragraph for which a borrower receives an interest subsidy under section 428(a)—

“(A) no eligible lender may collect directly or indirectly from the borrower any origination fee with respect to such loan, or any other fee relating to the origination of a loan however described; and

“(B) the Secretary shall not collect any origination fee from the lender under this subsection.”.

(c) ADJUSTMENT OF FEES AND LOANS FOR DIRECT LOANS.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

“(m) ADJUSTMENT OF FEES AND LOANS.—Notwithstanding any other provision of law, the Secretary shall adjust the fees and terms for Federal Direct Unsubsidized Stafford Loans to be equal to the fees and terms for loans made to borrowers under section 428H.”.

SEC. 104. DIRECT LOAN REWARD PROGRAM.

Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by adding at the end the following:

“SEC. 460A. DIRECT LOAN REWARD PROGRAM.

“(a) SHORT TITLE.—This section may be cited as the ‘Direct Loan Reward Act’.

“(b) PROGRAM AUTHORIZED.—The Secretary shall carry out a Direct Loan Reward Program to encourage institutions of higher education to participate in the student loan program under this part.

“(c) PROGRAM REQUIREMENTS.—In carrying out the Direct Loan Reward Program, the Secretary shall—

“(1) provide to each institution of higher education participating in the student loan program under this part a financial reward payment, in an amount determined in accordance with subsection (d), to encourage the institution to provide student loans under this part;

“(2) require each institution of higher education receiving a payment under this section to provide student loans under this part for a period of 5 years from the date the payment is made;

“(3) require that funds paid to institutions of higher education under this section be used to award students Federal Supplemental Educational Opportunity Grants in accordance with subpart 3 of part A, except that an institution of higher education shall not be required to provide any matching funds with respect to such awards; and

“(4) for a period of 2 years beginning on the date of enactment of this section, encourage all institutions of higher education to participate in the Direct Loan Reward Program.

“(d) AMOUNT.—The amount of a financial reward payment under this section shall be—

“(1) in the case of the first year of an institution of higher education's participation in the Direct Loan Reward Program, an amount equal to 50 percent of the savings to the Federal Government generated by the institution's participation in the student loan program under this part instead of the institution's participation in the student loan program under part B; and

“(2) in the case of the second through fifth years of an institution of higher education's participation in the Direct Loan Reward Program, an amount equal to 10 percent of the savings to the Federal Government generated by the institution's participation in the student loan program under this part instead of the institution's participation in the student loan program under part B.—

“(e) TRIGGER TO ENSURE COST NEUTRALITY.—

“(1) LIMIT TO ENSURE COST NEUTRALITY.—Notwithstanding subsection (d), the Secretary shall not distribute financial reward payments under the Direct Loan Reward Program that, in the aggregate, exceed the Federal savings resulting from implementation of the Direct Loan Reward Program.

“(2) FEDERAL SAVINGS.—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine any Federal savings on loans made to students at institutions of higher education that participate in the Direct Loan Reward Program and that, on the date of enactment of the Direct Loan Reward Program, participated in the student loan program under part B, resulting from the difference of—

“(A) the Federal cost of loan volume made under this part; and

“(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under part B.

“(3) DISTRIBUTION RULES.—If the Federal savings determined under paragraph (2) is not sufficient to distribute full financial reward payments under the Direct Loan Reward Program, the Secretary shall—

“(A) first make financial reward payments to those institutions of higher education that participated in the student loan program under part B on the date of enactment of the Direct Loan Reward Program; and

“(B) with any remaining Federal savings after making payments under subparagraph (A), make financial reward payments to the institutions of higher education not described in subparagraph (A) on a pro-rata basis.

“(4) CARRY OVER.—Any institution of higher education that receives a reduced financial reward payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent fiscal years.”.

SEC. 105. COSTS OF HIGHER EDUCATION.

(a) SUPPORTING REDUCED TUITION INCREASES.—Part C of title I of the Higher Education Act of 1965 (20 U.S.C. 1015 et seq.) is amended by adding at the end the following:

“SEC. 132. ECONOMIES OF SCALE.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to university consortia to enable such consortia to engage in endeavors to reduce college costs.

“(2) UNIVERSITY CONSORTIUM.—In this section, the term ‘university consortium’ means a consortium of not less than 5 two- or four-year degree granting institutions of higher education that receive assistance under title IV.

“(3) DURATION.—Grants awarded under this section shall be for a period of not more than 4 years.

“(b) APPLICATION.—

“(1) IN GENERAL.—A university consortium that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines appropriate.

“(2) CONTENT.—An application submitted under paragraph (1) shall include—

“(A) a list of the institutions of higher education that are partners in the university consortium;

“(B) a letter of intent to participate in the university consortium from each partner institution of higher education;

“(C) a general description of the nature of the programs, activities, or other cost-cutting measures to be carried out by the university consortium with funds received under this section, and the cost of such programs, activities, or other cost-cutting measures;

“(D) a description of how such activities are expected to result in cost savings for all partner institutions of higher education;

“(E) an estimation of how much money will be saved through such activities;

“(F) an assurance that when the university consortium efforts begin to post savings for the partner institutions of higher education, not less than 50 percent of the savings will be passed to students by cutting or maintaining student tuition rates or increasing student aid;

“(G) an assurance that each partner institution of higher education will not raise tuition more than twice the inflation change tracked pursuant to section 131(c)(4) from academic year to subsequent academic year during the life of the grant;

“(H) a general timeline of how the university consortium will carry out planned activities and when savings are expected to be posted; and

“(I) a statement as to how the university consortium plans to provide matching funds required under this section.

“(3) PEER REVIEW PANEL.—

“(A) IN GENERAL.—The Secretary shall submit to a peer review panel each application submitted under paragraph (1).

“(B) COMPOSITION.—The peer review panel shall consist of representatives from—

“(i) higher education, including professors;

“(ii) the Department; and

“(iii) the business community.

“(C) APPROVAL OR DISAPPROVAL.—With respect to each application, the peer review panel shall recommend whether each applicant should be awarded a grant under this section.

“(c) AWARDING OF GRANTS.—

“(1) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration providing an equitable geographic distribution of the grants throughout the United States.

“(2) MAXIMUM AWARD.—A grant award under this section shall be not more than $200,000. Not more than $75,000 may be awarded in the first year of the grant award and remaining funds shall be evenly divided over the remaining 3 years.

“(d) ACTIVITIES.—

“(1) COST-CUTTING ACTIVITIES.—A university consortium awarded a grant under this section shall use the grant funds to cut partner institution of higher education costs by carrying out 1 or more of the following activities:

“(A) Cooperative purchasing of health care and other employee benefit plans.

“(B) Cooperative purchasing of technology infrastructure.

“(C) Joint degree programs.

“(D) Expansion of joint distance education programs across institutions of higher education.

“(E) Shared library acquisitions.

“(F) Development and implementation of a credit transfer system among partner institutions of higher education.

“(G) Development and implementation of cooperative billing structures.

“(H) Development and implementation of joint professional development for faculty and staff.

“(I) Joint legal counsel.

“(J) Other activities that have the effect of cutting partner institution of higher education costs.

“(2) FURTHER ACTIVITIES.—A university consortium may carry out activities not listed in paragraph (1) in addition to carrying out 1 or more activities listed in paragraph (1).

“(3) COST SAVINGS TO STUDENTS.—Each partner institution of higher education of a university consortium awarded a grant under this section shall—

“(A) not raise tuition more than twice the rate of inflation from academic year to subsequent academic year during the life of the grant; and

“(B) pass on to the students at such institution not less than 50 percent of the savings from the grant by cutting or maintaining student tuition rates or increasing student aid.

“(e) MATCHING FUNDS.—

“(1) IN GENERAL.—Each university consortium awarded a grant under this section shall provide matching funds from non-Federal sources to carry out activities under this section in an amount equal to—

“(A) 40 percent of the grant award in the first year;

“(B) 50 percent of the grant award in the second year;

“(C) 65 percent of the grant award in each of the third and fourth years; and

“(D) 80 percent of the grant award in the fifth year.

“(2) IN-KIND CONTRIBUTIONS.—Not more than 50 percent of the matching funds required under paragraph (1) may be provided in the form of in-kind contributions.

“(f) ONE-TIME AWARD.—A university consortium may receive a grant under this section only one time.

“(g) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, other funds available for institutional or campus-based student aid.

“(h) REPORTING.—

“(1) ANNUAL REPORT.—

“(A) IN GENERAL.—Each university consortium awarded a grant under this section shall submit an annual report to the Secretary on progress toward meeting the purposes of this section.

“(B) CONSEQUENCES OF NOT MAKING SUBSTANTIAL PROGRESS.—If the Secretary, after consultation with the peer review panel described in subsection (b)(3), determines that the university consortium is not making substantial progress in meeting the purposes and goals of this section, as appropriate, by the end of the second year of the grant, the grant shall not be continued for the third and fourth year of the grant.

“(2) REPORT BY THE SECRETARY.—The Secretary shall—

“(A) conduct an analysis on the overall effectiveness of university consortia in cutting college costs and passing savings on to students; and

“(B) make the analysis under subparagraph (A) available to Congress and the public biannually.

“(i) NATIONAL ACTIVITIES.—The Secretary may reserve not more than 5 percent of the funds appropriated for this section for any fiscal year for—

“(1) peer review of applications;

“(2) conducting the analysis required under subsection (h)(3); and

“(3) technical assistance.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

(b) COLLEGE COST SUMMIT.—Part C of title I of the Higher Education Act of 1965 (20 U.S.C. 1015 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

“SEC. 133. COLLEGE COST SUMMIT.

“(a) IN GENERAL.—The Secretary shall convene a college cost summit with representatives of competing peer institutions of higher education for the purpose of negotiating voluntarily agreed upon limits on future college tuition and fee increases.

“(b) SECRETARIAL APPROVAL.—No agreement reached pursuant to subsection (a) shall take effect absent approval by the Secretary.

“(c) ANTITRUST EXEMPTION.—

“(1) DEFINITIONS.—In this subsection:

“(A) ANTITRUST LAWS.—The term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

“(B) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’—

“(i) means an institution of higher education as defined in section 101; and

“(ii) includes any individual acting on behalf of such an institution.

“(2) EXEMPTION.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among institutions of higher education or their representatives pursuant to this section and for the purpose of, and limited to, negotiating voluntarily agreed upon limits on future college tuition and fee increases, approved by the Secretary.”.

(c) MAINTENANCE OF EFFORT.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

“Subpart 9—Maintenance of Effort

“SEC. 420K. MAINTENANCE OF EFFORT.

“(a) IN GENERAL.—A public institution of higher education is eligible to receive the full amount of assistance under this title for any fiscal year only if the Secretary determines that the State in which the public institution of higher education is located maintains not less than 90 percent of its support for higher education from the preceding fiscal year, as demonstrated by the State aggregate expenditures with respect to the provision of higher education.

“(b) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

“(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

“(2) a precipitous, unpredicted, and unprecedented decline in State budget authority.

“(c) CONSEQUENCES OF FAILURE TO MAINTAIN EFFORT.—Notwithstanding any other provision of this Act, the Secretary shall adjust the level of assistance available to institutions described in subsection (a) by restoring the Pell Grant maximum under this part and student loan fees under parts B and D to their levels on June 30, 2004.”.

(d) TRUTH-IN-TUITION.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by subsection (c), is further amended by adding at the end the following:

“Subpart 10—Truth-in-Tuition

“SEC. 420L. DISCLOSURE IN APPLICATION.

“An institution of higher education that receives Federal funds and is eligible for assistance under this title shall include in materials accompanying an application for admission to the institution up to date annual trend information regarding the extent and average amount of such institution’s tuition and fee discounts.”.

(e) COLLEGE CONSUMER PRICE INFORMATION.—Section 131(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1015(c)(4)) is amended to read as follows:

“(4) HIGHER EDUCATION MARKET BASKET.—

“(A) IN GENERAL.—The Bureau of Labor Statistics, in consultation with the Commissioner for Education Statistics, shall develop a higher education cost index that tracks inflation changes in the necessary costs associated with higher education.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $7,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

SEC. 106. CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

“SEC. 25C. INTEREST ON HIGHER EDUCATION LOANS.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

“(b) MAXIMUM CREDIT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

“(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

“(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $10,000 ($20,000 in the case of a joint return).

“(B) MODIFIED ADJUSTED GROSS INCOME.—The term ‘modified adjusted gross income’ means adjusted gross income determined without regard to sections 911, 931, and 933.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2004, the $50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘2003’ for ‘1992’.

"(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

"(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

"(e) DEFINITIONS.—For purposes of this section:

"(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(d)(1).

"(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

"(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Interest on higher education loans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25C(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of enactment of this Act, but only with respect to any loan interest payment due after December 31, 2002.

SEC. 107. REFINANCING AUTHORITY FOR FEDERAL DIRECT CONSOLIDATION LOAN.

Section 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1087e(g)) is amended—

(1) by striking "A borrower" and inserting the following:

"(1) IN GENERAL.—A borrower"; and

(2) by adding at the end the following:

"(2) REFINANCING AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding any other provision of this part, a borrower may refinance a Federal Direct Consolidation Loan at the prevailing fixed rate as determined by the Secretary, if the interest rate on such borrower's Federal Direct Consolidation Loan is not less than the sum of 3.3 percent and the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the previous calendar quarter.

"(B) ONE-TIME ONLY.—A borrower may refinance under subparagraph (A) only once.".

SEC. 108. LOANS FUNDED THROUGH TAX-EXEMPT SECURITIES.

(a) REPEAL.—Subparagraph (B) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is repealed.

(b) LOANS FUNDED THROUGH TAX-EXEMPT SECURITIES.—Section 438(b)(2) of the Higher Education Act of 1965 is amended further by inserting after subparagraph (A) the following:

"(B) Notwithstanding any other provision of law, the quarterly rate of the special allowance for the holders of loans financed directly, indirectly, or derivatively with funds obtained by the holders from the issuance of obligations, the income from which is excluded from gross income under the Internal Revenue Code of 1986, regardless of the date of the issuance of the obligations, shall be the quarterly rate of the special allowance established under subparagraph (A), (E), (F), (G), or (H), as the case may be.".

SEC. 109. WINDFALL PROFIT OFFSET.

Section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1) is amended by adding at the end the following:

"(g) WINDFALL PROFIT OFFSET.—

"(1) IN GENERAL.—Except as provided in paragraph (2), at the end of every fiscal quarter for which an eligible lender does not receive a special allowance payment under this section, the eligible lender shall pay to the Secretary of the Treasury for deposit into the Treasury as miscellaneous receipts a windfall profit offset payment for the fiscal quarter equal to the amount by which—

"(A) the aggregate amount of all payments of interest received by the eligible lender from borrowers on all loans made, insured, or guaranteed under this part during the fiscal quarter; exceeds

"(B) interest guaranteed the lender under this section for the fiscal quarter, irrespective of the amount received under subparagraph (A).

"(2) EXCEPTION.—An eligible lender shall not be subject to the requirement of paragraph (1) if the eligible lender is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and a nonprofit entity as defined by applicable State law, and meets the following requirements:

"(A) The eligible lender does not confer a salary or benefits to any employee of the lender in an amount that is in excess of the salary and benefits provided to the Secretary by the Department.

"(B) The eligible lender does not maintain an ongoing relationship whereby it passes on revenue directly or indirectly through lease, securitization, resale, or any other financial instrument to a for-profit entity or to shareholders.

"(C) The eligible lender does not offer benefits to a borrower in a manner directly or indirectly predicated on such borrower's participation in a program under this part, part D, or with any particular lender.

"(D) The eligible lender certifies that it uses the windfall profit amount described in paragraph (1) to carry out the purposes of this Act through activities such as the following:

"(i) Conferring grants, scholarships, or loans.

"(ii) Financing work-study student employment.

"(iii) Carrying out activities authorized under chapters 1 and 2 of subpart 2 of part A.

"(E) The eligible lender is subject to public oversight through either a State charter, or not less than 50 percent of the lender's board of directors consists of State appointed representatives.

"(F) The eligible lender does not engage in the marketing of the relative value of programs under this part as compared to programs under part D, nor does the lender engage in the marketing of loans or programs offered by for-profit lenders. This subparagraph shall not be construed to prohibit the eligible lender from conferring basic information on lenders under this part and the related benefits offered by such lenders.".

SEC. 110. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Section 475(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087oo(g)(2)) is amended by striking subparagraph (D) and inserting the following:

"(D) $9,000;".

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087pp(b)(1)(A)) is amended by striking clause (iv) and inserting the following:

"(iv) $13,000;".

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(b) of the Higher Education Act of 1965 (20 U.S.C. 1087qq(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (D) and inserting the following:

"(D) $18,000;"; and

(B) in subparagraph (E), by striking "paragraph (5)" and inserting "paragraph (4)";

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

(d) CONFORMING AMENDMENTS.—Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) INCOME PROTECTION ALLOWANCE.—For each academic year after academic year 1993–1994, the Secretary shall publish in the Federal Register a revised table of income protection allowances for the purpose of section 475(c)(4). Such revised table shall be developed by increasing each of the dollar amounts contained in the table in such section by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1992 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10."; and

(2) in subsection (h)—

(A) in the first sentence, by striking "477(b)(5)" and inserting "477(b)(4)"; and

(B) in the second sentence—

(i) by striking "477(b)(5)(A)" and inserting "477(b)(4)(A)"; and

(ii) by striking "477(b)(5)(B)" and inserting "477(b)(4)(B)".

SEC. 111. STUDENT ELIGIBILITY.

Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by striking subsection (r).

SEC. 112. AUTHORIZATION OF APPROPRIATIONS LEVELS FOR CAMPUS-BASED AID.

(a) FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.—Section 413A(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070b(b)(1)) is amended by striking "$675,000,000 for fiscal year 1999 and such sums as may be necessary for the 4 succeeding fiscal years" and inserting "$1,000,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(b) FEDERAL WORK-STUDY PROGRAMS.—Section 441(b) of the Higher Education Act of 1965 (42 U.S.C. 2751(b)) is amended by striking

"$1,000,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$1,500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(c) FEDERAL PERKINS LOANS.—Section 461(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087aa(b)(1)) is amended by striking "$250,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 113. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2) is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking "$150,000" and inserting "$225,000"; and

(B) in paragraph (2), by striking "$150,000" and inserting "$225,000"; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking "$15,000,000" and inserting "$40,000,000";

(ii) by striking "1999" and inserting "2004"; and

(iii) by striking "4" and inserting "5"; and

(B) in paragraph (2)—

(i) by striking "$5,000,000" and inserting "$30,000,000";

(ii) by striking "1999" and inserting "2004"; and

(iii) by striking "4" and inserting "5".

SEC. 114. LOAN FORGIVENESS AND CANCELLATION FOR CERTAIN TEACHERS.

(a) FFEL LOANS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) ADDITIONAL AMOUNTS FOR HIGHLY QUALIFIED TEACHERS IN MATHEMATICS, SCIENCE, SPECIAL EDUCATION, OR BILINGUAL EDUCATION.—Notwithstanding the amount specified in paragraph (1) and the requirements of subsection (b)(1), the Secretary shall repay not more than $15,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth complete school year of teaching described in subparagraphs (A) and (B) in the case of a teacher—

"(A) who has been employed as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such schools, except that the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of such school;

"(B) whose qualifying employment is teaching mathematics, science, special education, or bilingual education; and

"(C) who is highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)."; and

(2) by adding at the end the following:

"(i) EARLY EDUCATION TEACHERS.—

"(1) AUTHORIZATION.—The Secretary shall carry out a program, through the holder of the loan, of assuming the obligation to repay a qualified loan amount for a loan made under section 428 or 428H, in accordance with paragraph (2), for any new borrower on or after October 1, 1998, who—

"(A) has been employed as a full-time teacher for 5 consecutive complete school years in a Head Start or Early Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or in another comparable prekindergarten program that serves children not less than 60 percent of whom are eligible to participate in a Head Start or Early Head Start program; and

"(B) is not in default on a loan for which the borrower seeks forgiveness.

"(2) QUALIFIED LOAN AMOUNT.—

"(A) IN GENERAL.—The Secretary shall repay not more than $15,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth complete school year of teaching described in paragraph (1)(A).

"(B) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this paragraph only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H for a borrower who meets the requirements of paragraph (1), as determined in accordance with regulations prescribed by the Secretary.".

(b) DIRECT LOANS.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) ADDITIONAL AMOUNTS FOR HIGHLY QUALIFIED TEACHERS IN MATHEMATICS, SCIENCE, SPECIAL EDUCATION, OR BILINGUAL EDUCATION.—Notwithstanding the amount specified in paragraph (1) and the requirements of subsection (b)(1)(A), the Secretary shall cancel not more than $15,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the fifth complete school year of teaching described in subparagraphs (A) and (B) in the case of a teacher—

"(A) who has been employed as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such schools, except that the enrollment of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of such school;

"(B) whose qualifying employment is teaching mathematics, science, special education, or bilingual education; and

"(C) who is highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)."; and

(2) by adding at the end the following:

"(i) EARLY EDUCATION TEACHERS.—

"(1) AUTHORIZATION.—The Secretary shall carry out a program of canceling the obligation to repay a qualified loan amount in accordance with paragraph (2) for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made under this part for any new borrower on or after October 1, 1998, who—

"(A) has been employed as a full-time teacher for 5 consecutive complete school years in a Head Start or Early Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or in another comparable prekindergarten program that serves children not less than 60 percent of whom are eligible to participate in a Head Start or Early Head Start program; and

"(B) is not in default on a loan for which the borrower seeks cancellation.

"(2) QUALIFIED LOAN AMOUNT.—

"(A) IN GENERAL.—The Secretary shall cancel not more than $15,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the fifth complete school year of teaching described in paragraph (1)(A).

"(B) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a Federal Direct Consolidation Loan may be a qualified loan amount for the purposes of this paragraph only to the extent that such loan amount was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H for a borrower who meets the requirements of paragraph (1), as determined in accordance with regulations prescribed by the Secretary.".

SEC. 115. REVISION OF TAX TABLE.

Section 478(g) of the Higher Education Act of 1965 (20 U.S.C. 1087rr(g)) is amended by adding at the end the following: "The Secretary shall develop such revised table only after consultation with appropriate committees of Congress.".

SEC. 116. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

"(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

"(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part for a borrower—

"(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

"(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

"(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), or public interest legal services (including prosecution or public defense).

"(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.".

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. AMENDMENT TO TITLE II.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

"TITLE II—TEACHER QUALITY ENHANCEMENT

"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student achievement;

"(2) increase the size and scope of programs funded under this part to meet the goal of having 100 percent of teachers as highly qualified teachers;

"(3) retain and recruit highly qualified individuals into the teaching force through incentives;

"(4) hold institutions of higher education accountable for preparing teachers, through coursework in pedagogy, with effective methods of teaching as a means of better preparing teachers for the modern day classroom;

"(5) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

"(6) hold institutions of higher education accountable for preparing teachers who have the necessary teaching skills and are highly competent in the academic content areas in which the teachers plan to teach, such as mathematics, science, English, reading or language arts, foreign languages, history, economics, art, civics, Government, and geography, including training in the effective uses of technology in the classroom;

"(7) recruit highly qualified individuals, including individuals from other occupations, into the teaching force, especially in subject areas of high need (including bilingual education, special education, mathematics, science, and early childhood education), geographic areas of high need, and in geographic areas with teacher vacancy or retention problems; and

"(8) encourage learning partnerships between students and parents that lead to improving student academic achievement and school performance.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

"(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' means a local educational agency in which—

"(A)(i) 30 percent of the students served by the agency are from families with incomes below the poverty line; or

"(ii) there are more than 20,000 students served by the agency from families with incomes below the poverty line; and

"(B)(i) there is a high percentage of teachers who are not highly qualified; or

"(ii) there is a high teacher turnover rate.

"(3) HIGH NEED SCHOOL.—The term 'high need school' means an elementary school or secondary school—

"(A) in which there is a high concentration of students from families with incomes below the poverty line; or

"(B) that is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

"(4) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(5) MENTORING.—The term 'mentoring' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(6) PARENT.—The term 'parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(8) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(9) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(10) TEACHING SKILLS.—The term 'teaching skills' means skills—

"(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

"(B) that require an understanding of the learning process itself, including an understanding of—

"(i) the use of strategies specific to the subject matter;

"(ii) the application of on-going assessment of student learning;

"(iii) individual differences in ability and instructional needs; and

"(iv) effective classroom management.

"SEC. 202. PROGRAM AUTHORITY.

"(a) COMPETITIVE GRANT PROGRAM.—If the amount appropriated to carry out this part for a fiscal year is less than $270,000,000, then the Secretary shall use—

"(1) 25 percent of such funds to carry out the competitive State grant program under section 203; and

"(2) 75 percent of such funds to carry out the competitive partnership grant program under section 204.

"(b) FORMULA GRANT PROGRAM.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION OF GRANTS.—If the amount appropriated to carry out this part for a fiscal year is equal to or exceeds $270,000,000, then the Secretary shall use such funds to award a grant to each State from allotments under subparagraph (B).

"(B) ALLOTMENTS.—The Secretary shall make an allotment to each State in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year bears to the amount received by all States under such part for the preceding fiscal year.

"(2) STATE USE OF FUNDS.—A State that receives an allotment under paragraph (1) shall expend—

"(A) 25 percent of such funds to carry out State level activities under subsections (d) and (e) of section 203; and

"(B) 75 percent of such funds to carry out the competitive partnership grant program under section 204.

"SEC. 203. STATE GRANTS.

"(a) IN GENERAL.—From amounts made available under section 210 for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsections (d) and (e).

"(b) ELIGIBLE STATE.—

"(1) DEFINITION.—In this part, the term 'eligible State' means a State educational agency.

"(2) CONSULTATION.—The State educational agency shall consult with the Governor, State board of education, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

"(1) meets the requirement of this section;

"(2) includes a description of how the eligible State intends to use funds provided under this section; and

"(3) contains such other information and assurances as the Secretary may require.

"(d) REQUIRED USES OF FUNDS.—A State that receives a grant under this section shall use the grant funds to carry out the following activities:

"(1) RIGOROUS TEACHER CERTIFICATION OR LICENSURE PROGRAMS.—Ensuring that the State's teacher certification or licensure program is rigorous and has high standards.

"(2) TEACHER RECRUITMENT.—

"(A) IN GENERAL.—Awarding scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(B) SUPPORT SERVICES.—Providing support services, if needed, to enable scholarship recipients to complete postsecondary education programs.

"(C) ASSISTANCE TO BECOME HIGHLY QUALIFIED TEACHERS.—Providing teachers who are not highly qualified with the opportunity to take coursework or credentialing courses in order to become highly qualified teachers.

"(D) FOLLOWUP SERVICES.—Providing followup services to former scholarship recipients during the recipients first 3 years of teaching.

"(E) SERVICE REQUIREMENT.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this paragraph who complete teacher education programs subsequently teach in a high need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.

"(e) ALLOWABLE USES OF FUNDS.—A State that receives a grant under this section may use such funds to carry out any of the following activities:

"(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and possess strong teaching skills, which may include the use of rigorous subject matter competency tests and the requirement that a teacher have an academic major in the subject area, or related discipline, in which the teacher plans to teach, and instruction for such teachers on how to involve parents in their children's education.

"(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification or licensure requirements to ensure that teachers have the necessary teaching skills and academic content knowledge in the subject areas in which teachers are assigned to teach. States are encouraged to use funds to develop or enhance existing licensure and certification requirements for subject areas of high need (including bilingual education, special education, mathematics, science, and early childhood education), including development of a State test.

"(3) ALTERNATIVE ROUTES TO CERTIFICATION FOR TEACHING.—Providing prospective teachers with alternative routes to traditional preparation for teaching through programs at colleges of arts and sciences or at nonprofit educational organizations that have a proven record of effectiveness and include instruction in teaching skills. Strengthening or developing alternative routes to State certification of teachers programs that includes, at a minimum—

"(A) a selective means for admitting individuals into such programs that includes passage of State teacher exams in appropriate subject areas;

"(B) pedagogical course work, including formal instruction that addresses the theories and practices of teaching and monitoring student performance; and

"(C) support services, including mentoring for the individuals participating in the alternative State certification of teachers programs that focuses on—

"(i) helping the individuals develop effective teaching skills and strategies;

"(ii) professional development; and

"(iii) the disciplines of teaching and learning to ensure that prospective teachers have an understanding of research-based learning practices and possess skills related to the learning process.

"(4) TEACHER SUPPORT.—Carrying out programs that include support during the initial teaching experience.

"(5) RECRUITING AND HIRING TEACHERS.—

"(A) EFFECTIVE MECHANISMS.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to effectively recruit highly qualified teachers.

"(B) PROGRAMS.—Establishing programs that—

"(i) train and hire regular, special education, and bilingual education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

"(ii) train and hire highly qualified teachers of special needs children and limited English proficient students, as well as teaching specialists in core academic subjects who will provide individualized instruction to students;

"(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals (as defined in section 2102 of the Elementary and Secondary Education Act of 1965), and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

"(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

"(C) REDUCTION IN CLASS SIZE.—Recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades.

"(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers to effectively address the issues raised by ending the practice of social promotion.

"(7) SPECIAL CERTIFICATION FOR PROSPECTIVE AP TEACHERS.—Developing and implementing teacher preparation programs that provide special certification in advanced placement (AP)-level or international baccalaureate (IB)-level content and pedagogy, including undergraduate specializations in indepth study of subject-specific content and practical pedagogical experience through student teaching, and master degree level programs that lead to a master's degree in AP-level or IB-level content.

"(8) FINANCIAL INCENTIVES.—Providing financial incentives for teachers to teach in high need schools in which there exists a shortage of highly qualified teachers.

"SEC. 204. PARTNERSHIP GRANTS.

"(a) GRANTS.—The Secretary or State, as appropriate, shall use funds made available under section 202 to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

"(b) DEFINITIONS.—

"(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnerships' means an entity that—

"(A) shall include—

"(i) a partner institution;

"(ii) a school of arts and sciences; and

"(iii) a high need local educational agency; and

"(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a community college, a public charter school, a public or private elementary school or secondary school, a public or private nonprofit educational organization, a business, a teacher organization, or a prekindergarten program.

"(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means a private independent or State-supported public institution of higher education, the teacher training program of which demonstrates that—

"(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

"(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

"(I) using criteria consistent with the requirements for the State report card under section 207(b); and

"(II) using the State report card on teacher preparation required under section 207(b), after the first publication of such report card and for every year thereafter; or

"(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

"(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

"(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

"(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary or State, as appropriate, at such time, in such manner, and accompanied by such information as the Secretary or State, as appropriate, may require. Each such application shall—

"(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parent involvement;

"(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

"(3) contain a description of—

"(A) how the partnership will meet the purposes of this part;

"(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e); and

"(C) the partnership's evaluation plan pursuant to section 206(b).

"(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities:

"(1) REFORMS.—Implementing reforms within teacher preparation programs to hold the programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and for promoting strong teaching skills, including working with a school of arts and sciences and integrating reliable research-based teaching methods into the curriculum, which curriculum shall include programs designed to successfully integrate technology into teaching and learning.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice clinical experience including the mentoring of prospective teachers by veteran teachers, and substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

"(4) ENSURING ADEQUATE PREPARATION TO MEET HIGH STANDARDS.—Developing and implementing accountability measures for preservice—

“(A) training in reading;

“(B) training in addressing the needs of children with disabilities and limited English proficient individuals;

“(C) training in data analysis and how to use student achievement data to improve instruction; and

“(D) optional training in teaching advanced placement or international baccalaureate courses.

“(5) TEACHER PREPARATION AND PARENTAL INVOLVEMENT.—Preparing teachers with the knowledge and skills to enable such teachers to—

“(A) provide instruction to diverse student populations, including individuals with disabilities and limited English proficient individuals; and

“(B) work with and involve parents in their children's education and in the teacher preparation program reform process.

“(6) TEACHER PREPARATION ENHANCEMENT INTERNSHIP.—Developing a 1-year paid internship program for students who have completed a 4-year teacher education program to enable such students to develop the skills and experience necessary for success in teaching, including providing intensive clinical training and combining in-service instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns would have a reduced teaching load and a mentor for assistance in the classroom.

“(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out any of the following activities:

“(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

“(2) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing proven mechanisms to provide principals and superintendents with effective managerial and leadership skills that result in increased student achievement.

“(3) SCHOLARSHIPS.—

“(A) IN GENERAL.—Awarding scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

“(B) SUPPORT SERVICES.—Providing support services, if needed, to enable scholarship recipients to complete postsecondary education programs.

“(C) ASSISTANCE TO BECOME HIGHLY QUALIFIED TEACHERS.—Providing teachers who are not highly qualified with the opportunity to take coursework or credentialing courses in order to become highly qualified teachers.

“(D) FOLLOWUP SERVICES.—Providing followup services to former scholarship recipients during the recipients' first 3 years of teaching.

“(E) SERVICE REQUIREMENT.—The Secretary or State, as appropriate, shall establish such requirements as the Secretary or State, as appropriate, finds necessary to ensure that recipients of scholarships under this paragraph who complete teacher education programs subsequently teach in a high need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary or State, as appropriate, shall use any such repayments to carry out additional activities under this section.

“(4) FINANCIAL INCENTIVES.—Providing financial incentives for teachers to teach in high need schools in which there exists a shortage of highly qualified teachers.

“(5) RECRUITING AND HIRING TEACHERS.—

“(A) IN GENERAL.—Establishing programs that—

“(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

“(ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;

“(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals (as defined in section 2102 of the Elementary and Secondary Education Act of 1965), and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

“(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

“(B) REDUCTION IN CLASS SIZE.—Recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades.

“(6) FACULTY OPPORTUNITY PROGRAMS.—Awarding competitive grants to institutions of higher education to enable such institutions to fill education faculty vacancies in special education, early childhood education, and bilingual education, to create new faculty positions that are targeted toward training highly qualified special education, early childhood education, and bilingual education teachers, and to develop doctoral programs in special education, early childhood education, and bilingual education that will produce new faculty at institutions of higher education in such subject areas. Funds from such grants may be used to develop and carry out recruitment strategies, subsidize moving expenses, provide bonuses, provide fully subsidized salaries for not more than 2 years per new faculty member, and provide partially subsidized salaries for not more than an additional 3 years per new faculty member. If an institution of higher education receives a grant under this paragraph and uses the grant funds to provide faculty salaries, such institution shall continue to fully fund such faculty positions for not less than 5 years after the end of Federal funding under the grant.

“(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

“SEC. 205. ADMINISTRATIVE PROVISIONS.

“(a) DURATION; INCREASED ACCOUNTABILITY; PAYMENTS.—

“(1) DURATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

“(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

“(2) INCREASED ACCOUNTABILITY.—An eligible State, eligible applicant, or eligible partnership that receives more than 1 grant under this part has an increased accountability to disseminate information gained from such grants to States and local educational agencies.

“(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

“(b) PEER REVIEW.—

“(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

“(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

“(A) with respect to grants under section 203, give priority to eligible States serving States that—

“(i) have initiatives to reform State teacher certification requirements that are designed to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas in which the teachers are certified or licensed to teach;

“(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content area in which the teachers plan to teach and have strong teaching skills; or

“(iii) involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas, and in subject areas of high need (including bilingual education, special education, mathematics, science, early childhood education, and vocational education); and

“(B) with respect to grants under section 204—

“(i) give priority to applications from eligible partnerships that involve businesses; and

“(ii) take into consideration—

“(I) providing an equitable geographic distribution of the grants throughout the United States; and

“(II) the potential of the proposed activities for creating improvement and positive change.

“(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

“(c) MATCHING REQUIREMENTS.—

“(1) STATE GRANTS.—Each eligible State receiving a grant under section 203 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

“(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

"(d) Limitation on Administrative Expenses.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 206. ACCOUNTABILITY AND EVALUATION.

"(a) State Grant Accountability Report.—An eligible State that receives a grant under section 203 shall submit an annual accountability report to the Secretary. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

"(1) Student achievement.—Increasing student achievement for all students as defined by the eligible State.

"(2) Raising standards.—Raising the State academic standards required to enter the teaching profession, including, where appropriate, through the use of incentives to incorporate the requirement of an academic major in the subject, or related discipline, in which the teacher plans to teach.

"(3) Initial certification or licensure.—Increasing success in the pass rate for initial State teacher certification or licensure, and increasing the numbers of highly qualified individuals being certified or licensed as teachers, including through alternative routes.

"(4) Highly Qualified Teachers.—Ensuring that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year pursuant to section 1119(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2)).

"(5) Decreasing teacher shortages.—Decreasing shortages of qualified teachers in poor urban and rural areas.

"(6) Increasing opportunities for professional development.—Increasing opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach, and that promotes strong teaching skills.

"(7) Technology integration.—Increasing the number of teachers prepared to integrate technology in the classroom.

"(b) Eligible Partnership Evaluation.—Each eligible partnership receiving a grant under section 204 shall establish and include in the application submitted under section 204(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased student achievement for all students as measured by the partnership;

"(2) increased teacher retention in the first 3 years of a teacher's career;

"(3) increased success in the pass rate for initial State certification or licensure of teachers;

"(4) increased percentage of secondary school classes in core academic subject areas taught by highly qualified teachers;

"(5) increasing the number of teachers trained in technology; and

"(6) increasing the number of teachers prepared to work effectively with parents.

"(c) Revocation of Grant.—

"(1) Report.—Each eligible State or eligible partnership receiving a grant under this part shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

"(2) Revocation.—

"(A) Eligible states and eligible applicants.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

"(B) Eligible partnerships.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

"(d) Evaluation and Dissemination.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) Development of Definitions and Reporting Methods; High-Quality Teacher Preparation Program.—

"(1) In general.—Within 9 months of the date of enactment of the Higher Education Amendments of 1998, the Commissioner of the National Center for Education Statistics, in consultation with States and institutions of higher education, shall develop key definitions for terms, and uniform reporting methods (including the key definitions for the consistent reporting of pass rates and program completers), related to the performance of elementary school and secondary school teacher preparation programs.

"(2) High-quality teacher preparation program.—Each applicant for a grant under this part shall provide assurances in such applicant's application that the applicant will meet the following criteria:

"(A) Provide each teacher with each of the following skills and supports:

"(i) A deep knowledge of the subjects such teacher teaches.

"(ii) A firm understanding of how students learn.

"(iii) Teaching skills necessary to help all students achieve high standards, including children with disabilities and limited English proficient students.

"(iv) How to create a positive learning environment.

"(v) The ability to integrate challenging State academic content standards and challenging student academic achievement standards, and accountability into classroom teaching.

"(vi) The ability to use a variety of assessment strategies to diagnose and respond to individual learning needs.

"(vii) The ability to integrate modern technology into curricula to support student learning.

"(viii) Classroom management skills.

"(ix) Opportunities to collaborate with the teacher's colleagues, with parents, community members, and other educators.

"(x) The ability to work in partnership with parents and involve parents in their children's education.

"(xi) How to reflect on practices in order to improve teaching and student learning.

"(B) Ensure that each preservice teacher has the necessary skills to succeed in the classroom, including providing—

"(i) some training in reading, addressing the needs of children with disabilities and limited English proficient students, data analysis, and how to use student achievement data to improve instruction; and

"(ii) optional training in teaching advanced placement courses.

"(b) State Report Card on the Quality of Teacher Preparation.—Each State that receives funds under this Act shall provide to the Secretary, within 2 years of the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, in a uniform and comprehensible manner that conforms with the definitions and methods established in subsection (a), a State report card on the quality of teacher preparation in the State, which shall include at least the following:

"(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

"(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

"(4) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

"(5) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, disaggregated and ranked, by the teacher preparation program in that State from which the teacher candidate received the candidate's most recent degree, which shall be made available widely and publicly.

"(6) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

"(7) A description of each State's alternative routes to teacher certification, if any, and the percentage of teachers certified through alternative certification routes who pass State teacher certification or licensure assessments.

"(8) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State, including indicators of teacher candidate knowledge and skills.

"(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

"(c) Initial Report.—

"(1) IN GENERAL.—Each State that receives funds under this Act, not later than 6 months after the date of enactment of the College Quality, Affordability, and Diversity Improvement Act of 2003 and in a uniform and comprehensible manner, shall submit to the Secretary the information described in paragraphs (1), (5), and (6) of subsection (b). Such information shall be compiled by the Secretary and submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives not later than 9 months after the date of enactment of the College Quality, Affordability, and Diversity Improvement Act of 2003.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State to gather information that is not in the possession of the State or the teacher preparation programs in the State, or readily available to the State or teacher preparation programs.

"(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (9) of subsection (b). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

"(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

"(A) a comparison of States' efforts to improve teaching quality; and

"(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

"(3) SPECIAL RULE.—In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(4) DATABASE.—The Secretary shall collect data and develop a national and public database that provides reports on States' passage rates on certification and licensure assessments, the placement rates for teacher preparation programs, the percentage of full-time faculty in institutions of higher education in each State who teach classes offered by a school of education, the tracking of graduates 3 years after graduating from a teacher preparation program, and other relevant information, as appropriate.

"(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"(f) INSTITUTIONAL REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—Each institution of higher education that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act, not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established under subsection (a), the following information:

"(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of the institution's graduates on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of completing the program.

"(ii) A comparison of the program's pass rate with the average pass rate for programs in the State.

"(iii) In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the faculty-student ratio in supervised practice teaching.

"(C) STATEMENT.—In States that approve or accredit teacher education programs, a statement of whether the institution's program is so approved or accredited.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

"(E) PERCENTAGE OF FACULTY IN SCHOOL OF EDUCATION.—The percentage of full-time faculty at the institution of higher education who teach classes offered by the school of education.

"(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

"(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(g) NATIONAL ACADEMY OF SCIENCES CORE CURRICULUM STUDY.—

"(1) IN GENERAL.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop a suggested core curriculum in pedagogy for schools of education for such schools' teacher education program that assists those within the education profession and prospective teachers to understand what prospective teachers need to know to become effective teachers.

"(2) DOMAINS OF FOUNDATIONAL AND PEDAGOGICAL KNOWLEDGE.—The study under paragraph (1) shall include each of the following domains of foundational and pedagogical knowledge:

"(A) Learning, which would include building on existing knowledge and experience shaped by social and cultural context in the community and in the classroom.

"(B) Human development, which would include how children and adolescents think and behave, taking in account different ages, contexts, and learning styles.

"(C) Assessment, which would include the introduction of standards-based reform.

"(D) Teaching strategies, which would include providing all teachers with the tools needed to be successful in the classroom, especially with students who have specific learning disabilities or needs such as language acquisition.

"(E) Reading instruction, which would include taking in account different ages, contexts, and learning styles.

"(3) BEST RESEARCH; SUGGESTED TRAINING.—The suggested core curriculum developed under paragraph (1) shall reflect the best research into how students learn and on the content-specific methods shown to be effective with students, including examining how children learn. The suggested core curriculum shall include suggested training in working with diverse populations, assessments in the classroom, and classroom management.

"(4) COLLABORATION.—

"(A) IN GENERAL.—In conducting the study under paragraph (1), the National Academy of Sciences shall collaborate with interested parties in developing the suggested core curriculum.

"(B) INTERESTED PARTIES.—In this paragraph, the term 'interested parties' means—

"(i) college presidents;

"(ii) deans of teacher education programs;

"(iii) teacher preparation faculty;

"(iv) chief State school officers;

"(v) school superintendents;

"(vi) teacher organizations;

"(vii) outstanding teachers; and

"(viii) teacher preparation accrediting organizations.

"SEC. 208. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State, not later than 2 years after the date of enactment of the Higher Education Amendments of 1998, shall have in place a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(b).

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education;

"(2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in the institution's teacher preparation program; and

"(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

"(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

“SEC. 209. GENERAL PROVISIONS.

“(a) Methods.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

“(b) Special Rule.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

“(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

“(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out the requirements of this part related to assessments or pass rates.

“(c) Limitations.—

“(1) Federal control prohibited.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

“(2) No change in state control encouraged or required.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

“(3) National system of teacher certification prohibited.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

“SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“PART B—INNOVATIVE STRATEGIES TO RECRUIT, TRAIN, AND RETAIN HIGH QUALITY TEACHERS AND PRINCIPALS

“SEC. 215. INCENTIVES TO RECRUIT AND RETAIN HIGH QUALITY TEACHERS AND ADMINISTRATORS.

“(a) Mentoring Program.—

“(1) Authorization.—

“(A) In general.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop mentoring programs that help train and retain new teachers and provide professional routes for experienced teachers.

“(B) Priority.—In awarding grants under this subsection, the Secretary shall give priority to eligible partnerships that consist of a high need local educational agency with—

“(i) high rates of teacher turnover; and

“(ii) shortages of teachers in subject areas of high need (including bilingual education, special education, mathematics, science, vocational education, and early childhood education) and teachers in rural areas.

“(2) Eligible partnership.—In this subsection, the term ‘eligible partnership’ means a partnership among an institution of higher education, a high need local educational agency, and a nonprofit entity (including teacher organizations) that has an established record of providing effective teacher training.

“(3) Application.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) Use of funds.—

“(A) Mandatory uses.—An eligible partnership that receives a grant under this subsection shall develop a mentoring program that is not less than 1 year in duration and does each of the following:

“(i) Provides—

“(I) training for experienced teachers to become mentors;

“(II) training from trained mentors to teach teachers in schools served by high need local educational agencies;

“(III) stipends to mentors; and

“(IV) release time or a reduced class load for mentors and the teachers being mentored, or both.

“(ii) Outlines specific criteria for who can serve as mentors, coaches, and team leaders.

“(iii) Requires mentors to—

“(I) be fully licensed;

“(II) be permanent (nonprobationary) classroom teachers;

“(III) have completed not less than 3 years of teaching;

“(IV) demonstrate mastery of pedagogy and the subject matter such mentor teaches;

“(V) have superior teaching and interpersonal skills;

“(VI) have the ability to integrate challenging State academic content standards and challenging student academic achievement standards and accountability into classroom teaching;

“(VII) use a variety of assessment strategies to respond to individual learning needs; and

“(VIII) reflect on their teaching practices in order to improve teaching and student learning.

“(iv) Endeavors to match mentors and the teachers being mentored by geographic proximity or by the same grade level and subject matter area of teaching, or both.

“(v) Ensures that teachers who have been mentored will work in schools served by high need local educational agencies for a specified period of time.

“(vi) Provides a plan to evaluate the mentoring program.

“(B) Permissible uses.—An eligible partnership that receives a grant under this subsection may use the grant funds to provide academic credit toward an advanced degree for mentors and the teachers being mentored.

“(5) Duration of grants.—Grants awarded under this subsection shall be for 3 years in duration.

“(6) Evaluation.—

“(A) In general.—Not later than the last day of the grant award, an eligible partnership that receives a grant under this subsection shall submit an accountability report to the Secretary.

“(B) Content.—The accountability report under subparagraph (A) shall include, at a minimum—

“(i) teacher retention rates for teachers participating in the mentoring program as compared with teachers in the high need local educational agency not participating in the mentoring program;

“(ii) results of evaluations on mentor and teachers being mentored satisfaction with the mentoring program; and

“(iii) results of the plan developed by the eligible partnership to evaluate the mentoring program.

“(7) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) Housing Incentives Program.—

“(1) Grant program authorized.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop a housing incentive program that assists teachers who teach in schools served by high need local educational agencies to afford housing.

“(2) Eligible partnership.—In this subsection:

“(A) In general.—The term ‘eligible partnership’ means a partnership between—

“(i)(I) a high need local educational agency; or

“(II) a State educational agency; and

“(ii) an institution of higher education.

“(B) Other entities.—The term ‘eligible partnership’ may include other public entities or private entities.

“(3) Application.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(4) Use of funds.—An eligible partnership that receives a grant under this subsection shall use the grant funds to develop a housing incentive program that—

“(A) provides financial incentives to teachers who teach in schools served by high need local educational agencies by providing for such teachers funds for—

“(i) a downpayment on a home;

“(ii) closing costs associated with purchasing a home; or

“(iii) moving expenses; or

“(B) develops a partnership with a lender to create a home loan program for teachers who teach in schools served by high need local educational agencies that provides home loans to such teachers that—

“(i) are insured by the eligible partnership; or

“(ii) require minimal or no downpayment.

“(5) Service requirement.—A teacher that receives assistance under this subsection shall—

“(A) teach in a school served by a high need local educational agency for not less than 5 subsequent school years; or

“(B) repay the amount of assistance.

“(6) Evaluation.—

“(A) In general.—An eligible partnership that receives a grant under this subsection shall develop an evaluation of the partnership's housing incentive program that includes, at a minimum—

“(i) how many teachers received assistance under the program and retention rates in schools served by high need local educational agencies for such teachers;

“(ii) whether the program helped improve teacher shortages;

“(iii) a description of the specific inactive model that was used to develop the housing incentive program;

“(iv) if applicable, how partnerships with lenders worked; and

“(v) successful practices.

“(B) Submission of evaluation.—Not later than the last day of the grant award, the eligible partnership shall submit to the Secretary the evaluation developed under subparagraph (A).

“(7) Tax exemption.—The amount of any financial assistance received by a teacher under a housing incentive program developed pursuant to this subsection shall not be considered income for purposes of the Internal Revenue Code of 1986.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(c) COMMUNITY COLLEGE AS A PARTNER.—

"(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to strengthen teacher preparation programs.

"(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term 'eligible partnership' means a partnership between—

"(A) a community college; and

"(B) a 4-year institution of higher education that has a teacher preparation program.

"(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(4) USE OF FUNDS.—

"(A) MANDATORY USES.—An eligible partnership that receives a grant under this subsection shall do both of the following:

"(i) COMMUNITY COLLEGE ACTIVITIES.—The community college of the eligible partnership shall develop and strengthen the core curriculum centered on a liberal arts education at such college that adequately prepares students to enter the teacher preparation program at the 4-year institution of higher education of the eligible partnership.

"(ii) 4-YEAR INSTITUTION OF HIGHER EDUCATION ACTIVITIES.—

"(I) IN GENERAL.—The 4-year institution of higher education of the eligible partnership shall provide intensive support services for students that enter the teacher preparation program from the community college of the eligible partnership.

"(II) SUPPORT SERVICES.—The support services shall be offered prior to and during such student's tenure at the 4-year institution of higher education and shall include mentoring, and academic and career support.

"(III) POINT PERSON.—The 4-year institution of higher education shall provide a point person within the teacher preparation program whose sole job is to provide support services to the students described in subclause (I).

"(B) PERMISSIVE USES.—An eligible partnership that receives a grant under this subsection may use the grant funds to provide compensation to staff in the teacher preparation programs at the community college and 4-year institution of higher education.

"(5) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 5 years in duration.

"(6) EVALUATION.—

"(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop an evaluation of the partnerships's activities under this subsection that—

"(i) includes the number of student teachers served and the retention rate in the 4-year institution of higher education of such student teachers;

"(ii) addresses the qualification of such student teachers when graduating from the 4-year institution of higher education, including whether such student teachers found teaching positions and whether they passed State certification examinations; and

"(iii) includes successful practices.

"(B) SUBMISSION OF EVALUATION.—Not later than the last day of the grant award, the eligible partnership shall submit to the Secretary the evaluation developed under subparagraph (A).

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(d) PARAPROFESSIONALS TO TEACHERS.—

"(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to develop a Paraprofessionals to Teachers Program (in this subsection referred to as the 'Program') to assist paraprofessionals employed by high need local educational agencies to become teachers.

"(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term 'eligible partnership' means a partnership among an institution of higher education, a high need local educational agency, and other entities that may include businesses, community colleges, and teacher organizations.

"(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall develop a Program to assist paraprofessionals employed by the high need local educational agency of the eligible partnership to become teachers by—

"(i) developing a teacher preparation program at the institution of higher education of the eligible partnership for paraprofessionals that allows for part-time study and flexible student teaching and coursework schedules;

"(ii) ensuring that paraprofessionals enrolled in the teacher preparation program under clause (i) retain such paraprofessionals' benefit packages with the high need local educational agency while enrolled in the teacher preparation program;

"(iii) providing support services for such paraprofessionals that include tutoring to meet teacher preparation program requirements, child care, career counseling, and financial aid guidance; and

"(iv) providing mentoring for such paraprofessionals during their first 3 years of teaching.

"(B) PERMISSIBLE USE OF FUNDS.—An eligible partnership that receives a grant under this subsection may use the grant funds for—

"(i) tuition expenses of paraprofessionals in the teacher preparation program;

"(ii) child care expenses of paraprofessionals;

"(iii) release time for paraprofessionals;

"(iv) compensation for mentors;

"(v) support services for paraprofessionals;

"(vi) salaries of staff at the institution of higher education and the high need local educational agency of the eligible partnership; and

"(vii) stipends for paraprofessionals.

"(5) ACTIVITIES OF THE HIGH NEED LOCAL EDUCATIONAL AGENCY.—The high need local educational agency of the eligible partnership shall—

"(A) make efforts to recruit paraprofessionals employed by such agency to participate in the Program;

"(B) arrange for administrative leave for paraprofessionals employed by such agency who participate in the Program; and

"(C) guarantee a provisional teaching position to paraprofessionals employed by such agency who participate in the Program upon completion of the Program.

"(6) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(e) SCHOOL LEADERSHIP DEVELOPMENT PROGRAM FOR PRINCIPALS, ASSISTANT PRINCIPALS, AND SUPERINTENDENTS.—

"(1) GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide practical training to principals, assistant principals, and school superintendents that focuses on developing and enhancing the skills necessary to serve as instructional leaders of schools and school systems.

"(2) ELIGIBLE PARTNERSHIP.—In this subsection, the term 'eligible partnership'—

"(A) means a partnership between—

"(i) an institution of higher education; and

"(ii) 1 or more high need local educational agencies; and

"(B) may include a school principal professional organization.

"(3) APPLICATION.—An eligible partnership that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible partnership that receives a grant under this subsection shall establish a certificate program for principals, assistant principals, and school superintendents that is developed by education experts and practitioners and that provides training in—

"(i) diagnostic leadership skills assessment;

"(ii) the development of knowledge and skills that contribute to the effective practice of instructional leadership behaviors;

"(iii) research methodology for educational leaders that includes understanding of systematic and empirical research methods, application of rigorous data analyses, collections of reliable and valid data, knowledge of appropriate research designs, and the importance of peer review and other external scrutiny, and its application to the practice of school leadership; and

"(iv) the development of knowledge and skills to develop and align curriculum, assessments, and instruction with standards, legislation, and regulations.

"(B) PERMISSIBLE USE OF FUNDS.—An eligible partnership that receives a grant under this subsection may use the grant funds—

"(i) to provide training in developing and enhancing the skills necessary to effectively run schools for individuals who are about to become principals, assistant principals, or school superintendents;

"(ii) for a pre-induction year internship or apprenticeship with a successful practitioner to help train individuals who are about to become principals, assistant principals, or school superintendents, and, during an induction year, to support and develop the capacity of new principals, assistant principals, and school superintendents as instructional leaders; and

"(iii) to provide mentoring and peer coaching services for principals, assistant principals, and school superintendents to enable exemplary principals, assistant principals, and school superintendents to serve as mentors and role models.

“(5) TECHNOLOGY.—In carrying out activities under this subsection, an eligible partnership shall use, to the extent practicable, technology as an outreach mechanism to expand opportunities for professional development and ongoing support services for principals, assistant principals, and school superintendents.

“(6) REPORT.—An eligible partnership that receives a grant under this subsection shall submit to the Secretary an evaluation detailing the use of grant funds under this subsection and the progress in meeting the goals of the eligible partnership.

“(7) DURATION OF GRANTS.—Grants awarded under this subsection shall be for 3 years in duration.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“PART C—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

“SEC. 221. PURPOSE AND PROGRAM AUTHORITY.

“(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities—

“(1) to carry out programs that prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards; and

“(2) to improve the ability of institutions of higher education to carry out such programs.

“(b) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to eligible applicants, or enter into contracts or cooperative agreements with eligible applicants, on a competitive basis in order to pay for the Federal share of the cost of projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

“(2) PERIOD OF AWARDS.—The Secretary may award grants, or enter into contracts or cooperative agreements, under this part for periods that are not more than 5 years in duration.

“SEC. 222. ELIGIBILITY.

“(a) ELIGIBLE APPLICANTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an applicant shall be a consortium that includes the following:

“(1) At least one institution of higher education that awards baccalaureate degrees and prepares teachers for their initial entry into teaching.

“(2) At least one State educational agency or local educational agency.

“(3) One or more of the following entities:

“(A) An institution of higher education (other than the institution described in paragraph (1)).

“(B) A school or department of education at an institution of higher education.

“(C) A school or college of arts and sciences (as defined in section 201(b)) at an institution of higher education.

“(D) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs.

“(b) APPLICATION REQUIREMENTS.—In order to receive a grant or enter into a contract or cooperative agreement under this part, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

“(1) A description of the proposed project, including how the project would—

“(A) ensure that individuals participating in the project would be prepared to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

“(B) improve the ability of at least one participating institution of higher education described in section 222(a)(1) to ensure such preparation.

“(2) A demonstration of—

“(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

“(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project.

“(3) A description of how each member of the consortium will participate in project activities.

“(4) A description of how the proposed project will be continued after Federal funds are no longer awarded under this part for the project.

“(5) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

“(c) MATCHING REQUIREMENTS.—

“(1) IN GENERAL.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

“(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

“SEC. 223. USE OF FUNDS.

“(a) REQUIRED USES.—A consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part for—

“(1) a project creating one or more programs that prepare prospective teachers to use advanced technology to prepare all students, including groups of students who are underrepresented in technology-related fields and groups of students who are economically disadvantaged, to meet challenging State and local academic content and student academic achievement standards; and

“(2) evaluating the effectiveness of the project.

“(b) PERMISSIBLE USES.—The consortium may use funds made available under this part for a project, described in the application submitted by the consortium under this part, that carries out the purpose of this part, such as the following:

“(1) Developing and implementing high-quality teacher preparation programs that enable educators—

“(A) to learn the full range of resources that can be accessed through the use of technology;

“(B) to integrate a variety of technologies into curricula and instruction in order to expand students' knowledge;

“(C) to evaluate educational technologies and their potential for use in instruction;

“(D) to help students develop their technical skills; and

“(E) to use technology to collect, manage, and analyze data to improve teaching and decisionmaking.

“(2) Developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators.

“(3) Developing achievement-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms.

“(4) Providing technical assistance to entities carrying out other teacher preparation programs.

“(5) Developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms.

“(6) Subject to section 222(c)(2), acquiring technology equipment, networking capabilities, infrastructure, software, and digital curricula to carry out the project.

“SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part—

“(1) $150,000,000 for fiscal year 2004; and

“(2) such sums as may be necessary for each of the 5 succeeding fiscal years.”.

TITLE III—DIVERSITY, RETENTION, AND ENRICHED ACADEMICS FOR MATRICULATING STUDENTS

SEC. 301. TEST PREPARATION FOR LOW-INCOME STUDENTS.

Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

“PART J—TEST PREPARATION FOR LOW-INCOME STUDENTS

“SEC. 1910. DEFINITIONS.

“In this part:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public, private, or nonprofit entity (including a secondary school or a local educational agency) that—

“(A) offers a program to prepare students for college admissions tests; and

“(B) has a verified track record of not less than 3 years of increasing the average college admissions test score of students who participate in such program.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ‘eligible local educational agency’ means a local educational agency for which the number of children determined under section 1124(c) for that local educational agency constitute more than—

“(A) the percentage described in section 1125(c)(2)(B)(v) of the agency's total population aged 5 to 17; or

“(B) the number described in section 1125(c)(2)(C)(v) of the agency's total population aged 5 to 17.

“(3) ELIGIBLE SECONDARY SCHOOL.—The term ‘eligible secondary school’—

“(A) means a secondary school that receives Federal assistance under part A and is served by an eligible local educational agency; and

“(B) includes a secondary school that does not receive Federal assistance under part A for a fiscal year if such secondary school is served by an eligible local educational agency that serves secondary schools, none of which received Federal assistance under part A for such fiscal year.

“SEC. 1911. ESTABLISHMENT.

‘‘From amounts appropriated under section 1917 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local educational agencies to enable such agencies to fund college admissions test preparation programs for juniors and seniors at eligible secondary schools served by such agencies.

“SEC. 1912. APPLICATION.

‘‘An eligible local educational agency that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“SEC. 1913. DURATION.

‘‘Grants awarded under this subpart shall be for a period of not less than 3 years.

“SEC. 1914. USE OF FUNDS.

‘‘(a) IN GENERAL.—An eligible local educational agency that receives a grant under this part shall use the grant funds to provide, through an eligible entity, a college admissions test preparation program for juniors and seniors at eligible secondary schools served by such agency that uses methods that have proven effective in preparing students for college admissions tests.

‘‘(b) METHODS.—

‘‘(1) IN GENERAL.—A college admissions test preparation program funded under this part shall—

‘‘(A) use methods that have proven effective in preparing students for college admissions tests;

‘‘(B) to the extent practicable, be administered through instructor led, classroom-based courses; and

‘‘(C) consist of a minimum of 25 hours of instructional (nontesting) time.

‘‘(2) ONLINE COURSES.—

‘‘(A) IN GENERAL.—An eligible local educational agency may enter into a contract with an eligible entity to provide a college admissions test preparation program that will be offered online if—

‘‘(i) a classroom-based college admissions test preparation program provided by an eligible entity is not available; and

‘‘(ii) the eligible entity providing such online program has a verified track record of not less than 3 years of increasing the average college admissions test score of students served through such online program.

‘‘(B) SUPERVISION; ADMINISTRATION.—An online college admissions test preparation program shall be supervised or administered by a teacher, administrator, or coach who has received appropriate professional development to support student success in such online program.

‘‘(c) COMPARABLE SERVICE.—An eligible entity that is not a school or local educational agency and that receives a contract under this section shall—

‘‘(1) provide comparable services in programs offered under this part as in programs such entity offers to such entity's other customers; and

‘‘(2) provide services in programs offered under this part for not more than 75 percent of such entity's national average rate per student for comparable programs.

‘‘(d) PRACTICE EXAMINATIONS.—

‘‘(1) PRIOR TO PREPARATION.—

‘‘(A) IN GENERAL.—Programs provided under this section shall require each participating student to complete a practice examination of the college admissions test the student will be preparing for, prior to preparing such student for such college admissions test.

‘‘(B) PREVIOUSLY ADMINISTERED; SAME TIMEFRAME AND SETTING.—The practice examination described under subparagraph (A) shall be—

‘‘(i) an examination previously administered by the College Board, ACT Inc., or other college admissions tests' respective administrator; and

‘‘(ii) administered in a timeframe and setting similar to that of the examination when administered by the College Board, ACT Inc., or other college admissions tests' respective administrator.

‘‘(2) AFTER PREPARATION.—

‘‘(A) IN GENERAL.—Programs provided under subsection (a) shall require each participating student to complete a practice examination of the college admissions test the student prepared for at the completion of the program.

‘‘(B) PREVIOUSLY ADMINISTERED; SAME TIMEFRAME AND SETTING.—The practice examination described under subparagraph (A)—

‘‘(i) shall be an examination previously administered by the College Board, ACT Inc., or other college admissions tests' respective administrator;

‘‘(ii) shall not be the same practice examination given at the start of the program, given at any time during the program, or used as a study aid during the program; and

‘‘(iii) shall be administered in a timeframe and setting similar to that of the examination when administered by the College Board, ACT Inc., or other college admissions tests' respective administrator.

‘‘(e) SUPPLEMENTAL PREPARATION AND GUIDANCE.—An eligible entity that receives a contract under this section or an eligible local educational agency that develops and implements a school-based college admissions test preparation program under this section shall—

‘‘(1) provide supplemental preparation for those students that need such supplemental preparation to prepare for college admissions tests in the form of prepreparation review of skills and knowledge, including in mathematics, grammar, and vocabulary;

‘‘(2) ensure that students participating in programs funded under this part receive counseling on college admissions, including information on selecting an institution of higher education, the application process and related requirements, the availability of supports and services to facilitate transition to and success in postsecondary education, and the availability of financial aid; and

‘‘(3) offer not less than 1 seminar or class on the counseling described under paragraph (2) that shall be held during evening or weekend hours and parents shall be invited to attend such seminar or class.

‘‘(f) LOCAL EDUCATIONAL AGENCY SEPARATE PROGRAMS.—An eligible local educational agency that enters into a contract with an eligible entity pursuant to this section—

‘‘(1) may conduct activities described under subsection (e) separate from such contract; and

‘‘(2) may not use more than 5 percent of the grant funds to conduct activities described under subsection (e) separate from such contract.

“SEC. 1915. REPORTING REQUIREMENT.

‘‘(a) LOCAL EDUCATIONAL AGENCY.—An eligible local educational agency that develops and implements a school-based college admissions test preparation program under section 1914(a)(1) shall submit to the Secretary a report that includes—

‘‘(1) the number of students who started the program, disaggregated by race and gender where appropriate;

‘‘(2) the number of students who completed the program, disaggregated by race and gender where appropriate;

‘‘(3) the number of students participating in the program who subsequently take the officially administered college admissions test for which such students were preparing, disaggregated by race and gender where appropriate; and

‘‘(4) average scores for participating students on the preprogram test pursuant to section 1914(d)(1), and the end of program test pursuant to section 1914(d)(2).

‘‘(b) ELIGIBLE ENTITY.—An eligible entity that receives a contract under section 1914 shall submit to the eligible local educational agency that has contracted for such eligible entity's services a report that includes the information described in subsection (a) and any other information the eligible local educational agency shall reasonably require.

‘‘(c) FAILURE TO SUBMIT SCORES.—An eligible local educational agency or eligible entity that fails to submit the average scores for participating students on the preprogram test pursuant to section 1914(d)(1), and the end of program test pursuant to section 1914(d)(2) shall have such agency or entity's grant terminated at the discretion of the Secretary.

“SEC. 1916. SCORE IMPROVEMENT.

‘‘(a) REPORT.—Not less than once every 3 years, the Secretary shall review and report to Congress on all programs funded under this part to ensure that such programs are improving the scores of students participating in the program.

‘‘(b) NON-ELIGIBILITY.—Programs, funded under this part that are determined by the Secretary to have not significantly improved the average score of participating students shall no longer be eligible for grants under this part.

“SEC. 1917. AUTHORIZATION OF APPROPRIATIONS.

‘‘There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.’’.

SEC. 302. ADMISSIONS AND RETENTION.

(a) PROSPECTIVE STUDENT INFORMATION.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as amended by section 105, is further amended by adding at the end the following:

“Subpart 11—Prospective Student Information

“SEC. 420M. REPORTING.

‘‘(a) IN GENERAL.—An institution of higher education that offers a baccalaureate degree and is eligible to receive assistance under this part shall include in such institution's application for assistance under this part the following information:

‘‘(1) The percentage of freshman students enrolled at the institution in the previous academic year who were self-identified members of the following disaggregated categories:

‘‘(A) Individual major racial and ethnic groups.

‘‘(B) Male.

‘‘(C) Female.

‘‘(D) The relative of an alumnus, disaggregated by race and eligibility for Federal Pell Grants.

‘‘(E) Economically disadvantaged, as measured by eligibility for Federal Pell Grants.

‘‘(2) The percentage of freshman students enrolled at the institution in the previous academic year who were admitted to the institution through binding early decision, disaggregated by race and eligibility for Federal Pell Grants.

"(3) The percentage of freshman students enrolled at the institution in the previous academic year who were admitted to the institution through regular decision, disaggregated by race and eligibility for Federal Pell Grants.

"(b) DISAGGREGATION.—An institution of higher education shall provide specific disaggregated subgroup information under subsection (a) only if the number of students in such subgroup is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual. If such number is not sufficient, the institution of higher education shall note that the institution enrolled too few of such students to report with confidence.".

(b) ANTITRUST EXEMPTION.—

(1) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

(B) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education"—

(i) means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(ii) includes any individual acting on behalf of such an institution.

(2) EXEMPTION.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among institutions of higher education, or their representatives, for the purpose of, and limited to, developing and disseminating guidelines designed to end binding early decision admissions policies.

(c) RETENTION.—

(1) GRANT PROGRAM.—Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

"SEC. 318. GRANT PROGRAM TO INCREASE STUDENT RETENTION AND PROMOTE ARTICULATION AGREEMENTS.

"(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants, on a competitive basis, to eligible institutions to enable the institutions to—

"(1) focus on increasing traditional and nontraditional student retention at such institutions; and

"(2) promote articulation agreements among different institutions that will increase the likelihood of progression of students at such institutions to baccalaureate degrees.

"(b) DEFINITION OF ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution of higher education (as defined in section 101(a)) where not less than 40 percent of such institution's student body receives financial aid under subpart 1 of part A of title IV.

"(c) APPLICATION.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) MANDATORY ACTIVITIES.—An eligible institution that receives a grant under this section shall use the grant funds to carry out each of the following:

"(1) Offering counseling services to help students cope with the challenges they are facing and identify the services that are available to help them persist in their education.

"(2) Making mentors available to all students that are at risk for not completing a degree.

"(3) Providing detailed assistance to all students who request help in understanding—

"(A) the options for financing their education, including information on grants, loans, and loan repayment programs;

"(B) the process of applying for financial assistance;

"(C) the outcome of their financial assistance application; and

"(D) any unanticipated problems related to financing their education that arise.

"(4) Offering tutoring to all students who request assistance with any course or subject.

"(5) Conducting outreach activities so that all students know that these services are available and are aware of how to access the services.

"(6) Making services listed in paragraphs (1) through (4) available in students' native languages, if it is not English, if the percentage of students needing translation services in a specific language exceeds 5 percent.

"(e) PERMISSIBLE ACTIVITIES.—An eligible institution that receives a grant under this section may use grant funds to carry out any of the following activities:

"(1) Providing intensive remedial academic instruction.

"(2) Designing innovative course schedules to meet the needs of working adults, such as classes that are concentrated on weekends or over short periods of time.

"(3) Designing and implementing online courses or components of courses to allow nontraditional students to obtain an education when their family or professional responsibilities, or both, make it difficult for them to attend class on campus at prespecified, regular times.

"(4) Offering childcare during the hours when students have class or are studying.

"(5) Providing transportation assistance to students that helps such students manage their schedules.

"(6) Partnering with local businesses to create flexible work-hour programs so that students can balance work and school.

"(7) Offering time management seminars or personal coaches to help students improve their time management skills.

"(8) Any other activities the Secretary believes will promote retention of students attending eligible institutions.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

(2) INSTITUTIONAL SUPPORT SERVICES.—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

"SEC. 123. INSTITUTIONAL SUPPORT SERVICES TO INCREASE STUDENT RETENTION.

"(a) DETERMINATION OF RATES.—

"(1) IN GENERAL.—Beginning on the date that is 2 years after the date of enactment of this section, and annually thereafter, an institution of higher education shall determine for the preceding academic year the rates of baccalaureate degree completion not later than 6 years after enrollment for students enrolled at such institution, disaggregated by race, gender, and eligibility for Federal Pell Grants, if the institution of higher education—

"(A) receives Federal funds;

"(B) is eligible for assistance under title IV;

"(C) is not eligible for assistance under section 318; and

"(D) awards a baccalaureate degree.

"(2) DISAGGREGATION.—An institution of higher education shall provide specific disaggregated subgroup information under paragraph (1) only if the number of students in such subgroup is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual. If such number is not sufficient, the institution of higher education shall note that the institution enrolled too few of such students to report with confidence.

"(b) SUPPORT SERVICES FOR AT RISK STUDENTS.—

"(1) IN GENERAL.—Beginning on the date that is 2 years after the date of enactment of this section, and annually thereafter, each institution of higher education that has a disparity of 20 or more percentage points in the rates determined under subsection (a) between any 2 or more subgroups in all the disaggregated categories for an academic year shall increase, from the level provided in such academic year and in accordance with paragraph (2), support services for the students in the subgroups in which the baccalaureate degree completion rate is 20 or more percentage points below the completion rate for the subgroup with the highest completion rate.

"(2) AMOUNT OF INCREASE AND ACTIVITIES.—

"(A) INCREASE.—The amount of the increase required under paragraph (1) for an academic year shall be equal to 5 percent of the amount of assistance received by the institution of higher education under part C of title IV and subpart 3 of part A of title IV for such academic year.

"(B) ACTIVITIES.—

"(i) MANDATORY ACTIVITIES.—The amount of the increase required under paragraph (1) shall be used to carry out the following activities:

"(I) Offering counseling services to help students cope with the challenges they are facing and identify the services that are available to help them persist in their education.

"(II) Making mentors available to all students that are at risk for not completing a degree.

"(III) Providing detailed assistance to all students who request help in understanding—

"(aa) the options for financing their education, including information on grants, loans, and loan repayment programs;

"(bb) the process of applying for financial assistance;

"(cc) the outcome of their financial assistance application; and

"(dd) any unanticipated problems related to financing their education that arise.

"(IV) Offering tutoring to all students who request assistance with any course or subject.

"(V) Conducting outreach activities so that all students know that these services are available and are aware of how to access the services.

"(VI) Making services listed in subclauses (I) through (IV) available in students' native languages, if it is not English, if the percentage of students needing translation services in a specific language exceeds 5 percent.

"(ii) PERMISSIBLE ACTIVITIES.—The amount of the increase required under paragraph (1) may be used to carry out any of the following activities:

"(I) Providing intensive remedial academic instruction.

"(II) Designing innovative course schedules to meet the needs of working adults, such as classes that are concentrated on weekends or over short periods of time.

"(III) Designing and implementing online courses or components of courses to allow nontraditional students to obtain an education when their family or professional responsibilities, or both, make it difficult for them to attend class on campus at prespecified, regular times.

"(IV) Offering childcare during the hours when students have class or are studying.

"(V) Providing transportation assistance to students that helps such students manage their schedules.

"(VI) Partnering with local businesses to create flexible work-hour programs so that students can balance work and school.

"(VII) Offering time management seminars or personal coaches to help students improve their time management skills.

"(VIII) Any other activities the Secretary believes will promote retention of students attending eligible institutions.".

SEC. 303. FEDERAL TRIO PROGRAM.

Section 402A of the Higher Education Act of 1965 (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (A), by striking "$170,000" and inserting "$190,000";

(B) in subparagraph (B), by striking "$180,000" and inserting "$200,000"; and

(C) in subparagraph (C), by striking "$190,000" and inserting "$220,000"; and

(2) in subsection (f), by striking the first sentence and inserting the following: "For the purpose of making grants and contracts under this chapter, there are authorized to be appropriated $1,250,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 304. GEAR UP.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–21(b)) is amended—

(1) in paragraph (1), by inserting "6 year" after "shall make"; and

(2) by adding at the end the following:

"(3) CURRENT GRANTEES.—An eligible entity that has received an award under this section, has performed successfully, and still has need for an award may apply for an additional award under this section.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking "$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$500,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 305. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated $200,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1)—

"(A) exceeds $30,000,000, the excess amount up to and including $67,000,000 shall be available to carry out section 415E; and

"(B) exceeds $67,000,000, the excess amount shall be available to carry out section 415F.".

(b) INCREASE IN MAXIMUM STUDENT GRANTS.—Section 415C(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070c–2(b)(2)) is amended by striking "$5,000" and inserting "$12,500".

(c) SPECIAL LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.—Section 415E(a) of the Higher Education Act of 1965 (20 U.S.C. 1070c–3a(a) is amended by striking "section 415A(b)(2)" and inserting "section 415A(b)(2)(A)".

(d) GRANTS FOR ACCESS AND PERSISTENCE.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) by redesignating section 415F as section 415G; and

(2) by inserting after section 415E the following:

"SEC. 415F. GRANTS FOR ACCESS AND PERSISTENCE.

"(a) AUTHORIZATION.—From amounts reserved under section 415A(b)(2)(B) for each fiscal year, the Secretary shall make supplemental allotments among States in the same manner as the Secretary makes allotments among States under section 415B to pay the Federal share of the cost of the authorized activities under subsection (c).

"(b) APPLICATION.—

"(1) IN GENERAL.—

"(A) SUBMISSION.—A State that desires to receive a supplemental allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) CONTENT.—An application submitted under subparagraph (A) shall include both of the following:

"(i) A description of the State's plan for using the supplemental allotment funds.

"(ii) Assurances that the State will provide matching funds, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (c). The State shall specify the methods by which matching funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, non-Federal funds available for carrying out the activities under subsection (c).

"(C) APPROVAL.—The Secretary shall approve and fund applications that meet the requirements of this section.

"(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

"(3) PARTNERSHIP.—

"(A) MANDATORY PARTNERS.—In applying for a supplemental allotment under this section, the State agency shall apply for a supplemental allotment in partnership with not less than 1 public and 1 private degree granting institution of higher education that are located in the State.

"(B) PERMISSIVE PARTNERS.—In addition to applying for a supplemental allotment under this section in partnership with degree granting institutions of higher education, a State agency may also apply in partnership with philanthropic organizations that are located in the State and private corporations that do business in the State.

"(c) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF PROGRAM.—Each State receiving a supplemental allotment under this section shall use the funds to establish a program to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

"(B) AMOUNT.—

"(i) PARTNERSHIPS WITH LESS THAN A MAJORITY OF INSTITUTIONS IN THE STATE.—

"(I) IN GENERAL.—In the case where a State receiving a supplemental allotment under this section is in a partnership described in subparagraph (A) or (B) of subsection (d)(2), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other government sponsored grant amount or scholarship amount, or both, received by the student) and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the program.

"(II) COST OF ATTENDANCE.—A State that has a program, apart from the program under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of access and persistence grants awarded by such State to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State.

"(ii) PARTNERSHIP WITH A MAJORITY OF INSTITUTIONS IN THE STATE.—In the case where a State receiving a supplemental allotment under this section is in a partnership described in subsection (d)(2)(C), the amount of an access and persistence grant awarded by such State shall be equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other government sponsored grant amount or scholarship amount, or both, received by the student) and such amount shall be used by the student to attend an institution of higher education, located in the State, that is a partner in the program.

"(2) ELIGIBLE LOW-INCOME STUDENTS.—

"(A) IN GENERAL.—Each State receiving a supplemental allotment under this section shall—

"(i) annually make a determination of which students in grade 7 through grade 12 in the State are eligible to receive an access and persistence grant if such students graduate from secondary school and enroll at an institution of higher education that is a partner in the program; and

"(ii) notify such students of their eligibility to receive an access and persistence grant.

"(B) PRIORITY.—In determining which students are eligible to receive access and persistence grants, the State shall give priority to students—

"(i) with an expected family contribution equal to zero (as described in section 479(c));

"(ii) who are participating in, or have participated in, a Federal, State, institutional, or community early intervention program, as recognized by the State agency administering the program; and

"(iii) who qualify for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(C) CONTENT OF NOTICE.—The notification under subparagraph (A)(ii) shall include—

"(i) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early intervention program;

"(ii) information that the grant award shall be used toward the cost of attendance at an institution of higher education that is a partner in the program and therefore such award is contingent upon the student's enrollment at such an institution;

"(iii) an estimation of the amount of financial aid a student awarded an access and persistence grant could expect to receive, including an estimation of the amount of the access and persistence grant and an estimation of the amount of aid from the major Federal and State financial aid programs; and

"(iv) instructions on how to apply for an access and persistence grant.

"(3) Grant award.—If an eligible student, as determined under paragraph (2), has been accepted to an institution of higher education that is a partner in the program, the State shall—

"(A) notify the student of the amount of the access and persistence grant such student will receive if such student enrolls at such institution; and

"(B) inform the student that the access and persistence grant will be awarded and grant funds will be distributed when such student enrolls at such institution.

"(4) Duration of award.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education.

"(d) Federal Share.—

"(1) In general.—The Federal share of the cost of the authorized activities described in subsection (c) for any fiscal year shall be not more than 66.66 percent.

"(2) Formula for federal share.—In awarding supplemental allotments under this section, the Secretary shall provide a match of the non-Federal funds provided by the State in accordance with the following:

"(A) If a State applies for a supplemental allotment under this section in partnership with only less than a majority of the degree granting institutions of higher education located in the State, then the Federal share shall be equal to 50 percent of the cost of carrying out the activities under subsection (c).

"(B) If a State applies for a supplemental allotment under this section in partnership with less than a majority of the degree granting institutions of higher education located in the State, philanthropic organizations located in the State, and private corporations doing business in the State, then the Federal share shall be equal to 57 percent of the cost of carrying out the activities under subsection (c).

"(C) If a State applies for a supplemental allotment under this section in partnership with a majority of the degree granting institutions of higher education located in the State, philanthropic organizations located in the State, and private corporations doing business in the State, then the Federal share shall be equal to 66.66 percent of the cost of carrying out the activities under subsection (c).

"(e) Applicability Rule.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

"(f) Maintenance of Effort Requirement.—Each State receiving a supplemental allotment under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (c) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.".

TITLE IV—OPPORTUNITIES AT HISPANIC-SERVING INSTITUTIONS

SEC. 401. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) Establishment of Program.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

"PART B—PROMOTING POSTBACCA LAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. FINDINGS AND PURPOSES.

"(a) Findings.—Congress finds the following:

"(1) According to the United States Census, by the year 2050, 1 in 4 Americans will be of Hispanic origin.

"(2) Despite the dramatic increase in the Hispanic population in the United States, the National Center for Education Statistics reported that in 1999, Hispanics accounted for only 4 percent of the master's degrees, 3 percent of the doctor's degrees, and 5 percent of first-professional degrees awarded in the United States.

"(3) Although Hispanics constitute 10 percent of the college enrollment in the United States, they comprise only 3 percent of instructional faculty in college and universities.

"(4) The future capacity for research and advanced study in the United States will require increasing the number of Hispanics pursuing postbaccalaureate studies.

"(5) Hispanic-serving institutions are leading the Nation in increasing the number of Hispanics attaining graduate and professional degrees.

"(6) Among Hispanics who received master's degrees in 1999–2000, 25 percent earned them at Hispanic-serving institutions.

"(7) Between 1991 and 2000, the number of Hispanic students earning master's degrees at Hispanic-serving institutions grew 136 percent, the number receiving doctor's degrees grew by 85 percent, and the number earning first-professional degrees grew by 47 percent.

"(8) It is in the National interest to expand the capacity of Hispanic-serving institutions to offer graduate and professional degree programs.

"(9) Research is a key element in graduate education and undergraduate preparation, particularly in science and technology, and Congress desires to strengthen the role of research at Hispanic serving-institutions. University research, whether performed directly or through a university's nonprofit research institute or foundation, is considered an integral part of the institution and mission of the university.

"(b) Purposes.—The purposes of this part are—

"(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

"(2) to expand and enhance the postbaccalaureate academic offerings of high quality that are educating the majority of Hispanic college students and helping large numbers of Hispanic students and low-income individuals complete postsecondary degrees.

"SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) Program Authorized.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to eligible institutions.

"(b) Eligibility.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is a Hispanic-serving institution (as defined under section 502); and

"(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 513. AUTHORIZED ACTIVITIES.

"Grants awarded under this part shall be used for 1 or more of the following activities:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

"(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 514 that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 514. APPLICATION AND DURATION.

"(a) Application.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

"(b) Duration.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) Limitation.—The Secretary shall not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.".

(b) Cooperative Arrangements.—Section 524 of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended by inserting "and section 513" after "section 503".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 528(a) of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are authorized to be appropriated to carry out part A of this title $175,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

(d) CONFORMING AMENDMENTS.—Title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended—

(1) in section 502—

(A) in subsection (a)(2)(A)(ii), by striking "section 512(b)" and inserting "section 522(b)"; and

(B) in subsection (b)(2), by striking "section 512(a)" and inserting "section 522(a)";

(2) in section 521(c)(6) (as redesignated by subsection (a)(2)), by striking "section 516" and inserting "section 526"; and

(3) in section 526 (as redesignated by subsection (a)(2)), by striking "section 518" and inserting "section 528".

SEC. 402. DEFINITIONS.

Section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraph (7).

SEC. 403. AUTHORIZED ACTIVITIES.

Section 503(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1101b(b)(7)) is amended to read as follows:

"(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.".

SEC. 404. ELIMINATION OF WAIT-OUT PERIOD.

Section 504(a) of the Higher Education Act of 1965 (20 U.S.C. 1101c(a)) is amended to read as follows:

"(a) AWARD PERIOD.—The Secretary may award a grant to a Hispanic-serving institution under this title for 5 years.".

SEC. 405. APPLICATION PRIORITY.

Section 521(d) of the Higher Education Act of 1965 (as redesignated by section 401(a)(2)) is amended by striking "(from funds other than funds provided under this title)".

TITLE V—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

SEC. 501. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 of the Higher Education Act of 1965 (20 U.S.C. 1063b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "business administration, computer or information science, nursing and allied health," after "engineering,"; and

(B) in paragraph (2), by striking "$1,000,000" both places such term appears and inserting "$1,500,000";

(2) in subsection (d)(2), by striking "$1,000,000" and inserting "$1,500,000";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (Q), by striking "and" after the semicolon;

(ii) in subparagraph (R), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(S) Alabama State University qualified graduate programs;

"(T) Albany State University qualified graduate programs;

"(U) Alcorn State University qualified graduate programs;

"(V) Bowie State University qualified graduate programs;

"(W) Coppin State University qualified graduate programs;

"(X) Delaware State University qualified graduate programs;

"(Y) Feyetteville State University qualified graduate programs;

"(Z) Fisk University qualified graduate programs;

"(AA) Grambling State University qualified graduate programs;

"(BB) Kentucky State University qualified graduate programs;

"(CC) Langston University qualified graduate programs;

"(DD) Lincoln University (MO) qualified graduate programs;

"(EE) Prairie View A&M University qualified graduate programs;

"(FF) South Carolina State University qualified graduate programs;

"(GG) Southern University & A&M College qualified graduate programs;

"(HH) University of the District of Columbia qualified graduate programs; and

"(II) Virginia State University qualified graduate programs."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "business administration, computer or information science, nursing and allied health," after "physical or natural sciences,"; and

(ii) in subparagraph (B), by striking "not more than 10 percent" and inserting "not more than 30 percent";

(4) by striking subsection (f) and inserting the following:

"(f) FUNDING RULE.—Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

"(1) the first $26,600,000 (or any lesser amount appropriated) shall be available only for the purposes of making grants to institutions or programs described in subparagraphs (A) through (P) of subsection (e)(1);

"(2) any amount in excess of $26,600,000, but not in excess of $28,600,000, shall be available for the purpose of making grants to institutions or programs described in subparagraphs (Q) and (R) of subsection (e)(1);

"(3) any amount in excess of $28,600,000, but not in excess of $45,600,000, shall be available for the purpose of making grants to institutions or programs described in subparagraphs (S) through (II) of subsection (e)(1);

"(4) any amount in excess of $45,600,000, but not in excess of $63,100,000, shall be available for the purpose of increasing the grant amounts to not more than $1,500,000 to each institution or program described in subparagraphs (A) through (II) of subsection (e)(1); and

"(5) any amount in excess of $63,100,000, shall be made available to each of the institutions or programs identified in subparagraphs (A) through (II) of subsection (e)(1) pursuant to a formula developed by the Secretary that uses the following elements:

"(A) The ability of the institution to match Federal funds with non-Federal funds.

"(B) The number of students enrolled in the programs for which the eligible institution received funding under this section in the previous year.

"(C) The average cost of education per student, for all full-time graduate or professional students (or the equivalent) enrolled in the eligible professional or graduate school, or for doctoral students enrolled in the qualified graduate programs.

"(D) The number of students in the previous year who received their first professional or doctoral degree from the programs for which the eligible institution received funding under this section in the previous year.

"(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African-Americans receiving graduate or professional degrees in the professions or disciplines related to the programs for the previous year."; and

(5) in subsection (g), by striking "paragraphs (2) and (3) of subsection (f)" and inserting "subsection (f)".

SEC. 502. GRADUATE AND PROFESSIONAL DEGREE DEVELOPMENT PROGRAM.

Part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.) is amended—

(1) by redesignating section 327 as section 328; and

(2) by inserting after section 326 the following:

"SEC. 327. GRADUATE AND PROFESSIONAL DEGREE DEVELOPMENT PROGRAM.

"(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to eligible historically Black colleges and universities to enable such colleges and universities to—

"(1) develop masters, doctoral, or professional degree programs; and

"(2) provide assistance, through fellowship awards, to graduate students at such colleges and universities.

"(b) ELIGIBLE GRANT RECIPIENT.—Eligibility to receive grants under this section is limited to historically Black colleges and universities that are making a substantial contribution to the education of African-Americans.

"(c) APPLICATION.—An eligible historically Black college or university that desires to receive a grant under this section shall submit an application to the Secretary that—

"(1) demonstrates how the grant funds will be used to improve—

"(A) graduate educational opportunities for African-American and low-income students; and

"(B) the financial independence of such students;

"(2) provides, in the case of applications for grants in excess of $500,000, the assurances required by subsection (g) and specifies the manner in which the college or university is going to pay the non-Federal share of the cost of the application; and

"(3) contains such information as the Secretary may require.

"(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority consideration to those eligible historically Black colleges and universities desiring to support programs and graduate students in areas of national need or academic disciplines in which African-Americans are underrepresented.

"(e) USE OF FUNDS.—An eligible historically Black college or university that receives a grant under this section may use the grant funds for—

"(1) purchase, rental, or lease of equipment for educational purposes, including instructional and research purposes;

"(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

"(3) purchase of library books, periodicals, journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

"(4) scholarships, fellowships, and other financial assistance for needy graduate and professional students to permit the enrollment of the students in and completion of the graduate or professional degree; and

"(5) assistance in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 331.

"(f) DURATION.—Grants shall be made for a period not to exceed 5 years.

"(g) FUNDING RULE.—No grant in excess of $500,000 may be made under this section unless the college or university provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no college or university shall be required to match any portion of the first $500,000 of the college or university's award from the Secretary.

"(h) TWO GRANTS PER INSTITUTION.—The Secretary may award not more than 2 grants or an aggregate amount of $1,000,000 under this section in any fiscal year to any institution of higher education or university system.

"(i) INSTITUTIONAL CHOICE.—The president or chancellor of the college or university may select the program for which to seek funding.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS TO INSTITUTIONS.—Section 323(a) of the Higher Education Act of 1965 (20 U.S.C. 1062(a)) is amended by striking "section 360(a)(2)" and inserting "section 399(a)(2)(C)".

(b) AUTHORIZATION.—Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "section 326" and inserting "sections 323 and 326";

(B) in subparagraph (B), by striking "$35,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$75,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years"; and

(C) by adding at the end the following:

"(C) There are authorized to be appropriated to carry out section 323, $250,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years";

(2) in paragraph (3), by striking "$10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$25,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years"; and

(3) in paragraph (5), by striking "$10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 504. PATSY T. MINK FELLOWSHIP PROGRAM.

Part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) by redesignating subpart 4 as subpart 5;

(2) by redesignating section 731 as section 741;

(3) in section 741 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking "and 3" and inserting "3, and 4";

(B) in subsection (b), by striking "and 3" and inserting "3, and 4"; and

(C) in subsection (d), by striking "or 3" and inserting "3, or 4"; and

(4) by inserting after subpart 3 the following:

"Subpart 4—Patsy T. Mink Fellowship Program

"SEC. 731. PURPOSE AND DESIGNATION.

"(a) PURPOSE.—It is the purpose of this subpart to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

"(b) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this subpart shall be known as a 'Patsy T. Mink Graduate Fellow'.

"SEC. 732. DEFINITION OF ELIGIBLE INSTITUTION.

"In this subpart, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

"SEC. 733. PROGRAM AUTHORIZED.

"(a) GRANTS BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this subpart.

"(2) PRIORITY CONSIDERATION.—In awarding grants under this subpart, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this subpart to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—An eligible institution that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) APPLICATIONS MADE ON BEHALF.—

"(A) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

"(i) A graduate school or department of such institution.

"(ii) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

"(iii) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

"(iv) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

"(B) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this subpart to an entity other than an eligible institution.

"(c) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

"(1) take into account the number and distribution of minority and female faculty nationally, as well as the current and projected need for highly trained individuals in all areas of the higher education professoriate;

"(2) take into account the number and distribution of minority and female faculty nationally, as well as the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

"(3) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

"(d) DISTRIBUTION AND AMOUNTS OF GRANTS.—

"(1) EQUITABLE DISTRIBUTION.—In awarding grants under subsection (a), the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this subpart and that demonstrate an ability to achieve the purpose of this subpart.

"(2) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 50 percent of the amount appropriated pursuant to section 736 to award grants to the following eligible institutions:

"(A) Eligible institutions that are eligible for assistance under title III or title V.

"(B) Eligible institutions that are eligible institutions, as defined in section 312.

"(C) Eligible institutions that are Tribal Colleges or Universities, as defined in section 316.

"(D) Eligible institutions that are Alaska Native-serving institutions, as defined in section 317.

"(E) Eligible institutions that are Native-Hawaiian-serving institutions, as defined in section 317.

"(F) Eligible institutions that are part B institutions, as defined in section 322.

"(G) Eligible institutions that are eligible institutions, as defined in section 502.

"(H) Consortia of eligible institutions that are nonminority-serving institutions and eligible institutions that are minority-serving institutions.

"(3) ALLOCATION.—In awarding grants under this subpart, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart. An eligible institution that receives a grant under this subpart shall make not less than 15 fellowship awards.

"(4) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this subpart is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the funds that are not usable to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this subpart.

"(e) INSTITUTIONAL ALLOWANCE.—

"(1) IN GENERAL.—

"(A) NUMBER OF ALLOWANCES.—In awarding grants under this subpart, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this subpart, an institutional allowance.

"(B) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2005–2006 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715.

"(2) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

"(3) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

"(4) USE FOR OVERHEAD PROHIBITED.—Funds made available pursuant to this subpart may not be used for general operational overhead of the academic department or institution receiving funds under this subpart.

"SEC. 734. FELLOWSHIP RECIPIENTS.

"(a) AUTHORIZATION.—An eligible institution that receives a grant under this subpart shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

"(1) intend to pursue a career in instruction at—

"(A) an institution of higher education (as defined in section 101);

"(B) an institution of higher education (as defined in section 102(a)(1));

"(C) an institution of higher education outside the United States, as that term is described in section 102(a)(2); or

"(D) a proprietary institution of higher education (as defined in section 102(b)); and

"(2) sign an agreement with the Secretary agreeing to, within 5 years of receiving the doctoral degree, or highest possible degree available, begin employment at an institution described in paragraph (1) for 1 year for each year of fellowship assistance received under this subpart.

"(b) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this subpart fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

"(1) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

"(2) Impose a fine or penalty in an amount to be determined by the Secretary.

"(c) WAIVER AND MODIFICATION.—

"(1) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a).

"(2) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

"(A) inequitable and represent a substantial hardship; or

"(B) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

"(d) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this subpart shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

"(e) ACADEMIC PROGRESS REQUIRED.—An individual shall not be eligible to receive a fellowship award—

"(1) except during periods in which such student is enrolled, such student is maintaining satisfactory academic progress in, devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

"(2) if the student is engaged in gainful employment other than part-time employment involved in teaching, research, or similar activity determined by the institution to be consistent with and supportive of the student's progress toward the appropriate degree.

"SEC. 735. RULE OF CONSTRUCTION.

"Nothing in this subpart shall be construed to require an eligible institution that receives a grant under this subpart to—

"(1) grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this subpart; and

"(2) hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

"SEC. 736. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE VI—RECRUITMENT OF TEACHERS TO TEACH AT TRIBAL COLLEGES OR UNIVERSITIES

SEC. 601. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) SHORT TITLE.—This title may be cited as the "Tribal Colleges and Universities Teacher Loan Forgiveness Act".

(b) PERKINS LOANS.—

(1) AMENDMENT.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (H), by striking "or" after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(J) as a full-time teacher at a Tribal College or University as defined in section 316(b)."; and

(B) in paragraph (3)(A)(i), by striking "or (I)" and inserting "(I), or (J)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective for service performed during academic year 1998–1999 and succeeding academic years, notwithstanding any contrary provision of the promissory note under which a loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) was made.

(c) FFEL AND DIRECT LOANS.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

"(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a program, through the holder of a loan, of assuming or canceling the obligation to repay a qualified loan amount, in accordance with subsection (b), for any new borrower on or after the date of enactment of this section, who—

"(1) has been employed as a full-time teacher at a Tribal College or University as defined in section 316(b); and

"(2) is not in default on a loan for which the borrower seeks repayment or cancellation.

"(b) QUALIFIED LOAN AMOUNTS.—

"(1) PERCENTAGES.—Subject to paragraph (2), the Secretary shall assume or cancel the obligation to repay under this section—

"(A) 15 percent of the amount of all loans made, insured, or guaranteed after the date of enactment of this section to a student under part B or D, for the first or second year of employment described in subsection (a)(1);

"(B) 20 percent of such total amount, for the third or fourth year of such employment; and

"(C) 30 percent of such total amount, for the fifth year of such employment.

"(2) MAXIMUM.—The Secretary shall not repay or cancel under this section more than $15,000 in the aggregate of loans made, insured, or guaranteed under parts B and D for any student.

"(3) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a loan made under section 428C may be a qualified loan amount for the purposes of this subsection only to the extent that such loan amount was used to repay a loan made, insured, or guaranteed under part B or D for a borrower who meets the requirements of subsection (a), as determined in accordance with regulations prescribed by the Secretary.

"(c) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

"(e) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

"(f) DEFINITION.—For purposes of this section, the term 'year', when applied to employment as a teacher, means an academic year as defined by the Secretary.".

SEC. 602. AMOUNTS FORGIVEN NOT TREATED AS GROSS INCOME.

The amount of any loan that is assumed or canceled under an amendment made by this title shall not, consistent with section 108(f) of the Internal Revenue Code of 1986, be treated as gross income for Federal income tax purposes.

Mr. DODD. Mr. President, I rise today with Senators KENNEDY, BINGAMAN, REED, CLINTON and MURRAY to introduce the Democratic proposal to reauthorize the Higher Education Act, the College Quality, Affordability and Diversity Improvement Act of 2003 (QUAD).

The Higher Education Act authorizes the Federal Government's major activities as they relate to financial assistance for students attending colleges and universities. It provides aid to institutions of higher education, services to help students complete high school and enter and succeed in postsecondary education, and mechanisms to improve the training of teachers.

According to a recent CRS report, tuition went up last year at four-year public universities from 1.9 percent in New York to 23.8 percent in Massachusetts. In Connecticut, tuition went up 8.1 percent. According to the College Board, the average cost of attending a public four-year college including tuition, fees, room and board is over $9,000. For private four-year colleges, the average cost is over $24,000. Another study indicates that 29 percent of an average family's income goes toward public university tuition payments and 41 percent of an average family's income goes toward private university tuition. In comparison, the average family's mortgage payment represents 32 percent of the annual income.

The simple fact is that many parents are deeply worried about how they are going to pay for their children's higher education. Constant hikes in tuition are not only a source of concern for parents, in some cases they are a source of panic. The legislation we are introducing today is an attempt to alleviate this worry and help working parents and working students afford the high cost of college. We do this in a number of ways.

The QUAD Act will increase the amount of Pell grants available to working families. Two decades ago, Pell grants covered 84 percent of average costs at four-year universities; today they cover less than 30 percent. This bill will reverse this downward trend by raising the maximum Pell Grant for students by $450, from $4,050 to $4,500.

The bill works through the tax code and student loans to make sure students are getting the financial support that they need on the most favorable terms. We eliminate origination fees on subsidized student loans, double the size of the Hope Credit, and allow college graduates a chance to refinance their consolidated loans so that they can take advantage of today's historically low interest rates.

QUAD works to level the playing field in admissions by requiring universities and colleges to be more up-front about their admissions policies and by creating a grant program so that low-income students and minority students have available to them college test preparation programs that on average increase a student's SAT score by 100 points.

The bill creates two new retention programs to ensure that students that start college complete their degrees. Low-income students are half as likely as upper income students to complete a bachelor's degree in four years. African-American students are half as likely as white students to graduate, and four in ten Hispanics who enroll in four-year institutions drop out within three years.

QUAD will improve opportunities for undergraduates and graduate students at Minority Serving Institutions by creating new grant programs, removing regulatory burdens and increasing the funding levels of current initiatives. The bill also helps colleges and school districts recruit and train more highly qualified teachers and provides better training for principals and superintendents.

In addition to all of this, QUAD directly addresses the problem of rising college costs. This bill puts into place a requirement that states maintain their portion of higher education funding at 90 percent from fiscal year to fiscal year. If the Federal Government is going to make a commitment to providing more resources to higher education by increasing monies for student aid, it is only fair that we require states to maintain their current share of assistance. States should not be using our proposed increases in federal aid as an excuse to decrease their own spending levels. The states and the Federal Government should be working together on higher education, and not using one or the other as an excuse to reduce their share of the costs.

This bill also creates incentives for colleges to cut costs. QUAD creates a demonstration program to provide seed money to colleges and universities that want to explore innovative ways to reduce costs and pass savings on to students. This can be accomplished across universities by pooling resources, making joint purchase of supplies or employee benefits, and creating joint degree programs.

Recently, a 20-member consortium of Wisconsin universities spent $285,000 on staff and resources to find a way to purchase health care jointly. In the first year, they realized a savings of $3.8 million. That is a pretty impressive return on an investment of $285,000. Building on this type of initiative, our bill provides grants of $200,000 to consortia in other states around the country to incentivize these same kinds of cost-cutting measures, measures that have no effect on academic mission or quality of student life.

In the end, it is essential in this reauthorization that we do everything we can to ensure that qualified students are not being locked out of college. The economic costs for families would be immense. A full-time worker with a bachelor's degree earns about 60 percent more than a full-time worker with only a high school diploma. Over a lifetime, the gap in earnings exceeds $1 million.

I hope our colleagues who are not cosponsoring this bill will give it serious consideration. By working together, I believe that the Senate as a body can act to ensure that every young person in our Nation has an opportunity to rise as high as their talents, dreams and determination will take them.

Mr. BINGAMAN. Mr. President, I rise today in support of the College Quality, Affordability and Diversity Improvement Act of 2003, or QUAD, introduced by Senator KENNEDY and cosponsored by Senators DODD, MURRAY, REED, CLINTON, and myself.

Since 1998, when Congress last reauthorized the Higher Education Act, enrollment in institutions of higher education has risen to an all-time high, growing by nearly one million students. Half of these new enrollments are minority students, nearly 200,000 of which are of Hispanic origin. Projections show that enrollment in higher education will only continue to grow in the coming years. The increased demand for a college degree is due much in part to the changing economy. Those with a bachelor's degree now make 75 percent more than those without, and jobs requiring some post-secondary education are expected to account for over 40 percent of total job growth this decade.

While the demand for a college degree has increased, so too has the cost of college, and rather drastically. These increases severely limit access for many qualified students. For the 2002–2003 school year, four-year public universities reported an average tuition increase of over 14 percent. This comes on top of an almost ten percent increase in average tuition last year. Just three years ago the average increase was just four percent. For families in the lowest income quartile, average public university costs now consume 62 percent of their income. In the early 1970's it was only 42 percent. What's more, the purchasing power of the Pell grant has declined. Today, Pell Grants cover only 40 percent of average fixed costs at four-year public colleges. Twenty years ago, they covered 80 percent of costs.

Every American should have the opportunity to realize his or her full potential, regardless of the depth of their pocketbook or the size of their parents' wallet. It is time for Congress to step up and meet the challenge: we must do more to help qualified students attend and finish college.

Currently, 40 percent of all whites ages 18–24 are pursuing post-secondary education, compared with only 30 percent of African-Americans and 16 percent of Hispanics of the same age. Those disadvantaged students who do start college often do not finish: low-income students are half as likely as upper income students to complete a bachelor's degree in four years; four in ten Hispanic students enrolled in four-year institutions drop out within three years of initial enrollment.

The College Quality, Affordability, and Diversity Improvement Act will help low-income and minority students get into college. QUAD increases funding to critical programs including GEAR Up, TRIO and LEAP. It improves access for low-income students through the creation of a new grant program for proven-effective test prep programs to provide free tutoring for college entrance exams to low-income students. It improves access and awareness for low-income students by creating a partnership among the federal government, the states, colleges, philanthropies, and corporations to provide low-income students with early information and an early assurance of financial access to college.

But Mr. President, we cannot simply help a student get into and pay for college, we must help them stay in college and earn their degree. Of the 16 percent of 18–24 year old Hispanics enrolling in college, a mere 40 percent actually complete their degree. Similarly, only 38 percent of African-American students that enroll in college complete their degree. QUAD will help low-income and minority students complete their education through the creation of two new retention programs. The first program provides grants to colleges and universities, which serve high-proportions of low-income students to implement innovative programs to provide students with the support they need to persist and graduate. The second program requires schools with large discrepancies in disaggregated graduation rates to increase their investment in support services to improve retention. QUAD also increases funding for minority serving institutions, and creates new grant programs to encourage minority students to pursue graduate education at minority serving institutions.

Minorities make up an increasing proportion of the United States population, but they continue to severely lag behind white students in completing both undergraduate and particularly graduate degrees. Minority Serving Institutions are serving an increasing proportion of minorities, and can help decrease this disparity. Among Hispanics who received master's degrees in 1999–2000, 25 percent attained them at Hispanic Serving Institutions and in the past ten years, the number of Hispanic students receiving master's degrees at HSIs grew by 136 percent, the number receiving doctoral degrees grew by 85 percent, and the number earning first time professional degrees grew by 47 percent.

This past May, I proposed the Next Generation Hispanic-Serving Institutions Act, S. 1190. Under this act, the burdensome regulatory barriers for the 18 Hispanic Serving Institutions in New Mexico and more than 190 HSIs nationally would be removed and opportunities for students at HSIs would be greatly expanded. QUAD takes up this effort, increasing funding for current grants to HSIs and creating a new grant program for graduate programs at HSIs. The grant program would authorize a total of $300 million in fiscal year 2005 and such sums as may be necessary in future years. Grants under this program would help schools improve instructional facilities, purchase instruction and telecommunications materials, give support to needy post baccalaureate students, improve distance learning and other telecommunications capabilities, collaborate with other institutions of higher education to expand programs, and support faculty and curriculum development.

QUAD will also help to attract and retain high quality teachers at tribal universities. This past February, Senator DASCHLE and I introduced legislation that would create a loan forgiveness program for individuals who choose to teach at tribal colleges and universities. QUAD includes this legislation, S. 378.

Another component of QUAD that I am proud to have worked on is the teacher quality provisions of Title II. Since my involvement in the accountability sections of Title II during the last reauthorization of the Higher Education Act, we have worked to increase the bar for teacher quality. QUAD will greatly improve the training and recruitment of teachers by expanding and strengthening teacher-training programs to help teacher preparation institutions feed more qualified teachers into the classrooms. These improvements will help States and school districts meet the goal outlined in the No Child Left Behind Act of ensuring a highly qualified teacher in every classroom.

QUAD will help colleges and school districts recruit and train more teachers with higher quality programs, and provide better training for in-service principals and superintendents. QUAD strengths provisions of HEA to focus on improving the quality of programs and services to teachers by ensuring that teacher preparation courses provide teachers with the specific skills and supports they need to succeed in the classroom, such as training necessary to help all students achieve high standards, including children with disabilities and limited English proficient students, and the integration of state standards and accountability in the classroom. QUAD supports innovation by establishing new financial incentive programs to professionalize the field of teaching, and attract and retain more individuals in the classroom. QUAD will also help to attract teachers to where they are needed most by increasing the amount of student loan forgiveness for teachers working in high-need, high-demand areas. And QUAD helps to better prepare teachers to use technology in the classroom by increasing funding for the Preparing Tomorrow's Teachers to Use Technology program.

It is time for Congress to step up and meet the challenge: We must do more to help qualified students attend and finish college. I know that my colleagues will take this proposal under serious consideration and I look forward to working with them on the reauthorization of the Higher Education Act this coming year.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 76—RECOGNIZING THAT NOVEMBER 2, 2003, SHALL BE DEDICATED TO "A TRIBUTE TO SURVIVORS" AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. HATCH (for himself, Mr. VOINOVICH, Mr. COLEMAN, Ms. COLLINS, Mr. REID, Mrs. BOXER, and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 76

Whereas, in 1945, American soldiers and other Allied forces, defeated Nazi Germany, ending World War II in Europe and the systematic murder of Europe's Jews and other targeted groups;

Whereas 6,000,000 Jews were killed during the Holocaust, and after World War II hundreds of thousands of survivors immigrated to the United States, where in spite of their enormous suffering, they rebuilt their lives, and embraced and enriched their adopted homeland;

Whereas, in 1978, President Jimmy Carter created the President's Commission on the Holocaust to make a recommendation regarding "the establishment . . . of an appropriate memorial to those who perished in the Holocaust";

Whereas President Carter said: "Out of our memory . . . of the Holocaust we must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world . . . fail to act in time to prevent this terrible crime of genocide. . . . [W]e must harness the outrage of our own memories to stamp out oppression wherever it exists. We must understand that human rights and human dignity are indivisible.";

Whereas, in 1979, the Commission recommended "a living memorial that will speak not only of the victims' deaths but of their lives, a memorial that can transform the living by transmitting the legacy of the Holocaust";

Whereas, in 1980, the United States Congress unanimously passed legislation authorizing the creation of the United States Holocaust Memorial Museum as a "permanent living memorial" on Federal land in the Nation's Capital;

Whereas, in 1983, Vice President George Bush designated the Federal land on which the United States Holocaust Memorial Museum would be built;

Whereas Vice President Bush said: "Here we will learn that each of us bears responsibility for our actions and our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries navigate the future.";

Whereas, in 1985, Holocaust survivors participated in the groundbreaking ceremony at the site of the future United States Holocaust Memorial Museum;

Whereas, in 1988, President Ronald Reagan dedicated the cornerstone of the United States Holocaust Memorial Museum;

Whereas President Reagan said: "We who did not go their way owe them this: We must make sure that their deaths have posthumous meaning. We must make sure that from now until the end of days all humankind stares this evil in the face . . . and only then can we be sure it will never arise again.";

Whereas, in 1992, replicas of 2 of the milk cans that hid the Oneg Shabbat archive under the Warsaw Ghetto were buried beneath the Museum's Hall of Remembrance, with a Scroll of Remembrance signed by Holocaust survivors;

Whereas, in 1993, President Bill Clinton opened the United States Holocaust Memorial Museum;

Whereas President Clinton said: "[T]his museum will touch the life of everyone who enters and leave everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality.";

Whereas, in 2001, President George W. Bush delivered the keynote address at the first Days of Remembrance ceremony after he assumed office.

Whereas President Bush said: "When we remember the Holocaust and to whom it happened, we must also remember where it happened . . . The orders came from men who . . . had all the outward traits of cultured men, except for conscience. Their crimes showed the world that evil can slip in, and blend in, even amid the most civilized surroundings. In the end, only conscience can stop it. And moral discernment, decency, tolerance—these can never be assumed in any time, or any society. They must always be taught.";

Whereas the United States Holocaust Memorial Museum has had more than 19,000,000 visitors in the first 10 years of its existence;

Whereas, in 2003, the United States Holocaust Memorial Museum, on the occasion of its 10th Anniversary, wishes to pay tribute to America's Holocaust survivors, who worked tirelessly to help build the Museum and whose committed support and involvement continue to make the institution such as extraordinary memorial and a vital part of life in the United States; and

Whereas the United States Holocaust Museum has a sacred obligation to preserve and transmit the history and lessons of the Holocaust and, together with the Holocaust survivors, must ensure that the legacy of the survivors is passed on to each new generation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation's Holocaust survivors, as well as their liberators and rescuers, and their families;

(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.

Mr. HATCH. Mr. President, this year marks the 10th anniversary of the opening of one of this country's greatest museums and educational institutions, the United States Holocaust Memorial Museum. I have been privileged to serve on the Council of this great institution since its founding, and I have had no greater honor in the years I have served in Washington.

The Museum opened in April of 1993. Speaking in this chamber at that time, I said that the reason we needed to support this institution was simple: "To remember, and by remembering, to strengthen America's moral compass."

The Museum has served as an institution of remembrance and study since then, and its contribution has been immense. Over 19 million visitors have gone through its doors in the past decade, making this museum one of the most popular in Washington, and in the United States. Of these 19 million, nearly six million of those visitors were children, who have seen and been moved by the exhibit "Daniel's Story," which renders the story of the Holocaust from the perspective of a child.

Over two million international visitors have come to the Museum in the past 10 years. This includes seventy-three heads of state have been included among those foreign visitors. I am heartened to imagine how they have returned to their many nations with the striking impression of how profoundly this country considers the most cataclysmic human event of the 20th century, the Holocaust, and how we demonstrate this by supporting this institution in the heart of Washington, D.C.

Not only have nearly 20 million people come to the Museum, but the Museum, through its many traveling exhibits, has brought the story of the Holocaust to many cities around this country. In 2002, the Museum brought another exhibit, "The Nazi Olympics: Berlin 1936" to my home State of Utah, to show during our historic Winter Olympics. Over 20,000 Utahns and foreign visitors attended that exhibit, which demonstrated the historic arc from an era of national fascism and barbaric racism to the present day vision of tolerance and good will that my state showed the world in the winter of 2002.

The Museum also serves as a educational center for Holocaust scholarship. The Museum's Center for Advanced Holocaust Studies supports scholarship and publications at the Museum as well as in conjunction with universities throughout this country. In the short period of its existence, the Museum has already greatly advanced Holocaust studies and I say with confidence that future scholars of this seminal event of the 20th century will all be influenced by the work of this great Museum.

As I've mentioned already, this is not the first time I have taken to the floor to laud the work of this great institution. In November of 1995, concerned about a rise in episodes, both here and abroad, of Holocaust deniers perpetuating their grotesque perversions of history, I introduced S. Res. 193, a resolution denouncing Holocaust denial. Recognizing the scholarship already being promoted by the Museum, the resolution "commended the vital, ongoing work of the United States Holocaust Memorial Museum, which memorializes the victims of the Holocaust and teaches all who are willing to learn profoundly compelling and universally resonant moral lessons."

I introduced that resolution on November 9, 1995, which was the 57th anniversary of Kristallnacht, the night of broken glass, the notorious 1938 pogrom of Jewish persecution by the Nazi regime, preparing the dark descent to the Holocaust that was to follow. In my statement, I said: "Fifty-seven years after Kristallnacht, we are fortunate to still have survivors of the Holocaust among us. I worry about the memory of the Holocaust when the survivors will no longer be here. With each passing year, we have fewer survivors among us."

The stewards and scholars of the United States Holocaust Memorial Museum embody the recognition that the mission of the Museum is to preserve the memory of the victims. And for this reason, the Museum is marking its 10th anniversary in the only way it could: By hosting a historic "Tribute to Survivors," which will occur at the end of this week, on November 1st and 2nd. It is fitting and proper that this would be the way to mark this anniversary. To date, 6,500 Holocaust survivors and their families are scheduled to attend, making this perhaps the last reunion of this kind. I urge all of my colleagues to review the schedule of events and, if at all possible, to go to the Museum to pay tribute to the survivors and this great institution.

To commemorate this event, and to honor the Museum on its 10th anniversary, I wish to submit this resolution honoring the victims of the Holocaust and recognizing the vital work of the United States Holocaust Memorial Museum.

I am most grateful for the co-sponsorship of Senators VOINOVICH, REID, COLEMAN, COLLINS and SMITH.

SENATE CONCURRENT RESOLUTION 77—EXPRESSING THE SENSE OF CONGRESS SUPPORTING VIGOROUS ENFORCEMENT OF THE FEDERAL OBSCENITY LAWS

Mr. SESSIONS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 77

Whereas the Supreme Court in Miller v. California, 413 U.S. 15 (1973) held that obscene material is "unprotected by the first amendment" (413 U.S. at 23) and that obscenity laws can be enforced against "'hard core' pornography" (413 U.S. at 28);

Whereas the Miller Court stated that "to equate the free and robust exchange of ideas and political debate with commercial exploitation of obscene material demeans the grand conception of the first amendment and its high purposes in the historic struggle for freedom." (413 U.S. at 34);

Whereas the Supreme Court in Paris Adult Theatre I v. Slaton, 413 U.S. 49 (1973) recognized that there are legitimate governmental interests at stake in stemming the tide of obscene materials, which include—

(1) protecting "the quality of life and total community environment" (413 U.S. at 58);

(2) protecting "public safety" (413 U.S. at 58);

(3) maintaining "a decent society" (413 U.S. at 59–60);

(4) protecting "the social interest in order and morality" (413 U.S. at 61); and

(5) protecting "family life" (413 U.S. at 63);

Whereas Congress, in an effort to protect these same legitimate governmental interests, enacted legislation in 1988 to strengthen federal obscenity laws and in 1996 to clarify that use of an interactive computer service to transport obscene materials in or affecting interstate or foreign commerce is prohibited;

Whereas the 1986 Final Report of the Attorney General's Commission on Pornography found that "increasingly, the most prevalent forms of pornography" fit the description of "sexually violent material" (p. 323) and that "an enormous amount of the most sexually explicit material available" can be categorized as "degrading" to people, "most often women" (p. 331);

Whereas the Internet has become a conduit for hardcore pornography that now reaches directly into tens of millions of American homes, where even small children can be exposed to Internet obscenity and older children can easily find it;

Whereas a national opinion poll conducted in March 2002 by Wirthlin Worldwide marketing research company found that 81 percent of adult Americans say that "Federal laws against Internet obscenity should be vigorously enforced";

Whereas a May 2 report from the National Academies' National Research Council stated that "aggressive enforcement of existing antiobscenity laws can help reduce children's access to certain kinds of sexually explicit material on the Internet";

Whereas vigorous enforcement of obscenity laws can help reduce the amount of "virtual child pornography" now readily available to sexual predators; and

Whereas it continues to be the desire of the People of the United States of America and their representatives in Congress to recognize and protect the governmental interests recognized as legitimate by the United States Supreme Court in Paris Adult Theatre I v. Slaton, 413 U.S. 49 (1973): Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Federal obscenity laws should be vigorously enforced throughout the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, supra.

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, supra.

SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, supra.

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, supra.

SA 1989. Mr. MCCONNELL (for Mr. CRAIG (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, supra.

SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, supra.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, supra.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, supra.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, supra.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, supra.

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2011. Mr. REID (for Mr. INOUYE) proposed an amendment to the bill H.R. 2800, supra.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, supra.

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, supra.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, supra.

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, supra.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, supra.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, supra.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, supra.

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, supra.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, supra.

SA 1976. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government

of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 1977. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term "HIV/AIDS prevention" means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

SA 1978. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 1 after the colon insert the following:

Provided further, That $5,000,000 shall be made available to promote freedom of the media and an independent media in Russia:

SA 1979. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 13, line 22 before the period, insert the following:

: *Provided further*, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations

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SA 1980. Mr. MCCONNELL proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 14, line 6 strike "costs" and insert the following:

"cost, including the cost of modifying such direct and guaranteed loans,"

On page 14, line 7 before the period insert the following:

: *Provided further*, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts

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SA 1981. Mr. MCCONNELL (for Mr. BROWNBACK (for himself, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State, shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commission for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

SA 1982. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 17, after "Afghan" insert the following Independent

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SA 1983. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 35, line 10, after the semi-colon, insert: and

On page 35, line 12, strike "; (3)" and insert in lieu thereof the following: : *Provided further*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that

On page 35, line 15, strike "; and" and insert in lieu thereof the following: : *Provided further*, That

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SA 1984. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 105, line 25, strike "180 days" and insert in lieu thereof the following: one year

On page 106, line 3, strike "nongovernmental" and everything that follows through "plan" on line 6, and insert in lieu thereof the following: governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy

On page 106, line 10, strike "$10,000,000" and insert in lieu thereof the following: $5,000,000

On page 106, line 11, strike "implement the action plan" and insert in lieu thereof the following: develop the strategy

SA 1985. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 87, line 23, strike "That in" and everything thereafter through "subsection" on line 24, and insert in lieu thereof the following: That the application of section 507(4)(D) and (E) of such Act

On page 87, line 26 strike "the" and everything thereafter through "subsection" on page 88, line 1, and insert in lieu thereof the following: and

SA 1986. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 20, line 9, before the colon, insert the following: , of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development

SA 1987. Mr. LEAHY proposed an amendment to the bill H.R. 2800, making appropriations to foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 34, line 17, strike "$2,500,000" and insert in lieu thereof: $3,500,000

SA 1988. Mr. LEAHY (for Mr. SCHUMER (for himself, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

SA 1989. Mr. MCCONNELL (for Mr. Craig (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than $5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American universities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

SA 1990. Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 32, line 7, before the colon insert the following:

, of which $2,105,000 should be made available for construction and completion of a new facility

SA 1991. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, $2,000,000 shall be made available for the Ibn Khaldun Center for Development:

SA 1992. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 20, after "proviso:" insert "*Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be available for the Global Tuberculosis Drug Facility:".

SA 1993. Mr. SESSIONS (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8, strike the period and insert ": *Provided further*, That of the funds appropriated under this heading, not less than $29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further*, That of the funds appropriated under this heading, not less than $46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs.".

SA 1994. Mr. DORGAN (for himself and Mr. SCHUMER) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

SA 1995. Mr. ALLARD (for himself, Mr. SMITH, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

LIMITATION ON THE PROVISION OF IMET FUNDS TO INDONESIA

SEC. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" under the heading "FUNDS APPROPRIATED TO THE PRESIDENT" shall be made available for military education and training for Indonesia.

(b) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(c) The President may waive the application of subsection (a) if the President—

(1) determines that the national security interests of the United States justify such a waiver; and

(2) submits notice of such a waiver and a justification for such a waiver to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in accordance with the regular notification procedures of such Committees.

SA 1996. Mr. ALLEN (for himself, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 10, before the period insert ": *Provided further*, That $5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property".

SA 1997. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated by title II, under the heading "TRANSITION INITIATIVES", not less than $5,000,000 shall be available for support for eligible Cuban recipients and independent nongovernmental organizations to support democracy-building efforts for Cuba, including providing support for—

(1) political prisoners held in Cuba and members of their families;

(2) persons persecuted or harassed for dissident activities in Cuba;

(3) independent libraries in Cuba;

(4) independent workers' rights activists in Cuba;

(5) independent agricultural cooperatives in Cuba;

(6) independent associations of self-employed Cubans;

(7) independent journalists in Cuba;

(8) independent youth organizations in Cuba;

(9) independent environmental groups in Cuba;

(10) independent economists, medical doctors, and other professionals in Cuba;

(11) the establishment and maintenance of an information and resources center to be located in the United States Interests Section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy that are related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet in Cuba, subject to section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk in Cuba, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "eligible Cuban recipient" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 1998. Ms. LANDRIEU (for herself, Ms. MIKULSKI, and Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) None of the funds made available by title II under the heading "INTERNATIONAL DISASTER ASSISTANCE", "TRANSITION INITIATIVES", "MIGRATION AND REFUGEE ASSISTANCE", or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" or made available for such accounts by any other provision of law for fiscal year 2004 to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

(d) In this section, the term "complex humanitarian emergency" means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

SA 1999. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The Secretary of State shall promptly make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2000. Mr. DORGAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11 hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding the intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

This section shall take effect one day after the date of this bill's enactment.

SA 2001. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 8, before the period, insert the following:

: *Provided further*, That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for a United States contribution to UNAIDS

SA 2002. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

"(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

"(ii) the response of the government of that country to such acts of violence; and

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith.

SA 2003. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 21, line 18, after the comma insert the following: "That of the funds appropriated under this heading, up to $15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: *Provided further*,"

SA 2004. Mr. REID (for Mr. FEINGOLD (for himself, Mr. CAMPBELL, Mr. WYDEN, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

UNITED STATES CITIZENS IN INDONESIA

SEC. 692. (a) Congress makes the following findings:

(1) The United States recognizes the cooperation and solidarity of the Government of Indonesia and the people of Indonesia in the global campaign against terrorism.

(2) Increased cooperation between the United States and the Indonesia police forces is in the interest of both countries and should continue.

(3) Normal military relations between Indonesia and the United States are in the interest of both countries.

(4) The respect of the Indonesia military for human rights and the improvement in relations between the military and the civilian population of Indonesia are extremely important for the future of relations between the United States and Indonesia.

(b) The normalization of the military relationship between the United States and Indonesia cannot begin until—

(1) the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesia armed forces with respect to its investigation into the August 31, 2002, murder of 2 American schoolteachers in Timika, Indonesia; and

(2) the individuals responsible for those murders are brought to justice.

(c) Congress looks forward to continued and increased cooperation with respect to this investigation and to the resolution of the issue, which will contribute to the normalization of military relations between the United States and Indonesia.

SA 2005. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 692. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after "25 percent of the rate of basic pay" the following: "or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay".

(b) Section 5928 of title 5, United States Code, is amended by inserting after "25 percent of the basic pay of the employee" both places it appears the following: "or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

SA 2006. Mr. REID (for Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 692. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

SA 2007. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SIERRA LEONE

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

SA 2008. Mr. REID (for Mr. BIDEN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 40, line 18, insert after "Commission" the following: "and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004".

SA 2009. Mr. REID (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

REPORT ON SOMALIA

SEC. 692. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

SA 2010. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 692. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

SA 2011. Mr. REID (for Mr. INOUYE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7 insert the following new section:

GUINEA WORM ERADICATION PROGRAM

SEC. 692. Of the funds made available in title II under the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" and "DEVELOPMENT ASSISTANCE", not less than $5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

SA 2012. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 46, line 15, insert after "resources" the following: "and to providing opportunities for the inclusion of persons with disabilities".

SA 2013. Mr. MCCONNELL (for Mr. ALLEN (for himself, Mr. LEAHY, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 32, line 10, before the period insert ": *Provided further*, That $5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property".

SA 2014. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 78, line 25, strike "funds" and all that follows through "Iran:" on page 79, line 3, and insert the following: "not to exceed $5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran.

SA 2015. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its "Patterns of Global Terrorism 2002" report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not intially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al-Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government.

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

SA 2016. Mr. REID (for Mr. DODD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, line 18 after the first comma add the following:

"That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: *Provided further*,"

SA 2017. Mr. MCCONNELL (for Mr. LUGAR) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike title III, and insert the following:

TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the "Millennium Challenge Act of 2003".

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that "America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries." The President also called for a "new compact for global development, defined by new accountability for both rich and poor nations" and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this title are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 305; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 303. DEFINITIONS.

In this title:

(1) BOARD.—The term "Board" means the Millennium Challenge Board established by section 304(c).

(2) CANDIDATE COUNTRY.—The term "candidate country" means a country that meets the criteria set out in section 306.

(3) CEO.—The term "CEO" means the chief executive officer of the Corporation established by section 304(b).

(4) CORPORATION.—The term "Corporation" means the Millennium Challenge Corporation established by section 304(a).

(5) ELIGIBLE COUNTRY.—The term "eligible country" means a candidate country that is determined, under section 307, as being eligible to receive assistance under this title.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term "Millennium Challenge Account" means the account established under section 322.

SEC. 304. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in this title.

(b) CEO OF THE CORPORATION.—

(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this title is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Millennium Challenge Corporation.".

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this title.

SEC. 305. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this title set out in section 302(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this title may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) EXCEPTION.—Assistance under this title may not be used for military assistance or training.

(c) FORM OF ASSISTANCE.—Assistance under this title may be provided in the form of grants to eligible entities.

(d) COORDINATION.—The provision of assistance under this title shall be coordinated with other United States foreign assistance programs.

(e) APPLICATIONS.—An eligible entity seeking assistance under this title to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 306. CANDIDATE COUNTRY.

(a) IN GENERAL.—A country is a candidate country for the purposes of this title—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than $5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than $5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 307. ELIGIBLE COUNTRY.

(a) DETERMINATION BY THE BOARD.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) ASSESSING ELIGIBILITY.—

(1) IN GENERAL.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) ANNUAL PUBLICATION OF INDICATORS.—

(A) INITIAL PUBLICATION.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) FINAL PUBLICATION.—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) CONSIDERATION OF PUBLIC COMMENT.—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 308. ELIGIBLE ENTITY.

(a) ASSISTANCE.—Any eligible entity may receive assistance under this title to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) DETERMINATIONS OF ELIGIBILITY.—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) ELIGIBLE ENTITIES.—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 309. MILLENNIUM CHALLENGE CONTRACT.

(a) IN GENERAL.—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 302(b).

(b) CONTENT.—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this title; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) REQUIREMENT FOR CONSULTATION.—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) REQUIREMENT FOR APPROVAL BY THE BOARD.—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 310. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 311. DISCLOSURE.

(a) REQUIREMENT FOR DISCLOSURE.—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this title—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this title has been effective in helping the eligible country to achieve such objectives.

(b) DISSEMINATION.—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 312. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) AUTHORITY.—Notwithstanding any other provision of this title and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) CONDITIONS.—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 307 because of—

(1) the unreliability of data used to assess its eligibility under section 307; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 307.

(c) LIMITATION.—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 313. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this title during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this title with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this title with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this title.

SEC. 314. POWERS OF THE CORPORATION.

(a) POWERS.—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this title.

(b) CONTRACTING AUTHORITY.—The functions and powers authorized by this title may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 315. COORDINATION WITH USAID.

(a) REQUIREMENT FOR COORDINATION.—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) USAID Programs.—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 307.

SEC. 316. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 317. PERSONNEL AUTHORITIES.

(a) Requirement To Prescribe A Human Resources Management System.—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) Relationship to Other Laws.—

(1) Inapplicability of certain laws.—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) Application of certain laws.—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) Relationship to retirement benefits laws.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) Appointment and Termination.—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) Compensation.—

(1) Authority to fix compensation.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) Limitations on compensation.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) Term of Employment.—

(1) In general.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) Excepted positions.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) Waiver.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this title.

(f) Authority for Temporary Employees.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) Detail of Federal Employees to the Corporation.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) Reinstatement.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 318. PERSONNEL OUTSIDE THE UNITED STATES.

(a) Assignment to United States Embassies.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) Privileges and Immunities.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) Responsibility of Chief of Mission.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 319. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this title.

SEC. 320. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this title.

SEC. 321. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

SEC. 322. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this title shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 323. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out the provisions of this title $1,000,000,000 for fiscal year 2004, $2,300,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) Availability.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) Allocation of Funds.—

(1) In general.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) Notification.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SEC. 324. APPROPRIATIONS.

(a) In General.—There is hereby appropriated $1,000,000,000 for fiscal year 2004, to remain available until expended, to carry out the provisions of this title to provide assistance for countries that have demonstrated commitment to—

(1) just and democratic governance;

(2) economic freedom; and

(3) investing in the well-being of their own people.

(b) Notification.—Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

SA 2018. Mr. MCCONNELL (for Mr. ENSIGN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

DEMOCRACY BUILDING IN CUBA

SEC. 692. (a) Of the funds appropriated in Title II, under the heading "Transition Initiatives" not more than $5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to any allocation or transfer of funds made pursuant to this section.

SA 2019. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, line 3, before the colon, insert the following:

: *Provided further*, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster

On page 23, line 8, before the period, insert the following:

: *Provided further*, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs

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SA 2020. Mr. MCCONNELL (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following:

RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 692. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", $12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

SA 2021. Mr. MCCONNELL (for Mr. BROWNBACK (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 77, beginning on line 20, strike "not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China:" and insert "not to exceed $4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to $3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities:".

SA 2022. Mr. REID (for Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 53, line 21, strike "$8,898,000" and insert in lieu thereof the following: $898,000

On page 55, line 26, strike "$314,550,000" and insert in lieu thereof the following: $322,550,000

SA 2023. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . The Secretary of State should make publicly available prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing counties—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2024. Mr. MCCONNELL (for Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, strike line 3 and insert the following:

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND

On page 22, line 10, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act," after "law,".

On page 74, line 22, insert "except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 692 of this Act" before the colon.

On page 147, between lines 6 and 7, insert the following new section:

ASSISTANCE FOR HIV/AIDS

SEC. 692. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

"(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.";

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

"(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act). "; and

(3) in section 301(f), by inserting ", except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency" after "trafficking".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 28, 2003, at 9:30 a.m. on dietary supplements.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 10:15 a.m. to hold a hearing on Iran: Security Threats & U.S. Policy.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, October 28, 2003, at 10 a.m. on "Judiciary Nominations," in the Dirksen Senate Office Building room 226.

Agenda:

Panel I: Senators.

Panel II: Claude A. Allen to be United States Circuit Judge for the Fourth Circuit.

Panel III: Mark R. Filip to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, October 28, 2003, at 9:30 a.m. in room 301 Russell Senate Office Building to conduct a confirmation hearing on four Presidential nominees to the Election Assistance Commission.

The nominees are Paul S. DeGregorio (R) of Missouri, 2 year term; Gracia M. Hillman (D) of the District of Columbia, 2 year term; Deforest "Buster" Soaries (R) of New Jersey, 4 year term; and Raymundo Martinez III (D) of Texas, 4 year term.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, on behalf of Senator MIKULSKI, I ask unanimous consent that Lesley Werthamer, a State Department fellow in her office, be granted the privilege of the floor during consideration of the foreign operations bill, H.R. 2800.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that Michael Mattler, a detailee from the State Department to the Foreign Relations Committee staff be granted floor privileges during consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Darcy Zotter, a fellow on my staff, be allowed the privilege of the floor during debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that Daniela Ligiero, a fellow in Senator BINGAMAN's office, be granted the privileges of the floor for the pendency of the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1753

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, but not before November 3, may turn to the consideration of S. 1753, the Fair Credit Reporting Act, and that it be considered under the following limitation:

The only first-degree amendments be the following and that they be subject to relevant second-degree amendments, provided that where the term "relevant" is used for a first-degree amendment it be construed to mean anything related to, pertaining to, or dealing with the subject matter contained in either the Senate or House bill, or the substitute amendment; textual reference is not required.

The amendments are: CANTWELL, ID theft; CORZINE, financial institutions to notify FTC of consumer data breach; DAYTON, national information sharing standards; DURBIN, student loan payment reporting; two by FEINGOLD: buy American and data mining reporting; KOHL, student loans credit reporting; two by Senator SCHUMER: debit card fee disclosure, economic policy; Senator NELSON of Florida, disposal of consumer financial records; Senators LINCOLN and PRYOR of Arkansas, usury limit; three relevant amendments by Senator FEINSTEIN; three amendments by Senator BOXER: consumer protection from false affiliate information sharing, right to know what affiliates your company can share information with, and tightening opt-out marketing loopholes; Senators SHELBY and SARBANES, a substitute amendment; relevant amendments by Senator BROWNBACK and Senator SPECTER; Senator MURKOWSKI, sharing confidential information; Senator SARBANES, two relevant amendments; Senator SHELBY, two relevant amendments; that upon the disposition of these amendments, the bill be read the third time and H.R. 2622, the House companion, be discharged from the Banking Committee and the Senate proceed to its immediate consideration: that all after the enacting clause be stricken and the text of S. 1753, as amended, be substituted in lieu thereof; the bill be read the third time, and the Senate vote on final passage of the bill, with the preceding all occurring without any intervening action or debate; further, that upon disposition of the House bill, S. 1753 be returned to the calendar.

The PRESIDING OFFICER. Is this objection?

Mr. REID. Mr. President, if I can just say this prior to the consent being entered into the RECORD, we have a number of amendments. It sounds like a lot. I have spoken to the chairman and ranking member of the committee, indicating that I am not sure all of the amendments on this side will even be offered. For example, Senator FEINGOLD thinks these will be accepted. If they are not, he will take a 10-minute time agreement.

I think we can move through these amendments quite rapidly. As I think everybody knows at this stage, the vast majority of the Senate favors this legislation. I think we should acknowledge that this agreement was reached with some effort today as a result of the advocacy of the Senators from California. They did not want this matter to be brought up this week because the fires are raging as we speak in California. They are both scheduled to go out there sometime this week. It would have been terribly inconvenient.

I appreciate everyone's cooperation. The majority and Senators on this side had other amendments they wanted to offer. But understanding the difficulty and the problems in California at this stage, we arrived at a point where I think it is fair to everybody.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I certainly hope my friend from Nevada is correct, because it does list 25 amendments. I share his hope and expectations that many of those will disappear and we will be able to deal with this legislation, which is widely supported by an overwhelming majority of the Senate, in relatively rapid fashion.

UNANIMOUS CONSENT AGREEMENT—H.R. 2800

Mr. MCCONNELL. I ask unanimous consent that when the Senate resumes consideration of the foreign operations appropriations bill on Wednesday, tomorrow, Senator DORGAN be immediately recognized in order to offer an amendment related to the September 11 commission. I further ask unanimous consent that there be 40 minutes equally divided in relation to the amendment and that at the expiration of time I or my designee be recognized in order to make a point of order against the amendment; further, that Senator DORGAN then be recognized in order to move to suspend rule XVI with respect to his amendment. I finally ask unanimous consent that the Senate then proceed immediately to a vote on the motion to suspend. I also ask consent that following that vote the Senate then proceed to consideration of H.R. 1904, the Healthy Forests legislation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I, along with Senator LEAHY and others on this side, are terribly disappointed that the action on the Dorgan amendment tomorrow will bring to a close, at least at this stage, further action on this most important appropriations bill. My memory could be wrong, but not too wrong, that in the past we have moved through this bill pretty quickly. The Senator from Kentucky has been involved in this for a long time, as either the ranking member or chairman of this subcommittee. I think he and Senator LEAHY, who has been involved with this for many years, have done an outstanding job.

There is one issue that has held this up and that is getting more money for global AIDS. The President supports this effort to get more money for global AIDS, and I am disappointed he and his people have not weighed in more on this, although knowing the Senator who is wanting to slow this down, does not want this to move forward, I am not sure what good it would do for anyone to talk to him knowing what an advocate he is and how strongly he feels about things.

The point I am making is I think we should have a vote on this, whatever it takes, and move on. On this side, I think everyone would have to acknowledge we have cooperated on these appropriations bills, but we cannot go to other appropriations bills when we have an appropriations bill that is on the floor and somebody finds a tough vote. It is not right. We in good faith have had our Members not offer various amendments. We have been very discrete in the amendments we have offered, and I would hope the night will bring more understanding to this most important issue of global AIDS.

It is not going to go away. It will appear on this bill or some other bill. I know my friend from Kentucky has worked very hard for hours today trying to move forward. This is his bill. Again, I express my concern and disappointment but have no objection to the unanimous consent agreement that has been suggested.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is agreed to.

Mr. McCONNELL. Mr. President, if I may state briefly on the issue of funding of global AIDS, I think it is important to remind our colleagues it was the President who recommended $15 billion over 5 years to attack this global public health crisis. Even without enacting amendments that go above the budget, the $2 billion that is in this appropriations bill and another appropriations bill that has already cleared the Senate—between the two bills, $2 billion—provides for the administration, even if we are unable through this process at some point this year to provide additional appropriations, to spend all the money that the administration feels it can usefully spend in the first year of the 5-year commitment. This Senator has no doubt that the full $15 billion over 5 years will be appropriated to address this huge public health crisis.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable choice bill. I further ask unanimous consent that all after the enacting clause be stricken, that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of charitable choice, as amended by Snowe and Grassley-Baucus, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2 and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask that the distinguished Senator from Kentucky modify his request as follows: That the Senate proceed to the immediate consideration of H.R. 7; that all after the enacting clause be stricken; that the Snowe amendment which is at the desk be agreed to; that the substitute amendment which is the text of S. 476 as passed the Senate, as amended, be agreed to; that the bill as amended be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this be printed in the RECORD, with no intervening action or debate.

Mr. McCONNELL. Mr. President, I object.

Mr. REID. I also object.

The PRESIDING OFFICER. The Senator from Kentucky declines to modify his original request and the objection is now heard on the original request.

Mr. REID. The Chair is correct.

EXECUTIVE SESSION

NOMINATION OF CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Executive Calendar No. 400, the nomination of Charles Pickering to be U.S. Circuit Judge for the Fifth Circuit. I ask my friend and colleague on the other side of the aisle, would his side be willing to enter into a time agreement on this nomination?

Mr. REID. The answer is no.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Charles W. Pickering, Sr., of Mississippi to be United States Circuit Judge for the Fifth circuit.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I therefore send a cloture motion to the desk to the pending nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 400, the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, Trent Lott, Conrad Burns, Lamar Alexander, Arlen Specter, Mitch McConnell, Mike DeWine, Chuck Hagel, Rick Santorum, Craig Thomas, Thad Cochran, John Ensign, Lindsey Graham, Elizabeth Dole, Michael B. Enzi, Gordon Smith.

Mr. McCONNELL. I ask unanimous consent the live quorum as required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. McCONNELL. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2003

Mr. McCONNELL. I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 249, S. 247.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 247) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported with an amendment, as follows:

[Strike the part shown in black brackets and insert the part printed in italic]

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Harmful Algal Bloom and Hypoxia Amendments Act of 2003".

[SEC. 2. RETENTION OF TASK FORCE.

[Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).

[SEC. 3. PREDICTION AND RESPONSE PLAN.

[Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

["(e) Prediction and Response Plan.—

["(1) Development of plan.—Not later then 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in conjunction with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management.

["(2) Plan requirements.—The plan shall—

["(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

["(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

["(C) include incentive-based partnership approaches where practicable.

["(3) Publication and opportunity for comment.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

["(4) Federal assistance.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.".

[SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

[Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

["(f) Local and Regional Assessments.—

["(1) In general.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

["(2) Purpose.—Local and regional assessments may examine—

["(A) the causes of hypoxia or harmful algal blooms in that area;

["(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

["(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

["(D) the social and economic benefits of such alternatives.".

[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[Section 605 of such Act is amended—

[(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

[(2) by inserting "$26,000,000 for fiscal year 2004, $26,500,000 for fiscal year 2005, and $27,000,000 for fiscal year 2007" after "2001," in the first sentence;

[(3) by inserting "and $2,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (1);

[(4) by inserting "and $5,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (2);

[(5) by striking "2001" in paragraph (3) and inserting "2001, $2,000,000 for fiscal year 2004, $3,000,000 for fiscal year 2005, and $3,000,000 for fiscal year 2006";

[(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to implement section 603(e);";

[(7) by striking "2001" in paragraph (4) and inserting "2001, and $6,000,000 for each of fiscal years 2004, 2005, and 2006,";

[(8) by striking "and" after the semicolon in paragraph (4);

[(9) by striking "2001" in paragraph (5) and inserting "2001, $5,000,000 for fiscal year 2004, $5,500,000 for fiscal year 2005, and $6,600,000 for fiscal year 2006";

[(10) by striking "Administration." in paragraph (5) and inserting "Administration; and"; and

[(11) by adding at the end the following:

["(6) $3,000,000 for each of fiscal years 2004, 2005, and 2006 to carry out section 603(f).".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harmful Algal Bloom and Hypoxia Amendments Act of 2003".

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).

SEC. 3. PREDICTION AND RESPONSE PLAN.

Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

"(e) Prediction and Response Plan.—

"(1) Development of plan.—Not later then 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone science and management.

"(2) Plan requirements.—The plan shall—

"(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

"(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

"(C) include incentive-based partnership approaches where practicable.

"(3) Publication and opportunity for comment.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

"(4) Federal assistance.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.".

SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

"(f) Local and Regional Assessments.—

"(1) In general.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

"(2) Purpose.—Local and regional assessments may examine—

"(A) the causes of hypoxia or harmful algal blooms in that area;

"(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

"(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

"(D) the social and economic costs and benefits of such alternatives.'.

"(g) Scientific Assessment of Great Lakes Harmful Algal Blooms.—

"(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in the Great Lakes, including a research plan for coordinating Federal efforts to better understand Great Lakes harmful algal blooms.

"(2) The Great Lakes harmful algal bloom scientific assessment shall—

"(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on Great Lakes locations, including estimations of the frequency and occurrence of significant events;

"(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in Great Lakes locations; and

"(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in Great Lakes locations.

"(h) Scientific Assessments of Hypoxia.—

"(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003.

"(2) The assessments under this subsection shall—

"(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

"(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

"(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

"(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting "$26,000,000 for fiscal year 2004, $26,500,000 for fiscal year 2005, $27,000,000 for fiscal year 2006, $27,500,000 for fiscal year 2007, and $28,000,000 for fiscal year 2008" after "2001," in the first sentence;

(3) by inserting "and $2,500,000 for each of fiscal years 2004 through 2008" after "2001" in paragraph (1);

(4) by inserting "and $8,200,000, of which $2,000,000 shall be used for the research program described in section 603(g)(2)(B), for each of fiscal years 2004 through 2008" after "2001" in paragraph (2);

(5) by striking "2001" in paragraph (3) and inserting "2001, $2,000,000 for fiscal year 2004, $3,000,000 for fiscal year 2005, $3,000,000 for fiscal year 2006, $3,000,000 for fiscal year 2007, and $3,000,000 for fiscal year 2008";

(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to implement section 603(e);";

(7) by striking "2001" in paragraph (4) and inserting "2001, and $6,000,000 for each of fiscal years 2004 through 2008";

(8) by striking "and" after the semicolon in paragraph (4);

(9) by striking "2001" in paragraph (5) and inserting "2001, $5,000,000 for fiscal year 2004, $5,500,000 for fiscal year 2005, $6,600,000 for fiscal year 2006, $7,100,000 for fiscal year 2007, and $7,600,000 for fiscal year 2008";

(10) by striking "Administration." in paragraph (5) and inserting "Administration; and"; and

(11) by adding at the end the following:

"(6) $3,000,000 for each of fiscal years 2004 through 2008 to carry out section 603(f).".

Ms. SNOWE. Mr. President, I am pleased that today the Senate is considering passage of S. 247, the Harmful Algal Bloom and Hypoxia Amendments Act of 2003.

I must first thank my friend and original cosponsor, Senator BREAUX, for his commitment to taking action with me on these important issues. He and I represent coastal States that are directly affected by harmful algal blooms and hypoxia, and we see firsthand how these outbreaks have harmful impacts on marine ecology, resource economics, and human health in our States.

For instance, during the past several weeks Maine has endured the most toxic red tide to hit our coastline in decades. When humans, fish, and marine mammals eat clams, mussels, oysters, snails, and other shellfish that have fed on the algae that produced this red tide, they are exposed to accumulated toxins, which can cause harmful—even fatal—neurological problems. This phenomenon occurs along thousands of miles of U.S. coastline, but it has increased dramatically in the Gulf of Maine in the last 20 years. In Maine this month, the most recent outbreak caused public health alerts and closed the entire coastline to shellfishing, and it may even be linked to the deaths of 21 large whales, including humpbacks. As you can see, due to these events passage of this bill is extremely timely.

I must also thank Senators VOINOVICH, DEWINE, and LEVIN for cosponsoring this bill and helping to expand its scope to include the Great Lakes. Harmful algal blooms and hypoxia have increased in Lake Erie and other regional waters in recent years, and Great Lakes-bordering States are struggling to identify the causes of these events. Like other coastal States, they need to be able to better predict, monitor, and mitigate these events in order to protect their environment, economy, and human health.

This bill continues and builds upon the research efforts we established in 1998 through the Harmful Algal Bloom and Hypoxia Research and Control Act. This original bill authorized a cross-section of research and monitoring activities on harmful algal blooms and hypoxia. However, algal blooms are still prevalent around the country, the hypoxia "dead zone" still occurs each summer in the Gulf of Mexico, and the management and mitigation measures set forth in our 1998 bill still need to be realized. The amendments in S. 247 would authorize the funding that will reignite these scientific activities and provide important new authorities.

This reauthorization continues to seek and utilize the valuable contributions of the once-temporary Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia by making it permanent. The bill would direct this Task Force to develop a response and prediction action plan to protect environmental and public health from the harmful impacts of harmful algal blooms. Through this plan, task force members would review prediction techniques, develop innovative response measures, and include incentive-based partnership approaches.

The bill would also authorize the task force and the Department of Commerce to develop local and regional assessments at the request of coastal States, Indian tribes, and local governments, so they could obtain technical assistance in addressing their local hypoxia and harmful algal bloom outbreaks. The regional plans will help avoid a one-size-fits-all approach to prediction and response, since local and regional variations in the types of land use, landscape geology, and community input should be taken into account. By tailoring mitigation and management measures to each location, the overall approach can be made more effective.

As for the Great Lakes, S. 247 would direct this task force to conduct a scientific assessment of Great Lakes harmful algal blooms, and it would direct them to conduct a scientific assessment of hypoxia in U.S. coastal waters, including the Great Lakes, not less than once every 5 years. This amendment would authorize funding levels for these assessments at $2 million for fiscal years 2004 through 2006.

Overall, this bill would authorize $26 million in fiscal year 2004, and $26.5 million in fiscal year 2005, and $27 million in fiscal year 2006. These funding levels reflect modest increases in some of the research and monitoring programs authorized in the 1998 bill and provide funding for the new assessments and implementation of their recommendations.

This reauthorization facilitates the continuation and expansion of collaborative, science-based research efforts that can help us better understand how to predict and mitigate harmful algal blooms and hypoxia events. The nation is well-served by legislation that seeks to protect coastal ecosystems, resource-dependent economies, and human health, and I thank my colleagues for supporting this important bill. I look forward to sending this bill to the House of Representatives so that they may undertake the next step in passing it.

Mr. MCCONNELL. I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 247), as amended, was read the third time and passed.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108–9

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following treaty, transmitted to the Senate on October 28, 2003, by the President of the United States: Protocol Amending Tax Convention with Sri Lanka (Treaty Doc. 108–9).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Colombo on March 14, 1985, together with an exchange of notes, signed at Washington on September 20, 2002 (the "Protocol"). I also transmit, for the information of the Senate, the report of the Department of State concerning the Protocol.

The Protocol would amend the Convention to make it similar to tax treaties between the United States and other developing nations. The Convention would provide maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention, as amended by the Protocol, also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Protocol in conjunction with the Convention, and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 28, 2003.*

ORDERS FOR WEDNESDAY, OCTOBER 29, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, October 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of Senator HUTCHISON or her designee and the second 15 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2800, the Foreign Operations Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow, following morning business, the Senate will resume consideration of the Foreign Operations appropriations bill. Under the previous order, there will be a vote in relation to the Dorgan amendment at approximately 10:40 a.m. This will be the first vote of the day.

Following the disposition of the Dorgan amendment, the Senate will turn to consideration of H.R. 1904, the Healthy Forests bill. Senator COCHRAN will be on the floor to work through any of those amendments. Amendments to this urgent legislation will be offered and debated throughout the day. Therefore, Senators should expect rollcall votes throughout tomorrow.

Clearly, if anyone has had their television set on in recent days, it is important to move on this Healthy Forests legislation. Fires have been burning all over the West.

A cloture motion was filed this evening on the nomination of Charles Pickering to be a Federal circuit judge. That cloture vote will occur on Thursday, and Senators will be notified when that vote is scheduled.

Also, as a reminder, an agreement was reached tonight for the consideration of the fair credit reporting bill, and that bill will be considered next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:22 p.m., adjourned until Wednesday, October 29, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 28, 2003:

ENVIRONMENTAL PROTECTION AGENCY

MICHAEL O. LEAVITT, OF UTAH, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO RIVERSIDE NATIONAL CEMETERY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BACA. Mr. Speaker, I rise to pay tribute to Mr. Stephen Jorgensen, Director of Riverside National Cemetery, and the entire cemetery staff. This cemetery is an historic site that proudly serves our veteran men and women. The winner of the Robert W. Carey National Cemetery Category Award for 2003, it has provided an invaluable service to the Veteran community and continues to honor the lives of our fallen soldiers. I join with grateful families across our nation in celebrating this year's Carey Award winner.

For the past 25 years, the Riverside National Cemetery has honored the lives of thousands of soldiers. Characterized by dignity and class, this national cemetery is dedicated to all service members who gave the ultimate sacrifice for their country. It has been an integral contributor to the Inland Empire and has given the respect and esteem that all servicemen and women deserve.

The Carey Award is foremost an award based on excellence. Qualifications extend from performance in organizational leadership and management to strategic planning and community contribution. It is excellence in these areas that characterize a Carey Award winner. The Riverside National Cemetery has proven year after year that it not only exhibits these specific qualities but also performs them at the highest possible level.

And so, Mr. Speaker, I join today with the residents of the Inland Empire in congratulating the Riverside National Cemetery for its remarkable achievement, and express my sincere admiration and deference to this proud national site.

TRIBUTE TO ANNIE MAE HUNT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with profound sadness that I pay tribute to the life and the memory of Annie Mae Hunt. In one lifetime she has touched many lives and multiple generations. Born into grinding poverty, she triumphed over it and lived an enriched and noble life. Hers is an equally rich legacy. I extend my condolences to her children, her grandchildren, her great-grandchildren and her great-great-grandchildren.

Annie Mae Hunt was the co-author of her memoirs, aptly titled I Am Annie Mae: An Extraordinary Woman in Her Own Words. Published in 1983, the book has literally "touched the hearts of thousands of people." It became the inspiration for the musical and the highly touted film Guts, Gumption and Go-Ahead: Annie Mae Hunt Remembers. As one reviewer said: "The film shows how self-esteem and skills enabled one woman to change her life around."

As her editor Ruthe Winegarten has written, "Annie Mae Hunt is a survivor. Born in 1909 near Brenham, Texas, she grew up in a time and place where African Americans, although legally free, lived in circumstances that had changed little since the days of slavery. Much of her adult life was spent in backbreaking domestic service, until she created a modest independence for herself through sewing and selling Avon Cosmetics." Annie Mae Hunt's memoirs "records a life not only filled with hardships but also the joys of family, of political activism, and of service to church and community."

Although Annie Mae Hunt was telling the story of her life and times, she was, in reality, chronicling the ordeal and struggles of black women everywhere in America, especially in the south. Reared in a sharecropper system, she overcame hardship, heartbreak, discrimination and obstacles by juggling jobs and owning her own businesses.

Annie Mae Hunt's life was living proof that actions speak louder than words. Her mere presence spoke volumes. In several senses, she was the eminence grise (literally the "gray eminence") who exerted considerable influence behind the scenes in the political process. Her letter writing campaign to politicians and elected officials was legendary in its reach and its effectiveness.

Annie Mae Hunt was a lifelong role model and she will remain a source of inspiration for many generations to come. We mourn her passing and we salute her life. She will be long remembered for her good works in the community of man and the community of God, her devotion to others, and her perseverance, and her legacy of success in the face of extreme adversity.

HONORING ROYAL ROBBINS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Royal Robbins on being awarded the 2003 Distinguished Citizen by the Greater Yosemite Council of the Boy Scouts of America. He will be honored on Wednesday, October 29, at Modesto Centre Plaza in Modesto, CA. The Greater Yosemite Council of the Boy Scouts of America annually recognizes individuals who have distinguished themselves through their professional careers, community leadership, and/or philanthropy.

As a young Boy Scout, Royal was intrigued by the outdoors. His enthusiasm has led to a successful career in outdoor adventure, equipment, and clothing. Around the world, Royal is known as an avid outdoorsman: From the Sierra Nevada to the Alps, he has made numerous first ascents in climbing. In Yosemite, he made the first ascent of the northwest face of Half Dome and three great faces of El Capitan.

Robbins has been involved heavily with his community and has received numerous honors. In 1988, Royal joined the Modesto Rotary. He served as president of the rotary and was the first chairman of its Preserve Planet Earth Committee. The American Alpine Club, a 100-year-old organization devoted to mountaineering, climbing, and issues facing climbers, has named Robbins an honorary member. In 1992, his biography, Royal Robbins—Spirit of the Age, was published. The following year he was given the Outstanding Leadership Award from the Outdoor Industry. Among his other awards are the Sam Walton Business Leader Award and Citizen of the Year Award, the latter issued by the Modesto Chamber of Commerce.

In 1968, Royal and his wife, Liz, founded the Royal Robbins Company, which specializes in outdoor apparel. Since the sale of the company, the two have a new enterprise, Royal Robbins Adventures, offering public speaking, writing, and seminars combining personal growth with outdoor adventure.

Mr. Speaker, I rise today to congratulate Royal Robbins for being awarded the 2003 Distinguished Citizen by the Greater Yosemite Council of the Boy Scouts of America. I urge my colleagues to join me in wishing Royal many more adventures in the years to come.

REMEMBERING THE LATE BOB BROADBENT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PORTER. Mr. Speaker, I rise today to mourn the passing of a great Nevadan, a true community leader, and a friend, Bob Broadbent. Bob Broadbent served his community and his country selflessly and effectively for decades, earning the trust of all who knew him.

Robert N. Broadbent was born June 19, 1926, in the Northern Nevada city of Ely, where his father, Broadie, served as mayor for 16 years.

Broadbent attended the California Institute of Technology at Pasadena in 1944, but interrupted his studies to serve in the U.S. Air Force during the waning days of World War II.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

After 2 years in the military, Broadbent attended the University of Nevada, Reno, and in 1950 earned a Bachelor of Science degree in pharmacology from Idaho State College.

Bob Broadbent first entered public service as the first Mayor of Boulder City, and led its transformation from government reservation to the world-class community it is today. As one of Bob's successors in that office, I can personally attest that he laid the groundwork for every success that community enjoys.

Bob Broadbent was then elected to the Clark County Commission in 1969, where he not only helped the Las Vegas area plan for future growth, but helped build the community character and institutions that make Las Vegas not only a nice place to visit, but a great place to raise a family. He never let any personal interest, not even his own, stand in the way of what was the just and right thing to do.

In 1981 President Reagan recognized Bob's extraordinary leadership skills by appointing him Commissioner of the Bureau of Reclamation, where he helped steer that agency into a force for water development and environmental conservation, ensuring that growth and environmental protection in the West have gone hand in hand ever since.

In 1987 Bob returned to Clark County to become director of aviation, where he helped lead McCarran airport into a time of extraordinary growth. Once again he laid the groundwork for the successes we enjoy today.

After leaving the Airport Bob took on a new challenge, leading the effort to build the Las Vegas Monorail, which will provide transit service, first on the Resort Corridor, but eventually to downtown Las Vegas and other points.

Bob's passing away on August 9, 2003, leaves a terrible void in our community that will be impossible to fill. I wish to extend my condolences to his wife, his children, and his grandchildren. Bob will be missed by all who knew him, and loved by all those who live in Clark County for generations to come.

Broadbent is survived by his wife, Sue, of Boulder City; sons, Robert C. and Douglas, of Boulder City; daughters Kathy Morris of Las Vegas and Michele Walker of Boulder City; sister Sue Siri of Reno; 14 grandchildren and 3 great-grandchildren.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF ROBERT L. WONDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Robert L. Wonder, Assistant City Manager in the City of Alameda, California. Mr. Wonder has announced his retirement at the end of 2003, having served the public for over 30 years. Following his military service in the Marine Corps, he became a dedicated employee of the City of Alameda for 28 years. Mr. Wonder joined the city's workforce in 1975 through CETA, a federally funded training program, and became the Assistant City Manager in 1980.

During his tenure with the City of Alameda, Mr. Wonder has served as Interim City Manager several times; worked on the Cooperative Services Agreement with the U.S. Navy successfully negotiating $18 million of federal funding to the City to operate and maintain the base during the property transfer period; worked with the Airport Operations Committee and the Citizens League for Airport Safety and Serenity, as well as the Cable TV Advisory Committee. He has also been involved with the City of Alameda's efforts to construct a new main library and he has a reputation for trying to make local government more understandable, responsive and accessible to citizens.

In 1998, Mr. Wonder received the Alameda Times Star Man of the Year Award and the League of California Cities John H. Nail Memorial Award. He was honored as one of 1998's Distinguished Municipal Assistants by the Municipal Management Association of Northern California, of which he has been an active member since 1967. Mr. Wonder has also served as a mentor in the Intergovernmental Management Training Program for 20 years. During his tenure teaching a public administration course at California State University, Hayward, he inspired students to seek public office.

Mr. Wonder is also extensively involved in community organizations and events. He has shown his commitment to the community by serving as a member and officer of the Board of Directors for numerous community and civic organizations such as Girls' Inc., Foundation for Educational Excellence, Rotary Club, Alameda Chapter of the Navy League, Chamber of Commerce and Immanuel Lutheran Church. He has spent countless hours volunteering in the community, such as delivering for Meals on Wheels, the Annual Run for the Parks, the Mayor's Fourth of July parade, the American Cancer Society's Relay for Life, career days for local-schools, City festivals and beach clean-up days.

On Saturday, November 15, 2003, a retirement gala to honor Rob Wonder will be held on the USS *Hornet* in Alameda. I join the friends and admirers of this outstanding public servant in wishing him well on his retirement. He has served with distinction and left an indelible mark of service and caring on the City of Alameda.

TRIBUTE TO MR. JAMIE DYKES

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Mr. Jamie Dykes, an exceptional individual who has dedicated his life and work to serving the men, women, and children of Paterson, New Jersey. On Friday, October 24, 2003, Mr. Dykes was named the 2003 Man of the Year by the Boys and Girls Club of Paterson for his innumerable philanthropic and civic contributions.

Over the years, Jamie Dykes' life has become inextricably intertwined with that of the City of Paterson. As the President of the Greater Paterson Chamber of Commerce, as a well-known business leader, and as the founder of Celebrate Paterson Inc., Jamie has used his administrative experience and talent for creative leadership to greatly improve the community at large. His selfless commitment to countless area civic and philanthropic organizations has left an indelible mark on the lives of many, demonstrating the positive difference' that a single person can make. I feel that it is only fitting that Jamie Dykes be recognized in this, the permanent record of the greatest freely elected body on earth.

Jamie Dykes was born and raised in Fair Lawn, New Jersey, yet the City of Paterson and its citizens have always held a special place in his heart. Merging a rich industrial heritage with a unique blend of cultures, Paterson has historically promised a bright future for residents and entrepreneurs alike. Jamie's family took advantage of this promise, building a successful business based upon the tradition of personalized service, leadership, and pride in their work. Today, Jamie continues this longstanding tradition of service as the Chief Operating Officer of his family's business, Passaic County Stationary.

A diligent administrator and enthusiastic spokesman for business interests in Paterson, Jamie is perhaps best known for working to expand the vision of the Paterson Chamber of Commerce to encompass the entire fabric of the Greater Paterson Community. Together with other local leaders, Jamie has advocated for Paterson, highlighting the unique qualities of the Paterson community through a series of special events. What is more, he has been instrumental in working to improve and redevelop Paterson's Downtown District.

Perhaps most inspiring is the way in which Jamie Dykes has balanced his love for the City of Paterson with his interest in working with the people who make up its community. An active member of the Paterson Rotary Club, Jamie has worked hard to serve Paterson's youth, subsequently assuming an important role in shaping the City's future. He has provided a valuable role model for the young men and women of the area, proving in both word and action that the only real success in life comes from a commitment to the community at large.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the extraordinary efforts of individuals like Jamie Dykes. I ask that you join our colleagues, the members of the Boys and Girls Club of Paterson, and me in recognizing Jamie Dykes for his outstanding service to the youth of Passaic County.

TRIBUTE TO VA MEDICAL CENTER, LOMA LINDA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BACA. Mr. Speaker, I rise to pay tribute to Dean R. Stordahl, Chief Executive Officer of the VA Medical Center located in Loma Linda, and the entire hospital staff for being awarded the Robert W. Carey Organizational Excellence Trophy Award for 2003. This outstanding facility proudly serves our veteran men and women and provides invaluable service to their community, while honoring the lives of our fallen soldiers. I join with grateful families across our nation in celebrating this year's Carey Award winner.

For the past 25 years, the Loma Linda Medical Center has honored the lives of thousands of soldiers through their diligent work. Characterized by dignity and class, the medical center is dedicated to serving veterans who fought for our country. It has been an integral contributor to the Inland Empire and has given the respect and esteem that all servicemen and women deserve.

The Carey Award is foremost an award based on excellence. Qualifications extend from performance in organizational leadership and management to strategic planning and community contribution. It is excellence in these areas that characterize a Carey Award winner. The Loma Linda Medical Center has proven year after year that it not only exhibits these specific qualities but also performs them at the highest possible level.

And so, Mr. Speaker, I join today with the residents of the Inland Empire in congratulating our valued VA Medical Center for its remarkable achievement, and express my sincere admiration and deference to this magnificent medical center.

TRIBUTE TO REV. E. K. BAILEY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the memory of one of Dallas's finest people, my good friend Rev. E. K. Bailey.

Reverend Bailey, founder and pastor of Concord Missionary Baptist Church in Dallas, dedicated his life to the betterment of the city of Dallas. Dr. Bailey founded Concord in 1975 with fewer than 200 members and quickly turned it into one of the city's most vibrant African-American churches. Its current membership numbers 3,500.

In 1989, he founded E. K. Bailey Ministries Inc., a progressive non-profit organization that helps black pastors and lay leaders improve their own churches. He was a tireless public advocate who was not afraid to fight for his constituents. Dr. Bailey's accomplishments are great. When Dr. Bailey tackled a project, no matter how challenging, he did so with enthusiasm, vigor, and integrity.

He will long be remembered for his mission to provide the basic principles and practices of Biblical church growth to African American pastors and lay leaders in order to empower and revitalize African American churches to impact the world for personal and social change. Based in part upon the name recognition of Dr. E. K. Bailey in the African American community and the needs the organization was designed to meet, this ministry found instant credibility. At its first conference—Discipline and Developing the African American Male—over 600 men came to Dallas to learn and acquire resources to take back to their churches.

Above all else, Reverend Bailey was a devoted father and loving husband. Dr. Bailey is survived by his wife, Sheila, and their three grown children. Those who knew Reverend Bailey well understood that the time he spent with his wife and family were the greatest times of his life. After 33 years of marriage and three cancer diagnoses, he said "If I found myself in a ship, or on a ship, in the middle of a storm, there's only one person I'd want on that ship with me, and that's Sheila Bailey," he said.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Reverend E. K. Bailey. And I join with the city of Dallas and the State of Texas in mourning the loss of an outstanding citizen and friend.

HONORING BOB VAN WYK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Bob Van Wyk for his 30 years service to the Fresno Metropolitan Flood Control District. A celebration in Mr. Van Wyk's honor will be held on Thursday, November 6th in Fresno, California.

In 1973, Bob completed a degree in Public Administration at California State University, Fresno. He was hired as an administrative assistant for the Flood Control District; however, he served most of his career as Assistant General Manager. In 2003, the Flood Control District's Board of Directors appointed Mr. Van Wyk Acting General Manager.

Bob has given much of his time to agencies that address the needs of the Flood Control District's constituents. He has served as District Representative to the Board of Directors of the Joint Powers Insurance Authority and has been a member of the Association of California Water Agencies Special District Advisory Task Force. His service as a community partner and respected agency representative has established productive, long-lasting agreements throughout Fresno County. These agreements have allowed the county to use the Flood Control District's facilities as parks, groundwater recharge sites, and community open spaces.

Bob's accomplishments have been numerous over the last 30 years, but he is most noted for his amiable character. His choice to treat people with respect and dignity has allowed him to see value in each person he meets. This kind demeanor has played a major role in his many successful years with the Flood Control District.

Mr. Speaker, Bob Van Dyk's 30 years of service to the Fresno Metropolitan Flood Control District and surrounding communities has not gone unnoticed. I invite my colleagues to join me in commending Mr. Van Dyk and wishing him continued success.

HONORING THE GENEROSITY OF THE PEOPLE OF LAUGHLIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PORTER. Mr. Speaker, I rise today to thank the people of Laughlin, Nevada and Bullhead City, Arizona for their generous contributions to the Boys and Girls Clubs of the Colorado River. More than 400 people gave out of their pockets at the 2003 Margarita Fiesta and 10K Giveaway held at the River Palms Convention Center to raise more than $24,000 for the Boys and Girls Clubs, a 20 percent increase over last year. These funds will be used to give young men and women of every background an opportunity to play and learn in a safe, caring, environment.

Once again Laughlin has proven that it is more than just a vacation resort, it is also a place to call home. I am honored to represent the generous people of Laughlin and look forward to next year's Fiesta.

HONORING DEANNA ESPINA. SAN LORENZO UNIFIED SCHOOL DISTRICT NATIVE AMERICAN INDIAN PROGRAM SPECIALIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Deanna Espina, who recently retired from the San Lorenzo Unified School District. Deanna will be honored at a reception and I join her friends and associates in thanking her for her many years of contributions.

Deanna began her 29 year career with the San Lorenzo Unified School District on October 14, 1974, as a community Relations Aide. After a few years, her classification was changed to Native American Indian Program Specialist assigned to Educational Services.

She has supervised various programs and also teaches youngsters about the Native American culture. She was always seeking innovative instructional strategies for students as evidenced by the Star-Lab lesson. The numerous hours spent preparing, organizing and coordinating the Star-Lab presentation for hundreds of students contributed to the Star-Lab Program's success.

With the San Lorenzo School District's support, Deanna has developed and advanced the Indian Education Program in the San Lorenzo schools in a commendable way. The Alameda County Office of Education has recognized her for the outstanding work she has done in meeting the needs of Native American students. She has played a significant role by providing leadership to sustain and foster a Native American Program that continually has value for students and the community.

Over 29,000 students, parents and teachers have participated in the Native American Museum, established in the San Lorenzo School District, due to the efforts of Deanna. The museum's presentations focus on many Native

American cultures with emphasis on California's indigenous people. The school district's Native American program has been recognized at the federal, state and local levels and is a model for other Native American Programs in the United States.

Deanna's leadership, her knowledge of her projects, her enthusiasm, and commitment to the community through the years are exemplary. She has brought Native American Indian Education to the forefront and I applaud her outstanding contributions to education.

TRIBUTE TO CHIEF JOHN McNIFF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life and work of an exceptional individual who I am proud to represent in Congress, Bloomfield Police Chief John McNiff. Chief McNiff was honored by the Essex County Policemen's Benevolent Association on Friday, October 24, 2003, for his tireless commitment to serving his community.

Chief John McNiff has dedicated the past seventeen years to guaranteeing the safety and well-being of the men, women, and children of Bloomfield, a beautiful community located in the heart of my district. He has begun a tradition of excellence in the Bloomfield Police Department—a tradition which, under his continued direction, will continue long into the future. It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth.

During a period in our history when hometown security has become such a critical issue, Chief McNiff has worked diligently to ensure the continued efficiency and effectiveness of the Bloomfield Police Department, while fostering its close relationship with the community. He has initiated programs designed to increase the capacity of his police officers to act as first responders, and balanced these programs with community-based initiatives geared toward maintaining a high quality of life for the citizens of Bloomfield.

Among the many innovative and successful programs that Chief McNiff has instated are the D.A.R.E. program, the Anti-Crime Squad, the Bloomfield/Newark Border Patrol, and the Community Policing Unit. Under his leadership, the Bloomfield Police Department has collectively worked with the Auto Theft Task Force and the Essex County Prosecutor's Narcotics Unit. Largely as a result of Chief McNiff's extraordinary vision and guidance, the Bloomfield Police Department now ranks among the best in Essex County, New Jersey.

The services rendered to the people of Bloomfield by John McNiff have been widely recognized. Chief McNiff has received commendations from organizations representing all levels of local, State, and Federal law enforcement, and has been publicly honored for his service both by the New Jersey State Senate and General Assembly. Most recently, John McNiff was the recipient of the distinguished John I. Crecco Foundation's "Public Safety Award" and was recognized by the Ancient Order of the Hibernians for his work.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing individuals who have devoted themselves to serving the special needs of the people in their community. The integrity, dedication, and skilled leadership that Chief John McNiff has brought to the Township of Bloomfield is beyond compare.

I ask that you join our colleagues, the Essex County PBA, and me in gratefully recognizing the invaluable services that Chief John McNiff has provided to the men and women of Bloomfield, New Jersey.

WENTWORTH MILITARY ACADEMY MEMORIAL SERVICE

SPEECH OF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 2003

Mr. SKELTON. Mr. Speaker, on Sunday, October 12, 2003, a memorial service was held on the campus of Wentworth Military Academy in Lexington, MO. Retired Lieutenant Colonel Jim Ahrens presided. This service paid tribute to the many Wentworth Alumni who served in the military and paid the ultimate sacrifice. I commend the remarks of Lieutenant Colonel Ahrens to this body.

TEXT FOR MEMORIAL SERVICE

Invocation: Let us pray

Almighty and most merciful God. Look with favor upon us gathered here this morning—in thy presence—on this sacred ground, and inspire our hearts and minds as we lovingly celebrate the deeds of Wentworth Cadets, old boys, whose sacrifices—blood, sweat, and tears—made in the name of freedom and human dignity—shall stand forever as the foundation stones of our great nation. Bless us now, O God, that our thoughts, desires and deeds throughout this memorial service may be inspired by You according to Your holy name. Amen.

INTRODUCTORY STATEMENT

Friends: We gather here on this historic ground—this sacred ground—Cadet Corps, old boys and their families, Wentworth staff, faculty and friends—we gather here near the Memorial Chapel, its entrance guarded by the Mooney Memorial—just down this tree shaded hill from the doughboy and the Hall of Honor—to remember, to honor and to return thanks for Wentworth cadets who made the supreme sacrifice. We gather to lovingly remember Wentworth old boys who gave their lives in the service of their country. Today we are particularly mindful of the vets we single them out now for honor because, like other Wentworth old boys, they fought and served and some died courageously. It is now their time—their turn—for special recognition.

How thankful we are for their dedication, their loyalty, perseverance—for their patriotism. How thankful we are for their sacrifices made in the line of duty—in times of terrible trial and tribulation—crisis—peril—times of grievous suffering—times of war.

Alumni from Wentworth have served in eight conflicts and have sacrificed their lives in six of them.

41 served in the Spanish American war and two died.

3 are known to have served in the Philippine Insurrection and one parished.

At least 552 served in WW I and fourteen died, including one faculty member.

At least 813 served in WW II and 87 died, including another faculty member.

213 served in Korea and nine paid with their lives.

We don't know exactly how many served in the Vietnam conflict, but we know that eleven made the supreme sacrifice.

Approximately 30 served in the first Gulf War that we know of and apparently all returned at the end of the conflict. Many are serving, as we speak, in the second Gulf War, which includes the War on Terror.

These men gave their lives for all of us in this country. Because of the closeness of our alumni it seems as if they became a part of all of our lives and we all feel their loss. What we have to day is a heritage that is made all the more rich by what they gave for us.

Today we honor all who have given their lives. There is no doubt that their example has served as an inspiration for all of us to do what we can do to end conflict, but we all know equally well that we could be called upon to make the supreme sacrifice for our country and fellow humankind. We must also remember those Wentworth faculty, staff, cadets and acquaintances who are no longer with us as well as those who have died in the past year.

MEMORIAL PRAYER

Let us pray. Almighty God, bless now our memories of Wentworth cadets—and their loved ones who waited patiently behind—bless our memories of old boys who made the supreme sacrifice—old boys who march no more in our ranks—who answer no more reveille roll call—who stand no more on the Quadrangle for sunset retreat.

Bless, oh God, our remembrance of them that the spirit of their heroism—their dreams of a better life in a world at peace their sacrifices for us—may inspire us here on this Wentworth campus, and wherever we go, to live together in brotherly love—according to your golden rule. May their memory live on—heartening and inspiring—teaching us the meaning of heroism, patriotism—brotherly love. And, O God, inspire us so we may never take for granted or forget our Wentworth heroes. May we be inspired in the days and weeks to come to walk a little slower by this Huey helicopter and the doughboy—to walk a little slower by the Mooney memorial, and in our hearts do an "eyes right and render a smart hand salute—as we pay our respects to our fallen comrades—Wentworth cadets who made the supreme sacrifice. Amen

PERSONAL EXPLANATION

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. TAUZIN. Mr. Speaker, on rollcall vote 567 I intended to vote "nay."

TRIBUTE TO 177TH FIGHTER WING OF THE NEW JERSEY AIR NATIONAL GUARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to the 177th Fighter Wing of the New Jersey Air National Guard. Recently, the 177th received the Air Force Outstanding Unit Award (AFOUA) for exceptionally meritorious service from January 1, 2000 through December 31, 2001. The Air Force Outstanding Unit Award, established by the Department of Defense in 1954, recognizes units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units.

During this two year period, the 177th accomplished its mission with a high degree of war readiness and combat capability. The Wing deployed highly trained, combat ready personnel in support of Aerospace Expeditionary Force 9. They were one of the first units to have its aircraft generated with live missiles and ready to fight shortly after the attacks on the World Trade Center. In addition to these accomplishments, the unit and its members have been recognized for its outstanding environmental stewardship, recruiting efforts, and community support.

The 177th is the home to 17 single seat F–16C, Fighting Falcon, aircraft and has been located at the Atlantic City International Airport in Egg Harbor Township since 1958. However, the 177th traces its roots back to September 1917 as the 119th Aero Squadron. The 119th Aero Squadron, an active duty training squadron during World War One, was demobilized in May 1919. In 1930, the 119th Observation Squadron was given federal recognition as part of the 44th Infantry Division, New Jersey National Guard, 119th Fighter Squadron at Newark. In 1958, the 119th Fighter Squadron moved to the former Navy facility in Egg Harbor Township, New Jersey, and was re-designated the 119th Tactical Fighter Squadron. In 1962 the unit became the 177th Tactical Fighter Group, the 177th Fighter Interceptor Group in 1972, 177th Fighter Group in 1992, and finally became the 177th Fighter Wing in 1995. The 177th has been activated twice to federal service since World War Two. In 1961, the unit was called up for the "Berlin Crisis" and in 1968 for the "Pueblo Crisis," which sent unit members to all corners of the globe including Vietnam. Years later, 70 unit members were activated in support of "Desert Storm." As the events of September 11th unfolded the 177th, through years of preparation, training and commitment launched to our nation's emergency and desperate call for help. These Air Guard warriors brought with them the character and core values of generations of heroic citizen soldiers and airmen. Since October 2001, the Wing has had an active involvement in Operation Noble Eagle, Operation Southern Watch, Operation Northern Watch, Operation Enduring Freedom and Operation Iraqi Freedom.

The 177th's stated mission is "to be America's premier fighter unit, comprised of proud citizen airmen, recognized as superbly skilled and motivated, committed to unwavering service to Community, State, and Nation." In South Jersey, we know that the 177th superbly executes its mission every day. Their recognition as one of the best in the Air Force serves to confirm their excellence to the rest of the country. I am personally grateful to the 177th for its outstanding service to South Jersey, the state of New Jersey and the United States. I congratulate them on this well deserved honor.

FLORIDA: THE STATE OF EDUCATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. STEARNS. Mr. Speaker, the problems affecting public schools are all to familiar: poor academic achievment, community conflict over the curriculum, ineffective instructive methods, financial mismanagement and a growing inability to meet the needs of families. Less well known is the fact that these ills are shared by state school systems all over the world. In spite of countless reform efforts stretching back over decades, schools have yet to crack the code on educational success. Despite agreement that the system is a failure, possible solutions are a source of great controversy. In developing a strategy for change, it would be helpful to look to a model that is enjoying great success in my home state of Florida.

Florida leads the nation not only in providing education choices for children but also in innovative education opportunities for low-income families and children with disabilities. The state provides A+ scholarships for students in failing schools, McKay Scholarships for students with disabilities, tax credits for donations to scholarship organizations, and over 200 charter schools. Eligible high school students may take college courses for high school and postsecondary credit. These scholarships redirect the flow of education funding, channeling it directly to individual families rather than to school districts allowing families to select the public or private schools of their choice and have all or part of the tuition paid. Scholarships are advocated on the grounds that parental choice and competition between public and private schools will improve education for all children.

School Vouchers known as the Opportunity Scholarship Program (OSP) in Florida was created under Governor Bush's A+ Plan, reflects Florida's commitment to higher standards in education for Florida's students. OSP allows parents whose children are assigned to a failing school to choose between sending their child to a higher performing public school or to apply state generated funding toward private school tuition. For the purpose of OSP, a school is considered failing if it has received a failing grade in the previous year as well as one other failing grade in the three previous years.

When a parent has been notified that his or her child is eligible for the Opportunity Scholarship Program, a parent may choose one of three options. They may:

Transfer his/her child to a higher performing public school;

Enroll his/her child in a participating private school;

Retain his/her child in the low performing school.

The McKay Scholarship Program for Students with Disabilities makes a school voucher available to any special education student in Florida public schools. This program is the second largest school voucher program in the country, and with approximately 375,000 eligible special education students it is likely to become the largest soon. Currently, over 9,000 students use McKay vouchers.

In 2001, lawmakers approved the John M. McKay Scholarships for Children with Disabilities. These scholarships are available to all Florida school children who have an IEP (Individual Education Plan) and have spent at least 7 months attending special classes in the public school system.

The law allows public school children with any type of IEP disability designation (physical, emotional, mental or general learning disability), whose parents are dissatisfied with their progress in the public school, to receive a scholarship from the state. Their parents are then able to choose a school they consider to be better suited for the child. This scholarship is meant to supplement the cost of private schooling for children with disabilities, not to cover the total amount. These scholarships are not income based and follow the student through high school.

Efforts to promote educational choice are in no way a condemnation or indictment of the public school system or its teachers. The goal is simply to provide educational alternatives to a group of people who, because of financial circumstances alone, have none. Insuring quality education for all of Florida's children will help to assure a bright future for Florida. These scholarship programs are designed to liberate parents who are limited by financial circumstance, to choose the school best suited for their child's unique academic needs.

The success of school choice programs in Florida should be a lesson to us on the national level. It is only when parents are involved in their child's educational life that children respond and flourish.

TRIBUTE TO SALLY KANTER

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. WEXLER. Mr. Speaker, last month I was truly saddened when I learned of the loss of one of South Florida's truly great political leaders and activists, a mentor to many including myself and a woman who helped shape politics in her community for the past several decades, Sally Kanter.

It is an honor and privilege to have known Sally as a long-time friend and as a staunch political activist for more than 15 years. There was no one more dedicated than Sally to the struggle of upholding democratic ideals of uplifting the less fortunate, providing for a quality education for all children, protecting the environment and a woman's right to choose and fighting for the rights of Seniors. If there was a cause to champion, Sally was the first to join the fight and the last to give up no matter what the circumstance.

It is not an exaggeration to say that a generation of democratic political leaders from West Palm Beach to Tallahassee to Washington would not be where they are today without Sally's guidance, support and political acumen. I can recall numerous times when I sought out Sally's advice on difficult issues or during troubling times. Sally was always there to provide poignant words of wisdom—her advice was readily available, honest and always to the point.

As the President of the Golden Lakes Democratic Club, Sally was an inspiration to the entire community. Small of stature but big of heart, Sally was the quintessential leader—leading by example with unrivaled passion and resoluteness. I marveled at Sally's tenacity and determination to secure everyone from Presidential candidates, Governors, Senators and Members of Congress to appear before her club. She was fervent in her beliefs, stubborn in her resolve and established a remarkable legacy of improving the lives of others. In a day and age when people make too many promises, Sally's word was as good as gold—it was always "what can I do for you" and "when do you need it done."

To Sally's family, please know I mourn with you in your loss—a loss felt throughout South Florida. Today, I wish to remember Sally for her dedication to the extraordinary tradition of tikkun olam—betterment of the world—through her steadfast commitment to the community at large. While she is no longer with us, her life's example forever remains.

IN RECOGNITION OF DR. JOSEPH KORN

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. LYNCH. Mr. Speaker, I rise today in honor of a man whose professional life has been dedicated to finding a cause—and a cure—for a devastating disease many of us know little about: scleroderma. Dr. Joseph Korn, Chief of the Rheumatology Section at the Boston University School of Medicine and a Professor at the Boston University School of Medicine, has spent much of his career delving into the mysteries of scleroderma.

Dr. Korn's research into scleroderma has led him to serve on the Medical Advisory Board and the Scientific Advisory Committee for the Scleroderma Foundation, which serves to educate and support scleroderma patients and their families throughout the country, as well as conduct ongoing research into scleroderma. On November 22, 2003, at their inaugural national gala, the Scleroderma Foundation will honor Dr. Korn for his commitment and dedication to scleroderma research and the patients afflicted with the disease.

As a member of the Massachusetts State Legislature, I first became aware of Dr. Korn's incredible work when a cluster of 30 scleroderma patients was discovered near my home in South Boston. Dr. Korn became one of the leaders of a study of this cluster of patients conducted by the Massachusetts Department of Health, for which I had worked to secure state funding. Dr. Korn's dedication to his research and compassion towards those with scleroderma is truly remarkable. It is my distinct honor to join in this celebration recognizing Dr. Korn's important contributions to scleroderma.

Mr. Speaker, I want to join with the Scleroderma Foundation in thanking Dr. Korn for his dedication to research into scleroderma. I hope my colleagues will join me in celebrating Dr. Korn's distinguished career and future endeavors on behalf of those with scleroderma.

REGARDING A TRIP TO ISRAEL

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. LANGEVIN. Mr. Speaker, I recently returned from my first trip to Israel, as part of a Congressional delegation led by Minority Whip STENY HOYER that traveled through this remarkable country in August. There are simply not enough superlatives to describe all of my experiences and emotions or to convey all that I learned.

Although a small and still relatively young nation, Israel stands at the fulcrum of three major religions and its land is holy to all. Resolutions of the various conflicts in that region would go a long way toward resolving many of the issues we all face today.

One of the most moving—and interesting—lessons of my trip was to further observe how our two nations, the United States and Israel, deal with the problem of terrorism. Both pause to express their sorrow and mourn those who have been killed or wounded, but then both of our great nations also seek ways to move on and work toward conflict resolutions.

Shortly after the Congressional delegation left Israel, a remarkable concert took place in Jerusalem on September 12, 2003. Amid tributes to the memories of those who died in the terrorist attacks of September 11, 2001, in New York and Washington, as well as those who have perished in attacks in Israel, the Jerusalem Symphony Orchestra played a special concert in the Rothberg Amphitheater on the Mount Scopus campus of the Hebrew University of Jerusalem.

The concert, Antonin Dvorak's Requiem, Opus 89, marked the debut of the Jerusalem Symphony's new music director, Dr. Leon Botstein. The concert, billed as "A Concert of Remembrance and Hope," was performed under the auspices of the orchestra and the Hebrew University and included the Philharmonia Singers and vocal soloists. It was made possible through the generosity of the American Friends of the Jerusalem Symphony and Anne and Marty Peretz. Botstein, in addition to his new role with the Jerusalem Symphony, is also the music director of the American Symphony Orchestra in New York and is president of Bard College in New York.

In remarks preceding the concert, American Ambassador to Israel Daniel Kurtzer said, "We will never forget the 3,000 citizens of the U.S. and 90 other countries who lost their lives on September 11. We, Israelis and Americans, also mourn the lives of the 36 American citizens who have lost their lives [in terrorist attacks] in Israel. [. . .] Tonight, the process of remembering and recovery continues."

Hebrew University President Prof. Menachem Magidor said that the evening's concert was an expression of "profound and deep identification with the people of the United States." The president noted that the "dark forces" which perpetrated the attacks of September 11, 2001, in the United States are the same which are attacking Israel. "September 11 was a declaration of war not just on the United States, but on the entire free world," said Magidor. But, he said, that evil effort would not succeed.

Botstein, in his brief remarks, echoed the president's words, stating that the terrorist attacks were "an effort to destroy civilization." He said too that the evening's concert was dedicated to the memory not only of those who lost their lives in the United States in those attacks but also to those who have perished in terrorist acts in Israel.

As a symbol of the special ties between Israel and the U.S. expressed by the event, the national anthems of Israel and the U.S. were played prior to the performance of Dvorak's work.

Mr. Speaker, along with my statement, I would like to enter into the RECORD the remarks of Hebrew University President Menachem Magidor and American Ambassador to Israel Daniel Kurtzer which were delivered prior to this concert:

PRESIDENT'S SPEECH AT THE JSO CONCERT MARKING TWO YEARS SINCE THE EVENTS OF SEPTEMBER 11, 2003

Good evening and welcome to the Mount Scopus Campus of the Hebrew University.

The concert tonight is far from the usual opening concert of the Jerusalem Symphony Orchestra.

First, as we all know, the fact that the Orchestra continues to perform and is opening a new concert season was a few months ago far from being a certainty. The Orchestra is of vital importance to the cultural fabric of Jerusalem. The opening today is a clear declaration that Jerusalem will not allow such an important part of its cultural life to disappear from the scene.

We also welcome tonight the new musical director of the orchestra, Leon Botstein, and we all hope that under his direction the orchestra will grow and flourish.

The start of this cooperative venture with the Hebrew University is also a new and important beginning. I have no doubt that this will enrich both institutions as well as the cultural life of Jerusalem.

This concert is taking place in a uniquely special setting. Every time I find myself in this amphitheater, I am filled with awe at the power of this place. No less deeply moving are Mount Scopus's historical and cultural connections—a place overflowing with symbolism and significance. On April 1, 1925, on this exact spot where I am standing now, Weizmann, Balfour, Bialik and Rabbi Kook attended the opening ceremony of our University.

But most important of all is the subject to which this evening is dedicated. This is an evening of solidarity, of remembrance, of soul-searching, on the second anniversary of the events of September 11. And it is impossible, as citizens of Israel and of this city, not to connect with the same memories, with the same pain, the same soul-searching of the victims of terror attacks that we have been exposed to during the past three years. The past few days have not made things any easier.

The criminal attack of September 11 was a declaration of war. But it was not a declaration of war on the United States of America alone, it was a declaration of war on the most basic principles of the free world: on the unique value of the individual, on the right of a person to try to attain happiness in their own way, on freedom of speech, on tolerance, on the fact that a humane society can be composed of people of various affinities and different beliefs, and still be a responsible society with a sense of direction. And the victims of September 11 fell not because they were American, but more because they were a random segment of a society for whom these principles are paramount.

I don't accept the claim that this is a war between the Islamic culture and the West. This is a war between enlightenment and darkness, between openness, tolerance, rationality—and ignorance and blind religious extremism; and the battle lines cut right across cultures, and not between them.

We, too, are on the front lines of this war. Clearly there are also concrete political issues in this war taking place here at home, but it is impossible to ignore that, beyond the desire to obtain political goals of one kind or another, blind terror and hatred of free and tolerant discourse is nourished by blind extremism. And I have no doubt that the sinister flame which lit the September 11 attack also lights the terror attacks here at home. We cannot forget the attack here on our Campus a year ago, which took place just a few hundred meters from here. We were targeted not just because we are an Israeli or Jewish institution, but also because we are openminded, tolerant, and follow the paths of peace.

This war between an open society and its enemies is not a simple one. It is not simple because its enemies are hidden. And it is not simple because there is a serious danger to the open society. The danger is that, not by force but through its own volition, the enemies of freedom will compel this open society to give up its principles.

The enemies of freedom will have won if we cease to believe in tolerance and human rights; and they will have won if we fail to see where are the limits to the use of force, even when there is reason to use it; and they will have won if we cease to believe, here in Israel, that at the end of this bloodletting, there is the possibility of a life at peace with our neighbors.

This memorial concert which is taking place on the Mount Scopus Campus of the Hebrew University is a declaration that we, the citizens of Jerusalem and of Israel, wish to show solidarity with our friends in the United States of America.

We remember the victims of the war waged by the sons of darkness against the sons of light, whether they fell on September 11 in America, or during the three years in Israel and in Jerusalem. We, the citizens of Jerusalem and of Israel, are determined to continue to create a free society, thirsty for knowledge and culture, tolerant and enlightened, rooted in our own heritage but open to the cultures of the world, aspiring to peace, committed to its values even though it may seem to some that to give them up would help in the war.

I truly believe that these principles must prevail.

U.S. AMBASSADOR TO ISRAEL DANIEL C. KURTZER REMARKS AT THE JERUSALEM SYMPHONY ORCHESTRA CONCERT IN MEMORY OF VICTIMS OF SEPTEMBER 11

Mount Scopus Amphitheater, Hebrew University, Jerusalem September 11, 2003

Professor Menachem Magidor, the President of the Hebrew University, Maestro Dr. Leon Botstein, the Jerusalem Symphony Orchestra, the Philharmonia Singers, ladies and gentlemen. It is always a great privilege to represent the United States of America and the American people here in Israel. And it is a singular privilege to represent my country here tonight, in this evening of solidarity in memory of the victims of September 11th.

I want to thank the Hebrew University, the Jerusalem Symphony Orchestra, Dr. Leon Botstein and all of you for joining us here this evening. Dr. Botstein's creativity and energy are enviable. As you know, he assumes the role of the leader of this orchestra while simultaneously serving as the President of Bard College, the music director and principal conductor of the American Symphony Orchestra, and having undertaken myriad other tasks.

Some years ago, Dr. Botstein wrote that, "Music occurs in time. Its logic is revealed over the course of a performance." In 1967, I was privileged to come to Israel as a volunteer after The Six Day War and to help clean up this amphitheater in preparation for a concert conducted by Leonard Bernstein, and the concert played the music of Mahler, "The Resurrection."

The connection to tonight is obvious. For 36 years have passed since 1967, and in some respects what we have witnessed is a single performance performed in time. Tonight's "Requiem" by Dvořák complements the "Resurrection" of Mahler in 1967. And this single performance is also drawn together by the composer. For not only is Dvořák the composer of tonight's piece, but as you know, he loved America, and his "New World Symphony" represents that love in beautiful music.

Time, however much we see singularity in this connection of performances, will never truly heal the wounds of those who have suffered as a result of terrorism. We will never forget the 3000 Americans, and citizens of 90 other countries who lost their lives in New York, Washington, and Pennsylvania two years ago. We will always remember each victim, not as a number, not as faces in the crowd, but as fathers and mothers, sons and daughters, friends and co-workers.

We, Americans and Israelis, will always also mourn the hundreds of victims of terrorism here in Israel including the 36 Americans who have been killed in the Intifada. We mourn tonight those who lost their lives just two nights ago in Tzrifin and Jerusalem, and we mourn those who lost their lives on this university campus one year ago.

Even after great destruction we strive for rebirth and renewal in a most important connection between "Requiem" and "Resurrection". And so tonight, the process of remembering and recovery continues, as we reflect on the beautiful music and the unseen audience that it honors. Thank you very much.

IN RECOGNITION OF MR. WARREN PLUM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PALLONE. Mr. Speaker, I rise to applaud the accomplishments of Mr. Warren Plum, someone who exemplifies the spirit of those workingmen and women who make America great.

Mr. Plum began his career with the United Parcel Service in November of 1966 as a Christmas peak hire. After working through the holiday season, and proving himself to be a devoted employee, Mr. Plum was called back to work in downtown Spring Lake, New Jersey. He has remained on duty for a 37-year span, and has become known around town as "the mayor" for his affable personality and extreme work ethic. Often at times, when Mr. Plum is delivering packages, it is customary to hear local citizens greet him up and down Main Street.

Mr. Plum has accomplished many great milestones in his UPS career. His driving record is exemplary. Having spent 36 years driving over 500,000 miles without a single accident is a remarkable accomplishment. Mr. Plum has successfully delivered well over 3,000,000 packages during his career at UPS. Knowing what kind of person Mr. Plum is, I am certain each package delivery and pickup was made with a smile, hello, and wave.

Mr. Speaker, it is important that we give recognition to America's workers for the many years they sacrifice to help keep America so strong. It is the dedication and devotion of men and women like Mr. Plum that allow the United States to remain one of the wealthiest countries in the world. As such, I would ask my colleagues to rise up in honoring America's workers, and especially the distinguished Mr. Warren Plum.

CONGRATULATING FIVE U.S. HEROES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. VISCLOSKY. Mr. Speaker, it is my distinct privilege and honor to recognize and congratulate five United States heroes. Mr. Raymond Fary, Mr. Donald Erwin, Mr. Albert Fehlberg, Mr. Adalbert Wszolek, and Mr. Ernest Latta are World War II Army and Army Air Force veterans who risked their lives for the freedom of our great country. These dedicated and brave men will be honored on Sunday, November 2, 2003 at the Salute 2003 Ceremony at Munster High School in Munster, Indiana.

Raymond Fary joined the United States Army at Fort Benjamin Harrison on March 23, 1943. Raymond quickly earned his glider badge and participated in the Rhineland, Central Europe, Normandy, and Ardennes campaigns as a Glider Trooper with the 82nd Airborne. He earned many prestigious honors throughout his career including the American Theater Ribbon, Holland and Belgium Fourragere, as well as the Victory Medal, just to name a few.

Donald Erwin entered into the United States Army on October 23, 1942 at Camp Atterbury in Indianapolis, Indiana. During his campaigns in New Guinea, Leyte, and the Philippines, Donald served with Company C of the 19th Infantry Division. During his time of service, Donald received the Purple Heart, the Asiatic Pacific Theater Ribbon with two Battle Stars, the Philippine Liberation Ribbon with one Bronze Star, the Good Conduct Medal, as well as many other honorable medals.

Albert Fehlberg, on December 1, 1942 also joined the United States Army at Camp Atterbury in Indianapolis, Indiana. Albert's three major campaigns were in North Africa, Salerno-Cassino, and Rome, Italy. Due to his extensive understanding of the German language, he was advanced into the 143rd Infantry. He received the Purple Heart with Four Oak Leaf Clusters, after being wounded five different times during his 15 months in combat. Among his many prestigious awards for his service were the EAME Theater Ribbon and the Bronze Star Medal.

Adalbert Wszolek entered into active service on June 9, 1941 in Chicago, Illinois as the bottom ball turret gunner on a B–17 Bomber for the United States Army Air Force. While on his 4th mission in Germany, Adalbert was seriously wounded on June 21, 1944 but continued to fire upon the enemy. His valiant and selfless efforts inspired his crew to join together to return their damaged aircraft to safety. Adalbert received many awards for his bravery and courage including the Good Conduct Medal, Purple Heart Medal, Air Medal, Silver Star Medal, and countless others.

Ernie Latta joined the United States Army at Fort Benjamin Harrison in Indianapolis, Indiana on October 2, 1940. He was first stationed at Scoffield Barracks in Hawaii during the attack on Pearl Harbor. He was awarded the Silver Star for his brave rescue of one of his comrades as they were heavily under fire. Sergeant Latta received the Asian Pacific Theater Ribbon with three Bronze Stars, the American Defense Service Medal, Good Conduct Ribbon, along with many other awards for his courage.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and thanking these five brave men, as well as all the former and current members of the United States military for their courageous and selfless dedication to the American people. These men have put their own lives in danger to protect our way of life, and for that they should be applauded and revered.

COMMENDING DR. BELLE WEI

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. WU. Mr. Speaker, I rise today to commend the achievements of Professor Belle W.Y. Wei, who recently became Dean of the College of Engineering at San Jose State University. Dr. Wei, the first Asian American woman to be named Dean at SJSU's College of Engineering, is one of fewer than twenty female deans in 345 engineering schools nationwide and the only Asian American woman to head an engineering college in the United States.

Dr. Wei was born and raised in Taiwan. After immigrating to the United States with her family as a teenager, she earned an undergraduate degree in biophysics at UC-Berkeley in 1977 and a Master's degree in applied physics at Harvard in 1980. In 1987, Dr. Wei completed her Doctorate in electrical engineering and computer science at UC-Berkeley and joined the faculty at San Jose State University.

As Interim Dean since 2002, Dr. Wei successfully managed the College of Engineering's students and faculty while raising critical funds to support faculty development and student scholarships. She also established strategic collaborations with industry, alumni, government agencies, and other educational institutions. Dr. Wei's energy and dedication to excellence have earned her the respect and admiration of her peers and awards in leadership and research excellence. These accomplishments made her an ideal candidate for the position of Dean.

During her first full term as Dean of the College of Engineering, Dr. Wei plans to implement a more extensive program of outreach education to high school students, and hopes to encourage women and underrepresented minority populations to enroll in the engineering program.

I commend Dr. Belle Wei for her achievements, and I am certain my colleagues will join me in wishing her continued success.

TRIBUTE TO RICHARD C. SCHUTT, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING (AAHSA)

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today to pay special tribute to Richard Schutt, who for the last two years has chaired the board of Directors of the American Association of Homes and Services for the Aging (AAHSA). The association represents 5,600 mission-driven, not-for-profit nursing homes, continuing care retirement communities, assisted living and senior housing facilities, and community service organizations which are committed to advancing the vision of healthy, affordable, ethical long-term care for America. Every day, AAHSA's members serve more than one million older persons across the country.

Mr. Schutt has been a member of AAHSA for many years, and has served in a number of leadership capacities. On October 28, at AAHSA's 42nd Annual Meeting and Exposition in Denver, Mr. Schutt will complete his term as the organization's chair, having served as its top elected leader since 2001. Prior to that, he served with distinction on the association's House of Delegates and as the chair of AAHSA's public policy committee. Mr. Schutt also previously chaired Life Services Network of Illinois, AAHSA's State association partner in my State, and the Health Resources Alliance, a group of 19 long-term care facilities serving more than 7,000 clients in the Chicago area.

Under Mr. Schutt's leadership, AAHSA has developed the Quality First Initiative, a comprehensive approach to achieving true excellence in the quality of care across the continuum of aging services. The goals for Quality First are continued improvements in compliance scores under federal regulations, progress in promoting fiscal integrity, demonstrable improvements in clinical outcomes, better measurement of quality, high scores on consumer satisfaction surveys, and higher employee retention rates and reduction in turnover. Over 1,000 AAHSA members have signed a covenant committing their facilities to working toward these goals.

Although Mr. Schutt is stepping down from the chairmanship of AAHSA, he will return to Illinois 13th Congressional District to continue his work in Lockport as executive director of Rest Haven Christian Services, a group of long-term care facilities that provide an array of independent living, assisted living and skilled nursing services. He also presides over Providence Management Company, which owns a home health agency and manages long-term care facilities in Illinois, Indiana and Michigan.

Mr. Speaker, I ask that my colleagues join me in recognizing Richard Schutt for his distinguished record of service to older Americans in my district, in the State of Illinois, and across the nation.

HONORING ERNEST BORGNINE AS HE HOSTS "A DAY WITH ERNEST BORGNINE"

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the community of Hamden, Connecticut in welcoming one of their true community treasures and one of America's most adored actors—Ernest Borgnine. Today, this star of stage, screen, and televison will spend the day meeting and greeting friends and fans from around Connecticut to benefit the Hamden Arts Commission's Arts & Culture fund which provides funding for local movie and theater projects.

Perhaps best known for his portrayal of Lieutenant Commander McHale in the popular television series McHale's Navy, Mr. Borgnine has enjoyed an acting career that has spanned half a century. Born in Hamden, Mr. Borgnine grew up in my hometown of New Haven, Connecticut and soon after graduating from high school entered the Navy where he served our country for ten years. Returning home, he took the advice of his mother and enrolled in the Randall School of Drama in Hartford. Debuting on Broadway in the play "Harvey," Ernest Borgnine soon became a household name across America.

Awarded with Oscar, Emmy and Golden Globe awards, Mr. Borgnine's talent is acclaimed both here and abroad. The sincerity and honesty that he brings to each of his roles has made him one of the most beloved actors of our time. The joy that Mr. Borgnine has brought through his professional credits is only surpassed by the generosity he has demonstrated through his work with charity. Today's benefit is but a reflection of his tireless efforts to make a difference in the lives of others. His compassion and advocacy are unparalleled and we are certainly fortunate to have such a tremendous individual whose dedication touches the lives of so many.

For his lifetime of contributions and in recognition of all of his good work, I am proud to stand and join the many who have gathered today in extending a warm welcome and my sincere thanks to Ernest Borgnine as he visits his home community of Hamden. His is a legacy that will continue to inspire generations to come—a true living treasure.

IN HONOR OF SGT DAVID HUBERT'S BIRTHDAY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise in honor of the 22nd birthday of SGT David Hubert of Shirley, NY, which fell this past Sunday, October 26. Sergeant Hubert is a proud soldier in the Army's 101st Airborne Division, now serving in Iraq.

Hubert is a lifelong resident of my congressional district. He graduated from William Floyd High School in June 2000, and reported to basic training the following month. After 2 years of service assigned to the Army's 1st Armored Division in Germany, Sergeant Hubert earned a spot in the prestigious 101st Airborne Division in December of 2002. While assigned to Fort Campbell, Sergeant Hubert expanded his training to expertise in field emergency medical treatment.

On February 26, 2003, Sergeant Hubert and his unit were deployed to Kuwait. On March 21, 2003, Sergeant Hubert's division was one of the first to enter Iraq. Sergeant Hubert and his division braved the windstorms and heat of the Iraqi desert, along with frequent enemy assaults, while advancing steadily toward Baghdad. The 101st Airborne took control of the Baghdad Airport and helped in the swift conquest of Baghdad. Since then, Sergeant Hubert and his division have guarded and protected the Syrian border and surrounding towns, to ensure against infiltration by terrorist groups.

Mr. Speaker, many soldiers might long to return home from a grueling tour overseas in time to celebrate their birthday. Sergeant Hubert recently learned that he would be deployed until after the New Year. His response? He would rather spend his birthday where his fellow soldiers—and his country—need him most.

Sergeant Hubert's sacrifice and selfless dedication to his country represent the best America has to offer. I wish him a happy birthday and a safe return home, when his duty in Iraq comes to an end.

REGARDING THE RECENT SPEECH OF TURKEY'S DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS ABDULLAH GÜL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. HASTINGS of Florida. Mr. Speaker, there has been much reaction, and justly so, to the virulently anti-Semitic remarks of outgoing Malaysian Prime Minister Mahatir at the recent Organization of the Islamic Conference (OIC) Summit in Malaysia. His remarks, crude, insensitive, and untrue, have been roundly condemned by many world leaders—though certainly not enough who were at the OIC Conference. Unfortunately, the publicity over his remarks has overshadowed another speech by a Muslim leader, Turkey's Deputy Prime Minister and Minister of Foreign Affairs Abdullah Gül. That speech is more tolerant and farsighted. It speaks well of Turkey's current government and the policies it seeks to enact. Foreign Minister Gül argues that Islam, tolerance, and modernization are compatible, and highlights the Turkish experience. I believe the speech is well worth our colleagues reading, and I am pleased to bring it to their attention.

SPEECH BY HIS EXCELLENCY ABDULLAH GÜL, DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF TURKEY, DELIVERED AT THE OIC BUSINESS FORUM DURING THE 10TH SUMMIT OF THE OIC MALAYSIA, 15 OCTOBER 2003

Excellencies, distinguished guests, it is a particular honor and privilege to take part in this Welcoming Dinner among such a distinguished group of guests and speakers.

I would like to express my gratitude and appreciation to the Asian Strategy and Leadership Institute for this well-thought occasion to discuss such a topical subject.

Tonight I will briefly share with you Turkey's understanding and practice of the relationship between Islam and Modernization, and the challenge we face as Muslim societies.

Let me start by challenging the choice of a word in the title of our dinner; "Islam versus Modernization". I would decline to see Islam and modernization as competing concepts.

The Turkish experience and many other efforts in the Muslim world in political, economic and social development rest on the belief that it is perfectly possible to advance a society in all fields while Islamic faith and culture continues to play an important role in people's individual lives.

Our challenge is to prove that traditional and moral values can be in perfect harmony with the modern standards of life.

Not only that. Our values can contribute to and strengthen the modern world. They can even be enriching for modern societies.

Excellencies, distinguished guests, I acknowledge that the contemporary Muslim societies, at times, have had temporary difficulties in coping with the universal developments in the fields of politics, economics, science and technology.

Yes, they have not always attained the highest standards of democracy, equality, or social rights yet.

However, the good news is that there is a growing awareness of the shortcomings and a desire to overcome them.

There are even positive steps in this direction. Today's meeting is an example of this healthy debate. These are all important indications.

I am confident that the new generations of Muslims, the youth, have the consciousness and the capacity to attain a glorious future which will surpass their history.

Their history as cultivated, tolerant, developed and good governed people.

Peoples which have developed sophisticated legal systems, free trade networks, health institutions and schools.

Excellencies, distinguished guests, leaving aside the theoretical discussions on the issue, I would like to take this opportunity to brief you on our own experience. Our experience as a government, less than one year old.

To many people, it seemed like a paradox: A government that was formed by a party known to be based on moral and traditional values was implementing a most spectacular economic and political reform campaign in Turkey; reforms that even astonished the liberals at home.

There was nothing to be surprised about. We had put in front of us a mission to accomplish: We were to prove that a Muslim society is capable of changing and renovating itself, attaining contemporary standards, while preserving its values, traditions and identity.

We acted on the premise that highest contemporary standards of democracy—fundamental freedoms, gender equality, free markets, civil society, transparency, good governance, rule of law and rational use of resources were universal expectations. We believed that Turkish people and other Muslim nations fully deserved to have these expectations met.

We believed that our societies could only benefit from the realization of these standards. And indeed, Muslim societies have the necessary historical background and moral and spiritual strength to adapt themselves to modernity.

We believed that encouraging political participation, increasing transparency and accountability would make regimes stronger in the long run. The result would be self-confident and cohesive societies which have an interest in peace and harmony.

Our strength came from being eye to eye with our people. The big support we got during and after the elections showed our strong ties with our grassroots. Our experience has differed from the others by not relying only on the elites.

We began our reform from the very day we formed the government: We decreased the number of ministries from 35 to 23, thus making the administration more streamlined and efficient.

This was followed by a Public Administration Reform project aimed at the decentralization of most public services. This would give the Central Government more time and space to tackle the global issues while at the same time speeding up the delivery of the services.

The Penal Code, the Civil Code and the Press Law are all being further modernized.

During the eight-month times Turkish Parliament adopted there major political reforms packages. These were related to the process initiated by the previous governments to upgrade the Turkish legislation on fundamental rights and freedoms in conformity with Europe.

Through the reforms and other measures, my Government achieved the following:

Fundamental rights and freedom were extended to the most liberal standards. Some residual restrictions were removed.

Additional facilities were provided for the fulfillment of cultural and religious rights.

The principle of zero tolerance to mistreatment and torture became the basis of the relevant laws and their implementation.

The civilian nature of the administration was consolidated in keeping with the European standards.

We became party to international conventions against corruption.

Full transparency of public expenses, including the military, was secured.

Capital punishment was formally abolished. This decision was further consolidated by the ratification of the relevant Conventions.

Economic reforms complemented the political ones. Priority was given to the rational and effective use of our resources.

Having told all these, I do not mean that everything is perfect in Turkey. I believe that social and political development is a dynamic process. It can always be improved, bettered, deepened.

The important thing is to give the societies the possibilities and instruments to renew themselves.

The important thing is not to ignore the social expectations and sensitivities.

On the other hand, we know that there is no single or a simple formula to achieve this goal. We need to act in recognition of our peculiarities and different historical experiences.

Yet, as Muslim societies we share a common core that is rich and beneficial. This core is fully compatible with what we see as universal values.

These values are "universal" because no one can claim monopoly over humanistic values that are the common inheritance of civilization. Islam has made highly significant contributions to this common civilization.

Finally, I would like to reiterate my belief that the maladies of the Muslim societies can be cured. Shortcomings can be overcome. Institutions can be reformed.

However, the problems that inflict some of the Western societies, like racism, xenophobia, anti-Semitism, materialism, violence, drugs, etc. seem to me most difficult to cure. This is another important challenge that should be tackled by all. May be as a theme of another meeting like this one.

Thank you.

COMMANDANT OF THE COAST GUARD ADVICE RECOMMENDATIONS ACTS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. JONES of North Carolina. Mr. Speaker, the U.S. Coast Guard is our Nation's fifth military service. Since their founding in 1790 as the Revenue Cutter Service, the USCG has served our Nation in peace and war. The Coast Guard fought pirates off the coast of Virginia in 1793, engaged British Warships in the War of 1812, piloted ships ashore during the D-day invasion, and deployed 8,000 personnel to Southeast Asia during Vietnam. Most recently during Operation Iraqi Freedom, more than 1,250 Coasties deployed to the Persian Gulf to protect sea-lanes, guard ports, and clear mines for Coalition ships.

The Commandant of the Coast Guard, like his Department of Defense counterparts, is the fourstar senior military officer responsible for providing advice to the Secretary of Homeland Security and the President on matters under his jurisdiction. Also like the other service chiefs, the Commandant of the Coast Guard is called to testify before Congress on the operation of that service. However, despite the similarities in service and sacrifice, that is one area where the Commandant of the Coast Guard is distinct from his peers.

Current law allows that the chiefs of the other services; Army, Navy, Marine Corps, and Air Force, may provide personal considerations to members of Congress if requested to do so (10 U.S.C. 151(f)); however, the Coast Guard Commandant does not have this privilege. The advice received from the other service chiefs has been invaluable in ensuring that Congress provides the proper resources and legislative support. At a time when the Coast Guard is engaged a wide range of military operations abroad and homeland defense missions at home, that advice is even more important.

It is for that reason, that I am introducing this simple legislation. The bill, first brought to my attention by the Fleet Reserve Association, would. give the Commandant of the Coast Guard the authority to make such recommendations to Congress relating to the Coast Guard as the Commandant considers appropriate. It does not mandate unsolicited recommendations, nor dictate the nature of those recommendations. Instead it simply provides the Commandant of the Coast Guard the same authority provided to the heads of the Army, Navy, Marine Corps, and Air Force. I would encourage my colleagues to join me in supporting this legislation to ensure that the Coast Guard remains true to its motto—Semper Paratus—or Always Ready.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GALLEGLY. Mr. Speaker, on Monday, October 20, I was unable to vote on H. Res. 356, expressing the sense of the House of Representatives regarding the man-made famine that occurred in the Ukraine in 1932–33 (rollcall 563); H. Res. 400, honoring the 25th anniversary of Pope John Paul II's ascension to the papacy (rollcall 564); and H.R. 3288, to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State (rollcall 565). Had I been present, I would have voted "yes" on all three measures.

APPROPRIATE APPROACH TO NORTH KOREA ENTAILS MULTILATERAL APPROACH, AVOIDING CYCLE OF EXTORTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues two editorials on North Korea.

First, this Member hopes his colleagues will review the October 20, 2003, editorial from the New York Times in which the newspaper finally is willing to call the acts in which North Korea has been engaged "blackmail." Indeed, for many years, this term has accurately described the conduct of the previous Kim Il Sung regime and now the Kim Jong Il regime.

An agreement by the United States, Russia, China, South Korea, and Japan that there would be no attack on North Korea "in exchange for its commitment to dismantle its nuclear weapons programs" is a sufficient quid pro quo as long as North Korea's acceptance of this proposed agreement is not tied to economic aid. This Member feels very strongly that the United States cannot fall into a cycle of extortion again.

Second, this Member commends the editorial which was published in the October 21, 2003, Los Angeles Times. As the editorial correctly notes, North Korea poses a regional threat and therefore its neighbors—China, Russia, South Korea, and Japan—must be included in all efforts to craft and verify agreements whereby North Korea will dismantle its nuclear weapons program.

[From the New York Times, Oct. 21, 2003]

TRYING DIPLOMACY ON NORTH KOREA

President Bush is now taking a wiser and more sophisticated approach to the crisis caused by North Korea's reckless pursuit of nuclear weapons. In a proposal whose details are still being refined, Washington and four other nations would guarantee not to attack the North in exchange for its commitment to dismantle its nuclear weapons program.

This proposal makes an eventual peaceful, diplomatic solution to this extremely dangerous problem somewhat more likely. Just how likely is impossible to tell because there is no assurance that North Korea's highly unpredictable leaders will agree to disarm. If the North does spurn this reasonable offer, Washington will find it easier to persuade Asian nations to support more coercive steps, like international economic sanctions.

North Korea's nuclear programs are particularly alarming because the nation has a long history of selling advanced weapons to all who will pay for them, including other rogue states and perhaps terrorists. Yet in the past year, as the North has raced ahead with reprocessing plutonium into bomb fuel, Washington has handicapped its own efforts to achieve a diplomatic solution by refusing to specify what America would be willing to do if the North firmly committed to giving up its nuclear weapons ambitions in ways outsiders could reliably verify.

The White House had insisted that specifying any such quid pro quo would be giving in to North Korean nuclear blackmail. Blackmail is a fair description of North Korea's behavior. But in a situation in which everyone agrees that military action against the North would have catastrophic consequences for hundreds of thousands of innocent South Koreans and Japanese, Washington's principled stand poorly served American interests.

With this proposal, Mr. Bush is now making a serious effort to revive negotiations and is personally seeking the support of his fellow leaders at the Asia-Pacific summit meeting in Bangkok. All four of the nations that would join Washington in the proposed security guarantee—China, Japan, Russia and South Korea—are represented there. Washington's new approach deserves strong support from each of them.

In offering security guarantees to the North, Mr. Bush wisely overruled hawkish administration officials who preferred moving directly toward coercive economic and military steps. This initiative comes less than a week after the administration's skilled diplomacy won unanimous backing for a United Nations Security Council resolution on Iraq that broadly endorsed Washington's policies there. Diplomacy is an important tool for advancing America's national security. It is good to see it.

[From the Los Angeles Times, Oct. 21, 2003]

CORRECT NUCLEAR STRATEGY

President Bush's announced willingness to take part in a joint guarantee not to attack North Korea is an important maneuver in getting Pyongyang to end its nuclear weapons program. Even if Kim Jong Il's regime refuses to accept anything short of a full-fledged treaty, Bush's more conciliatory approach should win needed diplomatic support from China and South Korea.

Bush took advantage of the Asia Pacific Economic Cooperation summit in Bangkok to discuss North Korea's nuclear ambitions with Presidents Hu Jintao of China and Roh Moo Hyun of South Korea. In August, both countries joined the U.S., Japan and Russia to present a united front, urging North Korea to end its atomic weapons development. The U.S. is correct to enlist the assistance of North Korea's neighbors; nuclear proliferation is a regional threat, not an issue of concern only to Pyongyang and Washington.

When North Korea resisted further talks, China and South Korea urged Washington to try to woo the North back to the table by providing written, not just oral, assurance that it would not attack. Bush offered to take that extra step, although he correctly ruled out a formal treaty. Pyongyang's refusal to abide by its 1994 agreement with the U.S. to freeze its nuclear weapons program in exchange for energy supplies and economic aid raises doubts it would live up to a treaty. North Korea first should be required to show international inspectors that it is not reprocessing plutonium and enriching uranium.

One administration official said the U.S. was willing to sign an agreement saying it had no "hostile intent" if North Korea demonstrated that it was making "verifiable progress" in dismantling its weapons program. That's an important change from administration insistence that Pyongyang end the program before getting any economic help. The North considered such an ultimatum unacceptable, but it might end the program in stages if it saw rewards at each step.

North Korea withdrew from the Nuclear Nonproliferation Treaty last year and keeps saying it is reprocessing plutonium from 8,000 fuel rods. That may be bluff and bluster, but if true it would produce enough fuel for perhaps 20 nuclear weapons. Monday, it fired a conventional missile into the Sea of Japan in a test timed to coincide with the Bangkok summit, though not with Bush's initiative. Pyongyang has sold missiles to other nations; because it is desperately poor and periodically racked by famine, there is no reason to believe it would refrain from selling weapons-grade nuclear material.

China provides most of North Korea's food and oil supplies and has been instrumental in arranging six-nation talks. It should point to Washington's flexibility as it pressures North Korea to resume talks and give up nuclear weapons in exchange for security and aid.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GALLEGLY. Mr. Speaker, on Tuesday, October 21, I was unable to vote on H. Res. 407, the Rule to provide for consideration of H.J. Res. 73 (rollcall vote 566). Had I been present, I would have voted "yes." I was also unable to vote on an Obey motion to instruct conferees on H.R. 3289 (rollcall 567). Had I been present, I would have voted "no." Further, I was unable to vote on final passage of H.J. Res. 73, making further continuing appropriations for FY04 (rollcall 568). Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on July 14, 2003 and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture Appropriations bill which would require that the USDA expend no funds to approve meat from downed animals— animals that are too sick to walk or stand—for food. I would like the RECORD to show that had I been present, I would have voted "yea."

IN RECOGNITION OF THE FAMILY SERVICE AGENCY OF BURBANK'S 50TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate The Family Service Agency of Burbank for its 50 years of dedicated service to the Burbank community.

The Family Service Agency of Burbank was established as a non-profit, community based organization in 1953 to provide counseling and educational services for children and their families. These services are extremely pertinent to the health and well being of the community as a whole. The agency's exceptional support system is comprised of generous individuals, small businesses, corporations, the United Way, service clubs, community foundations, and the city of Burbank itself.

Since its creation, Burbank's leading citizens have faithfully served on the agency's board of directors to assure professional services be available. All these services are affordable and genuinely attempt to meet the needs of the Burbank community. Currently, individual and group counseling, specialized youth services, parenting classes, and anger management resources for victims of domestic violence and their families have been incorporated. The Family Service Agency of Burbank has successfully collaborated with the Burbank Unified School District, the faith community, and the City of Burbank to deliver life-changing services to those in dire need of them. Their determination and innumerable achievements have provided the residents of the City of Burbank with a valuable resource to address common societal problems.

I ask all Members of Congress to join me today in congratulating the Family Service Agency of Burbank for 50 years of unwavering service to the Burbank community.

EMPLOYMENT DOWNFALL IN OHIO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to call attention to the dramatic downfall in Ohio employment since this current administration took office in January of 2001. This downfall is being felt by middle-class workers throughout Cleveland, throughout Ohio and throughout our Nation.

In January of 2001, the Bureau of Labor Statistics reported that Cleveland benefited from 1,147,700 jobs. By January 2003, that number plunged by 55,000 jobs. After two additional years of fiscally reckless policies from this administration, current preliminary estimates state less than 1,113,100 jobs now exist in the City of Cleveland.

In September of 2001, Cleveland had 183,100 manufacturing jobs. The current number of manufacturing jobs has dipped to 165,700. The amount of job losses in manufacturing for the State of Ohio since August 2001 now total 86,700.

A great many of these unemployed manufacturing employees are dependent on benefits provided under the Temporary Extended Unemployment Compensation program. The total number of unemployed workers in Ohio who have exhausted these benefits amounts to 126,000.

Ohioans must have the means necessary to aid them through these troubling economic times. I would urge this administration to focus on initiatives to boost employment—not just tax cuts.

Ohioans deserve a resolution to this unemployment spell. The facts show that too many are still out of work. Ohioans deserve to know why.

IN HONOR OF COLONEL JACK JACOBS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Colonel Jack Jacobs for his years service and dedication to his country. Colonel Jacobs will be honored by the Jewish War Veterans of the United States at the Testimonial Dinner on Thursday, October 30, 2003, at the Newark Liberty Airport Wyndham in Elizabeth, New Jersey.

Colonel Jack Jacobs is a veteran of the Vietnam War, serving two tours of duty courageously. His heroism is exemplified by his numerous commendations, including two Purple Heart Medals, three Bronze Stars, two Silver Stars, and the Medal of Honor, the United States highest combat decoration. Colonel Jacobs risked his life and overcame personal injury to save the lives of 13 allied soldiers and one United States advisor. Colonel Jacobs retired from the United States Army in 1987.

Colonel Jack Jacobs serves on several boards of directors on numerous companies, and is the secretary of the Board of Directors for the Congressional Medal of Honor Foundation. Colonel Jacobs is a regular fixture on CNBC and MSNBC as a military and foreign affairs analyst.

Colonel Jack Jacobs received his bachelor's degree from Rutgers University. During his military service, Colonel Jacobs served as a faculty member at the United States Military Academy at West Point, New York, and the National War College in Washington, DC.

Today, I ask my colleagues to join me in honoring Colonel Jack Jacobs for his outstanding leadership and courage, his 21 years of military service, and his commitment to his fellow man.

THE FEDERAL EMPLOYEE STUDENT LOAN ASSISTANCE ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. EHLERS. Mr. Speaker, this legislation ensures the federal government's deep commitment to a highly-trained and diverse workforce. But we should go even further. In order to best maximize federal government resources, we should consider allowing competition within other aspects of the student loan program, including consolidation loans.

In order to ensure that we instill such competition, we should safeguard and improve existing loan consolidation opportunities. The 1998 reauthorization of the Higher Education Act has allowed Federal Family Education Loan (FFEL) student loan borrowers who hold loans from more than one underlying lender to select from those lenders when consolidating their loans. This change has enabled many recent college graduates to refinance their loans at a lower fixed-interest rate. However, student loan borrowers who hold loans through a single lender must consolidate loans through their current lender. This rule, known as the "Single Holder Rule," fosters a situation analogous to requiring homeowners to refinance their mortgages only through their current mortgage holders. We should consider repealing the single holder rule during the reauthorization of the Higher Education Act.

As we progress through this reauthorization, I am hopeful that we will preserve the existing loan consolidation provisions and also improve this important program. Allowing competition in loan consolidation encourages student loan borrowers to consolidate their loans and to further reduce their debt burden by taking advantage of historically-low, fixed-interest rates, just as other borrowers are able to do every day.

HONORING MICHAEL BERRY ON THE DEDICATION OF THE MICHAEL BERRY AMPHITHEATER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute and to honor my dear friend, Michael Berry on the occasion of the dedication of the Michael Berry Amphitheater at Henry Ford Community College in Dearborn, Michigan.

The son of Lebanese immigrants, Michael Berry came of age in Depression Era South Dearborn. Transcending life's circumstances, Mr. Berry graduated in Fordson Junior College's (now Henry Ford Community College) inaugural class of 1940. He went on to earn a Bachelor's degree and ultimately a Juris Doctorate, becoming the first Muslim attorney in the state of Michigan in 1949.

With his law degree in hand, Mr. Berry embarked on a distinguished career in law, government and public service that continues to this day. Among his many significant accomplishments, Michael Berry served twenty years as the legal counsel to the United Auto Workers Local 600 (the UAW Local born out of the Hunger March and Battle of the Overpass, and which, at its zenith had more than 100,000 members and retirees).

Mr. Berry was also a longtime member of the Wayne County Road Commission, serving as Chairman for a period of ten years. During his tenure as Chairman, Michael Berry oversaw the completion of numerous infrastructure projects, not the least of which were substantial improvements to Detroit-Wayne County's Metropolitan Airport. Mr. Berry's contributions in this regard positioned the airport to become the national and international hub that it is today and resulted in the dedication of the Michael Berry International Terminal in 1974.

Given Mr. Berry's personal and professional accomplishments, you can understand why I consider myself extremely fortunate to have him as a close personal friend and to have benefited from his advice and insight over the years. I worked especially closely with Mr. Berry during the eight years he served as Chairman of the 16th District Democratic Party—a time that I recall fondly as being a particularly constructive and productive one.

The privilege of knowing people who are as decent and accomplished as Michael Berry is an aspect of public service that I enjoy greatly. The "Michael Berry Amphitheater" will inspire students for generations to pursue their full potential and ambitions. Mr. Speaker, I ask that all of my colleagues join me in recognizing the lifetime achievements of Michael Berry, one of Dearborn's native sons.

TRIBUTE TO EAGLE VALLEY ALLIANCE FOR SUSTAINABILITY AND THE "GREEN STAR" PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the Eagle Valley Alliance for Sustainability for bringing the "Green Star" program to Vail, Colorado, and Eagle County.

In an effort to educate and encourage local residents and businesses to develop environmentally sound practices, the Green Star program is improving air and water quality, reducing energy use and waste streams and providing environmental benefits to area communities. Vail's Green Star Chapter is the tenth program initiated nationwide and the first of its kind in Colorado. It is this progressive environmental leadership that I wish to highlight today.

On October 7, The Alliance was honored by the Colorado Department of Public Health and Environment with its Environmental Achievement Award through the Environmental Leadership Program.

Founded in 1990, the Alaska-based Green Star Program encourages business owners and private residents to reduce waste, conserve energy and prevent pollution.

Through education, technical assistance and a nationally recognized award program, Green Star helps citizens become more environmentally sensitive without jeopardizing their budgets. Green Star standards demonstrate that waste reduction is not only environmentally responsible, but can also save money and help businesses attract customers.

Green Star Awards are given when organizations meet at least 12 of the 18 standards. Awards are given for general waste reduction, air quality improvement and reduction of air pollution. Businesses participate by educating employees, improving purchasing methods, controlling litter, reducing toxic usage, promoting water conservation and monitoring utility usage.

The Air Quality Award is Green Star's newest award, unveiled in 1999, focusing on outdoor air quality improvement activities. The standard encourages the reduction of air emissions through technical improvements, behavioral changes, and outreach and education activities. Through the improvement of equipment, better vehicle maintenance, supporting alternative transportation modes and education, air standards improve for all residents in a community.

Schools can also participate in the Green Star program. Through education on pollution prevention, recycling, composting, energy efficiency, and waste reduction and prevention, students can promote programs that protect our environment. Free trainings, workshops, and onsite consultations from Green Star experts help schools set standards in their area.

Events can earn Green Star recognition by reducing waste and recycling. With a goal of reducing the overall waste stream, efficiency is increased and a wide range of materials can be recycled. Green Star loans free bins for the length of events, encouraging reuse of cans, bottles, cardboard and paper.

Green Star's eco-friendly program was launched in the town of Vail, Eagle County and in partnership with the Environmental Committee for the Vail '99 World Championships in 1998.

Eagle County residents are actively working to have their residences certified as Green Star homes. Through a $2.50 monthly purchase of wind power, homeowners can keep thousands of pounds of pollutants from entering the atmosphere each year.

As Colorado works to preserve and protect its pristine mountain ranges, treasured forests and spectacular wilderness areas, we applaud the residents of Vail and Eagle County for setting the standard in environmental education and conservation. I have enclosed an article from the Vail Daily newspaper about this effort.

[From the Vail Daily, Oct. 18, 2003]

Local Environmental Green Star Program Recognized by State

(By Matt Zalaznick)

Patsy Batchelder says making your home environmentally friendly isn't very hard at all—you can recycle (just about anything), buy some wind power and not drive as often, among other things.

Batchelder's home in Vail's Potato Patch neighborhood has been certified by a local conservation group as one of the most environmentally friendly homes in the valley. And those certifications, called the "Green Star" program, have now been recognized by the state health department.

"I think it's something any household can achieve easily," Batchelder says. "I would definitely like to encourage others to do it."

The "Green Star" program is spearheaded by the Eagle Valley Alliance for Sustainability, which has been awarded an Environmental Achievement Award by Colorado Department of Public Health and Environment's Environmental Leadership Program. The organization received the award at a ceremony Oct. 7 at the Denver Museum of Nature and Science.

"Every year, I look forward to learning about these exciting and innovative projects undertaken by businesses and organizations throughout Colorado," said Douglas Benevento, executive director of the Health Department. "It is a privilege to recognize them for their commitment to business practices that improve air and water quality, reduce energy use and waste streams, and provide benefit for dozens of communities."

The local Green Star program is a points-based program that encourages Eagle County homeowners to reduce waste and improve energy efficiency at home on a points basis, says Adam Palmer, of the Eagle Valley Alliance for Sustainability.

Enrollees must meet 12 of 17 requirements and they receive technical assistance, an energy audit, a video tape of a walkthrough with an infra-red camera that pinpoints heat loss areas in the home, a certificate and decals for a $50 enrollment fee. The goal of the program is for homeowners to become more aware of the how their homes and lifestyles affect environment—and also save money, Palmer says.

"In the households we've certified so far, we've found some unexpected sources of energy loss," Palmer says. "It provides a foundation on which to guide future conservation actions, rather than wasting time and money on something that may not provide a significant return."

Matt Scherr, who owns a home in Minturn, says he joined the program because he was frequently angered by the lax environmental policies of governments and large businesses.

"I first have to commit myself to things I'm wanting from others," says Scherr, whose home is going through the certification process.

The Green Star program runs the gamut from installing better insulation and windows to re-using plastic bags.

"We're avid Ziploc bag washers," Scherr says. "We also re-use plastic water bottles. I bought a case and have been using the bottles for the last year."

Scherr says he is installing additional insulation in his attic and putting in double-paned windows. He also closes off rooms he doesn't use very often and only turns on heat in those rooms when he is going to use them.

One of the Green Star program requirements is that the home gets part of its energy needs from renewable sources. Residents can take part in the Wind Power Pioneers program available from Holy Cross Energy to meet the requirement, Palmer says.

"For as little as $2.50 per month, you can get part of your energy from the wind and keep thousands of pounds of pollution out of the air each year," says Palmer.

Eagle resident John Gitchell, who is a member of the Eagle Valley Alliance for Sustainability's board, is also getting his home Green Star certified.

"The practical piece of it is we're going to improve our energy efficiency this year," Gitchell says. "But this is kind of a lifestyle audit in a way."

The Green Star program also measures how much a family drives and flies, what conservations call an "ecological footprint."

"Both my wife and I work and live in the same town, so we got some points for points for that," Gitchell says.

A TRIBUTE IN HONOR OF SPC. DONALD LAVERNE WHEELER, JR. OF CONCORD, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor a soldier from my neighborhood who was killed in Iraq. He was at his core a true American patriot. Spc. Donald Laverne Wheeler, Jr., DJ, as he was known to his friends, made the ultimate sacrifice for this country at age 22 years.

DJ was killed in Tikrit, Iraq on October 13, 2003 when his armored vehicle, on which he was the gunner, was attacked with a rocket-propelled grenade. Wheeler was searching for a possible improvised explosive device when his unit came under attack.

DJ joined the Army in November 2001, just after the 9/11 attacks, and said he wanted to fight against the evil. He felt it was his duty as an American. He was assigned to the U.S. Army's A Company, 1st Battalion, 22nd Infantry Regiment, 4th Infantry Division, Fort Hood, TX, and was sent to Iraq in March 2003.

His family has a history of military service. He is named after his uncle killed in the Korean War. His grandfather, one of his inspirations, was a World War II veteran.

DJ graduated from Lumen Christi High School in Jackson in 1999 where he was an offensive lineman on the team that made the regional finals. His coach described him as a good, solid, hardworking kid. More than this, however, DJ's spirit would fill any room he was in. He was nicknamed "Sunshine" by one of sergeants because he towered over his friends and was always smiling. Those who knew him recalled his sense of humor, his ability to make you laugh, and his generous spirit. While in Iraq he frequently wrote home asking for dollar bills and candy to hand out to Iraqi children.

What is so admirable about this individual is his dedication and the support from his family in Concord, MI. They deserve to be honored as much as he. DJ's parents, Donald and Mary Catherine Wheeler, fully support the actions in Iraq and the President. Even when tragedy touched their own lives and the lives of DJ's three sisters and eight brothers, this family calls on us to finish the work in Iraq that DJ helped begin.

Words cannot express the gratitude of a country. I honor this man today, and his family, for the great irreplaceable gift they have given our country, our ideals and our freedom.

HONORING ZION MISSIONARY BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today to bring to your attention that on September 19, 2003 the Zion Missionary Baptist Church of Saginaw, MI, celebrated their 135th year of praising and serving the Lord. The Church commemorated this milestone with a series of festivities, which included an old fashion worship service and play depicting the Church's history. The Church will conclude the celebration in December with a musical and All States Day.

Psalms 48:1–2 states "Great is the Lord, and greatly to be praised in the city of our God, in his holy mountain. Beautiful in elevation, the joy of the whole earth, is Mount Zion on the sides of the north, the city of the great King." Zion Missionary Baptist Church was organized in 1868 with a membership of fifty. The Church family has grown considerably over the last 135 years. They have been blessed with eight different pastors, each one expressing a desire to see the church grow spiritually and physically. The most noted of these leaders is Reverend Roosevelt Austin, Sr., he became pastor in 1956, at a time when the Church was experiencing financial difficulty. Through prayer and perseverance, Reverend Austin balanced the Church books, and inspired the Church members to pledge toward a new building and expanded educational facility. Reverend Austin remained Pastor of Zion for 44 years, and at retirement the Church debt was paid in full. The Lord continued to send great leaders to Zion, in May of 2001 a young minister by the name of Reverend Rodrick Smith from Shreveport, LA answered the call, he was ordained by Pleasant Hill Baptist Church in Benton, LA in 1993. Under the direction of Reverend Smith the Church is continuing to expand and build upon the name of the Lord. Zion Missionary Baptist Church currently has 650 faithful followers of Christ. The Church thrives on the premise that the Holy Spirit and the Word of God should guide them, and the Pastor and Official Staff should work together in complete harmony. This firm belief has brought this Church through many trials. Zion Missionary Baptist Church is a dynamic force for the public good. They have consistently made a difference in the Saginaw area.

The inspiration for living by Christian ideals is repeated again and again in the lives of the ministers and congregation of this Church. Mr. Speaker, as a Member of Congress, I ask that my colleagues in the 108th Congress join me in saluting Zion Missionary Baptist Church for 135 years of celebrating and spreading the word of the Lord to the community of Saginaw, MI.

FREE TRADE IS FAIR TRADE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BEREUTER. Mr. Speaker, the following editorial from the October 19, 2003, edition of the Omaha World-Herald expresses support for greater efforts to reach trade agreements that reduce tariffs and non-tariff barriers imposed against American exports. The phrase "fair trade" is often inaccurately counterposed against the phrase "free-trade." So-call free trade agreements should always be constructed to be fair to American business and farm enterprises and to exporters.

ADAPTING TO CHANGE

A demonstration in Lincoln last weekend expressed strong opposition to free trade. The rally was part of a national "fair trade" campaign critical of the North American Free Trade Agreement and of a planned Free Trade Area of the Americas.

The fact remains, though, that a free-enterprise economy such as the United States' functions best when it is shorn, for the most part, of artificial constraints such as tariffs and quotas. Opening up a country to trade promotes efficiency, reduces inflationary pressures and generates new opportunities in multiple directions.

A protectionist system stifles those crucial goals. Studies by the World Bank and the International Monetary Fund have long pointed out that the countries that have experienced the greatest economic growth have been those that have embraced open markets and eschewed protectionism.

The anti-free-trade claims also offer illusory promises involving job security. Protectionism tidily promises to lock in the economic status quo. Ultimately, however, it lacks the power to ward off economic disruption. (The same holds true for any trading system; change is unavoidable.)

No wonder the loss of jobs at an automotive rubber-hose plant in Lincoln (as Goodyear shifts some of its production to Mexico) spurs an outcry among some residents. It's unrealistic, though, to imagine that the "fair trade" agenda provides a solution.

The fair-trade movement stresses, for example, that it is necessary to sharply ratchet up wages in developing countries so that the differential with U.S. pay rates can be greatly narrowed. Short of waving a magic wand, though, it's hard to see how that can be accomplished.

U.S. employment in traditional industry, such as steel or textiles, has declined for decades not as the result of any malevolent free-trade conspiracy but because of productivity gains and fundamental market forces—the signals sent by the decisions of autonomous companies and consumers, as well as a serious overcapacity in supply and, in the case of steel, extraordinary pension costs.

The prescriptions of anti-free-trade organizers cannot erase those basic economic realities.

The demonstrators in Lincoln took particular aim at the North American Free Trade Agreement. Mexico, however, is establishing ever-greater economic links to Nebraska. Mexico is now the state's No. 2 foreign export market, exceeded only by Canada.

In recent years, Nebraska's exports to Mexico have increased far more than the state's exports to any other nation. In 2000, the state's exports to Mexico totaled $266 million. In 2002, they totaled $465 million.

Free trade does not promise an economic utopia. In fact, a free market by definition means that a society will face a certain degree of economic change—job losses, but also new opportunities. The proponents of "fair trade," in contrast, exaggerate the ability of their ideas to cocoon the U.S. economy from the marketplace.

Change is inevitable. A free-market system, bolstered by open trade, best encourages the dynamism and flexibility that enable a national economy to prosper.

ANALYSIS OF THE COMPREHENSIVE ENERGY BILL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of Colorado. Mr. Speaker, I would like to insert an article in the RECORD that takes a look at the latest shape of the comprehensive energy bill. The author of the article is Ken Bossong, coordinator of the Sustainable Energy Coalition, a coalition of 60 national and state environmental, business, consumer, and energy policy organizations founded in 1992 to promote increased use of renewable energy and energy efficient technologies. The Renewable Energy and Energy Efficiency Caucus—of which I and Representative ZACH WAMP are co-chairs—works closely with the Coalition to coordinate events and briefings and to otherwise spread the word in Congress and throughout the nation about the importance of clean energy.

We're told there will be a vote on the conference agreement very soon, but few Members—even fewer on our side of the aisle—know what is in the final report. But from what has been reported in the press, it seems likely that the bad in the bill outweighs the good. By not taking into consideration opposing views, the Republicans have crafted an unbalanced bill—one that ultimately doesn't address the energy needs of this country today or into the future.

[From SolarAccess.com News, Oct. 20, 2003]

A FALTERING ENERGY BILL

(By Ken Bossong)

Barring a major train wreck—which remains within the realm of possibility—congressional conferees may have a final energy bill ready for votes in the U.S. Senate and House of Representatives by the end of this month. The final product, representing more than three years' work, will undoubtedly be described by its authors as "comprehensive" and "balanced." In reality, it will be neither.

Among the pressing issues facing the United States today are those of growing oil and natural gas imports—particularly from politically unstable regions of the world, escalating environmental and economic damage from greenhouse gas emissions that contribute to global climate change, and an electrical generation and transmission system that is unreliable and—due to its reliance on large central station facilities—insecure. Yet the emerging energy bill will do little to address any of these issues; in fact, it may very well exacerbate all three.

Among the best strategies for addressing these energy problems are greatly expanded energy efficiency initiatives and investments in decentralized renewable energy technologies. Yet the energy bill will probably offer little more than crumbs for sustainable energy while continuing and expanding federal support for the mature, polluting fossil fuels and nuclear power industries.

It is supremely ironic that completion of work on the energy bill may correspond to the thirtieth anniversary of the OPEC oil embargo that began on October 17, 1973. Over the past three decades, total U.S. oil imports have nearly doubled with imports now accounting for more than half (54 percent) of the nation's oil consumption. Yet the energy bill largely fails to address oil consumption in the transportation sector—which now accounts for more than two-thirds of U.S. oil use—by not including provisions to substantially raise automobile fuel economy standards. It even fails to include the Senate bill's directive (passed by more than 90 votes) that would set a goal of reducing oil consumption by one million barrels per day by 2013 (a modest 5 percent of current consumption). Instead it opts for a "drain America first" strategy that may include drilling the Arctic National Wildlife Refuge, opening the door to expanded oil exploration in moratorium areas, and facilitating expanded development in other ecologically sensitive areas as well as subsidies for an Alaskan natural gas pipeline.

It is true that the final legislation will likely incorporate a Renewable Fuels Standard that will mandate that 5 percent of liquid fuels be derived from renewable sources which could be a boon to the domestic ethanol and biofuels industries. Yet these fuels will be burned in increasingly inefficient cars and SUVs which means they will be wasted and ultimately not reduce the nation's dependency on petroleum imports.

Similarly, natural gas imports have been inching upwards and now exceed 15 percent of total U.S. consumption with future imports increasingly likely to come in the form of expensive LNG shipments from politically unstable sources such as Algeria, Nigeria, and Oman.

Presently, more than a quarter of the natural gas used is burned in inefficient and wasteful electricity generating stations. The most environmentally-sound approaches to curbing this waste, and hence imports, include improving the efficiency of (or reducing) electricity end-uses, expanding the use of combined power and heating systems for electrical generation, and displacing natural gas generating plants with renewable electric technologies. A recent study by the American Council for an Energy-Efficient Economy shows that even modest gains in energy efficiency and renewable energy production from these kinds of policies would help reduce gas prices substantially.

Yet the energy bill provides, at best, only limited support for any of these strategies. Its efficiency title is expected to include new standards to improve the efficiency of building transformers, torchiere lighting fixtures, exit signs, traffic lights, unit heaters, and compact fluorescent bulbs, as well as directives to the U.S. Department of Energy to set new efficiency standards on several other products. Small tax incentives for combined heat and power as well as efficient new homes, commercial buildings, refrigerators, clothes washers, and fuel cells are also probable.

While steps in the right direction, they fall far short of the aggressive efficiency standards, tax incentives, and public benefits fund to support efficiency programs needed to make a serious dent in electricity consumption. That is, the bill completely lacks aggressive measures needed to moderate electricity demand that would reduce the risk of future blackouts while cutting air pollution and greenhouse gas emissions. Moreover, the tax provisions are likely to eliminate incentives for hybrid vehicles, the nation's best chance to save oil in the next twenty years.

The most important provision to expand the use of renewable electricity production and displace natural gas, a Renewable Portfolio Standard (RPS), now appears certain to end up on the conferees' cutting room floor. Even if a token RPS somehow makes it into the final bill, it is apt to be a provision significantly weaker than those already enacted by many states and far below the projected technical and cost-effective potential for electricity generated from solar, wind, geothermal, biomass, and hydropower resources (i.e., 20 percent or more by 2020).

Failure to include a strong RPS coupled with weak or non-existent energy efficiency standards also insures that the final energy bill will do very little to address the growing problem of climate change. Indeed, a climate change title does not even exist in the bill.

Proponents of the bill suggest that it includes provisions that will help reduce greenhouse gas emissions and point to increased renewable energy authorization levels such as the $300 million over five years to establish a solar electric (photovoltaic) energy program for the procurement and installation of solar electric systems in new and existing public buildings. Left unsaid, though, is that an "authorization" is merely permission to spend a certain amount of money if the funds can be found; an "authorization" is not an "appropriation."

In reality, federal funding levels for renewable energy programs—i.e., the appropriations—have been cut during each of the last three budget cycles, notwithstanding authorization levels that would allow for significantly higher funding. Given the massive budget deficits now being forecast as a result of the White House's tax cuts and the war in Iraq, it is extremely dubious that the recent downward funding trend will be reversed; in fact, it is highly probable that renewable energy budgets will be slashed even further regardless of the authorization levels included in the energy bill.

Moreover, the levels of federal support given to renewables in the form of direct appropriations and tax incentives are likely to be swamped by those being proposed for the fossil fuels and nuclear industries which have been estimated to total $18 billion. These include $1.1 billion to build a new nuclear power plant, $400 million in loans for oil and gas development loan, guarantees to build a new coal plant that may cost $2-$3 billion, and $350 million for hydrogen production from polluting sources. Not included in this figure is the extension of the Price-Anderson Act which shields nuclear utilities from most liability in the event of a major accident; the precise dollar value of this is incalculable but conservatively worth tens of billions of dollars in saved insurance costs.

Consequently, the unbalanced financial incentives provided for in the energy bill for competing energy sources may actually worsen the competitive position of renewable energy technologies in the marketplace.

That would further compound the problems with the reliability of the nation's electrical grid as highlighted by the August blackout in the Northeast and the long power outages in the mid-Atlantic following Hurricane Isabel not to mention the national security risks posed by excessive reliance on highly-centralized and large-scale power-generating facilities. Distributed renewable energy electric technologies are uniquely suited to lessening these problems. However, the energy bill fails to create the regulatory framework to tap this potential and, in fact, through provisions such as the proposed revocation of the Public Utilities Regulatory Policy Act (PURPA) as well as the Public Utility Holding Company Act (PUHCA), could make the situation worse.

At the least, the energy bill should include mandatory net metering and interconnection standards to enable renewable energy generators to tie into the grid rather than the essentially optional, advisory guidelines that it now includes.

It should also include a long-term renewable energy production tax credit (PTC), including a tradable credit for public power and rural cooperatives, that benefits the cross-section of renewable energy technologies. To provide some stability and predictability in the marketplace, any such tax incentive should be enacted for at least five to ten years. By comparison, the proposed renewal of the Price-Anderson Act is 20 years. However, the energy bill now provides for only a three-year PTC extension. Such a short-term PTC threatens to continue the start-and-stop cycle that has plagued the renewable energy industry, particularly wind energy developers, for more than a decade as investments dry up when the existing PTC is set to expire and its supporters scurry around madly trying to get another extension.

Wind energy advocates may be tempted to support the pending energy bill arguing that a three-year PTC is far better than no PTC just as the solar investment tax incentives, geothermal reforms, Renewable Fuels Standard, and hydropower relicensing components are important and generally positive provisions that will benefit their respective industries. Similarly, advocates of energy efficiency can point to some gains that may come from the bill if enacted as now written. However, when weighed against the lopsided provisions to advance fossil fuels and nuclear power, it is questionable whether the end result will actually move this country closer to a sustainable energy future.

Moreover, the recent series of closed-door, Republican-dominated, conference meetings in which the House-Senate energy bill is being finalized, and which have largely excluded those Democrats who have championed the bill's efficiency and renewable energy provisions, have provided nuclear and fossil fuel lobbyists an opportunity to further skew the bill the wrong way.

Consequently, even if the Congress approves and the President ultimately signs an energy bill this year, the nation's energy policy work won't be done. The bill that is likely to emerge is one that will evade the problems of energy imports, global warming, and electric grid stability. It is also one that will fail to incorporate an adequate Renewable Portfolio Standard, auto fuel efficiency standards, aggressive appliance and industrial efficiency standards, mandatory net metering and transmission standards, and a sufficient mix of tax incentives and federally-funded R&D programs to move the nation away from its reliance on fossil fuels and nuclear power.

Under the circumstances, while many weary renewable energy and energy efficiency advocates may wince at the prospect, it would likely be far better to have no energy bill than the one that seems to be nearing completion.

A TRIBUTE TO JOANNE KONKLE ON HER RETIREMENT AS ADMINISTRATOR OF THE CALHOUN COUNTY MEDICAL CARE FACILITY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Joanne Konkle on her well deserved retirement following more than 30 years of dedicated service to the health and well-being of the citizens of Calhoun County, Michigan.

For the past 19 years, Joanne has served as the Administrator of the Calhoun County Medical Care Facility. In this capacity, Joanne has been responsible for the management and operation of the facility, which serves the needs of some of the county's most vulnerable senior citizens. Her leadership and sound fiscal stewardship has earned the center numerous quality awards and a reputation of being one of the most outstanding medical care facilities in the State of Michigan.

Joanne's career accomplishments are notable not only because they are numerous, but also because they represent a dedicated focus on service to others. In addition to her work as a Clinical Social Worker at the V.A. Medical Center, Joanne is a member and past president of the Michigan County Medical Care Facilities Council, served three-terms as a Calhoun County commissioner, 24 years as a member of the Community Mental Health

Board and, for the past 45 years, has served as a board member of the Calhoun County Association for Retarded Citizens.

She has been a staunch supporter and volunteer for organizations such as the Substance Abuse Council, Special Olympics and the Alzheimer's Association, as well as a passionate advocate on issues and legislation affecting the elderly and mentally handicapped.

While so much of her life has been dedicated to others, Joanne has never lost sight of the importance of family. She and her husband Ted have been married for 51 years, and have raised four wonderful children. In addition, seven grandchildren and five great grandchildren will undoubtedly play a major role in the Konkle's retirement plan.

I am honored to recognize Joanne Konkle for her commitment to community and her tireless and selfless service to others. I wish her and her family all the best as she embarks on a well deserved retirement.

FIRST LIEUTENANT VICTOR A. MARTIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the courageous men and women of the Michigan State Police. Day after day, these brave individuals work together to ensure safe streets for the citizens of Michigan. On November 9, 2003, the Michigan State Police will gather to celebrate the retirement of F/Lt Victor A. Martin for 26 years of dedicated service to the force.

Victor Martin was born September 9, 1954 in Alma, Michigan. He graduated from St. Louis High School in 1972. He obtained his Law Enforcement and Police Administration degree from Ferris State University in 1976. Upon completion of college, Victor was accepted into the Michigan State Police Training Academy. In 1977 he was assigned out of the 91st recruit school to Niles Post as a Trooper. For 11½ years Victor was attached to the MSP K–9 unit as a First Dog Handler. He was charged with the duty of handling coverage for Governor conferences, Presidential and dignitary visits. In 1990 he was promoted to Sergeant at the Sandusky Post where he remained until 1993 when he was promoted to Lieutenant and assigned to the Flint Post as Assistant Post Commander. In 1998 he became the Lapeer Post F/Lt 15 (Post Commander) and than in 2001 was assigned to the Bay City and East Tawas Post where he is currently serving as F/Lt 1511 (Post Commander).

During his career, F/Lt Martin received numerous accolades for his heroism. In 1979 he received the Lifesaving award. He maintained the status of "Trooper of the Year" Manistee Post from 1984–1986 and again for the Lansing Post from 1988–1989. He received the 1994 Professional Excellence award for coordinating a multi-agency response to an incident involving the U.S. Presidential Motorcade.

F/Lt Martin is also a faithful family man. His wife of 26 years is Christy. They have two wonderful sons, Chad and Kyle.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in honoring First Lieutenant Victor A. Martin and wishing him the very best in his retirement.

AND NOW, THE REST OF THE STORY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BEREUTER. Mr. Speaker, the editorial entitled "Support for America's Iraq effort is evident" from the October 10, 2003, Norfolk Daily News highlights a recent Gallup Poll in which nearly two-thirds of Baghdad residents who were polled still support the removal of Saddam Hussein despite the personal hardships the war has created for them.

Furthermore, the editorial notes that the United States and Great Britain are by no means alone in implementing peacekeeping missions in Iraq and then correctly commends the efforts of the Czech Republic, Hungary, and Kazakhstan—countries which, like Iraq, were only fairly recently released from the bonds of tyranny.

Mr. Speaker, this Member encourages his colleagues to read this editorial for these stories are receiving far too little attention elsewhere in the American, and indeed, the world media.

[From the Norfolk Daily News, Oct. 10, 2003]

OUR VIEW

Contrary to indications left by brief news reports, the effort to bring order and self-determination to Iraq has been joined by a variety of nations. They have committed forces, and are united in the fight against tyranny. And a majority of Baghdad's residents regard Saddam's removal as worth their hardships.

SUPPORT FOR AMERICA'S IRAQI EFFORT IS EVIDENT

Two false impressions left by daily reports from Iraq are that the effort to depose Saddam Hussein had little support from the people of that nation and that America is going it alone, though with some help from its major ally, Great Britain.

Contrary information gets too little attention, for random acts of violence and controversy about the United Nations role—or lack of it—grab the headlines.

America's openness to political debate and its free press help to feed such impressions. Reading more than the headlines or listening to more than sound bites provides a more balanced view.

Of special importance was the recent Gallup Poll taken five months after occupation of Baghdad: Two-thirds of the residents of that city, home of many Saddam loyalists and hard hit despite unusually precise military targeting, indicated to the pollsters that the dictator's removal was worth the hardships forced on them.

Considering the looting that occurred before occupation forces could be effectively assembled and the inconvenience resulting from the water and power disruption, that is a remarkable result. It might even indicate that more Iraqis than Germans and French understand the evil represented by Saddam and his Baath Party.

As for the contribution to this peacekeeping effort in Iraq, the fine print in recent reports shows that while America's 140,000 force is dominant, other countries are responding in important ways. Britain has 7,400 on the scene; Italy, 3,000; Poland, 2,400; Ukraine, 1,640; The Netherlands, 1,106. Countries in between Romania's 600 troops and Latvia's 106 include Bulgaria, Denmark, Thailand, El Salvador, Honduras, Czech Republic, Hungary, Dominican Republic, the Philippines, Mongolia, Norway, Portugal and Nicaragua. Those with less than 100 include Lithuania, Slovakia, Albania, New Zealand and Kazakhstan.

So this vital campaign against tyranny finds many and diverse nations united in a vital cause, even if the United Nations has turned passive, and not as helpful as it should be if terrorists and tyrants are to be defeated.

TRIBUTE TO COLORADO REGIONAL TRANSPORTATION DISTRICT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Colorado's Regional Transportation District (RTD) for being named the best transit agency in the United States and Canada by the American Public Transportation Association (APTA).

The APTA represents 1,500 public transportation agencies nationwide. This award is given for large systems that provide more than 30 million passenger trips per year, and is based on the overall efficiency and effectiveness of the member agencies. The award measures performance over a 3-year period, and recognizes outstanding service and operations from 2000 to 2002.

Denver has been named the most congested city of its size in America and the third most congested city nationally. So, RTD's task is a big one. But it has performed admirably—keeping its operating costs competitive, increasing its ridership and delivering outstanding service to its customers. The District provided more than 81 million passenger miles last year within the seven county metropolitan Denver area, operating over 1,100 buses over 179 routes and 49 light rail vehicles. At the same time, through an aggressive accident prevention program, RTD has reduced accidents over the 3-year period by 54 percent. To date in 2003, accidents have been reduced an additional 32 percent below last year's levels, reaching another all-time record low. And, with an attentive response to Colorado's ever-growing population, RTD has continued to add rail and bus transit services and been able to reduce traffic congestion by 13 percent by providing mass transit options throughout the metropolitan area. Congestion costs have been reduced by $220 million annually, reducing air pollution, fuel consumption, and drive times.

With its sites on the future needs of the metropolitan region, new light rail systems are being planned and developed. A recent public-private partnership with the Colorado Department of Transportation, the Denver Regional

Council of Governments, the City and County of Denver and local landowners, a development effort will renovate historic Union Station and the surrounding 19 acres to create an intermodal facility that will develop and expand transportation systems and commercial opportunities in central Denver.

RTD has been recognized for its quality, its sophisticated operations and its many safety improvements. Employees at the District benefit from General Manager, Cal Marsala's hands-on management style, and RTD has been recognized for its advancement of minority and female employees, and sensitivity to low-income and disabled customers through eco-passes and specially equipped buses. RTD's internal management has focused on strong marketing and community relations, policy development, financial management, and improved departmental and safety operations. With a concerted effort to provide innovative approaches to challenging transportation needs, Marsala has guided his 2,400 employees and 725 private service provider employees to achieving this outstanding award.

I think Mary Blue, the RTD Chairman of the Board, put it well when she commended the staff by saying "Winning APTA's highest award shows that our prudent policies and sensible fiscal approach have paid off. This is a win not only for our employees and board members, but also for our passengers and taxpayers."

The Denver metropolitan area and Colorado are fortunate to have the Regional Transportation District provided outstanding service to its residents. We applaud their performance and celebrate the well-deserved recognition they have received from the American Public Transportation Association.

IN HONOR OF LU CORBETT DALY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. PELOSI. Mr. Speaker, I rise to pay my final respects to Lu Corbett Daly, who passed away on Friday. It is my privilege to work on a daily basis with Lu's wonderful son, Brendan, and it is with sadness and respect that I share with my colleagues the following words from her obituary in the Washington Post:

> Lu Corbett Daly, 78, an award-winning advertising copywriter who had worked for The Washington Post and the National Geographic Society, died Oct. 24 at the Auxiliary House, a long-term care group home in Bethesda, where she had lived since May 2001. She had Alzheimer's disease.
>
> The Direct Marketing Association of Washington named Mrs. Daly its "Professional of the Year" in 1991 for her contributions to the 1.500-member organization. She also was a member of the American Association of University Women.
>
> Mrs. Daly graduated in 1947 from Marywood College in her native Scranton, Pa. She was president of her class for three years. She studied acting at Marywood and took summer courses at Catholic University's drama school.
>
> After graduation, she moved with her family to the Chevy Chase section of Washington and began work in public relations for Capital Transit Co. before joining The Post as an advertising copywriter.
>
> She starred in several amateur theater productions, through which she met her husband. Early in her marriage, while her husband was a Navy officer, Mrs. Daly moved 11 times in three years, with the family settling in the Hillmead section of Bethesda and later in Chevy Chase. Mrs. Daly was a member of the Shrine of the Most Blessed Sacrament Catholic parish, serving on its advisory council and helping establish the Second and Fourth Monday Group, which provides social activities for seniors.
>
> In 1976, she became a vice president of Daly Communications, a family-owned consulting business. She was twice elected to the board of directors of the Washington direct marketing group, serving two years as program chair.
>
> She was hired by the National Geographic Society in 1982. For the next dozen years, she helped produce numerous direct marketing packages, which were sent worldwide to millions of society members and prospective members. Her work to promote the 1985 book "Discovering Britain & Ireland" helped sell more than 300,000 copies—a society record. For that effort, Mrs. Daly won an ECHO Award from the national Direct Marketing Association. She retired in 1995.
>
> Mrs. Daly was co-editor of "The Daly Greeting," dubbed "The Only Daly Paper Published Annually," which recounts the doings of her large family. Her father-in-law, John Jay Daly Sr., a former Post staff writer, began the paper in 1916.
>
> Survivors include her husband of 51 years, John Jay Daly of Chevy Chase; her eight children, LuAnne Daly of Santa Rosa, Calif.; Deirdre Daly of Lyons, Colo.; Sean Daly of Barrington, R.I.; Maura Daly of Germantown; Kate Daly Paradis of Boulder, Colo.; Matthew Daly and Brendan Daly, both of Silver Spring, and Corbett Daly of Washington; four sisters, Gladys Quinn of Scranton, Rita Jeffers and Dorothea McIntyre, both of Bethesda, and Joyce West of Marion, Mass.; a brother, William Corbett of Reston; and 11 grandchildren.

A TRIBUTE TO THE HIGH COUNTRY CLOGGERS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor an extraordinary group of young dancers from Northern Colorado—the High Country Cloggers.

Recently, these dancers performed in the Junior Olympic Games in Detroit, Michigan, and won top medals. Dancers from ages 11 to 22 took home silver medals in the a cappella category, bronze in the traditional line-dance competition, and gold medals for best in age group.

Clogging is an old style of dancing, with its roots from the Appalachian region. These award winning young ladies and men are part of its recent revival. Encompassing traditional bluegrass music and dance style, these astonishing dancers are turning clogging into a style filled with country, pop, and even hip-hop.

Among the dancers performing at the Junior Olympics, I would like to honor: Jenna Jordan, Elizabeth Lopez, Dessy Benesh, Jacey Sisneros, Cynthia Crookston, Meghan Meehleis, Amberley Meehleis, Caitlynn Meehleis, and Ashlee Meehleis.

In addition, Mr. Speaker, I wish to honor Rick and Michelle Meehleis of Fort Collins, Colorado. As the founders of the High Country Cloggers, this extraordinary couple have dedicated themselves to the success of the young dancers. At its inception, 5 years ago, the dance group held evening lessons in the Meehlies family garage.

Rick and Michelle have turned the once family hobby into a family-run business with the participation of tremendous dancers throughout the community. The clogging group now holds lessons in its own studio and performs around the nation.

In addition to performing in Detroit, over the past year they have danced in Branson, Missouri; Atlanta, Georgia; and in Oklahoma.

Mr. Speaker, I am pleased to honor the High Country Cloggers and the Meehleis before the Congress today because they are remarkable examples of dedication, strong family values, and achievement.

TRIBUTE TO BRYANT RANCH SCHOOL

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to Bryant Ranch School in Yorba Linda, CA, for exceeding the President's expectations in fostering a positive learning environment and building a solid foundation for our future leaders. The school recently received the coveted Blue Ribbon distinction by the U.S. Department of Education.

Bryant Ranch is more than just a school; it's the pride and joy of a community that comes together to raise and educate its children. The school has excellent teachers who go the extra mile to make a difference in the lives of their students. It has parents who are willing to get involved in school activities. It has administrators who give the teachers the flexibility and support they need to cater their curriculum to their classroom. And it has students who understand the importance of learning and the value of a proper education.

Mr. Speaker, Bryant Ranch has brought all these elements together to build a first rate educational institution. President Bush has distinguished this school as a model for others to follow, and this Congress should commend the teachers, parents, administrators and students for this accomplishment.

THE PRINCESS WORE CLEATS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an exceptional young woman from my district. Vanessa Lucero of Las Vegas, New Mexico has made quite a name for herself this month.

Vanessa is a member of the West Las Vegas High School football team. On October 12, the 5-foot-1-inch, 103-pound freshman made history in New Mexico.

Vanessa—a tailback—scored a touchdown running in for the score from the 1-yard line. She is believed to be New Mexico's first high school female player to score a touchdown in a game. Her contribution to the team has already improved the West Las Vegas Dons' record to 5–2. Amazingly, Vanessa is also on the wrestling team.

As if this accomplishment were not enough, during half-time of the same game, Vanessa was crowned Freshman Princess for homecoming, still wearing her No. 11 jersey. The gown she wore to the dance that night was green and yellow—the Dons' colors.

Since this wonderful achievement, Vanessa has received enormous attention from the New Mexico and national media. In addition to news stories chronicling her actions, she has been the subject of glowing newspaper editorials. She was also invited on NBC's Today Show and interviewed by Matt Lauer. This media interest has not only made Vanessa's family and friends proud of her, it has brought favorable attention to our great state.

What has happened in Las Vegas is larger than just an athletic accomplishment. With Vanessa's dual victories, she is helping to break down stereotypes that, unfortunately, are still common in our country. We should be happy with all of the progress we have made providing girls and women with opportunities previously denied them. However, we must continue our efforts to promote gender equality. As Vanessa is fond of saying, "It's only a guy's sport until a girl joins." Indeed.

At a time when far too many American children have sedentary lives where they do not move off the couch, and many are obese, we must support programs that lead to improved fitness and health. Adolescent female athletes are more apt than nonathletes to develop a positive body image, less likely to become pregnant, and are less at risk for developing women's diseases such as osteoporosis and breast cancer.

In addition, sports provide a safe and healthy alternative to drugs, alcohol, and tobacco, and to antisocial behavior.

Vanessa, unknowingly, has become a role model for girls everywhere. I am very proud that she and her family hail from my congressional district. Both of her accomplishments have made us so proud.

Mr. Speaker, Vanessa Lucero is a special young woman and a valued citizen of San Miguel County and the state of New Mexico. I am honored to join with my colleagues in congratulating her for all of her successes.

HONORING THE NATIONAL GUARD'S 41ST BRIGADE COTTAGE GROVE, OREGON UPON BEING DEPLOYED TO IRAQ

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. DEFAZIO. Mr. Speaker, I regret the congressional schedule keeps me from attending the deployment ceremony to honor members of the 41st Brigade. This ceremony marks just a portion of the honor and debt of gratitude that our state and our nation owe you for your service. We also owe a debt of gratitude to your family and friends for their understanding, support, and sacrifice.

The media talks so much of high tech and secret weapons, but the enduring strength and real secret behind the military power of the United States is men and women like you who have volunteered to serve as the new citizen soldiers, highly trained and motivated. You constitute the key to the success of our total force—a military second to none in the world. You and the other 8,000 Members of the Oregon National Guard continue a long and honored tradition of service to Oregon's citizens in times of disaster, crisis, or strife, while training and preparing to defend our nation in time of need.

The mission ahead of you will be both difficult and dangerous—to bring stability and order to a ravaged nation in the midst of one of the most volatile regions on Earth. All Americans and our allies around the world will be more safe and secure if this region can be moved toward peace, but this course is not easy or certain.

I pledge to do all I can in Congress to ensure that you have the best training and equipment necessary to accomplish your mission and return home safely. I further pledge that your service and sacrifice will not be forgotten and will be reflected in the treatment and benefits you and your family receive.

From the bottom of my heart and on behalf of all the citizens of Oregon's 4th Congressional District, thank you and Godspeed.

HONORING ASHLAND, KY CITY WORKERS FOR HEROIC FLOOD RESCUE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to three remarkable individuals from my home state of Kentucky. My brother-in law William Gambill, Kermit Nethercutt, and William Ott, all employees with the Ashland, Kentucky Water Department, were involved in a courageous rescue of a local woman during the heavy rains and flooding that occurred in my state last spring.

On May 5, Mrs. Mary Newmark of Ashland became stuck in mud and waist-deep water while clearing a creek near her home. For a terrifying hour, with creek waters rapidly rising around her, nobody could hear her desperate pleas for help. Gratefully, her shouts were soon detected by three city employees working on a nearby water line.

The three men responded immediately, frantically searching for Mrs. Newmark in the dense greenery surrounding the creek. Mrs. Newmark was finally able to end her ordeal by tossing a ball, that she'd earlier cleared from the swollen creek, into the air allowing the men to locate and assist her.

The joint effort of Mr. Ott, Mr. Gambill, and Mr. Nethercutt demonstrates a selfless and admirable devotion to their community. Their quick action saved a young mother from what could have been a very serious injury.

On behalf of the citizens of Ashland, I am honored to recognize William Ott, William Gambill, and Kermit Nethercutt for their Good Samaritan spirit before this chamber of Congress today. We are fortunate to have their service.

DIETARY SUPPLEMENT ACCESS AND AWARENESS ACT (DSAA)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. DAVIS of California. Mr. Speaker, with the support of my colleagues, Representative HENRY WAXMAN and Representative JOHN DINGELL, I rise today to introduce the Dietary Supplement Access and Awareness Act of 2003.

This legislation presents a balanced, reasonable approach to improving the safety of dietary supplements while maintaining market access for responsible supplement manufacturers.

Hallie Bechler looks almost exactly like her father. She was born in late April, almost two months after her father, Baltimore Orioles pitcher Steve Bechler, collapsed from a heatstroke during spring training. A county medical examiner linked his death to the use of a dietary supplement containing ephedra. Steve Bechler was 23 years old.

Like any person interested in losing weight, Steve Bechler may have been lured by the dietary supplement's claims of "rapid and extremely dramatic results." In fact, for an athlete like Steve Bechler, playing baseball in the Florida heat, ephedra did not cause rapid and extremely dramatic weight loss, but rather contributed to a rapid and extreme heatstroke, which killed him.

Dietary supplement use is not limited to adults. Teenagers are certainly vulnerable to pressures regarding weight and athletic expectations. Teenage athletes are especially vulnerable to these pressures. Last year, Illinois high school student Sean Riggins took an ephedra product to improve his football performance. He had a heart attack and passed away at age 16.

The ephedra crisis has raised public awareness about dietary supplements and the absence of accurate information concerning risks and benefits. Much of the confusion surrounding dietary supplements can be attributed to the changes made in 1994 by the Dietary Supplement Health and Education Act (DSHEA).

Cited as the greatest removal of FDA jurisdiction in the history of the agency, DSHEA has greatly curtailed its authority. Simply put, this legislation deregulated the supplement industry. Consequently, there has been an explosion of herbal remedies. Moreover, natural, yet risky, stimulants have also entered the market. The FDA, however, is prohibited from screening out any of these potentially dangerous dietary supplements. What if ephedra is only the tip of the dietary supplement iceberg?

Former FDA director David Kessler wrote in the New England Journal of Medicine, "Congress has put the FDA in the position of being able to act only after the fact and after substantial harm has already occurred." This is because DSHEA shifted the burden of proof from dietary supplement manufacturers to the FDA. Consumers have no way of learning about reported side effects and the FDA does not possess the authority to require such reports. As a result, American consumers have been unwitting victims of a multibillion-dollar industry!

Today with my colleagues, Representative HENRY WAXMAN and Representative JOHN DINGELL, I am proud to introduce the Dietary Supplement Access and Awareness Act. This bill will address the gaps created by DSHEA through greater information exchange and accountability.

Our legislation contains commonsense provisions requiring dietary supplement manufacturers to provide the FDA with a list of their products and reports of all serious adverse events. These actions will alert the FDA to problematic dietary supplements and will give the FDA access to information it needs to take action more swiftly. If the FDA determines that a specific supplement may have serious health consequences, it can require the manufacturer to do a postmarket surveillance study to ensure that the product is safe.

The ephedra tragedies have shown us that proving a dietary supplement to be unsafe requires a Herculean effort and mountain of evidence. Sadly, the evidence is often a growing body count. Our legislation engages manufacturers in determining the safety of dietary supplements. By providing their studies and other related data, manufacturers and the FDA would come together to make a comprehensive and accurate decision for American consumers.

Our legislation gives the FDA the authority to prohibit sales to minors of dietary supplements that may pose significant risk. Many young athletes emulate the practices of their professional sport heroes. Their developing bodies are especially susceptible to the effect of stimulants and steroid-like products such as "andro."

Numerous supplement products have emerged in the market in the last ten years. They range from vitamins and minerals to herbals and hormones. This boom has created an uncertain situation as to the quality and safety of dietary supplements. According to Bruce Silverglade from the Center for Science in the Public Interest, "the challenge for most consumers is to determine which supplements are beneficial and which are nothing more than 21st-century snake oil—or even dangerous." That is why this legislation includes authorization of funds for physician and consumer education programs regarding adverse reactions.

Certainly, some dietary supplements offer benefits. Folic acid intake by women, for example, has been shown to reduce birth defects in unborn children. We are all familiar with the benefits of taking vitamin C and monitoring adequate calcium intake. Despite claims to the contrary, the Dietary Supplement Access and Awareness Act will not take away vitamins and minerals from consumers. In fact, my colleagues and I included language to specifically exempt them from this legislation.

The FDA has its hands tied behind its back. Limited funding and manpower has made the FDA's efforts to protect the public scattershot. The measures and education programs in this legislation will enable the FDA to gather solid data about the dangers some dietary supplements pose. With this information in hand, the FDA can make sensible, informed decisions and policies about dietary supplements. Consumers can have greater assurance than they currently have about the safety of the products on the market. We cannot continue to stand on the sidelines and let this insidious public health threat go unchecked. The health and well being of our young people and loved ones are at risk.

I urge my colleagues to join me in supporting the Dietary Supplement Access and Awareness Act.

IN OPPOSITION TO THE FAA CONFERENCE REPORT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. BACA. Mr. Speaker, I rise today to urge my colleagues to recommit this privatization plan back to Conference Committee.

Privatization simply doesn't make sense. It compromises the safety of the American public and it is simply bad policy.

Studies have shown that it has no operational or economic advantages and that it can even lead to more accidents.

How does this make Americans safer?

In a post September 11th world, we must make safety a priority.

Air travel has declined over the past two years because people do not feel safe. We must not make this situation worse!

In Canada, privatization has lead to an accident rate that is twice the rate here in the United States. And their air travel system is only 7% the size of ours!

I remember in 1981, President Ronald Reagan fired the federal air traffic controllers for striking. The President said that they were violating Title V and that air traffic controllers must not have the right to strike because of public safety concerns. Now, under privatization, Title V will no longer be applicable. The Republicans cannot have it both ways. Do they want to deny private employees the right to strike and collectively bargain, or do they want to keep the current system in place to ensure America's safety?

So I ask again, why are we doing this?

Is it cheaper? The answer is no.

Privatization increases costs.

The British Government had to pay $131 million to rescue its privatized system. $131 million! That is nearly double the price at which they sold it.

Is this good policy? The answer is no.

Privatization has failed miserably in other countries.

According to recent reports, the U.S. system is 74 percent more efficient and 79 percent more productive than the privatized European system.

The U.S. air traffic control system is the safest and most sophisticated in the world. So why do we want to change it?

It handles over half of the world's air traffic and cargo.

Approximately 20,000 hard-working men and women of the FAA ensure the safety of more than one million passengers each day. And we should trust them to continue to do their jobs.

These are the same federal air traffic controllers that landed nearly 700 planes on September 11th and completely cleared the air space in two hours.

When the FAA needed to respond because of an emergency, they were able to do so quickly and efficiently.

Why do we want to privatize these jobs and risk putting anyone out of work right now?

Unemployment is well over 6% right now. For Hispanics it is nearly 9% and for African Americans it is nearly 11%. We must not pass legislation that will put more people out of work and simply hurt more working families.

This is a system that is not broke—so why does it need to be fixed?

The safety and security of the American people should not be the responsibility of the lowest bidder.

It is a core responsibility of our Government.

Mr. Speaker, I urge my colleagues to recommit this conference report and any further efforts to privatize our air traffic control system.

WALL STREET JOURNAL ARTICLE ON EFFECTS OF SYRIA ACCOUNTABILITY ACT ON IRAQI ECONOMY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RAHALL. Mr. Speaker, amid the U.S. Coalition Provisional Authority's push for a free and democratic society in Iraq, this House has been constructing a dangerous wall threatening Syria. The recently passed legislation, H.R. 1828, will not help alleviate the incessant attacks that our soldiers are facing daily in Iraq, as an integral part in ensuring their safety is an immediate boost to provide Iraqis with jobs and prospects for prosperity. But the SAA will only prove to upset these efforts. Hugh Pope elaborates on this point in the article "Iraq Adds Complexity for U.S., Syria," which appeared in the October 20th issue of the Wall Street Journal. I recommend the following article to all of my colleagues, Democrats and Republicans alike, and to the administration.

[From the Wall Street Journal, Oct. 20, 2003]

IRAQ ADDS COMPLEXITY FOR U.S., SYRIA

AS WASHINGTON SANCTIONS DAMASCUS, AMERICAN TROOPS SEEK SYRIAN TRADE PARTNERS

(By Hugh Pope)

MOSUL, IRAQ.—While the House of Representatives was voting to adopt a new raft of Syrian sanctions in Washington last week, here in northern Iraq the 101st Airborne Division was doing everything in its power to burnish economic relations with Syria.

"It's the freest trade there has ever been here," said Gen. David H. Petraeus, commander of the 101st Airborne's 22,000 troops, in an Oct. 10 war room briefing for U.S. visitors involved in the campaign to promote American achievements in Iraq. He proudly called for the next slide, an image from the day the Iraq-Syria frontier post opened for business. It featured a Syrian border monument with a huge picture of that nation's late president, Hafez al-Assad.

Mr. Assad's son Bashar is now Syria's head of state, and the sanctions, headed for the Senate, are meant to punish Damascus until the U.S. says it has stopped sponsoring terrorism.

But the burgeoning relationship between Syria and American-controlled northern Iraq illustrates a divergence of interests between Middle Eastern priorities in Washington and the more immediate, on-the-ground needs of the U.S. occupation forces in Iraq, who seek to bring Iraqis the jobs and prosperity they view as a key step in ending attacks on U.S. forces.

"Our No. 1 problem is unemployment," said Gen. Petraeus, who has noted a falling-off in supplies of discretionary funds that his officers use to keep projects going forward in his area of responsibility. He has spent $28 million so far and says he needs more. "The north has the military forces it needs," he said. "All we need is money."

Spurring the local economy is a critical element in Gen. Petraeus's campaign, and he has used his funds to restart a long-dormant asphalt factory, uncap local oil wells and work to bring irrigation to a new area of wheat fields.

Gen. Petraeus didn't say whether he had had friction with the civilian U.S. Coalition Provisional Authority in Baghdad over his relationship with the Syrians. An officer of the 101st said its general practice was not to confront the CPA but to do what they thought best and "apologize later rather than seek permission first." CPA officials said they had no comment on the wider question of trade with Syria, which also takes place elsewhere in Iraq, since no new U.S. sanctions were yet in force.

But trade is vital to this city of 1.7 million and the surrounding region, and one of Gen. Petraeus's first priorities upon taking control of the north was to open the Turkish and Syrian borders. Now, he said, some 500 to 700 trucks arrive from Syria each day, paying a toll of $10 for a pickup and $20 for a bigger rig. He has also pioneered easy, visa-free travel between Mosul province, home to about 12% of Iraq's 25 million people, and the neighboring Syrian region.

To help Iraq cope with its huge electricity deficit, the general dreamed up a scheme to buy power from Syria in return for Iraqi oil. Speeding the process with his fleet of helicopters, he brought together officials from Damascus, men from the new ministries in Baghdad and the best of the 60 lawyers in his own force to hammer out a deal.

Negotiations dragged on, and the general feared they would collapse over bureaucratic details. To break the logjam, he proposed that his engineers swing open the valves on the Iraqi oil-export pipeline, the Syrians switch on the power lines, and the haggling proceed at leisure over the exact final price. Everyone agreed.

Six weeks later, the informal arrangement appears to be working well, Gen. Petraeus said, even if the power from Syria represents well under 10% of local production.

Security hasn't been neglected. Some 800 border guards have been retrained and set up at the old border post to keep an eye out for Islamist and other Arab fighters, some of them Syrian, who have been slipping over the border to attack U.S. troops. But on the tables of Mosul, breakfast now includes Syrian apricot jam.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote #354, #355, #356, #357 and #359. If I were present I would have voted "nay" on rollcall vote #356, #358 and "yea" on rollcall vote #354, #355, #357 and #359.

RECOGNIZING NAVY DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize "Navy Day," observed on October 27th, and to pay tribute to the impressive work done at the naval bases in my district, Patuxent River Naval Surface Warfare Center, Indian Head Surface Warfare Center and St. Inigoes. The Fifth Congressional District's naval bases are critical facilities that help our nation meet the threats and challenges of a new century, and their geographic proximity to the nation's capital also makes them valuable homeland security assets as well. I would like to take the observation of "Navy Day" to salute their efforts and to acknowledge the vital roles and important military capabilities performed at these three facilities.

Navy Day was established on October 27, 1922 by the Navy League of the United States. October 27 was suggested by the Navy League to recognize Theodore Roosevelt's birthday. Roosevelt had been an Assistant Secretary of the Navy and supported a strong Navy as well as the idea of Navy Day. In addition, October 27 was the anniversary of a 1775 report issued by a special committee of the Continental Congress favoring the purchase of merchant ships as the foundation of an American Navy.

As a community, we owe special thanks to the members of the naval family that sacrifice their own safety to protect our nation. They define the spirit of public service and we are grateful for their past and present services. Over the past several months, in Iraq and around the world, their purpose has been the protection and security of our people, and the promotion of peace, stability and the rule of law in Iraq, the Middle East and the international community, and they should know that a grateful nation supports their service and sacrifice.

We celebrate Navy Day in commemoration of past and present servicemen and women of the Navy as they have fought the enemies of freedom and prevailed. Their courage and resolve is fundamental to our security and way of life. Navy Day gives us the opportunity to appreciate their achievements and gain inspiration from their bravery. They succeed because they are dedicated to the values of this country and to its national security in the face of global terrorism.

The Navy plays a key role in the lives of thousands of Maryland residents, and thus I continue to place the future of the Navy in Maryland as one of my highest priorities. As the Department of Defense, the White House and Congress prepare for the next round of base closings in 2005, I am certain that the overwhelming support of the community, the important three-way partnership between federal, state, and local officials necessary to protect this powerful economic engine for the state, and the valuable homeland security assets of these bases prove the important contributions to our nation's defense and prosperity of Southern Maryland's defense installations.

May God continue to bless our country and may God continue to bless the men and women of the fifth districts Naval bases.

INTRODUCTION OF THE CRIME VICTIMS ASSISTANCE ACT OF 2003

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. NORTON. Mr. Speaker, I am pleased to introduce the Crime Victims Assistance Act of 2003 to benefit victims of crime here and throughout the country during a period when crime has increased as well as to help the police resolve more crimes. I commend the authors of the original bill introduced in the Senate by Judiciary Committee Ranking Member PATRICK LEAHY, Minority Leader TOM DASCHLE, and Senators JON CORZINE, DICK DURBIN, RUSS FEINGOLD, TIM JOHNSON, EDWARD KENNEDY, JOHN KERRY, PATTY MURRAY and CHARLES SCHUMER. The bill will provide enhanced rights and protections for victims of federal crimes and will assist victims of state crimes with grant programs designed to promote compliance with state victims rights laws. The bill requires that victims concerns be incorporated into decision-making throughout the proceedings. I have changed the Senate bill only to assure the safety of those who have a personal relationship (family or other) with the victim.

This bill is an alternative to the constitutional amendment approach proposed by some in the Congress. As a lawyer who specialized in constitutional matters early in my legal career, I am confident that the improved rights and benefits that victims justifiably seek are well within existing congressional authority to grant through the legislative process. The protracted constitutional process simply puts the most arduous, lengthy and, in this case, unnecessary process in the path toward the rights and funds crime victims need now.

The bill would be particularly valuable in the District and in other jurisdictions where many crimes, including state crimes are processed through the federal courts. Among the provisions that would benefit the District and many other jurisdictions is a section that protects victims from repeat offenders. The bill requires consultation with a victim prior to a detention hearing in order to obtain information that can be presented to the court on the issue of any threat that the suspected offender may pose to the safety of the victim. The bill also requires greater notification to the victim in case of the release, escape, parole or furlough of the offender.

There have been many reports of victim reluctance to testify out of fear of harm to a victim or her family. Understandable reluctance by a victim to expose herself to further victimization must be met with strong laws, concrete assistance and services, or crime will not be deterred.

I urge my colleagues to quickly bring relief and reassurance to victims of federal and state crimes by enacting the Crime Victims Assistance Act of 2003.

NO CHILD LEFT BEHIND ACT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. ANDREWS. Mr. Speaker I would like to include, for the RECORD, two written statements on the No Child Left Behind Act. The first of these is an opinion piece detailing problems with the implementation of the NCLB, by Ms. Gail Cohen, a leader in the education community in southern New Jersey. The second piece is an opinion piece I wrote highlighting many of the same issues. The implementation of the NCLB Act has become a significant concern to our schools and our communities, and must be addressed immediately by the federal Department of Education.

ON THE NO CHILD LEFT BEHIND ACT

(By Gail Cohen)

How did 75% of New Jersey's public high schools-including some of the highest performing schools in the state-find themselves on an early warning list for not making "adequate yearly progress" toward certain student achievement benchmarks? Welcome to public education in the era of the No Child Left Behind Act—the well-intended but poorly conceived federal legislation that actually has very little to do with individual student achievement.

NCLB requires that all students meet proficiency levels on state tests by 2014. To reach 100% proficiency, states have set incremental benchmarks to determine Adequate Yearly Progress (AYP). These targets establish the percentage of students in each school—and the percentage of students in each of several subgroups within that school—who must score "proficient" or higher on state assessments.

No educator could argue with the objective of raising achievement for all students. That's the focus of every decision made in good school districts. No educator could argue with a plan that says student progress should be assessed and schools should be held accountable for that progress. In good school districts, assessments are used to inform instruction and direct professional development. However, the NCLB pegs the success of a school to the performance of students in disaggregated subgroups on a single state-developed standardized test—a test itself which has been questioned.

The federal government would have us use the industrial model of stamping out kids on a conveyor and assessing each in exactly the same way. Even Mother Nature has never achieved creation of two identical objects in this universe. All children can learn and, when given the appropriate supports, will demonstrate growth from year to year. For some students, measuring that growth may require an assessment different from the HSPA or other state standardized test. For example, a state-developed standardized assessment does not measure the progress of the autistic student who comes to school in September speaking just a few words and ends the year speaking complete sentences and developing social relationships. Has the school failed this student? Ask the student. What message are we sending to this child? Ask the parent, or the doctor who predicted the student would never get this far.

Imagine being a teenager having moved to this country just over a year ago. Aside from all of the issues associated with adapting to a new country, culture, school and language, you are expected to pass the same test as the teenager who has grown up in the community his whole life. You may be proficient in mathematics—you may, in fact, excel at it. Should we expect the student to be fluent enough in the language after one year to pass the same test as his/her peers who were born in this country? Could our students pass these same requirements in another country?

Clearly, the one-size-fits-all approach to assessment, as mandated by the NCLB, is unfair. Also unfair is the fact that the law paints an inaccurate picture of public education in our country. The legislation leaves its implementation details up to each individual state. So, for example, each state establishes its own benchmarks for Adequate Yearly Progress. Each state determines the number of students that must be in a subgroup in order for that subgroup's results to be counted. These variations make state-to-state comparisons nearly impossible.

In New Jersey a sub-group's test results will only count toward adequate yearly progress if there are 20 or more students in that group. The schools that are not on the state's early warning list appear to be mostly smaller schools with fewer that 20 students in that group. In Pennsylvania, there have to be 40 students in a sub group to count.

The reporting requirements of NCLB may cause communities to point to subgroups of students—our special education children, our children of poverty, our children of color—and say, "You're the reason our schools are failing."

How lucky we are in Cherry Hill to attract kids from neighboring urban areas, kids whose families are thrilled with the educational opportunities that our district provides. We know that the longer students are in Cherry Hill, the better they achieve. Under NCLB, after just a year in our district, those kids are expected to achieve proficiency, without regard to their background or the growth they have demonstrated since they arrived.

The intent behind the "No Child Left Behind" legislation is good. However, if legislators and educators are truly interested in all students achieving, if we are truly interested in improving education, then we need to assess individual student progress over time using multiple measures.

OP-ED ON NO CHILD LEFT BEHIND

(By Rep. Robert E. Andrews)

The federal Department of Education is seriously abusing New Jersey's schools. The Department just released an early warning list of New Jersey schools that are "failing" federal standards, according to the No Child Left Behind Act (NCLB). As anyone who lives in South Jersey knows, there is something seriously wrong with any such list when it includes top-notch middle schools, such as Haddonfield, Washington Township, Medford and Evesham.

The No Child Left Behind Act is a law with great potential to help children. But the Department of Education's implementation of the law fails to help anyone. There are two primary reasons for this failure. First, the Education Department has burdened school districts around the country with a "one size fits all approach." Local communities know best how to run their school districts, and they should be left alone, when successful, to do their jobs.

The second reason is a bias against public schools in some corners of the Bush Administration. By torturing the intent of the federal law, the Administration has been able to twist "objective" measures of progress into evidence of rapid decline. In so doing, the Administration has thrown public schools on the defensive. By making public schools appear unsuccessful, the Administration creates more rationale, and more momentum behind their anti-public school, pro-voucher agenda.

The Department of Education has badly misinterpreted the law. The Department has made a lot of very good schools look very bad by insisting that schools test and evaluate children in programs for special education and English as a Second Language using the same tests as those taken by mainstream students. These students' test scores are included in the overall proficiency standards. We must help every child realize his or her potential, but these tests are not appropriate for these students. The law simply requires states to use appropriate standards for every child. The Department of Education can, and should, easily make this correction.

The No Child Left Behind Act was intended to ensure high standards for our teachers. However, the law was not intended to interfere with successful state standards, such as we have in New Jersey. The correct interpretation of the bill, as intended by Congress, is to allow teachers, in states with high standards, to continue to be certified by their state. Again, the Federal Department of Education has wrongly implementing the law by demanding that our very best teachers meet a different set of federal standards. At a time of severe teacher shortages, this policy seems driven by an anti-public school bias, designed to discourage advancement in the profession, and to encourage the retirement of our longest serving public school teachers.

The final problem with the No Child Left Behind Act is simply one of dollars and cents. When the law was passed, the Bush Administration agreed to provide adequate funding for education in exchange for strong accountability laws and tough standards. But in 2004, the Administration underfunds our schools by $8 billion, and then plans to impose strict sanctions on schools that don't meet the strict federal standards. Without adequate federal resources, South Jersey will likely experience an upward pressure on local property taxes, or face a public school system in chaos.

In May, I met with educational leaders from around the State of New Jersey to discuss the problems of funding and federal implementation of the No Child Left Behind Act. Since then, these problems have become even more evident. I have called on the Bush Administration to correct these problems through the regulatory process. If no action is taken by the Department of Education to fix these problems, I am committed to correcting these faults through legislation. I have already spoken with the Chairman of the House Education and the Workforce Committee, and he has acknowledged the problem.

The No Child Left Behind Act has the potential to help students around the country. But unless the Department of Education infuses some badly-needed common sense into its rules, and unless the Bush Administration provides the money it has promised to our local schools, too many children will be left behind.

NATIONAL BREAST CANCER AWARENESS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. SABO. Mr. Speaker, in keeping with National Breast Cancer Awareness Month, I rise to honor Barbra Wiener, the founder of the Women's Cancer Resource Center (WCRC) in Minneapolis, Minnesota.

Barbra founded WCRC in 1993 with the vision of providing free support and advocacy to women affected by cancer and to promote cancer prevention through environmental awareness and activism. Ms. Wiener was inspired to launch WCRC after the loss of both her mother and sister to breast cancer and her own battle with thyroid cancer.

WCRC serves as an information, support, and advocacy center for women with cancer. Information services include treatment referrals, guest speakers, and a comprehensive health library. In addition, WCRC offers support groups, one-on-one support programs, therapeutic massages, and a mentoring service that matches volunteers to clients with a similar cancer diagnosis. WCRC also holds public health forums on environmental issues related to health and facilitates outreach programs that focus on cancer prevention. All of these services are provided free of charge to women with cancer.

Ms. Wiener has been acknowledged for her work with several awards including the Helen Caldecott Leadership Award, an international award recognizing leadership on behalf of women. Further, the Ford Foundation recognized her and her colleagues at WCRC as finalists for the Leadership for a Changing World Award. In addition, Barbra currently serves on the boards of the Headwaters Foundation for Justice, Women's Environmental Institute, and the Minnesota Interplay Community. She is also a member of Alliance for Accountability in Breast Cancer, a national coalition of cancer activists.

Mr. Speaker, it is a privilege and honor to represent a woman who has turned personal tragedy into an invaluable service that helps women affected by all types of cancer. It is during National Breast Cancer Awareness Month that I ask that my House colleagues pay tribute to the life work of Barbra Wiener.

JOBS AND THE ECONOMY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. RAHALL. Mr. Speaker, the deafening silence we hear tonight is the silence of the Republican leadership and its lack of support for unemployment benefits to millions of Americans thrown out of work during the Republican reign of ruinous indifference to families and livelihoods.

Mr. Speaker, where oh where have the jobs gone? A crisis of epic economic proportions is upon us.

Since the Administration has taken control, this Nation has lost 3.2 million private sector jobs, and those are the ones we are able to count. Who knows how many more are out there uncounted? This fact alone is bad enough, but under this Administration it gets much, much worse.

According to a study in the August issue of Current Issues in Economics and Finance reviewed by Charlie Cook in this mornings Congress Daily AM, almost 80% of the jobs that have been lost since the President took office are permanent. A figure that is drastically worse than had been the case in previous economic downturns of the mid-1970's and early 1980's. I include in the record Mr. Cook's thoughtful comments on this important study.

This finding should shock every business and every worker in the Nation, Mr. Speaker.

A NEW KIND OF JOB LOSS

(By Charlie Cook)

When we get the first look Thursday at economic growth numbers for the third quarter of this year, those gross domestic product figures may well show impressive economic growth: a sign that President Bush's tax cut-oriented, economic growth package did in fact stimulate the economy. History has shown that economic growth through the second quarter of the election year usually results in re-election for incumbent presidents. But the question today is whether that relationship will remain as strong in 2004 as it has been in the past.

Despite the fact that the economic downturn "officially" began in March 2001 and ended in November 2001, a net loss of 2.6 million jobs has occurred since Bush took office, giving weight to the term "jobless recovery." A recent paper by two economists with the Federal Reserve Board of New York shows quite clearly the most recent economic downturn and recovery are very different from past ones. Furthermore, it suggests economic growth figures in the near term might not be accompanied by the same kind of net job growth in the future.

Writing in the August issue of an FRBNY publication, "Current Issues in Economics and Finance," Erica Groshen and Simon Potter looked at the pattern of layoffs and job creation during and after the past six economic downturns. Observing that "recessions mix cyclical (temporary) and structural (permanent) adjustments," Groshen and Potter found, for example, in the economic downturns of both the mid-1970s and the early 1980s, 49 percent of the job losses were cyclical. These are temporary layoffs, whereby an employer "suspends" an employee's job because of reduced demand for goods or services, then recalls that employee when the economy turns around, fueling fast payroll growth.

In those two downturns, the other 51 percent of job losses were more structural or permanent, as when an employee's job is simply eliminated and the laid-off employee is forced to seek a new job. Given new job creation takes much longer than recalling former workers, structural losses are far more serious than cyclical ones.

That 49 percent-cyclical/51 percent-structural loss mix of the 1970s and 1980s changed to 43 percent-cyclical/57 percent-structural in the economic downturn of the early 1990s, as more jobs were completely eliminated or relocated to other countries. For the most part, this shift went unnoticed.

It became much more pronounced in the current economic downturn and recovery, with Groshen and Potter finding 79 percent of job losses were structural and only 21 percent temporary. During this most recent downturn and recovery, jobs in the fields of electronic equipment securities and commodities brokerage and communications were largely eliminated. Indeed, the only field that has truly prospered through this period is in the standard industrial code "nondepository institutions," a group that notably includes mortgage brokers, who have benefited greatly from historically low interest rates and strong home buying and refinancing.

Equally alarming, but more anecdotal than quantitative, are stories of more and more high-technology or other "knowledge-based" jobs shifting abroad, whether to call centers handling customer service and even technical support or in computer programming and other highly skilled fields I recently heard of some corporate legal departments shifting more rudimentary legal work—drafting contracts and the like—to India, an English-speaking country that uses the same English common-law system as the United States.

No doubt some of these structural job losses are the result of the impressive productivity gains that American corporations have enjoyed in recent years as a result of automation and more efficient processes. But it is also clear many of these losses were confined largely to relatively low-skilled manufacturing jobs, many thought this was an unfortunate but inevitable shift. Low-skilled jobs like producing pencils could be done abroad more cheaply and efficiently than by higher-paid Americans under more strict environmental and safety standards. But as the job losses have shifted from lower-skilled to higher-skilled—the very jobs that displaced workers were told they should re-train for—this has become a far more serious problem.

While few believe the solution to job losses is to construct trade barriers in this country, it is a far different and greater problem than we experienced in the past. And it isn't just an economic or trade problem; it is also a political problem. Sooner or later, voters will demand solutions from their elected officials or candidates for Congress and president.

INCREASING THE MILITARY DEATH GRATUITY

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. WATERS. Mr. Speaker, I rise to urge my colleagues to support and pass Congressman MCGOVERN's bill, H.R. 3365, which would increase the military death gratuity from $6,000 to $12,000 and make the entire benefit tax exempt. I am proud to be a cosponsor of this bill and hope that Congress will act swiftly to pass it.

It is wrong that one-half of the military death benefit is currently subject to taxation. Families of patriots should not be penalized by being taxed on a benefit meant to show the nation's gratitude for their family member's sacrifice. We must restore the original intent of this benefit and not unduly burden families with an unexpected tax bill. The death benefit paid to the survivor of a military member has historically been exempt from taxation. An oversight in the tax code after the gratuity was increased to $6,000 in 1991 left half of this payment subject to taxation. Only the passage of H.R. 3566 or H.R. 3019 will remedy this unfair taxation problem for our military families.

Mr. Speaker, as a nation and as Members of Congress, we need to do all that we can for the families of the brave men and women who have made the ultimate sacrifice for our country's freedom.

The death benefit was designed to assist survivors of deceased members of the military with their financial needs during the period following the soldier's death and before other survivor benefits become available. For many families of active duty military personnel, the current benefit is not enough to cover necessary immediate family expenses. This is due, in part, to the payment now being subject to taxation, and to families' financial distress due to longer and longer deployments. The latter is especially true in the case of our National Guard and Reserves, whose military salaries rarely match their civilian incomes. For these reasons, it is essential to provide a substantial increase in the death benefit and return it to its tax-exempt status.

The bill is retroactive to September 11, 2001 because the families of all those who sacrificed their lives in the War on Terrorism deserve these enhanced benefits. H.R. 3566 and H.R. 3019 are retroactive for military deaths occurring on or after September 11, 2001 so that these enhanced benefits are provided to all who have sacrificed their lives in the war on terrorism.

Mr. Speaker, the Republicans recognize that they are on the wrong side of many critical veterans issues. They are now working overtime in order to get back into favor with veterans groups by having Mr. Renzi offer a bill that is identical to the McGovern bill. But Mr. Speaker, the American people will see through these election year ploys. Having a Republican offer a Democratic bill will not obscure the fact that the Republicans in this Congress and this Administration are not meeting the needs of our veterans.

Mr. Speaker, the President campaigned for his office claiming to be a friend of veterans. In fact, at the beginning of his term, he said "Veterans are a priority for this Administration . . . and that priority is reflected in my budget." Let's look at the record.

This is an Administration that has starved veterans programs—and other domestic programs—in favor of massive tax cuts that few people benefit from.

The Fiscal Year 2004 budget was the highlight of the Republican effort to strip veterans programs in order to make room for tax cuts. During the debate of this bill, the Republicans attempted to cut $25 billion from veterans programs at a time when the Department of Veterans Affairs was already severely underfunded.

Every facet of the VA would have been affected by these cuts. Funding for healthcare, disability compensation, pension, education and survivors benefits, just to name a few, all would have been reduced. In the face of stiff Democratic opposition, this funding was largely restored, but there is still a significant gap between what the VA needs and what the Republican party is willing to provide.

The Democrats have been fighting to fully fund veterans programs and provide the benefits that they have earned and deserve. H.R. 3365, Congressman MCGOVERN'S bill, is the latest in a long line of Democratic efforts to improve the quality of life for our veterans. Whether we are talking about ending the disabled veterans tax, fully funding veterans health care programs, or increasing Montgomery GI Bill educational benefits, Democrats have been at the forefront of helping Veterans.

Mr. Speaker, Congress should have acted long ago to correct the legislative oversight that resulted in subjecting part of the military death benefit to taxes, and to increase the benefit. An enhanced, tax-free death gratuity is a key benefit for the families of soldiers who died fighting on our behalf.

I know that my colleagues will join me in supporting this important bill. It is long overdue. I thank Representative MCGOVERN for introducing this important legislation.

SENATE—*Wednesday, October 29, 2003*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal and living God, our Master and Friend, in the noisy confusion of life, help us to keep our minds on You. Lord, we place ourselves in Your hands as we begin this day. Your plans are better than what we can devise, so lead us with Your providence.

We thank You for this great land and for our many freedoms. Empower our Senators to be faithful in their duties, working with a spirit of unity. May they remember that all things work together for good for those who love You.

Give each of us, Lord, grace to feel the sorrows and trials of others and to bear patiently with human frailties. Give us also confidence in the eternal victory of truth and goodness.

Lord, protect our military.

We pray this in Your glorious name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today there will be a period of morning business until 10 a.m. Following morning business, the Senate will resume consideration of the Foreign Operations appropriations measure. Under the order from last night, Senator DORGAN will be recognized to offer an amendment relating to 9/11 in which there will be 40 minutes of debate. The procedural vote with respect to the Dorgan amendment is therefore expected at approximately 10:45 this morning.

Following that vote, we will begin consideration of the Healthy Forests bill. Senator COCHRAN had hoped, and we tried on several occasions, to reach an understanding that the bill will be open for relevant amendments. We were unable to reach a formal agreement for that, but I do hope we will debate amendments that are related to Healthy Forests and the Healthy Forests initiative. We all recognize the tragedy and the suffering and misery that surrounds the wildfires currently raging in California. I do think it would be unfortunate and irresponsible in many ways for this to be delayed or not to stay on the issues related to the underlying bill. We will have votes throughout today as we make progress on that bill. There is a clear urgency to finish that bill this week.

We will be looking also to execute the order with respect to the climate change bill. That agreement from July 31 allowed for 6 hours of debate. I will be working with principals on both sides of this bill in an effort to begin that debate during today's session.

There are a number of other issues that we are currently working on, including the Internet tax, which has an expiration date surrounding the issue this Friday night. We continue to talk to the interested parties to bring that to some conclusion before Friday. We have the issue of gun liability. We are discussing on both sides of the aisle as to when we might address that—not this week but possibly the following week.

On nominations, a cloture motion had been filed on the nomination of Charles Pickering to be a United States circuit judge for the Fifth Circuit. That vote will occur on Thursday. Again, we will be working in good faith to finish these measures. I thank everyone for their attention and cooperation in these matters. We do want to finish in a timely fashion and be able to leave for the recess period. There is a lot to accomplish. I think we are on track to do just that.

Mrs. BOXER. Will the leader yield for a quick question about the schedule?

I thank you for your comments about the tragedy in California. I was wondering whether it would be possible, when we take up the Healthy Forests bill, to complete work on that without interruption simply because it would send a signal of hope in terms of how we are going to deal with the communities close to forests. It is a very important piece of legislation.

Would that be possible? Could I get the Senator's commitment on that?

Mr. FRIST. We will certainly consider that and work very hard.

As my colleagues know, we are adjusting the schedule and interrupting the appropriations bills quite appropriately to address this issue, which reflects the joint priority in responding in large part to the immediacy of that response to the fires that are underway.

As I mentioned, the main obligation on both sides of the aisle is to address the issue of the climate change bill and the agreement from July 31. My intention is to stay on Healthy Forests and work aggressively. But we have to ask for cooperation on both sides of the aisle.

I would like to finish Healthy Forests as soon as possible, absolutely finish it this week. It will take focus to stay on that bill and on relevant amendments as we have been requesting.

Mrs. BOXER. If I could make——

The PRESIDENT pro tempore. Will the Senator address the Chair, please.

Mrs. BOXER. Through the Chair, I would like to address another question to the leader.

Thank you very much, Mr. President.

I just wanted to say that as far as I am concerned we will work with you to ask Senators on our side if we could have time agreements on amendments on Healthy Forests. We need to give a message of hope to people that their communities will have more help than they had in the past.

I thank you very much for your expressions here in the hope we can work together and get through that bill and move on to the global warming bill which, of course, is very important in its own right.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will comment briefly on the schedule. I think that the majority leader has set exactly the right tone. We have to recognize the days for this session are numbered. We have a lot of work to do. I agree with his prioritization in terms of his urgency in bringing up the forest health bill, given our circumstances now in California, particularly.

Senator REID and I have had conversations with Members of our caucus and have expressed our strong desire to keep amendments to the forest health bill relevant. Now, "relevant" is loosely interpreted, but it is important they stay relevant. We can give the assurances to the majority leader that we will maintain relevancy in that loosely structured definition in order to complete the work on the bill. I am hopeful, as he is, if we cannot complete it today, or certainly completing it by tomorrow, recognizing that we may move to the climate bill tonight.

I also think it is critical we keep our emphasis on the appropriations process. We have a lot of work there to do

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and, frankly, I must say, through no fault of the majority leader, we are in a real dilemma right now with completion of the work on the foreign operations bill. We made such progress yesterday and everyone worked to try to bring it to closure. We have an AIDS amendment that deserves a vote. With that vote we could go to final passage. There is no reason we cannot complete our work on that and move to Agriculture appropriations and all the remaining bills that are to be considered.

I hope all Senators will recognize, given the plethora of work we have to do, we cannot afford to delay indefinitely appropriations amendments. We will work on this side to try to expedite consideration of these bills. But it has to be a cooperative effort on both sides. Right now that is not the case.

So I thank the majority leader for outlining the schedule. We will work with him to see if we can complete our work on time.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, just one final response.

As I think our colleagues can see, we are working together in trying to move the schedule forward. I, too, am committed to the appropriations process. On foreign operations, I think we ought to work over the next hour and see if we can resolve the differences on the outstanding amendments. Indeed, my objective is to complete that bill as soon as possible.

I will say, if we get to where we are really locked up, because Healthy Forests is important, the other issues are important, we are going to have to have some flexibility. But again, I think we ought to start working right now to resolve the outstanding amendments on foreign operations and try to finish it by midday today.

The PRESIDENT pro tempore. Does the leader desire that we have 30 minutes of morning business now?

Mr. FRIST. Mr. President, let's continue with the 30 minutes of morning business.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes. The first 15 minutes is under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the second 15 minutes is under the control of the Democratic leader or his designee.

The Senator from Missouri.

Mr. BOND. Mr. President, I claim the time that has been set aside for the Senator from Texas.

SUPPLEMENTAL APPROPRIATIONS

Mr. BOND. Mr. President, I begin by thanking the Chaplain for his prayers for our brave fighting men and women in Iraq, as well as in Afghanistan, as well as for the first responders and law enforcement personnel who are putting their lives on the line every day for us. In California, we pray for those who are fighting the fires. Certainly our hearts and sympathies go out to them.

I also note, Mr. President, as you well know, that we are working hard to complete the Iraqi supplemental, which will provide the support that our troops need to be safe in Iraq, as well as the reconstruction money, which I hope we can pass quickly so we can bring the troops home.

Having said that, let me share with you an experience I had this weekend. It came as a great surprise to hear on the news this weekend that newspapers were reporting that the Intelligence Committee was preparing a report saying that the distinguished chairman of the Intelligence Committee was trying to do something with a report that was uncalled for and that would whitewash the administration, and purporting to outline material in that report.

That caught me by surprise, No. 1, because I am on the Intelligence Committee. As reported by Chairman ROBERTS, we have not completed a report. We have not started a report. We have worked very diligently with our staff to interview a hundred witnesses from the intelligence agencies. They have reviewed tens and perhaps thousands of documents, and they are continuing to do so. As Chairman ROBERTS said, there will be information sought from the Director of the CIA, Director George Tenet. So whatever was leaked was not based on fact.

The second thing that bothered me is that what was supposedly a work in the classified confines of the Intelligence Committee had been somehow shared with the press. Now, that is a problem. The President has come down very strongly in saying that he absolutely abhors leakage of classified, sensitive material, as he should. We all should. He said he will not tolerate it in the administration, in the White House, or even in Congress. But it appears to me that somehow in the Intelligence Committee it is leaking like a sieve, and people are saying things that are not true.

So I would caution those who are listening, when you hear about something that is going on in the Intelligence Committee, perhaps you ought to take it with a great big grain of salt.

Chairman ROBERTS and Vice Chairman ROCKEFELLER are conducting these hearings, and all Members of this body can come to Hart 219 and have access to the material if they want to find out what we are working on. But what you hear being discussed is not necessarily relevant to anything that is going on.

What is relevant, and what many people have cited—and I am afraid they have not read—is the work of Dr. David Kay, the Interim Progress Report of the Iraqi Survey Group, the ISG. This is a declassified report from this distinguished person who is heading the intelligence gathering in Iraq. He has been cited as saying: Well, we have found no weapons of mass destruction; therefore, there must not be any.

Well, I would say, by that same reasoning, we have not found Saddam Hussein; so by that reasoning, maybe Saddam Hussein did not exist. But we have seen in the tragedies that have occurred in recent days and weeks in the Sunni Triangle and in Iraq and elsewhere that the protégés, the adherents to Saddam Hussein and Osama bin Laden, continue to carry on their war of terrorism. They are attacking our troops. They are attacking Iraqi civilians. They have attacked the U.N. They have attacked the Red Cross. They are very dangerous, and we know that the battle on terrorism goes on. That is why we have to complete work on the Iraqi supplemental appropriations.

But what has David Kay found? Why hasn't he found any weapons of mass destruction? I might note that it was only this summer, after we had been there several months, that we found a squadron of Russian-made MIG airplanes hidden in the desert. They were buried in the sand.

Well, weapons of mass destruction, chemical or biological weapons, which we know Saddam Hussein has had in the past and has used in the past, could be hidden in a two-car garage, and they could be hidden in much smaller samples.

There is speculation in the media that they could have been taken out of the country, which should really worry us. There is speculation elsewhere as to what may have happened.

But Dr. Kay said, talking about the extensive program of denial and deception engaged in by Saddam Hussein's regime:

> From birth all of Iraq's WMD activities were highly compartmentalized within a regime that ruled and kept its secrets through fear and terror and with deception and denial built into each program;
>
> Deliberate dispersal and destruction of material and documentation related to weapons programs began pre-conflict and ran trans-to-post conflict;

In other words, they were concealing, they were denying they had it before the war, during the war, and even after the war.

> Post-OIF—

In other words, after Iraqi Freedom—

> looting destroyed or dispersed important and easily collectible material and forensic evidence concerning Iraq's WMD program. As the report covers in detail, significant elements of this looting were carried out in a systematic and deliberate manner, with the clear aim of concealing pre-OIF activities of Saddam's regime;

> Some WMD personnel crossed borders in the pre/trans-conflict period and may have taken evidence and even weapons-related materials with them. . . .

In other words, what Dr. Kay is saying is, the people involved with Saddam Hussein, his loyal thugs, could have taken the material out of the country. But he says what we have found and what we have discovered are:

> dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2000. The discovery of these deliberate concealment efforts have come about both through the admissions of Iraqi scientists and officials concerning information they deliberately withheld and through physical evidence of equipment and activities that ISG has discovered that should have been declared to the UN.

He then goes on to cite many of the things they have found and also discussions and reports on interviews he has had.

For those who wonder what has happened to Saddam Hussein's WMD program, the information already prepared and presented by Dr. Kay should be a good example.

But, Mr. President, I would say that the ISG's progress report is not final. They have made an extensive investigation of Saddam's biological and chemical weapons program, and the work that was going on to restart the nuclear program. But unless we accept the fact that Saddam is somehow reformed, his track record of not just developing but actually using weapons of mass destruction stands as a brutal and tragic fact of history.

It is clear that Saddam Hussein actively deceived the international community and was in clear violation of U.N. Security Council Resolution 1441 and was actively pursuing WMD programs.

That Saddam may have redesigned programs around concealment activities is something this body should find deeply troubling, certainly not grounds, as some would say, to acquit him of any accusation of WMD use or pursuit. Our troops are doing an outstanding job under difficult conditions. They are away from their families in harsh conditions, and they are in harm's way, risking everything. Yet they complain less and bicker less than many here in Washington.

Saddam Hussein and Osama bin Laden-like terrorists know they cannot defeat our brave military men and women on the ground. The only chance they have is to create division here at home in the hope that we will cut and run. They cannot conceive of retaking Baghdad from our troops, so their only chance of victory is here in Washington.

Yesterday we had a very interesting discussion with Tom Friedman of the New York Times, a very seasoned observer, one who doesn't share my political views on a lot of issues. But he has been in Iraq. He knows what is going on, and he believes we did what we had to do. He said it is clear that Saddam Hussein and Osama bin Laden are the motivating forces, the leaders behind these attacks, and that they know that if they can create enough division here at home, that is their one chance of winning. It is almost unthinkable in this day and age that someone would attack the Red Cross, the ultimate humanitarian institution, to try to drive them out of the country so they cannot minister to the suffering of the Iraqi people.

The Iraqi people share our goal, which is to create a free, stable Iraq, independent of Saddam Hussein or the rule of ayatollahs or others who do not tolerate human rights, freedom, and the rights of women. We cannot leave this country in chaos. If we do, Saddam and Osama bin Laden win.

Those who would say pack up and leave would turn over all of the fruits of victory and turn them into the spoils of those who have wreaked such havoc on the country. I believe Mr. Friedman said that when we got into Iraq, we discovered a country that had been devastated back to the stone age. We are working hard to restore security and to bring them out of the stone age. The President has outlined a clear plan. He is asking for our help, $87 billion.

I hope today we can complete efforts on the conference report on the Iraqi supplemental. We need the $66 billion to make sure our troops are protected and adequately well served. We need the other $21 billion as a grant, not as a loan, to go to rebuilding the security forces, the military, the police, to assure that they can maintain stability. We need to turn on the lights and turn on the water so they can get back to making a productive country. We have to pass this bill to give them support, to show Congress is behind them. We need to continue to work to see that Iraqis can control their own destiny.

We have some 55,000 Iraqi policemen. We have 700 Iraqi Army trained. We are training more every day. What we need to do is provide them the resources so they can be the eyes and ears because they, the Iraqi people, and their police and military are the ones best suited to go into the dangerous parts of Baghdad and Fallujah and elsewhere in the Sunni triangle and identify those who are Saddam adherents and Osama adherents and drag them out in the middle of the night and bring them to justice or stop their terrorist activities before they continue to strike innocent Iraqis and international institutions such as the U.N. and the Red Cross, the U.S. Army, and the military who are there.

Hospitals are open. We have people going back to school. Progress is being made. But we have to complete action. We have to provide the assistance to bring Iraq out of the stone age to the point where, with the help of the donations from the U.N. conference in Madrid, they can have the basic infrastructure that will support loans that will enable them to rebuild their oil-producing facilities, to rebuild what was a very fruitful agriculture.

There is hope not only for the Iraqi people but for people throughout the Middle East. If we will translate the victory over the Saddam Hussein government into a victory over the Saddam and Osama bin Laden terrorists who continue to carry the battle to Baghdad, there is hope for freedom for people in the Middle East. That is in our best long-term interest. We are battling against terrorism in Baghdad. Far better we battle in Baghdad than in Boston or Ballwin, MO, or Belton, MO. That is our choice.

The President has outlined a consistent and coherent plan that led to peace, avoided the problems we thought could occur, and now we have to secure the peace.

Make no mistake about it, today, I feel no differently about Saddam and his regime and the threat it posed as the day I voted with 77 of my other colleagues to remove Saddam. The threat he posed was real. There is no question that the world is better off without Saddam, his henchmen, and his two despicable sons who were poised to sustain the legacy of Saddam for another half century.

The key lesson of September 11, 2001, is that in a world of proliferating weapons of mass destruction, we cannot afford to wait until threats become actual attacks. The stakes and risks are just too high and the brutal track record of Saddam is clear.

And clearly, as demonstrated recently by David Kay's interim report, we have seen unequivocally, that Saddam remained a danger to the world up to the last day of his regime.

Mr. Kay stated "his WMD programs spanned more than two decades, involved thousands of people, billions of dollars"—(billions of dollars, I might add, that belonged to the Iraqi people and should have been reinvested in Iraq's infrastructure) "and was elaborately shielded by security and deception operations that continued even beyond the end of Operation Iraqi Freedom."

For months after the passage of U.N. Security Council Resolution 1441, Saddam Hussein continued to violate his obligations to the international community by filing false declarations deceiving the inspectors and terrorizing the Iraqi People.

Mr. Kay stated in his interim report that dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the U.N. during the inspections in late 2002 were discovered. According to his report, the discovery of these concealment efforts were learned primarily through the admission of Iraqi scientists and officials. Some of the examples he cited were:

A clandestine network of laboratories and safehouses within the Iraqi intelligence service existed that contained equipment subject to U.N. monitoring and suitable for continuing CBW research;

A prison laboratory complex, possibly used in human testing of BW agents, that Iraqi officials working to prepare for U.N. inspections were explicitly ordered not to declare to the U.N.

Reference strains of biological organisms concealed in a scientist's home, one of which can be used to produce biological weapons;

A line of UAVs not fully declared;

Documents and equipment hidden in scientist's homes that would have been useful in resuming uranium enrichment by centrifuge and electromagnetic isotope separation;

New research on BW-applicable agents, brucella and congo crimean hemorrhagic fever and continuing work on ricin and aflatoxin were not declared to the U.N.

The ISG has also uncovered thus far the first documented link between Iraq and North Korea, with documents detailing Iraq's attempt to buy equipment from North Korea to make missiles with ranges of up to 1,300 km.

The Iraqi Survey Group's progress report is not final. Extensive investigation of Saddam's biological, chemical, and nuclear weapons programs remains to be done, but unless we accept that Saddam was reformed, his track record of not just developing but actually using wmd stands as a brutal and tragic fact of history. It is clear that Saddam Hussein actively deceived the international community, was in clear violation of UN Security Council Res. 1441 and was actively pursuing wmd programs.

Mr. President, that Saddam may have redesigned programs around concealment is something that this body should find deeply, deeply, troubling—certainly not acquitting, as some seem to be suggesting.

Our troops are doing an outstanding job under very difficult conditions. They are away from their families, in harsh conditions and they are in harm's way risking everything, yet they complain less, and bicker less than many here in Washington

Saddam Hussein and Osama bin Laden-like terrorists know that they cannot defeat our brave military men and women on the ground. The only chance they have is to create division here at home in hope that we will cut and run. They cannot conceive of retaking Baghdad from our troops so their only chance of victory is in Washington.

Our enemies perceive that our failure to respond to the Khobar Towers and the USS *Cole* and our withdrawal from Lebanon and Somalia shows a lack of conviction and a weakness of our resolve.

The terrorists working for Saddam and Osama, who are trying to thwart our efforts by targeting not only our service men and women, but also Iraqi civilians, humanitarian workers, and recently the Red Cross, are trying to break our will and believe that Americans are weak and lack the will to win the peace.

Cowardly terrorists are shooting at our soldiers and innocent civilians, but are aiming at American public opinion and our resolve to complete the mission.

If we leave the country in chaos, Saddam Hussein and Osama bin Laden win. This would not only prevent us from seizing a tremendous opportunity to create a stable, representative government in the heart of the Middle East, but it also would send a signal to terrorists around the world that America is weak and invite future acts of terror against the United States and our allies.

Most all know that we cannot afford to retreat. We must strengthen our resolve and complete the mission in Iraq, with self-governance of that nation as our ultimate end.

Through joint United States/Iraqi operations, we have captured hundreds of foreign fighters and killed a number of them in combat. With each passing day, we are witnessing more and more Iraqis assuming responsibility for the safety and security of their nation. Currently, there are over 85,000,000 Iraqis working to provide security for their country with: 6400 Iraqi border patrol forces that will eventually replace coalition forces at checkpoints along the border; 55,000 Iraqi police that will contribute to a stable society; 18,700 facilities protection service members that will secure power lines, refineries and other key infrastructures that are targets for sabotage; 700 new Iraqi army soldiers that will be a professional force for maintaining peace and stability versus Saddam's instrument of terror and repression; and lastly, over 4,700 Iraq civil defense citizens that will remain in their communities providing valuable local intelligence to coalition and Iraqi forces while receiving on the job training in security patrolling.

The men and women of the U.S. Armed Forces serving so dutifully in Iraq represent America's finest. As the most highly trained, best-equipped fighting force ever assembled, they are executing their mission and achieving success. I recently visited with some of these incredible patriots at Walter Reed to thank them for their patriotic and heroic service. What they and their fellow service men and women still in Afghanistan and Iraq need from us is our support, not just in the form of equipment and supplies, but support and affirmation that Washington believes the mission they are carrying out—the one we voted to authorize by a three to one margin—continues to be necessary to promote peace, stability, and democracy in a world less threatened by terror.

Our service men and women are helping the Iraqi men, women, and children establish a foothold of peace and stability in the region, which will be a catastrophic blow to the terrorists who have joined the fight in Iraq. Our people on the ground get to see first hand the extent to which Saddam destroyed a society—a society of people whom have never until this day had the opportunity to be safe and free. Murder and mass graves are headlines in Washington but they were a way of life under Saddam.

After 9/11, we vowed to stick together and we have. The President asked for our support in a sustained effort which will be measured in years, not months.

He told use that the world had changed and that we would have to change with it. No longer would be in the mode where we would fire one shot then fall back. He realized that the war on terrorism had to be carried to the terrorist—we could not just wait for the next attack.

He has asked Congress and the people to support a sustained effort and he warned that it would be a fight like never before. It will have its ups and its downs. Mistakes will be made and measures will be taken that may not always be popular.

We are fighting an enemy that wears no uniform and swears an allegiance to a radical ideology, not to humanity or a country. One who is willing to kill innocents without the slightest remorse. It is an unconventional war without borders—and it requires unconventional methods to win it. By taking the fight to the enemy, we have more opportunity to fight on our terms but on their ground—using our best soldiers and spies. So we fight in Baghdad and Bagram so the war is not fought in Boston, Boise, or Bolivar, MO.

I believe that it remains instructive to note that there are two major investigations ongoing in Washington. One, in relation to 9/11, asks why the Government did not act based on imperfect information. The other, in relation to Iraq, asks why the Government did act based on imperfect information. This helps us understand the predicament that any President faces in a hostile world where lives and freedom at stake with intelligence that can almost never be perfect and sometimes can be wrong.

In Afghanistan and Iraq, our people are facing hardship and death. Yet they are getting the job done. We have seen reenlistment ceremonies that are taking place in Iraq by our dedicated service men and women who are committed to staying until their mission is complete.

A central bank and Iraqi currency have been established months ahead of schedule. We went from 0-60,000 trained Iraqi security and military personnel in less than 5 months. Schools, which were formerly weapons storage depots, are open. Electricity has been restored to prewar levels and is delivered not just to Saddam's Bathist friends as before, but to the population at large. Hospitals are open, working, and caring for patients; and the political leadership of the country has begun coalescing. In Afghanistan, where there were once 800,000 boys in school, there are now 2.5 million boys and 1.5 million girls in school. Baghdad, which once got its news only from Saddam, Aljazeera and CNN, now may have more news sources than Washington, DC.

The Marshall Plan after World War II cost almost $80 billion, in 1998 dollars, and we had roughly 100,000 troops in Germany for 4 years after the war. Who at that time asked after Pearl Harbor, how much was it going to cost to defeat the Japanese; who asked how much was it going to cost to defeat the Germans after they sank the Lusitania? The cost of the war on terror is great but it must be weighed against the human tragedy and economic costs of 9/11.

The supplemental appropriations bill that the Congress needs to pass out of conference is necessary to help protect our troops, win the peace and create conditions so that our troops can return home safely and victorious. The same resolution that the Senate voted 77-23 to authorize war almost 1 year ago expressly stated the need to restore a stable, peaceful Persian Gulf. Lets honor that commitment today and pass the supplemental appropriations bill.

We need to let our service men and women complete their mission so they can come home.

I say to our men and women serving here and abroad, to their families at home, and to those Saddam loyalists and terrorists who doubt our will: don't equate public discourse in a free society with weakness. We voted overwhelming to authorize to take the fight to the enemy and we have voted overwhelmingly to support our troops in the field and to help the Iraqi men, women, and children, who were until now, hopeless of living with peace and freedom.

We will not cut and run. We will not let those who have already paid the ultimate price die in vain. We will not turn our backs on the commitments we have made.

Some doubted our ability to turn back Nazism and communism but collectively, we did. Doubters that we can overcome terrorism will be just as wrong now as doubters were then.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Arkansas.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I have risen on numerous occasions over the last several months to pay tribute to our Nation's troops serving in Iraq, Afghanistan, and across the globe in support of the war on terrorism. Today I would like to add to that ongoing tribute by honoring the troops of the 39th Infantry Brigade or "the Arkansas Brigade," as we know it at home. The 39th was recently mobilized for action in Iraq with troops pulling out this week for training in Fort Hood before a 12-month deployment in the Middle East.

Last weekend I had the honor of attending a send-off ceremony for the 39th Brigade in Little Rock. That ceremony brought together soldiers, families, friends, and loved ones to commemorate the occasion and to wish them the best in their mission. The send-off was not a celebration. In fact, it was a sober occasion. After all, no one relishes the prospect of traveling halfway around the world, far from family, friends, and home, to take on a dangerous but necessary mission.

But along with the sense of sobriety at the ceremony, there was an enormous sense of duty, honor, and pride among these individuals. These men and women recognized that they were taking on a great personal risk, but they also recognized that, in so doing, they are part of a long tradition of American soldiers taking up arms to defend our freedoms and to bring security and stability to the world. As their fathers and grandfathers and great grandfathers fought in the First and Second World Wars, in Korea, Vietnam, the gulf war, and in countless other conflicts in the last century, these men and women are embracing a new historic mission.

The 39th Infantry Brigade is the largest combat command in the Arkansas Army National Guard, with nearly 3,000 troops comprising 47 units from across the State. While this is the first time since World War II that the entire brigade has been activated for overseas service, the 39th has been remarkably active within Arkansas for decades.

At the Governor's behest, the 39th has been quick to respond in the event of State emergencies. When floods, tornadoes, forest fires, ice storms, and drought have struck Arkansas, the members of the 39th have been there to offer their expertise and to lend a hand to communities in need. The 39th has offered assistance to law enforcement in missing persons cases, anticrime efforts, and counterdrug programs. Members of the 39th have offered themselves for countless hours of leadership and volunteer service in their communities, in schools and churches, civic organizations, private businesses, law enforcement, and even elected office.

Consider, for example, the small town of Bradford just a few miles northeast of Little Rock. This town of 800 people is preparing to lose their mayor, their police chief, and the school librarian, all of whom are leaving for Iraq. While these temporary losses may bring temporary hardships, I have every confidence that these communities, Bradford and many others, will pull through.

I am happy to report that Bradford is already coping—Grebe Edens, a 78-year-old former school teacher who serves as the town's recorder and treasurer, will be serving in the mayor's place until he returns.

I ask unanimous consent that an October 24 Washington Post article about how the town of Bradford is coping be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. LINCOLN. Mr. President, this is but one example of the effect this deployment will have on my home State of Arkansas. Many communities in Arkansas will no doubt be able to share similar stories of losing key personnel in the next 18 months.

Furthermore, let us not lose sight of the impact of this deployment on the families of these troops.

I was standing in that auditorium on Sunday visiting with mothers, aunts, daughters, as well as wives and children, and watching their faces with a sense of not knowing what is coming down the pike and yet being so incredibly proud of their loved ones who are serving this great Nation.

I have an October 27 newspaper story written by Stephen Ziegler, editor of the Searcy Daily Citizen in White County, AR.

Mr. Ziegler's story focuses on the troops of the Second Battalion, 153rd Brigade, and their families. Some are newly married, or have young children.

The stories illustrate the mixed emotions that many Arkansans experience in seeing loved ones, friends, and neighbors leave to serve our great Nation.

Here is one young couple who are expecting a child in May. Here is a school superintendent who has been away from his job for 3 of the last 6 years on account of frequent deployments. Here is a young Army medic whose greatest fear is that he may see a friend die.

But coupled with the uncertainty is a clear sense of dedication and commitment.

I ask unanimous consent that this article from the Daily Citizen be printed in the RECORD following my remarks, so that we may be ever mindful of the effects of war both on those who serve and on those they leave behind.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mrs. LINCOLN. As recent events have made startlingly clear, the situation in Iraq remains dangerous.

It is true that some parts of the country—notably in the south and in the Kurdish north—have achieved a measure of stability and security. To the extent that stability has been achieved in these areas, it has been entirely attributable to the hard work, commitment, and ingenuity of American troops on the ground. We praise them for that.

Unfortunately, it is also true that parts of Iraq remain critically unstable, particularly in the country's central region around Baghdad and Tikrit. With these facts in mind, let us salute the remarkable courage of our men and women who are placing themselves at great risk to serve in bringing security and peace to Iraq. We owe them a tremendous, tremendous debt for this service and sacrifice.

Finally, I would like to once again pay tribute to the troops currently serving in Iraq—roughly 140,000 American troops, with an estimated 5,000 from Arkansas. Many have given their lives to this mission, and many more have been wounded, some quite seriously. Those who remain in Iraq, and those who are preparing to enter into rotation in theater, will be in our thoughts and prayers in the months to come. We pledge to take care of their families and loves ones who are left behind.

We wish our troops safety, we wish them success, and we wish them a swift and safe return to their homes and loved ones as soon as their service is complete.

Thank you, Mr. President.

EXHIBIT I

[From washingtonpost.com, Oct. 24, 2003]

A TOWN'S LEADERS MARCHING OFF TO WAR

(By Lee Hockstader)

BRADFORD, AR.—For months, Paul Bunn had an inkling that his unit of the Arkansas National Guard would be shipped to Iraq, and there were a few things he wanted to get done before he left.

Such as running the drug dealers out of town, ensuring a safe supply of drinking water and compelling his more slovenly constituents to get rid of the junk in their yards—if necessary by fining them.

Bunn, 36, took office in January as the supercharged mayor of Bradford, a one-blinking-stoplight hamlet of cow pastures, low-slung houses, rickety shacks and modest churches set among the rice and soybean fields an hour's drive northeast of Little Rock. His impending departure for the Middle East—Bunn has already reported for training and expects to be in Baghdad early next year—has shaken this town of 800.

So has the scheduled deployment of the police chief, the school librarian and five other townsmen, all members of the 39th Infantry Brigade of the Arkansas National Guard.

"I'd say our town is paying one heck of a price, but to me it's a price worth paying," said Bunn, a former Army Special Forces soldier who fought in Panama and the Persian Gulf War.

The deployment of the 39th Infantry Brigade, announced in late September, means about 3,000 Arkansas Guardsmen from 47 units scattered across the state will be going to Iraq early next year as part of a major deployment with the Army's 1st Cavalry Division, based at Fort Hood, Tex. The troops are expected to replace soldiers of the 1st Armored Division who have been serving in Iraq since April.

For Arkansas, the effect is dramatic. Counting 2,000 guardsmen already deployed elsewhere overseas, including in Afghanistan, the departure of the 39th means that more than half the state's 11,000 guardsmen will be serving overseas. Only a handful of other states—Oklahoma, North Carolina Washington—have a similarly large portion of their guardsmen serving overseas, according to the National Guard.

To the extent that Bradford—or at least its leadership—is being decapitated, the town is unusual. But it is also typical of communities that, disproportionately, are sending military men and women to serve in Iraq and other areas of conflict.

"Broadly speaking, [the military] tends to be more rural and more southern," said Doug Bandow, who has analyzed the demographics of the U.S. military for the Cato Institute, a think tank. "But it is also a broadly Middle America, middle-class force."

The departure of so many prominent citizens is causing ripple effects and dislocations not easily absorbed in so small a rural town. At the town's one school, for instance, the departure of the librarian, Nolan Brown, 57, a grandfather of nine who is a personnel clerk in the Guard, triggered a domino effect in which one new teacher was hired and three others, in the departments of math, science and social studies, were compelled to add or drop courses they had already begun.

At Bradford's somewhat misleadingly named city hall, a one-story red brick building that also houses the police and water departments, Mayor Bunn's powers have been transferred to Greba Edens, 78, a retired schoolteacher whose last specific memory of a combat casualty that touched her life involved a friend's brother—killed in World War II.

"I'm not moving into the mayor's office," said Edens, known locally as Miss Greba, the town's recorder-treasurer for 19 years, who by law will assume Bunn's duties until he returns. "But he made promises that he'd clean up the trashy places around town and try to get rid of some of the drugs, so I guess I'll try to do that."

Like the mayor and the librarian, the police chief, Josh Chambliss, 28, is expected to be gone from 18 months to two years on duty in Iraq. Chambliss, recently married, had been hoping to start a family, but those plans may be on hold for now. His five-officer police department, which deals mainly with domestic disputes, thefts and a methamphetamine drug problem common in small rural towns, will be led in his absence by Michael Ray, the assistant chief.

Ray, 34, who counts the chief as well as the mayor among his best friends, seems slightly uneasy both at their departure and his own ascendance.

"In the last Gulf War, they were all surrendering to anyone who came along," said Ray, whose badge, affixed to his belt, still says assistant chief. "This time, it's just a whole different ballgame, and there's a good chance that some of [the Americans] aren't coming back."

Ray's apprehension about the fighting in Iraq is widely shared, even though most people in this resolutely conservative town are quick to say they support the troops as well as President Bush. Many say they want to see the troops "get over there, get the job done and get home quickly"—intoning their wishes almost like a mantra—and in practically the same breath acknowledge that they see no swift end to the fighting or the U.S. engagement in Iraq.

"We don't want to get into another situation like in Vietnam, of not supporting these people," said Larry Robinson, a county veterans services officer. "You bet we're behind them, and this is really bringing the Iraqi situation right to the front door. But this is a new type of war, and it worries me."

For his part, Bunn has no illusions about the toll that may result from the 39th Infantry Division's deployment. A sergeant who expects to be a Humvee squad leader in Iraq, Bunn has already bluntly told his two children and two stepchildren, ages 11 to 15, that he and some of his fellow guardsmen may not be coming home alive.

"I'm hard as woodpecker lips when it comes to this, but in this job here there's gonna be body bags coming home and bullets going downrange," he said. "I don't believe in lying to the kids about it."

Bunn worries nearly as much about what he is leaving behind in Bradford as what he will face in Iraq. He worries about his insulation business, in which he has several hundred thousands of dollars in loans, and whether it will survive his absence. He worries about miss Greba, the stand-in mayor, and whether she will be able to oversee an $800,000 grant from the state that Bunn secured to improve the town's drinking water. He worries about what will happen in the event of tornadoes hitting Arkansas—Bradford lies in the heart of twister country—in the absence of thousands of the state's National Guard troops.

"I'm a wheeler-dealer, and it doesn't bother me to pick up the phone and call the governor," Bunn said. "But I'm not even going to try over there. My job now is to be a soldier and take the guys I got and bring them over there and bring them back safe."

Yet he also worries about making it back to Bradford for his stepson Bradley's high school graduation in the spring of 2005. And he frets about his friend Chambliss, a staff sergeant in the Guard who has never been in combat.

"Josh to me is a special person," Bunn said of his police chief. "Not too many people that you find who have an innocence about them, and Josh does. . . . That innocence will be shattered, and that's what bothers me."

Bunn believes he will be prepared for Iraq, but the other guardsmen are much less experienced. Nolan Brown, the school librarian, was in Vietnam during the Tet Offensive of 1968, but he was a clerk in a dental unit at the time, not involved in combat.

The younger men enlisted, in some cases while still in high school, were lured mainly by the Guard's generous provisions for helping pay for college and health insurance. Few imagined they would be heading off to combat anytime soon.

Two of them, both privates in the Guard, wandered into the Bradford school the other day dressed in green fatigues, their hair cropped short. One, Richard Farmer, 21, a supply specialist, joined the Guard a few years ago when he was still in school. The other, Wesley Hodges, 20, an administrative assistant in the Guard, joined shortly thereafter.

Asked if they would have joined then had they known it would mean duty in Iraq, the two shrugged and mumbled an unconvincing "yeah."

EXHIBIT II

[From the Daily Citizen, Oct. 27, 2003]

FOCUS ON WHITE COUNTY: CALLED TO DUTY

(By Stephen Zeigler)

White County gave a rousing sendoff Friday at Spring Park in Searcy to the 140 local troops of the 39th Infantry Brigade who begin heading to Fort Hood Tuesday. From there, the troops go to Iraq sometime in March.

There were balloons, hugs and tributes.

But it is the third deployment since 1998 for members of the Second Battalion, 153rd Brigade, who went to Kuwait on the Iraq border in 1999 and then to Egypt in 2001, just returning in August.

It is safe to say they were hoping for an extended time home before being deployed again.

The honor to White County is significant, but so are the sacrifices. Lt. Sgt. Kirk Van Pelt estimates the soldiers' active duty time will be 18 months, including deployment to Iraq for a year.

Many businesses will have to compensate for the loss of valued employees for that period. Many cities will lose public officials, including police and firemen.

Bradford is losing a mayor. The Riverside School District is losing a superintendent.

Some soldiers are newly married. Some are leaving behind pregnant wives. Many families are losing a parent for a time very important in children's lives.

The soldiers themselves face worries about what to expect in Iraq, concerns for their wives and children, and uncertainties about their safety and their friends' safety.

But they are called to duty. Here are just some of their stories.

Command Sergeant Major James "Larry" Nowlin, 55, was born in Searcy and now lives in Jonesboro.

"For the first 30 years, the only tours I went on were to Honduras, Panama, and Wales, each for two weeks' training. After 9/11, everything changed," Nowlin said.

He has two boys, but doesn't worry too much about them because they are 23 and 19. He does worry about the other families, however.

"We'll be so busy we'll think about our families when we have time, but the time will pass so fast for us. The wives will be pulling the load for the whole family while we're gone. A lot wives are expecting."

Nowlin has been superintendent of the Riverside School District for six years.

For three of those, he has been gone.

"I always try to e-mail with my students but will probably be limited this time," Nowlin said. "When we were in Egypt I e-mailed with about 60. They want to know what the kids are like there, the culture, the schools. When I got back from Kuwait they'd made me a quilt with messages on it, and they made me a throw when I got back from Egypt."

His biggest worry is the usual one for officers.

"What I'm scared of is the possibility of losing soldiers. The though of having to notify families that their loved ones might not come back or be disabled is the biggest fear I have. We're fixing to put 3,000 soldiers over there from Arkansas, altogether in one group. That's a concern."

Staff Sergeant Joshua Stewart, 24, was married in July to Dana Martin from rural White County, where they both went to White County Central school. They now live near Fayetteville in West Fork. Dana is attending the University of Arkansas.

"We got a phone call the unit had been put on duty the day our honeymoon in Pigeon Forge ended," Stewart said. "I wasn't surprised, but I'm not at all eager to go. My enlistment ended last February, but I was involuntarily extended."

"I wasn't married or thought that I would be soon when I wanted to quit in February.

"It's not what I wanted in the first six months of my marriage but I'm prepared. What we'll face will be different from our training. A lot of weight will bear down on every decision we make. The outcome will be more than a slap on the wrist if we make a mistake."

Pfc. Tyson Weaver, medic, 20, of Little Rock, has been in the Guard two years and three months. He and his wife Jennifer, 19, were married May 31.

"I had a feeling I was going to be able to come home from training and raise my family," said Weaver. "This was a complete shock to me, but I'm ready to go do my job and come back to my family."

Weaver says his extended family gave him a party at his grandmother's house a couple of months ago.

"When I was walking out the door in my greens, my grandmother started crying because it's the last time I'll see her for about 18 months. At first I was completely torn up, but then I remembered this is what I signed up to do, so there's no point crying about it. If you're accepting taxpayer money you can't gripe when you're called to do your job."

Even at 20, Weaver has seen what happened to some veterans of the Vietnam war. He fears being traumatized by what he may see.

"I'm most afraid of changing, of being a different person when I get back. I believe now I'm a happy person. I'm secure and things don't get to me. I'm afraid of coming back a hard-hearted person, cold to my family. That's not who I am."

Weaver says he will try to keep himself centered with lots of letters and communication back home.

He and Jennifer have a baby girl, Olivia, due Christmas day.

"We're coming home Dec. 20 to Jan. 3, so I'll be there when the baby's born. It tears me up. She'll be walking and talking when I finally get home. But my wife is a very strong person. She'll cope."

Like many other medics, Weaver fears another thing.

"I'm scared of having to bag one of my buddies."

Specialist Jeremy Abele, 21, of Bald Knob, has been in the Guard four years. He and his girlfriend Jennifer have been together 14 months.

"I slightly expected it but it hasn't bothered me yet. I won't think about it until I get there. I'm a medic, so I'll probably see things a lot of doctors in a hospital don't see. I'm taking it day by day."

Abele's 16-year-old brother Derreick was in school Friday in Bald Knob, missing the Spring Park tribute.

"I don't want him to enlist. I don't want him to go through this."

Sgt. Randall Martin, 27, of Searcy, will turn 27 on Monday. He has been in the guard 7.5 years, went to Kuwait in '99 and Egypt in '02, and is first-year nursing student at ASU-Searcy.

"I wasn't expecting it so soon. You have mixed emotions. You feel good you're selected out of so many units in the nation. But sometimes, it's sad and heartbreaking to miss out on the experience of being there."

He and his wife Kelly have a child due May 10, to be named Mac if it's a boy, Emma if a girl.

Kelly said, "I just try to be positive. I know he likes the military and that's what he chooses to do so there's not much I can do about it. I have a great support system in Randall's mom and my grandparents."

Specialist James Poyner, medic, 26, from Bald Knob, has served 7.5 years and also has just returned from Egypt. His wife Leah was born in Searcy and raised in Bald Knob. They were married in 1998. They, too, heard about the new deployment in July.

"I wasn't expecting it, neither was my wife. These two deployments back-to-back are really difficult. I've got a four-year scholarship to UALR. Now it'll take seven years."

The timing is as bad for him as for most.

"Leah's upset. We're best friends and it's hard to be away from each other. It's time to start having children, but we don't want to be apart for that."

Poyner does operations and network administration for a restaurant equipment company in Searcy. His absence will be stress on his boss, John Faucett, and the company, he said, but added that Faucett has been very supportive.

"He's a true patriot, and he says my job will be waiting. It's a great company, and going back to it is something I'll think about every day to keep me going in Iraq."

Poyner is confident about his readiness.

"I'm in a treatment squad, recently moved from the field. We'll see 80–100 percent of the injuries, and we're not treating strangers, they'll be friends and guys I'm close to. Seeing them go through pain is something I'm trying to be prepared for. This past summer camp a friend went down with heat stroke and stopped breathing. We cut him out of his clothes and doused him with water, and he's OK. When you're doing the treatment you're in a zone doing the work."

Sgt. Jerome Geroge, 40, has served 17 years, counting two in the Army. He is originally from Holly Grove, moving to Searoy in late 1994.

His wife Bambi is the president of the White County Family Readiness Group. They have four children: Chance, 13; Annie, 12; Hunter, 10; Savanna, 8.

"The last time I was deployed, in Egypt, the loss was apparent in Chance. He didn't get in trouble or anything, but his grades fell. A dad needs to be there to explain things at that age," George said.

"I'll miss the holidays, the anniversaries, the birthdays, children's dance recitals and sports. I'll miss part of their childhoods. What'll happen is there's a transition period when you get back. You have to be really careful what you do and say, because the spouse is used to being the total parent figure. It's a transition for the spouse, the kids, everybody.

"When I told the kids, I didn't tell them all at the same time. I told the oldest first, then the next, then we were all together telling the youngest. Let's just say they weren't happy, the wife wasn't happy, but we've done it before and it's what I have to do."

[From CNN.com, Oct. 5, 2003]

ARKANSAS TOWN'S MAYOR, POLICE CHIEF, LIBRARIAN CALLED TO IRAQ

BRADFORD, AR.—The mayor, police chief and school librarian are all leaving for military duty Monday that is expected to take them to Iraq, and the residents left behind in this tiny town of 800 are scrambling to fill their roles.

At the local cafe and in school hallways, the callup and what to do about the loss of city leaders is the talk of the town. At city hall, meanwhile, officials have been rushing to prepare paperwork necessary to transfer the mayor's power to a 78-year-old retired school teacher.

The soon-to-be acting police chief says Bradford is just one example of how the war in Iraq has affected small town America.

"One way or another we're going to handle it," said Michael Ray, who will become the new police chief, along with his job as a school resources officer. "It's going to be OK. I'm going to run it the same way as if the chief was here."

In addition to Mayor Paul Bunn, Chief Josh Chambliss and librarian Nolan Brown, five other citizens of this farm town have received orders to report to Fort Hood, Texas. There, they will prepare for a tour of duty in Iraq that is expected to put them in Iraq by Christmas.

Greba Edens, the town's recorder-treasurer, will take over for the 35-year-old mayor. Previously, she spent 24 years as Bradford's fourth-grade teacher.

"Most of the people on the city council now, she's paddled them before," Bunn said.

Edens said she plans to carry on with Bunn's ideas. "As the mayor says, we're a family here," she said.

At the elementary school, Brown was organizing the library ahead of his deployment, He served in Vietnam and has been in the National Guard for 31 years. Now 57, he was hoping to leave the guard at age 60.

"I've got stuff scattered from here to there getting ready," he said. "I want to leave it as if I'm not coming back."

"The children here, they ask me, 'Are you going? When are you going?'" he said. "They know there's some turmoil somewhere. I tell them they may not take me because of my age . . . but it would be unwise not to prepare them."

The school had a going-away party for Brown in the cafeteria, presenting him with a cake that read, "Our prayers are with you." The school will shuffle around teachers to make up for Brown's absence.

After nine years at the school, all the students know him. As he leaves, he shouts a goodbye to his cousin's son in the hallway.

"Tell your Mom, since things have escalated, that I may not get to see her," he said to the boy. "Tell her I'll miss her and love her."

Brown says he's edgy about his departure, as are his wife and the three children they care for. But he's adamant that he has to give back to a country that gave him an education.

"The U.S. has been very good to me," he said, adding he believes citizens need "to be willing to do whatever it takes to make sure kids in the future have the same opportunities that we have."

Unlike Brown, who works in a headquarters group, the police chief and the mayor are infantry soldiers responsible for more dangerous security duty.

"I'll make a deal with the president," said Bunn, who has fought in Panama and in the Gulf War. "I'll go over there, but I'm not willing to die. Maybe it's because I've got kids now."

Bunn could be gone for up to two years. Even if he stays that long, he'll still have over a year left of his term as mayor when he returns.

Chambliss, 28, has been the town's police chief since 2001. He's not worried about Bradford, which is about 70 miles northeast of Little Rock. He said he expects the town's other four officers to continue to man the school crossings and attend all the ball games.

"I'm curious to see what the next 18 months hold, not for me but for Bradford," Chambliss said. "I want to come back into town and see the progress."

Chambliss said that he's upset to leave his wife. They were planning to start a family soon.

He is spending the rest of his time in Bradford saying goodbye to friends and family. He had lunch at his regular spot, the Front St. Cafe, just down the road from the police station.

The cafe's owner and waitress, Marcia Pressler, said she gave him that day's $4.95 plate special of roast beef, potatoes and carrots on the house.

"It's like a part of your family going off," she said. "I felt like I'm feeding him his last supper."

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time is remaining?

The PRESIDING OFFICER. Seven and one-half minutes.

Mr. DURBIN. Thank you, Mr. President.

GUARD AND RESERVE

Mr. DURBIN. Mr. President, I salute my colleague from Arkansas for the tribute she made to this unit in her home State of Arkansas. Every one of us in the Senate can tell a similar story. But she tells us so well about the lives that are affected by the activation of Guard and Reserve men and women who leave important lives and careers and step aside to serve their Nation.

That is why it is so troubling that I come to the floor today to report for those who follow the Senate that yesterday in the conference committee of the Appropriations Committee where we met to discuss the $87 billion request of the President, we stripped out a provision which had been adopted on the Senate floor. I would like to describe it to those who want to stand behind the families of those activated Guard and Reserve men and women.

We have 1.2 million Guard and Reserve in the United States. Ten percent of them work for the Federal Government, when they are not serving in the Guard and Reserve. At the present moment, of the 120,000 Federal employees with the Guard and Reserve, 23,000 have been activated. They include some people who are in the unit the Senator from Arkansas just described.

I offered an amendment on the floor that said when you activate a Federal employee to the Guard and Reserve, the Federal Government agency that the person works for will make up any shortfall and any difference in income while that Guard or Reserve person is on active duty. That is not a radical suggestion. There are dozens of State governments and local units of government that already do that, including my home State of Illinois and the City of Chicago.

If you are a Chicago policeman in the Guard and you are activated, the City of Chicago stands behind you and says we will make up the difference in pay if there is a shortfall so that there is no hardship on your family. That amendment passed the floor of the Senate 96 to 3. Yesterday it was stripped out of the conference committee report that is being considered. It is $87 billion.

Every day we hear Senators come to the floor singing the praises, deservedly, of the men and women in uniform to say we stand in solidarity with them and their families as they fight for America. These same Members who come to the floor praising the guardsmen and reservists also voted for my amendment, saying let us hold them harmless if they go off to serve our Nation for 6 months, or 12 months, or 16 months. They all voted for this amendment.

Yesterday, on a party-line vote, with every Republican Senator voting no, they took this provision out of the bill. Many of the same Senators who just a few days ago had voted on the floor for this provision reversed their position and said no, the Federal Government will not set an example and will not make up the difference in pay for those thousands of Federal employees activated in the Guard and Reserve. That is unfair and it is unfortunate. Those who come here to wave the flag about their support for our fighting men and women weren't there yesterday on this crucial vote in this conference committee.

I hope those across America who follow this debate and who may know some of these families affected by this amendment will contact their Senators and tell them it was a grave injustice that we allowed this to occur. It was a real disappointment to me. We could have done the right thing yesterday, but, sadly, we did not.

IRAQ

Mr. DURBIN. Mr. President, I listened earlier to the Senator from Missouri talking about the State of affairs in Iraq. I would like to comment on that very briefly.

If I understood his argument, he said that 6 months after hostilities had ended—at least the military operation as the President described it, and after the efforts of different inspectors and the expenditure of millions of dollars—he believed the fact that Dr. David Kay couldn't produce any evidence whatsoever of weapons of mass destruction did not reflect on statements made by this administration before we invaded Iraq. I think that is clearly wrong.

This has been declassified. We said we knew of 550 sites of weapons of mass destruction in Iraq before we invaded—550 of them. Doesn't it stand to reason that these inspectors would go to those sites first to find the weapons of mass destruction? Isn't it revealing that they have come up with no evidence whatsoever? What a tremendous breakdown in intelligence gathering—that 550 suspected sites have now turned up to be virtually empty, with no evidence of weapons of mass destruction. How hard a stretch of the imagination is it to think Saddam Hussein, facing an invasion of forces from America and Great Britain, was very cautiously packing into vans all of the weapons of mass destruction and spiriting them out of his country? I don't think that stands to reason.

That is almost as hard to follow as the President's logic yesterday which said that the terrorism and carnage going on in Iraq today is proof positive of the progress we are making. The progress?

Frankly, these sad reports from Iraq evidence the fact that we have not established order in that country to a level where we can assure the people of Iraq, or our troops for that matter, that they are going to be in a safe situation. I have not called for us to cut and run. I do not know many who have. We have to stay the course. We are now there.

As it has been said, when you go into a gift shop, the sign says "If you break it, you own it." We went into Iraq and took control of that situation. Now we are responsible for creating a stable and secure environment, and it will be a great cost over a lengthy period of time.

Just last week, I joined with my colleagues visiting Walter Reed Hospital to meet with some of the wounded soldiers.

I say to those who are stunned to hear each day that we have lost a soldier, or two or three soldiers, not to take lightly those who are wounded. Many of the wounds of these soldiers are grievous. I met one soldier from Ohio who lost the sight in one eye and another soldier from Illinois who had been the victim of a mortar round and is going to struggle to ever walk again. I think he will, but it will be a tremendous struggle and a lot of rehabilitation. To say we have only lost one, two, or three soldiers a day—please look at this in the context of the lives lost and the lives that are seriously injured and diminished by the injuries that are suffered there.

We have to stay the course. Frankly, I find it unfathomable that this conference committee of appropriations yesterday refused to stand behind 23,000 Federal employees who have been activated in Guard and Reserve units, refused to say we will stand with their families and make certain they don't go through economic hardship during the activation period when they are risking their lives for America. Unfortunately, this conference committee walked away from those soldiers yesterday. That is shameful, and it is something we never should have done. I urge my colleagues to think long and hard about this partisan rollcall, which, frankly, reversed a 96-to-3 vote of just a few weeks ago.

I will close by saying it is unfortunate we cannot finish the Foreign Operations appropriations bill today. It is my understanding that the DeWine-Durbin amendment for $289 million for the global AIDS epidemic, which we believe has a sufficient number of votes on the Senate floor to pass, has been threatened by one Republican Senator from Oklahoma who has said he will filibuster the bill and stop the bill on the Senate floor.

We are coming to the close of this session and we need to pass appropriations bills. Threatened filibusters from either side—particularly from the majority side—are not appropriate at this time. I hope that Senator will reconsider.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2800, the foreign operations appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

Feinstein amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized to offer an amendment.

AMENDMENT NO. 2000

Mr. DORGAN. Mr. President, I call up amendment No. 2000.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2000.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To urge the President to release information regarding sources of foreign support for the 9-11 hijackers)

At the appropriate place, insert the following:

SEC. Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Jointly Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

This section shall take effect one day after the date of this bill's enactment.

Mr. DORGAN. Mr. President, this is an amendment that I also offered yesterday. I was not able to get a vote on it yesterday because of a ruling that it was nongermane. I have filed a notice that I intend to move to suspend Rule XVI of the Standing Rules of the Senate. I will do that at the end of my presentation. That will give us a vote on this important issue today. Let me describe why I think a vote is necessary and what this issue is.

This issue deals with 9/11, the day on which our country was attacked and thousands of Americans were murdered by terrorists, many of whom came into this country and lived among us and plotted an attack against the World Trade Center; they plotted an attack against the Pentagon and perhaps the U.S. Capitol. They hijacked commercial airliners and used commercial airliners, full of both passengers and fuel, as flying bombs and missiles.

No one in this country will forget the devastation, the loss of life, and the horror of the terrorist attacks committed against the United States on September 11.

We know a fair amount about September 11: who organized it and how it was organized. We know Osama bin Laden has taken credit for it. We know it was planned by Osama bin Laden and a terrorist group called al-Qaida, and they were supported by the Taliban government in Afghanistan. We know a fair amount about the details of that day and the activities of the hijackers. There has been a great deal of discussion about how did it happen—how did it happen that these coordinated attacks by terrorists occurred in this country without our intelligence community knowing it was going to happen and taking action to prevent it.

As we know as well, from testimony before the Congress and from other information, we had some warnings. The FBI had some warnings. In fact, one FBI agent wrote a memorandum inside the FBI saying he worried about certain people of certain nationalities taking flying lessons, potentially for the purpose of using an airplane for hijacking and as a tool of a terrorist attack. We had other evidence that existed in our intelligence community from both the FBI and CIA.

So there has been a great deal of discussion about how do we find out what we knew, what the agencies knew, what we could have done to prevent these attacks, and what we now know about those who committed the attacks and how to prevent future attacks. That is all very important.

There are a couple of efforts underway. One was an effort before the Congressional Joint Intelligence Committee. They did an inquiry into intelligence community activities before and after the terrorist attacks of September 2001. That inquiry was done and finished with a report that was released this past summer. The report was authorized for release by the Bush administration. It took 9 months to write, 7 months to declassify, and when it was released, we discovered there are 28 pages of that report that are redacted; 28 pages of the report have been classified, so that the American people cannot know what is in that report.

The question is, Why? On behalf of the victims, the victims' families, the American people, I ask, Why would 28 pages of that report be classified and unavailable to be seen by the American people? We are told it contains information about other governments, or another government and its activity with respect to some of these issues. We are told by some that there were areas of support by another government, or governments, for the terrorists themselves as they began to work and put together the resources and plan these attacks against the United States. If that is the case, the question is, Which governments? Who was involved? How were they involved? Are those governments still involved in supporting terrorists who would strike at the heart of this country and kill innocent Americans?

Why do we not have the right to know if governments supported some of the terrorists who were working and planning and gathering the resources to attack this country? If another government provided any support for that, do we not have a right as an American people to know that? Why has that information been classified?

Mr. LEAHY. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. LEAHY. The Senator from North Dakota makes eminent good sense in what he is saying. I recall at the time this report came out—and we all remember the blacked-out pages—the country of Saudi Arabia sent over emissaries to say—and I don't know how serious they were about this—would you release this.

My question to the Senator is: Insofar as the majority of hijackers at the time of September 11 were from Saudi Arabia, and insofar as we know from press accounts—not classified material but press accounts—that a lot of funding of al-Qaida came from Saudi Arabia and may still be coming from Saudi Arabia, don't you think it would be helpful to know if Saudi Arabia is mentioned in this blacked-out part and to what extent, considering the fact that they apparently have turned a blind eye to some of the terrorists who are striking at the United States?

Mr. DORGAN. Well, Mr. President, the Senator from Vermont is absolutely correct. The American people ought to have a right to know if a foreign government was involved in helping provide resources for and planning for attacks against this country. We have a right to know that.

The amendment I am offering is a sense-of-the-Senate amendment that says to the President: Declassify this material. What is so sensitive that the American people can't know whether a foreign government was involved in the planning and providing the resources for a terrorist attack against this country?

Let me tell you what the chairman and the ranking member—a Republican and a Democrat—of the Intelligence Committee said on this issue when these 28 pages were withheld from the American people. Senator SHELBY, the ranking member then on the Intelligence Committee, a Republican, said:

> I went back and read every one of those pages thoroughly. My judgment is that 95 percent of that information could be declassified and become uncensored so the American people would know.

Asked why this section was blacked out, Senator SHELBY said:

> I think it might be embarrassing to international relations.

Senator GRAHAM said:

> During the negotiation that was held with the administration prior to the release of the documents, we had submitted a counteroffer indicating what we thought were legitimate areas of national security with the rest of the section dealing with foreign governments to be released to the public. The counteroffer was not accepted. The administration took the position that the totality of this section dealing with the role of foreign governments should remain censored and beyond the view of the American people.

Question of Senator GRAHAM:

> Can you give us some idea of how big the counteroffer was?

Senator GRAHAM said:

> It was in the range, which Senator SHELBY indicated he thought it was, of 28 pages that represented genuine national security interests which was 95 percent open and 5 percent continued classified.

I am not trying to embarrass anybody with this amendment. I just feel strongly that when the 9/11 commission—that is the inquiry by our Intelligence Committee—was completed and the effort was released, to have 28 pages censored or classified and to be told the American people can't see it leads me to ask the question, Why? Why? If there was another government—and all the indications are there was another government—involved in providing support for the terrorists who attacked this country, the American people have a right to know it. They have a right to know who it was, what were the circumstances, why, how do they justify that.

The Saudi Government has asked that this information be declassified and released. The Saudi Government has asked that. Most of the speculation, of course, is the questions about Saudi support of terrorism, as my colleague from Vermont just described. But the Saudi Government has asked this be declassified so they can respond to it in public.

There is no basis, no good reason for this to remain censored and classified. My sense-of-the-Senate amendment asks the President to declassify that portion of the 28 pages. As Senator SHELBY and Senator GRAHAM have described, 95 percent of it does not deal with national security or our national security interests, and would not compromise our interests.

Senator SCHUMER is a cosponsor of this amendment, and Senator LIEBERMAN is a cosponsor as well.

My hope is we will certainly have a vote on this amendment this morning. My amendment will require a vote under suspension of the rules.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am not a member of the Intelligence Committee. I lead off by saying this has absolutely nothing whatsoever to do with the Foreign Operations appropriations bill. We should not be having this debate at this time.

With regard to the issue, there are those on the Intelligence Committee who can speak to it with much more knowledge than I. I am hopeful some of them will come over in the course of this debate. Let me make the point the war on terrorism is an ongoing operation. The decision to classify this material was reached between the intelligence authorizing committees and the executive branch.

Declassifying the information should be carefully considered. For example, would it place in jeopardy the lives of U.S. men and women fighting the war on terrorism? Declassifying material without careful consideration could also have a chilling effect on the sources of information in the war on terrorism, including individuals and foreign governments. It is conceivable both individuals and foreign governments would be afraid their participation and cooperation in the war on terrorism would become public.

The main point I wish to make is there may be a time and place for this debate, but it is not on this bill. I hope once the debate is concluded we will make a decision not to proceed down this path at this time on this measure.

I retain the remainder of my time.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes 31 seconds.

Mr. DORGAN. Mr. President, I say to my colleague from Kentucky, there is, in fact, an ongoing war on terrorism, and it is critically important for this country, it is important that we be successful in preventing terrorist attacks against this country. It is important we be successful in hunting down those in the world who are planning terrorist attacks against this country and destroying their network of support. But with respect to the ongoing war against terrorism, it is critically important, in my judgment, for this country to know, Are there foreign governments that have supported terrorists? Are there foreign governments that have given active financial support to those who attacked this country on September 11, 2001? If so, who are they? How would it compromise any interest of this country or, for that matter, any other country under any other circumstances to disclose a discussion in the inquiry that was done, a painstaking inquiry that was done about another government that provided support to terrorists that murdered thousands of Americans. The American people have a right to know that information.

I know the easiest way to withhold information is to always claim there is some important sensitive information that would compromise some intelligence operation. The people in the best position to know that would be the chairman and the ranking member of the committee who did the inquiry, Senator GRAHAM and Senator SHELBY, a Democrat and a Republican. Both of them have already made a judgment about this. They said: Nonsense, this won't compromise anything. Ninety-five percent, they said, of these 28 pages of censored, redacted material could and should be made available to the American public without compromising anything.

If one is wondering whether this compromises anything, I say go to the experts, go to the authorizing committee, go to the Republican and Democrat who were chairman and vice chairman of the committee and ask them and they will tell you they did not support redacting this material, censoring this material, and classifying this material. It came from the White House. It wasn't fair to the American people to do that.

If there is another government that provided active support—financial support and comfort and assistance—to those who decided to commit acts of terror against this country and murder thousands of innocent Americans, then, in my judgment, by God, the American people have a right to know that. The American people have a right to know that, and classifying 28 pages that describe the circumstances in which another government may well have provided support to terrorists attacking this country is wrongheaded, in my judgment.

If, in fact, this inquiry describes that, another important question exists: Is the country that provided support—financial assistance and comfort and aid—to the terrorists who attacked this country in 2001 still providing support and aid? Do they still have adjuncts in that society, in that government, that provide support and comfort to terrorists? We have a right to know that as well.

In my judgment, withholding information from the American people is, in most cases, a bad decision. If it is necessary because it would compromise something that is important with respect to the intelligence community, I understand that. But the two experts would be the chairman and the vice chairman of the committee who decided to launch the inquiry. And those two Senators, Senator SHELBY and Senator GRAHAM, have already spoken on this issue.

They have said 95 percent of that information ought to be made available.

I will make one additional point. Talk to the families of the people who were murdered on 9/11 and ask them, if a foreign government was involved in supporting acts of terror against this country, whether they think that information ought to be made available to the American people or ought to be censored, classified, and out of the reach of the American people.

They will say we ought to disinfect this whole area by deciding to give everybody as much information as possible about what happened on 9/11, not by closing the books and pulling the veil and deciding whether to keep information from the American people. As I indicated, even the Saudi Government that has been so much the subject of this speculation wants this information made available, and it ought to be made available.

My sense of the Senate is very simple. It says to the President: Declassify this. Now, I also understand that this is a foreign operations bill. It is an appropriations bill. There is no good time to have a sense-of-the-Senate resolution come to the Senate floor, I suppose, if one does not support declassifying this information. But this amendment does not interrupt the foreign operations bill. I support that bill. I am happy to work with the chairman and ranking member who, I think, have done a remarkable job on that bill.

It seems to me we have a right to have a vote in the Senate about whether this information ought to be made available to the American people, whether it ought to be declassified, uncensored, and the question answered: Is there another government or governments that participated with the terrorists by providing aid, comfort, and financial support to terrorists who committed acts of terror against this country?

That is information, in my judgment, the American people deserve to have.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. I ask unanimous consent that the time running without debate be charged equally to both sides.

Mr. DORGAN. Mr. President, reserving the right to object, how much time remains on each side?

The PRESIDING OFFICER. There is 3 minutes 58 seconds, and 18 minutes 17 seconds for the majority.

Mr. DORGAN. Mr. President, I have a few additional comments at some point. If the Senator from Kentucky has other speakers—I had expected a couple of other speakers. I do not know whether that will occur before the end of the time. I believe we have 40 minutes, 20 minutes equally divided.

Mr. McCONNELL. I say to my friend from North Dakota, I had expected some speakers as well. So I think we have the same dilemma. I just do not want to delay the vote, and I assume the Senator from North Dakota would rather not delay it as well.

Mr. DORGAN. I do not intend to delay the vote. It is fine to have a quorum call and have it equally divided, but let me ask the courtesy of the Senator that if we get to the point where we have 6 or 8 minutes remaining, that I would have the opportunity for a couple of those minutes so that we could close and have a debate at the end.

Mr. MCCONNELL. I ask unanimous consent that notwithstanding the other consent just asked for, Senator DORGAN have 2 minutes before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. How much time remains on this side?

The PRESIDING OFFICER. There is 3 minutes 54 seconds.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent to be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, for a year, a joint committee of members of the House and Senate Intelligence Committee carried out their responsibilities to do a comprehensive review of what happened before September 11 as it related to the role of the intelligence community; what happened after September 11, particularly in utilizing the information that was gathered around that tragic event; and then what recommendations for some fundamental change that would enhance the capacity of the intelligence community to reduce the prospect of another 9/11. That report took over 800 pages. It had some 19 recommendations for action.

After the report was completed, it was submitted to the administration—primarily the CIA, the FBI, and the White House—for review as to whether there were any elements of that report that would be categorized as national security and therefore not for general public distribution.

The section of the report that received the greatest degree of such classification, in fact, virtually 100 percent, was the section that related to the role of foreign governments in the events leading up to 9/11, and then how well our responsible agencies had followed the leads and tracked the developments and events before 9/11; after 9/11 for purposes of potential criminal prosecution, for purposes of understanding why we had these gaps; and what the role of foreign governments would be; for the purpose of diplomatic or other policies that might be instituted vis-a-vis countries that were found to have been cooperative or even complicitous in the actions of the 9/11 terrorists, and then finally to form the recommendations of what fundamental change should be made.

The consequences of denying to the American people access to that section of the report are many. No. 1, the American people have been denied the opportunity to know fully what, in fact, happened. No. 2, they have been denied the opportunity to hold accountable those agencies or individuals who were responsible for that inappropriate action by a foreign government. We have been unable to hold the State Department accountable for its action vis-a-vis the foreign governments. Finally, we have taken a substantial amount of the impetus and sense of urgency out of the recommendations for fundamental reform. In fact, the Senate has yet to hold a first hearing on the 19 recommendations that we made.

I think it is of the highest order of concern for the American people that they have access to this information and then they will do with that information what they believe is appropriate. But ignorance and secrecy serves no national purpose. I urge the adoption of this amendment to urge the President to reevaluate the decision to censure the chapter on the role of foreign governments.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There remain 11 minutes 50 seconds.

Mr. MCCONNELL. I yield to the distinguished chairman of the Intelligence Committee however many minutes of the 11 that he so desires.

Mr. ROBERTS. Mr. President, I rise in opposition to the Dorgan amendment. I do not think that rule XVI should be waived. The amendment is not germane.

More important, speaking as chairman of the Senate Intelligence Committee, I believe this amendment is unwise. I think it will damage our Nation's efforts in the ongoing war against terrorism.

I, for one, and members of the committee, have read the 28 pages from the Joint Inquiry Report and have been briefed by the FBI and the CIA. As a matter of fact, the distinguished Senator from Florida indicated that we have not even had hearings. That is not correct. We have had hearings. We had hearings in mid-September as to whether or not it would be in our national security interest to release the 28 pages.

I would also say to all Members, if they have a keen interest in this—and I am aware of the legislation, or I am aware of the letter that went to the President signed by a great many Senators asking for the 28 pages to be made public—as I said at the time, please come to the Intelligence Committee and we will provide you the information on the 28 pages. Some of the very people who are sponsoring amendments have not read the 28 pages.

I wish they would do so. It is my firm position—firm position—in order to protect our national security, specifically the methods and the sources and ongoing investigations, that this so-called redacted material should not be released to the public. I think it would endanger lives.

I am not in a position to discuss the specifics in regard to the urgent pleas and the warnings that were provided to us by the FBI during this hearing. But I think I can speak for a majority of the Intelligence Committee who thought this was not a good idea and certainly would be counterproductive to our national interest.

I might add that one of the statements I heard as I entered the floor was from the distinguished former chairman of the Intelligence Committee. He is somebody I admire, whose advice and counsel and friendship is very important to me. Senator ROCKEFELLER, who is the distinguished vice chairman of the committee, and I have agreed that we will hold hearings in the next session of Congress on the recommendations of the 9/11 Commission. Some I agree with, some I don't.

We were going to make this year the year of modernization and/or reform in regard to the intelligence community, but something interrupted that. It was called a war—the war against global terrorism. In addition, we were going to make an inquiry as to the credibility and the timeliness of the intelligence prior to going to war in Iraq. It is not that we have not wanted to do these things. It is that the schedule of the committee has been taken up almost exclusively by those two subjects, plus our weekly threat briefings of which I know the Senator from Florida is certainly aware.

So we will have hearings on the 9/11 Commission recommendations. We made that promise to the families of the victims. But if we disclose the information that compromises the close cooperation we have from our allies in the war on terrorism, and much better cooperation today than before then these same allies may choose not to support us in the future. That is another concern.

Again, from the standpoint of endangering sources, methods, ongoing investigations, and, yes, lives—and I think I am speaking for a majority of the Intelligence Committee that has had a hearing on this, has taken a hard look at it—I strongly urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I want to make sure I don't have a misunderstanding with the Senator from North Dakota. Did he wish to speak right at the end, before the vote, essentially? My understanding is we are ready to yield back the time over here.

Mr. President, I yield the remainder of our time on this side and ask unanimous consent the Senator from North Dakota be given 2 minutes, and at the end that we proceed to a vote on or in relation to the amendment.

The PRESIDING OFFICER. Without objection, the Senator from North Dakota is recognized for 2 minutes.

Mr. DORGAN. Mr. President, I thank the Senator from Kentucky for his courtesy.

Let me say to my colleague on the Intelligence Committee, the chairman of the House Permanent Select Committee on Intelligence, PORTER GOSS; Senator SHELBY of Alabama, the past vice chairman; the past chairman of the Intelligence Committee here in the Senate, Senator GRAHAM—all have indicated that at least some of this redacted classified material should be made available. But they have taken that position with no success. I would expect the two former chairmen of the committees and the vice chairman would not take that position if they believed it would compromise intelligence sources and methods.

Let me quote, if I might, Bill Harvey, a member of the Family Steering Committee for the 9/11 independent commission. He lost his wife on 9/11. She was killed in the Trade Center. He is pretty critical of both the White House and Congress.

> The White House's refusal to produce the 28 pages is just one more example of its manipulation of intelligence for political purposes, but the Congress's reluctance to remedy the situation by declassifying the redacted information is equally troubling. The United States of America deserves to know the true nature of its supposed allies, and the families of the victims of the September 11 attacks deserve to know what our Government new about the terrorists that took their lives.

That is the key. After this commission has completed its work, the inquiry is complete, and we have knowledge and information about whether another government provided financial support and other support to terrorists who attacked this country, do we have a right to know who that government is, which government it is, and whether that government still provides support to terrorists who still would like to commit an act of terrorism against this country and who would like to murder innocent Americans?

The American people have a right to know what is in that redacted portion of the report. If there is 5 percent of it, as Senator SHELBY and Senator GRAHAM have suggested, that ought to be withheld, I understand that. But if the bulk, as they have indicated, ought to be made available to the American people, I believe it ought to be made available now.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized to make a point of order.

Mr. McCONNELL. Mr. President, I make a point of order that the amendment is not germane under the requirements of rule XVI.

Mr. DORGAN. Mr. President, I move to suspend rule XVI of the standing rules of the Senate during consideration of H.R. 2800 for the consideration of amendment No. 2000.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to suspend rule XVI of the standing rules of the Senate in relation to amendment No. 2000.

The clerk will call the roll.

The assistant legislative clerk proceeded to called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 54, as follows:

[Rollcall Vote No. 415 Leg.]

YEAS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—3

Edwards
Kerry
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54. Two-thirds of the Senators voting not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

HEALTHY FORESTS RESTORATION ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1904, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

[H.R. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. Purpose.

[TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

[Sec. 101. Definitions.
[Sec. 102. Authorized hazardous fuels reduction projects.
[Sec. 103. Prioritization for communities and watersheds.
[Sec. 104. Environmental analysis.
[Sec. 105. Special Forest Service administrative review process.
[Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.

[Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.

[Sec. 108. Rules of construction.

[TITLE II—BIOMASS

[Sec. 201. Findings.

[Sec. 202. Definitions.

[Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.

[Sec. 204. Reporting requirement.

[TITLE III—WATERSHED FORESTRY ASSISTANCE

[Sec. 301. Findings and purpose.

[Sec. 302. Establishment of watershed forestry assistance program.

[TITLE IV—INSECT INFESTATIONS

[Sec. 401. Definitions, findings, and purpose.

[Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.

[Sec. 403. Applied silvicultural assessments.

[Sec. 404. Relation to other laws.

[Sec. 405. Authorization of appropriations.

[TITLE V—HEALTHY FORESTS RESERVE PROGRAM

[Sec. 501. Establishment of healthy forests reserve program.

[Sec. 502. Eligibility and enrollment of lands in program.

[Sec. 503. Conservation plans.

[Sec. 504. Financial assistance.

[Sec. 505. Technical assistance.

[Sec. 506. Safe harbor.

[Sec. 507. Authorization of appropriations.

[TITLE VI—MISCELLANEOUS PROVISIONS

[Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

[SEC. 2. PURPOSE.

[The purpose of this Act is—

[(1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;

[(2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;

[(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

[(4) to promote systematic information gathering to address the impact of insect infestations on forest and rangeland health;

[(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

[(6) to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.

[TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

[SEC. 101. DEFINITIONS.

[In this title:

[(1) AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.—The term "authorized hazardous fuels reduction project" means a hazardous fuels reduction project described in subsection (a) of section 102, subject to the remainder of such section, that is planned and conducted using the process authorized by section 104.

[(2) CONDITION CLASS 2.—The term "condition class 2", with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (RMRS-87), dated April 2000, under which—

[(A) fire regimes on the lands have been moderately altered from their historical range;

[(B) there exists a moderate risk of losing key ecosystem components from fire;

[(C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and

[(D) vegetation attributes have been moderately altered from their historical range.

[(3) CONDITION CLASS 3.—The term "condition class 3", with respect to an area of Federal lands, refers to the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2), under which—

[(A) fire regimes on the lands have been significantly altered from their historical range;

[(B) there exists a high risk of losing key ecosystem components from fire;

[(C) fire frequencies have departed from historical frequencies by multiple return intervals, which results in dramatic changes to fire size, frequency, intensity, severity, or landscape patterns; and

[(D) vegetation attributes have been significantly altered from their historical range.

[(4) DAY.—The term "day" means a calendar day, except that, if a deadline imposed by this title would expire on a nonbusiness day, the deadline will be extended to the end of the next business day.

[(5) DECISION DOCUMENT.—The term "decision document" means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

[(6) FEDERAL LANDS.—The term "Federal lands" means—

[(A) National Forest System lands; and

[(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

[(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term "hazardous fuels reduction project" refers to the measures and methods described in the definition of "appropriate tools" contained in the glossary of the Implementation Plan.

[(8) IMPLEMENTATION PLAN.—The term "Implementation Plan" means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646).

[(9) INTERFACE COMMUNITY AND INTERMIX COMMUNITY.—The terms "interface community" and "intermix community" have the meanings given those terms on page 753 of volume 66 of the Federal Register, as published on January 4, 2001.

[(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term "municipal water supply system" means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

[(11) SECRETARY CONCERNED.—The term "Secretary concerned" means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the "Secretary concerned", the "Secretary of Agriculture", or the "Secretary of the Interior" includes the designee of the Secretary concerned.

[(12) THREATENED AND ENDANGERED SPECIES HABITAT.—The term "threatened and endangered species habitat" means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

[SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

[(a) AUTHORIZED PROJECTS.—Subject to the remainder of this section, the Secretary concerned may utilize the process authorized by section 104 to plan and conduct hazardous fuels reduction projects on any of the following Federal lands:

[(1) Federal lands located in an interface community or intermix community.

[(2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.

[(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system, or to a perennial stream feeding a municipal water supply system, that a significant risk exists that a fire disturbance event would have substantial adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

[(4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the existence or threat of disease or insect infestation, pose a significant threat to forest or rangeland health or adjacent private lands.

[(5) Federal lands not covered by paragraph (1), (2), (3), or (4) that contain threatened and endangered species habitat, but only if—

[(A) natural fire regimes on such lands are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or its habitat in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in a decision document under such section determining a species to be an endangered species or a threatened species or designating critical habitat;

[(B) the project will provide enhanced protection from catastrophic wildfire for the species or its habitat; and

[(C) the Secretary complies with any applicable guidelines specified in the species recovery plan prepared under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

[(b) Relation to Agency Plans.—An authorized hazardous fuels reduction project shall be planned and conducted in a manner consistent with the land and resource management plan or land use plan applicable to the Federal lands covered by the project.

[(c) Acreage Limitation.—Not more than a total of 20,000,000 acres of Federal lands may be included in authorized hazardous fuels reduction projects.

[(d) Exclusion of Certain Federal Lands.—The Secretary concerned may not plan or conduct an authorized hazardous fuels reduction project that would occur on any of the following Federal lands:

[(1) A component of the National Wilderness Preservation System.

[(2) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted.

[(3) Wilderness Study Areas.

[SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

[As provided for in the Implementation Plan, the Secretary concerned shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

[SEC. 104. ENVIRONMENTAL ANALYSIS.

[(a) In General.—Except as otherwise provided in this title, the Secretary concerned shall plan and conduct authorized hazardous fuels reduction projects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and any other applicable laws. The Secretary concerned shall prepare an environmental assessment or an environmental impact statement for each authorized hazardous fuels reduction project.

[(b) Discretionary Authority To Eliminate Alternatives.—In the case of an authorized hazardous fuels reduction project, the Secretary concerned is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared for the proposed agency action pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

[(c) Public Notice and Meeting.—

[(1) Public notice.—The Secretary concerned shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

[(2) Public meeting.—During the planning stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the authorized hazardous fuels reduction project will be conducted. The Secretary concerned shall provide advance notice of the date and time of the meeting.

[(d) Public Collaboration.—In order to encourage meaningful public participation in the identification and development of authorized hazardous fuels reduction projects, the Secretary concerned shall facilitate collaboration among governments and interested persons during the formulation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

[(e) Environmental Analysis and Public Comment.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines in effect on the date of the enactment of this Act, the Secretary concerned shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for proposed agency action for an authorized hazardous fuels reduction project.

[(f) Decision Document.—The Secretary concerned shall sign a decision document for each authorized hazardous fuels reduction project and provide notice of the decision document.

[(g) Project Monitoring.—As provided for in the Implementation Plan, the Secretary concerned shall monitor the implementation of authorized hazardous fuels reduction projects.

[SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

[(a) Development of Administrative Process.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to establish an administrative process that will serve as the sole means by which a person described in subsection (b) can seek administrative redress regarding an authorized hazardous fuels reduction project.

[(b) Eligible Persons.—To be eligible to participate in the administrative process developed pursuant to subsection (a) regarding an authorized hazardous fuels reduction project, a person must have submitted specific and substantive written comments during the preparation stage of that authorized hazardous fuels reduction project. The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient to permit interested persons a reasonable opportunity to satisfy the requirements of this subsection.

[(c) Relation to Appeals Reform Act.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

[SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

[(a) Filing Deadline.—

[(1) Time limit established for filing.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary concerned publishes, in the local paper of record, notice of the final agency action regarding the authorized hazardous fuels reduction project. This time limitation supersedes any notice of intent to file suit requirement or filing deadline otherwise applicable to a challenge under any provision of law.

[(2) Waiver prohibited.—The Secretary concerned may not agree to, and a district court may not grant, a waiver of the requirements of this subsection.

[(b) Duration of Preliminary Injunction.—

[(1) Duration; extension.—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

[(2) Submission of information.—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

[(3) Congressional notification.—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels reduction project, the Secretary concerned shall submit notice of the renewal to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

[(c) Expeditious Completion of Judicial Review.—Congress intends and encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in such lawsuit or appeal with the goal of rendering a final determination on jurisdiction, and if jurisdiction exists, a final determination on the merits, within 100 days from the date the complaint or appeal is filed.

[SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

(a) Covered Projects.—This section applies with respect to a motion for an injunction in an action brought against the Secretary concerned under section 703 of title 5, United States Code, that involves an agency action on Federal lands, including an authorized hazardous fuels reduction project, that is necessary to restore a fire-adapted forest or rangeland system.

[(b) Injunctive Relief.—When considering a motion described in subsection (a), in determining whether there would be harm to the defendant from the injunction and whether the injunction would be in the public interest, the court reviewing the agency action shall—

[(1) balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action; and

[(2) give weight to a finding by the Secretary concerned in the administrative record of the agency action concerning the short-term and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

[SEC. 108. RULES OF CONSTRUCTION.

[(a) Relation to Other Authority.—Nothing in this title shall be construed to affect, or otherwise bias, the use by the Secretary concerned of other statutory or administrative authorities to plan or conduct a hazardous fuels reduction project on Federal lands, including Federal lands identified in section 102(e), that is not planned or conducted using the process authorized by section 104.

[(b) Relation to Legal Action.—Nothing in this title shall be construed to prejudice or otherwise affect the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule, part 294 of title 36, Code of Federal Regulations, as amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

[TITLE II—BIOMASS

[SEC. 201. FINDINGS.

[Congress finds the following:

[(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

[(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

[(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

[(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

[(5) The United States should—

[(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

[(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

[SEC. 202. DEFINITIONS.

[In this title:

[(1) Biomass.—The term "biomass" means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

[(A) to reduce hazardous fuels; or

[(B) to reduce the risk of or to contain disease or insect infestation.

[(2) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

[(3) Person.—The term "person" includes—

[(A) an individual;

[(B) a community (as determined by the Secretary concerned);

[(C) an Indian tribe;

[(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

[(E) a nonprofit organization.

[(4) Preferred community.—The term "preferred community" means—

[(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

[(i) has a population of not more than 50,000 individuals; and

[(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

[(B) any county that—

[(i) is not contained within a metropolitan statistical area; and

[(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

[(5) Secretary concerned.—The term "Secretary concerned" means—

[(A) the Secretary of Agriculture with respect to National Forest System lands; and

[(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

[SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

[(a) Biomass Commercial Use Grant Program.—

[(1) In general.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

[(2) Grant amounts.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

[(3) Monitoring of grant recipient activities.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

[(b) Value Added Grant Program.—

[(1) In general.—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

[(2) Selection.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

[(3) Grant amount.—A grant under this subsection may not exceed $100,000.

[(c) Relation to Other Endangered Species and Riparian Protections.—The Secretary concerned shall comply with applicable endangered species and riparian protections in making grants under this section. Projects funded using grant proceeds shall be required to comply with such protections.

[(d) Authorization of Appropriations.—There is authorized to be appropriated $25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section.

[SEC. 204. REPORTING REQUIREMENT.

[(a) Report Required.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

[(b) Contents of Report.—The report shall include the following:

[(1) An identification of the size, type, and the use of biomass by persons that receive grants under section 203.

[(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

[(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

[TITLE III—WATERSHED FORESTRY ASSISTANCE

[SEC. 301. FINDINGS AND PURPOSE.

[(a) Findings.—Congress finds the following:

[(1) There has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management.

[(2) It is commonly recognized that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds.

[(3) Forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes its restoration worthy of special focus.

[(4) Strengthened education, technical assistance, and financial assistance to nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

[(b) Purpose.—The purpose of this title is to—

[(1) improve landowner and public understanding of the connection between forest management and watershed health;

[(2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

[(3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;

[(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

[(5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and

[(6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

[SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY ASSISTANCE PROGRAM.

[The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new section:

["SEC. 6. WATERSHED FORESTRY ASSISTANCE.

["(a) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Forest Service, may provide technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested lands and potentially forested lands.

["(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

["(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality, as described in paragraph (2).

["(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

["(A) to build and strengthen watershed partnerships that focus on forested landscapes at the local, State, and regional levels;

["(B) to provide State forestry best-management practices and water quality technical assistance directly to nonindustrial private forest landowners;

["(C) to provide technical guidance to land managers and policy makers for water quality protection through forest management;

["(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

["(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

["(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

["(c) WATERSHED FORESTRY COST-SHARE PROGRAM.—

["(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

["(2) WATERSHED FORESTRY PROJECTS.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).

["(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

["(A) the use of trees as solutions to water quality problems in urban and rural areas;

["(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

["(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

["(D) watershed-scale forest management activities and conservation planning; and

["(E) the restoration of wetland (as defined by the States) and stream-side forests and the establishment of riparian vegetative buffers.

["(4) COST-SHARING.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project. Other Federal funding sources may be used to cover a portion of the remaining project costs, but the total Federal share of the costs may not exceed 90 percent. The non-Federal share of the costs of a project may be in the form of cash, services, or other in-kind contributions.

["(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

["(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State best-management practice forester to lead statewide programs and coordinate small watershed-level projects.

["(d) DISTRIBUTION.—

["(1) IN GENERAL.—The Secretary shall devote at least 75 percent of the funds appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (e) to the cost-share program under subsection (c) and the remainder to the task of delivering technical assistance, education, and planning on the ground through the State Forester or equivalent State official.

["(2) SPECIAL CONSIDERATIONS.—Distribution of these funds by the Secretary among the States shall be made only after giving appropriate consideration to—

["(A) the acres of nonindustrial private forestland and highly erodible land in each State;

["(B) each State's efforts to conserve forests;

["(C) the acres of forests in each State that have been lost or degraded or where forests can play a role in restoring watersheds; and

["(D) the number of nonindustrial private forest landowners in each State.

["(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of the fiscal years 2004 through 2008.".

[TITLE IV—INSECT INFESTATIONS

[SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

[(a) DEFINITIONS.—In this title:

[(1) APPLIED SILVICULTURAL ASSESSMENT.—The term "applied silvicultural assessment" means any vegetative or other treatment, for the purposes described in section 402, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

[(2) FEDERAL LANDS.—The term "Federal lands" means—

[(A) National Forest System lands; and

[(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

[(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

[(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

[(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

[(4) 1890 INSTITUTIONS.—The term "1890 Institution" means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

[(b) FINDINGS.—Congress finds the following:

[(1) High levels of tree mortality due to insect infestation result in—

[(A) increased fire risk;

[(B) loss of old growth;

[(C) loss of threatened and endangered species;

[(D) loss of species diversity;

[(E) degraded watershed conditions;

[(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

[(G) decreased timber values.

[(2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.

[(3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.

[(4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as a emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

[(5) Epidemic populations of Southern pine beetle are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in beetle populations.

[(6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.

[(7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.

[(8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.

[(9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

[(10) Only through the rigorous funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests.

[(11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

[(c) PURPOSE.—It is the purpose of this title—

[(1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

[(2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and

[(3) to carry out applied silvicultural assessments.

[SEC. 402. ACCELERATED INFORMATION GATHERING REGARDING BARK BEETLES, INCLUDING SOUTHERN PINE BEETLES, HEMLOCK WOOLLY ADELGIDS, EMERALD ASH BORERS, RED OAK BORERS, AND WHITE OAK BORERS.

[(a) INFORMATION GATHERING.—The Secretary concerned shall establish, acting through the Forest Service and United States Geological Survey, as appropriate, an accelerated program—

[(1) to plan, conduct, and promote comprehensive and systematic information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, including an evaluation of—

[(A) infestation prevention and control methods;

[(B) effects of infestations on forest ecosystems;

[(C) restoration of the forest ecosystem efforts;

[(D) utilization options regarding infested trees; and

[(E) models to predict the occurrence, distribution, and impact of outbreaks of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

[(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers on Federal lands and State and private lands; and

[(3) to disseminate the results of such information gathering, treatments, and strategies.

[(b) COOPERATION AND ASSISTANCE.—The Secretary concerned shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to assist in carrying out the program.

[SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

[(a) ASSESSMENT EFFORTS.—For information gathering purposes, the Secretary concerned may conduct applied silvicultural assessments on Federal lands that the Secretary concerned determines, in the discretion of the Secretary concerned, is at risk of infestation by, or is infested with, bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers. Any applied silvicultural assessments carried out under this section shall be conducted on not more than 1,000 acres per assessment.

[(b) LIMITATIONS.—

[(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

[(A) a component of the National Wilderness Preservation System;

[(B) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

[(C) congressionally designated wilderness study areas.

[(2) CERTAIN TREATMENT PROHIBITED.—Subsection (a) does not authorize the application of insecticides in municipal watersheds and associated riparian areas.

[(3) ACREAGE LIMITATION.—Applied silvicultural assessments may be implemented on not more than 250,000 acres using the authorities provided by this title.

[(4) PEER REVIEW.—Each applied silvicultural assessment under this title, prior to being carried out, shall be peer reviewed by scientific experts selected by the Secretary concerned, which shall include non-Federal experts. The Secretary concerned may use existing peer review processes to the extent they comply with the preceding sentence.

[(c) PUBLIC NOTICE AND COMMENT.—

[(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each applied silvicultural assessment proposed to be carried out under this section in accordance with applicable regulations and administrative guidelines.

[(2) PUBLIC COMMENT.—During the planning stage of each applied silvicultural assessment proposed to be carried out under this section, the Secretary concerned shall provide an opportunity for public input.

[(d) CATEGORICAL EXCLUSION.—Applied silvicultural assessments carried out under this section are deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment.

[SEC. 404. RELATION TO OTHER LAWS.

[The authorities provided to the Secretary concerned by this title are supplemental to their respective authorities provided in any other law.

[SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated for fiscal years 2004 through 2008 such sums as may be necessary to carry out this title.

[TITLE V—HEALTHY FORESTS RESERVE PROGRAM

[SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

[(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program as a program within the Forest Service for the purpose of protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species as well as improve biodiversity and enhance carbon sequestration.

[(b) COOPERATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in cooperation with the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

[SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

[(a) ELIGIBLE LANDS.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall designate rare forest ecosystems to be eligible for the healthy forests reserve program. The following lands are eligible for enrollment in the healthy forests reserve program:

[(1) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of recovery of an endangered species or threatened species in the wild.

[(2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed species, rare, peripheral, and special concern species.

[(b) OTHER CONSIDERATIONS.—In enrolling lands that satisfy the criteria in paragraph (1) or (2) of subsection (a), the Secretary of Agriculture shall give additional consideration to those lands whose enrollment will also improve biological diversity and increase carbon sequestration.

[(c) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll lands in the healthy forests reserve program only with the consent of the owner of the lands.

[(d) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 1,000,000 acres.

[(e) METHODS OF ENROLLMENT.—Lands may be enrolled in the healthy forests reserve program pursuant to a 10-year cost-share agreement, a 30-year easement, or a permanent easement with buyback option. The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

[(f) ENROLLMENT PRIORITY.—The Secretary of Agriculture shall give priority to the enrollment of lands that, in the sole discretion of the Secretary, will provide the best opportunity to resolve conflicts between the presence of an animal or plant species referred to in paragraph (1) or (2) of subsection (a) and otherwise lawful land use activities.

[SEC. 503. CONSERVATION PLANS.

[(a) PLAN REQUIRED.—Lands enrolled in the healthy forests reserve program shall be subject to a conservation plan, to be developed jointly by the land owner and the United States Fish and Wildlife Service. The conservation plan shall include a description of the land-use activities that are permissible on the enrolled lands.

[(b) INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.—A State fish and wildlife agency, State forestry agency, State environmental quality agency, and other State conservation agencies and nonprofit conservation organizations may assist in providing technical or financial assistance, or both, for the development and implementation of conservation plans.

[(c) COST EFFECTIVENESS.—The conservation plan shall maximize the environmental benefits per dollar expended.

[SEC. 504. FINANCIAL ASSISTANCE.

[(a) PERMANENT EASEMENT WITH BUYBACK OPTION.—

[(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a permanent easement with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

[(A) the fair market value of the enrolled land less the fair market value of the land encumbered by the easement; plus

[(B) the actual costs of the approved conservation practices or the average cost of approved practices, as established by the Secretary.

[(2) BUYBACK OPTION.—Beginning on the 50th anniversary of the enrollment of the land, and every 10th-year thereafter, the owner shall be able to purchase the easement back from the United States at a rate equal to the fair market value of the easement plus the costs, adjusted for inflation, of the approved conservation practices.

[(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

[(1) 75 percent of the fair market value of the land less the fair market value of the land encumbered by the easement; plus

[(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices, as established by the Secretary.

[(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

[(1) 75 percent of the actual costs of the approved conservation practices; or

[(2) 75 percent of the average cost of approved practices, as established by the Secretary.

[(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

[SEC. 505. TECHNICAL ASSISTANCE.

[The Forest Service and the United States Fish and Wildlife Service shall provide landowners with technical assistance to comply with the terms of agreements and easements under the healthy forests reserve program and conservation plans.

[SEC. 506. SAFE HARBOR.

[In implementing the healthy forests reserve program, the Secretary of the Interior shall provide safe harbor or similar assurances, through section 7 or other authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), consistent with the implementing regulations of the United States Fish and Wildlife Service, to landowners who enroll land in the healthy forests reserve program when such enrollment will result in a net conservation benefit for listed species.

[SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008 to carry out this title.

[TITLE VI—MISCELLANEOUS PROVISIONS

[SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

[(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

[(1) in units of the National Forest System (other than those units created from the public domain); and

[(2) on private forest land, with the consent of the owner of the land.

[(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

[(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

[(2) loss or degradation of forests;

[(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

[(4) quantification of carbon uptake rates; and

[(5) management practices that focus on preventing further forest degradation.

[(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

[(1) isolate and treat a threat before the threat gets out of control; and

[(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2004 through 2008.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LAND

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuels reduction projects.
Sec. 103. Prioritization for communities and watersheds.
Sec. 104. Environmental analysis.
Sec. 105. Special Forest Service administrative review process.
Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
Sec. 107. Standard for injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
Sec. 108. Effect of title.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
Sec. 205. Improved biomass use research program.
Sec. 206. Rural revitalization through forestry.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purposes.
Sec. 302. Watershed forestry assistance program.
Sec. 303. Tribal watershed forestry assistance.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

Sec. 401. Findings and purpose.
Sec. 402. Definitions.
Sec. 403. Accelerated information gathering regarding forest-damaging insects.
Sec. 404. Applied silvicultural assessments.
Sec. 405. Relation to other laws.
Sec. 406. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Restoration plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Protections and measures
Sec. 507. Involvement by other agencies and organizations.
Sec. 508. Authorization of appropriations.

TITLE VI—PUBLIC LAND CORPS

Sec. 601. Purposes.
Sec. 602. Definitions.
Sec. 603. Public Land Corps.
Sec. 604. Nondisplacement.
Sec. 605. Authorization of appropriations.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

Sec. 701. Purpose
Sec. 702. Definitions.
Sec. 703. Rural community forestry enterprise program.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Forest inventory and management.
Sec. 802. Program for emergency treatment and reduction of nonnative invasive plants.
Sec. 803. USDA National Agroforestry Center.
Sec. 804. Upland Hardwoods Research Center.
Sec. 805. Sense of Congress regarding enhanced community fire protection.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reduce the risks of damage to communities, municipal water supplies, and certain at-risk Federal land from catastrophic wildfires;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuels, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

In this title:

(1) AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.—The term "authorized hazardous fuels reduction project" means a hazardous fuels reduction project on Federal land described in section 102(a) conducted in accordance with sections 103 and 104.

(2) CONDITION CLASS 2.—The term "condition class 2", with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (RMRS–87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(3) CONDITION CLASS 3.—The term "condition class 3", with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(4) DAY.—The term "day" means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(5) DECISION DOCUMENT.—The term "decision document" means a decision notice or record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

(6) HAZARDOUS FUELS.—The term "hazardous fuels" means vegetation (dead or alive) in the forest or rangeland ecosystem that—

(A) is in excess of historic conditions or management goals; and

(B) can cause wildfires.

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term "hazardous fuels reduction project" means the measures and methods described in the definition of "appropriate tools" contained in the glossary of the Implementation Plan.

(8) IMPLEMENTATION PLAN.—The term "Implementation Plan" means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291) (including any subsequent revision to the Plan).

(9) INTERFACE COMMUNITY.—The term "interface community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(10) INTERMIX COMMUNITY.—The term "intermix community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(11) MUNICIPAL WATER SUPPLY SYSTEM.—The term "municipal water supply system" means the source watersheds, reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water for a community.

(12) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(13) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(14) THREATENED AND ENDANGERED SPECIES HABITAT.—The term "threatened and endangered species habitat" means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—

(1) IN GENERAL.—The Secretary may conduct hazardous fuels reduction projects on—

(A) Federal land located in an interface community or intermix community;

(B) Federal land located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from that land would threaten human life or property in proximity to or within the interface community or intermix community;

(C) condition class 3 or condition class 2 Federal land located in such proximity to a municipal watershed, water supply system or a stream feeding a municipal water supply system that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including the risk to water quality posed by erosion following such a fire disturbance event;

(D) condition class 3 or condition class 2 Federal land on which windthrow or blowdown, ice storm damage, or the existence or threat of disease or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent private land;

(E) Federal land not covered by subparagraph (A), (B), (C), or (D) that contains threatened and endangered species habitat, if—

(i) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(ii) the project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(iii) the Secretary complies with any applicable guidelines specified in any recovery plan described in clause (i).

(2) CLASSIFICATION.—The Secretary shall classify appropriate land described in paragraph (1)(D) impacted by windthrow or blowdown, ice storm damage, or the existence or threat of disease or insect infestation as condition class 3 or condition class 2 Federal land.

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuels reduction project shall be conducted in a manner consistent with the resource management plan applicable to the Federal land covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal land may be included in authorized hazardous fuels reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LAND.—The Secretary may not conduct an authorized hazardous fuels reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted; or

(3) a Wilderness Study Area.

SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

As provided for in the Implementation Plan, the Secretary shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) HAZARDOUS FUELS REDUCTION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuels reduction projects in accordance with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—The Secretary shall prepare an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) for each authorized hazardous fuels reduction project.

(b) ALTERNATIVES.—The Secretary is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared in accordance with subsection (a)(2).

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuels reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuels reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuels reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuels reduction project.

(f) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuels reduction projects and provide notice of the final agency actions.

(g) PROJECT MONITORING.—In accordance with the Implementation Plan, the Secretary shall monitor the implementation of authorized hazardous fuels reduction projects.

SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

(a) DEVELOPMENT OF ADMINISTRATIVE REVIEW PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to establish an administrative review process that will serve as the sole means by which a person described in subsection (b) can seek administrative review regarding a proposed hazardous fuels reduction project.

(b) ELIGIBLE PERSONS.—

(1) IN GENERAL.—To be eligible to participate in the administrative review process established under subsection (a), a person shall submit specific and substantive written comments during the notice and comment stage of the authorized hazardous fuels reduction project.

(2) NOTICE AND COMMENT.—The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient to permit interested persons a reasonable opportunity to comply with this subsection.

(c) RELATION TO APPEALS REFORM ACT.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) FILING DEADLINE.—

(1) TIME LIMIT ESTABLISHED FOR FILING.—

(A) IN GENERAL.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary provides notice of the final agency action regarding the authorized hazardous fuels reduction project.

(B) APPLICABILITY.—The time limitation under subparagraph (A) supersedes any requirement regarding notice of intent to file a lawsuit, or filing deadline, otherwise applicable to an action challenging an authorized hazardous fuels reduction project under any provision of law.

(2) WAIVER PROHIBITED.—The Secretary may not agree to, and a court of the United States may not grant, a waiver of the requirements of this subsection.

(b) DURATION OF PRELIMINARY INJUNCTION.—

(1) DURATION; EXTENSION.—

(A) DURATION.—Any preliminary injunction, or injunction pending appeal, granted by a court of the United States regarding an authorized hazardous fuels reduction project shall be limited to 45 days.

(B) EXTENSION.—A court may renew the preliminary injunction or injunction pending appeal, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

(2) SUBMISSION OF INFORMATION.—As part of a request to renew a preliminary injunction, or injunction pending appeal, granted regarding an authorized hazardous fuels reduction project, the parties involved shall present to the court a description of any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

(3) CONGRESSIONAL NOTIFICATION.—In the event of the renewal of a preliminary injunction, or injunction pending appeal, regarding an authorized hazardous fuels reduction project, the Secretary shall submit notice of the renewal to—

(A) the Committee on Resources and the Committee on Agriculture of the House of Representatives; and

(B) the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—Congress intends and encourages any court in which is filed an action challenging an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in the lawsuit or appeal with the goal of rendering, not later than 100 days after the date on which the complaint or appeal is filed—

(1) a final determination on jurisdiction; and

(2) if jurisdiction exists, a final determination on the merits.

SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

If a civil action brought against the Secretary under section 703 of title 5, United States Code, involves an agency action on Federal land on which the Secretary found that the agency action is necessary to restore a fire-adapted forest or rangeland ecosystem (including an authorized hazardous fuels reduction project), the court reviewing the agency action, in considering a request for a prohibitory or mandatory injunction against the agency action, shall—

(1) balance the impact to the ecosystem likely affected by the project of the short- and long-term effects of undertaking the agency action against the short- and long-term effects of not undertaking the agency action; and

(2) give weight to a finding by the Secretary in the administrative record of the agency action concerning the short- and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

SEC. 108. EFFECT OF TITLE.

(a) RELATION TO OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority to conduct a hazardous fuels reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) RELATION TO LEGAL ACTION.—Nothing in this title prejudices or otherwise affects the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule contained in part 294 of title 36, Code of Federal Regulations, and amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds that—

(1)(A) thousands of communities in the United States, many located near Federal land, are at risk of wildfire;

(B) more than 100,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future; and

(C) the accumulation of heavy forest and rangeland fuel loads continues to increase as a result of fire exclusion, disease, insect infestations, and drought, further raising the risk of fire each year;

(2)(A) more than 70,000,000 acres across all land ownerships are at risk of higher than normal mortality during the 15-year period beginning on the date of enactment of this Act because of insect infestation and disease; and

(B) high levels of tree mortality from insects and disease result in—

(i) increased fire risk;

(ii) loss of older trees and old growth;

(iii) degraded watershed conditions;

(iv) changes in species diversity and productivity;

(v) diminished fish and wildlife habitat;

(vi) decreased timber values; and

(vii) increased threats to homes, businesses, and community watersheds;

(3)(A) preventive treatments (such as reducing fuel loads, crown density, ladder fuels, and hazard trees), planting proper species mix, restoring and protecting early successional habitat, and completing other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health, maintenance, and enhancement by creating a mosaic of species-mix and age distribution; and

(B) those vegetation management treatments are widely acknowledged to be more successful and cost-effective than suppression treatments in the case of insects, disease, and fire;

(4)(A) the byproducts of vegetative management treatment (such as trees, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangeland represent an abundant supply of—

(i) biomass for biomass-to-energy facilities; and

(ii) raw material for business; and

(B) there are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities; and

(5) the United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through vegetation treatment activities relating to hazardous fuels reduction, disease, and insect infestation;

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities; and

(C) promote research and development to provide, for the by-products, economically and environmentally sound—

(i) management systems;

(ii) harvest and transport systems; and

(iii) utilization options.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term "biomass" means trees and woody plants (including limbs, tops, needles, other woody parts, and wood waste) and byproducts of preventive treatment (such as wood, brush, thinnings, chips, and slash) that are removed—

(A) to reduce hazardous fuels;

(B) to reduce the risk of or to contain disease or insect infestation; or

(C) to improve forest health and wildlife habitat conditions.

(2) PERSON.—The term "person" includes—

(A) an individual;

(B) a community (as determined by the Secretary);

(C) an Indian tribe;

(D) a small business, microbusiness, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(3) PREFERRED COMMUNITY.—The term "preferred community" means—

(A) any town, township, municipality, Indian tribe, or other similar unit of local government (as determined by the Secretary) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land that—

(I) is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) suffers from disease or insect infestation; or

(B) any area or unincorporated area represented by a nonprofit organization approved by the Secretary, that—

(i) is not wholly contained within a metropolitan statistical area; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land—

(I) the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) that suffers from disease or insect infestation.

(4) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Federal land under the jurisdiction of the Secretary of the Interior (including land held in trust for the benefit of an Indian tribe).

SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, COMPOST, VALUE-ADDED PRODUCTS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, substitutes for petroleum-based products, wood-based products, pulp, or other commercial products to offset the costs incurred to purchase biomass for use by the facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—

(A) IN GENERAL.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass.

(B) ACCESS.—On notice by a representative of the Secretary, the grant recipient shall afford the representative—

(i) reasonable access to the facility that purchases or uses biomass; and

(ii) an opportunity to examine the inventory and records of the facility.

(b) VALUE-ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary—

(A) may make grants to persons to offset the cost of projects to add value to biomass; and

(B) in making a grant under subparagraph (A), shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary shall select a grant recipient under paragraph (1)(A) after giving consideration to—

(A) the anticipated public benefits of the project;

(B) opportunities for the creation or expansion of small businesses and microbusinesses resulting from the project; and

(C) the potential for new job creation as a result of the project.

(3) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000.

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall comply with applicable endangered species and riparian protections in making grants under this section.

(2) PROJECTS.—Projects funded using grant proceeds shall be required to comply with the protections.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2008, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) CONTENTS OF REPORT.—The report shall include—

(1) an identification of the source, size, type, and the end-use of biomass by persons that receive grants under section 203;

(2) the haul costs incurred and the distance between the land from which the biomass was removed and the facilities that used the biomass;

(3) the economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations; and

(4) the environmental effects of the activities described in this section.

SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.

(a) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—

"(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

"(i) the cost to deliver varying quantities of wood to a particular location; and

"(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

"(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

"(i) capable of being used on land without significant adverse effects on the land;

"(ii) capable of handling large and varied landscapes;

"(iii) adaptable to handling a wide variety of tree sizes;

"(iv) inexpensive; and

"(v) adaptable to various terrains; and

"(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).".

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) by striking "$49,000,000" and inserting "$54,000,000"; and

(2) by inserting before the period at the end the following: ", of which not less than $5,000,000 shall be used for each fiscal year to carry out section 307(d)(5)".

SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

"(d) RURAL REVITALIZATION TECHNOLOGIES.—

"(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

"(A) to accelerate adoption of technologies using biomass and small-diameter materials;

"(B) to create community-based enterprises through marketing activities and demonstration projects; and

"(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.".

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSES.—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

"SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

"(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.—In this section, the term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(1) has existing tree cover or that is suitable for growing trees; and

"(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

"(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, and officials of the Cooperative State Research, Education, and Extension Service for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

"(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

"(1) IN GENERAL.—The Secretary, in cooperation with State foresters, officials of the Cooperative State Research, Education, and Extension Service, or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

"(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

"(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

"(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

"(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

"(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

"(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

"(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

"(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

"(A) which shall be—

"(i) administered by the Forest Service; and

"(ii) implemented by State foresters or equivalent State officials; and

"(B) under which funds or other support provided shall be made available for State forestry best-management practices programs and watershed forestry projects.

"(2) WATERSHED FORESTRY PROJECTS.—The State forester, State Research, Education and Extension official, or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

"(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

"(A) the use of trees as solutions to water quality problems in urban and rural areas;

"(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

"(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

"(D) watershed-scale forest management activities and conservation planning; and

"(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

"(ii) the establishment of riparian vegetative buffers.

"(4) COST-SHARING.—

"(A) FEDERAL SHARE.—

"(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

"(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

"(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

"(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

"(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

"(A) lead statewide programs; and

"(B) coordinate watershed-level projects.

"(e) DISTRIBUTION.—

"(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

"(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

"(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

"(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

"(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

"(B) the miles of riparian buffer needed;

"(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

"(D) the number of owners of nonindustrial private forest land in each State; and

"(E) water quality cost savings that can be achieved through forest watershed management.

"(f) WILLING OWNERS.—

"(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

"(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2004 through 2008.".

SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary"), acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

(c) WATERSHED FORESTRY PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a watershed forestry program to be administered by Indian tribes.

(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection,

and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(C) watershed-scale forest management activities and conservation planning;

(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) DISTRIBUTION.—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning on the ground to Indian tribes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

(A) increased fire risk;

(B) loss of old trees and old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.

(b) PURPOSES.—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. DEFINITIONS.

In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—

(A) IN GENERAL.—The term "applied silvicultural assessment" means any vegetative or other treatment carried out for a purpose described in section 403.

(B) INCLUSIONS.—The term "applied silvicultural assessment" includes (but is not limited to) timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) 1890 INSTITUTION.—

(A) IN GENERAL.—The term "1890 Institution" means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) INCLUSION.—The term "1890 Institution" includes Tuskegee University.

(3) FOREST-DAMAGING INSECT.—The term "forest-damaging insect" means—

(A) a Southern pine beetle;

(B) a mountain pine beetle;

(C) a spruce bark beetle;

(D) a gypsy moth;

(E) a hemlock woolly adelgid;

(F) an emerald ash borer;

(G) a red oak borer;

(H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.

(a) INFORMATION GATHERING.—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation, prevention, and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) CERTAIN TREATMENT PROHIBITED.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) PEER REVIEW.—

(A) IN GENERAL.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) EXISTING PEER REVIEW PROCESSES.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ADMINISTRATION.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) MAXIMUM CATEGORICAL EXCLUSION.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) NO ADDITIONAL FINDINGS REQUIRED.—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

SEC. 405. RELATION TO OTHER LAWS.

The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) COORDINATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing, State-listed species, or special concern species.

(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

(d) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) METHODS OF ENROLLMENT.—

(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year agreement; or

(C) a long-term easement with a buyback option.

(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) ENROLLMENT PRIORITY.—

(1) SPECIES.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing, State-listed species, or special concern species.

(2) COST-EFFECTIVENESS.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement and easement, and their associated restoration plans, so as to maximize the environmental benefits per dollar expended.

SEC. 503. RESTORATION PLANS.

(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture.

(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

SEC. 504. FINANCIAL ASSISTANCE.

(a) LONG-TERM EASEMENT WITH BUYBACK OPTION.—

(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a long-term easement (with a minimum length of 99 years) with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(A) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

(B) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period the land is subject to the easement.

(2) BUY-BACK OPTION.—In the case of land enrolled in the healthy forests reserve program using a long-term easement with a buyback option, beginning on the date that is 50 years after the date of enrollment of the land, and every 10 years thereafter, the owner of the land shall be permitted to purchase the easement back from the United States for an amount equal to not more than (as determined by the Secretary)—

(A) the percentage of the fair market value the owner received for the easement under paragraph (1); and

(B) the costs, adjusted by the Secretary to reflect changes in the Consumer Price Index for all-urban consumers, as published by the Bureau of Labor Statistics, of the approved conservation practices necessary for establishment of the easement.

(3) FUNDS.—All funds returned to the United States under this subsection shall be used to carry out the healthy forests reserve program.

(b) 30-YEAR AGREEMENT.— In the case of land enrolled in the healthy forests reserve program using a 30-year agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the agreement; and

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements and easements) under the healthy forests reserve program.

(b) TECHNICAL SERVICE PROVIDERS.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 506. PROTECTIONS AND MEASURES

(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this title, the Secretary of Agriculture may consult with—

(1) nonindustrial private forest landowners;

(2) other Federal agencies;

(3) State fish and wildlife agencies;

(4) State forestry agencies;

(5) State environmental quality agencies;

(6) other State conservation agencies; and

(7) nonprofit conservation organizations.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $25,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2008.

TITLE VI—PUBLIC LAND CORPS

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to carry out, in a cost-effective and efficient manner, rehabilitation, enhancement, and beautification projects;

(2) to offer young people, ages 16 through 25, particularly those who are at-risk or economically disadvantaged, the opportunity to gain productive employment and exposure to the world of work;

(3) to give those young people the opportunity to serve their communities and their country; and

(4) to expand educational opportunities by rewarding individuals who participate in the Public Land Corps with an increased ability to pursue higher education or job training.

SEC. 602. DEFINITIONS.

In this title:

(1) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" means a Regional Corporation or Village Corporation, as defined in section 101(11) of the National and Community Service Act of 1990 (42 U.S.C. 12511(11)).

(2) CORPS.—The term "Corps" means the Public Land Corps established under section 603(a).

(3) HAWAIIAN HOME LANDS.—The term "Hawaiian home lands" means that term, within the meaning of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(4) INDIAN LANDS.—The term "Indian lands" has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(5) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(6) SERVICE AND CONSERVATION CORPS.—The term "service and conservation corps" means any organization established by a State or local government, nonprofit organization, or Indian tribe that—

(A) has a demonstrable capability to provide productive work to individuals;

(B) gives participants a combination of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values through service to their communities and the United States.

(7) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

SEC. 603. PUBLIC LAND CORPS.

(a) ESTABLISHMENT.—There is established a Public Land Corps.

(b) PARTICIPANTS.—The Corps shall consist of individuals who are enrolled as members of a service or conservation corps.

(c) CONTRACTS OR AGREEMENTS.—The Secretaries may enter into contracts or cooperative agreements—

(1) directly with any service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects; or

(2) with a department of natural resources, agriculture, or forestry (or an equivalent department) of any State that has entered into a contract or cooperative agreement with a service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects.

(d) PROJECTS.—

(1) IN GENERAL.—The Secretaries may use the members of a service and conservation corps to perform rehabilitation, enhancement, or beautification projects authorized by law.

(2) INCLUDED LAND.—In addition to Federal and State lands, the projects may be carried out on—

(A) Indian lands, with the approval of the applicable Indian tribe;

(B) Hawaiian home lands, with the approval of the relevant State agency in the State of Hawaii; and

(C) Alaska native lands, with the approval of the applicable Alaska Native Corporation.

(e) PREFERENCE.—In carrying out this title, the Secretaries shall give preference to projects that will—

(1) provide long-term benefits by reducing hazardous fuels on Federal land;

(2) instill in members of the service and conservation corps—

(A) a work ethic;

(B) a sense of personal responsibility; and

(C) a sense of public service;

(3) be labor intensive; and

(4) be planned and initiated promptly.

(f) SUPPORTIVE SERVICES.—The Secretaries may provide such services as the Secretaries consider necessary to carry out this title.

(g) TECHNICAL ASSISTANCE.—To carry out this title, the Secretaries shall provide technical assistance, oversight, monitoring, and evaluation to—

(1) State Departments of Natural Resources and Agriculture (or equivalent agencies); and

(2) members of service and conservation corps.

SEC. 604. NONDISPLACEMENT.

The nondisplacement requirements of section 177(b) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)) shall apply to activities carried out by the Corps under this title.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

SEC. 701. PURPOSE

The purpose of this title is to assist in the economic revitalization of rural forest resource-dependent communities through incentives to promote investment in private enterprise and community development by—

(1) the Department of Agriculture;

(2) the Department of the Interior;

(3) the Department of Commerce;

(4) the Small Business Administration;

(5) land grant colleges and universities; and

(6) 1890 Institutions.

SEC. 702. DEFINITIONS.

In this title:

(1) 1890 INSTITUTION.—The term "1890 Institution" has the meaning given the term in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a unit of State or local government;

(B) an Indian tribe;

(C) a nonprofit organization;

(D) a small forest products business;

(E) a rural forest resource-dependent community;

(F) a land grant college or university; or

(G) an 1890 institution.

(3) ELIGIBLE PROJECT.—The term "eligible project" means a project described in section 703 that will promote the economic development in rural forest resource-dependent communities based on—

(A) responsible forest stewardship;

(B) the production of sustainable forest products; or

(C) the development of forest related tourism and recreation activities.

(4) FOREST PRODUCTS.—The term "forest products" means—

(A) logs;

(B) lumber;

(C) chips;

(D) small-diameter finished wood products;

(E) energy biomass;

(F) mulch; and

(G) any other material derived from forest vegetation or individual trees or shrubs.

(5) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under 501(a) of that Code.

(6) PROGRAM.—The term "program" means the rural community forestry enterprise program established under section 703.

(7) SMALL FOREST PRODUCTS BUSINESS.—The term "small forest products business" means a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is classified under subsector 113 or code number 115310 of the North American Industrial Classification System.

(8) RURAL FOREST RESOURCE-DEPENDENT COMMUNITY.—

(A) IN GENERAL.—The term "rural forest resource-dependent community" means a community located in a rural area of the United States that is traditionally dependent on forestry products as a primary source of community infrastructure.

(B) INCLUSIONS.—The term "rural forest resource-dependent community" includes a community described in subparagraph (A) located in—

(i) the northern forest land of Maine;

(ii) New Hampshire;

(iii) New York;

(iv) Vermont;

(v) the Upper Peninsula of Michigan;

(vi) northern California;

(vii) eastern Oregon;

(viii) the Bitterrroot Valley of Montana;

(ix) the northern panhandle of Idaho; and

(x) other areas, as determined by the Secretary.

(9) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Forest Service a program to be known as the "Rural Community Forestry Enterprise Program".

(2) COORDINATION.—In carrying out the program, the Secretary shall coordinate with—

(A) the Small Business Administration;

(B) the Economic Development Administration;

(C) land grant colleges and universities;

(D) 1890 institutions; and

(E) other agencies of the Department of Agriculture that administer rural development programs.

(b) PURPOSES.—The purposes of the program are—

(1) to enhance technical and business management skills training;

(2) to organize cooperatives and marketing programs;

(3) to establish and maintain timber worker skill pools;

(4) to establish and maintain forest product distribution networks and collection centers;

(5) to facilitate technology transfer for processing small diameter trees and brush into useful products;

(6) to develop, where support exists, a program to promote science-based technology implementation and technology transfer that expands the capacity for small forest product businesses to work within market areas;

(7) to promote forest-related tourism and recreational activities;

(8) to enhance the rural forest business infrastructure needed to reduce hazardous fuels on public and private land; and

(9) to carry out related programs and activities, as determined by the Secretary.

(c) FOREST ENTERPRISE CENTERS. -The Secretary shall establish at least 1 Forest Enterprise Center at each Research Station of the Forest Service, to be located at a forest science laboratory—

(1) to carry out eligible projects; and

(2) to coordinate assistance provided to small forest products businesses with—

(A) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(B) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture; and

(C) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration.

(d) FOREST ENTERPRISE TECHNICAL ASSISTANCE AND GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Forest Enterprise Centers established under subsection (c), shall establish a program to provide technical assistance and grants to eligible entities to carry out eligible projects.

(2) CRITERIA.—The Secretary shall work with each Forest Enterprise Center to develop appropriate program review and prioritization criteria for each Research Station.

(3) MATCHING FUNDS.—Grants under this section shall—

(A) not exceed 50 percent of the cost of an eligible project; and

(B) be made on the condition that non-Federal sources pay for the remainder of the cost of an eligible project (including payment through in-kind contributions of services or materials).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

"SEC. 17. FOREST INVENTORY AND MANAGEMENT.

"(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands (with emphasis on hardwood forest stands) on—

"(1) in units of the National Forest System; and

"(2) on private forest land, with the consent of the owner of the land.

"(b) MEANS.—The Secretary shall carry out the program through the use of—

"(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

"(2) emerging geospatial capabilities in research activities;

"(3) validating techniques using application demonstrations; and

"(4) integration of results into pilot operational systems.

"(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

"(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

"(2) loss or degradation of forests;

"(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

"(4) quantification of carbon uptake rates; and

"(5) management practices that focus on preventing further forest degradation.

"(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

"(1) isolate and treat a threat before the threat gets out of control; and

"(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2009.".

SEC. 802. PROGRAM FOR EMERGENCY TREATMENT AND REDUCTION OF NONNATIVE INVASIVE PLANTS.

(a) DEFINITIONS.—In this section:

(1) INTERFACE COMMUNITY.—The term "interface community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(2) INTERMIX COMMUNITY.—The term "intermix community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(3) PLANT.—The term "plant" includes—

(A) a tree;

(B) a shrub; and

(C) a vine.

(4) PROGRAM.—The term "program" means the program for emergency treatment and reduction of nonnative invasive plants established under subsection (b)(1).

(5) SECRETARIES.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretaries shall establish a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area.

(2) COORDINATION.—In carrying out the program, the Secretaries shall coordinate with such Federal agencies, State and local governments and agencies, and conservation districts as are affected by projects under the program.

(c) ELIGIBLE LAND.—A project under the program shall—

(1) be carried out only on land that is located—

(A) in an interface community or intermix community; or

(B) in such proximity to an interface community or intermix community as would pose a significant risk in the event of the spread of a fire disturbance event from the land (including a risk that would threaten human life or property in proximity to or within the interface community or intermix community), as determined by the Secretaries;

(2) remove fuel loads determined by the Secretaries, a State or local government, a tribal government, or a private landowner to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area; and

(3) involve the removal of nonnative invasive plants.

(d) USE OF FUNDS.—Funds made available for a project under the program shall be used only for—

(1) the removal of plants or other potential fuels that are—

(A) adjacent to or within the wildland urban interface; or

(B) adjacent to a municipal watershed, river, or water course;

(2) the removal of erosion structures that impede the removal of nonnative plants; or

(3) the replanting of native vegetation to reduce the reestablishment of nonnative invasive plants in a treatment area.

(e) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant provided to a willing owner to carry out a project on non-Federal land under this section, the owner shall deposit into a revolving fund established by the Secretaries any proceeds derived from the sale of timber or biomass removed from the non-Federal land under the project.

(2) USE.—The Secretaries shall use amounts in the revolving fund to make additional grants under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 803. USDA NATIONAL AGROFORESTRY CENTER.

(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.";

and

(2) in subsection (a)—

(A) by striking "SEMIARID" and inserting "USDA NATIONAL"; and

(B) by striking "Semiarid" and inserting "USDA National".

(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by inserting "local governments, community organizations, the Institute of Tropical Forestry and the Institute of Pacific Islands Forestry of the Forest Service," after "entities,";

(2) in paragraph (1), by striking "on semiarid lands";

(3) in paragraph (3), by striking "from semiarid land";

(4) by striking paragraph (4) and inserting the following:

"(4) collect information on the design, installation, and function of forested riparian and upland buffers to—

"(A) protect water quality; and

"(B) manage water flow;";

(5) in paragraphs (6) and (7), by striking "on semiarid lands" each place it appears;

(6) by striking paragraph (8) and inserting the following:

"(8) provide international leadership in the worldwide development and exchange of agroforestry practices;";

(7) in paragraph (9), by striking "on semiarid lands";

(8) in paragraph (10), by striking "and" at the end;

(9) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(10) by adding at the end the following:

"(12) quantify the carbon storage potential of agroforestry practices such as—

"(A) windbreaks;

"(B) forested riparian buffers;

"(C) silvopasture timber and grazing systems; and

"(D) alley cropping; and

"(13) modify and adapt riparian forest buffer technology used on agricultural land for use by communities to manage stormwater runoff.".

SEC. 804. UPLAND HARDWOODS RESEARCH CENTER.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an Upland Hardwood Research Center.

(b) LOCATION.—The Secretary of Agriculture shall locate the Research Center in an area that, as determined by the Secretary of Agriculture, would best use and study the upland hardwood resources of the Ozark Mountains and the South.

(c) DUTIES.—The Upland Hardwood Research Center shall, in conjunction with the Southern Forest Research Station of the Department of Agriculture—

(1) provide the scientific basis for sustainable management of southern upland hardwood forests, particularly in the Ozark Mountains and associated mountain and upland forests; and

(2) conduct research in all areas to emphasize practical application toward the use and preservation of upland hardwood forests, particularly—

(A) the effects of pests and pathogens on upland hardwoods;

(B) hardwood stand regeneration and reproductive biology;

(C) upland hardwood stand management and forest health;

(D) threatened, endangered, and sensitive aquatic and terrestrial fauna;

(E) ecological processes and hardwood ecosystem restoration; and

(F) education and outreach to nonindustrial private forest landowners and associations.

(d) RESEARCH.—In carrying out the duties under subsection (c), the Upland Hardwood Research Center shall—

(1) cooperate with the Center for Bottomland Hardwood Research of the Southern Forest Research Station of the Department of Agriculture, located in Stoneville, Mississippi; and

(2) provide comprehensive research in the Mid-South region of the United States, the Upland Forests Ecosystems Unit of the Southern Forest Research Station of the Department of Agriculture, located in Monticello, Arkansas.

(e) PARTICIPATION OF PRIVATE LANDOWNERS.—The Secretary of Agriculture shall encourage and facilitate the participation of private landowners in the program under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

SEC. 805. SENSE OF CONGRESS REGARDING ENHANCED COMMUNITY FIRE PROTECTION.

It is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 473)).

Amend the title so as to read: "An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.".

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on July 24, the Committee on Agriculture, Nutrition, and Forestry reported to the Senate H.R. 1904, the Healthy Forests Restoration Act. This bill, which is now before the Senate, reflects a comprehensive effort to improve forest health on both public and private lands. The bill provides Federal land managers the tools to implement scientifically supported management practices on Federal forests, in consultation with local communities, while establishing new conservation programs to improve water quality and regenerate declining forest ecosystem types on private lands.

The legislation will reduce the amount of time and expense required to conduct hazardous fuels projects, but it also will require rigorous environmental analysis of those projects.

Over the past few years, we have seen many communities destroyed and many firefighters' lives lost due to forest fires that could have been prevented. We are all deeply saddened by the tragic events occurring now in California. At least 17 people, we are told, have lost their lives; 1,600 homes have been destroyed, and 520,000 acres have burned.

The fires continue to wreak havoc in that State. Thousands of Californians have had to leave their homes, and more communities are being evacuated at this very moment.

On Monday, President Bush declared the region a disaster area. The cost resulting from these fires is estimated in the billions of dollars. The tools and resources this legislation provides land managers will assist in preventing the devastation resulting from forest fires.

In the past, the U.S. Forest Service has been forced to spend great amounts of time and resources battling lawsuits instead of managing the forests. The result has been months and even years of delays in fuel reduction projects. Our forests have continued to suffer, and they have continued to burn.

I have filed, along with 13 cosponsors, an amendment to title I of the bill which contains several modifications to the bill the committee reported.

I offer that amendment to the bill.

AMENDMENT NO. 1828

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. CRAPO, Mr. DOMENICI, Mrs. LINCOLN, Mr. CRAIG, Mr. WYDEN, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BAUCUS, Ms. MURKOWSKI, Mr. THOMAS, Mr. DASCHLE, Mr. BURNS, and Mr. JOHNSON, proposes an amendment numbered 1828.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COCHRAN. Mr. President, this amendment embodies recommendations made by a bipartisan group of Senators who are committed getting this legislation passed and signed by the President. The amendment establishes a predecisional administrative review process. It allows an additional analysis under the National Environmental Policy Act. It directs the Secretary of Agriculture to give priority to communities and watersheds and hazardous fuel reduction projects. It contains new language protecting old-growth stands, and it encourages the courts to expedite the judicial review process.

The underlying legislation also contains a biomass title authorizing grant programs to encourage utilization of forest waste material. Another title provides financial and technical assistance to private forest land owners to encourage better management techniques to protect water quality. The pest and remote sensing titles would authorize funding for the U.S. Forest Service, land grant institutions, and 1890 institutions to plan, conduct, and promote the gathering of information about insects that have caused severe damage to forest ecosystems.

Title V, the Healthy Forest Reserve Program, is a private forest land conservation initiative that would support the restoration of declining forest ecosystem types that are critical to the recovery of threatened, endangered, and other sensitive species.

Two additional titles were added to the House-passed bill by our committee. One would establish a public land corps to provide opportunities to young people for employment and, at the same time, provide a cost-effective and efficient means to implement rehabilitation and enhancement projects in local communities. The other new title will promote investment in forest resource-dependent communities.

This legislation provides new legal authority to help us manage the Nation's forests in a safe and effective manner. The bill will help us do a better job of safeguarding these priceless national resources.

I urge the Senate to support the bill.

The PRESIDING OFFICER. Senator DASCHLE.

Mr. DASCHLE. Mr. President, I am very pleased to join my colleagues in supporting the bipartisan forest health legislation. Catastrophic wildfires raging in California today underscore the urgent need for action. We must reduce the risk that other communities and other States will face with regard to the devastation that Californians are experiencing today.

In South Dakota we also know from experience how destructive forest fires can be. In the Black Hills, we have experienced five major fires in the last 3 years. We are committed to finding a solution that will enable the Forest Service to reduce the threat of wildfire effectively and efficiently and that can become law. We must do more to expedite hazardous fuels reduction activities, and I believe this compromise will help the Forest Service to do so.

This past August I toured the Black Hills with Dale Bosworth, chief of the U.S. Forest Service. It is clear that the Forest Service needs additional tools to address the increasing fire risk to South Dakota and other State communities. Today more than 460,000 acres of the Black Hills National Forest are in moderate to high fire risk. If we do nothing, the Forest Service warns the number of acres at risk in the Black Hills will grow dramatically to more than 550,000 acres. That is unacceptable.

During our visit, Chief Bosworth asked that any reforms we undertake allow Forest Service personnel to spend less time in the office planning and more time in the forest actually clearing high fuel load.

This bipartisan compromise meets that standard, and it helps in other ways as well.

First, this legislation clarifies how much detail is needed for environmental analysis of fuel reduction projects.

Instead of analyzing anywhere from 5 to 10 alternatives—as is current practice—this bill specifies that the Forest Service must consider only three alternatives: The preferred alternative, a "no-action" alternative, and an "additional-action alternative."

The Forest Service currently spends over 50 percent of its time and money planning a given project. This will help reduce the costs of the environmental analysis and allow the Forest Service to treat more acres each year.

Second, this legislation streamlines the appeals process within the Forest Service by mirroring what is already done at the Bureau of Land Management.

In talking with Forest Service personnel in the Black Hills, one of the figures that struck me most is that 100 percent of proposed projects are appealed.

This legislation will help streamline the appeals' process while still protecting the public's right to be heard before final decisions are made.

A third strength of this legislation—the pending amendment—is that it encourages speedy disposition of any projects that are challenged in court, without giving undue deference to any party.

The bottom line is that this bipartisan compromise will enable the Forest Service to spend more time conducting on-the-ground fuels-reduction projects, which is the key to reducing the risk of fire risk in America's forests and the communities that surround them.

While this compromise is not exactly the plan I would have crafted, I believe we cannot let the perfect be the enemy of the good in this situation.

I am committed to working with all of my colleagues to pass a forest health bill this year. I believe this bipartisan compromise can be enacted into law and I am hopeful that the administration will be helpful in convincing the House to join us in making that happen.

As we see today in California, the risks of delay are simply too high.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the manager of the bill. I commend the managers and the bipartisan group who worked on this bill. It is vitally needed, and I rise in strong support of it.

Mr. President, this long overdue piece of legislation will finally bring some common sense to forest management in our Nation.

Currently, conditions in our Nation's forests are terrible. The poor state of our forests is due in large part to a lack of active forest management efforts to reduce undergrowth and remove dead and dying trees to restore forest health. According to the Society of American Foresters, "As a result of 80 years of fuels accumulation and several years of drought, the potential for catastrophic wildfire is at an all time high in many regions of the United States."

An estimated 190 million acres of Federal forests and rangelands in the United States, an area twice the size of California, face a high risk of catastrophic wildfire. Decades of an accumulation of dense undergrowth and brush, along with drought, insect infestation and disease, and the presence of invasive exotic species have made our forests vulnerable to these environmentally destructive wildfires.

According to Secretary of Agriculture, Ann Venman, last year was the second worst fire season in modern history with over 7.2 million acres burned—an area larger than Maryland and Rhode Island combined. The States of Arizona, Colorado, and Oregon registered their largest and most destructive wildfires ever. It was also the most expensive fire season ever costing Federal taxpayers $1.6 billion. When the season ended, 23 firefighters were dead, tens of thousands of people fled their homes and more than 2,000 buildings were destroyed. This devastation was only eclipsed by the 2000 fire season where more than 8 million acres of forests burned at a Federal cost of $1.4 billion.

This year, as of the first week in October, we have had a total of 67,500 fires that have burned over 3.2 million acres at a cost of over $550 million. Worse than that, over 20 wildland firefighters have lost their lives this year.

The time for addressing the problem of our unhealthy forests is long overdue. Current efforts to reduce excessive fuel loads, underbrush, and dead and dying trees are taking for too long due to senseless bureaucratic delay. According to the U.S. Forest Service, it can take up to 8 years to plan and execute relatively routine fuels reduction projects—8 years. Does anyone here believe that this is responsible forest management?

In May of this year, the Government Accounting Office (GAO) released the results of a survey that confirms that the large numbers of appeals filed by environmental interest groups are delaying efforts to restore the health of our Nation's forests through the thinning of overgrown and diseased areas. These delays increase the threat of severe forest fires which threaten human life, old growth trees, habitat for endangered species and private property. These endless and meritless appeals result in nothing but inaction and increased bureaucratic costs.

If we do not address this problem now, we risk losing many of America's most pristine forests to wildfire devastation. Congress needs to pass legislation to streamline and expedite these forest thinning and fuels reduction efforts.

I believe the H.R. 1904 will accomplish this goal. The Senate compromise to H.R. 1904 is designed to cut through unnecessary red tape and speed up the review and approval process for forest health restoration projects, while at the same time preserving the appropriate environmental review process.

Specifically this bill establishes procedures to expedite forest and rangeland restoration projects focusing on lands near communities in the wildland urban interface; that are in condition class 3 (high fire risk) areas located in proximity to a municipal watershed or water supply system; that provide important habitat for endangered species where the risk of catastrophic wildfire threatens these species; and where insect infestation, disease and old age are destroying forests and increasing the chance of wildfire.

The Senate compromise also contains language for the protection of old growth or large trees in the implementation of hazardous fuels reduction projects. This legislation requires authorized hazardous fuels reduction projects to be consistent with the applicable forest and resource management plans, along with other administrative policies or decisions applicable to Federal land. The amount of acreage eligible for authorized fuels reduction projects under this legislation is limited to 20 million acres.

In addition to allowing for an environmental assessment and expedited administrative appeals, this legislation does allow for judicial review. As a part of this review, this bill requires lawsuits to be filed in the district court where the project is located. It limits temporary injunctions to 60-days, subject to renewal. Finally, this legislation directs the courts to balance the short- and long-term environmental effects of undertaking a project versus those of not undertaking a project.

The problem of excessive forest fuels build is not just a Western problem. It is a National problem. The expedited reduction of forest fuels and the thinning of underbrush would greatly improve the health of Missouri's forests. There has been a significant increase in the buildup of these fuels in National and State Forest land in the State of Missouri as a result of recent tornadoes, several years of drought, oak decline and oak mortality.

Oak mortality is the most pressing problem in Missouri's forests. As of January 2003, oak mortality due to drought, insects, and fungi have affected 41 percent of the Mark Twain National Forest's 1.5 million acres, and caused an estimated loss of more than 30 million dollars' worth of red oak timber. Dead limbs and debris in this area also reduce food for wildlife, and contribute to fuels buildups, which increases the dangers of wildfires. In turn, these wildfires endanger wildlife habitat areas, healthy watersheds and neighboring private lands.

Missouri also has huge volume of dying forest land throughout southern Missouri as a result of infestation by an insect known as the red oak stem bore.

According to Dr. Gene Garrett of the University of Missouri School of Natural Resources, who has studied and taught forestry for over 33 years, "Roughly 33 percent of the 23 million acres of the interior highlands in the scenic Missouri Ozarks are infested by this red oak stem bore. Dr. Garrett goes on to say that "this insect and associative disease complex is by far the greatest threat to the oak component of the interior highlands." This has resulted in over $1.1 billion worth of timber at risk and an increased threat of wildfire in this area.

H.R. 1904 will address most of the forest health issues in Missouri and prioritize them for expedited cleanup. Section 102(a)(4) of this health forest legislation will specifically address this problem of red oak stem bore and oak decline.

The first of Missouri's two fire seasons is now underway. The most recent high wildfire season in Missouri occurred in 2000 when over 8,700 acres of wooded lands burned—more than 3,000 acres over the 10-year average. By expediting the cleanup or thinning of our forests, Missouri and the rest of the Nation can expect to see the risk of these catastrophic wildfires reduced.

In closing, I believe that H.R. 1904 represents a commonsense approach to forest management based on sound science. I have talked with forest scientists all over the country, including several from my own State, and they believe that this legislation takes the right approach to restoring the health of our Nation's forests. These are actual forest scientists who know what they are talking about—not big city newspaper editorial writers.

If we do not act on this problem right now, vast acres of old growth trees and wildlife habitat will remain at a high risk of catastrophic wildfire. Once these areas are destroyed by fire, there will be very little, if anything, that we can do to restore them to health. Therefore, I urge my colleagues to vote for H.R. 1904, the Healthy Forests Restoration Act of 2003. It is time to put some common sense back into forest management.

It is long past time that we get this done. I really thank the bipartisan group that came together for this extremely important and most needed forest health measure. Again, I urge my colleagues to support it and move it expeditiously.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, forestry can often make Middle East politics seem noncontroversial. I think it is fair to say that today it would be hard to find a topic that is more emotionally flammable than the one that has come to the Senate today.

I begin by saying that right now, my home State—and I see my good friend, Senator SMITH, on the Senate floor as well—is sending resources to California to help deal with the horrendous fires. But I think it ought to be noted, as we begin this discussion, that just over a year ago the State of California was sending resources to my home State—the State that Senator SMITH and I are proud to represent. Just over a year ago, we were on the Senate floor speaking about the huge forest fires that raged in our State. At that time, over 500,000 acres were burning. We had a dozen fires raging at any given time. Seventeen thousand people in one of our valleys alone were on a 24-hour evacuation notice, and 2,500 structures were threatened.

So I think we ought to note, as we begin this discussion, that the legislation before us today is critical, not because of last year's tragedies, or even the tragedies that we are seeing in California today; this legislation is critical to address the tragedies and destruction that, as sure as the night follows the day, will be in the news tomorrow if the Senate doesn't start taking reasonable steps to address forest health policy. It seems to me that is the approach before the Senate today.

Mr. President, this is the bill that is going to go to the President of the United States. For many months now, a group of us—and Chairman COCHRAN has referenced this—have been involved in the negotiations. They are difficult negotiations because passions do run so strong on this issue. But I want to make it clear, for myself and the others who have signed the letter, that we cannot accept an unraveling of this compromise; that this is the bill that is going to go to the President's desk, and we are very hopeful the President will sign that legislation into law.

It is absolutely critical that the Senate come together on a reasonable plan that is going to help our forests become healthy again and secure the well-being of the families who call these beautiful areas their home.

I believe this bill provides an opportunity to remove fire-prone materials from the forests, boost rural economies, and create family-wage jobs, while at the same time protecting the extraordinary treasures—the land and the environment of the West and our Nation—for future generations.

Let me outline for a few minutes why I think this is the approach that needs to be signed into law. First, this is the only bill—unlike the one in the other body—that authorizes a significant increase in funding for the hazardous fuels reduction projects that need to be undertaken. The other body doesn't authorize a single dollar—not one—for the projects that need to be pursued. As a result, there is tremendous concern across the country that if you were to go the route of the other body, the only people that would really be able to afford to get into the thinning work would be commercial logging companies. That would be a huge mistake. Under the bipartisan compromise that has been crafted, that is not going to happen.

Second, the other body doesn't make an effort to target the dollars in a flexible way so that the work gets done in the communities that most need it in our Nation. The Senate compromise goes to bat for our rural communities by directing that 50 percent of the funding be spent inside the wildland/urban interface where populations are great, but at the same time we can deal with these infernos, these enormous fires that so often start way out in the country and then come into the more urbanized areas.

The other body is silent on this issue. The Senate, after many hours of negotiation—my friend from Idaho and I have literally been talking about this issue for almost 5 years now—strikes a reasonable balance with respect to targeting money for the wildland/urban interface while recognizing that so many of these huge fires start in sparsely populated areas out in the country.

Third, this bill is the only one that makes a historic step forward to protect our old growth, our treasures of the West about which our citizens feel so strongly. The other body has no language at all to protect old growth or the large trees and doesn't limit how projects can be executed.

What the Senate has said is, yes, there are more than 100 definitions of what constitutes "old growth." We recognize that, but throughout the bill we reference the priority to focus on the trees that are not old growth—the smaller trees, the brush—that contribute to this problem. And then, to ensure that there is actually an incentive to protect our old growth, we offer what I think is a creative approach, the kind of approach Senator CRAIG and I offered when we broke the gridlock on the county payments bill years ago so our communities could get revenue for schools and roads. Here, to make sure that the old growth work is a top priority, that protecting old growth is not an afterthought, we say that with respect to the old forest plans, the Forest Service would have to go back and revise the old forest plans to make sure there is actual old growth protection that is going to go forward before the thinning gets put in place.

We have an actual incentive, beyond the statutory language, which is a historic first and would protect old growth. We have a policy that would actually create incentives to prioritize old growth protection because it has to be done first under the old forest plans for thinning work to go forward.

Next, the bipartisan compromise effort keeps the current standard for judicial review of projects and ensures that what we have as a result of the changes in the judicial area, in the appeals area, sends a message across this country that citizens have a right of access with respect to their concerns about timber sales, but they don't have a constitutional right to a 5-year delay on every single timber sale.

The bipartisan group spent a great deal of time on this effort. In my view, the legislation that comes out of the other body would actually change the outcomes of these lawsuits that would rob the judiciary of the independent ability to weigh the evidence put before them. In the bipartisan compromise that was crafted, we strike a reasonable balance. Citizens are going to have a right that is undiluted with respect to access to the judicial system, but we will not set up a litigation derby that goes on for years and years and keeps the essential work from going forward.

Next, the Senate legislation ensures that the public will always be in the debate, will always be in the process and at the table. The Senate compromise allows the public to actually propose alternatives under the National Environmental Policy Act. The bill in the other body basically drives the public out of the process by predetermining these National Environmental Policy Act alternatives.

The Senate compromise preserves all current opportunities for public input and appeal while streamlining the process and eliminating some of the most frustrating and exasperating aspects of bureaucracy. But it is clear, and I want to make this point early in the debate, that not one current opportunity—not one—for public comment would be lost under this compromise.

The compromise requires the Forest Service to rewrite their appeals process using a process that has been used by the Bureau of Land Management since 1984, and the sponsors of this compromise believe this will change a process that is now confrontational to one that is vastly more collaborative.

Finally, much of the argument made against this compromise is very similar to the arguments that were made in 1999 when I and Senator CRAIG and others got together and put before the Senate the Secure Rural Schools and Community Self-Determination Act. They said that was going to restrict the opportunities for citizens to be heard. There were some, when I offered that legislation, who said I was proposing a clear cut for kids program, and we had pickets before our office for over a year. We have some of that same sort of activity going on right now.

That did not happen in 1999 when the Senate moved forward with its first substantive forestry bill in more than a decade, and it is not going to happen again under this legislation if this bill actually becomes law.

I say to my colleagues that this legislation is needed. Some have asked, Why can't the issue of healthy forests simply be addressed by investing in the fire plan? They have said the national Governors made some recommendations, so why don't we just go ahead with those recommendations?

Their suggestions were very useful, but the Governors even acknowledge that simply spending more money, the heart of their proposal, was not the entire answer. How that money is spent is as important as simply offering more dollars.

I have made it clear that I think additional funds are critically important. That is why the Senate bill authorizes an 80-percent increase in funding for these thinning projects, but we also need to make some changes in terms of the endless paperwork and redtape to actually get the real work on the ground that is so important in communities across the West.

A number of Senators have said this is as far as they can go in terms of forestry policy. I know colleagues in the Senate and certainly in the other body feel strongly about it. But I reemphasize, as the Senator who organized that letter, that if there is an effort to unravel the compromise that will be voted on in the Senate, that will, in my view, kill the effort to pass this critically important legislation. It was an urgent priority before the tragic events in California. I think it is urgent not just because the Senate needs to respond in a heartfelt way to the tragedies in California, but if this legislation is not passed, I think we will see what happened in Oregon a little over a year ago and what has happened in California in the last week repeated again and again. I am not willing to see these communities and the people who live in them turned into residents of sacrifice zones. It is urgent this legislation be passed.

I close by expressing my thanks to those who have been part of this 5-year odyssey and, first, to Senator CRAIG. I served as chairman of the subcommittee when he was a ranking minority member. It is vice versa now. Suffice it to say there are a lot of people in the country who would say: What in the world can LARRY CRAIG and RON WYDEN find common ground on? And we have said again and again in this area that if people are willing to look at what is practical, what is a priority in terms of the thinning work that needs to be done and in protecting our old growth treasures, we can do it. That was accomplished in the county payments bill.

It can be accomplished now. Before I wrap up my remarks, I will read into the RECORD part of a statement today that the administration has issued. It states that the administration strongly supports Senate passage of H.R. 1904, the bipartisan managers' amendment;

it opposes any further amendment to assure quick resolution with the House.

I ask unanimous consent that statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration commends the Senate Agriculture, Nutrition, and Forestry Committee for reporting H.R. 1904, which would provide authorities and authorizations for appropriations that in large part are consistent with the President's Healthy Forests Initiative. The Administration strongly supports Senate passage of H.R. 1904 and the bipartisan manager's amendment (SA 1828), but opposes any further amendment, to assure quick resolution with the House. The Healthy Forests Restoration Act will provide the Administration with the needed flexibility to manage public lands wisely, and implement the kind of active forest management that is good for both the environment and our economy. This bill would further equip Federal land managers with the additional tools they need to restore forest health, safeguard habitat and watersheds, combat disease and insects, and protect lives and communities. The Administration is concerned that the authorization level in the Senate bill is well above recently enacted funding levels and above the increased funding levels the Administration requested and continues to support for FY 2004.

The Healthy Forests Restoration Act establishes procedures to expeditiously implement hazardous fuels reduction projects on Forest Service and Bureau of Land Management lands: (1) near communities in the wildland urban interface; (2) on high risk lands in the proximity of municipal water sources; (3) on high risk lands that encompass habitat for threatened and endangered species where federal wildlife officials have identified catastrophic wildfire as a threat to the viability of the species; and (4) on high risk landscapes particularly susceptible to disease or insect infestation. Additionally, the bill would: (1) facilitate the utilization of wood, brush, residue, and other biomass removed in conjunction with forest health projects in the production of biomass energy; (2) authorize federal programs to support community-based watershed forestry partnerships that address critical forest stewardship, watershed protection, and restoration needs at the state and local level (3) direct additional research focused on the early detection and containment of insect and disease infestations; and (4) establish a voluntary private forestland easement program focused on recovering forest ecosystem types in decline.

Mr. WYDEN. I am pleased to see what is the first formal statement of the administration saying that the Senate bill is the way to go. It is an acknowledgment of the fact that a number of us said we cannot have this compromise unravel, and it is a constructive statement from the administration today. I commend them for it.

In addition to Senator CRAIG, who has worked with me on this for literally 5 years, Senator SMITH and I cannot go anywhere in our home State without people asking, when is the Senate going to respond to this? I thank him for his efforts, as well as those of Senator CRAPO, who is in the Chamber. I see Senator BINGAMAN, who has been so helpful to me as I have had to wrestle with these issues that come up in my home State day after day.

We have not agreed on every single bit of this debate for 5 years, but Senator BINGAMAN has performed an extraordinarily important service. He has some ideas on a matter that has been documented in our hearings with respect to how these funds get moved around, almost manipulated, from one account to another when there is underfunding of the thinning work that needs to be done. I thank him for all of his help over the last 5 years. We have spent many hours on this.

With the statement that I have just put into the RECORD that the administration wants this legislation and is opposed to efforts to alter it, I think we are in a position to show the country the Senate can find common ground on an issue that is about as contentious as any imaginable. I look forward to seeing the amendments of our colleagues and getting this critically important legislation passed.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Idaho.

Mr. CRAPO. Madam President, it is an honor for me to participate in this debate, not only because of the importance of this legislation, which I will talk about in a minute, but because of the process which has brought us here and what the public is now observing.

As for the last little while, they have observed leaders on both sides of the aisle talk in support of a highly contentious issue that we have been trying to bring to resolution in this country for years. Today, we have before the Senate a bipartisan solution, one that is the result of literally years of effort by a number of Senators who I will mention, and the result of a collaborative effort to bring together the Senators from various perspectives and negotiate an outcome that would have the common ground to build positive solutions for the future and much more benefit to all sides than the conflict which has been so much a part of this issue over the last few years.

I hope as this debate proceeds that the public will notice what is happening in the Senate today, as we see strong leadership from both sides of the aisle stepping forward, reaching a compromise that probably none of us would have crafted ourselves but which moves the issue much more further forward than anything we have seen in the past.

I will speak for a minute about how this came about. We have already heard several comments today about those who have worked on this from the past. It just so happens that Idaho—Senator CRAIG was on the floor and will be back in a moment—has two Senators who happen, just by circumstance, to be the chairmen of the two forestry committees in the Senate. Senator CRAIG chairs the forestry subcommittee of the Energy Committee. Senator WYDEN from Oregon, who just spoke, is his ranking member. I chair the forestry subcommittee of the Agriculture Committee. My ranking member is BLANCHE LAMBERT LINCOLN, who is a cosponsor of the base legislation, which was initially put forward in the Agriculture Committee and which became the vehicle around which these negotiations centered.

Senator CRAIG, Senator WYDEN, Senator SMITH from Oregon, myself, BLANCHE LAMBERT LINCOLN, Senator DOMENICI, the chairman of the Energy Committee, Senator COCHRAN, the chairman of the Agriculture Committee, both of the Senators from Arizona, Mr. KYL and Mr. MCCAIN, along with Senator FEINSTEIN from California, Senator BAUCUS from Montana, and other Senators came together and said: We must find a way to get past the intense battles that always bring this legislation down and find a way to build a path forward, one that protects the environment, protects the natural resource-based economy, protects our urban and rural communities, and protects the world from the environmental impacts of the devastation of these forest fires. It is that which we have before us today.

I thank my chairman, Senator COCHRAN in particular, for the strong leadership he has provided; and Senator DOMENICI and Senator CRAIG from the Energy Committee who have provided such strong and consistent leadership on this issue.

Why is it that I say this is such an important and critical issue to America? Everybody in America who is looking at the news right now is watching what is happening in California. In California, fires are raging. The death toll is mounting. The devastation to the environment is obvious. What is happening there now is an example of what has been happening across America for years, as we have fallen into an inability to implement forest management decisions in America on our public lands. I do not have the exact statistic in front of me, but I believe the 10-year average is that we have seen something in the neighborhood of 4 million acres of forest ground burn a year. For the last 4 years the numbers were approximately 3.3 million acres this year, 7 million acres last year, 3.3 or 3.7 million acres the year before, and then another 7-plus million acres the year before that.

These acres burn in devastating ways, destroying wildlife and habitat, destroying our forests, and causing other significant damage to rural and urban communities, to natural resource-based economies in States such as Idaho, where we rely on a timber economy.

Another aspect that is not often noticed is it is delivering to the atmosphere immense amounts of carbon dioxide. In fact, I am looking for some of the statistics on this, but the amount of gas that is put into the atmosphere, in terms of the kinds of debates we are having over greenhouse gases and global warming, is phenomenal. To give one example, the Hayman fire in Colorado recently was analyzed and it was determined that in 1 day of that fire's burning, it put enough CO_2 in the atmosphere to equal the amount of CO2 that all of the cars in the United States put into the atmosphere on that day.

If we multiply that times the number of fires we have been having over the years, the load of CO_2 or greenhouse gases into the environment that is caused by the forest fires becomes a monumentally large issue in relationship to our efforts to control global warming.

Forest fires go from the broad issues of global warming to the narrow issues of a small community such as the community in Idaho that I recently visited, Elk City, which I at that time said was ground zero for this debate, a little community that is literally at the end of the road, in the middle of a tremendously beautiful forest in which the fuel load has been building year after year and now has a higher fuel load by several factors than the fuel load in Yellowstone when the Yellowstone fire started a few years ago.

This community has only one road in and one road out. They have been crying for support from the Federal system, to have some kind of protection of their community in terms of just what the threat is to loss of life, let alone the threat of the loss to their economy that would be caused by a forest fire. This little city, Elk City, ID, is as much involved and interested in this issue as are those who are battling over global warming issues. It is for that reason this legislation is so critical to our Nation.

I want to go over a little bit about the compromise, because the compromise we have reached today is a very broad-based critical compromise. It brings together a number of important pieces of the debate that have been counterpoints in conflict in the past and have now come together as part of a commonsense solution.

First, resources are provided in this bill for forest management at a significant level and in a significant way. One of the things we know is that prevention is critical. Madam President, $760 million in annual funding for fuels reduction on Federal lands has been provided in this legislation and that can be used also in related grants for State and private forestry programs. Fifty percent of these resources are required to be used in the wildland/urban interface, one of the critical areas we are now watching as the fires burn in California.

This critical wildland/urban interface is defined by local communities. We implement and follow the recommendations of the Western Governors Association as they talk about the collaborative process that needs to be put into place so citizen involvement can be enhanced in defining and implementing the protection plans for protecting our forests and the related communities, both rural and urban.

Second, this legislation for the first time in legislation proposes specific protection for old growth in the forests. Where there are old-growth stands in the forest, this legislation provides those who are implementing fuel reduction programs must protect those old-growth stands to the maximum extent they can. Conversely, it also provides that hazardous fuel reduction projects are intended to focus on small-diameter trees, thinning, and strategic fuel breaks, and should retain the large trees as appropriate for resilient stands. The point is the focus on small-diameter timber in these fuel reduction programs is going to provide opportunities for some of the communities that have been hit so hard by the reduction of logging and timber activities to find alternative sources for their economy to grow.

In Cascade, ID, we have a company that is trying to get started now, which is providing unique new ways of utilizing small-diameter timber to help in restoring and protecting our environment after fires have gone through, using the very small-diameter timber we are talking about in these forest fire prevention plans.

I should make clear, the focus on small-diameter timber is not to turn our back on the need to reform and solve the problems with regard to timber activity and logging activity. We can and should have a strong, healthy, natural-resource-based environment as well as strong, healthy forests. We can achieve those objectives. This bill is going to help us implement a number of the important provisions that will achieve those objectives.

Next, as the Senator from Oregon has already indicated, it protects public involvement. One of the things it does is it limits the number of alternatives the Forest Service must consider. Our minority leader, Senator DASCHLE, already indicated the expense and the time delay that is caused by the drive, under our current system, to force endless analysis but delaying getting to the implementation part of forest management decisions. This bill requires that in addition to the proposed fuel reduction program that is adopted by the Forest Service, the Forest Service must also consider the "no action" alternative, and at least one other alternative, if it becomes appropriate under the collaborative process that is moving forward, allowing for citizens to propose alternatives and have the Forest Service consider those alternatives as the process moves forward, but providing some relief so the Forest Service can get on with the decisionmaking.

In addition, what I have called litigation paralysis is addressed. One of the problems we face in forest management decisions today, possibly the biggest one, is that under our current system, no matter how much evaluation and study is put in, no matter how many alternatives are considered, at the end of the day the proposal that is adopted is litigated and we end up in paralysis through continuous litigation that simply stops the process from moving forward.

Let me give an example. A couple of years ago I went to a forest in Idaho. I was taken there by the Forest Service employees who had proposed a thinning project to address an insect infestation problem. They explained to me why this forest, both in terms of forest fire and in terms of its health and safety against insect infestation, needed to have this thinning project proceed.

I was impressed with what they taught me. I went away thinking this forest is going to have some improvement. I went back to the same forest several years later. No thinning activity had taken place. I was there with the same people. I asked them what had happened. They advised me they had their decision challenged in court and, although they had ultimately prevailed in the litigation, it was now 2 years later and it was too late. The insect infestation had gone too far; there was no point in doing the thinning project. The forest for that purpose had been lost. It is now a fire hazard, not to mention the fact the health of the forest itself has been sacrificed.

The Forest Service won the litigation, but the delay of the litigation stopped the ability to implement the management decision. That is just one example of the kind of thing we are talking about.

By the way, in that case I said, What was the issue? They explained to me the issue that was litigated.

I said, Why didn't you just concede that. It was not that big of an issue.

They said, The way we won the litigation is to basically concede that point and then ask permission from the court to go on because it really wasn't central to our efforts.

The response they gave me was: This issue was never raised as we were putting together the alternatives, going through the NEPA project. We didn't know we were going to get challenged on this or we could have accommodated it as we were moving along.

My point is that an entity, a group that wanted to stop this thinning project, sat back and let the entire process proceed without ever raising their concerns in the citizen involvement process. They waited until that entire process had come to a conclusion and then filed a lawsuit. The first time the Forest Service found out about this issue was then.

These kinds of issues are addressed in this bill. For example, we are requiring the Forest Service to develop a new appeals process that is similar to the predecisional appeals process the Department of Interior now uses. This is important, because it gives those who are concerned about good decisionmaking at the Forest Service, and who are already involved in the public process, the ability to challenge that through an appeal before the final decision is made, a predecisional appeal process. Then if they still do not like the outcome, nothing stops them from filing a lawsuit at the end of the process. We are expanding and enhancing the ability of involvement here by the public.

However, we are saying to individuals and groups who want to challenge these decisions you must get involved at the beginning. Those who want to challenge these decisions must show they have been involved in the process and participated in the public involvement process from the beginning. They also must show they have exhausted their administrative efforts, their administrative remedies. If they have a remedy with the Forest Service, they should go to the Forest Service through its appeals process, and exhaust that process first before simply filing a lawsuit and moving the whole process into litigation paralysis. With the enhanced citizen involvement we have provided, once a decision gets made, if there are those who are still unhappy, they have a right to file a lawsuit under this legislation.

What the courts must do at that point is expeditiously move the litigation. In the legislation the courts are encouraged to expedite these cases.

Second, this legislation limits the injunction that the court can issue to 60 days and allows continuous unlimited 60-day renewals but requires those who would come into court to simply stop anything from happening to show the court at 60-day intervals updated information that the grounds for stopping the action still exist and they haven't been resolved in some way.

Finally, it requires the court to balance the harms of what would happen if we don't do the thinning project or the proposed fuel reduction project, future harms that could come as a result of that against the current harm of what the injunction is proposed to stop. It simply requires a court to balance those harms as they evaluate whether to issue an injunction.

There are those who say the injunction should be issued no matter what because once a tree is thinned or cut it can never be put back. The response to that is, as true as that is, if you look to the future and to the future harms, once the insects take the forest, you can't bring it back easily, and those trees are dead, too. Once the forest burns, you can't then rebuild a healthy forest that you would have been able to do had you implemented these decisions.

All we are saying in this legislation is that the court must balance the harms from inaction against the harms of the proposed action in terms of issuing the injunction.

These are important factors that will help us break the litigation paralysis but still provide significant public input and significant public support and the rights of the public to challenge the decisions made by the Forest Service.

There are a number of other important parts of this legislation. There are critics of this legislation, and I assume that at some point throughout the debate today and tomorrow—as long as it goes—there will be an opportunity and a need to respond to some of the charges about this legislation. I will not go into all of that now.

I will simply conclude by saying again what we have before us today is a bill that is probably different than any one of the Senators who came together from both sides of the aisle would have drafted if they had drafted it on their own. But it represents a bill that goes to every issue that has been the cause for stalling which has stopped us from being able to get the legislation through, and it has resulted in compromising to move us forward in every one of those areas. We provide the resources. We provide protection for old growth. We provide protection for public and citizen involvement. We assure that the process for litigation is streamlined but is still meaningful. And, most importantly, we make it so that once our forest managers—those who have studied, the scientists who know what our forests need—have come up with a plan and have made it through the public process and through litigation they will actually have a real meaningful opportunity to implement forest management decisions.

This legislation is critical for Americans. It is unfortunate that we have to be debating it while we are watching California burn. But nevertheless the pressure from the forest fires over the last few years has shown us across America that it is time for us to come together as we have on this legislation and take this important step to protect our forests, to protect our natural resource base economy, to protect our communities, and to protect the world.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Madam President, I rise today in strong support of the H.R. 1904 title I compromise reached by many of my colleagues on both sides of the aisle. I commend them for their work. The issue we take up today is vital. It is important to our ecology and it is important to our economy.

When I first entered public life as an Oregon State Senator in 1992, the Pacific Northwest was embroiled in the spotted-owl wars. There was a great debate—and there has been ever since—about what to do with our public resources and how they ought best be managed.

In the course of this debate, I have through my public office tried to weigh in on the side of those who elected me to public trust. I come from a part of my State that is rural. I have as my neighbors farmers and foresters. I have seen in their eyes the desperation that comes from watching the slow undoing of their industry and in recent times the destruction of even their homes. I watch with great sadness as we view many of our fellow citizens from California view the ashes of their lives as a result of catastrophic fires that surround their communities and burn up their homes. Their cries are heart wrenching. I expect because they are heard so clearly in this body that we are now taking up this legislation that has long been overdue for our country's sake. But long before I heard the cries of Californians, I heard the cries of Oregonians.

In the State of Oregon, from the spotted-owl wars we have laid off tens of thousands of workers. We have watched their lives be undone in rural communities. We have closed our mills, and we have since watched our forests burn. Now my State leads this country in both hunger and in unemployment, and it has much to do with the forest policy of this country.

Timber is a renewable resource. It is the one natural resource that grows back constantly. It is safe to say—indeed even provable to say—that in the State of Oregon today there is more timber growing than when Lewis and Clark went there 200 years ago. That is because for a century while we have harvested trees, we have replanted what has been harvested. But if you listen to the great newspapers of this country, the New York Times and the Washington Post, and you actually believe what they purport to represent about my State, you would come away with the impression that we are about to cut down the last pine tree in the Pacific Northwest. But, again, the truth is much different.

What we see in California—and so often in the Pacific Northwest, Montana, Idaho, Oregon, and Washington—is that these fires, which are a normal occurrence in forests, are now on a scale that is truly haunting. We are leaving millions of acres no longer as old-growth forest but as literally moonscapes.

What I want my colleagues to understand as we go into this debate is that many of the forests which environmental groups have pled that we protect are in large part gone or in serious jeopardy. They are not gone because of logging. They are not gone because of road building. They are not gone because of development. They are gone because of bureaucracy, bugs, and burning. Now we find that so many of our forests have carbon dioxide in the air and charcoal match sticks on the ground.

Here is a visual which shows a fire this summer around the Bend, OR, area. This is a fire the previous summer, the Biscuit Fire in the Siskiyou National Forest.

What we are finding in places such as this fire is trees aren't growing back; rather, brush is growing back so that, particularly, new trees can't grow. Yet we are not allowed to go in there and manage the soil. It is growing so thick that it may be a long time before trees ever begin to manifest themselves. The Biscuit fire was the largest in Oregon recorded history. It is also a monument to the mistaken notion that wrapping redtape around our forests will save them from wildfires. Wildfires do not stop at lines drawn on a map. This we see clearly in California today.

Another area is the Rogue, Siskiyou National Forest. So the public understands the extent of this devastation, this fire was larger than the State of Rhode Island. It was four times the size of the District of Columbia. In this forest, 85 percent of the roadless area that was designated is gone; 77 percent of the Kalmiopsis Wilderness in the same fire is gone; 68 percent of the wild and scenic river corridor is gone; over 70 percent of the spotted owl habitat in this enormous area is gone. Those birds have been burned up.

The message from the ground could not be clearer: Catastrophic wildfire, not logging, not roadbuilding, not development, is killing forests in Oregon. I like the words of Oregon's former Governor, John Kitzhaber, who, after seeing the fires, said: If we burn down the forests, we are not going to have a resource to argue over.

He was right. And we are right to pursue this legislation today.

I say to my colleagues that there may be some doing the bidding of environmental organizations that will come to the Senate and will offer amendments designed to kill this legislation, so that the health of our forests cannot be ensured.

Many of my colleagues on the Democratic side have shown enormous courage. Chief among them is my colleague, RON WYDEN, in coming up with a compromise.

I plead with all of my colleagues, Republican and Democrat, that they hold to this agreement that the Democratic leader has now endorsed. This has to happen for our country's sake. It is literally a life-and-death issue. I plead with those who have amendments to think again about it. This legislation truly needs to pass.

I was struck by a comment on the Web site of the Sierra Club. I understand one of the amendments may be a roadless initiative. That may be fine to debate in isolation or as part of a separate piece of legislation, but if presented to frustrate this agreement, it is truly unfortunate. The Sierra Club Web site tells us that roadless forests "provide sources of clean water to millions of Americans, essential habitat for wildlife, and special places to hike, hunt, camp and fish." That is true, unless what can be seen in this picture happens to the roadless area.

We have every reason to pass this moderate legislation. Many on the Republican side would have crafted something that goes even further than this legislation. We would have done something like the House of Representatives, which I endorsed. We are now holding to this agreement. We will be voting against amendments, even ones we may like, that are designed to kill this legislation. I hope everyone will hold to the deal. If we hold to the deal here, we will hold to the deal in conference, and that will leave America's forests and America's foresters the better.

For the sake of our ecology and the sake of our economy, I urge the passage of this bill and thank all of my colleagues, Republican and Democrat, who have had a hand in crafting this Senate compromise. They have done their work and will leave our Nation better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I will talk about the bill pending and share some thoughts and concerns I have about the bill.

This is not a matter of light substance that is before the Senate. This is not a bill that we can take a wink and a nod and let it go because everyone agrees this is a unanimous consent bill. It is true that it did come out of our committee, the Agriculture Committee, on a voice vote. We reached agreements to go ahead and get it to the floor.

There are a lot of things in the bill I can agree with, that I think are good and necessary; there are some other things about which I have concerns and a lot of Senators have concerns. This is a bill that is open for amendment. There will be a number of amendments offered to this bill to try to strengthen it and to answer some concerns people have.

I am somewhat amazed when we come out with legislation and it deals with sensitive environmental issues and we are told certain environmental groups have concerns and we will hear about the environmental issues so that somehow, if you are a member of an environmental organization, you are opposed to progress, you are opposed to jobs, you are opposed to doing things that might make life better for some people in certain areas. It is almost as if "environmentalist" is a bad word. I don't think it is. I think being pro-environment and being an environmentalist is a positive attribute.

I compliment those in our country, many of whom work for nonprofit organizations. I have a number of letters from them that I will have printed in the RECORD. They toil endlessly, tirelessly, sometimes for no pay, sometimes for little pay, to ensure that future generations of Americans have a good, healthy environment, that those who like to hunt have areas in which we can hunt, where we have healthy wildlife areas.

I am proud of the fact that in our last farm bill we had the biggest increase ever in conservation, an 80 percent increase. To me, this is not only pro-environment; it is pro-economy; it is pro-jobs; it is pro-growth but growth in a way that is sustainable, not just for our time and our place but for future generations.

That is why the Healthy Forests Restoration Act of 2003 is not something that can be lightly passed through. We have to look at it and talk about it. I compliment those who have worked hard to reach agreements and tried to reach compromises on this legislation. That is all well and good. I compliment Members on both sides of the aisle. They have worked very hard to get to a point where we have a bill that has broad support. I don't deny the bill has broad support. That does not mean those who have some concerns about certain aspects of the bill could be stopped from talking about it and offering amendments. That is what the legislative process is all about.

We will proceed in that regard deliberately, not in a way to stop anything. This is not a method of slowing down the bill or taking an undue amount of time, but it is ensuring that we do look at the bill carefully; that the public is generally aware of what is in the bill; that those who perhaps do not spend a lot of time looking at these things—and I am the first to admit this is not an area of my expertise, but as the ranking member of the Agriculture Committee, charged with the responsibility of legislation that impinges upon our national forests that comes under our jurisdiction, I make sure I have good staff who understand the impact of forest legislation. And I have taken the time to study it myself to the extent I have had the time to do so.

I do not pretend to know all the ins and outs of forest legislation as much as my friend from Oregon, for example, who has spent his adult life working on this, or the Senator from Idaho and others who I know have put a great deal of time in this. But that does not lessen my concern about certain aspects of the bill and its impact on our environment. So we will have a discussion and we will have amendments.

Preventing damage and injury to communities is of paramount concern to all of us, especially now with the tragic wildfires in California that show clearly the dangers these communities face. Of course, our hearts and our thoughts go out to all those families in those communities that are affected by these wildfires.

Now, again I point out that this bill passed by a voice vote to allow us more time in order to reach a consensus on this agreement, and that is the substitute amendment offered by Chairman COCHRAN. The vote out of the committee was not—and I wish to state this very clearly—any kind of unanimous endorsement of the bill as a whole. It was merely our agreement to move the process forward.

The legislation before us purports to focus the Federal Government's efforts to reduce the dangers of wildfire and improve forest health. Now, of course, all of us want to achieve this goal so that our communities out west can be better protected from catastrophic wildfires, so that forest areas around the country can better cope with the onset of disease and insect infestation, and so that we can improve the overall health of our national forests and public lands.

I am heartened that several Senators from both sides of the aisle have endorsed a legislative compromise to title I of the bill. This, of course, is the title that has drawn the most focus because it covers hazardous fuel reductions on Federal lands, and, as such, it is also the most controversial portion of the legislation. I believe it is a step in the right direction. I believe it comes up a little short, and that is why we will have some amendments in that area.

Again, I will say that much of the bill is worthy of support. In addition to title I, there are seven other titles, ranging from watershed forestry assistance to rural community forest enterprise programs, with others, and again the bulk of these provisions are non—I will not say not debatable, but they raise no really contentious issues. But I would like to take this time to talk a little more about title I.

Simply put, I still continue to have some serious concerns about this section. For one, the bill lacks sufficient targeting to conduct hazardous fuel work in the areas that need it the most, which likely might waste limited Government dollars. The Forest Service's own research has concluded that the areas immediately surrounding homes and structures are where the fuel cleanup should be done, as it is the most effective and cost-efficient method for reducing fire risk.

The language in the bill requires that only 50 percent of the hazardous fuel dollars be spent in what is known as the wildland/urban interface. Again, because of the bill's loose definition of the interface or of the community protection zone, land miles away from homes and other structures could qualify. Ensuring that a higher percentage of this work would be done in the areas at risk to human life and property would vastly enhance our community protection efforts.

Again, there is no definition of the size of a community. So one has to ask: Just what kind of communities are we talking about? Well, I happen to come from a town of 150 people. I live there. To me, that is a community. Two or three houses out someplace, to me, is not.

As I was saying to my friend from Oregon earlier, if someone wants to build a house out in an area that is on the ocean, that is subject to hurricanes and tidal waves and weather such as that, they take their own risk. If they want to do that, they are at risk. If they want to go where the floods happen and a hurricane comes up and wipes a house away, well, it is not primarily the Federal Government's responsibility, it is not primarily the taxpayers' responsibility to go out and build seawalls to protect that house. If someone wants to build a house in an area where there are mud slides all the time, it is not our responsibility to come in and build up structures to protect that house from a mud slide. If they want to build it on the side of a cliff, God love them. If they can get the insurance for it, fine, but it should not be the taxpayers' responsibility.

So if someone wants to build a house out in a wilderness area, fine, I have no problem with that. They can do that. But I do not know that we then have the responsibility as taxpayers to come in and say we are going to spend millions of dollars to protect your house from a wildfire. Now, where that cutoff is, I do not know. I am not here to say the cutoff is 150 people or 200, but there has to be some better definition of structure for communities.

The way the bill is right now, we could spend a lot of money going out and cleaning out the brush. And, by the way, I will have something to say about that. We are not talking about brush. We are talking about trees. It could be miles, tens of hundreds of miles, away from any community. So again I question whether that is where we want to put our resources.

I understand there may be an amendment, or there will be an amendment offered to raise that 50 percent threshold to something more akin to 70 or 75 percent, which I think is maybe more where we ought to focus our resources, with the very few dollars that we have.

Secondly, the bill could also be interpreted to allow logging on virtually all Federal lands other than wilderness or wilderness study areas. This means national monuments and other areas could be logged in the name of wildfire prevention. The old growth language contains numerous exceptions so large that even ancient trees, trees that were around before our country was a country, could be logged.

The President traveled around the West this summer arguing that we need to remove small trees and brush from damaged forests. The scientific community agrees with him. But these same scientists tell us that cutting bigger and older trees can actually make fire risks worse. Logging, after all, is a part of what created the fire conditions that this bill is supposed to address.

Now, you might say: Well, how can that be? If you cut down trees, how can you have forest fires? Well, by logging, by taking out certain trees, you leave a lot of brush, you leave a lot of stuff on the ground; plus, you take out some of the overhang of the ancient trees that tend to keep the risk of brushfires down; plus the fact, when you do logging, of course, you put in roads. Whenever you have a road, then you have people coming in. When you have people coming in, they are building campfires and doing things such as that, and that also increases the risk of fire.

Another problem I have with this legislation is the lack of protection for roadless areas, those areas of our national forests that have wisely been left free from most logging and roadbuilding to ensure their protection. In fact, this bill does not restrict roadbuilding at all—at all. So you could have permanent roads built anywhere under this bill.

If we did restrict some of this roadbuilding, we would have less fire risk, and greater ecosystem benefits. This is because the forests in these undeveloped areas have experienced less damage by past management practices. They are much less in need of remedial work themselves. And they tend to be the furthest away from homes and communities. Moreover, scientists tell us that fires are more common and larger in developed forests. As I said earlier, roads bring people. People bring accidents that start fires.

While I am a strong believer in access to public lands, it depends on what kind of access we are talking about. We have to realize building roads to reduce fire risks can be very self-defeating. So I am concerned about a lack of protection from the building of roads in currently roadless areas.

Some people say this is a contentious issue. It is an important issue. It is one that concerns a number of environmentalists and other people around the country, especially those who have tried to protect our natural forests that have been left free from logging.

The bill also limits the reach of what may have been called the heart of NEPA, the National Environmental Policy Act. I know there are some who would like to get rid of NEPA completely, just get it off the books. There are some who would like to see that happen. But NEPA is the heart of our environmental policy. Simply put, it requires the Federal Government to look at a reasonable range of alternatives to any proposed course of action. Yet the language in this bill arbitrarily restricts a full and robust environmental analysis to only the agency's preferred alternative, a no-action alternative—which is really not an alternative because a no-action alternative means you don't do anything—and possibly one additional alternative.

It boils down to the fact that NEPA would be required to look at two alternatives, not a reasonable range of alternatives but two. The one alternative doesn't even have to be environmentally preferable. It could be a proposal for more and heavier logging of big trees. Again, this effectively undermines what has been called the heart of NEPA; that is, to look at a reasonable range of alternatives to a proposed agency course of action.

What this bill basically could leave us with is one alternative. That is not what NEPA was intended to do. It calls for a reasonable range of alternatives. This effectively undermines a landmark law of immense value—a landmark law that has been in existence for about 30 years.

We will hear from some who say that the NEPA analysis takes time; it costs money. What we won't hear is how important this time and money is for realizing better outcomes.

NEPA analysis is designed to ensure that more effective or more efficient approaches are considered before an agency reaches a final decision on how to proceed with a project. Too little attention has been paid to date to the fact that thinning may or may not be effective in reducing fire risk. The scientists tell us that it needs to be designed carefully and in light of many site-specific factors, if it is likely to succeed.

There is the general perception that if we just go out and clear out all that underbrush and take out trees, certain trees, it is going to protect us from forest fires. That may or may not be true, depending upon the site and the specificity of what they are doing. That is exactly why we need good, solid NEPA—National Environmental Policy Act—analysis for this work, particularly the larger the projects and trees involved and the more sensitive the places. Otherwise, if we don't consider alternatives, we will be wasting time and taxpayers' money that we can't spare on projects that don't help and may even hurt in terms of protecting against wildfire.

We ought to look more closely at the Forest Service and Bureau of Land Management inefficiencies in carrying out their NEPA obligations rather than attacking what has been referred to as the Magna Carta of environmental law. Routine forest health projects can confidently proceed without lengthy environmental review, as long as they stick to small trees and brush, developed forests, and no new roads. Once you get into that, that is when we need the environmental review.

I also want to make clear from the beginning that you will hear a lot of talk about small trees and brush. It is my understanding that these small trees can go up to 12 inches or greater in diameter and that these are the trees that loggers want now. These seem to be what is in demand. I am not a contractor. I don't build houses and stuff like that. But I am to understand that these are the ones most in demand right now, trees up to 12 inches and greater in diameter. That is a pretty good size tree. That is not brush. But that is what we are talking about here, going out and clearing those trees. That is why we need a good, healthy NEPA analysis of what we are talking about, what the alternatives could be.

The bill before us also exempts hazardous fuel projects from the normal administrative appeals process for what we are told will be something similar to the BLM's appeals process. This predecisional process, it is argued, will help expedite projects toward their completion by making projects more collaborative and less confrontational.

But this new, undefined process threatens to cut out or unfairly limit citizen participation in agency decisions. The bill currently does not have meaningful standards for the new process to ensure that all the talk we hear about preserving public participation is fulfilled.

Let me repeat that. The bill before us does not have meaningful standards to ensure that we preserve public participation to the fullest. This is not good public policy. These national forests belong to us all. They belong to you and they belong to me. They belong to you and they belong to our kids and our grandkids and future generations. The public ought to be participating and should be heard and should have meaningful participation in agency decisions regarding forest policy. The bill should spell out the Forest Service appeals process. It does not do that. So we don't really know how the public is going to be involved. The language may provide too much discretion and too little accountability to the public. This needs to be cleared up.

Let me say a few words about the judicial review provisions of the legislation. I do not believe they represent a major response to the situation. Among other things, the bill limits preliminary injunctions to 60 days. You do have the right to renew, but it limits it to 60 days and stipulates that courts balance the short- and long-term effects of undertaking and not undertaking a hazardous fuels reduction project.

The limit on injunctions will make additional work for judges that could actually slow them down in reaching a final decision. The balance-of-harms language in the bill is unnecessary and intrusive, as courts have always done this. Moreover, the presence in this bill of that language could be read as implying direction to change the current process in some way. This could tilt the scales to one side or another regardless of the facts in a particular case.

Again, let me point out something else we hear about: the flood of lawsuits. There is no flood of lawsuits clogging up the courts and preventing us from moving ahead in hazardous rules reduction projects. The GAO study of hazardous fuel reduction projects found that only 3 percent of all fuels cases were litigated in 2000 and 2001, covering only 100,000 acres.

I will repeat that. Our GAO—our investigator—found only 3 percent of the hazardous fuels cases were litigated in 2000 and 2001, and plaintiffs were often not environmental groups but local communities, outdoor enthusiasts, and timber interests. Of the 762 cases, only 4 were delayed by court order during the litigation. Again, out of 762 cases, only 4 were delayed by court order during the litigation, and that is about five-tenths of a percent of all the cases.

Yet we are told we have to do something here to clean up the plugging up of our courts by all these environmentalists, that litigate and come to court to stop the agency from proceeding. Nonsense.

With regard to appeals of agency decisions, the argument that there is some sort of crisis holding up these projects simply doesn't hold water. The Forest Service and the Bureau of Land Management's own database lists about 3,500 fuels reduction projects they conducted between 1998 and 2002. About 250 were appealed. Out of 3,500 projects, 250 were appealed. This is about 7 percent. There is a 7-percent appeals rate for all of their fuels reduction projects nationwide. In other words, by the agencies' own count, 93 percent of their projects went through with no appeal whatsoever. Yet we are told there is some sort of "appeal crisis." Well, the facts just don't support that.

The GAO and similar studies have found the main reasons that projects could not proceed were weather related and the diversion of funds to fight wildfires. Now we are getting to the crux of it. Roughly a third of the delays were due to a shift in money from preventative projects to firefighting, which last year cost more than $1 billion. That is why we need more resources out there—not to shift the resources we have now but to have more resources out there for preventative projects.

Again, the main reason the projects could not proceed, according to the GAO, is weather related and the diversion of funds for wildfires. Other reasons include public resistance, regulatory demands, unpredictable funding, and inadequate staffing within the agencies.

Yet the administration and some of my colleagues would have us believe the agencies cannot get the work done due to appeals and litigation by environmentalists and environmental organizations. This simply is not true.

Well, are there some problems getting the work done? Yes, there are. Does this bill have provisions, including new programs, that are worthwhile? Yes, I have already stated that to be the case. There are a lot of good aspects to this bill. Is this bill the best way to protect our at-risk communities and the environment from wildfire, disease, and pest infestation? Well, I don't think so. I think there could be some changes made to this bill that would make it even better.

What is even more troubling about the legislation is that it comes on the heels of some very harmful actions recently taken by the administration and the Forest Service to weaken environmental protections, weaken public participation or public scrutiny of agency action—the cumulative effect of which could be to seriously degrade the health of our national forests and public lands that the bill's proponents seek to protect.

The Administration, through regulation, has "categorically excluded timber" sales up to 1,000 acres from NEPA analysis as long as trees are cut in the name of fire prevention. So you can go in—a thousand acres would be pretty substantial in some areas. You can go in and cut down 12-inch or greater diameter trees in the name of fire prevention. No NEPA analysis is needed. They are shelving administrative appeals for these projects under NEPA; they are curtailing environmental analysis for entire forest management plans and ending public appeals of the plans. Proponents of this bill are even cutting out endangered or threatened species consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, and preparing to jettison protections for roadless areas.

In other words, the administration has taken a largely one-sided view of Federal forest management. That is, thin or cut first and minimize environmental protections and public input through the regulatory and legislative process.

The upshot is that, combined with this bill as it now stands, we could see widespread, heavy logging of mature trees, even in pristine roadless areas, without the benefit of public environmental review, pursuant to overarching plans that also lack NEPA compliance, bereft of interagency consultation or meaningful public appeals, and subject only to modified judicial review. In this scenario, there could be a major increase in Federal timber sales with little public understanding or input and even less agency accountability. I believe this is bad governing, bad policy, pure and simple.

Now, while I recognize the legislation probably has the votes to pass, I believe we can and should do better. There will be amendments to attempt to do this. We have seen several alternative bills offered in the past several months. We should better target funds to have work done in this wildland/urban interface, as it is called, or the community protection zones. We should vastly increase funding for hazardous fuels work on Federal and non-Federal lands. That is the crux of it. We should have more comprehensive protection of old-growth and large fire-resistance trees. We should avoid unnecessary and largely unprecedented attacks to our independent judiciary. And we must maintain full and vigorous public participation in the care of our national forests and public lands, while expediting projects to reduce wildfire risks to at-risk communities.

As I have said before, these public lands and these national forests belong to us all, not to a timber company, not to someone who builds a beautiful home out in the middle of a wilderness area and wants us to spend taxpayer dollars to protect them from a wildfire. These national forests belong to all of us, and public participation and agency decisions dealing with public lands and public forests ought to be in the forefront, not in the background.

Otherwise, if we move ahead in this manner, we are inviting the waste of limited time and resources that it is our responsibility to ensure are directed at stated priorities of community protection and removal of small trees and brush. As drafted, I am concerned that this bill will not accomplish that urgent goal, will not ensure adequate public participation, and will not help to end the controversy and gridlock that has plagued this issue for some years.

I hope we will have a reasonable debate on this bill. Certainly, there will be amendments to it; I don't know how many and who will offer them. Some have come to me saying they had amendments to offer. I think they will take some time to dispense with, which is appropriate given the significance of the policy changes proposed in H.R. 1904. We must carefully scrutinize what is in the bill and see if there are ways to improve it.

I ask my colleagues on both sides to wait and see how these amendments proceed before judging the ultimate merit of this legislation.

Madam President, in closing, I wish to have printed in the Record some material. First is an editorial that appeared this morning in the Washington Post called "Fire Damage." I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Fire Damage

With terrifying intensity, fires are burning across Southern California and Mexico this week, proving once again that natural disasters can be no less devastating than the man-made kind. They have already killed more than a dozen people, destroyed more than 1,500 homes and burned half a million acres. A staggering 50,000 more homes are thought to be under threat, as the fires, fanned by desert winds, move into the Los Angeles and San Diego suburbs. It's a genuine national tragedy—and one that shouldn't be misused for political purposes.

Unfortunately, that is a distinct possibility. The fires happen to have arrived just as the Senate is wrestling with a bill, already passed by the House, which is supposedly designed to help prevent catastrophic fires. In theory, the bill would address the environmental imbalance that has developed over the past several decades from the Forest Service's misguided policy of preventing all forest fires, even the low-level fires that once cleared away brush and young trees from old forests. Without these periodic fires, forests have become much denser, and big fires are far more damaging than they used to be.

But although foresters and scientists now recognize this problem, brush is still not being cleared away fast enough. Why? The House Republican authors of the forest bill blame overly bureaucratic environmental regulations. Accordingly, their bill attempts to loosen the procedures that the Forest Service must go through before it can carry out "fuel reduction activity"—a change that would also help the timber industry dodge objections to the cutting down of older forests. This explanation does not stand up to close scrutiny. Last week, the General Accounting Office released the final results of its study on fuel reduction activity and discovered that of the Forest Service's 818 applications to cut brush, only one-quarter were appealed. Of these, 79 percent were processed within 90 days. What is hampering the process is not environmental litigators but finances. To carry out more brush-clearing operations, the Forest Service needs more resources.

But the Forest Service is unlikely to get significantly more resources anytime soon. It would therefore make sense for Congress, instead of passing laws that appear to be largely of benefit to the timber industry, to encourage the Forest Service to spend whatever money it does have on brush-clearing projects closer to human communities. Sen. Dianne Feinstein (D–Calif.) has helped write a compromise bill that would instruct the Forest Service to spend at least 50 percent of its fuel reduction resources on precisely that. Although this is the right approach, Ms. Feinstein has received no guarantee that her bill won't be completely rewritten by a Republican conference committee, as has lately become common practice.

In the absence of such a guarantee—which would have to come from the White House—it's probably better to pass no bill at all. We retain just the slimmest hope that the California blazes might cause members of Congress to redirect their energy toward saving people and homes, and away from helping loggers cut down mature trees.

Mr. HARKIN. Madam President, the editorial basically states that what is happening in California is a genuine national tragedy and one that shouldn't be misused for political purposes. But, unfortunately, that is a distinct possibility, the editorial says. It says the fires happened to arrive just as the Senate is wrestling with a bill supposedly designed to help prevent catastrophic fires.

The editorial goes on to question whether or not the bill before us really does accomplish that goal.

Also, I have a series of letters from different environmental groups. When I say "environmental groups," I do not use it in a pejorative sense. I use it in a very supportive sense. First is a letter from about 200 different environmental groups alphabetically from the Alaska Wilderness League to the Yosemite Area Audubon, California—from A to Z—that basically are opposed to this version of the bill.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: The Senate is poised to take up H.R. 1904, the Bush Administration's Healthy Forests Initiative. You may have heard that a bipartisan compromise has been struck, reputedly brokered by the Bush Administration. Even with the new language, the bill still seeks to interfere with our independent judiciary, cuts the heart out of the National Environmental Policy Act (NEPA), and undermines the public's legal rights to meaningfully participate in decisions affecting our public lands. Not only will this bill set dangerous precedents by weakening environmental laws and judicial independence, it also fails to require agencies to prioritize protection of homes and communities. Furthermore, the Bush Administration and its allies in the House are likely to insist on a much worse, anti-environmental bill in conference committee.

Impact on our independent judiciary: H.R. 1904, as passed by the House, undermines a fundamental, century-old legal principle—the rights of Americans to seek fair and equitable redress in the courts for grievances involving the federal government. The Senate substitute also interferes with how judges manage their courtrooms by ordering courts to lift preliminary injunctions and stays after 60 days, unless they are affirmatively renewed by the court. Moreover, the bill could provide agencies a new tool to slam the courthouse door on citizens by requiring all legal issues to be raised during the administrative review process.

Public input: The Senate substitute seeks to replace the current statutorily-established appeals process with a new process that does not allow appeals of final agency decisions, making it more difficult for Americans to challenge damaging projects and have a meaningful say in public land management.

Environmental protection: The Senate substitute seeks to weaken the most important part of NEPA—the requirement that agencies consider a full range of alternatives to agency proposals with environmental impacts such as logging and road building. The amendment invites gamesmanship by agencies that would effectively nullify the alternatives requirement, which the courts have called the very "heart of NEPA." In addition, Title IV eliminates environmental review for a category of logging projects up to 1,000 acres in size—an area approximately the size of 1,000 football fields—which would exclude all public review, comment and participation.

Community protection: The Senate bill does not ensure any increased protections for homes at risk of wildfire and does not ensure any funding for work on local, state or tribal lands for methods proven by the Forest Service Fire Research Lab to protect homes. Furthermore, it is not consistent with the Western Governors Association's Ten-Year Strategy for reducing wildland fire risks. Communities need and deserve real protection, which requires fuel reduction focused close to homes and communities.

Old growth and roadless forests: The Senate bill attempts to safeguard our old growth forests, but the language offers an open invitation to abuse. Furthermore, the amendment fails to protect roadless areas.

The Bush Administration's "Healthy Forests Initiative" fails to deliver on community protection. Please oppose the Senate version of H.R. 1904: uphold our independent judiciary and our environmental protections.

NATIONAL ORGANIZATIONS

20/20 Vision.
Alaska Wilderness League.
Alaska Coalition.
Alaska Rainforest Campaign.
Americans for Democratic Action.
American Lands Alliance.
Conservation Leaders Network.
Center for Biological Diversity.
Co-op America.
Defenders of Wildlife.
EARTHJUSTICE.
Friends of the Earth.
Greenpeace USA.
Herpetologists' League.
John Muir Project.
National Environmental Trust.
National Forest Protection Alliance.
Natural Resources Defense Council.
National Wildlife Federation.
Pacific Rivers Council.
Sierra Club.
Sierra Student Coalition.
U.S. Public Interest Research Group.
The Rewilding Institute.
The Wilderness Society.
Wildlands Project.
World Wildlife Fund.

COUNTY COMMISSIONERS

Supervisor David Colfax, Mendocino County, CA.
Supervisor M. Byng Hunt, Mono County, CA.
Board Member Carol Calabresa, Lake County, IL.
Commissioner Peter Sorenson, Lane County, OR.
Commissioner Farley Toothman, Greene County, PA.
Commissioner Ed Tinsley, Lewis and Clark County, MT.
Supervisor Paul Newman, Cochise County, AZ.
Council Chairman Guy Guzzone, Howard County, MD.
Commissioner Katy Sorenson, Miami-Dade County, FL.
Council Member Bob Jacobson, Hawaii County, HI.
Chairman Don Bennetts, Gogebic County, MI.
Commissioner Larry Sufredin, Cook County, IL.
Commissioner Donna Massey, Pulaski County, AR.
Commissioner Doug Coward, St. Lucie County, FL.
Supervisor John Woolley, Humboldt County, CA.
Commissioner Ron Stewart, Boulder County, CO.
Commissioner Bill Carey, Missoula County, MT.
Supervisor Barbara Green, Nevada County, CA.
Council Member Dan McShane, Whatcom County, WA.
Supervisor Janet K. Beautz, Santa Cruz County, CA.

RELIGIOUS ORGANIZATIONS

Religious Campaign for Forest Conservation.
United Church of Christ, Network for Environmental & Economic Responsibility.
World Stewardship Institute.

REGIONAL AND LOCAL CONSERVATION ORGANIZATIONS

Advocates for the West, ID.
American Wildlands, MT.
Alaska Center for the Environment, AK.
Alliance for the Wild Rockies, MT.
Aspen Wilderness Workshop, CO.
Audubon Society of Corvallis, OR.
Audubon Minnesota, MN.
BARK, OR.
Brown Environmental Action Network, RI.
Buckeye Forest Council, OH.
Californians for Alternatives to Toxics, CA.
Californians for Western Wilderness, CA.
California Wilderness Coalition, CA.
Cascadia Fire Ecology Education Project, OR.
Center For Native Ecosystems, CO.
Central New Mexico Audubon Society, NM.
Central New Mexico Audubon Society, NM.
Citizens of Lee Environmental Action Network, VA.
Citizens For Better Forestry, CA.
Citizens for Public Resources, Inc., OR.
Clearwater Biodiversity Project, ID.
Coalition for Jobs and the Environment, VA.
Cold Mountain, Cold Rivers, MT.
Coast Range Association, OR.
Colorado Environmental Coalition.
Concerned Friends of Ferry County, WA
Cumberland Countians for Peace & Justice, TN.
Devil's Fork Trail Club, VA.
Dogwood Alliance, NC.
Drew Environmental Action League, NJ.
Duckdaotsu Media Service, CO.
EarthCare, IA.
EcoTours of Oregon Day Tours, OR.
EcoWatch.
Environment Council, RI.
Environmental Protection Information Center, CA.
Environmental Law Society, NM.
Family Farm Defenders, WI.
Fargo-Moorhead Audubon Society, ND.
Friends of Blackwater Canyon, WV.
Friends of Hope Valley, CA.
Friends of Living Oregon Waters (FLOW), OR.
Friends of the Bitterroot, MT.
Friends of Del Norte, CA.
Forests.org, Inc., WI.
Forest Guardians, NM.
Forest Issues Group, CA.
Forest Forever, CA.
Forestry Monitoring Project, CA.
Friends of the Boundary Waters Wilderness, MN.

Friends of the Clearwater, ID.

Gifford Pinchot Task Force, WA.

Greater Wyoming Valley Audubon Society, PA.

Greater Yellowstone Coalition, MT.

Headwaters, OR.

Heartwood, IL.

REGIONAL AND LOCAL CONSERVATION ORGANIZATIONS

Hells Canyon Preservation Council, OR.

Helping Expressions, CO.

High Country Citizens' Alliance, CO.

Hoosier Environmental Council, IN.

International Society for Preservation of Tropical Rainforests, CA.

Idaho Conservation League, ID.

Illinois Student Environmental Network, IL.

Indiana Forest Alliance, IN.

International Primate Protection League.

Izaak Walton League, Breckenridge Chapter, MN.

John Wesley Powell Audubon Society, IL.

Keep Sespe Wild, OR.

Kentucky Heartwood, KY.

Kettle Range Conservation Group, WA.

Klamath Forest Alliance, CA.

Klamath Siskiyou Wildlands Center, OR.

Kootenai Environmental Alliance, ID.

Lake Superior Alliance, WI.

Lake Superior Greens, WI.

Last Refuge Campaign, MT.

Leavenworth Audubon Adopt-a-Forest, WA.

Living Earth: Gatherings for Deep Change, OR.

Lone Tree, MI.

Main Natural Resources Council, ME.

Magic, CA.

Mattole Salmon Group, CA.

McKenzie Guardians, OR.

Minnesota Center for Environmental Advocacy, MN.

Minnesota River Valley Audubon Chapter, MN.

Missouri Forest Alliance, MO.

Mount Shasta Bioregional Ecology Center, CA.

Mountain Defense League, CA.

Native Forest Network, MT.

New Mexico Audubon Council, NM.

New Mexico Wilderness Alliance, NM.

Northcoast Environmental Center, CA.

Northeastern Minnesotans for Wilderness, MN.

Northwest Ecosystem Alliance, WA.

Northwoods Wilderness Recovery, MI.

Obed Watershed Association, TN.

Okanogan Highlands Alliance, WA.

Oregon Natural Resources Council, OR.

Oregon Wildlife Federation, OR.

Quachita Watch League, AR.

Pacific Environment, CA.

Palos Verdes/South Bay Audubon Society, CA.

Prescott National Forest Friends, AZ.

PA Wildlands Recovery Project, PA.

Patrick Environmental Awareness Group, VA.

Rainier Audubon Society, WA.

Regional Assn. of Concerned Environmentalists, IL.

REP America, IL.

RESTORE: The North Woods, MA.

REGIONAL AND LOCAL CONSERVATION ORGANIZATIONS.

SAFE: Save Our Ancient Forest Ecology, CA.

Safe Alternatives for our Forest Environment, CA.

Save our Forest Environment (SAFE), CA.

Salem Audubon Society, OR.

San Bruno Mountain Watch, CA.

San Luis Valley Ecosystem Council, CO.

Selkirk Conservation Alliance, ID.

Serpentine Art and Nature Commons, Inc., NY.

Sinapu, CO.

Sitka Conservation Society, AK.

Siskiyou Regional Education Project, OR.

Sisters Forest Planning Committee, OR.

Sequoia ForestKeeper, CA.

Sky Island Alliance, AZ.

Soda Mountain Wilderness Council, OR.

South Fork Mountain Defense, CA.

Southern Appalachian Biodiversity Project, NC.

Southern Appalachian Forest Coalition.

Southern Environmental Law Center.

Southern Rockies Ecosystem Project, CO.

Southwest Forest Alliance.

Southwestern New Mexico Audubon Society, NM.

St. Louis Audubon Society, MO.

State Forest Organizing Initiative, OR.

Student Environmental Action Coalition-ISU, IL.

Southern Appalachian Forest Coalition, NC.

Students for Environmental Awareness, NJ.

Sun Mountain, CA.

Superior Wilderness Action Network, MN.

Sustainable Forestry Project, OR.

Taking Responsibility for the Earth and Environment, VA.

T & E, Inc., AZ.

The Clinch Coalition, VA.

The Forest Trust, NM.

The Lands Council, WA.

The Olympic Forest Coalition, WA.

Town Hall Coalition, CA.

Umpqua Watersheds, Inc., OR.

Virginia Forest Watch, VA.

Voices for the Forest, OH.

West Virginia Highlands Conservancy, WV.

Western Colorado Congress, CO.

Western Montana Mycological Assn., MT.

Western North Carolina Alliance, NC.

Wild Alabama, AL.

Wild Virginia, VA.

WildLaw, AL.

Wildlands Center for Preventing Roads, MT.

Wild Wilderness, OR.

Wilderness Study Group, CO.

Wisconsin Society for Ornithology, WI.

Whidbey Environmental Action Network, WA.

Yosemite Area Audubon, CA.

Mr. HARKIN. Madam President, I have a letter from the Forest Stewards Guild urging a vote against the Senate version of the bill, H.R. 1904. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREST STEWARDS GUILD,
Santa Fe, NM, October 20, 2003.

Hon. SENATOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The Forest Stewards Guild, a national organization of over 500 foresters, urges you to vote against the Senate version of the Healthy Forests Restoration Act of 2003 (H.R. 1904). This is a momentous time for public forestry and we, as professionals, cannot stand by in silence. Despite the negotiation of a bipartisan compromise on H.R. 1904, the end result will set back the course of excellent forestry for years to come.

There is no doubt that the frequency and severity of wildfire has increased in the last 10 years. The catastrophic fires result, in part, from a century of narrowly prescribed forest practices applied to a wide variety of forest ecosystems. The composition, function and structure of most forests were simplified by past management, and today's forests are more susceptible to insect epidemics and vulnerable to catastrophic wildfire. The situation calls for action that addresses the root causes, not the symptoms, and that prevents further simplification of forest ecosystems.

Members of the Forest Stewards Guild are experienced managers of over 6 million acres of public and private forests in places as diverse as the Pacific Coast, Southeast, Lake States and East. Public forest management in the United States has always benefited from the experience of foresters who work on private lands, starting with Gifford Pinchot as the first Forest Service Chief. By constricting opportunities for forest decisions to be appealed and narrowing the consideration of alternatives, H.R. 1904 will cut experienced private-sector foresters out of decision-making. the exclusion of these experienced voices will make it more difficult to achieve the high standards of forestry that should exemplify public forest management.

After deep consideration we find that the Healthy Forests Restoration Act does not address the key problems causing destructive wildfire. H.R. 1904 focuses on removing perceived barriers in administrative and judicial processes, yet offers no vision of public stewardship to restore fire-adapted forests. For example, H.R. 1904 paves the way for harvesting in old growth forests to avert the impacts of natural processes, such as ice storms and insect infestations, despite the important role of these processes in creating old growth structure. H.R. 1904 also falls short in establishing meaningful monitoring requirements to help managers assess the effectiveness of fuel reduction projects at moderating fire behavior. The policies in H.R. 1904 favor intensive harvesting in the short-term without addressing the long-term maintenance of healthy forests that will ensure control of new fuel accumulation.

The current structure of forest legislation, including the National Forest Management Act, was specifically designed to address the gridlock that crystallized in the 1960s over clearcutting and type conversion of public forests. Senator Hubert Humphrey championed a program of civic discourse and debate over forest management—policies that will be reversed by the Healthy Forests Restoration Act of 2003. Legislation that suppresses public debate will only make the gridlock stronger. We urge you to vote against the Senate compormise of H.R. 1904.

Mr. HARKIN. Madam President, I have a letter from the League of Conservation Voters urging opposition to H.R. 1904. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,
October 15, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose H.R. 1904, the Bush Administration's Healthy Forests initiative, when it comes to the Senate floor. Although the Senate bill differs in some respects from the bill that passed the House earlier this year, it still fails to require agencies to prioritize protection of homes and communities. The bill would also interfere with our independent judiciary, weaken the National Environmental Policy Act (NEPA), and undermine the public's legal rights to meaningfully participate in decisions affecting our public lands.

The Senate bill fails to ensure any increased protections for homes at risk of wildfire or funding for work on local, state or tribal lands to use home protection methods proven by the Forest Service Fire Research Lab. Furthermore, the bill is not consistent with the Western Governors Association's Ten-Year Strategy for reducing wildland fire risks. Communities need and deserve real protection, which requires fuel reduction focused close to homes and communities.

The Senate bill would weaken the NEPA requirement that agencies consider a full range of alternatives to agency proposals with environmental impacts, such as logging and road building, and would effectively nullify the alternatives requirement, which the courts have called the very "heart of NEPA." In addition, the bill would eliminate environmental review for a category of logging projects up to 1,000 acres in size, excluding all public review, comment and participation for these projects.

The Senate bill would interfere with how judges manage their courtrooms by ordering courts to lift preliminary injunctions and stays after 60 days, unless the court affirmatively renews them. Moreover, the bill could provide agencies a new tool to restrict citizen access to the courts by requiring all legal issues to be raised during the administrative review process. Moreover, it would replace the current appeals process with a new process that does not allow appeals of final agency decisions, making it more difficult for Americans to challenge damaging projects and have a meaningful say in public land management.

Finally, although the Senate bill attempts to safeguard our old growth forests, the language offers an open invitation to abuse, and the bill fails to protect roadless areas.

For these reasons, we urge you to oppose H.R. 1904. LCV's Political Advisory Committee will consider including votes on these issues in compiling LCV's 2003 Scorecard. If you need more information, please call Betsy Loyless or Mary Minette in my office at (202) 785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. HARKIN. Madam President, I have another letter from the American Sportfishing Association, the American Fisheries Society, the Izaak Walton League of America, Orion: The Hunter's Institute, Trout Unlimited, Wildlife Forever, and the Wildlife Society. The letter is dated July 16, 2003. I will be clear to point out they did not say they were opposed to the bill, but they have serious concerns about some areas of the bill. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN SPORTFISHING ASSOCIATION, THE AMERICAN FISHERIES SOCIETY, THE IZAAK WALTON LEAGUE OF AMERICA, ORION: THE HUNTER'S INSTITUTE, TROUT UNLIMITED, WILDLIFE FOREVER, THE WILDLIFE SOCIETY,

July 16, 2003.

Hon. PETE V. DOMENICI,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC
Hon. JEFF BINGAMAN,
Ranking Member, Energy and Natural Resources Committee, U.S. Senate, Washington, DC
Hon. THAD COCHRAN,
Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC
Hon. TOM HARKIN,
Ranking Member, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC

DEAR SENATORS DOMENICI, BINGAMAN, COCHRAN, AND HARKIN: We write to express our concerns regarding restoring healthy forests on public land (Healthy Forest Restoration Act of 2003, HR 1904). While we support the expeditious treatment of hazardous fuels on public land, the rush to implement an aggressive hazardous fuel management program may preclude considerations for other resources, particularly fish and wildlife habitat conservation. We believe that hazardous fuel management decisions should be based on deliberative and science-based protocols. By setting forth an open and collaborative process for such decisions, broader participation will be achieved and better decisions made.

Treatment of hazardous fuels where significant threats exist to human health or safety should be of paramount importance to the Forest Service. These treatments may include thinning, brush removal, or use of prescribed fire. It is important to note, however, that the Forest Service has only recently begun using timber harvest as a tool to reduce hazardous fuel. The paucity of research and evaluation as to treatment efficacy is a cause for concern. Congressional direction to focus on the wildland urban interface will enable us to keep our communities safer, while we learn through experience what types of hazardous fuels reduction projects work best, those that do not, and why.

Careful planning, analysis, and field-testing of various hazardous fuels treatments would allow the agencies to build support for hazardous fuels reduction, make communities safer and forests healthier, and provide a more stable and predictable supply of wood fiber from the National Forests.

Given that an estimated 75 percent of Forest Service timber sales currently are classified as hazardous fuels reduction projects, we would hope that Congress keep the public and environmental analyses processes for these sales as open as possible to ensure that interested citizens, scientists, sportsmen, and state agencies have significant involvement in their planning and implementation.

We endorse the prohibition of constructing new permanent roads in conducting fuel management projects. It is equally important that Congress recognize the possible deleterious effects of temporary roads on fish, wildlife, and water resources, especially if they become permanent travel-ways for unauthorized or unregulated off-road vehicle travel.

We are concerned that under congressionally proposed and agency-offered fuel treatment authorities, private citizens, sportsmen, and biologists will no longer be provided a reasonable opportunity to comment on or appeal decisions concerning fuel management activities. The 10-Year Conservation Strategy for Reducing Wildland Fire Risks to Communities and the Environment, for example, prescribes vague public involvement procedures and requirements on the agencies at the state, regional and national levels.

Legislation should make clear the purpose of emergency hazardous fuels treatments is to enhance forest health through activities that reduce the risk of catastrophic fire, insect infestations and disease, invasive plants, enhance fish and wildlife habitat, and protect watersheds. We recommend that project proposals be developed through an interdisciplinary planning process. The sale of marketable forest and rangeland products should be allowed only when such sale is incidental to emergency treatments. Wood fiber derived from fuels treatments should be sold separately as a byproduct of the restoration activity.

Finally, we note that a recently released General Accounting Office (GAO) analysis found that three-fourths of the 762 Forest Service projects to diminish wildfire risk in the past two years proceeded without appeals, litigation, or other challenge. Hazardous fuels treatments, such as mechanical thinning or prescribed fire, proceeded on 3.8 million acres of National Forests. Projects that were appealed or challenged moved forward generally within the 90-day period prescribed by agency regulations.

The GAO analysis demonstrates what is most needed by federal fire legislation is funding and a clear assignation of agency priorities to protect human communities. We hope this is where you will focus your efforts as a first priority. Thank you for considering our views. If you have any questions, please contact Chris Wood of Trout Unlimited at (703) 284–9403. We are available to discuss our concerns and recommendations at your convenience.

Mr. HARKIN. Madam President, I have another letter from a number of individuals who basically represent firefighters, smokejumpers—12 individuals who have written urging opposition to H.R. 1904 which they say is misnamed the Healthy Forests Restoration Act and instead support S. 1453, the Forestry and Community Assistance Act. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MEMBER OF CONGRESS: As current and former wildland firefighters, we urge you to oppose H.R. 1904, the misnamed "Healthy Forests Restoration Act," and instead, support S. 1453, the "Forestry and Community Assistance Act" as the best available legislative plan for the interconnected goals of improving the health, safety and working conditions of wildland firefighters, protecting communities, and restoring forests.

Protecting homes and structures is one of the most dangerous assignments for wildland firefighters. We are basically forced to make a stand between the often unstoppable force of wildfire burning under extreme conditions, and the immovable objects of homes and structures. Added to the dangers is the fact that the area adjacent to homes and communities often have the highest fire risks and fuel hazards. And yet we must still protect these homes.

In wildland areas, firefighters face a number of unacceptable safety risks and health hazards due to the legacy of past management, such as: 1) high hazardous fuel loads in logged and roaded areas from untreated or ineffectively treated logging slash; 2) flammable brush, moisture deprived vegetation, and invasive weeds that rapidly grow in the wake of logging and grazing; 3) densely-stocked young timber plantations that can cause wildfires to blow-up and burn severely even from low-intensity fires; 4) a maze of abandoned or neglected logging roads that pose hazardous driving conditions for firefighters, or provide access for human-caused wildfires.

These degraded forests health conditions resulting from past management activities on public lands are part and parcel of the degraded working conditions and elevated safety risks and health hazards affecting wildland firefighters. The interests of wildland firefighters in a safer, healthier working environment, the interests of homeowners and communities in protection from wildfires, and the interests of the public in the protection and restoration of forest ecosystems, can be one and the same. Unfortunately, H.R. 1904, is heading down the wrong path.

First, H.R. 1904 fails to target fuels treatments to the areas that need it most: the community protection zone and low-elevation dry forest types. The wildlands/urban interface zone has some of the highest fire risks and fuel hazards, yet is neglected by H.R. 1904 because the majority of rural communities are surrounded by private, State, or Tribal owned lands, not federal lands. Hazardous fuels treatments need to be prioritized and targeted in the front country community protection zone in dry forest ecosystems. Instead, H.R. 1904 would authorize logging projects in remote backcountry areas including roadless areas, high-elevation moist forests, and other areas where fires may be natural or beneficial for the ecosystem.

Second, H.R. 1904 fails to target treatments to the kinds of fuels that pose the highest hazards. Hazardous fuels treatments need to target the surface layers of dead needles and limbs, small-diameter understory trees and brush, densely-stocked young timber plantations, old untreated logging slash. These surface and ladder fuels pose the highest risk of ignition and rapid fire spread. Instead H.R. 1904 would authorize logging of commercially-valuable mature and old-growth overstory trees, which are naturally resistant to fires and help moderate fire behavior by shading the ground surface from the sun and wind. Some of the most hazardous sites for wildland firefighters are hot, dry, windy logged units full of slash.

Third, H.R. 1904 fails to allocate necessary funds to pay for hazardous fuels treatments. In general, hazardous fuel loads have little or no commercial value. It will require appropriated money from Congress to pay for treatment of these kinds of fuels. H.R. 1904 fails to allocate any funds for hazardous fuels treatments, essentially forcing forest managers to sell large-diameter trees in order to pay for reducing fuels.

Fourth, H.R. 1904 fails to foster agency-community collaboration and social consensus around fire and fuels management projects. The enormous task of protecting fire-prone communities and restoring fire-adapted ecosystems will require an unprecedented level of collaboration among land managers and the public they serve. It is a matter of common sense to begin this task where we have common ground: prioritize fuels treatments around communities. This way we can increase public and firefighter safety in suppressing unwanted wildfires, and increase the opportunities for safely implementing prescribed fires. Instead, H.R. 1904 is guaranteed to generate increased public controversy and conflict, as the voices of citizens in public land management decisions are diminished, and legal accountability is eroded or eliminated.

We don't want to have our ability to comment on or challenge projects taken away—firefighters are citizens, too! In fact, citizens who work as wildland firefighters have the most at stake when fuels projects are planned and implemented. We want to be a complete part of the projects that will reduce the fuel hazard around at-risk communities, from planning through implementation, monitoring, and protection.

We want our working conditions, health and safety improved, but not at the expense of degrading the forests that we are dedicated to protecting. We believe that it is only through genuine restoration of fire-adapted ecosystems that firefighter and public safety will be improved, but H.R. 1904 is about forest restoration in name only, and is a recipe for further ecosystem degradation and public conflict and controversy.

In contrast, S. 1453, expedites projects to be done around communities most at risk of wildfire, regardless of whether or not they are bordered by Federal lands, appropriates funding for hazardous fuels treatments and watershed restoration projects, protects old-growth and roadless areas and currently healthy forests from inappropriate logging, and protects existing environmental laws and full citizens rights to engage in decisions affecting our own public lands.

As wildland fire fighters, we believe the protection of forests, communities and our health and safety are interconnected. We support efforts to make the working environment for wildland firefighters safer. But this does not have to imperil the very forests we seek to protect. Nor should it imperil the democratic rights of citizens to participate in land management decisions. Most of all, Congress should not use the issue of firefighter safety as an excuse to sanction inappropriate or illegal logging projects to proceed under the guise of fuels reduction or forest restoration.

Sincerely,

Joseph Fox, 25 years wildland firefighting experience; positions: smokejumper, Interagency Hotshot (crewboss certified).

Patrick Withen, 24 years wildland firefighting experience; positions: smokejumper, Interagency Hotshot, helitack.

David Calahan, 23 years municipal firefighting experience; positions: engineer on wildland/urban interface zone fires.

Michael Beasley, 16 years wildland firefighting experience: positions: Interagency Hotshot, Fire Management Officer, Prescribed Fire Specialist.

Rich Fairbanks, 14 years wildland firefighting experience; positions: Interagency Hotshot (foreman and squad leader), Division Supervisor.

Erin Ely, 10 years wildland firefighting experience; positions: Interagency Hotshot (crewboss certified), 20-person Type II fire crew, fire salvage timber sale planner.

Timothy Ingalsbee, 8 years wildland firefighting experience; positions: helitack, engine, 20 person Type II fire crew (squad boss), Interagency Hotshot resource advisor.

Mei Lin Lantz, 5 years wildland firefighting experience; positions: Interagency Hotshot (squad boss), helirappeller, engine crew, fire/fuels management planner.

Ric Bailey, 3 years wildland firefighting experience; positions: helitack, engine crew (foreman).

Shawnti Johnson, 3 years wildland firefighting experience; positions: Interagency Hotshot.

Nalita Kendall Baumback, 2 years wildland firefighting experience; positions: initial attack engine crew.

Colby Whitenack, 2 years wildland firefighting experience; positions: Interagency Hotshot.

Mr. HARKIN. Lastly, the Forest Roads Working Group, which includes Wildlife Forever, Trout Unlimited, Wildlife Management Institute, Izaak Walton League of America, Outdoor Industry Association, the Wildlife Society, and International Paper, also wrote a letter dated October 28, 2003. It is not in total opposition, but it expresses their concerns about certain parts of the bill saying the "fire legislation should endorse the prohibition of new roads into inventoried roadless areas." I ask unanimous consent that their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREST ROADS WORKING GROUP,
October 28, 2003.

Hon. PETE V. DOMENICI,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.

DEAR SENATORS DOMENICI, BINGAMAN, COCHRAN, and HARKIN: We write to express our concerns regarding restoring healthy forests on public land (Healthy Forest Restoration Act of 2003, H.R. 1904). The Forest Roads Working Group was established to bring together a wide range of organizations with a strong interest in ensuring that roadless area protections are crafted and implemented in a workable and effective manner.

The FRWG supports the expeditious treatment of hazardous fuels on public lands. The need to implement an aggressive hazardous fuel management program should not, however, preclude considerations for other resources, particularly fish and wildlife habitat conservation, outdoor recreation opportunities, and the protection of inventoried roadless areas.

In light of scarce resources, treatment of hazardous fuels should be of paramount importance to the Forest Service where significant threats exist to human health or safety and adjacent private lands. Given that an estimated 75 percent of Forest Service timber sales currently are classified as hazardous fuels reduction projects, we hope that Congress will keep the public and environmental analyses processes for these sales as open as possible to ensure that interested citizens, scientists, sportsmen, recreationists and state agencies have significant involvement in their planning and implementation.

Fire legislation should endorse the prohibition of new roads into inventoried roadless areas. Given the now $10 billion maintenance and reconstruction backlog of existing Forest Service roads, it is important that Congress recognize the potentially deleterious effects of roads on fish, wildlife, and water resources, especially if they become travelways for unauthorized or unregulated off-road vehicle travel.

Thank you for considering our views. If you have any questions, please do not hesitate to contact me at 202/508-3400. We are available to discuss our concerns and recommendations at your convenience.

Sincerely,

J.T. BANKS
(For James D. Range).

Mr. HARKIN. Madam President, these are the concerns that I and many others have with the legislation before us, and I hope those who have amendments will come to the floor and offer them. I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Idaho.

Mr. CRAIG. Mr. President, before the ranking member of the Agriculture Committee sits down, I would be more than happy to include the protection of all the old growth in the Federal forests of Iowa in this bill, if it existed. Or maybe we could put a prohibition against wildfires in Iowa on public lands in this bill. And that is something we could accomplish because those two issues—the old growth, which I am sure the State of Iowa wished it had, and wildfires, which I know they would not want—do not exist in Iowa because no Federal forest lands exist there.

In my State of Idaho, in the great State of Oregon, and in the Great Basin, West, as much as 60 and 70 percent of our lands within our State borders are public lands and are subject to this legislation. That is why I am on the Senate floor. That is why my colleague from Missouri is on the Senate floor. That is why my colleague from California is on the Senate floor because it is the heart and soul of our States. Be it our water quality or our wildlife habitat or our environment in general, our forested lands make up that dynamic symphony of lands of which our States are proud, and we want to protect them.

To suggest this bill does not is not a fact. Let me give a point the Senator from Iowa just made. He said you could log in 1,000-acre increments across the landscape. Not true. Nowhere in the bill does it exist. Let's go back to California today where fires are burning.

Let's go to Lake Arrowhead in the San Bernardino forest where there is a complex of dead and dying trees of about 400,000 acres. You could log 1,000 acres there, and then if you chose to do another 1,000 acres near it, you get into the cumulative effect beyond the categorical exclusion and you have to do a NEPA process. That is what this legislation says. That is what the Senator from Iowa did not suggest. He cannot suggest something that does not exist. Yes, it is true you do 1,000-acre logging increments, but when you get to a cumulative effect beyond the categorical exclusion, NEPA takes over. Therefore, you do the full public process that he admires and I admire because we believe the public ought to have a right to participate, but not ad nauseam through lawsuit after lawsuit for the purpose of delaying activity on the ground when there is bug kill and fuel loading and the public is at risk and the resources are at risk. That is what this debate must be about.

He implied that you could road on forever because this bill does not prohibit roading. You can't road today unless you go through a full NEPA process. It is not to suggest if you prohibit roading here or you do not prohibit it, therefore, roading will exist. That is not true. It does not exist today in current law. So do not imply that it does. That is a false accusation, in my opinion.

There are a good many other areas we will debate at length, I am sure, as the amendments come up. I am going to step out of my State of Idaho, which I know best, and step into California for a moment because California is at issue and it is in play.

My colleague from Oregon, who his other colleague from Oregon said was brave in taking the stand he is taking, is a brave soul, but he is also a person who recognizes the balance of good management on our public lands that protects water quality and wildlife habitat. He is the one who argued staunchly that we protect old growth. I didn't think it was necessary, but I agreed with him.

He and I have worked together very closely on what we believe to be balanced public forest policies for a good number of years, but what is not in balance is a policy that allows forests to burn at will simply because we deny the right of limited management to reduce fuel loading, to stop bug kill, and to slow the dead and dying trees.

So let us go to San Bernardino National Forest in southern California where fires are raging as we speak. We know that forest, because of environmental interests and because of the increase of the public living in that forest, in the 1970s stopped any form of logging. In the mid 1970s, it stopped. That became an inactively managed forest.

About 2 years ago, it was recognized as a forest that was in critical condition. The fuel loading was so great, the bug kill was so great, that the intermittent State lands within the San Bernardino forests were declared a state of emergency by the Governor of California, but it is almost impossible to save them if they are surrounded by lands where nothing is going on, where the bug kill is great, and where a fire is clearly a situation that creates a high risk.

We have known, and I have said on this floor for over 2 years, that the San Bernardino National Forest was the perfect firestorm waiting to happen, and yet we talked on and on in a formally inactive way not to do anything about it. It is now burning. That is a phenomenal tragedy that we could have done at least something about, but we chose inactive management on the San Bernardino nearly three decades ago.

Let me speak for a few moments about why and what is different in California today than 50 years ago. If one listens today to news commentators covering the fires in California, they will say that that area burned about 50 years ago, and it probably did. It is a Mediterranean-type climate. It is largely a scrub oak climate except when one gets up in the San Bernardinos where one begins to get conifers and it did probably burn. Maybe it has burned every 50 or 60 years for the last thousands of years, but what was different today than 50 years ago is that there are now people living in the canyons, in the valleys, and in the suburbs that did not exist 50 years ago in that area. So the landscape is dramatically different and the risk is substantially higher, but we have done little about it.

We have not insisted that there be firebreaks, that there be thinning, that there be a way to protect the urban/wildland interface. H.R. 1904 begins to address that, at least on the Federal forested lands. If those firebreaks had been present, if that scrub oak had been pulled back 100 or 200 yards from those homes, grass had been planted, foliage had been kept down, it would not have been 1,500 homes burned now; it would have been considerably fewer. We all know that. That is a fact.

The world of the forest has changed dramatically in the last 50 years. The Senator from Iowa is right. Wherever there was a piece of private property within a Federal forested area, a home was built. Why? Because it is a very desirable place to live. We all love to live within the forested landscapes of our country, but if we do not treat them properly, it is like living inside a kindling box. It is like living near a fire that is ready to burn. All one has to do is drop a match, because the fuel loading that has gone on in these forested landscapes over the last 30 years is dramatic. Why? Because we put fire out. We got awfully good at eliminating fire and we did not replace the natural ecosystem's activities of fire with manmade activity. It is quite simple.

Along came the environmental movement in the 1960s. Along came the National Environmental Policy Act and the National Forest Act in the mid-1970s, and we began progressively to slow our activities on the public lands that were offsetting nature's activities in some instances and the fuel load began to build.

In the mid 1980s, a group of forest scientists from all over the United States met in Sun Valley, ID, to explore the health of our national forests. They concluded that our forests in the Great Basin West were sick, dead, and dying, and that if we did not develop some form of activity to emulate fire, to thin and clean, we would someday in the near future begin to experience dramatic wildfires that would change the character of the landscape of the West. They were right. We did not listen. We could not listen. Why? Because there was a louder voice out there saying: Do nothing, do nothing, stay away; the only way to treat the public lands is to withdraw man from the lands, unless he or she tramples lightly upon them.

We did just that, and all of our policies have driven us in that direction. During the Clinton years, we reduced logging on public lands by nearly 80 percent. We did not change any laws, just reused the regulations, headed in another direction with a different philosophy.

Aside from that, there is another interesting statistic. Instead of the average of 1½ million to 2 million acres a year in wildfires on our forested public land, we began to see 3, then 3½, then 4, then 5, then 6, and last year 7 million acres, and that graph is going straight up as more of these lands burn because the fuel load that builds on them is so great that all of our forested public lands have become like a kindling box, ready to burn with the touch of a match.

It started in California last Saturday. It could have been manmade in this instance—it probably was—and, of course, we know the end result. It is not over yet. It has destroyed millions of acres of property and human life.

Now, this is dramatic. Guess what is about to start in California. The Senator from California is in the Chamber and she can tell us better than anybody else. But when the Santa Ana winds quit, when those great air patterns that sweep down out of the West shift and change the cycling of the wind and it reverses the sweep down off the mountains, it starts coming in off the ocean, and rains begin. This 500,000 acres of now denuded land, with no vegetation on it, will be subject to the winter rains.

What we are going to be hearing, almost as dramatic as the fires were, will be the mud slides and the erosion and the land movements that are going to occur in California simply within the next month or two or three. Can we not understand that? Cannot environmental organizations understand that there has to be a little bit of a balance, that somehow there is a way to ebb and flow, for us to exist, to protect our environment and at the same time balance it in a way that does not in the end destroy it?

In the year 2000, in Idaho, we lost 1 million acres to wildfire. That winter and the next spring, great slides of mud, rock, and debris flowed down out of the canyons and some of them into the beautiful pristine Salmon River that is a great fish habitat, a great salmon habitat. In some instances, it probably damaged it. In one instance, there was a great alluvial flow of debris out into the river that was not swept away, and this last year when the waters hit it, the water diverted across the river and knocked out a highway and knocked out a road and put more silt into the river, all a product of the fire of the year 2000.

So fires have lots of consequences. We ought to try to manage our forests in a way that somehow diminishes the overall ability of those forests to burn, to protect our wildlife habitat, our water quality, our scenic beauty, and our recreational opportunities. That, in part, is what this bill is about. This is no major dramatic step forward. This is no assault on the environment. This is a positive but relatively small step in the areas we have so designated to suggest we adjust the appeals process ever so slightly, that we adjust the NEPA process ever so slightly, that we establish funding priorities in the wildland/urban interface, that we recognize and protect old-growth, and that we create a judicial review process that is streamlined so those who would chose no action cannot lock up reasonable, responsible action in the courts of our country.

That is what H.R. 1904 is all about. My colleague from Oregon is still on the floor. He, I, and a good many others, my colleague from Idaho, MIKE CRAPO, who chairs the forestry subcommittee in Agriculture—I chair the subcommittee in Energy and Natural Resources, the Senator from Oregon is the ranking member of that forestry subcommittee—have spent years and years on this issue, try to find a balance, working with environmental groups—outreach.

Let me thank the Senator from California, who is on the floor, who has demonstrated phenomenal leadership in this area. She has taken the time to understand the ecosystems and the health of the Sierras and she knows some form of limited action has to occur to save this beautiful landscape. That is what this legislation is all about. Yet some would paint it as dramatic and sweeping and destructive. It is simply not that at all. It is a small step forward in our effort to bring reasonable balance and management only in those areas designated as fire prone, as loaded with fuel, and the urban/wildland interface dominantly, and in sick and dying areas where the bugs have ravaged it and it is simply standing there dead, waiting for Mother Nature to take her course.

That is what H.R. 1904 is all about. Don't let anyone paint this in any other dramatic fashion or form, for if they were to do so, it would simply be untrue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Idaho for his comments and for his support. I have worked with him on this issue now for a long, long time.

As you know, California has great and challenging forests. As I delved into the issue and became more and more involved and traveled over forests on helicopters and walked through forests, I realized how much they had changed from the time I was a child in California.

I also thank the bipartisan group of Senators who have tirelessly negotiated this legislation, particularly the Senator from Oregon, RON WYDEN. He and I, on our side, have worked with a group of Republicans, knowing that both of us face States that are deeply challenged by forest fire. The need to develop a piece of legislation was crystal clear to both of us.

This is very difficult, I think, for both of us because the prevailing environmental view has always been not to touch our forests, and that is what fire suppression was all about. Senator WYDEN has been stalwart. It has been a great pleasure for me to work with him and his staff. I know my staff has also very much appreciated the collegiality and also the exchange of ideas. I thank him very much.

Also, Senators BAUCUS, CRAIG, CRAPO, COCHRAN, DOMENICI, KYL, LINCOLN, and MCCAIN—we were all partners in forging this compromise consensus bill.

With what is happening in California, I don't think I need to tell anybody that there has been an alarming increase in catastrophic wildfires that have raged through our forests and neighboring communities all across this great land, because nearly 27 million acres have burned nationally in the past 5 years alone, and 2.1 million of those acres are in California. There are 57 million acres of Federal land at the highest risk of catastrophic fire, including 8.5 million in my State alone.

People in California don't realize that much of our forest is in what is called the highest risk of catastrophic fire—for many, many different reasons. But that is where they are today. This is far from the natural condition of our forests. It is because this century-old policy of suppressing ground fires has allowed so much flammable brush to accumulate so dangerously in many of our forests, especially in dry areas at low to moderate elevations.

This legislation is not a logging bill, as some would typify it—I think falsely. This legislation would allow the brush to be cleaned out and it would also provide the first statutory protection for old-growth stands and large trees ever in the history of this Nation. I have heard people fault it, saying it is not this and it is not that—but it is, and no one has submitted legislation prior to our doing so in this particular area.

I want to be very clear. This is pro-environment legislation and it seeks to reverse some of the damage we have done to our forests and restore their healthy condition.

Pictures show the story, I think more powerfully than words. Like the old adage, a photo is worth a thousand words. That is really true. Let me show you this first picture. This picture goes back to 1909, and it reminds me a little bit of the conditions of the Sierras when I used to ride through them as a child. You didn't have to go on trails; you used to ride through the forest.

This is a picture of Grandview Point at Grand Canyon National Park in Arizona in 1909. You see the buggy and horses, and you see the open nature of the forest. You don't see much ground fuel. You don't see brush.

Let me show you the next photo. It shows the forest closing in, due to fire suppression. From 1909, in the top picture, you will see it open. This is all the same identical forest. You will see the openness all throughout this forest as far back as you can see. Then you will see the next one, 1942. Look at these little juniors, look at them popping up all over the forest. Then you will see in the last picture in 1992, following a fire.

This is the problem increasingly with these forests. This picture is from the Pearson Natural Area in the Coconino National Forest in Arizona.

Now, look at another picture. This is the crowded, unthinned area, Ponderosa Pine in California. You will see one of these problems. This picture is not following a forest fire. This is the natural condition of this forest. It is just awaiting a catastrophic fire.

Now, let me show you where fire suppression doesn't just exist in pines. I would like to show you a photo of some of California's most magnificent trees. This is the Mariposa Grove of giant sequoias in the southern Sierra Mountains. It is interesting to look at it. This is a man right here. This will show you how big those giant sequoias are. This was taken in 1890. Look at the clear space around those sequoias.

Now go to 1970. This is the same tree and look at what has happened. This is a catastrophic fire waiting to happen.

What will happen if there were fire back here, let's say, involving these two trees? It would not necessarily be catastrophic, because it would not burn hot enough on the fuel to take out the canopy. The sequoias are basically fire resistant and it would resist it. Fires today run the risk—because of the underbrush, because of the nonnative species, and because of the fuel ladder—of really taking out the canopy of old majestic and great trees.

We had a fire in the Sequoias, and we were just lucky that where the fire took place, it didn't reach these trees.

I would like to show you a picture of a fire in a Ponderosa pine forest that has been altered by decades of fire suppression. Look how this fire is burning. It is not confined to the ground. It is rising up into the trees and doing substantial damage.

Look at this photo of fire in a stand where the brush and smaller trees have been cleared out. Note that the fire, unlike this fire, is confined to the ground.

That is what we are trying to achieve in this bill so that when a fire does occur it is confined to the ground and does not do damage to old-growth trees, to other trees in the area, and to property and life.

Finally, this is a picture showing how thinning can protect the forests. This is the 2000 Clear Creek Fire in the State of Idaho. The upper area in the photo was unmanaged, and it burned severely. You can see that right through here where the fire burned. Now you can see where the fire stopped. The lower area survived the fire and remained green and healthy because of one reason: It had been thinned.

This is elegant testimony to what happens when it isn't managed. Where fuel is not removed, it burns fiercely. It stops where it is managed and there are fuel breaks, and the forest is cleared of fuel.

I want to emphasize that not all of our forests have been affected by fire suppression. Many of our forests—particularly those in the wetter areas and higher mountain elevations—have changed little, if at all, from fire suppression. Fires in these forests occur only rarely. In some cases, hundreds of years can pass between fires. But fire suppression has changed these forests little.

We can largely leave them alone under the legislation. The only exception is forest areas near communities where we want to reduce the hazardous fuel to ensure public safety.

This is how our amendment would work. The bipartisan amendment directly addresses these threats to our forest health and our communities.

We established an expedited hazardous fuels reduction program for 20 million acres at the highest risk of catastrophic fire.

Some opponents of this bill are saying everything is up for this project—wrong.

This project is confined to 20 million acres of the highest risk of catastrophic fire among the 54 million acres which the Forest Service has identified at highest risk of catastrophic fire.

It would authorize $760 million annually for the removal of fuel. That is a $340 million increase over current funding.

The House bill has no money for title I to do this in that bill. It leaves 50 percent of the funds to be used for fuel reduction near communities.

This is a compromise that Senator WYDEN and I made to be able to provide incentives for others who may not have as many populated areas as some of us do to also have an opportunity to have fires thinned near urban watersheds, municipal watersheds, areas of infestation, and other critical areas that are in need of thinning to prevent catastrophic fire. And the remainder of funding is for municipal watersheds or endangered species habitat or areas that have suffered just as I have said.

The legislation also requires that large fire-resistant old-growth trees be protected from logging immediately. Most people do not know that. But there is immediate protection for large fire-resistant old-growth trees. It mandates that forest plans that are more than 10 years old and most in need of updating must be updated with old growth protection consistent with the national standard within 2 to 3 years. Within that 20 million acres there is a real effort to say that old forest plans must be brought to the fore and dealt with quickly within 2 or 3 years.

While forest-specific old growth is being developed, large and fire-resilient trees would be immediately protected in the new project authorized by this legislation.

The bill prevents logging of the largest most fire-resistant trees in the guise of fuel reduction. Where old-growth forests have not been altered by fire suppression, existing old-growth conditions must be maintained. And in other old-growth stands where brush and other highly flammable fuels have accumulated through this century-old policy of suppressing ground fires, brush will be cleared out to protect the stands from catastrophic fire.

And local forest managers will write specific prescriptions for their forests. All of these prescriptions will be consistent with the more general national old-growth protection standards in the bill.

Additionally, the agreement improves and shortens the administrative review process.

I want to talk about this. There has been a lot of things said. A lot of things were just plain wrong. We have been trying to correct them wherever we can. Where we tried to shorten the process, we tried to make it more collaborative and less confrontational.

It is critical that the Forest Service be able to spend scarce dollars as it is doing vital work on the ground rather than being mired in endless paperwork.

The legislation we have submitted fully preserves multiple opportunities for meaningful public involvement. People can attend a public meeting on every single project. They can submit comments during both the preparation of the environmental impact statement and during the administrative review process. I guarantee that the public will have a meaningful say in these projects.

The legislation changes the environmental review process in this way. It does this so that the Forest Service still considers the effect of the proposed project. But it does it in a way so that the Forest Service can focus its analysis on the project proposal.

One reasonable alternative is required—I want to explain this—that meets the project goals and the alternative of not doing the project, instead of the five to nine alternatives now required.

We are not talking about a freeway or a highway being located where you might want to look at five to nine different alternatives. We are talking about one specific project that has been designated for hazardous fuels reduction and how you carry out that hazardous fuel reduction.

There might be debate on whether it should be mechanical thinning, or burning, or a combination of the two. There might be a debate on exactly which trees people want to remain inviolate. All of that is possible. But the requirement, in addition to the alternative of doing nothing, is reduce one alternative—one sound alternative—that can be considered.

This legislation replaces the current Forest Service administrative appeal with an administration review process that will occur after the Forest Service finishes its environmental review of the project but before it reaches its decision.

This new approach is similar to the process adopted by the Clinton administration in 2000 for review of forest lands and amendments to those plans. The process will be speedier and less confrontational than the current administrative appeal process and have more information available to those who want to know more about the project.

Perhaps the most controversial area is the area of judicial review. I will turn to that. I emphasize that cases will be heard more quickly under the legislation, abuses of the process will be checked, but nothing alters the citizen's opportunity for a fair and thorough court review. Parties can sue in Federal court only on issues raised in the environmental review process. We believe this is a commonsense provision that allows agencies the opportunity to correct their own mistakes before everything gets litigated. Lawsuits must be filed in the same jurisdiction as the proposed project. This was in-house language. This has been supported. It is a good idea. We go to the Federal court in the area where the hazardous fuels project is proposed, not to a Federal court in New York City or somewhere else.

Courts are encouraged to resolve the case as soon as possible. This is not mandatory language, it is suggested language. It means that any judge reading the bill will understand how seriously we take this. We urge them to conclude their deliberations expeditiously.

A preliminary injunction would be limited to 60 days, not going on and on and on. An individual who gets a preliminary injunction can come back before the court and make an argument as to why the injunction should be continued, and the judge has the ability and the prerogative to continue that injunction if he or she sees fit.

This provision, we believe, sends a signal to the courts not to delay important brush-clearing projects indefinitely unless there is a good reason to do so.

Then there is what is called balance-of-harm language in the bill that says the court must weigh the environmental benefit of doing a given project against its environmental risk as it reviews the case.

I deeply believe this amendment is balanced, that it is a significant improvement from the House-passed bill. I cannot support the House-passed bill. Senator WYDEN cannot support the House-passed bill. The Democrats who are on this bill cannot support and will not support the House-passed bill. Ergo, in this Chamber, the House-passed bill will not have the 60 votes required to move it along.

There are many ways in which this amendment improves on the House-passed bill. I know Senator WYDEN went into that in great detail. I will mention three of them.

First, this bill is focused on the highest priority language where we need to undertake brush-clearing projects to restore forest health. As I said, it is limited to 20 million of the 54 million acres at highest risk of catastrophic fire. These lands include the wildland/urban interface as defined by the communities needing protection, lands where fires would significantly threaten municipal water supply, lands significantly harmed by insect, disease, or wind throw and endangered species habitat.

Second, we have protected both old-growth stands and large trees across the landscape. The projects expedited by this act, I believe, will truly restore forest health.

Finally, the Senate agreement removed a provision of the House-passed bill that could have threatened the fair and impartial judicial review of Forest Service actions. This provision would have tilted the playing field in forestry litigation by requiring a court to defer to the Federal agency's views in deciding whether to issue an injunction.

So for these three reasons alone, I believe our bipartisan amendment to title I significantly improves the bill which I otherwise could not support.

Now, many people have said this bill would not do anything in California. That is just not right. I will speak to that for a minute because we have terrible fires burning, 10 huge fires, 3 huge major fires: Every day, burning homes; every day, the victim of excess vegetation and hazardous fuel that has built up over many years and has not been removed.

The fires in southern California are burning in two basic vegetation types: chaparral and the pine forests in the San Bernardino Mountains. The exclusion to that is the fire burning up north, east of Redding. In both of these vegetation types, treatments of fuels will reduce the risk.

The first area where the southern California fires are burning is the pine forests of the San Bernardino Mountains. I want you to take a look at these forests and look at the homes in the middle of this forest: House, house, house, house, house, house, house, house, house, house, house, house, house.

Do you notice the yellow forest? That is all dead and dying and infested bark beetle forest. There are 44,000 homes located in the Big Bear/Arrowhead area where this fire is now on two sides, moving. Look at these homes. Look at the dead and dying trees. Does anyone believe they have a chance of surviving if this forest is not cleaned?

We have tried in appropriations bills to get more money—and we have been able to get some money in this year and last year for more removal of bark beetle-infected forests—but clearly this is an exact area of urban interface that is in catastrophic, highest risk of fire. No one could tell me that if a hazardous fuels mitigation project had been carried out around this area, these homes and tens of thousands like them would not have been saved in this fire.

Everyone, look at this. That is what this bill means. If you are going to vote against this bill, just know that. This is correct and elegant testimony. About 474,000 acres in this forest. The San Bernardino/San Jacinto, often both private and public lands, were experiencing severe tree loss ranging from 10 percent of all the trees in a given area to 100 percent. That has been known for quite some time. It has had years of drought. It has bark beetles. It has root disease. It has dwarf mistletoe. They have all reached epidemic proportions. The cost assessment by the County Assessor's Office of these homes and those surrounding them is $8 billion.

A century ago, this forest was fairly open, with mostly larger trees. Experts estimate there were likely 40 to 50 trees per acre back then. The difference today is staggering. The Forest Service estimates there are now 500 trees per acre in much of the San Bernardino Mountains—40 trees before fire suppression; 500 trees today.

That is also eloquent testimony to what happens with the fuel ladders that are generated by the overcrowded forests. This is more than 10 times the density of trees that existed a century ago. It is startling, it is dramatic, and it is a huge difference. So this is what we have created with a century of "do not cut a tree" fire suppression: extremely dense, unhealthy forests.

The Senate agreement would get projects moving quickly to thin these forests and restore them to health. The San Bernardino Forest would be among the highest priority areas to receive hazardous fuel treatments under the legislation. All the insect-infested areas would fall within the priority areas for treatment.

With the expedited administrative review process, we could treat these acres more quickly. Environmental analysis would focus on the work that needs to be done, not multiple theoretical alternatives. We know we need to thin these forests. We do not need to study 6 or 12 different ways to do it.

The expedited administrative review process would also help us past the confrontational delays caused in the current appeals process, and the additional funding the bill authorizes would also help.

Finally, we have spoken to Republican colleagues who have agreed to add a $50 million authorization for emergency grants to States and localities for dealing with situations exactly like those in the San Bernardino Mountains today. So there is money to help communities do their wildfire plans to help them move to develop areas they believe need this thinning, and these grants help additionally.

Communities could clear evacuation routes from mountain areas, like the Lake Arrowhead region, to ensure that people have a chance to escape in the event of a catastrophic fire. One family trying to escape with two children in their car was burned to death because the car could not move faster than the fire.

Brush would be cleared around shelter-in-place locations like schools in case people do not have the opportunity to escape in time. Communities would obtain funding for evacuation drills and other advanced planning. I am very grateful the other side agreed to add this $50 million segment.

The Senate bill will also help prevent chaparral fires. Some have said: Oh, no, it won't. Here is Scripps Ranch. This is a large subdivision outside San Diego. You see the fire—miles of fire line approaching the ranch.

The legislation authorizes significantly more money for hazardous fuel reduction efforts. We authorize a total of $760 million. That is $340 million above current funding. Again, the House bill has no dollars for this kind of public land mitigation. Our bill does.

Moreover, there is an understanding that the bill's sponsors will work to continue to increase funding substantially. Let there be no misunderstanding on this point, these funds are available to be used in brush areas like chaparral as well as in forested areas.

Second, the legislation requires at least 50 percent of the funding goes to community protection. This is a significant improvement over current law which does not require any set amount of hazardous fuel reduction go for community protection.

Perhaps most importantly, the legislation calls for communities to plan their own defense through community wildlife protection plans. That is a problem. People who live in dry Southern California areas want the trees, want the bushes, want the fuels on the ground. Historically they have resisted putting together community fire protection plans. That is folly. They have to do it. In chaparral, it is important to get community support behind prescribed fires to clear out the brush. So far, as I said, many communities have been reluctant to support prescribed fires because of the perceived risks of these fires. But community wildfire plans will give the community the ability to choose whether it wants the risks of prescribed fire—or some cutting or thinning—or the much greater risks of wildfire.

Community wildfire plans will play an important role in gaining popular support for a workable way to defend these dry communities.

Another key issue—I am just about through—in chaparral is reducing the risk of homes burning on private land. The community wildfire plans provided for in this bill will help in this area, too, because they are required to include recommendations to reduce homes igniting throughout the community.

We owe it to our communities to do the best we can to protect them from catastrophic fire. I wish—I truly do, from the bottom of my heart—the California wildfires would be quickly extinguished and controlled. We need to do everything we possibly can.

I might report the regional forester called this morning. We have been pushing the White House and the Defense Department to lend every piece of available equipment—C–130s, Sea Stallion helicopters with buckets, tankers—everything they have. For the first time, I got the report that they have everything they need now to fight these big fires. I am very grateful for that and express my gratitude.

Mr. WYDEN. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I will be very brief.

I have one question for the Senator from California, but first I want to thank her for the exceptional work she and her staff have done on this issue for over 4 years.

Mrs. FEINSTEIN. I thank the Senator.

Mr. WYDEN. I have chaired the subcommittee. I have been the ranking minority member. I do not think my knowledge on this subject compares to that of the knowledge of the Senator from California.

Mrs. FEINSTEIN. The Senator is very kind.

Mr. WYDEN. She has thrown herself into this, and we thank her for all her efforts. We all empathize with what your constituents are going through. The people of California, a year ago, helped my constituents. We are trying to help yours. We thank you for it.

Mrs. FEINSTEIN. May I just say, thank you for the help that has come from Oregon. It is a long way away. But we are very grateful. New Mexico is sending help. Nevada—the Senator from Nevada is on the floor—sent help. Arizona has sent help. We are very grateful for that.

Thank you.

Mr. WYDEN. I thank my colleague.

One very brief question. I have sensed from the beginning of the debate that probably the most contentious issue coming up is this question of making sure the public is still involved in the process, the whole question of what is called NEPA, the National Environmental Policy Act.

The Senator is so correct in saying we have made it clear that the Senate bill is not something we are going to allow to be unraveled. But I think one of the reasons for it is because the Senate bill differs very dramatically with what the other body is talking about with respect to keeping the public in the process.

The other body, in effect, takes the public out of the process by predetermining these NEPA alternatives. What we have said in our compromise would be to say the public can actually offer an alternative. The public has a right to go into this process, known as scoping, and actually come to the table and offer an alternative.

The Senator has made the point that not one current opportunity for public comment would be lost under this compromise.

I would be interested in the Senator's analysis of how the public stays involved, because I think this is probably the most contentious question we may be faced with as we try to wrap up this bill, hopefully today.

Mrs. FEINSTEIN. The Senator is correct, through the Chair, if I may. We have discussed this and both of us wanted to protect the collaborative process. We wanted to protect the ability of individuals to go to meetings, to state their issues, to have those issues considered.

The only change I see in this is twofold. The first is that they will have the environmental review to look at, which is important in understanding what you differ with in the environmental review and then being able to make the case.

Secondly, the number of alternatives is reduced from five to nine to one. There is a good reason for that. As I pointed out earlier, if we were talking about a network of highways or something like that, you may want five to nine alternatives to be considered. We are talking about an area which has been designated in the highest risk of catastrophic fire. Therefore, the alternative would be one. For example, do you believe there is too much thinning? Do you believe there is too much burning? Would you do mechanical in what proportion to burning to thin this area out? There would be the ability to come in with one precise alternative.

Of course, the other alternative that some might argue for is to do nothing. They would have that ability as well.

Mr. WYDEN. I thank my colleague and again tell her how much I have appreciated a chance to be her partner.

Mrs. FEINSTEIN. You have been a great ranking member and I have enjoyed every minute.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield to Senator REID.

Mr. REID. Madam President, I have listened to the statements here today. They are all very good. People have worked hard on their statements. But I want to simply say this: We have a bill to complete, and we want everyone who has any interest in it to come and give their statements. When that time has come, we will start the amendment process.

We have worked on this bill now 3 hours, and the only amendment offered is the one by the chairman of the committee, Senator COCHRAN. What I wanted to do is ask unanimous consent—he already has the floor, the chairman of the Energy and Natural Resources Committee—that following the statement of Senator DOMENICI, the ranking member of the committee, Senator BINGAMAN, would be recognized to give a statement. It is my understanding the Senator from Alaska wishes to give a statement. Following Senator BINGAMAN, the Senator from Alaska be recognized to give a statement on the bill.

The PRESIDING OFFICER. Is the Senator seeking consent for that sequence?

Mr. REID. I am.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thank the Senate for allowing a lengthy debate this morning about a very serious issue. I am looking across the Senate to the distinguished junior Senator from Alaska, a new Member of the Senate. She has behind her a very big picture. She will explain it in more detail. But might I ask, that is a picture of a totally infested forest in your State; correct?

Ms. MURKOWSKI. That is correct.

Mr. DOMENICI. Would you mind answering a couple of questions? We have been hearing about fires in California moving in the direction now, if they have not already, of an area that is highly infested.

Last night on television we heard various announcers talk about it. They described it from the field, for those who were there. They said: This forest is like Christmas trees many months after Christmas, just standing there like dried pieces of wood. And they said that we know what happens to those after Christmas when you put a match to them.

That is what we are talking about in this forest you have there.

Ms. MURKOWSKI. That is correct. It is not just a small patch we are talking about. We have over 5 million acres of infested and dead timber standing there just waiting, as the Senator indicated, to crumble and act as fuel for any fire. It is as the Senator described. It is like that Christmas tree. There is absolutely no life to it with the needles just crumbling in your hands. It is that dry.

Mr. DOMENICI. Before Senator FEINSTEIN leaves on her way out, I will not ask you anything; I am just going to speak about you.

First, I thank you for your leadership in this regard. Some people think that it is only New Mexico and Utah and Wyoming that have forest fire problems and that have forests that are clogged to the gills because we have not maintained and cleaned them. Some think the only infested forests are in Alaska.

As I understand it, you have all of those and probably in larger quantities than most of us combined. I say, for those of us who have been trying desperately to get a bill that treated these situations in a way that could be solved, it was truly a Godsend that we got some powerful and thinking Democrats who decided to join us. You are one of them.

Senator WYDEN, I thank you. There are more than the two of you. But every time we needed a voice, you were there. I don't know what they said about you at home. I don't know what those people who don't want to do anything said about you. But I assumed they didn't say all nice things because every time you try to modify the law, there is somebody back home who runs an ad that you are trying to log all the forests in the State or that you don't care about preserving the beauty of your State, that you have just turned yours over to the logging industry.

I see the Senator nodding. You must have had some of that already. And Senator WYDEN, you must have, although you have already felt the wrath of not being able to log anything in your State, and you have seen what happened to thousands of workers.

I just wanted to, as part of my opening remarks, thank you.

We will also have to take up, as part of the Iraq bill, the Domenici-Feinstein bill on proper notice and opening up all the decisions that are going to be made over there to the public and in a regular order manner. We will do that later in the day and maybe have another victory.

Mrs. FEINSTEIN. Through the Chair, if I may, I would like to thank you, Senator. I appreciate the chairmanship of this committee, your working with Senator WYDEN and I. I am delighted to hear what you have said about the emergency supplemental and getting the report language back in. Thank you very much.

Mr. DOMENICI. We have an array of Senators, not just Republicans—not the few who have been fighting for years about this issue of the failure to maintain our forests—we have a lot of Senators who have come around to our way of thinking, Democrat and Republican. It almost is unbelievable to see that forest in Alaska, which is no longer a forest other than by name, to see what is happening in California as brush fires move quickly toward an entire forest that is dried, dead trees, and then to ask the question: Why is that so? Wouldn't it be rational that we cut them down? Wouldn't it be rational that rather than leave them there as natural incendiaries, ready to literally blow up, just poof, and they go right up in the sky as these kind of trees burn, wouldn't it be logical to do something about it?

Well, the truth is, we have not been able to do anything about it for one of the most ridiculous reasons anybody could have in mind, but it has worked until today. That is, anything you try to do is logging forests. Anything you try to do is turning the forests over to the loggers. Would you believe year after year after year that has prevailed? I don't know what we could have done when we passed legislation, when we begged these same groups, let's write in something about logging, let's talk about the size of the trees, let's do anything reasonable, as we talked about what has happened to American forests.

I don't know if the distinguished occupant of the chair knows what forests looked like 20 years ago in our public forests, and what they look like today; but I can tell you they don't look like the same forests. They used to be cleaned: there used to be spacing; it used to be that the trees—I nicknamed what we were trying to do one time on the Senate floor—what we are trying to do is make the forests "happy" again. I meant that they could see the sun, and they would probably smile, instead of being clogged up together where they grow straight up. But nobody dare touch that forest and clean it up and make it a forest like it used to be because they will be sued and things will be delayed, a judge will take over, and the judge will say: Every "t" has not been crossed, every "i" has not been dotted. You cannot do it.

One day in 1998, after we had our share of fires, after a huge fire in my State—I think it was the second most serious fire to the California fires in terms of burning down homes—450 houses at Los Alamos. Incidentally, if you are looking at what things might cost, that was done by the Federal Government that messed up and burned it by mistake and we had to pay. That one cost over a half billion dollars to the town and the people for what they lost, including houses and streets that were broken and torn up. I would not even want to guess what the California fire will cost. I hope that the houses are insured.

Nonetheless, if you add it all up, it is costs. I don't see how it is going to be less than $5 billion or $6 billion, based on the little bit I know that I am sharing with you. The truth is that there is no reason under the Sun to delay moving ahead with that forest in Alaska, and moving ahead quickly, get it cut down; and whatever utility there is in the trees, use it. If there is none, have planned burns so you can give way to some growth that will be healthy again. That is why we have called this now the Healthy Forests Act.

Might I quickly say that while we weren't able to expedite everything the way some of us wanted, although everything is expedited in this bill, at least cleaning up forests such as the one in Alaska, huge acres of infested trees, in this bill that will move quickly in the future. It can be delayed and go to court once. But the overall thrust of the bill is that it won't be delayed for years as in the past. So the distinguished Senator from Alaska hopes to see some of that removed soon, during her first elected term in the Senate.

Now, I began by thanking Senator COCHRAN and his staff for moving ahead with this legislation. It was determined that it was their jurisdiction because of the way it was written, not the jurisdiction of my committee, the Energy and Natural Resources Committee. They did a great job. I am not going to bother the Senate with a lot of statistics about the health of our national forests, but there are some facts of importance.

Our Federal agencies tell us that 190 million acres are at risk to catastrophic fires or attack from insects and disease—190 million acres. This is an area equal to the size of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and most of Maryland. It means that much land covered by forests is no longer real forest, it is insect-riddled forest like that in the photo of Alaska, most of which should be removed so good trees can grow, and so we can eliminate catastrophic fires that can occur quickly, simply, and easily and go through and scourge the area—worse than Attila the Hun—leaving nothing.

In the last 5 years, we have burned—including what we have burned this year—24 million acres; 24 million acres have been scorched. That is an area as large as Vermont, New Hampshire, and Connecticut. I am not here saying we will never have forest fires and we should never have them. What I am saying is they should not be occurring where improvements exist, homes exist, National Laboratories exist, where businesses exist because we already know we ought to clean around them so they will not burn.

As a matter of fact, the principal reason for the bill I introduced, which I said we called "happy forests," was to get at this issue we called urban interface. We still have not done a great deal. In fact, I am just learning that of the $250 million that we put in that bill back then, there is still over $100 million in both the BLM and Forest Service that has not been spent on happy forests. So maybe when we get this bill finished, we can finally get an organized plan for funding that will see us making some headway. We have seen insects destroy the forests in a dozen Western States, severely impacting forests in Eastern States.

One such outbreak in southeastern California has destroyed 450,000 acres, half the national forest that it is located on, in an area almost as large as the State of Rhode Island.

Let me put the forest health disaster in context. During that same period, the Forest Service has only thinned or harvested 1.4 million acres, which is slightly larger than Delaware. We have burned 17 times more rangeland in the last 5 years than we have attempted to manage—land that we know should be managed, cleaned up, unclogged, and we should get rid of the waste on the ground that is a fire trap. We have burned 17 times more than we have attempted to clean up and manage.

So this bill is going to improve forest health, if we can ever get it passed. I hope those who have delayed it in the Senate will let us get on with it. I have been amazed to hear the reason some have said—that they are holding this bill up because they could not understand it. Well, I don't know how all these Senators, from the ones I mentioned on the other side of the aisle to the ones on this side, could all say it is a meaningful bill, and then we can have one or two Senators, or their staffs, saying they are against it because they don't know what it means. Maybe they should ask or let us bring it up, and if they think it is not clear, offer an amendment.

I think it is clear, and I think it is a good bill. I don't think in some areas it goes far enough, but you have to do what you can. Now we have a great bipartisan coalition and we will have to work with the House, which wants to go more in the direction of expediting matters. But this is going to result in improving the health of our forests over time. It will result in a more public expedited process for moving hazardous fuels projects through the NEPA process. I didn't say "without" the NEPA process, as we are being accused of out in the hinterland. It is going to provide that that would be expedited. There is nothing in the NEPA law that says you cannot do that. It prioritizes the treatment of 20 million acres in the wildland/urban interface. I described that.

Twenty million acres are supposed to receive high-priority treatment to clean this stuff that is around urbaness, and make it less volatile from the standpoint of burning. When we had our Los Alamos fire, which I alluded to, it came perilously close to burning some very important laboratory buildings. Suffice it to say that most of them were saved because the laboratory had cleaned up 200 or 300 feet around each one and left no trees, so they had to jump all the way over that to get some buildings.

On the other hand, the fire got a few buildings that were not so important and where there had been no cleaning and burned them. We spent a lot of money replacing a few of the buildings.

This bill says 20 million of this wildland/urban interface, as well as outside the wildland/urban interface is at highest risk, and they are called that: high-risk areas.

This bill calls for court cases on hazardous fuels projects to be heard within the district in which they are located, encouraging the courts to deal with these cases in a timely manner, and directs that all preliminary injunctions be reviewed every 60 days, with an opportunity for the parties to update the judges on the conditions about which courts should know.

Finally, the bill reminds the courts that when weighing the equities, they should balance the impacts to the ecosystem of the short- and long-term effects of undertaking a project against the short- and long-term effects of not undertaking a project. That is very important. It cannot be one-sided. There is always somebody who can say there is a bad side to it, but the judges now will have to look at and balance the short- and long-term effects of not doing the project with undertaking the project. They are going to find that a lot more than in the past, it will not be subject to the court holding them up.

What is the difference in the House bill and this bill?

First, we have restricted the use of this authority under this act to only the highest risk areas.

We have emphasized the importance of working within the wildland urban interface by requiring 50 percent of the funds nationally be spent within the wildland urban interface.

We have emphasized the importance of quickly dealing with insect and disease epidemics and the salvage of windthrown or ice-damaged timber due to their suseptability to insects and disease.

We have increased the amount of upfront public input to project development and NEPA by adding a process for communities to develop a community fire protection plan to help inform the Federal land managers of a community's priorities and by requiring all projects to be developed through the collaborative process developed by the western Governors group.

We have added the authority for the agencies, in cooperation with State and local government, to treat community escape routes as part of the wildland urban interface. This is a major improvement over the House-passed bill.

Until the community fire protection plans are completed, we have laid out criteria for how far from the wildland urban interface the community protection projects may be undertaken. These criteria are flexible enough to take advantage of geographic features, such as ridge-tops, rivers, or roads, but restrictive enough to ensure projects undertaken in the wildland urban interface will really protect the community.

We clarified what Congress wants in terms of a new pre-decisional protest process by requiring the Secretary to establish such a process while ensuring the public will play a part in the development of the new appeals process.

Unlike the House version, we have limited the use of this new appeals process to just projects authorized by this act, rather than having it apply to all Forest Service activities.

We have, for the first time, included language designed to protect old growth and fire resistant large trees. This protection is based on forest plans.

Where those forest plans are old, or outdated, we require the Secretary to complete a plan revision or amendment to address old growth and large fire resilient trees, while at the same time including enough flexibility to ensure work need to improve fire resiliency can be carried out.

We have narrowed the scope of changes under judicial review to just those projects undertaken under the authority of this act.

We have also included all of the judicial review provisions from the Wyden-Feinstein proposal, S. 1352.

Finally, we have authorized $760 million annually for hazardous fuel reduction work, including the projects authorized under this act, which is more than double what is currently being requested.

I thank the Senate for listening. I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the Senator from New Mexico, Mr. BINGAMAN, is to be recognized at this time.

Mr. BINGAMAN. I thank the Chair.

Madam President, even if we were not having the catastrophic fires we are seeing every day in southern California right now, the forest health issue is of vital importance to us in the West, and many of the speeches that have been given here underscore that.

I am glad the Senate is considering a forest health bill with the opportunity for us to offer amendments. I will not go through all of my statement because I know we want to get to those amendments. There has been a lot of time used already in discussing the bill in general terms. We need to get down to some of the specific amendments.

Let me make a few general statements about the bill because I do think it is good to at least give our perspective on the situation.

Some have tried to portray the issue as one of support for the concept of active management of our national forests on the one hand as opposed to simply allowing nature to take its course. Let me be clear that I do not agree with that portrayal of the debate taking place in the Congress. I have always viewed active forest management as not only a desirable policy but one that is absolutely necessary. In my opinion, support for active and responsible forest management does not equate with support necessarily for all the provisions in this substitute amendment that will be coming before us.

I want to be sure that whatever legislative language we pass provides meaningful new authority to Federal land managers, that it is focused on the communities that are most threatened by wildfire, and that it does not unduly restrict the public's ability to participate in the oversight of public lands management.

In addition, I believe commercial timber operations are an important part of our national forest policy. It is important that legislation dealing with forest health not be a pretext for accomplishing that purpose as well.

I wish to discuss some of the concerns with the forest health issue based on the initial reading I have done of the amendment we are going to be debating and amending.

Let me begin by stating the obvious. That is, the health of our Nation's forests is absolutely critical at this point due to generations of misguided forest management policies. Many forests are overcrowded with unhealthy buildup of underbrush and tree overcrowding. I think all the experts in this field recognize that. We see evidence of that not only with the California fires, but we see evidence of it throughout the country.

The effect of these large wildfires can be catastrophic, as we all can see. We have, as Senator DOMENICI indicated, seen some of this catastrophe in my home State of New Mexico. He made reference to the Cerro Grande fire at Los Alamos where a substantial number of homes were destroyed and a great amount of the forest was also destroyed.

Clearly, we need to take proactive steps to improve forest health. In my view, the proposed forest health amendment does some things right but, in some respects, I think it misses that opportunity. It does not provide any meaningful new authority for funding to help Federal land managers, but it does add new restrictions on the public's ability to participate and restrictions on the Federal courts' ability to review what is done.

There is a basic disagreement among some of us in Congress and among those who are most ardently supporting this amendment, and that is a disagreement about what is the most significant public policy issue we are faced with in trying to come to grips with these catastrophic fires.

The amendment we are going to be debating seems to be based on the premise that the underlying and essential problem that needs fixing is that we have too much public participation in the decisionmaking process, in management decisions, administrative appeals, and lawsuits.

One of the speakers earlier today talked about a litigation paralysis, saying that is the problem, that is why these forests are burning up. That is what we need to change most quickly. I say this because the major new authorities provided in the amendment are ones that limit appeals of agency decisions, limit judicial review, and require courts to follow new standards. I don't really think the facts support this assumption that litigation is the major and most significant problem we face.

I recently asked the General Accounting Office to study whether the National Environmental Policy Act compliance requirements, the agency appeals, and the litigation that has occurred were causing significant delays in hazardous fuel reduction projects.

The GAO issued a preliminary report in May. They just completed a final report last Friday. The GAO in that report reviewed 818 Forest Service management decisions over a 2-year period, fiscal years 2001 and 2002, and these 818 forest management decisions involving fuel reduction activities on 4.8 million acres of land. These were the first 2 years of the so-called national fire plan which we have all been trying to see implemented.

It is worthwhile to take just a minute to summarize what the GAO found. The GAO found that the vast majority of acres treated were categorically excluded by the Forest Service from NEPA review. That is a term of art, "categorically excluded." That means this is authority in the law for the Forest Service to say: We are going to exclude certain areas from NEPA review, and we have the authority to do that.

The GAO found the vast majority of acres that were treated were, in fact, categorically excluded. None of these projects were appealed, none were litigated, none were subject to appeal, and none were subject to litigation.

Only 25 of the 818 were litigated. That represents about 3 percent of all projects. That involved about 100,000 acres. Again, this is out of the 4.8 million acres that was studied by the GAO for those 2 years.

Significantly, the GAO found of those 25 cases that were litigated, 23 involved commercial timber sales. Of the 25 cases that were litigated, the courts found the Forest Service lost on all but one of those cases. So to the extent litigation was involved, the vast majority of the time the Forest Service was found to have been in violation of the law.

In my opinion, litigation is not the major problem. I am not saying we cannot do some things to streamline the appeals process and to be sure any frivolous litigation is eliminated, but I do think we need to recognize the GAO made a study that shed some light on what we are doing.

The majority of forest-thinning projects were categorically excluded from NEPA. In my State, in region 3 of the Forest Service, which included Arizona and New Mexico, the GAO found 78 percent of the projects were excluded, and that covered 91 percent of the affected acreage. So 91 percent of the affected acreage was never subject to appeal, never subject to litigation.

This is a useful report. There is a one-page summary of it. I ask unanimous consent that it be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. The only other report we have analyzing empirical data of the Forest Service appeals involved a 2003 study by a political science professor at Northern Arizona University. Contrary to the assertions of the Bush administration, the Northern Arizona University study found the number of appeals had been decreasing since 1998.

I will speak a little bit about what I do see as a major issue as part of this legislation. Based on our experience with forest health issues in my State, the real issue has not been judicial appeals, judicial review, but instead has been providing adequate funding for forest health projects and stopping the Forest Service's harmful practice of borrowing funds from fire prevention accounts in order to pay for the cost of fighting forest fires. I will offer an amendment on that in a few minutes. I wanted to flag that as an essential problem I think needs to be dealt with. It is not dealt with in the amendment coming to the floor now, but I will give the Senate the opportunity to deal with it. I hope the Senate will agree with me this is something we need to fix.

I commend Senator BURNS and Senator DORGAN, the chairman and ranking member of the Interior Appropriations Subcommittee, for their efforts to secure $400 million last month to repay the accounts the agencies borrowed in order to fight fires. I also appreciate Senator BURNS's comment that the $400 million is not the final word, especially since the estimates those agencies have given is they actually had to borrow over $600 million from other programs so far this year.

However, the year-to-year approach we have followed of borrowing funds from other accounts in order to deal with forest fires is just not adequate. Even when our Senate Appropriations colleagues were able to obtain supplemental funding to repay these other Forest Service accounts, every year on-the-ground restoration work is substantially delayed while the Forest Service waits for a supplemental appropriations bill to be enacted into law.

In New Mexico, there are some very critical Forest Service fire prevention projects that were postponed for up to a year as a result of borrowing from these accounts. These include wildland/urban interface fuels projects in the Carson National Forest, the Gila National Forest, the Lincoln National Forest, and the Santa Fe National Forest.

In addition, a contract for construction of a fuel break around a community at risk in the Cibola National Forest was postponed for 6 months because of the agency borrowing to cover firefighting costs.

This is not criticism of the agency. The agency has no alternative but to do this borrowing, the way we have set it up. What happens is very simple. The President asks for too little money for firefighting. He does that every year—at least he has for the last several years. I have some charts I will show in a few minutes on that.

The President asks for too little money. We in the Congress agree with the President and appropriate too little money. Then when the fires start happening, of course, the Forest Service has to find ways to fight those fires. The only option they have is to shut down their activities in other areas and use that money instead to fight fires.

One of the other areas they shut down activity in is in this forest-thinning work, so that we put it off, say, OK, we cannot get it done this year; we are too busy fighting fires; we will try to get it done next year. Then next year comes and once again they may have to use the money they had hoped to use for the forest-thinning activities and the forest health activities to, in fact, fight fires. That has happened year in and year out. It is a classic case of being so busy killing alligators that there is not time to drain the swamp. That is exactly the position we have put the Forest Service in and we need to try to correct that. I will offer an amendment with the hope the Senate will agree with me and make that correction.

The lack of funding for forest health projects continues to constrain our efforts to actively manage our forests to deal with these disease and drought conditions which have been discussed at length. Three years ago, Congress found funding was the main obstacle to improving forest health and reducing a threat of unnaturally intense catastrophic wildfire. Specifically, we have created the National Fire Plan, with $1.6 billion in new funding for existing programs, to improve forest health conditions. At that time, we all agreed on the need to sustain a commitment to the National Fire Plan over a long enough period so we could make a difference. We were talking about 15 years. That meant at a minimum sustaining the fiscal year 2001 funding levels for all components of the National Fire Plan.

Unfortunately, as I stated just a few minutes ago, the administration has systematically and continually proposed major cuts and, in some cases, zeroing out critical programs within that National Fire Plan, including the burned area restoration program, rehabilitation projects, economic action programs, community and private land fire assistance. So the proposed cuts we have received in the budgets each year have eliminated funding for these programs, notwithstanding the clearly identified demand for these programs. For example, New Mexico and other States have suffered unnaturally intense, catastrophic fires, and there is a desperate need for funds to restore and rehabilitate the burned areas.

Finally, the 2002 report and conclusion by the National Academy of Public Administration confirmed the main obstacle constraining the Forest Service from substantially increasing its proactive efforts to reduce fire risk is the lack of adequate funding. The proposed amendment to H.R. 1904 authorizes $760 million. I appreciate the fact that funding level is in there, but it does not ensure the real funding will be provided. The problem is, when we get into the actual appropriating of funds, we do not get the job done.

In earlier debates, I have repeatedly stated the Forest Service needs to focus its hazardous fuels reduction effort more directly on the threats communities face. We will have an amendment to that effect. I know Senator BOXER from California has an amendment to try to do a better job in that regard. I think that will be an important issue for us to try to deal with as well.

In sum, Congress required a sufficient proportion of all hazardous fuels reduction funds be spent on projects near communities. Nevertheless, the General Accounting Office recently found that more than two-thirds of the Forest Service decisions involving fuel reduction activities were targeted exclusively at lands outside this wildland/urban interface area. The amendment that has been brought to the floor here goes on to state that this requirement is based on a national average, this 50 percent requirement. They are saying we should have 50 percent going for projects near communities, in this wildland/urban interface. If you have a requirement such as that based on national average, obviously individual forests or even entire regions can significantly ignore this direction we were giving them.

In addition, the provisions of the amendment only apply to funds allocated for projects pursuant to title I of H.R. 1904 rather than to the entire hazardous fuels reduction program.

There are many questions about the specific language of the amendment at which we need to look. Let me talk for just a minute about the new administrative appeals process.

Apart from what the amendment does not do, I am very concerned with some of the things the new authority does try to do. The provision that seems the least developed in the amendment, the one that causes me significant concern, is section 105. This section directs the Secretary of Agriculture to establish a predecisional administrative review process that will serve as the:

> sole means by which a person can seek administrative review of a hazardous fuel reduction project. . . .

This predecisional process is described as covering the period following the completion of the appropriate NEPA document up to the date a final agency decision is issued.

I understand the desire to ensure that interested members of the public are involved during the development of the proposed agency project, and to avoid lawsuits by those who have not been involved in the process, and I certainly agree with that.

However, I think the language is somewhat troubling. As I understand it, the language would limit the right to administratively appeal an agency decision, as well as the ability to challenge it in Federal court, to those who have exhausted the predecisional review process. So we are going to significantly limit the right to appeal or challenge a decision based on a process that has not been established yet and that we are not really clear on what it will permit.

There are other questions about that. As I understand it, there will likely be an amendment offered on that issue as well.

Let me say a word about the Federal courts because many of the others who have spoken have done that. The amendment that has been offered here limits the court's ability to issue a preliminary injunction to no more than 60 days, although a court can renew an injunction indefinitely.

In order to issue a preliminary injunction, a court needs to find several things: No. 1, that the plaintiff is likely to prevail on the merits. That is the first thing the court needs to find. No. 2, that there will be irreparable harm if the injunction is not issued. No. 3, the harm to the plaintiff in not issuing the injunction is not outweighed by the harm to the defendant of issuing the injunction. And, No. 4, that issuing the injunction is in the public interest.

So a Federal court has to find quite a few things to issue a preliminary injunction. Having made this determination, I wonder why we then are saying to the court, unless you come back and renew that injunction every 60 days, we in Congress are going to assume the agency was right and you were wrong. The court has already determined that most likely the agency is in error. So I have concerns about that.

I understand there is a great desire here to limit the Federal court's ability to issue injunctions, preliminary injunctions. My understanding is, also, that this not only limits preliminary injunctions, it limits the Federal court's rights to issue permanent injunctions in some questionable ways.

Let me say just briefly, I do think we need to be sure the bill has adequate protections for national monuments and for roadless areas. There are provisions to exclude designated wilderness and wilderness study areas from the bill. I think we should have that same provision apply to national monuments. I hope we can persuade our colleagues that that makes good sense. I have been told by some that is certainly their intent.

Turning to my home State, 3 years ago we created the Valles Caldera National Preserve in northern New Mexico. I think it would be good to know how the provisions in this amendment would be used there, in that type of arrangement. Perhaps we can clarify that. I hope we can.

There are several other questions about how this relates to other forest initiatives: How does it interact with recent legislative and administrative actions regarding forest health?

There is a stewardship contracting program that includes exemptions from the National Forest Management Act and provides new authority for the Forest Service and for the BLM to trade the value of big trees removed by a contractor for restoration services completed by that same contractor. We need to see how this new legislation would impact upon that.

In addition, the administration has taken several regulatory actions recently under its Healthy Forests initiative. It has promulgated new rules establishing a categorical exclusion from NEPA, which would apply to projects, including timber sales, that cover up to 1,000 acres each. The administration has published new rules overhauling the Forest Service appeals process. Those new rules exempt all "categorically excluded projects from appeal."

In other words, the administration has taken significant action to deal with several of these issues. We need to know how this legislation affects the actions that have already been taken.

Slash treatments is another issue that I think deserves some attention. We have a serious issue here in that in my home State they go through, they cut down the diseased small trees, they put them into piles, and then they have to come back and do a sequential treatment, come back and remove that slash and be sure it does not become bug infested and become an even greater problem. The GAO analysis found that in my State the Forest Service and BLM completed only 19 of the 34 followup slash treatments that they had committed to do in a timely manner. Again, it is probably a lack of funding that has caused that shortfall.

I have some additional concerns and questions about the provisions in the amendment. I will raise those at the appropriate time as we get into the amendments.

In closing, let me reiterate I am very glad we are proceeding to consideration of the bill. Since some of us were not involved in the negotiations, I do think it is appropriate we offer some amendments. Especially it is important for Senators from States that are directly affected by this threat to have that opportunity. I commend the people who did work hard in getting this legislation to this point. I do think there has been a genuine effort to find some compromise and to make some improvements. Clearly, this bill as it stands is substantially better than what the House has sent us. But it can be substantially improved from where it is. I hope the amendment we offer can be seriously considered, and hopefully adopted, and we make those improvements.

With that, I yield the floor.

EXHIBIT 1

UNITED STATES GENERAL ACCOUNTING OFFICE—REPORT TO CONGRESSIONAL REQUESTERS

FOREST SERVICE—INFORMATION ON APPEALS AND LITIGATION INVOLVING FUELS REDUCTION ACTIVITIES

Why GAO did this study

The federal fire community's decades old policy of suppressing wildland fires as soon as possible has caused a dangerous increase in vegetation density in our nation's forests. This density increase combined with severe drought over much of the United States has created a significant threat of catastrophic wildfires. In response to this threat, the Forest Service performs activities to reduce the buildup of brush, small trees, and other vegetation on national forest land. With the increased threat of catastrophic wildland fires, there have been concerns about delays in implementing activities to reduce these "forest fuels." Essentially, these concerns focus on the extent to which public appeals and litigation of Forest Service decisions to implement forest fuels reduction activities unnecessarily delay efforts to reduce fuels.

The Forest Service does not keep a national database on the number of forest fuels reduction activities that are appealed or litigated. Accordingly, GAO was asked to develop this information for fiscal years 2001 and 2002. Among other things, GAO was asked to determine (1) the number of decisions involving fuels reduction activities and the number of acres affected, (2) the number of decisions that were appealed and/or litigated and the number of acres affected, (3) the outcomes of appealed and/or litigated decisions, and (4) the number of appeals that were processed within prescribed time frames.

What GAO found

In a GAO survey of all national forests, forest managers reported the following:

In fiscal years 2001 and 2002, 818 decisions involved fuels reduction activities covering 4.8 million acres.

Of the 818 decisions involving fuels reduction activities, about 24 percent were appealed—affecting 954,000 acres. However, of the 818 decisions, more than half, 486 decisions, could not be appealed because they involved activities with little or no environmental impact. Of the 332 appealable decisions, 194 (about 58 percent) were appealed. There can multiple appeals per decision. In addition, 25 decisions (3 percent) affecting about 111,000 acres were litigated.

For 73 percent of the appealed decisions, the Forest Service allowed the fuels reduction activities to be implemented without changes; 8 percent required some changes before being implemented; and about 19 percent could not be implemented. Of the 25 litigated decisions, 19 have been resolved.

About 79 percent of appeals were processed within the prescribed 90-day time frame. Of the remaining 21 percent, the processing times ranged from 91 days to 240 days.

The Forest Service, in commenting on a draft of this report, generally agreed with the report's contents. Their specific comments and our evaluation of them are provided in the report.

SUMMARY OF FOREST SERVICE DECISIONS AND APPEALS INFORMATION FOR FISCAL YEARS 2001 and 2002

Decisions/appeals	Little or no impact/not appealable	Impacts initially uncertain or significant/appealable	Total for all decisions
Number of decisions	486	332	818
Number of appealed decisions	3	194	197
Percentage of decisions appealed	<1	58	24
Acreage (in thousands)	2,989	1,804	4,793
Acreage appealed (in thousands)	4	950	954
Percentage of acreage appealed	<1	53	20

Source: GAO data and analysis.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized at this time.

Ms. MURKOWSKI. Madam President, we have had a great deal of discussion about the fires raging throughout California this week. We talked about fire seasons in the past several years. The years 2000, 2002, and 2003 fire seasons have been some of the worst on record nationally. In 2002, in my State of Alaska alone, we experienced fires that burned over a million acres. Over a million acres in Alaska were burned in 2002. In this year, in 2003—this is from a report that is current as of yesterday, taking into account what is happening in California as we speak—to date, approximately 3.6 million acres have burned nationwide—3.6 million acres, and burning.

Forest fires are a huge problem, predominantly in the West, for those of us in the Western States. It is interesting to look around the Chamber this afternoon and see how many of the Western State Senators are paying very close attention to the debate on this legislation.

We know, we can see the damage to our forested lands from these catastrophic wildfires, many of which have resulted from forests that have been devastated by insects and by disease.

Deteriorating forest and rangeland health now affects more than 190 million acres of public lands throughout the country.

Again, as we have seen from the pictures which the Senators from California displayed and from the newspapers, the areas where the fires are ravaging the hillsides and destroying communities are areas that were affected by insects and disease.

I want to take us to a picture of Alaska, as the good Senator from New Mexico, Mr. DOMENICI, mentioned not too long ago. In my State, our forests have been infected and literally torn apart by a beetle known as the spruce bark beetle. The spruce bark beetle, other insects, and other diseases have devastated hundreds of thousands of acres along the Kenai Peninsula and in the Chugach Mountains, and outside of my hometown in Anchorage along the hillsides. You are talking about the wildland/urban interface communities and how it all plays out. I see that very carefully and very closely every time I am home.

The picture that I have behind me is a picture from the Kenai Peninsula in the southern part of the State. This is a picture of forests that have been totally wiped out by the spruce bark beetle. There is not a tree that you look at in the forefront or in the background that is alive. Every one of these trees are dead. They were killed by the spruce bark beetle.

As the Senator from New Mexico mentioned, it is like a Christmas tree that you have put out on the back porch and it no longer has any water. The leaves are crumbly to the touch and fall when you touch them.

These trees that you are looking at are probably 30 to 40 feet high. It is tough to estimate the girth of the trunk. But these are very mature old-growth trees that are standing waiting for an accident to happen—waiting for a fire. This is not tinder sitting on the forest floor. This is standing tinder that is just waiting to be devastated and to devastate potentially property and human life.

As we look at this picture and understand the stands we are talking about here, I mentioned that there were hundreds of thousands of acres which have been devastated by insect and disease in Alaska. The spruce bark beetle has literally changed the forests in Alaska. Over 5 million acres of trees in south-central and the interior of Alaska have been lost to the spruce bark beetle over just the past 10 years.

This picture shows, I have been told, the result of trees that have been infested for about a 10-year period. These were perfectly healthy, strong, and living trees. The entire forest has been wiped out by the spruce bark beetle.

We are told in Alaska that this is one of the worst recorded incidents of beetle kill and infestation in our history.

You do not see any homes. You do not see any development. This is out in the wilds of Alaska, if you will. But adjoining the Chugach National Forest, off of the Kenai Peninsula, we have many smaller communities—certainly not a Los Angeles-type of community but we have homes. We have towns that adjoin these national parklands.

We have a little community called Moose Pass which sits right in the middle of dead and dying trees.

My home city of Anchorage, the largest population center in the State—about half of the residents of the State of Alaska live in Anchorage—is rimmed by the Chugach National Forest. We are dealing with the infestation of the spruce bark beetle as it is traveling north. The danger is made even worse when you couple it with the fact that we have had low snowfalls in recent years. Again, it is an accident almost waiting to happen. We don't want to happen in Alaska what we are currently seeing in California.

Our public land laws and regulations should not make it difficult to cut down the dead or the dying trees that are nothing but potential fuel for these catastrophic wildfires. Our Nation's policy has to allow for responsible forest management that includes the ability to remove, when appropriate, wildfire fuel from our forests.

That is why I am supporting the bipartisan amendment to title I of H.R. 1904. In particular, there is a subsection which will authorize treatment under title I on Federal land. This technical change allows for hazardous fuels reduction on Federal lands on which wind throw or blown down ice storm damage or the existence of disease or insect infestation has occurred and poses a significant threat to an ecosystem component on Federal land or adjacent non-Federal land.

I suggest to you, looking at this picture and understanding the extent of the insect infestation that we have, that it certainly poses a significant threat to an ecosystem component.

The Kenai Peninsula National Forest System land contains approximately 223,000 forested acres of which 119,000 contain spruce trees with a percentage of old growth. These old-growth stands are susceptible to the spruce bark beetle or are already dead.

The amendment we are speaking to—the bipartisan amendment under title I—will allow Federal land managers to manage the dead and dying tree stands.

The prespruce bark beetle epidemic condition on the Kenai Peninsula had a significant acreage in unmanaged old-growth spruce which was very susceptible to massive mortality and the buildup of the spruce bark beetle population. The key to long-term forest management on the Kenai Peninsula that will prevent a reoccurrence of the type of spruce bark beetle mortality is to manage the forested landscape for a variety of species' compositions, structures, and age classes—not simply unmanaged old-growth stands.

To maintain the watershed health—which we certainly need—the Chugach National Forest needs to manage the landscape on the Kenai Peninsula for a variety of species, structures, and age classes.

With the technical change that we are seeing in this amendment, it allows for old-growth stands such as those existing on the Kenai Peninsula to be treated without restriction related to the old-growth provisions that are being offered in other sections of the amendment.

I believe that with the legislation before us—the Healthy Forest Restoration Act—we have a comprehensive plan focused on giving the Federal land managers and their partners the tools they need to respond to national forest health crises. That is what we have in Alaska. That is what we are seeing in many parts of the West.

This legislation directs the timely implementation of scientifically supported management activities to protect the health and vibrancy of Federal forest ecosystems as well as protecting the communities and the private lands that surround them.

I support what we are doing with H.R. 1904 and certainly encourage Members' support.

Mr. COCHRAN. Madam President, after consulting with the leaders and those interested in talking about this amendment before we vote, I am now in a position to propound a unanimous consent request.

I ask unanimous consent that at 3:35 today the Senate proceed to a vote in relation to amendment No. 1828, with no amendments in order to the amendment prior to the vote; I further ask consent if the amendment is agreed to, it then be considered as original text for the purpose of further amendment; I finally ask that the following Senators be permitted to speak prior to the vote: Senator ENSIGN for 10 minutes; Senator BENNETT for 5 minutes; Senator MURRAY for 5 minutes; Senator KYL for 5 minutes; and Senator CRAPO for 10 minutes.

Mr. REID. Madam President, I ask the manager of this bill, the chairman of the committee, to modify his request to allow Senator LINCOLN 10 minutes, and that following the disposition of this chairman's amendment, Senator BOXER be recognized to offer the next amendment.

Mr. COCHRAN. Madam President, I ask that my request be so modified and that the vote occur at 3:45 instead of 3:35.

Mr. WYDEN. Madam President, for purposes of asking the distinguished chairman of the committee, it is your desire, I gather, we would then have the vote at 3:45 and that would in effect end the opening statements on this legislation; we would move to amendments, beginning with the Boxer amendment, and then throughout the rest of the day pick up the rest of the amendments and hopefully move as quickly as possible.

Mr. COCHRAN. The Senator is correct.

Mr. REID. Although I would say, if the distinguished Senator would yield, people still have an opportunity if they want to offer their comments on the bill itself. There is nothing in the request which would prohibit that.

Mr. COCHRAN. With that understanding, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENSIGN. Madam President, I will make a few comments about the underlying legislation, the Healthy Forest initiative, and give a perspective from another western state, the State of Nevada, my home State, and some personal experiences I have had in the last few years.

I saw a wonderful program on the Discovery channel about the history of forest fires in the United States. They went back a few hundred years and talked about the natural burning of the forests and how forest fires occurred. We had fairly catastrophic fires in the early 1900s that changed our attitude because a lot of people were killed in those fires. It changed the way we looked at forest fires. We decided to try to put forest fires out using various methods of fire suppression.

Over the last 100 or so years, in trying to put out all these forest fires, we have stopped the natural clearing of the underbrush. As humans have moved more into the forests with our development, even if we wanted to go back to allowing natural burns to occur, we could not do that because of the devastation that can occur such as we are seeing in California with people living so close to the natural environment.

There are some things we can do to manage our forests so when the fires do occur they happen in a more natural fashion. What we have been seeing in the last several years is they are not natural fires. They are catastrophic fires and they burn the entire forest. They literally sterilize the ground. There is so much fuel that there are incredible temperatures. When the forest fires used to move through, they would pretty much burn the undergrowth. They would char the big trees, they would char the bark on them, but they would leave the crown of the forest alive. As the forest fires moved through and cleared the underbrush, it gave the forest a chance to revive, gave a chance for little seedlings to take root. It was a nice cleansing process for the forests.

Now that we have started putting all the forest fires out, we have a huge fuel buildup. Now when the forest fires burn through, they burn the underbrush and they burn the crowns of the forest. They basically wipe the entire forest out. It is an unnatural event that is happening today. We are losing endangered species. When you wipe out the whole forest you lose not only animal life, you lose incredible plant diversity as well. We end up with erosion because there is nothing to hold the ground when the rains come.

I have been in the West almost all of my life—mostly in Nevada, lived in Oregon, lived in California, lived in Colorado some, attending schools—and I have visited a lot of forests there. We have our family reunion up in Black Butte every summer. I was there during the huge forest fire Senator SMITH was talking about earlier; that is still going on. We were there July 4 and that fire is still going on today. They are waiting for the snows to come to put that forest fire out.

In comparing the forests from the East to West, in the East there is much denser forest. That may be OK because of the amount of rain and the amount of moisture in the East. We do not get that kind of moisture in the West. My State, the State of Nevada, is the most arid State in the entire country. We have what are called "desert forests" that do not have a lot of undergrowth. That is where those forest fires are able to move through, clear out a little of the underbrush and leave the crowns pretty much intact.

What happens in the West versus the East, we get periods of drought. We are in about a 5-year drought right now in the West. We had 3 good years before that of rain. Before that was another 6-year drought. During those periods of drought you get the bark beetle Senator MURKOWSKI was talking about in Alaska. We have that in our State, especially around Lake Tahoe. During the 6-year period of drought, the bark beetle devastated a lot of trees in the Lake Tahoe basin.

I was up there touring some of the Federal lands, some of the State lands, and saw the difference in our policies, State versus Federal. Comparing State versus Federal versus private lands, the least healthy forests are the Federal lands. That is what this underlying bill is trying to correct, the problems we see on Federal lands.

In the State lands, they are cleaning the underbrush. There is a lot of emotion generated by the groups participating in these projects. As a matter of fact, in one area where they were doing the thinning of the underbrush—it is not just underbrush, but they are clearing out the fir trees. The big Ponderosa pines are being choked out by the fir trees. A lot of fuel goes in there. The sunlight cannot get in so these pine trees can grow in the way they were intended to grow naturally. When they were going through and cleaning and clearing some of this out, they got a lot of complaints because it was near this very popular hiking trail up at Lake Tahoe. There were a lot of complaints and protests.

A year after the first area was cleared out, they saw the positive ecological results of that clearing. One result is that the aspen trees are coming back to that area. They were choked out by the fir trees. There is more biodiversity. If a fire now goes through, it will burn naturally instead of the catastrophic fires we have seen so much in the West. Six hundred thousand acres so far have burned in the State of California. That is a huge amount of land.

In 1999, in my State, 1.8 million acres burned. We have been lucky the last few years, but my State is ready to go again, just like most of the western States. It is not just the forest fires we worry about from these fires, like the almost 2 million acres we had in Nevada—and fires in California, Oregon, Idaho, Arizona, and on and on and on in the West—these forest fires are creating air pollution.

We just got calls, because the winds shifted in California, and the pollution from the fires is now coming to Nevada because the winds changed directions.

When the Oregon fires were blowing last year, the pollution from them came down into the State of Nevada. I was up at Lake Tahoe, and, boy, you could not even see. It was like we were in a horrible pollution day down in Southern California. It was so dense, the pollution was so bad, and the ash came down from these forest fires.

It is not just the forest health we are worried about, it is also our air's health. If people who care about air pollution want to do something, the No. 1 thing we could do is to make sure we have healthy forests into the future. Because if we do not have these devastating fires, we will not have as many acres burn per year and as much of that stuff going up into the air to cause pollution. These fires that are occurring are much worse than anything man is producing on an industrial basis. To protect our air, we should be doing this.

Protecting the environment, protecting property, and protecting people are not mutually exclusive. We can do all of them together if we have reasonable laws. That is really what this bill is about.

Two other areas I want to talk about quickly. One is in Carson City, and one is in Ely, NV—great initiatives on this urban interface with the forests that were going on. The one in Ely occurred on Federal lands. Everybody was together. Environmentalists locally were together with local governments and the Federal Government. Everybody was together on this initiative. They had it all worked out. The plan was in place, ready to go. One person from Idaho filed a protest. They didn't even live in our State—one person from Idaho. Almost 3 years later, we are still waiting to implement the plan, and a fire that comes through there would be devastating. One person from Idaho—that is what this bill is trying to fix, to make sure that one person cannot stop land managers from doing the right thing.

The other quick example is Carson City. It is not Federal lands. It is State lands, local lands. All the people who care about the environment worked together. They have a beautiful fire protection plan being implemented that is ecologically balanced. It is protecting the local communities as well as protecting the forests. That is the type of balanced thinking we need going forward so we protect people, we protect property, and we protect the environment all together.

I also want to express my condolences to all of those who have been impacted by the fires in California, especially those who have lost friends and family members. While this legislation will not help the people fighting forest fires today, it will hopefully prevent such fires from occurring in the future.

The Healthy Forest Initiative authorizes hazardous fuel reduction projects that are essential for the health and well-being of our Nation's forests. It focuses on specific at-risk areas that are at the greatest risk of wildland catastrophic fire, the kind that has devastated California, my State's neighbor. These kinds of fires are intense, they are unforgiving and they certainly don't discriminate as to what will lie in their destroying path. My heart goes out to those whose lives have been affected by catastrophic fire.

To reiterate, in my home State of Nevada, our worst fire year was 1999 when 1.8 million acres burned. Since then we have been fortunate compared to other States. But we know that it is only a matter of time before fires ravage our land again. Currently there are over 10.7 million acres that are at-risk for catastrophic wildfire in the State of Nevada. That's 10.7 million acres that need to be treated immediately. With the proper treatment, we can lessen the effects of the fires that will inevitably come. It is not a question of if fires occur, but a question of when.

Catastrophic fire occurs every year. This year California and Oregon have been hit; last year it was Colorado, Oregon and Arizona. In past years, New Mexico and one of our Nation's most treasured national parks, Yellowstone faced catastrophic fire. In 1999, when 1.8 million acres burned in Nevada, unfortunately, that was not a one-time event. In the past 5 years, 3.3 million acres have burned in Nevada.

However, that being said, there are excellent tools available to the land managers of this country. Thinning densely wooded areas and cleaning out excess brush lessens the ability of fires to spread as fast, burn as hot, and consume as much as they already do. To carry out these projects, land managers must go through a rigorous assessment process. They must ensure that the public is able to participate in the process. And they must comply with current environmental statutes and forest plans. This is appropriate and necessary. It is a very lengthy and thorough process that all too often is railroaded by one dissenter. One extreme group will fight it through the administrative appeals, the courts and will do everything to kill a completely collaborative process.

A recent GAO report noted reported that the vast majority of appeals to fuels projects result in no change in the Forest Service's decision. Only 19 of the 180 appealed decisions were reversed, which means that the remaining 161 projects—89 percent of those appealed—were delayed unnecessarily. We say it time and again, but frivolous lawsuits which put these projects on hold are a threat to homes and people.

More than half of the appealable decisions that were designed to protect communities from wildfire were appealed. During the review process, these communities remained under the threat of catastrophic wildfire. We do not have the time to provide extreme groups the luxury of thwarting sound management decisions. It has happened in my State, as I mentioned before, and it happens more and more every year.

That is why passing this amendment is so important. It expedites the approval process. It cuts through the bureaucratic red tape. It still ensures that administrative appeals and judicial review is available to the public. However, only individuals who have actively participated in the administrative appeal process can then challenge the final decision in the courts so these projects cannot be blindsided by those who refuse to participate in the full process.

I stood here a little over a year ago and called for this type of action. I was joined by so many of my colleagues in this body, and yet again nothing was done. Since that time we have seen millions of acres burn throughout the country. The Forest Service has estimated that 2.8 million acres have burn in 2003 alone and that does not count the millions of acres in California and the more than 1500 homes destroyed over the weekend, not to mention the deaths of those struggling to escape these deadly fires. I don't want this to happen to Nevada. I don't want this to happen in any State. I don't want to stand idly by and allow this kind of destruction to go any further. We need to do something and we need to do it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. 1708

Mrs. MURRAY. Madam President, in just a couple minutes I am going to offer a unanimous consent request to move to consideration of a bill to provide extended unemployment compensation benefits to displaced workers and to those who have exhausted their benefits.

Today there are 9 million Americans who are unemployed, and the percentage of long-term unemployed is at a 20-year high. Our first priority in this Congress should really be to get America back to work. The current unemployment benefit extension, as I think all my colleagues know, expires at the end of December.

Our economy is continuing to create only one job opening for every three unemployed Americans. So it is clear the current Federal program is inadequate to address the needs of out-of-work Americans in today's troubled economy.

Another extension with no additional weeks of benefits will leave far too many of our workers and their families out in the cold. In my home State of Washington, there are 124,000 people who will exhaust their benefits by the end of the year. In addition, more than 1 million Americans have run out of unemployment benefits and remain without work. These Americans have been stretching their savings, refinancing their homes, moving in with other family, and depleting their retirement accounts. Three out of four workers are now running out of benefits before they find a job.

In past recessions, we have included these workers in additional extensions. But so far Republicans have insisted on leaving them out. The Emergency Unemployment Compensation Act, which we are introducing, would help 4.6 million Americans make ends meet while they search for new jobs.

I know we are dealing with a forest health issue today. It is extremely important to many Senators. But we have also thousands of Americans whose extensions are going to run out very shortly. Everyone is working very quickly here to wrap up all the bills. We all want to go home. I know when we go home, we want to make sure the people we go home to are not left out in the cold.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1708, a bill to provide for a 6-month extension of unemployment compensation, with additional weeks of benefits, as modified to strike title II and ensure that high unemployment States are not penalized for having high unemployment throughout the recession; that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. Madam President, we are on a very critical bill right now and I must object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Madam President, I heard the objection from my colleague on the other side, and I would like to have him respond, if he would, as to when the Senate will consider this important piece of legislation.

As I said in my remarks, I know we are dealing with an issue that is important to many States, but we have to provide some financial relief to millions of Americans as we approach the holiday season.

I know my colleague understands the current extension ends on December 31. We are all working quickly to go home. I want to know if we can get a commitment that we will go to this bill so we can provide for these workers so they can be at home paying for their food and shelter that is so important to them. Can my colleague tell me when the Senate will consider this legislation?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I would be glad to respond.

As the Senator from Washington knows, all of us have very critical issues that are very important to us, that we are trying to get time on this floor to consider. The way we handle that is we work with our respective leadership in scheduling these matters. I am not in a position right now to speak for either the leadership on the other side or my own leadership with regard to what kind of an agenda they intend to put forward with regard to the floor. What I do know is we have waited our time for this Healthy Forests legislation to come forward. We now have been given floor time, and we cannot relinquish it. Therefore, I will just encourage the Senator from Washington to work with her leadership and our leadership to see when the scheduling issue she wants to address can be brought forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague. I know he is not in a position to speak for his leadership at this time. I would just say to all of my colleagues on the floor, it is critical we allow time as soon as possible. We can take as short as 10 or 15 minutes to get this passed. We have thousands of constituents across the country whose benefits are going to expire. If we wrap up this session and go home without passing this bill, we are going to leave them out in the cold without the ability to put food on the table, pay their rent, pay their mortgage, pay their college tuition bills, and really make it through a very difficult time.

As we all know, the unemployment in this country has risen. We know more people today are unemployed than there were a year ago. The numbers are rising. The extension needs to be passed.

I notify my colleagues I intend to continue to come to this floor on a daily basis to try to bring up this bill until we get a commitment from the Republicans to have a vote on this extension.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. Thank you, Madam President. I yield the floor.

Mr. CRAPO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Madam President, I ask permission to utilize the 10 minutes which I have been allocated under the unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Madam President, we are getting close to a vote on this amendment. I wanted to take this opportunity to respond to a couple of the issues that have been raised by those in opposition to it.

First, it is notable that very little in opposition to this amendment has been said. There are a few things I will get into, but the fact is, as we said at the outset, a broad group of bipartisan Senators have come together to address the issues from all perspectives and build a common ground forward. I believe the relative lack of attack and concern that has been raised with regard to this amendment is indicative of the success which those Senators have achieved.

There have been a few criticisms made though. I want to respond to some of them.

First, with regard to the allocation of the resources, it has been argued that only 50 percent of the resources have been allocated to the wildland/urban interface. Remember, we have $760 million worth of resources allocated in this bill. The point, however, needs to be made that in addition to the fact that our wildland/urban interface needs to be addressed, much of the problem exists out in the forests away from that wildland/urban interface. In fact, when the forests get hot and get burning, when you get winds such as we are seeing in California right now, it is very important to have protection more than just 100 yards or a couple hundred yards away from the wildland/urban interface.

We are seeing in California right now what high winds and geography can mean with regard to a forest fire, and we must have the flexibility in our forest managers to make the decisions about where the best management should occur.

We also have heard that there is apparently a disagreement between the proponents and opponents of this legislation with regard to what the real problem is. Those who oppose this amendment say that the real problem is that we are not putting enough resources into fuel management and fuel reduction issues. Those of us who are proposing the legislation are said to be focused more on trying to reduce litigation.

The fact is, this is an indication of the fact that there are different points of view as to what we ought to be doing. It is what this bipartisan group of Senators did to address the issue. There are some who believe we need to solve the problem by putting more resources on the ground and getting those resources out there in forest management. That is why this bill authorizes $760 million of resources to go into the management of our forests.

We do, however, recognize that there is a large problem in the litigation arena. It is that litigation problem that the bill also addresses.

There have been arguments made that as a result of our efforts to address the litigation paralysis, public involvement has been limited. That is simply not true. No public involvement under NEPA has been eliminated. In fact, the predecisional appeals process we are proposing to create in this legislation will create a new avenue of public involvement. What we are saying, however, is that the litigation has to be brought in the State or the district where the fire is, where the proposed project is. Those who want to get involved have to exhaust their remedies, a very standard legal procedure that is required in many areas. Before you are going to file a lawsuit, go through the administrative procedures that are provided to try to achieve your objectives. And then, finally, if that doesn't work, there still is the route of litigation allowed. We simply encourage the courts to act expeditiously and require the courts to look at it every 60 days to see if the circumstances have changed.

I believe these are reasonable and fair protections that are built into place.

There has been discussion that even though we have $760 million allocated for forest fuel reduction projects and management in this bill, that the bill doesn't guarantee that that money will go there because it is not an appropriations bill. That is the same thing that is true about every authorization bill. The fact is, when we authorize these moneys, under the way the Congress works, it is still necessary for the Appropriations Committee to then appropriate the moneys. We will be working with the Appropriations Committee to take that next step. But to criticize this amendment because it is not an appropriations bill is simply to put up a false attack and to create a false impression that this is not a meaningful authorization of $760 million, subject, as all bills are except for entitlement programs, to the appropriations process.

One final point: There has been an argument that litigation really isn't the problem because a recent GAO report showed that the vast number of forest management decisions were not appealed. That study and the way people use it shows how you can use numbers to achieve different results depending on the outcome you want to address. The fact is, categorical exclusions represented a significant number of the actions of the agency. These are actions which the current law—not this law, but current NEPA law—does not require or allow to be appealed.

The reason is because they are basically the kinds of actions that have negligible or have no impact on the environment. It is things such as cutting firewood and mowing lawns and other types of categorical exclusion activities. There is more than that that is in that category. But the point is, these are categorical exclusions for things that have no significant environmental impact.

That is a current part of the existing law. When you look at the proposed treatments that have been more than a categorical exclusion, that require further NEPA analysis, then the level of appeals goes up dramatically. In fact, 59 percent of them are actually appealed. Of those that were appealed, it is interesting to note that most are found to be without merit; 19 out of 180 were reversed.

My point is, as I said earlier today, even though these appeals may be lost, what they do is cost the time, sometimes a full year or more, for the implementation of the management decision, which in many cases makes it moot at that point because the insect infestation has gone beyond the proposal, or because a fire has occurred or something else has made it so that the Forest Service simply can't proceed.

We are facing litigation paralysis. We do need additional resources on the forests. This is the first legislation in the history of the country that has provided statutory protection for old growth. This is a bipartisan compromise that will help us move significantly forward in these efforts to address this critical problem in our country.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I ask unanimous consent that Senator MILLER and I be added as cosponsors of amendment No. 1828.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, I appreciate the comments made by my colleague from Idaho and I rise to give a case study example of what he is talking about. We will give States and specifics here. They are similar to those that came from the Senator from Alaska.

In 1991, a forest health aerial detection survey was made in Utah that discovered the bark beetle in certain parts of the Dixie National Forest. Forest health specialists advised that it might be necessary to suppress the epidemic by removing some of the infested trees and thinning some of the standings. At the time they made that decision, this photo depicts what the forest looked like: healthy, green, a place that was of some pride to the people who lived there. This is called the Sidney Valley Recovery Project, proposed as part of the strategy to suppress the spread of the epidemic into that area.

As soon as this was announced, three different environmental groups filed appeals of the project and, naturally, it was delayed while those appeals were heard. Finally, after the delay, the Forest Service was upheld, so the appeals were examined and found to be without merit. The Forest Service was upheld. The Southern Utah Wilderness Alliance chose to file a suit in Federal court. There were the typical delays connected with litigation, and the Federal court finally threw out the lawsuit.

So you had the appeals to begin with; they were disavowed; and then you had a lawsuit. When that was disavowed, OK, now you can go ahead with your effort to protect the forest. The only trouble was, at that point, this picture depicts what the forest looked like. These are not trees with leaves turned because it was fall. These are pine trees. The reason they are brown is that they are dead. If you drive through the Dixie Forest, which I have done, it almost makes you sick at how terribly decimated the forest has become. The only reason is that the Forest Service's professional managers, trained in dealing with these kinds of epidemics, were prevented from going in there by special interest groups until it was too late. I am sure there were mailings made in these environmental groups saying: Help save the Dixie Forest from the people who would build roads.

Well, they saved the Dixie Forest from the people who might put in logging roads, but they killed it in the process. The epidemic has now spread and there is no stopping it now. There is no going back. There is no saying, let's reverse this. The trees are dead and the Dixie Forest is a blight. The people who live there and know how to take care of these things are sick at heart at what has been done, while those special interest groups, most of whose members do not live in Utah, can claim victory. Well, they cannot claim victory in the lawsuit because they lost the lawsuit. They can only claim victory if their goal was to destroy the forest.

It is summarized by one of the former managers of the Dixie Forest who says: "It leaves us with the strategy of win the lawsuit, lose the forest."

I have a terrible time understanding why people who claim to be "friends" of the forest, "friends" of the environment, end up producing this kind of result. That is why I have joined as a cosponsor of this amendment. I applaud the administration for their initiative in saying let's have healthy forests. Fortunately, the Dixie Forest has not yet caught fire. But the trees are just as dead either way. The blight is there just as much either way. We may have been spared the devastation of fire for the communities around the Dixie, but we have not been spared the devastation of the epidemic that has destroyed this portion of the Dixie Forest.

For that reason, I am proud to be a cosponsor of this amendment, and I urge all of my colleagues to vote in favor of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I am very proud to be in the Chamber discussing the Healthy Forests Restoration Act with an eye toward its quick passage through the Senate.

I first want to applaud both Chairman COCHRAN for shepherding this bill through the Agriculture Committee and to the floor.

I'd also like to thank Senator CRAPO, who chairs the Forestry Subcommittee, for his leadership in moving this legislation through the Committee expeditiously.

Chairman DOMENICI and Chairman COCHRAN, and Senators CRAPO, WYDEN, FEINSTEIN, CRAIG, KYL, MCCAIN, and I have brokered a workable compromise to Title I of this bill which we believe will prove amenable to the Senate and move on to a conference with the House.

Want to especially thank our staffs, who have put in many hours of hard work over two months to bring us to this point.

this bipartisan compromise legislation builds upon the Healthy Forest Restoration Act, which passed the House of Representatives earlier this year.

Our legislation will ensure that we can address the many problems affecting all of our Nation's forests—both on public and private forestlands, in southern and western forests, and throughout both hardwood and pine ecosystems.

This legislation is intended to correct the direction of forest legislation in this country.

I am also proud that the bill contains many provisions that I have championed and that are beneficial to my home State of Arkansas.

I began my work on this legislation with the intent to accomplish a few, very specific goals related to the health of Arkansas' forests.

First and foremost, we must provide the Forest Service with the tools necessary to immediately address the epidemic of oak decline and mortality in the Ozark highlands of Arkansas and Missouri.

I am proud the bill incorporates language I have championed to provide the Forest Service with the tools necessary to immediately address the epidemic of oak decline and mortality in the Ozark highlands of Arkansas and Missouri.

Just as our Western forests are under constant threat from fire, our Eastern forests are under constant threat from insects and disease.

We cannot let any more time pass without ensuring the Forest Service can quickly mitigate the effects of insect and disease damage throughout our forests before it reaches disaster proportions.

Oak decline is a natural occurrence in older forests or in areas where trees are stressed by conditions such as old age, over population of the forest, poor soil conditions, and the effects of several years of severe drought. And under normal conditions, oak decline is not necessarily fatal to the tree.

However, these conditions have allowed insects such as the red oak borer to flourish throughout the forest and have led to an epidemic of oak mortality throughout our forests.

In fact, many estimates now suggest that potentially up to one million acres of red oaks have been affected in the Ozark highlands—a devastation we never anticipated.

It is important to note that this epidemic has not been long in coming—it was only first discovered in the late 1990s, and quickly was out of control.

I am concerned that this epidemic will lead to a complete loss of red oak from the Ozark highlands and cause long-term changes to the health of the forest ecosystem.

It is also important to remember that the epidemic has not been limited to public lands. Private forest landowners and homeowners throughout the Ozarks face the same problem. The past several years of extremely dry summer conditions have weakened trees throughout the region.

Secondly, as we have seen, Arkansas was caught almost flatfooted as the epidemic of oak mortality swept through the Ozarks and severely endangered the health of our forests.

One of my priorities was to establish a new Upland Hardwood Research Center to ensure there is adequate research performed on the issues affecting Arkansas' and this Nation's hardwood forests.

I am pleased that the bill includes language I authored to establish an Upland Hardwood Research Center within the U.S. Forest Service. This new center will study the myriad of insects, disease, and problems affecting our ability to rehabilitate, restore, and utilize our upland hardwood forests. Establishing this new research center will help ensure that this does not happen again.

The establishment of this new research center is necessary to ensure we can quickly identify and respond to the multitude of pests, disease, and other damaging agents that can dramatically affect our beloved forests, especially when they are smaller ones as we have in Arkansas.

It is also important to find ways to streamline and improve the environmental, administrative, and judicial review process for hazardous fuel reduction projects under this legislation.

I join many of my colleagues in believing that the review process for hazardous fuel reduction projects, while necessary and beneficial, often consumes more time, effort, and resources than the initial intent of the project.

As we have seen with the epidemic of oak mortality in Arkansas, the Forest Service must have the ability to quickly respond to insect infestation in order to protect, preserve, and rehabilitate the entire forest.

Streamlining of the environmental, administrative, and judicial review process for hazardous fuel reduction projects will ensure that we can quickly address what ails our forests.

This legislation also provides increased funding and direction for forest land research in this country. It will ensure our Nation's colleges and universities are able to devote more research into the insects and diseases affecting our forests.

We also require that any forest land research is conducted at a scale appropriate to the forest damage and that it be conducted within the requirements of each individual forest management plan.

Our legislation also includes requirements to ensure this research has clearly stated forest restoration objectives and is peer reviewed by scientific experts in forest land health.

I am also pleased the bill incorporates additional language from S. 1449 to provide funding for emergency grants to immediately remove the invasive plants that have become so pervasive throughout this Nation's forests. As many know, when we talk about invasive plant species in the South, you bet we are talking about kudzu.

Kudzu was brought into this country several decades ago to be used as cover for bare hillsides and has since spread to cover everything, including shrubs, bushes, entire trees, and oftentimes large sections of our forest. The grant program will provide the means for landowners to immediately remove kudzu and the myriad other invasive plants that are choking out forests.

Finally, this legislation includes widely agreed upon language that would provide for grants to remove noncommercial biomass from our public and private forests, provide for protection of our private forested watersheds, and provide for grants to establish private healthy forest reserves throughout the Nation.

Many of these important provisions were included in the Senate-passed farm bill last year, but they were not included in the final legislation, unfortunately.

Providing grants to remove noncommercial biomass will immediately reduce the amount of fuel on the forest floor and directly reduce the fire danger in our forests and around our communities.

Similarly, providing grants to protect our forest watersheds will ensure that we can address our water quality concerns with a voluntary, incentive-based approach.

Finally, providing funding to establish new healthy forest reserves from willing private landowners will encourage the preservation and rehabilitation of this Nation's forest lands.

I believe this important legislation will focus needed attention on a number of extremely critical goals for our national forest policy.

One lesson we have learned over the years is that if we value our forests and if we want to conserve our woodland resources, if we want to preserve their natural beauty, if we want to ensure that the natural bounty of our forest land is available to future generations to come to know and love and enjoy just as we all have in our different parts of this great country, then it is important that we manage those lands and resources with a careful eye toward their long-term health.

I look forward to this legislation's quick passage through the Senate and its quick enactment into law. I am delighted by the leadership provided by all of the Members working on this issue. I very much encourage my colleagues to join us in supporting Senator COCHRAN's amendment and moving forward with this bill in a timely way.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, if ever there was a bill where one could say its time has come, this is such a bill. It is critically important at this time for us to move forward to a vote on the Healthy Forests initiative. The House has passed a bill. We can pass a bill, get it to conference and the President for it to become law before the end of this legislative session. That must be our goal.

I begin by thanking Senator COCHRAN and members of his committee. They worked very hard to arrive at a compromise that was bipartisan, that could pass the Senate and be signed by the President. I am very appreciative of their hard efforts.

I thank the President for his leadership 2 years ago in putting this proposal together. What has been passed is not precisely what he proposed, but that is part of the compromise legislative process. We have worked to get a bill we can pass and, while not exactly what the President has proposed, as I said, it is a very good effort.

I want to select one other person who illustrates the effort to make this bipartisan. Last year, Senator FEINSTEIN was involved in our negotiations to come up with a bill. We got very close, but we could never get a bill we thought would have 60 votes to pass the Senate.

What did she get for her very hard efforts at fighting for this issue? She got vituperative ads run against her in her home State by radical environmental groups that criticized her for even talking to Republicans to try to come up with a solution.

The reason I mention Senator FEINSTEIN is because she was working on this long before the California fires that are now raging out of control. In fact, this compromise was put together before those fires ever started. So the people who were working on this before I think deserve some very special credit.

I also express thanks to those now supporting us because they have seen what can happen in the form of the California fires. Two years ago, we had these kinds of fires in Arizona. I thought that would awaken people to the danger that our overcrowded forests presented. I guess I didn't do a good enough job and others didn't in showing people what could happen in other places.

In just two fires, an area larger than the size of the State of Rhode Island burned. Two-thirds was on one of our very fine Indian reservation areas and about a third on Forest Service land. The President came to visit. Whole towns were evacuated. People lost their lives. But it still wasn't enough.

Earlier this year, the President again came to Arizona after the Aspen fire. The Aspen fire, on top of the Santa Catalina Mountains north of Tucson, burned about 350 homes in the space of less than 4 hours. I thought, finally this will awaken people. Still, it did not occur.

Over time, thanks to the leadership of the members of the Agriculture Committee and others, this legislation was put together. I express my appreciation that now that this conflagration is occurring in California, we are actually able to get this bill done. I think the Arizona experience illustrates the solution as well as the problem.

Let me give one example. I mentioned the Rodeo-Chediski fire. Most was on the White Mountain Apache Reservation. They are subject to the same environmental laws that apply to the Forest Service or the Bureau of Land Management. They went to work and got the work done. They began salvage operations—in fact, they completed salvage operations on the Indian reservation for the timber that had burned.

The reason they can do that is because it is very hard to sue an Indian tribe. Obviously, nobody did, and they got the work done, and their land has basically been salvaged from that fire.

The Forest Service put out a very small proposal on what is called a categorical exclusion area. Boom, they got hit with a lawsuit. Over a year later, the judge finally said: This process has to go forward. So he denied the relief of the plaintiffs who were not even from the State of Arizona.

It was basically too late to do very much work. They got some of it done, but the wood began to rot. It is called bluing, and it loses its character which is suitable for timber. You have to use it for pallets and other uses that have low economic value. That was on a small piece of the land. The rest will never be salvaged. Why? Because it is easy to sue the Forest Service.

One of the things this legislation does, the Senator from Arkansas noted, is to streamline the process. One of the ways it does that is to say instead of having an unlimited number of alternative plans for a particular project in your NEPA analysis, under the National Environmental Policy Act, you do an environmental impact statement and show the various options: the no-action option, the option that is proposed, and one alternative.

Under existing law, you might have to have 20 alternatives. That might make sense if you are doing timber sales for logging. That is not what we are doing. We are trying to restore the health of the forest. The whole concept has been environmental, and there has been a lot of environmental work done on these projects before they are ever proposed, so you don't need a lot of alternative plans. That is just one example.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Madam President, I appreciate the hard work of my colleagues and hope they support this legislation.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1828. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 416 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Reed

NOT VOTING—2

Edwards
Kerry

The amendment (No. 1828) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mr. REID. Mr. President, I have spoken with the distinguished manager of this bill. He has agreed also with Senator HARKIN that Senator BOXER is going to speak for about 10 minutes on the bill. I will offer an amendment and speak for a few minutes on that, and then, with the suggestion and consent of the managers of the bill, she will ask that amendment be set aside and offer another amendment. The leadership has agreed we would have two votes at approximately 5:15, something like that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I thank Senators COCHRAN and REID for allowing me to do this. I have been waiting for quite a while. We can get through some of these amendments.

I rise again with a heavy heart to report on the fires raging in my State and bring the Senate up to date on what is happening as of my last report at 3:30 p.m: 600,000 acres of land have been burned, more than 3 times the size of Chicago; 2,000 homes have been destroyed, 18 people are dead. Governor Davis has declared Riverside County a state of emergency. Riverside has asked the President to declare a national disaster there. I have written to the President asking him to act.

In San Diego, we have 30,000 people without power. Our public schools are closed due to bad air. The Cedar Fire in San Diego is raging out of control. It is threatening to merge with the Paradise Fire. The fires as of 3:30 were only 5 miles apart.

The head of the California Department of Fire, Chief Chuck Mayner, said that they have not gotten all of the equipment and the help they have asked for. Senator FEINSTEIN and I have been getting different information. It is a little disconcerting. Yesterday, I heard they got all the equipment. Today I hear they have not. We actually have heard from CDF Chief Mayner that he has not gotten all the equipment and the help. That is backed up by Jim Arta, the deputy chief. I have a list of the things they have asked for. I hope FEMA will act on this.

I have met with Mr. Michael Brown. He is very open to doing all he can, but I merely want to say on the record that we need help. We need strike teams. Strike teams are a combination of resources composed of fire trucks and personnel. We need strike 2 teams composed of fire trucks designed for fighting brush fires. We need 11 engine strike teams for the Paradise Fire, 33 hand strike crews, 12 single resource dozers, two type 1 helicopters, one type 2 helicopter.

We need for the Cedar Fire, in addition to strategic 1 strike teams, strike 3 teams, five type 3 helicopters, four type 1 helicopters, and one type 2 helicopter.

As I stand here giving this report from just a few minutes ago, we are not getting all the help we need to fight these fires. We need it desperately. We urge everyone to work together to get the equipment into these areas.

Our brave firefighters are working to save Julian, which is a town in San Diego County. The winds are making the situation worse. There were hundreds of firefighters working there. The city of Cuyamaca is 90 percent destroyed and 150 homes are gone. In Ventura, we have the Scenic Valley Fire threatening the Stevenson Ranch area. They are already asking us for a FEMA disaster center there.

In San Bernardino, we still have the Old Fire. It is raging out of control, threatening Big Bear and Lake Arrowhead communities. Unpredictable winds are making things worse.

I had a good meeting with a FEMA director today, and a good meeting with Governor-elect Schwarzenegger today. We are all on the same page. We all want to open disaster centers, disaster assistance centers, known as DACs, in the State. I had recommended one in each county. We will have that, plus a couple of mobile units. We are probably going to need more disaster centers because we are talking about so many miles, so many acres. Six hundred thousand acres is a lot of land here. We do not want people to have to go far distances to get what they need.

I want to show a few pictures to my colleagues so you can see what things look like. This is a picture of a home burning in San Bernardino. You can see the raging fires there. Somebody's hopes and dreams are just gone.

I show you a Marine Corps base in San Diego. This is Camp Pendleton. This is a hillside. You can take a look at these fires, and when I am done with these brief opening remarks, I am going to lay down an amendment which deals with helping people in terms of the quality of the air. I wanted to show that.

I want to also share with my colleagues that nine of us, back in April, sent a letter to the President. I think this is extremely important. This letter was signed by Republicans and Democrats alike—two Senators and Congressmen DREIER, HUNTER, BACA, CALVERT, CUNNINGHAM, ISSA, FILNER, DAVIS, BONO, and LEWIS—equal numbers, approximately, of Republicans and Democrats.

This is what we asked the President for in April:

> We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration for Riverside, San Bernardino and San Diego counties relative to the high threat of forest fire in these regions.
>
> Due to drought conditions and infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 415,000 acres of trees in these three counties. Because of the unique urbanization in and around forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

My friends, we said—nine of us—we could have fires like this. We said:

> Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures. Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in these areas of Southern California.

We conclude our letter:

> Mr. President, we appreciate the various burdens being placed upon you in these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

In a bipartisan way, nine of us asked the President to declare an emergency, and he did not do it. We did get some small funding. It helped a little bit. But we did not get the help we needed. We begged for it. I guess if we had a crystal ball, maybe things would have been better.

We all were asking for buffers around our communities. I think the importance of this legislation before us is it is our opportunity to direct funding, adequate funding, to make sure these buffers are created and the fire damage is diminished greatly.

I myself want to make sure this bill is a Healthy Forests bill and is not something else, a "cut down the forests" bill. I will be supporting many amendments to make sure this bill is the best it can be. I do not know the fate of those amendments, but we will be going on the record very strongly.

AMENDMENT NO. 2025

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from California [Mrs. BOXER] proposes an amendment numbered 2025:
>
> At the appropriate place, insert the following:

TITLE .FIREFIGHTERS MEDICAL MONITORING ACT

SEC. 1. SHORT TITLE.

This Title shall be referred to as the "Firefighters Medical Monitoring Act of 2003".

SECTION 2. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

Mrs. BOXER. Mr. President, I thank very much the clerk for reading the amendment. It is a very straightforward amendment. It basically recognizes the fact that our firefighters are our heroes. We certainly learned that. Every American learned that after 9/11. We certainly learned that.

Their health has been affected and impacted. We learned we need to do more to monitor their health. Right now, we have 12,000 brave firefighters frantically working with the California Department of Forestry, the U.S. Forest Service, the California Highway Patrol, the Red Cross, and FEMA to contain these fires in terrible conditions.

Firefighters are not only from California, but they are from Nevada and Arizona. Other help is on the way from other States.

I want to show you a photo of some of the conditions these firefighters are working in at this point.

This is the Simi Valley, where you can see the firefighters, how strong they are, and yet how they look so small in front of this unbelievable blaze they are trying to contain.

I will show you another picture, another view.

This is in San Diego. You can see the incredible black, deadly smoke here. That is filled with toxins and is right over the hill from where they are standing.

Many of these firefighters are living in fire camps, spending 24 hours a day in proximity to the smoke from the fires. We know smoke from these fires—because it is coming from homes, and there are cars and businesses—contains heavy concentrations of carcinogens and other toxins. The smoke contains fine particulates, carbon monoxide, sulfur, formaldehyde, mercury, and heavy metals and benzene. We also know the accumulation of carbon dioxide can lead to progressive heart problems, to brain dysfunction, and may ultimately lead to coma and death.

These are the heroes. These are the heroes. I would hope we would vote 100 to nothing in favor of this amendment.

I can't imagine an argument against it. Numerous studies have shown that the higher the particulate matter, the greater the number of emergency room visits and premature deaths. Why do I put it on this bill? Because the purpose of this bill is to reduce the likelihood we will have these kinds of fires. But if we do, we have to recognize it.

By the way, even with the bill, we may well have fires in the future. We know health monitoring can identify adverse long-term health consequences caused by prolonged exposure to smoke, leading to early detection and better treatment. Those who are the most in danger are those who are exposed the most; that is, these brave firefighters who are working around the clock to contain the fires.

My amendment, again, is quite simple. It directs the National Institute for Occupational Safety and Health to work with the medical expertise in local areas to monitor the long-term health effects on firefighters who fight fires in disaster areas.

Mr. WYDEN. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. WYDEN. I think what the Senator is doing is very constructive. On the forestry subcommittee, we have heard of a myriad of health concerns which seem to me, as much as anything you are addressing, a first responder issue. These are first responders who are working in a very significant area where there are health concerns—in the forestry area. It is important from a forestry standpoint and from a first responder standpoint. I am very hopeful—I see the chairman of the full committee in the Chamber as well—that we can work this out. Given the crisis right now in your State, I want to see this adopted.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think this amendment is a constructive addition to the bill. I am prepared to recommend that the Senate approve it.

Mrs. BOXER. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

Mr. COCHRAN. Mr. President, what is the regular order—a vote on the amendment?

The PRESIDING OFFICER. The regular order is a vote on the amendment, unless the pending amendment is set aside.

Mrs. BOXER. If the Senator will yield, I understood that you—and maybe I was incorrect—and Senator REID had agreed we would vote for both amendments at 5:15. I believe that was the order.

Mr. COCHRAN. If that is the order, that is fine with me. I just assumed we were taking amendments as they were offered and disposing of them. I was not aware there was another amendment pending besides the Boxer amendment that had just been offered.

The PRESIDING OFFICER. There was no request for unanimous consent and thus no order in place.

Mrs. BOXER. Mr. President, whatever Senator COCHRAN would like to do is fine. I need about 3 minutes on my second amendment, and then I will be done. The hope was, perhaps to help move it along, we would vote on each of these back to back at a time certain that Senator COCHRAN chooses.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered.

AMENDMENT NO. 2026

Mrs. BOXER. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2026.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

TITLE . DISASTER AIR QUALITY MONITORING ACT

SECTION. 1. SHORT TITLE.

This Title shall be referred to as the "Disaster Air Quality Monitoring Act of 2003".

SEC. 2. MONITORING OF AIR QUALITY IN DISASTER AREAS.

(1) IN GENERAL.—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in the Public Law 95–95 section 112(b).

(d) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated $8.000.000.

Mrs. BOXER. Mr. President, this goes to the quality of the air. We have learned so much after what happened on 9/11. When we have this type of a fire, if we could look at this smoke here—I have another picture to show. Look at this black smoke just headed right toward these homes. We know there are pollutants we don't really monitor on a daily basis that are getting into people's lungs. I will mention some of these: Benzene, toluene, formaldehyde, asbestos, ethylene, glycol. Those are just a few.

The effects of these could be devastating: Premature death, cardiovascular illness, neurological disorder, respiratory problems, and cancer. One atmospheric scientist described it in the L.A. Times this way:

When they burn, these homes and businesses are mini toxic waste dumps.

This is the quality of the air we are seeing here. In San Diego, every single school has been closed because it is too dangerous for the children to go outside their homes. They are telling the elderly to stay inside with their windows and doors closed. We know the elderly and the children are the most vulnerable to the effects of pollution.

I believe we must ensure that the public knows which pollutants they are being exposed to. Today they would not know. My amendment will solve that problem. My amendment will require the EPA to provide each of its regional offices a mobile air pollution monitoring network to go into these areas in the event of a catastrophe and monitor toxic emissions on a continuous and spontaneous basis. The amendment will require this to be done within 6 months. We should begin doing it immediately. We authorized the funding—it isn't much, $8 million—to carry this out.

In short, my amendment assures that we will have the ability to monitor emissions of these hazardous air pollutants in the event of a disaster and give the public the information it needs because if they have a child, a sick grandma, someone who has cancer or heart disease, they need to know to keep them in.

I ask for the yeas and nays on my amendment and yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the firefighter amendment No. 2025 be voted on first.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. What is the regular order?

VOTE ON AMENDMENT NO. 2025

The PRESIDING OFFICER. The regular order is voting on the two pending amendments.

The question is on agreeing to amendment No. 2025. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 417 Leg.]

YEAS—94

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—3

Allard
Burns
Enzi

NOT VOTING—3

Edwards
Kennedy
Kerry

The amendment (No. 2025) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2026

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 2026, on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Texas (Mr. CORNYN) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 17, as follows:

[Rollcall Vote No. 418 Leg.]

YEAS—78

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Ensign
Feingold
Feinstein
Fitzgerald
Graham (FL)
Grassley
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NAYS—17

Allard
Brownback
Bunning
Craig
Crapo
Domenici
Enzi
Frist
Graham (SC)
Gregg
Hagel
Inhofe
Kyl
Nickles
Roberts
Sununu
Thomas

NOT VOTING—5

Burns
Cornyn
Edwards
Kennedy
Kerry

The amendment (No. 2026) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that a copy of a letter addressed to the two leaders from a number of sports organizations and conservation organizations regarding the adoption of the compromise amendment to the Healthy Forests Restoration Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN SPORTFISHING ASSOCIATION; BOONE AND CROCKETT CLUB; CONGRESSIONAL SPORTSMEN'S FOUNDATION; DUCKS UNLIMITED; FOUNDATION FOR NORTH AMERICAN WILD SHEEP; INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES; MISSISSIPPI RIVER TRUST; NATIONAL RIFLE ASSOCIATION; NATIONAL WILD TURKEY FEDERATION; NEW ENGLAND FORESTRY FOUNDATION; ROCKY MOUNTAIN ELK FOUNDATION; RUFFED GROUSE SOCIETY; SAFARI CLUB INTERNATIONAL; TEXAS WILDLIFE ASSOCIATION; THE CARBON FUND; U.S. SPORTSMEN'S ALLIANCE; AND WILDLIFE MANAGEMENT INSTITUTE.

October 29, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST AND SENATOR DASCHLE: The organizations listed above represent hunters, anglers, natural resource professionals and others that share a strong interest in traditional conservation values and America's fish and wildlife resources. We appreciate Senate deliberations to date on legislation to enhance the health of our nation's forests and associated fish and wildlife resources. We support the bipartisan compromise amendment to the Healthy Forests Restoration Act (H.R. 1904).

A lack of active forest management has contributed significantly to unhealthy conditions on many of our nation's public and private forestlands. The unnaturally high risk of catastrophic wildfires and large-scale insect and disease outbreaks place rural communities at risk and seriously threaten watersheds and fish and wildlife habitats.

Again, we urge the Senate to pass the compromise amendment to H.R. 1904. Another Congress must not be allowed to adjourn without action on proposals to facilitate forest health restoration.

Thank you for your time.

Mr. COCHRAN. Madam President, this letter, and many others like it, indicates overwhelming support around the country for the compromise we adopted today.

We made good progress in dealing with the bill. Tomorrow we will have another opportunity to consider amendments. I ask all Senators who have amendments to offer to this bill to please let us know about the amendments. Give us copies tonight so we can look at them and be prepared to act expeditiously on the amendments so we can finish this bill tomorrow.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, very briefly, I support Chairman COCHRAN in his request. We have been working on this legislation, in effect, for more than 4 years. It is now particularly timely, obviously, because of the events in California.

Many of the amendments, at least those we have been told about, are coming from my side of the aisle. I ask colleagues—I know Senators have strong feelings on this—if they could present them to the staffs tonight—Senator COCHRAN's staff, Senator HARKIN's staff. Myself and others are available to work through the evening with Senators who have amendments because we very much would like to finish it tonight.

I urge my colleagues on both sides to heed what the chairman has said: If possible, get it to us tonight.

I thank you and yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. FRIST. Madam President, I ask unanimous consent that following my remarks, and another unanimous consent request by my colleague from Kentucky, that we then proceed to the consideration of S. 139, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding Senator FRIST and Senator DASCHLE have agreed there would be 3 hours of debate on that matter tonight and 2 hours tomorrow, so I would ask the leader to modify his request accordingly.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, first of all, let me make a couple comments about tonight's and tomorrow's schedule to make it clear.

First of all, the understanding is 3 hours tonight on the climate change bill and then 2 hours in the morning. To put everything in perspective, because we are dealing with about four different issues now on the floor of the Senate—it has worked very well, and I appreciate the consideration and cooperation of everybody, because to some it might look confusing in terms of the order and the sequencing of what we are doing. We made huge progress today on the Healthy Forests legislation we have been working on now for the last 6 hours. The managers have done a superb job. We have traction.

We have had a number of amendments, and we will continue on that later tomorrow.

We will have no more votes tonight. We will move, as I just mentioned, to the climate change bill, with the 3 hours tonight, 2 hours tomorrow.

Tomorrow we will have debate and then an early cloture vote on the Pickering nomination at about 10 o'clock tomorrow morning.

We will then resume the climate change bill for 2 hours.

Then we will return to the Healthy Forests legislation. Once we return to the Healthy Forests bill, I expect we will be able to finish that bill.

Following that—Members can refer to the unanimous consent request by my colleague—the plan will be to return at that point in time to foreign operations that we will be able to complete at that juncture. That is the general layout of tonight and tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Before the majority leader goes to the next item, it is going to be extremely difficult to finish this most important bill tomorrow. Senator WYDEN has worked so hard on this with others. Senator BOXER, Senator FEINSTEIN, a number of other people on our side of the aisle have worked very hard. We are going to send out a hotline in the morning to find out what amendments are around. We already have some knowledge of the amendments, but it is going to take a lot of cooperation and a lot of people cutting down speeches tomorrow if we are going to finish this bill tomorrow night, which is the desire of the two leaders.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS CONSENT AGREEMENT—H.R. 2800

Mr. McCONNELL. Mr. President, I am pleased to announce to our colleagues and obviously the leader that we have reached an agreement that will allow us to wrap up the foreign operations bill in relatively short order in the next day or two. I am about to propound a unanimous consent agreement that has been agreed to by the other side.

I ask unanimous consent that the only first-degree amendments remaining in order to the Foreign Operations bill be the following, and that they be subject to second-degrees which are relevant to the first: DeWine No. 1966; Feinstein No. 1977; McConnell No. 1970; one McConnell technical, and two McConnell relevants; a Frist relevant; Allard-Feingold-Leahy, Indonesia; Durbin on AIDS; Bingaman on AIDS; two Leahy relevant; Daschle relevant; McConnell-Leahy cleared managers' amendment.

I further ask unanimous consent that following the disposition of the above listed amendments, the bill be read a third time and the Senate proceed to a vote on passage of the bill with no intervening action or debate. Further, I ask unanimous consent that following passage of the bill, the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will consist of the subcommittee plus Senator STEVENS and Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I yield the floor.

CLIMATE STEWARDSHIP ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Committee on Environment and Public Works is discharged from further consideration of S. 139, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 139) to provide for a program of scientific research on abrupt bankrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

Thereupon, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding there are 3 hours tonight equally divided, which would be an hour and a half for each side. Because of something that happened today in Colorado, I yield up to 7 minutes of our time to the Senator from Colorado, Mr. ALLARD.

The PRESIDING OFFICER. The Senator from Colorado.

FIRES IN COLORADO

Mr. ALLARD. Mr. President, I thank the Senator from Oklahoma for yielding.

Today in Colorado we had two fires erupt in the State. One was a grassland fire that probably won't amount to much. The other is a very serious fire that happened north and west of Boulder and Jamestown. We have a school that has been evacuated; 300 people have been evacuated. There is an educational camp in the area that has been evacuated. The reason I bring this to the attention of the Senate at this particular point in time is because Colorado is one of those areas in the western part of the United States where we have a forest/urban interface. That is what the Forest Health Restoration Act is all about, trying to provide a program where we can begin to apply the principles of forest health.

Along the Front Range of Colorado, running all the way from Colorado Springs all the way up into Fort Collins, including Boulder, where this fire has broken out, there are a lot of homes being built into the forest. Of course, if you don't practice good forest health, then they become vulnerable to fires that could erupt.

The significant thing about what is happening today is this is not the fire season for Colorado. The fire season occurs in September, perhaps the first part of September, August, and July. Here we are, just 3 days from the first of November, and we have a fire that is breaking out with serious consequences in Colorado.

This again points out the need for us to move forward with this particular piece of legislation. We need to be addressing this problem immediately in areas such as what we are seeing here in the State of Colorado.

Last year during the peak of the Hayman Fire, the Front Range of the Rocky Mountains was covered in a thick blanket of smoke and ash that blocked visibility and dropped ash on surrounding towns and cities, creating a winter-like scene in the midst of a Colorado June. The Hayman Fire was the largest in Colorado history and cost $40 million and counting. It burned a little over 137,000 acres, destroyed 133 homes, and 466 outbuildings. The fire burned for 30 days. The Colorado State Forest Service has advised that it will take up to 150 years for the forest itself to be reestablished.

Some people ask, Why does it take so long? We are in a semi-arid area. Vegetation does not grow back rapidly. During the Hayman Fire, 142 subdivisions were evacuated along with 85,000 people.

Wildfires present a major cause of pollution, triggering severe asthma-related breathing problems and commonly causing death. Wildfires are also a major source of pollution. If we take 1 day out of the Hayman Fire, on June 10, 2002, the CO_2 gas emissions from the Hayman Fire surpassed the CO_2 emissions from all passenger cars operating in the United States on that same day. So this problem with a lot of undergrowth in the forests and trees being infested with beetles and a lot of dead and dying timber has made our forests extremely vulnerable in the forest/urban interface area.

Federal land management procedures are very complex. They should not be so complex that they prevent timely action to address ecological crises on public lands. Forest Service officials have estimated that planning an assessment consumes 40 percent of their time at the national forest level, costing more than $250 million per year. Although much of this work is important, the officials estimate that improving administrative procedures may allow agencies to redirect up to $100 million a year from unnecessary planning to actual forest health restoration where it will improve the ecosystem and protect local communities from catastrophic fires which we see erupting today in Boulder County.

The Front Range in Colorado also depends on the mountains to provide drinking water and water for gardens and children. But devastating fires threaten and destroy watersheds that yield this water. Catastrophic blazes consume organic matter in the littler layer of the soil and create a hard pan surface that impedes water penetration.

When water flows over this hydrophobic layer, it carries debris, mud, and causes soil loss, clogging municipal water treatment facilities, affecting water quality, flavoring water with ash, and costing millions to rehabilitate. This is the problem we face today from the Hayman Fire which occurred just a year ago.

In 2002, there were over 88,000 fires that burned 7 million acres. Thousands of structures were burned: 835 primary residences, 46 commercial buildings, and 1,500 outbuildings. The 2002 estimated suppression costs hover somewhere around $1.6 billion. These unnaturally extreme fires are just one consequence of deteriorating forests and range health that now affects more than 190 million acres of public land, an area twice the size of California.

Wildfires destroyed wildlife and crippled watersheds. The Hayman fire occurred in the Cheesman Reservoir area, a primary source of drinking water for the city of Denver. Costs of the Cheesman reclamation have totaled nearly $5.5 million, with the U.S. Natural Resources Conservation Service and the EPA reimbursing Denver Water approximately $2.8 million of that amount.

During the Buffalo Creek fire, 600,000 cubic yards of sediment went into Denver Water's Strontia Springs Reservoir.

The fact is, there is too much paperwork and analysis and it is killing our forests. The Forest Service recently testified that it had to go through an 800-step decisionmaking process to complete the Upper South Platte restoration project, which took nearly 3 years to complete, and the fire that we see erupting today in northwest Boulder is in the Platte River drainage basin. Unfortunately, the bureaucratic process wasn't complete until a large wildfire ravaged the landscape set to be treated, plundering homes and an important watershed and forcing a number of endangered species to the edge of regional extinction.

The Healthy Forest Restoration Act is a comprehensive plan focused on giving Federal land managers and their stakeholders and partners the tools to respond to this growing forest health crisis. The legislation directs the timely implementation of scientifically supported management activities to protect the health and vibrancy of Federal forest ecosystems, as well as the communities and private lands that surround them.

This is why I ask Members of the Senate to join me in supporting the Forest Health Restoration Act.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 2028

Mr. LIEBERMAN. Mr. President, I have an amendment on behalf of the Senator from Arizona, Mr. MCCAIN, myself, and several other Senators, which I send to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. MCCAIN, Ms. SNOWE, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. DURBIN, Mr. AKAKA, Mrs. MURRAY, Mr. LAUTENBERG, Mr. EDWARDS, Mr. BIDEN, Mr. CARPER, Mr. NELSON of Florida, Mr. CORZINE, and Ms. CANTWELL, proposes an amendment numbered 2028.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, I am very proud to speak on behalf of this amendment, which I am delighted to cosponsor with my good friend and colleague from Arizona, Senator MCCAIN. We have worked on this for a long time. We have worked on it with environmentalists, leaders in the business community, thinkers about this problem, and public health officials, and with just plain citizens who are worried about global warming.

Global warming is one of the great challenges of our time. It challenges us in many ways. Greenhouse gas emissions from the burning of fossil fuels threaten our environment, of course, but they also threaten our economy and our public health. They also represent a challenge to political leadership, which is whether we are going to be prepared to look at the science, to face the facts, and to do something about a problem that is appearing but its most difficult, and potentially devastating, consequences are yet over the horizon. Should we continue to allow unabated our current rate of greenhouse gas pollution, we threaten to disrupt the delicate ecological balance on which our lives and our livelihoods depend.

Global warming is not just a global challenge; it is also a very local one, impacting lives of Americans in critical and potentially disastrous ways. Every family has reason to fear the effects of global warming. Scientists predict that rising temperatures and rising sea levels through global warming will lead to damaged water supplies, increased flooding, depleted fisheries, sunken wetlands, devastating droughts, intensified forest fires.

The parched conditions that are contributing to the ravaging fires raging now in southern California could become more widespread if the Earth's temperature increases. Over the long term, in a much more personal way, global warming will spell higher energy bills, increased insurance premiums, and lost jobs.

I know that over the course of the debate this evening and tomorrow several of our colleagues will speak to the local physical and biological impacts of global warming. I want to tell one story that I heard about a year ago, which made this all real to me. It comes from the Native American population of Alaska and northern Canada.

In the past few years, a robin appeared in one of the Native American villages in Alaska. The elders there, despite a very intimate awareness of their 10,000-year-old language, did not know what to call the bird. There is no word for robin in their language. Robins, by virtue of the climate of that area, for thousands of years preceding, felt—if I can put it this way—unwelcome there.

The second example comes from Tanana in Alaska, which has an annual lottery to determine when a tripod placed on the frozen Tanana River would break through the ice. Over the past 50 years, the breakthrough has continued to occur earlier and earlier.

So it is not only in the language of science and statistics that climate change and global warming is occurring, it is in the language of everyday life.

The American public clearly understands this and, in fact, there is a gap between the public and our political leadership that Senator MCCAIN and I hope we can close with this amendment. According to a recent Zogby poll, 75 percent of Americans support this legislation, this amendment, we are debating this evening.

My colleagues now have to choose between meeting the public's support for action, demand for action, or siding with the minority who would ignore the scientific consensus and delay action on this critical problem.

Meeting this monumental challenge and addressing this growing environmental threat demands strong leadership. I am afraid that, to date, such leadership has been lacking in the current administration. Today's Senate debate represents the first of its kind since 1998, which testifies, I am afraid, to a lack of leadership here. This debate provides us with an excellent opportunity to take action before it costs us so much more to deal with the consequences of inaction.

I must say that even more dramatic has been the Bush administration's failure of responsible leadership on global warming. President Bush and his Environmental Protection Agency have not only offered no meaningful proposals to deal with global warming, they have tried to deny the very existence of the problem.

Last summer the White House called for yet another study. This time it focused on whether global warming is caused by human behavior. Let me speak directly. That call is a shameless stalling tactic. As the New Orleans Times-Picayune described, "It calls for further investigation of what the scientific community already widely accepts." In fact, as Don Kennedy, chief editor of the International Journal of Science, argued:

> Consensus as strong as the one that has developed around this topic [climate change] is rare in science. . . . There is little room for doubt about the seriousness of the problem the world faces, and other nations, including most of our trading partners in the Organization for Economic Cooperation and Development, understand that.

Yet in the face of these facts, President Bush has given us only a call to action, a call for more study and not action on global warming. I cannot resist saying this President has fiddled while the globe continues to warm.

The plan the administration has put out would allow emissions of global warming pollutants to continue to grow at exactly the same alarming rate as they have grown over the past decade. Earlier this month, the General Accounting Office found that the plan of the administration would do nothing to reduce our emissions growth. In fact, the GAO was even unable to discern the extent to which the administration's identified methods and tools would contribute to reducing emissions. They found that the administration was not going to evaluate whether they had made progress toward their goals until 2012. Too late.

This deny-and-delay approach to meeting the real threat of global warming is no longer acceptable. It is an abdication of leadership—environmental leadership, public health leadership, economic leadership, international diplomatic leadership.

Senator MCCAIN and I offer our bill, the Climate Stewardship Act, to confront this growing threat in a systematic and serious way. It is patterned after the highly successful market-based acid rain program of the Clean Air Act.

The amendment was crafted in close consultation with industry leaders and, I am so pleased to say, enjoys strong support of many of them and leaders within the environmental community. It represents the most serious and balanced attempt at solving the crisis before us, and it does so by harnessing market forces and directing them to new economic opportunities in the future.

Our bill limits emissions of global warming pollutants by electric utilities, major industrial and commercial entities, and refiners of transportation fuels. Those sectors represent about 85 percent of U.S. emissions of global warming pollutants.

The amendment does not apply to farmers, individual residences, or to automobile manufacturers for the cars they sell. Because our current emissions are now at 2000 levels from a practical standpoint, our legislation simply holds them at those current levels in some ways, a modest goal—but a very significant step forward in American responsibility for the global problem of global warming.

That is the full extent of national action that our amendment would require. More modest, yes, than the cuts envisioned by the Kyoto protocol, but a significant step forward, one that I think will not only get us on the road to protecting the public's health and the great environmental treasures of the United States of America but will reestablish our credibility and responsibility in the world. As the largest emitter of greenhouse gases, we will show that we are accepting our responsibility to be part of the global solution to this global problem.

Our amendment achieves these significant reductions while embracing free market principles. By setting reasonable caps on emissions and permitting industry to trade in pollution allowance, we create a new market for reducing greenhouse gases. In this way, we hope and believe our amendment will change the fundamental terms of the debate because for too long the national dialog on global warming has seemed to be deadlocked, pitting business leaders on one side against environmentalists on the other in a zero sum struggle. It ought not to be. We ought to find common ground, and that is what this amendment attempts to do.

The debate for too long has itself been overheated with acrimony and polluted with misinformation. Our hope is that this amendment will break through both of those obstacles. Environmental protection and economic growth are not mutually exclusive; they are mutually reinforcing over the long run.

Measured steps to curb global warming in a business-friendly way promise to not only save us from environmental degradation but to open new opportunities and to spur innovative new technologies for American business to seize.

In a July 25 letter this year, the Business Council for Sustainable Energy endorsed the concept that market-based climate policies can reduce gas emissions while promoting technology-based solutions, reduce energy dependence, and bolster the competitiveness of U.S. industry.

In a July 18 letter to my office, a group called Environmental Entrepreneurs, which represents over $20 billion in investment capital, wrote that the bill will stimulate economic growth and give the United States a competitive edge in bringing these products to market.

Finally, a letter of July 24 of this year from several of our Nation's most prominent investors encouraging the efforts Senator MCCAIN, the other cosponsors, and I are making says:

> By employing strict goals and flexible means, we expect your proposal will unleash the power of competition and spur innovation to protect the environment. A healthy economy and a healthy environment are not mutually exclusive; they go hand in hand.

I ask unanimous consent that all three of those letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BUSINESS COUNCIL FOR
SUSTAINABLE ENERGY,
Washington, DC, July 25, 2003.

DEAR SENATOR: As the Senate prepares to consider several global warming amendments that may be offered to the Energy Policy Act (S. 14), the Business Council for Sustainable Energy would like to offer another industry perspective.

Some information has been circulated recently claiming that any substantive program to reduce greenhouse gas emissions in the U.S. would cause widespread harm to our economy. The analysis that is being circulated does not reflect any of the proposals that are pending before Congress. Instead, it is based on a widely criticized analysis by the Wharton Econometrics Forecasting Associates (WEFA) that was conducted five years ago.

The WEFA analysis is a disservice not only to Senators who need relevant information to make policy decisions, but also to industry coalitions like ours that recognize the value of responsible and responsive policy design.

Senators McCain and Lieberman have developed legislation (S. 139) that underscores the value of flexible emissions trading programs that maximize innovation and minimize costs.

The analysis being circulated in no way reflects the approach proposed by S. 139. Key differences include:

Moderate emission reduction targets with greater lead time to industry. S. 139 reduces U.S. emissions to 1990 levels by 2016, which equates to about a one percent emissions reduction annually over the next 13 years—a more modest reduction occurring over a longer period of time.

Flexible emissions trading. The McCain-Lieberman bill utilizes market-based mechanisms within a cap-and-trade program that encourages innovation through the use of efficient, cost-effective emissions reduction strategies. The WEFA analysis assumes that a carbon tax is imposed on industry.

Trading of non-CO_2 gases. The McCain-Lieberman bill incorporates reductions in other greenhouse gas (beyond CO_2) in the trading program, a design feature that has been shown to significantly reduce the cost of compliance. The WEFA analysis was limited to carbon dioxide.

Credits to farmers for carbon sequestration. The McCain-Lieberman bill allows emitters to offset their emissions by sequestering carbon through land use practices.

The WEFA analysis fails to account for these inexpensive offsets.

Credits for international projects. The McCain-Lieberman bill allows companies to meet a portion of their obligation through global emission reduction projects. The WEFA analysis once again ignores this opportunity.

The model used by WEFA five years ago was based on assumptions that U.S. industry would fail to deliver more efficient and cleaner technologies over time in response to policy incentives. A market-based program such as that envisioned in S. 139 would provide incentives for industry to innovate, just as with the Clean Air Act's acid rain program, which pioneered the emissions trading approach and delivered environmental results as much as 90 percent less than economists had projected.

The Council does not stand alone in our belief that market-based climate policies such as emissions trading can benefit the economy. More than 2,500 economists, including eight Nobel laureates, issued a statement in 1997 that read in part:

"Economic studies have found that there are many potential policies to reduce greenhouse-gas emissions for which the total benefits outweigh the total costs. For the United States in particular, sound economic analysis shows that there are policy options that would slow climate change without harming American living standards, and these measures may in fact improve U.S. productivity in the longer run."

While the economists' statement is not an endorsement of any policy before Congress today, it speaks to the importance of a more thoughtful dialogue about what the nation should be doing.

Properly constructed, global warming policies that incorporate market mechanisms can reduce greenhouse gas emissions while promoting technology-based solutions, reduce energy dependence and bolster the competitiveness of U.S. industry.

With best wishes,

MICHAEL L. MARVIN,
President.

ENVIRONMENTAL ENTREPRENEURS,
San Francisco, CA, July 18, 2003.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR MCCAIN: We are writing as members and supporters of Environmental Entrepreneurs (E2) in support of your proposal to create a binding, market-based program to limit global warming emission from U.S. industry. E2 is an organization of business and professional leaders who promote good environmental policy that supports economic growth. The economic risks that climate change poses to the U.S. economy are enormous, and E2 believes we must address this issue without further delay.

The first President Bush signed and the Senate ratified the Framework Convention on Climate Change (the "Rio Climate treaty") over a decade ago to provide for a worldwide program to manage the manmade emissions that contribute to global warming. Yet, in the time since we ratified the Rio Treaty, the United States, which produces more global warming emissions than any other nation, has not developed a serious program to respond to the threat that global climate change poses to the planet's environmental and economic health. As a result, U.S. emissions of global warming gases have grown steadily and now exceed 7 billion metric tons of CO_2 equivalent gases—a growth of 14% from 1990 levels.

Every year that passes increases the difficulty and cost of averting the threats of environmental and economic disruption posed by climate change. Without a national framework for addressing the issue of global warming, American businesses continue to make long-term capital investments that commit us to ever increasing greenhouse gas emissions. New buildings, transportation systems, and power and industrial plants are being designed and built today without regard for the need to reduce global warming emissions. The large capital outlays are committing us to a future of unacceptable risks to the American economy from global warming.

The threats to our economy from climate change may well include, in some areas, the vitality of American agriculture, the availability of water for consumption and irrigation, and the destruction of recreational resources such as ski resorts, coastal areas and wetlands. E2 considered these risks serious enough in California that we actively campaigned for the passage of the California Clean Cars Bill, or AB1493, which was signed into law last summer and is the first legislation in the country to regulate the amount of CO_2 emissions from passenger vehicles. We want to acknowledge your leadership in supporting this bill and helping Governor Davis to recognize the national, if not global, implication of this kind of policy. We are promoting similar legislation in the state of New York and hope that a groundswell for carbon emissions policy at the state level will convince the federal government of the need to provide national standards.

Your proposal, the "Climate Stewardship Act of 2003," recognizes what we, as business leaders, already know: the engine of American innovation depends on market-based incentives to guide capital investment. Your legislation would: create manageable targets to control the growth in global warming emissions from America's principal emitters and put us on a path to reducing emissions over time; ensure that the reductions occur in an efficient manner by letting businesses decide where to best achieve them; and spawn new business sectors to create the enabling technologies to meet these goals.

The economic benefits inherent in addressing global warming reach far beyond avoiding the risks associated with inaction. The deployment of existing "climate friendly" technologies and the development of new ones will result in new markets and create new jobs. Buildings and appliances that waste less energy, transportation systems that meet our needs with reduced global warming emissions, and energy systems that make expanded renewable resources economically viable and offer ways to use fossil energy without releasing carbon dioxide—all these are key to our economic and environmental future. These advances will stimulate economic growth and give the U.S. the competitive edge in bringing these products to market.

The United States should be in the vanguard of this new global market for climate friendly technologies. Our businesses are second to none in developing advanced products when the market conditions reward these investments. A market in limiting global warming emissions is the policy step needed to promote innovation and growth in this sector. We look forward to working with you to implement this program at the earliest possible date.

Sincerely,

BOB EPSTEIN,
Co-Founder, E2.
NICOLE LEDERER,
Co-Founder, E2.

JULY 24, 2003.

Hon. JOSEPH LIEBERMAN,
Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATORS LIEBERMAN AND MCCAIN: As business leaders we recognize that the risks and complexities of climate change are so important that we must work together to meet this challenge. We understand that any response that is sufficient to avert dangerous climate change will be long term, but that the nature of the problem requires that action begin now. We understand that a constructive global or domestic response must be equitable and support economic growth based on free market principles. As business leaders, we know how government policies can help—or hurt—business and the economy. Good policies set clear goals and leave businesses free to decide how to meet those goals at lowest cost. The policies you have suggested be included in the Energy bill seem to be both serious in their environmental goals and prudent in using market forces to achieve them.

By employing strict goals and flexible means, we expect your proposal will unleash the power of competition and spur innovation to protect the environment. A healthy economy and a healthy environment are not mutually exclusive; they go hand in hand. American business has the ingenuity and know-how to solve the problem of global warming while continuing to prosper. Indeed, many of our colleagues already have stepped forward to pledge to reduce their companies' greenhouse gas emissions.

We recognize that there is still debate about the levels of greenhouse gas reductions necessary to stabilize the climate and protect the U.S. economy. Several things are clear. Reductions must begin promptly. Voluntary efforts abone won't do the job. And finally, any mandatory restrictions must employ market incentives. We congratulate you for recognizing these needs and for your efforts to see that the Senate addresses them.

Sincerely,

John Doerr; Jon Lovelace; Lewis S. Ranieri; Julian H. Robertson, Jr.; John H.T. Wilson.

Mr. LIEBERMAN. Mr. President, corporate America, fortunately, has already given us some models of companies that are dealing with global warming and, I believe, profiting from doing so. Companies such as Alcoa, British Petroleum, DuPont, Eastman Kodak, IBM, Intel, Johnson & Johnson, and Nike have all accepted targets for greenhouse gas pollution reduction that meet or exceed this amendment's requirements. These and other companies have cut their emissions of greenhouse gases not just because they sought to be good environmental citizens, which they are, but because their boards of directors and their senior management are convinced that a proactive stance on climate change makes good business sense.

Perhaps the most compelling examples of that new corporate mindset on global warming come from American Electric Power and Cinergy, the biggest burners of coal by tonnage and percentage in our country. Both companies have now announced enforceable obligations to reduce greenhouse gas emissions to levels that are below what our proposal requires. And Cinergy has said it can make these reductions for no increased cost and with no additional fuel switching.

It is quite remarkable that they say they can make the reductions at no increased cost. But for every BP and DuPont, IBM and Cinergy, there are scores of other enterprises that I fear are inefficient, that are refusing to rise to new environmental standards and curb their greenhouse gas emissions. That is why we must pass this amendment. We must set standards. We must exercise responsible leadership.

I understand that taking action to combat global warming is not without cost, but it is worth the cost. The sacrifice of the Climate Stewardship Act is a minimal sacrifice. The cost of our amendment is reasonable and affordable by any measure and under any economic model employed to date. A recent MIT study estimated that our amendment would annually cost less than $20 per household. That is not a lot to ask for stemming the warming of the planet and all the devastating consequences it could bring.

A second independent study released this summer by the Tellus Institute reaffirms that same conclusion. Tellus, in fact, found that net savings to consumers of $48 billion would be realized by 2020 and household electricity bills would decrease because of reduced energy demand.

Finally, the recent study of the Bush administration's Department of Energy of our entire proposal found similar minimal economic impacts overall, but did find some spikes in natural gas usage at the expense of the coal industry.

We feel very strongly that was a flawed study. Its assumptions only allowed compliance with the program through fuel switching. So the outcome was preordained. In fact, the Pew Center for Global Climate Change has examined this analysis and believes the study's structure, combined with unrealistic input assumptions, results in unrealistically high cost projections.

Senator MCCAIN and I have worked very hard on this proposal. We have worked hard to achieve common ground on it, both among businesses and industries that are involved in emitting greenhouse gases, environmentalists, citizens, and among Members of the Senate. We are seeking a consensus position that will allow our Nation to move forward to take action on this critical challenge. As a result, we have modified our original bill to drop the second phase of its requirements.

As time goes on, we will look forward to bringing that back up and convincing the Senate to adopt the entire program, but let's deal with the first phase amendment. It does not require or create a significant fuel switching, even according to the administration's own Energy Information Agency, and has a very low economic impact. It is a beginning in dealing with this problem.

The true cost comparison is not between the cost of doing business now versus the cost of new regulations. It is between the cost of action now and the cost of inaction in the future, because the fact is the carbon we emit to the atmosphere today will remain there for a century. Every extra ton of emissions means we are going to need tighter controls. It will be more costly and more difficult to protect the environment and public health later on.

A recent study calculated every ton of pollutants needlessly emitted into our atmosphere costs Americans $160, and we are currently emitting billions of tons each year. Property lost to rising sea levels, cropland lost to drought, revenue lost to dwindling fishing stocks caused by global warming, all represent real costs, not to mention the ultimately immeasurable damage to our health and quality of life.

It is very interesting to follow the judgments of the insurance industry on this question if we want to gauge the cost of inaction. Uncertain about the potential increased liability from severe weather events and other costly side effects of global warming, insurers are now charging higher premiums to businesses and homeowners to cover higher expected costs. SwissRe, North America's leading reinsurer, says that "global warming is a fact" which "has the potential to affect the number and severity of these natural disasters and result in a very significant impact on our business."

This reinsurance company projects that climate-change-driven natural disasters could cost global financial centers more than $150 billion per year within the next 10 years. Just think of that. We are making a proposal that the MIT study says will cost every American family $20 a year, compared to $150 billion a year within 10 years globally.

Wall Street is also concerned about the future if we fail to act. A number of institutional investors recently joined with several utilities to call for the kind of market-based approach to global warming that is part of our amendment. There is also an opportunity for our American enterprise and innovation to produce the products that will respond to the global warming challenge, and in that sense to be ready to meet the global demand for such products.

According to one reputable estimate I have seen, over the next 20 years, $10 trillion to $20 trillion will be spent globally on new energy technologies. Our Asian and European competitors see this potential and, by complying with Kyoto protocol standards, are adapting their practices to seize that enormous international market.

I want to say a special word about farmers and ranchers under our plan. They will be able to make money by adopting pro-environment practices. That would include increasing carbon levels in their land and selling emission credits to polluters. Rough estimates show that new, more sustainable management practices will sequester approximately one-half ton of carbon per acre for a farmer with a 5,000-acre farm. This would represent thousands of additional dollars a year. Many of those practices are better for the long-term health of our farms but, of course, can be of great benefit to cash-strapped farmers.

Global warming is, of course, about more than the numbers about which I have talked. It is about our values. Do we take action to protect our children and grandchildren from having to bear the full cost and health risks and life changes from the pollution we are generating today or do we, as leaders of the world's largest emitter of greenhouse gases, duck our responsibility and let the next generation take it?

I am particularly pleased by the strong support Senator MCCAIN and I have received from a broad and diverse coalition of religious organizations that affirms the moral imperative for action now on global warming. I cite the National Religious Partnership for the Environment, representing an alliance of faith groups, including the United States Conference of Catholic Bishops, the National Council of Churches of Christ, the Coalition on the Environment and Jewish Life, and the Evangelical Environmental Network.

I am reminded of the words from Scripture that the Earth is the Lord's and the fullness thereof, which is surely the truth and reminds us we are only visitors. We do not own the Earth. We are blessed to live on it for some period of time. With that time comes a responsibility to be good stewards of the Earth. I always remember the words from the story of creation, Adam and Eve, where it says in the Bible they were put there to work and guard the garden. In a very direct sense, that responsibility to work, enjoy, and develop is combined with a responsibility that we have to guard the garden, guard the Earth.

We have failed in that responsibility. This amendment is an attempt to accept that responsibility and do something about it.

This is an historic debate. It is a debate I believe our children and grandchildren and perhaps historians will look back on and ask, as the votes are counted, did the Senate of the United

States rise to a challenge almost everyone sees is coming or did we wait until the consequences, the effects of global warming, were so serious that it was too late? It was certainly too late to deal with those consequences without drastic effects on our environment, on our health, on our economy, and on the way we live.

Mr. McCAIN. Will the Senator yield for a question?

Mr. LIEBERMAN. I would yield.

Mr. McCAIN. Is the Senator aware the major attack on this legislation will be related to the validity of the entire issue of climate change?

Mr. LIEBERMAN. I expect that will be true.

Mr. McCAIN. Will the Senator yield for a further question?

Mr. LIEBERMAN. I will.

Mr. McCAIN. Is he aware there is widespread agreement on the occurrence of global warming and the human source of the observed and predicted changes? To make a long story short, there was a study conducted in 2001 by the Intergovernmental Panel on Climate Change. A third assessment report represented a collaborative, scientific endeavor involving 700 scientists worldwide, peer-reviewed by another 700 scientists. The Bush administration requested an independent review of the IPCC report by the National Academy of Sciences. Now everybody can shop around for their expert. This is the National Academy of Sciences. The resulting 2001 national research report, which is delegated by the National Academy of Sciences, said the following in their summary, and I will ask my colleague just to comment on this. We need to keep coming back to this and coming back to this and coming back to this during this debate. Again, the National Research Council, an arm of the National Academy of Sciences of the United States of America, says greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise.

Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that a significant part of these changes is also a reflection of natural variability.

The point is we are going to hear—in fact, in the course of debate we will hear of a couple of scientists whose views were misinterpreted by the Senator from Oklahoma and by the Republican Policy Committee. We have their rebuttals and we will be going into those. They state—not I state—that their views were completely distorted. The fact is, the overwhelming body of scientific opinion in America and the world believes that human activity is causing climate change in the world, and that is an irrefutable fact.

The opponents of this can shop around for the scientists of their choice, but the overwhelming majority of scientists say this and every year that evidence becomes more compelling and every year it becomes more of a compelling problem because of the manifestations of it. The manifestations of climate change are occurring, as we see on the west coast of the United States of America.

I ask my friend, won't you hear that the emperor has some beautiful clothes on during this debate; that there are some scientists who will refuse to admit this, who will say that pigs fly and up is down and black is white, but the majority opinion is that of the most respected body in America, the National Academy of Sciences, and they are the ones who come forward with the views that are corroborated by thousands of scientists all over America and the world?

I ask my colleague to comment on that.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. He is known globally, I might say, as a straight talker. He is basing that straight talk in this debate on scientific fact that is widely accepted—he is absolutely right—by international panels of scientists, by the independent National Academy of Sciences, and the National Research Panel.

I want to quote again from Don Kennedy, chief editor of the international, very reputable journal, Science. He says:

> Consensus strong as the one that has developed around the topic of climate change is rare in science. There is little room for doubt about the seriousness of the problem the world faces.

I expect, unfortunately, that we will debate the science here. You and I, I know, are prepared to debate the science. But the fact is, we ought to be debating what we are going to do about it. We might argue, and some presumably will argue, that our proposal costs more than the American people are willing to spend. I don't think so. The polls don't show that to be true. People I talk to are ready to be part of solving a problem before it gets out of hand.

Some may say our methods are wrong, although a market-based system, such as the one that worked to deal with acid rain in the Clean Air Act amendments, proposed and signed by the first President Bush, has a pretty good track record.

But let's have that debate. It really takes us back way beyond where the science is to have a debate whether this is a real problem. I say again, to have a debate about what we should do about it, that might get our blood going, but that is a reasonable debate. But to see the administration ask for yet another study, I just can't see that as anything more than a stalling tactic.

That is why I regret to say that this President really is fiddling while the globe is warming. We better do something about it before it gets so serious that we are going to look back and say: Why didn't we act?

This is a chance to have debate, the first debate in 5 years in the Senate Chamber on this critical problem. Let's have a healthy debate. Let's try to find common ground.

Senator McCAIN and I have worked very hard to reach a consensus. This is not a sharp-edged bill. It is a bill that is progressive and builds toward common ground. And then let's move forward together so we can say to our children and grandchildren: We saved you from a result that we saw coming that many were not willing to do anything about, but we finally got together and did something about it.

I thank my friend from Arizona for his very good questions. I thank him for his principled partnership in this effort, and I look forward to the remainder of the debate.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me just make a couple of comments, and then I will yield to the Senator from Missouri.

I know it is so easy to stand up here and talk about "the science is irrefutable," talk about how different groups are supporting S. 139. I know neither the distinguished Senator from Arizona nor the distinguished Senator from Connecticut would intentionally say something that is not true. However, some of the things they are saying are not true. They are not factual.

A little bit later I am going to be going into detail on this science question. The science that has been reviewed since 1999 is overwhelmingly on the side that global warming, in fact, is not occurring and, if it is occurring, is not a result of manmade anthropogenic gases.

I would also like to say, I will be talking about some of these groups that supposedly are supporting this bill who, in fact, are not supporting this bill. But I am going to save that for a few minutes because we have several Members who will be coming in on our side who will be wanting to address this issue. For that reason, I now yield to the Senator from Missouri 7 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 7 minutes.

Mr. BOND. Mr. President, I thank the chairman of the Environment and Public Works Committee, the committee I believe properly has jurisdiction over this issue, a committee on which I serve and which has debated these issues many times. I thank the Senator from Oklahoma for his leadership, his guidance, and his wisdom on these matters.

Interestingly enough, today I was reading a couple of news articles and it seems the Soviet Union is backing out on the Kyoto Treaty. Russia is now finding that they cannot live up to the commitments that were made in Kyoto, so Russia is bailing out on them. I just read another article that the European Union finds they really can't come up with all of these carbon dioxide reductions that they had promised. Why? Even in a Communist country they begin to realize that government actions have consequences. There are some impacts. These impacts are pretty stark.

Let me address for just a few minutes, for the benefit of my colleagues and those who may happen to listen, some of the practical impacts the passage of the McCain-Lieberman bill would have on our communities and on our families.

I strongly believe this bill will cripple our economy, cripple our communities, and financially cripple many of our struggling families. We can debate the science of climate change here on the floor until we are all blue in the face—and I think we may be headed in that direction. We have heartfelt experts, scientists, and data on both sides of the issue. I happen to believe the causal effect of CO2 emissions and recent changes to our climate is not yet fully proven.

But the real impact, the real point of the McCain-Lieberman bill is, What will it do? That is kind of a practical test. I am from Missouri, the "show me" State. What would this bill do? Show me what this bill would do. How much will the McCain-Lieberman bill hurt our economy?

How much will the McCain-Lieberman bill drive up electricity bills for my constituents to pay? How much will the McCain-Lieberman bill raise the price of natural gas which is already going through the ceiling thanks to unwise governmental increases in demand and restrictions on production? How much more will the McCain-Lieberman bill force our families to pay for gasoline? It would be nice if we stopped once before we rushed into a major thing such as this and found out whether the medicine we prescribe was going to make the patient sicker or make the patient well.

I think we all recognize that our economy is just now starting to recover from the doldrums. We are just now starting to turn the corner on job growth. We are heading into a winter when we expect the cost to heat our homes will increase significantly because of previous overreaching congressional actions in the past. Now is not the time to place more burdens on our families and our communities.

As I said, I sit on the Environment and Public Works Committee where we considered legislation to cut carbon dioxide as part of a multipollutant strategy to cut emissions from electric powerplants. Before that committee, supporters urged caps on carbon dioxide from electric powerplants as a way to fight global climate change. What they didn't want to talk about was the negative impact this measure would have on the everyday lives of our constituents—those who use electric power.

Experts conclude that the legislation under consideration to cut carbon dioxide in electric powerplants would cost the economy over $100 billion. That is one-zero-zero billion dollars.

Experts also estimated that the electricity bills would go up by about 40 percent.

If you are sitting at home and you happen to have an electric bill handy, take it and multiply it by 1.4, see what that number is, and see what impact that would have on your family budget.

I have read heartbreaking stories from families in Kansas City who have to decide between buying food and paying their utility bills. Other families could not buy school clothes because they had to pay higher heating bills. Seniors on fixed incomes often have no way to meet higher utility bills.

I voted against that bill. And Democratic leaders when they controlled the Senate refused to even bring that measure to the floor because they knew what an impact it would have on senior citizens, what an impact it would have on the poor, and why union members who realize it can cost them their jobs object to it. We now have many of the same issues involved in this climate change bill.

The McCain-Lieberman bill would establish mandatory caps for carbon dioxide emissions. Economists and energy experts at the Department of Energy's Energy Information Agency—or EIA—recently concluded that the enactment of the McCain-Lieberman bill would result in a 46-percent increase in electricity prices, a 27-percent increase in the cost of gasoline, and a 54-percent increase in the cost of home heating oil.

Again, if you are at home and happen to have any of your last winter's bills handy, apply those percentages—a 50-percent increase in electricity and heating oil, a 27-percent increase in the cost of gasoline.

The EIA—the Government agency with the experts and the expertise—concluded that McCain-Lieberman would cost millions of Americans jobs. Excuse me. Did I say that right? Yes, I said that right—millions of American jobs. We are having slow job growth in our economy. We are working hard to get jobs back. This bill would cost millions of American jobs. Even if the sponsors dropped the second phase of this bill, it would still cost hundreds of thousands of jobs.

Do we really want to be raising costs on senior citizens, on poor people, and be throwing people out of work?

The EIA further concluded that McCain-Lieberman would cause a cumulative decrease in the gross domestic product of $1.4 trillion. Talk about sucking the wind out of the economic recovery; that baby would be flatter than a flounder.

The effect of this bill would be, first, to send our economy back into recession, then strip the Nation of hundreds of thousands of jobs, and then increase the cost of heating our homes. I, frankly, cannot think of a better combination of ills. That is a trifecta that we obviously cannot afford to undertake.

The most troubling part is that all of this pain would come without any real dent in the worldwide amount of carbon dioxide released into the atmosphere.

McCain-Lieberman suffers from the same inherent flaw of the failed Kyoto Treaty. It imposes absolutely no restrictions on two of the world's worst largest and fastest growing polluters in the world. In case you can't guess who those are, those would be China and India.

Not only do we unfairly punish U.S. communities but we let other countries off the hook and, therefore, have practically no real worldwide impact on carbon dioxide levels.

The Kyoto Treaty was rightfully rejected in advance by a unanimous vote in this body of 95 to zero for a very good reason. On top of all the unfairness of the Kyoto Treaty, we now know the crippling effects McCain-Lieberman would have on the economy, on our communities, on our families, and on job creation in our country.

For me, I cannot see voting to strip American families of hundreds of thousands or millions of jobs. I cannot see why we would be voting to increase electricity prices by 46 percent. I cannot see why we would be voting to increase the cost of home heating oil by 54 percent. That is why I cannot vote for this bill.

I urge my colleagues to think about the practical impact before we vote on this bill. This is a disaster waiting to happen. This would be another congressionally inflicted disaster.

For those reasons, I urge my colleagues to defeat McCain-Lieberman.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself 2 minutes.

That was a well-written presentation by my colleague from Missouri. Unfortunately, his analysis of the bill is not the bill that is before the Senate. But other than that, it was a pretty convincing case.

Our bill is different from the analysis he provided. In fact, it is significantly different. But even those facts on which we had the previous analysis were incorrect as well. But it was certainly an interesting presentation.

Mr. INHOFE. Mr. President, I have talked to our good friend, my brother, the Senator from Hawaii, and he has graciously agreed to let one of our Members go first before he is recognized.

At this time, I yield to the Senator from Ohio, Mr. VOINOVICH.

Before yielding to Senator VOINOVICH, I was honored to chair the Clean Air Subcommittee prior to the time I chaired the Environment and Public Works Committee. During that time, Senator VOINOVICH was Governor Voinovich. He was the chairman of the Governors Clean Air Committee. I don't believe there is anyone in this Senate who has a better knowledge of air problems or who has higher credentials than the Senator from Ohio.

At this time, I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from Oklahoma for his kind words. The two of us will try to explain to our colleagues the real meaning of this legislation proposed by Senator LIEBERMAN and Senator McCAIN.

I rise in opposition to the legislation offered by Senator McCAIN and Senator LIEBERMAN. This legislation will place a cap on carbon dioxide emissions by requiring all segments of the economy to reduce emissions to 2000 levels by 2010 despite the fact that such a cap would have devastating impacts on our economy, on our manufacturing sector, and on average Americans, and especially on our brothers and sisters, the elderly and the poor.

I have stated time and time again here on the floor that we must recognize that the energy policy and our environmental policies are two sides to the same coin and that the Senate has responsibility to harmonize those policies. We have an obligation in the Senate to ensure that any legislation we consider takes into account its potential impact on our economy, which is in intensive care, particularly in States such as mine. And we have a moral obligation to ensure that we consider a bill's potential impact on the poor and the elderly who must survive on a fixed income and who pay an inordinate amount of their income for energy. They are the forgotten people in this country. We must ensure that we do not pass climate change legislation that will significantly drive up the cost of electricity for those who can least afford it.

Although some science has attributed changes in the climate to atmospheric concentration of carbon, it is clear the science of climate change is far from settled. We need significantly more research on the issue. To accept the statements of supporters of S. 139 at face value is to accept one side of the debate, a very serious debate, among respected scientists and policy experts on both sides of the issue.

I recall the hearings Senator LIEBERMAN had when he was chairman of the Governmental Affairs Committee and two hearings I had. It was interesting to see the difference of opinion among very respected scientists in this country.

My distinguished colleague Senator INHOFE has discussed at length both in the Environment and Public Works Committee and in the Senate the newest information on the issue which is contrary to the views expressed by Senators McCAIN and LIEBERMAN.

In a recent column, former Secretary of Energy James Schlesinger commented:

> . . . despite the certainty many seem to feel about the causes, effects and extent of climate change, we are in fact making only slow progress in our understanding of the underlying science.

I ask unanimous consent the column by Mr. Schlesinger be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 7, 2003]

CLIMATE CHANGE: THE SCIENCE ISN'T SETTLED

(By James Schlesinger)

Despite the certainty many seem to feel about the causes, effects and extent of climate change, we are in fact making only slow progress in our understanding of the underlying science. My old professor at Harvard, the great economist Joseph Schumpeter, used to insist that a principal tool of economic science was history—which served to temper the enthusiasms of the here and now. This must be even more so in climatological science. In recent years the inclination has been to attribute the warming we have lately experienced to a single dominant cause—the increase in greenhouse gases. Yet climate has always been changing—and sometimes the swings have been rapid.

At the time the U.S. Department of Energy was created in 1977, there was widespread concern about the cooling trend that had been observed for the previous quarter-century. After 1940 the temperature, at least in the Northern Hemisphere, had dropped about one-half degree Fahrenheit—and more in the higher latitudes. In 1974 the National Science Board, the governing body of the National Science Foundation, stated: "During the last 20 to 30 years, world temperature has fallen, irregularly at first but more sharply over the last decade." Two years earlier, the board had observed: "Judging from the record of the past interglacial ages, the present time of high temperatures should be drawing to an end . . . leading into the next glacial age." And in 1975 the National Academy of Sciences stated: "The climates of the earth have always been changing, and they will doubtless continue to do so in the future. How large these future changes will be, and where and how rapidly they will occur, we do not know."

These statements—just a quarter-century old—should provide us with a dose of humility as we look into the more distant future. A touch of that humility might help temper the current raging controversies over global warming. What has concerned me in recent years is that belief in the greenhouse effect, persuasive as it is, has been transmuted into the dominant forcing mechanism affecting climate change—more or less to the exclusion of other forcing mechanisms. The CO_2/climate-change relationship has hardened into orthodoxy—always a worrisome sign—an orthodoxy that searches out heretics and seeks to punish them.

We are in command of certain essential facts. First, since the start of the 20th century, the mean temperature at the earth's surface has risen about 1 degree Fahrenheit. Second, the level of CO_2 in the atmosphere has been increasing for more than 150 years. Third, CO_2 is a greenhouse gas—and increases in it, other things being equal, are likely to lead to further warming. Beyond these few facts, science remains unable either to attribute past climate changes to changes in CO_2 or to forecast with any degree of precision how climate will change in the future.

Of the rise in temperature during the 20th century, the bulk occurred from 1900 to 1940. It was followed by the aforementioned cooling trend from 1940 to around 1975. Yet the concentration of greenhouse gases was measurably higher in that later period than in the former. That drop in temperature came after what was described in the National Geographic as "six decades of abnormal warmth."

In recent years much attention has been paid in the press to longer growing seasons and shrinking glaciers. Yet in the earlier period up to 1975, the annual growing season in England had shrunk by some nine or 10 days, summer frosts in the upper Midwest occasionally damaged crops, the glaciers in Switzerland had begun to advance again, and sea ice had returned to Iceland's coasts after more than 40 years of its near absence.

When we look back over the past millennium, the questions that arise are even more perplexing. The so-called Climatic Optimum of the early Middle Ages, when the earth temperatures were 1 to 2 degrees warmer than today and the Vikings established their flourishing colonies in Greenland, was succeeded by the Little Ice Age, lasting down to the early 19th century. Neither can be explained by concentrations of greenhouse gases. Moreover, through much of the earth's history, increases in CO_2 have followed global warming, rather than the other way around.

We cannot tell how much of the recent warming trend can be attributed to the greenhouse effect and how much to other factors. In climate change, we have only a limited grasp of the overall forces at work. Uncertainties have continued to abound—and must be reduced. Any approach to policy formation under conditions of such uncertainty should be taken only on an exploratory and sequential basis. A premature commitment to a fixed policy can only proceed with fear and trembling.

In the Third Assessment by the International Panel on Climate Change, recent climate change is attributed primarily to human causes, with the usual caveats regarding uncertainties. The record of the past 150 years is scanned, and three forcing mechanisms are highlighted: anthropogenic (human-caused) greenhouse gases, volcanoes and the 11-year sunspot cycle. Other phenomena are represented poorly, if at all, and generally are ignored in these models. Because only the past 150 years are captured,

> the vast swings of the previous thousand years are not analyzed. The upshot is that any natural variations, other than volcanic eruptions, are overshadowed by anthropogenic greenhouse gases.
>
> Most significant: The possibility of long-term cycles in solar activity is neglected because there is a scarcity of direct measurement. Nonetheless, solar irradiance and its variation seem highly likely to be a principal cause of long-term climatic change. Their role in longer-term weather cycles needs to be better understood.
>
> There is an idea among the public that "the science is settled." Aside from the limited facts I cited earlier, that remains far from the truth. Today we have far better instruments, better measurements and better time series than we have ever had. Still, we are in danger of prematurely embracing certitudes and losing open-mindedness. We need to be more modest.

Mr. VOINOVICH. Schlesinger points out that "science remains unable to either attribute past climate changes to changes in CO_2 or to forecast with any degree of precision how [the] climate will change in the future," and warns that:

> We cannot tell how much of the recent warming trend can be attributed to the greenhouse gas effect and how much to other factors. In climate change, we have only a limited grasp of the overall forces at work. Uncertainties have continued to abound—and must be reduced. Any approach to policy formation under conditions of such uncertainty should be taken only on an exploratory and sequential basis. A premature commitment to a fixed policy can only proceed with fear and trembling.

Several Members of this body have introduced pieces of legislation this year and a couple last year to address the issue of climate change by capping carbon—such as the Jeffords-Lieberman 4-P bill, the Carper 4-P bill, and, of course, the subject of our debate today, the McCain-Lieberman climate change bill.

Passage of any of these bills will force our utilities which are now using coal to generate over half of our Nation's electricity—by the way, 85 percent of electricity generated in my State—to fuel-switch and to rely solely on natural gas for generation despite the fact we have a 250-year supply of domestic coal and are currently in the grips of a natural gas crisis.

Senator LIEBERMAN, in his opening statement, mentioned two companies from Ohio I am very familiar with, ADP and Synergy. There was some indication there was possibly—from his words—support for S. 139. I make it clear for the record that ADP and Synergy—ADP is the company that burns more coal than any other utility in the country—are both opposed to S. 139.

Mr. INHOFE. Will the Senator yield?

Mr. VOINOVICH. Certainly.

Mr. INHOFE. I am glad you brought that up. That was the information I had on who is opposed to it, naming Synergy. The Senator from Connecticut said they are now supporting S. 139. You have information to the contrary, is that correct?

Mr. VOINOVICH. Yes, I do.

Over the last decade, use of natural gas electricity generation has risen significantly while domestic supplies of natural gas have fallen. The result is predictable: tightening supplies of natural gas, higher natural gas prices, and higher electricity prices.

Home heating prices are up dramatically, forcing folks on low and fixed income to choose between heating their home and paying for other necessities such as food or medicine.

Donald Mason, a commissioner on the Ohio Public Utilities Commission, testified earlier this year in the House Energy and Commerce Committee:

> In real terms, the home heating cost this winter will increase by at least $220 per household. That might sound not significant, but during the winter season of 2000–2001, one gas company in Ohio saw nonpayment jump from $10 million a year to $26 million.

One of the amendments I supported in the Senate to the Labor-HHS bill would have provided more money for LIHEAP, the low-income help in heating costs. We will have a crisis this winter in natural gas costs.

As a result of these heating cost increases, 50 percent more residential customers were disconnected from gas service last year than in 2001. I personally have seen natural gas go from $4 an MCF to $8 an MCF in heating bills in northeast Ohio and projections indicate this winter will be devastating on the elderly and low-income families who are already struggling to survive.

In an Environment and Public Works Committee hearing last year, Thomas Mullen, of Catholic Charities and Health and Human Services of Cleveland, described the direct impact of significant increases of energy prices on those who are less fortunate. Here is what he had to say:

> In Cleveland, over one-fourth of all children live in poverty and are in a family of a single female head of household. These children will suffer from further loss of basic needs as their moms are forced to make choices of whether to pay the rent or live in a shelter; pay the heating bill or see their child freeze; buy food or risk availability of a hunger center. These are not choices that any senior citizen, child, or for that matter, person in America should make.

What really gets to me was after he made that statement the Clean Air Trust, the O'Donnell person who is always speaking out on these issues, named Tom Mullen, the head of Catholic Charities, as the villain of the month because he dared talk about energy costs impacting the poor and elderly in this country.

Manufacturers that use natural gas as feedstock are getting hammered because of the doubling and tripling of natural gas costs and are leaving the country or closing their doors. It is happening. Lubrizol, a chemical company, has moved production to France as a result of a threefold increase in natural gas prices from $3 per million Btu in 2002 to $10 per Btu in 2003. The president of Zaclon, a chemical manufacturer based in Cleveland, testified this year that increased natural gas costs resulted in lost sales revenue and increased total energy cost. The president of one major international pharmaceutical company, a company that has 22,000 employees in the United States, recently told me unless we do something about our natural gas crisis, his company will be forced to pull many of its operations out of the United States. Due to high natural gas prices, the Dow Chemical Company, headquartered in Michigan, will be forced to shut down several plants and eliminate 3,000 to 4,000 jobs this year. The American Iron and Steel Institute reported that an integrated steel mill—we have some in Ohio still—could pay as much as $73 million for natural gas this year, up $37 million from last year. An east Texas poultry producer reported his poultry house heating bill jumped from $3,900 to $12,000 in one month, forcing him to decide between paying the bank or the gas company.

High natural gas prices have resulted in the permanent closure of almost 20 percent of the United States nitrogen fertilizer production capacity and the idling of an additional 25 percent. That is why the corn growers and other agriculture groups are opposed to McCain-Lieberman.

The Potash Corporation, one of the world's largest fertilizer producers, has announced layoffs at the Louisiana and Tennessee plants due to high natural gas prices. The company spends $2 million per day on natural gas.

A farmer in Belleville, MO, who paid $295 per ton for nitrogen fertilizer last fall expects to pay between $400 and $600 this year. It is impacting the entire segment of our economy.

Utilities are already facing tremendous increases in their fuels costs, which force them to either take losses or pass these increases on to their customers. And the carbon caps proposed by Senators MCCAIN and LIEBERMAN will only exacerbate this situation.

The end result is a drag on the economy. But don't take my word for it. Federal Reserve Chairman Alan Greenspan has testified before the Senate Energy Committee, the House Energy and Commerce Committee, and the Congressional Joint Economic Committee on the supply and price of natural gas this year, stating:

> I'm quite surprised at how little attention the natural gas problem has been getting because it is a very serious problem.

Among his comments, Chairman Greenspan noted:

> The price of gas for delivery in July closed at $6.31 per billion Btu's. That contract sold for as low as $2.55 in July 2000 and for $3.65 a year ago.

Mr. President, I ask unanimous consent that the testimony of Dr. Greenspan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ALAN GREENSPAN, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, U.S. SENATE, WASHINGTON, DC, JULY 10, 2003

Today's tight natural gas markets have been a long time in coming, and distant futures prices suggest that we are not apt to return to earlier periods of relative abundance and low prices anytime soon. It was little more than a half-century ago that drillers seeking valuable crude oil bemoaned the discovery of natural gas. Given the lack of adequate transportation, wells had to be capped or the gas flared. As the economy expanded after World War II, the development of a vast interstate transmission system facilitated widespread consumption of natural gas in our homes and business establishments. On a heat-equivalent basis, natural gas consumption by 1970 had risen to three-fourths of that of oil. But consumption lagged in the following decade because of competitive incursions from coal and nuclear power. Since 1985, natural gas has gradually increased its share of total energy use and is projected by the Energy Information Administration to gain share over the next quarter century, owing to its status as a clean-burning fuel.

Recent years' dramatic changes in technology are making existing energy reserves stretch further while keeping long-term energy costs lower than they otherwise would have been. Seismic techniques and satellite imaging, which are facilitating the discovery of promising new natural gas reservoirs, have nearly doubled the success rate of new-field wildcat wells in the United States during the past decade. New techniques allow far deeper drilling of promising fields, especially offshore. The newer recovery innovations reportedly have significantly raised the average proportion of gas reserves eventually brought to the surface. Technologies are facilitating Rocky Mountain production of tight sands gas and coalbed methane. Marketed production in Wyoming, for example, has risen from 3.4 percent of total U.S. output in 1996 to 7.1 percent last year.

Moreover, improving technologies have also increased the depletion rate of newly discovered gas reservoirs, placing a strain on supply that has required increasingly larger gross additions from drilling to maintain any given level of dry gas production. Depletion rates are estimated to have reached 27 percent last year, compared with 21 percent as recently as five years ago. The rise has been even more pronounced for conventionally produced gas because tight sands gas, which comprises an increasing share of new gas finds, exhibits a slower depletion rate than conventional wells.

Improved technologies, however, have been unable to prevent the underlying long-term price of natural gas in the United States from rising. This is most readily observed in markets for natural gas where contract delivery is sufficiently distant to allow new supply to be developed and brought to market. That price has risen gradually from $2 per million Btu in 1997 for delivery in 2000, and presumably well beyond, to more than $4.50 for delivery in 2009, the crude oil heating equivalent of rising from less than $12 per barrel to $26 per barrel. Over the same period, the distant futures price of light sweet crude oil has edged up only $4 per barrel and is selling at a historically rare discount to comparably dated natural gas.

Because gas is particularly challenging to transport in its cryogenic form as a liquid, imports of liquefied natural gas (LNG) have been negligible. Environmental and safety concerns and cost have limited the number of LNG terminals and imports of LNG. In 2002, such imports accounted for only 1 percent of U.S. gas supply. Canada, which has recently supplied a sixth of our consumption, has little capacity to significantly expand its exports, in part because of the role that Canadian gas plays in supporting growing oil production from tar sands.

Given notable cost reductions for both liquefaction and transportation of LNG, significant global trade is developing. And high gas prices projected in the American distant futures market have made us a potential very large importer. Worldwide imports of natural gas in 2002 were only 23 percent of world consumption, compared to 57 percent for oil.

Even with markedly less geopolitical instability confronting world gas than world oil in recent years, spot gas prices have been far more volatile than those for oil, doubtless reflecting, in part, less-developed, price dampening global trade. The updrift and volatility of the spot price for gas have put significant segments of the North American gas-using industry in a weakened competitive position. Unless this competitive weakness is addressed, new investment in these technologies will flag.

Increased marginal supplies from abroad, while likely to notably damp the levels and volatility of American natural gas prices, would expose us to possibly insecure sources of foreign supply, as it has for oil. But natural gas reserves are somewhat more widely dispersed than those of oil, for which three-fifths of proved world reserves reside in the Middle East. Nearly two-fifths of world natural gas reserves are in Russia and its former satellites, and one-third are in the Middle East.

Creating a price-pressure safety valve through larger import capacity of LNG need not unduly expose us to potentially unstable sources of imports. There are still numerous unexploited sources of gas production in the United States. We have been struggling to reach an agreeable tradeoff between environmental and energy concerns for decades. I do not doubt we will continue to fine-tune our areas of consensus. But it is essential that our policies be consistent. For example, we cannot, on the one hand, encourage the use of environmentally desirable natural gas in this country while being conflicted on larger imports of LNG. Such contradictions are resolved only by debilitating spikes in price.

In summary, the long-term equilibrium price for natural gas in the United States has risen persistently during the past six years from approximately $2 per million Btu to more than $4.50. Although futures markets project a near-term modest price decline from current highly elevated levels, contracts written for delivery in 2009 are more than double the levels that had been contemplated when much of our existing gas-using capital stock was put in place. The perceived tightening of long-term demand-supply balances is beginning to price some industrial demand out of the market. It is not clear whether these losses are temporary, pending a fall in price, or permanent.

Such pressures do not arise in the U.S. market for crude oil. American refiners have unlimited access to world supplies, as was demonstrated most recently when Venezuelan oil production shut down. Refiners were able to replace lost oil with supplies from Europe, Asia, and the Middle East. If North American natural gas markets are to function with the flexibility exhibited by oil, unlimited access to the vast world reserves of gas is required. Markets need to be able to effectively adjust to unexpected shortfalls in domestic supply. Access to world natural gas supplies will require a major expansion of LNG terminal import capacity and development of the newer offshore regasification technologies. Without the flexibility such facilities will impart, imbalances in supply and demand must inevitably engender price volatility.

As the technology of LNG liquefaction and shipping has improved, and as safety considerations have lessened, a major expansion of U.S. import capability appears to be under way. These movements bode well for widespread natural gas availability in North America in the years ahead.

NATURAL GAS SUPPLY AND DEMAND ISSUES, FULL COMMITTEE ON ENERGY AND COMMERCE, JUNE 10, 2003, RAYBURN HOUSE OFFICE BUILDING

Hon. ALAN GREENSPAN,
Chairman, The Federal Reserve Board, Washington, DC.

In recent months, in response to very tight supplies, prices of natural gas have increased sharply. Working gas in storage is currently at very low levels relative to its seasonal norm because of a colder-than-average winter and a seeming inability of increased gas well drilling to significantly augment net marketed production. Canada, our major source of imported natural gas, has had little room to expand shipments to the United States, and our limited capacity to import liquefied natural gas (LNG) effectively restricts our access to the world's abundant supplies of gas.

Our inability to increase imports to close a modest gap between North American demand and production (a gap we can almost always close in oil) is largely responsible for the marked rise in natural gas prices over the past year. Such price pressures are not evident elsewhere. Competitive crude oil prices, after wide gyrations related to the war in Iraq, are now only slightly elevated from a year ago, and where spot markets for natural gas exist, such as in Great Britain, prices exhibit little change from a year ago. In the United States, rising demand for natural gas, especially as a clean-burning source of electric power, is pressing against a supply essentially restricted to North American production.

Given the current infrastructure, the U.S. market for natural gas is mainly regional, is characterized by relatively longer term contracts, and is still regulated, but less so than in the past. As a result, residential and commercial prices of natural gas respond sluggishly to movements in the spot price. Thus, to the extent that natural gas consumption must adjust to limited supplies, most of the reduction must come from the industrial sector and, to a lesser extent, utilities.

Yesterday the price of gas for delivery in July closed at $6.31 per million Btu. That contract sold for as low as $2.55 in July 2000 and for $3.65 a year ago. Futures markets project further price increases through the summer cooling season to the peak of the heating season next January. Indeed, market expectations reflected in option prices imply a 25 percent probability that the peak price will exceed $7.50 per million Btu.

Today's tight natural gas markets have been a long time in coming, and futures prices suggest that we are not apt to return to earlier periods of relative abundance and low prices anytime soon. It was little more than a half-century ago that drillers seeking valuable crude oil bemoaned the discovery of natural gas. Given the lack of adequate transportation, wells had to be capped or the gas flared. As the economy expanded after World War II, the development of a vast interstate transmission system facilitated widespread consumption of natural gas in our homes and business establishments. On a heat-equivalent basis, natural gas consumption by 1980 had risen to three-fourths of that of oil. But natural gas consumption lagged in the following decade because of competitive incursions from coal and nuclear power. Since 1985, natural gas has gradually increased its share of total energy use and is projected by the Energy Information Administration to gain share over the next quarter century, owing to its status as a clean-burning fuel.

Recent years' dramatic changes in technology are making existing energy reserves stretch further while keeping long-term energy costs lower than they otherwise would have been. Seismic techniques and satellite imaging, which are facilitating the discovery of promising new natural gas reservoirs, have nearly doubled the success rate of new-field wildcat wells in the United States during the past decade. New techniques allow far deeper drilling of promising fields, especially offshore. The newer recovery innovations reportedly have raised the average proportion of gas reserves eventually brought to the surface. Technologies are facilitating Rocky Mountain production of tight sands gas and coalbed methane. Marketed production in Wyoming, for example, has risen from 3.4 percent of total U.S. output in 1996 to 7.1 percent last year.

One might expect that the dramatic shift away from hit-or-miss methods toward more advanced technologies would have lowered the cost of developing new fields and, hence, the long-term marginal costs of new gas, Indeed, those costs have declined, but by less than might have been the case because much of the innovation in oil and gas development outside of OPEC has been directed at overcoming an increasingly inhospitable and costly exploratory physical environment.

Moreover, improving technologies have also increased the depletion rate of newly discovered gas reservoirs, placing a strain on supply that has required increasingly larger gross additions from drilling to maintain any given level of dry gas production. Depletion rates are estimated to have reached 27 percent last year, compared with 21 percent as recently as five years ago. The rise has been even more pronounced for conventionally produced gas because tight sands gas, which comprises an increasing share of new gas finds, exhibits a slower depletion rate than conventional wells.

Improved technologies, however, have been unable to prevent the underlying long-term price of natural gas in the United States from rising. This is most readily observed in markets for natural gas where contract delivery is sufficiently distant to allow new supply to be developed and brought to market. That price has risen gradually from $2 per million Btu in 1997 for delivery in 2000, and presumably well beyond, to more than $4.50 for delivery in 2009, the crude oil heating equivalent of rising from less than $12 per barrel to $26 per barrel. Over the same period, the distant futures price of light sweet crude oil has edged up only $4 per barrel and is selling at a historically rare discount to comparably dated natural gas.

Because gas is particularly challenging to transport in its cryogenic form as a liquid, imports of LNG have been negligible. Environmental and safety concerns and cost have limited the number of LNG terminals and imports of LNG. In 2001, LNG imports accounted for only 1 percent of U.S. gas supply. Canada, which has recently supplied a sixth of our consumption, has little capacity to significantly expand its exports, in part because of the role that Canadian gas plays in supporting growing oil production from tar sands.

Given notable cost reductions for both liquefaction and transportation of LNG, significant global trade is developing. And high gas prices projected in the American distant futures market have made us a potential very large importer. Worldwide imports of natural gas in 2000 were only 26 percent of world consumption, compared to 50 percent for oil.

Even with markedly less geopolitical instability confronting world gas than world oil in recent years, spot gas prices have been far more volatile than those for oil, doubtless reflecting, in part, less-developed global trade. The updrift and volatility of the spot price for gas have put significant segments of the North American gas-using industry in a weakened competitive position. Unless this competitive weakness is addressed, new investment in these technologies will flag.

Increased marginal supplies from abroad, while likely to notably damp the levels and volatility of American natural gas prices, would expose us to possibly insecure sources of foreign supply, as it has for oil. But natural gas reserves are somewhat more widely dispersed than those of oil, for which three-fifths of proved world reserves reside in the Middle East. Nearly two-fifths of world natural gas reserves are in Russia and its former satellites, and one-third are in the Middle East.

Creating a price-pressure safety valve through larger import capacity of LNG need not unduly expose us to potentially unstable sources of imports. There are still numerous unexploited sources of gas production in the United States. We have been struggling to reach an agreeable tradeoff between environmental and energy concerns for decades. I do not doubt we will continue to fine-tune our areas of consensus. But it is essential that our policies be consistent. For example, we cannot, on the one hand, encourage the use of environmentally desirable natural gas in this country while being conflicted on larger imports of LNG. Such contradictions are resolved only by debilitating spikes in price.

In summary, the long-term equilibrium price for natural gas in the United States has risen persistently during the past six years from approximately $2 per million Btu to more than $4.50. The perceived tightening of long-term demand-supply balances is beginning to price some industrial demand out of the market. It is not clear whether these losses are temporary, pending a fall in price, or permanent.

Such pressures do not arise in the U.S. market for crude oil. American refiners have unlimited access to world supplies, as was demonstrated most recently when Venezuelan oil production shut down. Refiners were able to replace lost oil with supplies from Europe, Asia, and the Middle East. If North American natural gas markets are to function with the flexibility exhibited by oil, unlimited access to the vast world reserves of gas is required. Markets need to be able to effectively adjust to unexpected shortfalls in domestic supply. Access to world natural gas supplies will require a major expansion of LNG terminal import capacity. Without the flexibility such facilities will impart, imbalances in supply and demand must inevitably engender price volatility.

As the technology of LNG liquefaction and shipping has improved, and as safety considerations have lessened, a major expansion of U.S. import capability appears to be under way. These movements bode well for widespread natural gas availability in North America in the years ahead.

Statement of Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System Before the Joint Economic Committee, May 21, 2003

Mr. Chairman, I appreciate the opportunity to testify before the Joint Economic Committee. As you will recall, when I appeared here last November, I emphasized the extraordinary resilience manifested by the United States economy in recent years—the cumulative result of increased flexibility over the past quarter century. Since the middle of 2000, our economy has withstood serious blows: a significant decline in equity prices, a substantial fall in capital spending, the terrorist attacks of September 11, confidence-debilitating revelations of corporate malfeasance, and wars in Afghanistan and Iraq. Any combination of these shocks would arguably have induced a severe economic contraction two or three decades ago. Yet remarkably, over the past three years, activity has expanded, on balance—an outcome offering clear evidence of a flexible, more resilient, economic system.

Once again this year, our economy has struggled to surmount new obstacles. As the tensions with Iraq increased early in 2003, uncertainties surrounding a possible war contributed to a softening in economic activity. Oil prices moved up close to $40 a barrel in February, stock prices tested their lows of last fall, and consumer and business confidence ebbed. Although in January there were some signs of a post-holiday pickup in retail sales other than motor vehicles, spending was little changed, on balance, over the following three months as a gasoline price surge drained consumer purchasing power and severe winter weather kept many shoppers at home.

Businesses, too, were reluctant to initiate new projects in such a highly uncertain environment. Hiring slumped, capital spending plans were put on hold, and inventories were held to very lean levels. Collectively, households and businesses hesitated to make decisions, pending news about the timing, success, and cost of military action—factors that could significantly alter the outcomes of those decisions.

The start of the war and its early successes, especially the safeguarding of the Iraqi oilfields, were greeted positively by financial and commodities markets. Stock prices rallied, risk spreads narrowed, oil prices dropped sharply, and the dour mood that had gripped consumers started to lift, precursors that historically have led to improved economic activity. The quick conclusion of the conflict subsequently added to financial gains.

We do not yet have sufficient information on economic activity following the end of hostilities to make a firm judgment about the current underlying strength of the real economy. Incoming data on labor markets and production have been disappointing. Payrolls fell further in April, and industrial production declined as well. Because of the normal lags in scheduling production and in making employment decisions, these movements likely reflect business decisions that, for the most part, were made prior to the start of the war, and many more weeks of data will be needed to confidently discern the underlying trends in these areas.

One reassuring development that has been sustained through this extended period of economic weakness has been the performance of productivity. To the surprise of most analysts, labor productivity has continued to post solid gains. Businesses are apparently continuing to discover unexploited areas of cost reduction that had accumulated during the boom years of 1995 to 2000 when the projected huge returns from market expansion dulled incentives for seemingly mundane cost savings. The ability of business managers to reduce costs, especially labor costs, through investment or restructuring is, of course, one reason that labor markets markets have been so weak.

Looking ahead, the consensus expectation for a pickup in economic activity is not unreasonable, though the timing and extent of that improvement continue to be uncertain. The stance of monetary policy remains accommodative, and conditions in financial markets appear supportive of an increased pace of activity. Interest rates remain low, and funds seem to be readily available to creditworthy borrowers. These factors, along with the ability of households to tap equity accrued in residential properties, should continue to bolster consumer spending and the purchase of new homes.

The recent declines in energy prices are another positive factor in the economic outlook. The price of West Texas intermediate crude oil dropped back to below $26 per barrel by the end of April, but as indications of a delay in the restoration of Iraqi oil exports became evident and geopolitical risks crept back in, prices have risen to near $30 a barrel—a worrisome trend if continued. Nonetheless, the price of crude oil is still about $10 per barrel below its peak in February. This decline has already shown through to the price of gasoline in May. Some modest further declines in gas prices are likely in coming weeks, as marketers' profit margins continue to back off from their elevated levels of March and April to more normal levels.

In contrast, prices for natural gas have increased sharply in response by very tight supplies. Working gas in storage is presently at extremely low levels, and the normal seasonal rebuilding of these inventories seems to be behind the typical schedule. The colder-than-average winter played a role in producing today's tight supply situation as did the inability of heightened gas well drilling to significantly augment net marketed production. Canada, our major source of gas imports, has little room to expand shipments to the United States. Our limited capacity to import liquified natural gas effectively restricts our access to the world's abundant supplies of natural gas. The current tight domestic natural gas market reflects the increases in demand over the past two decades. The demand has been spurred by myriad new uses for natural gas in industry and by the increased use of natural gas as a clean-burning source of electric power.

On balance, recent movements in energy prices seem likely to be a favorable influence on the overall economy. In the short run, lower energy bills should give a boost to the real incomes of households and to business profits. To be sure, world energy markets obviously remain susceptible to politically driven supply disruptions, as has been evident recently from the events in Venezuela and Nigeria. But, even taking account of these risks, futures markets project crude oil prices to fall over the longer run, consistent with the notion that current prices are above the long-term supply price of oil.

As has been the case for some time, the central question about the outlook remains whether business firms will quicken the pace of investment now that some, but by no means all, of the geopolitical uncertainties have been resolved. A modestly encouraging sign is the backlog of orders for nondefense capital goods excluding aircraft, which has been moving up in recent months. Moreover, recent earnings reports suggest that the profitability of many businesses is on the mend. That said, firms still appear hesitant to spend and hire, and we need to remain mindful of the possibility that lingering business caution could be an impediment to improved economic performance.

One new uncertainty in the global economic outlook has been the outbreak of severe acute respiratory syndrome (SARS) in Southeast Asia and elsewhere. This epidemic has hit the economies of Hong Kong and China particularly hard, as tourism and business travel has been severely curtailed and as measures to contain the spread of the virus have held down retail sales.

To date, the effects of SARS on the U.S. economy have been minimal. Airlines have obviously suffered another seriously blow, and some U.S. multinational corporations are reporting reduced foreign sales. But the effects on other industries have been small. Initially, there had been some concern that SARS would disrupt the just-in-time inventory systems of U.S. manufacturers. Many of those systems rely on components from Asia, and any disruption in the flow of these goods has the potential to affect production in the United States. So far, however, U.S. manufacturing output has not been noticeably affected.

In recent months, inflation has dropped to very low levels. As I noted earlier, energy prices already are reacting to the decline in crude oil prices, and core consumer price inflation has been minimal. Inflation is now sufficiently low that it no longer appears to be much of a factor in the economic calculations of households and businesses. Indeed, we have reached a point at which, in the judgment of the Federal Open Market Committee, the probability of an unwelcome substantial fall in inflation over the next few quarters, though minor, exceeds that of a pickup in inflation.

Mr. Chairman, the economic information received in recent weeks has not, in my judgment, materially altered the outlook. Nonetheless, the economy continues to be buffeted by strong cross currents. Recent readings on production and employment have been on the weak side, but the economic fundamental—including the improved conditions in financial markets and the continued growth in productivity—augur well for the future.

Mr. VOINOVICH. Mr. President, the Senate has passed a comprehensive energy bill that is currently stuck in conference with the House of Representatives. The energy bill passed by the Senate includes several provisions to increase domestic production of natural gas and to ensure that we have a healthy, vital fuel mix for electric generation.

It is vitally important for the conference committee to wrap up its work and report a bill that will increase our supplies of natural gas and promote alternatives to natural gas.

Unfortunately, the legislation that has been offered by Senators McCAIN and LIEBERMAN goes in exactly the opposite direction. We are trying to free up more natural gas. We are trying to take the heat off the demand for natural gas. It will force our utilities to fuel switch to natural gas. It will significantly raise energy prices. It will cause additional thousands of jobs to be lost. And I agree with the Senator from Missouri, Mr. BOND, that is what is going to happen.

The Energy Information Administration estimates that passage of S. 139—I think this is really important, and our colleagues should listen to this—will raise petroleum products prices by 31 percent, raise natural gas prices by 79 percent, raise electricity prices by 46 percent, and reduce GDP by up to $93 billion by 2025.

I just received a letter today from Commerce Secretary Evans, Labor Secretary Chao, and Acting EPA Administrator Horinko. Here is what they said in the letter:

> According to an analysis conducted by the Independent Information Administration (EIA), S. 139 would cause an estimated average loss of 460,000 American jobs through 2025, with estimated job losses reaching 600,000 by 2012. Instead of improving our economic security through economic growth and job creation, the job losses resulting from S. 139 would place an unacceptable burden on American workers and the American people.
>
> EIA's analysis further reveals the higher energy costs the legislation would impose on American energy consumers: once fully implemented, S. 139 would require a 40 cent per gallon increase in gasoline prices and cause a nearly 50% increase in natural gas and electricity bills.
>
> As a result of these higher energy costs, EIA projects a net loss of $507 billion (1996 dollars) in Gross Domestic Production over the next two decades. These higher energy costs and reduced economic growth would likely lead American businesses to move overseas, taking jobs with them.

Mr. President, I ask unanimous consent that this letter from Secretary Evans, Secretary Chao, and Acting EPA Administrator Horinko be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 28, 2003.

Hon. GEORGE VOINOVICH,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR VOINOVICH: We are writing to state our serious concerns about S. 139, "The Climate Stewardship Act of 2003," and to strongly urge that you vote against this bill to avoid the significant job losses and economic harm that it would inflict on our economy, without necessarily achieving any reduction in global greenhouse gas emissions.

According to an analysis conducted by the independent Energy Information Administration (EIA), S. 139 would cause an estimated average of 460,000 American jobs through 2025, with estimated job losses reaching 600,000 by 2012. Instead of improving our economic security through economic growth and job creation, the job losses resulting from S. 139 would place an unacceptable burden on American workers and the American people. EIA's analysis further reveals the higher energy costs the legislation would impose on American energy consumers: once fully implemented, S. 139 would require a 40 percent per gallon increase in gasoline prices and cause nearly a 50% increase in natural gas and electricity bills.

As a result of these higher energy costs, EIA projects a net loss of $507 billion (1996 dollars) in Gross Domestic Product over the next two decades. These higher energy costs and reduced economic growth would likely lead American businesses to move overseas, taking jobs with them. As a result, S. 139 may actually lead to an increase in global greenhouse gas emissions as companies formerly in the U.S. move their operations (and emissions) overseas to countries that do not require similar emissions reductions. To compensate for the economic dislocation that S. 139 would cause, the legislation establishes a "Climate Change Credit Corporation" for "transaction assistance to dislocated workers and communities." However, we believe that the Senate should instead reject this legislation and avoid inflicting the harm that would create the need for such "transition assistance" in the first place.

President Bush has committed the U.S. to an ambitious and comprehensive strategy to address the issue of global climate change. It is based on the recognition that only a growing American economy can make possible the sustained investments in energy and carbon sequestration technologies needed to reduce the projected long-term growth in global greenhouse gas emissions. Because of its negative impacts on jobs and economic growth, we call upon the Senate to reject S. 139 as a misguided means of achieving our international environmental goals.

DONALD L. EVANS,
Secretary of Commerce.
ELAINE L. CHAO,
Secretary of Labor.
MARIANNE L. HORINKO,
Acting Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has used 7 minutes.

Mr. VOINOVICH. Mr. President, I ask for another 5 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. Three?

Mr. INHOFE. Mr. President, I yield an additional 3 minutes from our side to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. As I said, Mr. President, carbon caps mean fuel switching. Carbon caps mean the end of manufacturing in my State. They mean enormous burdens on the least of our brethren. And they mean moving jobs and production overseas.

What we need to do is move forward in a responsible manner, and move away from harshly ideological positions that advance nothing other than the agenda of environmental groups that have made support for carbon caps a political litmus test.

We must move forward in a manner that includes sound science and concrete reductions in carbon without seriously harming our economy.

In response to the need for better understanding of the underlying science of climate change, President Bush has moved forward aggressively to focus administration science and climate programs on a comprehensive approach to this issue.

Earlier this year, Secretary Veneman announced a new series of initiatives to increase agricultural sequestration of carbon, which is a major problem. The Department of Energy is implementing President Bush's $2 billion Clean Coal Technology Initiative. And the DOE and the Environmental Protection Agency have worked with the State Department on several international carbon control and sequestration projects, including the exportation of clean coal technologies to underdeveloped nations.

I appreciate the steps the administration is taking on climate change. I would like to make clear today that, as a State legislator, county official, mayor, and Governor of Ohio, I have been able to work across the aisle with environmental groups to accomplish many things. Efforts were successful because reasonable minds were able to sit at the table together, work together in good faith, and get things done.

It is unfortunate in this debate that we have not been able to sit down with folks and work through this issue in good faith. Our friends in the environmental community and their allies in Congress have hardened their positions on climate change to the point that voting for carbon caps—despite the tremendous negative impact such caps have on jobs, the poor, and our economy—has become a litmus test.

In a word, this position is unreasonable. It is unreasonable that nothing other than capping carbon is acceptable. It is unreasonable that nothing other than forcing utilities to rely solely on natural gas to generate electricity and devastating our economy is acceptable. And, finally, it is unreasonable that nothing other than sending American jobs overseas and driving up energy costs for the poor and elderly on fixed income is acceptable.

Mr. President, I have been fortunate to serve the State of Ohio for many years. I take my responsibility to serve my State's interests very seriously. And I will work all day, every day, to block legislation such as this legislation that will devastate my State.

I urge my colleagues to vote no on S. 139, a bill that will shut down our manufacturers, send thousands of American jobs overseas—to countries that do not have the environmental laws that we have in America—significantly raise energy prices for those who can least afford them, and do little or nothing to solve the global warming problem.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I just want to, very briefly, respond to a few of the remarks of my friend from Ohio.

My friend from Ohio is talking about a bill that is not the one before us. The EIA estimate was of the original McCain-Lieberman bill. In an attempt to achieve consensus, we took off the second set of requirements. So now the bill says, to put it simply, that the Nation has to reach the 2000 level by 2010 of greenhouse gas emissions. No EIA study has been done on this bill.

We have a study from the MIT Joint Program on the Science and Policy of Global Change. Just to put the minds of viewers at ease about what the impact of this will be on the cost of energy, MIT estimates that the bill before us will have a positive effect on coal prices, in fact, dropping them by 5 percent, natural gas prices by 5 percent, and crude oil prices by 2 percent.

Secondly, there has been some reference to Cinergy and American Electric Power. I want to make clear, I did not say—I certainly did not intend to say; I do not believe I did say—that those companies endorsed our proposal. But the fact is, Cinergy did testify that they could live by the amendment without additional cost. And that is the relevant part of it.

Mr. McCAIN. Will the Senator yield for one question?

Mr. LIEBERMAN. I am happy to yield to the Senator from Arizona.

Mr. McCAIN. I have a letter entitled "The State of Climate Science: October 2003, A Letter from U.S. Scientists"—1,010 scientists from across America. I want to go into it later on, but they say, in summary: The main conclusions of the IPCC and the NRC—that is the National Academy of Sciences—reports remain robust consensus positions, supported by the vast majority of researchers in the fields of climate change and its impacts.

The body of research carried out since the reports were issued tends to strengthen their conclusion, 1,010 scientists.

We will probably hear it again, but they are relying on an analysis of a bill, because it is what was handed out, that is not even before the Senate. I argue to my friends, it is a waste of the Senate's time to argue statistics, as the Senator from Ohio just did, about a bill that is not before us.

Mr. LIEBERMAN. I thank the Senator from Arizona. I will yield the floor, but I ask unanimous consent that a summary of this MIT study of the bill before us and its cost impacts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Energy Price Impacts of Phase I of S. 139, the McCain/Lieberman Climate Stewardship Act According to the June, 2003, Economic Analysis of S. 139—By the MIT Joint Program on the Science and Policy of Global Change

I. Fuel prices followed by % change from reference projections (+/−):

	2005	2010	2015	2020
Gasoline Prices ($/gallon)	$1.63 (0%)	$1.72 (3%)	$1.87 (4%)	$2.14 (5%)
Coal Prices ($/metric ton)	$28.08 (0%)	$27.56 (3%)	$28.12 (−4%)	$28.70 (−5%)
Natural Gas Prices ($/mbtu)	$3.31 (0%)	$3.36 (−2%)	$3.17 (−3%)	$4.14 (−4%)
Crude Oil Prices ($/bbl)	$27.92 (0%)	$28.31 (−1%)	$31.08 (−1%)	$36.58 (−2%)

Note 1: Prices are reported in 2001 $$.

Note 2: Phase I implementation of S. 139 is represented by Scenario #12 in the MIT analysis.

Note 3: The gasoline prices are inclusive of the carbon price, so that whereas the price index of coal drops (exclusive of the carbon price), the price of gasoline goes up when the carbon price is included. This is how the "upstream allowance" system works to affect gasoline consumption—through the gasoline price. Coal, oil, and natural gas prices, in contrast, do not include the carbon charge because in S. 139 emissions of CO_2 are controlled at the point of combustion, and so this charge will not be seen in the price.

Note 4: The reason for the natural gas price decline is that, while a bigger share of electricity is produced using gas, overall gas use does go down. (Electricity use goes down due to conservation because of higher electricity prices, so there is less overall need to generate as much electricity as in the reference case.) There are also some modest improvements in efficiency of gas in the electric power sector, and conservation and efficiency in other uses, as well.

Mr. LIEBERMAN. I believe the Senator from Maine is next on our side. I yield to her at this time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I commend Chairman McCAIN for his extraordinary leadership on this issue, and Senator LIEBERMAN for being able at this point for the first time to debate global climate change here in the Senate. Chairman McCAIN has held many Commerce Committee hearings. As a member of that committee, I can tell you that he is focused singularly on this issue in terms of trying to address one of the most significant environmental issues facing this country in this century. It is long overdue, and this is the first real debate the Senate has had.

I am glad that Senator LIEBERMAN raised this issue on domestic reductions because that is what this legislation is addressing, domestic reduction of greenhouse gas emissions, specifically carbon dioxide, thought by the vast majority of international scientists to be the cause of global warming.

The legislation before us today, the McCain-Lieberman amendment to the Climate Stewardship Act of 2003, sets out to do just that in an environmentally and economically friendly way. I believe any future delay in acting on climate change will lead the U.S. down a path to even greater environmental damage and greater economic harm. As we review more and more the scientific evidence, it is clear to me that we have to address this issue in a very vigorous and aggressive way.

The main finding of the 2001 National Academy of Science report called "Climate Change Science: Analysis of Some Key Questions," was this:

> Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise.

While this report did not rule out natural variability, it stated that:

> . . . the changes observed over the last several decades are likely mostly due to human activities . . .

This first chart that I have from the Intergovernmental Panel on Climate Change should give us all great pause. The red line on this chart shows the extreme jump in increases in temperatures in the last decade alone when compared to the last 1,000 years, according to tree rings, corals, historical records, and from thermometers. Notice how the red line dramatically shoots up at the far right corner of this chart.

Since carbon dioxide emitted today will linger in the atmosphere on average of at least a century, this should be more of a red flag waving before our eyes than just a red line spiraling upwards as to why we should be attempting to reduce our greenhouse gas emissions now.

What is there not to get when you see the variations of the Earth's surface temperature for the past 1,000 years and see the dramatic incline in just the last few years alone?

Addressing global climate change is an issue that cuts across State and national boundaries as well as across interest groups. The majority of religious groups see it as a moral issue, and 75 percent of the general public, according to a new Zogby poll, supports actions under the McCain-Lieberman amendment. Some of the largest companies see it as a business issue. Dupont and BP, realizing climate change's effect on their bottom line, have already achieved larger reductions than our amendment calls for with no net cost.

As a matter of fact, the companies have posted an annual savings of $365 million, and this amendment before us today will give them credits for these early actions.

One might wonder why a Senator from a cold State such as Maine would worry about a little more warmth, unless you consider the implications of climate change on a number of ecosystems that could be thrown out of balance and truly affect life as we know it.

As an example, predictions are that the range of the sugar maple, of significant economic importance to my State during the fall foliage season, will move northward over the next 50 years. The range of softwood and hardwood tree species that grow in Maine are also expected to shift, interfering with the long-term growth plans of the timber industry. In addition, at a recent "Climate Change and Horticulture" symposium at Cornell University, scientists stated that crops such as potatoes could be pushed north into Canada. This news doesn't bode well for Maine's crop or those of other potato States such as Idaho, Washington, North Dakota, and Oregon.

As you can see from this next chart, States across the country, as indicated in green, are urging the EPA to consider carbon dioxide a pollutant under the Clean Air Act, and have put carbon caps on powerplants, or are calling on Congress to address the need for reductions in manmade greenhouse gas emissions.

The green States with the stripes are currently investigating potential legislative positions the States can take for carbon sequestration through agriculture and forestry initiatives, a move that could be very important in capturing and storing carbon dioxide that will help with domestic emissions reductions.

As a matter of fact, the New York Times reported in this morning's a edition:

> In the last three years, state legislators have passed at least 29 bills, usually with bipartisan support [that address global warming.]

But it is not just the States that are taking action on this key issue, as mayors from large metropolitan areas and small rural towns, indicated on this chart by the yellow dots, have written Congress in support of the McCain-Lieberman legislation that we are considering tonight.

This past June, my State of Maine passed a bill mandating reductions in carbon dioxide emissions to below 1990 levels by the year 2020. The law requires Maine to develop a climate change action plan by next July to guide State agencies, businesses, and others with a goal of reducing emissions. This bill grew out of a 2001 regional emissions agreement signed by six New England Governors and five eastern Canadian premiers.

New Hampshire has passed a law curbing carbon dioxide pollution from powerplants. On July 9, Northeast States, led by New York Governor George Pataki, called for a Maryland-to-Maine cap on global warming pollution from powerplants and announced a formal agreement for a regional strategy in the Northeast to reduce emissions through a market-based emissions trading system.

Over a year ago, the State of California passed legislation making it the first State to regulate tailpipe emissions of greenhouse gases. And just last month, the Governors of California, Washington, and Oregon announced plans to develop a coordinated strategy to reduce global warming.

In the Midwest, 10 years ago, Wisconsin implemented mandatory reporting requirements for large generators of carbon dioxide and is developing a registry that will enable firms to report carbon dioxide reductions that will allow them to obtain credits for these reductions in any future Federal and State greenhouse gas programs.

These grassroots efforts are sending Congress a clear and unequivocal message, and one that we should certainly listen to because our atmosphere knows no boundaries. We need to develop a national approach as a first step to emissions reductions for solutions that are environmentally and economically sound. The McCain-Lieberman amendment is a first step in that process.

Looking beyond the continental United States at the effects of climate change, scientists tell us that the snows of Kilimanjaro could vanish in 15 years.

The glaciers in the Bolivian Andes that once appeared indestructible may disappear in another 10 years.

In Alaska, where the average temperature has risen almost 5½ degrees over the past 30 years, there is evidence of melting permafrost, sagging roads, and dying forests.

There is also a 150-square mile, 100-foot thick mass of ice that has existed on the coast of Canada for 3,000 years that is disintegrating from a century-long warming trend, and the melting has been accelerating over the past 2 years.

Coral reefs, a large and integral part of the coastal oceans around the world, are under huge stresses as coral bleaching is induced by high water temperatures. Nature magazine reported there is a massive region-wide decline of coral which supports a huge variety of sea life across the entire Caribbean Basin.

Experts at a July 2003 NOAA workshop on coral reefs concluded that climate change will continue to render coral reefs even more vulnerable to human-related stresses, such as pollution, diseases, habitat destruction, and overfishing. Prevailing theory has generally held that the climate will respond to rising carbon dioxide and other greenhouse emissions by gradually growing warmer.

However, according to a December 2001 National Academy of Sciences report, a growing body of scientific evidence suggests that the climate does not respond to change gradually but in sudden jumps that such abrupt changes—and I quote from the report—"are not only possible but likely in the future."

If such a shift were to happen, it would have immense societal consequences. The report urged that a new research program be initiated to identify the likelihood of the potential impact of a sudden change in climate in response to global warming.

I am pleased the Senate Commerce appropriations legislation included $1.6 million for abrupt climate change research that I and Senator COLLINS requested to establish a NOAA joint institute at the University of Maine for the study of abrupt climate change.

There is no doubt we will continue to need fossil fuel as an energy source. Yet at the same time we should be actively supporting increased use of renewable energy as well. Energy produced from wind, solar, geothermal, and hydropower do not emit carbon dioxide. We must have the will to change, and Congress must take actions to supply the incentives to promote these clean energies and for energy efficiencies so companies can make investments that extend over a period of time.

The amendment before us creates a cap in the trade system that gives businesses more certainty in their business planning, allowing them to receive credits for emissions reduction actions that they can then trade in the marketplace to others who may require credits to meet their obligations. Our proposal even allows the forestry industry to voluntarily enter this program and receive credits for sequestering carbon dioxide through the trees they plant.

We also need more accurate data of just how much carbon dioxide the United States is emitting into the atmosphere every year, and I am convinced we can obtain these numbers voluntarily from some of the worst offenders. So a mandatory registry and reporting system for emissions should be put in place as proposed under this amendment.

Mr. President, I urge the Senate to adopt the McCain-Lieberman amendment to the Climate Stewardship Act. This is going to be absolutely critical for the future of this Nation and for future generations. Through our ingenuity and technology, we need to begin to take the actions to mitigate and to adapt to changes in the global climate system rather than just deferring through benign neglect the problems for other generations to address.

Working together, as this legislation is purporting to do, on a bipartisan basis, we have the ability to bequeath future generations a world better and more beautiful than was transmitted to us.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we have agreed to go back and forth. I know Senator AKAKA has been waiting for a while. Certainly it is all right to go to him. I wish to make one point first.

It is a little unfair and unrealistic—and I want to make sure everyone interested in this issue understands, we have had the McCain-Lieberman bill for months now, and we have all had a chance to study it. The fact they changed this bill and they are saying you are not talking about the bill before you now, that did not happen until 11:53 this morning. We have not had a chance to see it.

The bottom line is this: As was stated by the Senator from Connecticut, this is just a start. So if their bill is just a start, what it does is recognize CO_2 as a pollutant, and that changes the policy for America. I think the debate from this point forward should go on as if we are talking about the original McCain-Lieberman bill. That is what we will be doing.

I yield to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Oklahoma. With all respect, I say the Senator and others opposing our amendment may continue to talk about the original McCain-Lieberman bill, but that is not the one before us. We announced at a Commerce Committee hearing on October 1 that in an attempt to achieve consensus and find common ground, we were pulling back the second part of our proposal. The first part sets a goal of achieving the standards of emission of 2000 by 2010. The second part would have taken us back to 1990 standards by 2016. We pulled that back.

This is an attempt to try to see if we can move forward together. It has been out there for some period of time now, and the estimate we have seen of its effects comes from MIT, which I submitted for the RECORD earlier.

We will continue to debate whether the facts being presented are relevant to our amendment. I say respectfully they are not.

Mr. INHOFE. Mr. President, I had yielded to the Senator from Connecticut, so let me respond. There are other provisions that arose this morning that no one has seen. It is a new bill. It is a different bill. The Senator may have talked about it in the Commerce Committee. I am not on the Commerce Committee.

I will say this: To receive a bill after months and months of having this bill to look at, preparing our case, only to find out at the last minute, since they obviously didn't have the votes, it was changed, and we received it at 11:53, is not realistic.

The PRESIDING OFFICER. Who yields time? The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, we did distribute a draft of this amendment last week, according to staff. I suppose in some sense we are progressing in this disagreement. I would rather disagree about the impact of the bill than disagree about the science that I think says so clearly the world has a problem. The globe is warming. It is the result of human activity, and we ought to figure out what to do about it.

We will continue this debate. I thank the Senator from Maine for her very eloquent statement on behalf of the amendment. I am very proud of the bipartisan support for the amendment. The truth is, this is a nonpartisan amendment, as the public support for doing something about global warming is truly nonpartisan.

Mr. President, I also thank my friend and colleague, the very distinguished Senator from Hawaii, for his patience and support of the bill. His experience as a Senator from Hawaii with the evidence of global warming is real. It goes beyond statistics and arguments. They have begun to see it with their own eyes. It is, therefore, with a real sense of gratitude I yield whatever time the Senator from Hawaii needs to make his statement.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to support the Climate Stewardship Act of 2003. As a cosponsor of S. 139, I commend Senators LIEBERMAN and McCAIN for their bipartisan efforts to craft an important first step in addressing the serious issue of climate change. As was mentioned by Senator LIEBERMAN, Hawaii, a State in the Pacific, is certainly subject to climate change. I also support the proposed amendment which establishes an emissions reporting database, provides climate change research grants, and requires a freeze on current levels of greenhouse gas emissions using a cap and trade system. I compliment Senators LIEBERMAN and McCAIN for their continued leadership on this issue.

The United States makes up less than 5 percent of the world's population, but releases the largest amount of greenhouse gases of any country. The U.S. accounts for roughly 25 percent of the world's global emissions. In 2001, the National Research Council conducted a study on greenhouse gases at the request of the Bush administration. The council reported that concentrations of greenhouse gases are increasing as a result of human activities. In other words, elevated levels of carbon dioxide are not due solely to natural climate variations. One example is the increase in energy production from the burning of fossil fuels.

The council concluded that increased concentrations of greenhouse gases are causing surface air temperatures and subsurface ocean temperatures to rise. As you can see in the first chart, the World Meteorological Organization, WMO, shows an increase in combined land and ocean temperatures during the past 120 years. We can see clearly the trend that has occurred and where it is at this time. If we look farther back in the historical record, the second chart shows a dramatic spike in air temperature just after the Industrial Revolution. We can see that spike and rapid rise on the chart.

The Intergovernmental Panel on Climate Change, IPCC, a premier international working group, predicts an increase in air surface temperature. The IPCC estimates the increase would be between 2.5 to 10.4 degrees Fahrenheit from the year 1990 to 2100. The Panel also predicts that climate change will likely affect the distribution and availability of regional water resources. My colleagues should recognize that all the varied climate models and scenarios used by the IPCC show a continued increase in air surface temperature.

Strong evidence of increased atmospheric levels of greenhouse gases and climate change is obvious in my home State. The global warming debate began in Hawaii. Over 30 years ago, the Mauna Loa Climate Observatory documented evidence of increased carbon dioxide levels. This graph clearly shows an undeniable upward trend of carbon dioxide in the atmosphere around the world.

It is interesting to note, however, that island communities account for less than 1 percent of global greenhouse gas emissions. Major population centers and infrastructure are located along or near coastal areas. As a result, Pacific island nations are highly vulnerable to increased impacts of climate change. Scientists predict an increase of extreme climate change events such as hurricanes, floods, and droughts. The impacts of these events on business and agriculture in Hawaii and Pacific islands could be particularly severe and devastate our tourist-dependent economies.

In just the past 100 years, Honolulu's average temperature has increased 4.4 degrees Fahrenheit while precipitation has decreased by 20 percent. In Hawaii we have seen that "El Nino" events can have strong influences on our climate, causing prolonged periods of drought that hurt Hawaii's agricultural industry. Some climate projections show that the Pacific may actually transition into a more persistent "El-Nino"-like state, causing dramatic changes to the ecosystem around the world. This change would not only affect farmers, but perhaps even permanently destroy many coral reefs and their associated fisheries throughout the Pacific. In the mid-1990s, El Nino events destroyed at least one-third of Palau's coral reefs. The costs of inaction on climate change far outweigh the costs of this bill.

Sea level rise is also a tremendous concern for Pacific island communities. It can greatly accelerate coastal erosion and saltwater intrusion into groundwater supplies. For many Pacific island nations facing severe shortages of drinking water, sea level rise is a devastating prospect. In Hawaii, sea level has risen six inches in Honolulu and nine inches in Hilo, the big island. The IPCC predicts that sea level will rise another one to two feet in the Pacific by the year 2100. The impacts of even a relatively small sea level rise on Pacific nations and atolls, some with maximum elevations which are less than ten feet above sea level, can be severe. As recently as 2001, rising sea levels caused the loss of land areas in Kiribati and Tuvalu, Pacific nations with low-lying atolls. In the Pacific, cultural activities were interwoven with the conservation of the environment. These traditions allowed the survival of dense populations on small land areas. Today, the global issue of climate change extends beyond our borders and threatens the livelihoods of these nations. Climate change is an important challenge and high priority for immediate action in the Pacific.

The U.S. has tried initiatives such as the Voluntary Reporting of Greenhouse Gases Program. These voluntary programs have not succeeded in reducing or even stabilizing total U.S. greenhouse gas emissions. Although program participants committed to reduce certain portions of their carbon dioxide emissions, many entities had substantial increases in their overall emission levels. This rise in emissions was due to increasing demands for their products and services. According to the Pew Center on Global Climate Change, total greenhouse gas emissions have increased approximately 12 percent between the years 1990 and 2001. Emissions are projected to increase another 42 percent by 2020. The United States needs to address climate change in a significant way. We must implement a responsible and reasonable policy to stop greenhouse gas emissions from rising.

Under the Lieberman-McCain amendment, the United States would adopt a uniform, Federal program to stabilize greenhouse gas emissions. The amendment would require all major electric power, industrial, or commercial facilities that emit over 10,000 metric tons of greenhouse gas per year to take action. A program that uses emissions trading would provide these sectors with the flexibility needed to determine the most cost-effective and practical approaches to stop greenhouse gas emissions from rising. The U.S. has already demonstrated that a cap-and-trade system can be both environmentally and economically effective. The primary example is the Acid Rain Program which was established in 1990 to reduce emissions of sulfur dioxide.

Four U.S. corporations are already taking the lead in reducing greenhouse gas emissions. BP, British Petroleum, the largest oil and gas producer in the U.S., and DuPont, a $24 billion/year corporation that produces chemicals, materials, and energy, have already taken on emission reduction strategies. Both BP and DuPont have claimed to save millions of dollars in the process. Cinergy, the largest burner of coal in the U.S., has pledged to reduce its greenhouse gas emissions by 5 percent with the belief that they can meet this target at no additional cost to the company or ratepayers. American Electric Power, the largest emitter of carbon dioxide in the U.S., has joined the Chicago Climate Exchange. This marketplace trades greenhouse gas emissions with a target of reducing emissions. The Governors of ten northeastern States developed a regional greenhouse gas trading program because of the lack of national leadership on climate change. Their program requires a mandatory cap on power plants in July of this year. In total, carbon reduction initiatives are already underway in 27 States.

We must take this first, critical step to stabilize greenhouse gas emissions in the United States. If we fail to address the issue of climate change now, the U.S. may have to face catastrophic and expensive consequences. A relatively small investment today is far wiser than spending vast amounts in the future to replace destroyed homes and infrastructure, restore altered ecosystems, and reinvest in collapsed agricultural economies. Scientists at MIT, the Massachusetts Institute of Technology, conducted a study that analyzed the proposed costs of the Lieberman-McCain amendment to S. 139. They estimated the cost to be less than $20 per household per year.

The United States has the technological capabilities and intellectual resources to lead the world in an effort to reduce future greenhouse gas emissions. The Lieberman-McCain amendment demonstrates to the international community our serious commitment. The European Union, EU, has recently adopted a mandatory cap and trade program with a carbon dioxide reduction target of 8 percent by the year 2012. The proposed amendment only calls for a stabilization of U.S. greenhouse gas emissions. The compliance costs of the EU greenhouse gas reduction program are expected to total less than 0.1 percent of their GDP, Gross Domestic Product. Therefore, the EU predicts a minimal effect on their economic growth even under a rigorous approach.

I thank Senators LIEBERMAN and McCAIN for recognizing the importance of climate change and taking the lead on legislation to stabilize greenhouse gas emissions. Research shows that our climate is changing due to human activities. It is clear that piecemeal, voluntary approaches have failed to reduce the total amount of greenhouse gas emissions in the United States. Now is the time to send a strong message that the U.S. is serious about the impacts of climate change. A policy of inaction on climate change is not acceptable and will cost the United States more than preventive policies. I firmly believe that we can have economic growth while protecting the global environment. I urge my colleagues in the Senate to support the Lieberman-McCain amendment to S. 139.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I yield 10 minutes to the Senator from Alabama, Mr. SESSIONS.

Mr. SESSIONS. Mr. President, I thank Senator INHOFE for his leadership on this issue. I recall several years ago, as a member of the EPW Committee, we served on the Clean Air Subcommittee and had field hearings and took testimony from a number of the scientists who are still speaking out and discussing the issue of global warming. I remember Dr. Lindzen from Harvard sat back in one of our hearings, kind of relaxed, and he said: We can debate this global warming, but even if we do, the things people are proposing are not going to have any significant impact on the global climate situation in which we are involved.

I do think, as Senator INHOFE has ably pointed out, a lot of the scientific data is being disputed. One of the issues that I know about personally and have heard this witness, Dr. Christy, testify about, is the satellite data. Dr. John Christy at the University of Alabama at Huntsville studies NASA scientist space data, temperature readings in the upper atmosphere. According to the models that were supposed to predict global warming, those models called for the increase in temperature to show up first in the upper atmosphere.

According to his rigorous analysis of the upper atmosphere temperatures, they have not increased in the last 15 or 20 years—maybe just the most minute fraction, but probably not any.

So this contradicts some of the things we are hearing. I don't know what changes are out there in the environment. We know a lot of factors are involved.

Professor Sallie Baliunas from Harvard, an astrophysicist, has recently discussed sunspots and Sun activity, and charts that show that tend to correspond with increasing or falling temperatures.

I don't know. It could be increasing carbon dioxide, increasing soot, increasing other materials that have some impact on the environment, although it does appear—our best science shows in the early middle ages temperatures were hotter than they are today, before we had a lot of the things that people are complaining about.

What I want to get around to saying is I believe there are legitimate disputes about the validity and extent of global warming. There is little or no dispute that what the United States does unilaterally is not going to have any impact on the situation that is happening in our global environment. We have countries, like India with a billion people and China with a billion people, that are growing dramatically and have almost no environmental controls and are not going to participate in environmental controls. What we do here, whether or not we can spend billions and billions of dollars, what impact will we have here? Not much, I submit.

I remember all these world gurus that met in Kyoto and they passed the Kyoto resolution and they wanted us to adopt the Kyoto accords. That was wonderful, to be at this conference and everybody got excited, apparently, and passed this resolution and asked all the nations to sign.

We studied that here in the United States. What they wanted to do, and this was in the late 1990s, I believe 1997–1998, they wanted the United States and the other countries to commit to reducing greenhouse gases 7 percent below 1990 levels by 2012.

Far from beginning to show a reduction, by the late 1990s we were 10 or more percent above the 1990 level. Projections of increased energy demands and other projections raised a clear indication that we were going to continue to show increases and not declines.

What I would say is that was ludicrous. It was totally unrealistic, could not be accomplished. Yet these so-called scientists were saying you are not a good person, you are not politically correct if you didn't agree to the Kyoto Treaty. So we had a big debate about it. We talked about it, and it became so apparent that it was so bogus and so unrealistic that when we voted, it was 97 to nothing, as I recall, to reject the Kyoto Treaty.

Senator McCAIN and Senator LIEBERMAN have come back with a more modest proposal. One thing I would have to say about it is that the Kyoto accord at least proposed to bring other countries on board, to have them agree to these reductions. This one is a unilateral economic action, I suggest. It says that by 2010 we ought to be at 2000 levels. The projections for growth indicate that would be very costly to meet. The Department of Energy research group suggests that by 2010 it would create, that year alone, a $45 billion cost on this economy. Make no mistake, $45 billion is real money, and it comes right out of this economy. It is sucked right out of the growth of this economy. It adds to the bill of every business, every homeowner, and if it drives up the cost of natural gas as people say, it is going to take money out of the pockets of fixed-income Americans all over this country.

We cannot expect that there will be no cost for this.

The question is, Will the cost be worth the benefit? I suggest that President Bush has it right. Let us not focus on CO_2. Carbon dioxide does not hurt you. We have to have it in the atmosphere. It is what plants breathe. In fact, the more carbon dioxide that exists, the faster plants grow. Plants will grow in desert environments much better with higher levels of carbon dioxide. It does not hurt our lungs. It doesn't hurt our health. It does not injure. Sulfur dioxide, mercury, other particulate pollutants are harmful to us. Also, we need to focus on those issues. As we focus on those issues, we will reduce CO_2 at the same time and perhaps that will play a role in our meeting some of the goals we are facing today.

But to commit ourselves to a political goal of reducing a gas that is not harmful, and reducing it by amounts suggested here that will have no impact on global warming but a significant adverse impact on our economy—which means jobs, jobs, jobs—is a mistake.

We have people in this body who say: Oh, we have too much unemployment; we have too many people who can't find work; we are seeing too many jobs go over to China. Do you think China is going to be meeting these requirements? Do we think they will be spending $45 billion or more to get some minor increase that we were talking about here? I don't think so.

This reduces our competitiveness in the world marketplace. It hurts us as we seek to maintain our manufacturing. It hurts our people on fixed incomes. It increases their cost of heating and cooling their homes. It is a big-time mistake. We do not need to make this mistake.

I don't believe anybody will stand on the floor of this Senate and suggest that meeting CO_2 emission goals will help this economy. It can only hurt this economy.

Mr. McCAIN. If the Senator will yield for a question, I will stand on the floor of the Senate and ask what climate change is doing to future generations of Americans—the fishing industry and the farming and the climate and the forest fires that are taking place in California as we speak. If the Senator will yield for a question, I will stand up—

Mr. SESSIONS. I will not yield for a question. I have accepted the speech of the Senator while I held the floor. I am pleased to do so. He is a great advocate.

But I repeat: It is going to hurt this economy. And everyone knows it. It is going to drive up the cost of energy. When you do that, it drives out jobs. It will be a unilateral economic disarmament—a unilateral act by this country in which other nations will not be participating. It will not help us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. Mr. President, I thank the Senator for my time. I appreciate the commitment of the Senator from Arizona, and I thank the Senator from Oklahoma, Mr. INHOFE, for his leadership and support him on this side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I congratulate the Senator from Alabama for smiling his way through that intensive interrogation by the Senator from Arizona.

I now yield 10 minutes to the Senator from New York whose support for our amendment I greatly appreciate.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank the Senator very much.

I am proud to rise in support of the bipartisan climate change legislation offered by Senators LIEBERMAN and McCAIN. I will be brief in my remarks, because I believe that the sponsors of the amendment have eloquently made the full case for the legislation. But this is a very important issue, and I did not want to miss the opportunity to voice my support.

Climate change is greatest environmental challenge that we face. Its effects will unfold over decades and will touch every corner of the globe. I think the time to act is now.

First, I want to briefly touch on the science. Many of the details remain to be filled in, and I support further climate research so we can refine our understanding of how human activities are affecting the climate system. But there is already a strong scientific consensus that supports action now. The most definitive recent reports were issued by the Intergovernmental Panel on Climate Change and the National Research Council in 2001. In brief, the findings of those reports include the following:

No. 1, anthropogenic climate change, driven by emissions of greenhouse gases, is already underway and likely responsible for most of the observed warming over the last 50 years—the largest warming that has occurred in the Northern Hemisphere during at least the past 1,000 years;

No. 2, over the course of this century the Earth is expected to warm an additional 2.5 to 10.5 °F, depending on future emissions levels and on the climate sensitivity—a sustained global rate of change exceeding any in the last 10,000 years;

No. 3, temperature increases in most areas of the United States are expected to be considerably higher than these global means because of our Nation's northerly location and large average distance from the oceans;

No. 4, even under mid-range emissions assumptions, the projected warming could cause substantial impacts in different regions of the United States, including an increased likelihood of heavy and extreme precipitation events, exacerbated drought, and sea level rise;

No. 5, almost all plausible emissions scenarios result in projected temperatures that continue to increase well beyond the end of this century; and

No. 6, due to the long lifetimes of greenhouse gases in the atmosphere, the longer emissions increase, the faster they will ultimately have to be decreased in order to avoid dangerous interference with the climate system.

These are disturbing findings from the most authoritative scientific sources we have. And the findings are further bolstered by an October 1, 2003, letter to the U.S. Senate signed by over 1,000 leading scientists.

So opponents who argue that we need more study before we act are simply wrong. We need to know more, but we already know enough to take initial steps to reduce the greenhouse gas emissions that are causing climate change.

I would add that we are already seeing the effects of climate change. Glaciers are retreating all over the world. In March 2002 the Larsen Ice Shelf on the Antarctic peninsula completely broke off and broke up. The glaciers in the mountains in the tropics are rapidly melting; e.g., the snows of Kilimanjaro will be gone by 2015. One of my staff members took a photo of himself on the summit in 1970 next to a 20 foot high glacier at Uhuru Point; 29 years later his daughter was at the same Uhuru Point and only a trace of ice was left.

We are already feeling the effects of climate change. And the scientific consensus is that unless we act to reduce emissions, the planet will continue to warm over the next century, with widespread and potentially devastating effects. These potential effects include more frequent extreme weather events, the wider spread of diseases such as West Nile, Eastern Equine Encephalitis, and malaria.

As a Senator from New York, I am concerned about coastal flooding if sea levels were to rise, and how that would affect communities on Long Island. I am concerned about how warming will affect the Adirondacks, where tourism and a way of life depend on cold and snow in the winter. I am concerned about impacts on New York farmers. But I am also concerned about impacts in other parts of the country and around the world.

I am in wholehearted support of the effort undertaken by Senators LIEBERMAN and MCCAIN to address this issue of climate change. I have to say I find it somewhat bewildering, this note of fatalism, this sense of pessimism, this defeatism I am hearing from the other side of the aisle.

No. 1, it is a real problem. You can say that it isn't. You can say it over and over again. It is a real problem, and it is a problem that is getting worse because we failed to attend to it.

But what bothers me is this idea that somehow America—the most innovative, creative nation the world has ever seen—cannot cope with this problem. This defeatism, this pessimism, this fatalism that I hear from the opponents is fundamentally un-American.

We have a problem. We should get about the business of addressing the problem.

What Senators MCCAIN and LIEBERMAN have done is to give us a roadmap to doing that. It may not be everything that many advocates would wish for, but it lays out a marker, and, more than that, it fulfills for me the traditional sense of how Americans respond in the face of a difficulty.

This legislation is not only necessary but I think it provides an opportunity. Yes, in the short run there may be some adjustments that are needed, just as there always are when we have to face inevitable or necessary change.

We are confronting the greatest environmental challenge when we talk about global climate change. There can only be one conclusion: Because of human activity, we are warming the Earth.

Some might say, "Well, it doesn't seem that bad to me," or, "The consequences don't seem that dire." But I believe we have disturbing findings from the most authoritative scientific sources that argue otherwise. The most definitive recent reports were issued by the Intergovernmental Panel on Climate Change and by the National Research Council in 2001.

I remind my colleagues that the National Research Council study was requested by the Bush administration. And it fundamentally confirms the results of the Intergovernmental Panel on Climate Change.

What was the response of the administration? Kill the messenger. Hide the findings. Order EPA to take the information about global climate change out of its review of the status of the environment.

You can deny a problem, you can ignore it, and you can delude yourself that it is not an issue. But I don't think that any longer is sustainable. It is not intellectually honest, and it is not politically defensible.

Opponents who argue that we need more study before we act are simply wrong. Yes, we need to know more, but we already know enough to take initial steps to reduce the greenhouse gas emissions that are causing climate change. That is what this legislation proposes to do.

There are so many facts that support the evidence of climate change—whether we talk about the Larsen Ice Shelf on the Antarctic peninsula breaking off and breaking up or whether we talk about the snow at Kilimanjaro.

I want to show this one picture because it is so telling. It comes from the personal experience of one of my fellows who is working with me on my staff. He took a photo of himself on the summit of Kilimanjaro in 1970 next to a 20-foot-high glacier at Uhuru Point. And 29 years later, his daughter was at the same point and there was only a trace of ice left. Maybe people climbed up there and carted the ice off. I don't know. Maybe that became some kind of economic activity that the folks in Tanzania decided to pursue.

That is not what happened. I think what happened is we have evidence in the most dramatic way possible of the effects of 29 years of global warming. The scientific consensus is clear: That unless we act to reduce emissions, the planet will continue to warm over the next century, with widespread and potentially devastating effects. We have heard some of those mentioned already.

I listened carefully to the Senator from Maine talking about the change in everything from sugar maple to the potato crop in her State. I listened to my colleague from Hawaii, where we really began to acquire the evidence and understanding of global climate change.

I worry about disease. I think it is indisputable that we are seeing disease move up in latitude. Diseases such as West Nile, eastern equine encephalitis, and malaria are now found at latitudes that they have never been before.

As a Senator from New York, I am concerned about coastal flooding, if sea levels were to rise, and how it would affect the communities I represent and that my colleague from Connecticut represents at Long Island Sound and along the ocean.

I am concerned about the warming effects on the Adirondacks; I am concerned about the effects on New York farmers; I am concerned about the economy, if we do not act.

What is clear to me is that we have extraordinary economic opportunity. Since when did Americans say in the face of a challenge, Oh, my goodness, we can't admit it, we can't confront it, because we don't know how to deal with it economically?

We could be making money and creating jobs if we took seriously the opportunities for alternative energy and conservation. The fact that we do not is because of the stranglehold special interests who are committed to always producing energy have on this body and on the administration.

Let's be clear, we put out most of the greenhouse gasses from our country and we have the technological knowhow, we have the understanding that would enable us to be the leaders in addressing this issue. That is why the bill offered by Senators MCCAIN and LIEBERMAN is so timely. Simply put, we would stabilize greenhouse gas emissions at 2000 levels by 2010.

Think of the energy we would unleash among our entrepreneurs if they got the go-ahead to deal with this challenge. A market-driven system of greenhouse gas tradable allowances would exempt farmers, residences, and auto manufacturers, and that would give us a chance to go forward to try to find solutions to the challenge of addressing greenhouse emissions. We know this cap-and-trade approach can enable cost-effective reductions in emissions. We have seen it in the implementation of the acid rain provisions of the 1990 Clean Air Act. We know that has worked. Why do we turn our backs on what we know works?

It is amazing to me how often the Congress, Capitol Hill, and Washington end up becoming evidence-free zones because people do not want to deal with what the evidence demonstrates. We know the cost for this would be minimal.

Let's be honest. The science is clear. The opportunities are clear. This bill represents a modest and flexible first step. Despite the assertions of opponents, compliance costs will be minimal. The United States needs to regain leadership. We need to take responsibility. It gives a chance, then, to go to the rest of the world to try to build an international consensus. In the absence of some kind of protocol or treaty, we will be choking to death on the emissions from countries such as China and India as their standard of living rises. Now is the time to act. We owe it to our children and our grandchildren and generations beyond.

I thank the two sponsors for giving us the opportunity to go on record on the right side of history.

Ms. COLLINS. Mr. President, I rise to express my support for the goal of reducing greenhouse gas emissions to 2000 levels by the year 2010.

The scientific evidence that people are causing the Earth to warm grows more robust each year. According to the National Academy of Sciences, "Greenhouse gases are accumulating in the Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. . . ." Indeed, a new scientific analysis shows that the Earth is warmer now than it has been in the last 1,000 years.

Perhaps most alarming is the rapid warming that is occurring in the Arctic. According to data released last week by the National Aeronautics and Space Administration, Arctic temperatures are currently increasing at a rate of two degrees per decade, and Arctic ice is melting at a rate of 9 percent per decade. Scientists are now projecting that the Arctic Ocean could be ice-free in the summer by mid-century. Due to the importance of the Arctic Ocean to the world's climate as a whole, this prediction is truly alarming.

To be sure, there are still numerous uncertainties. Researchers at the University of Maine have pointed out that past changes in the climate have tended to occur very abruptly, but we do not know if future changes in the climate will also occur in abrupt shifts. Nor do we know how quickly future warming will occur. Due to these uncertainties, I believe we should not only direct more attention to better understanding the climate, but also take prudent actions to reduce the risk of disruptive climatic changes.

The McCain-Lieberman Climate Stewardship proposal would reduce U.S. greenhouse gas emissions to 2000 levels by the year 2010. In light of the climate changes observed to date and the potential risks of even greater and more abrupt changes, I support this goal. It is a prudent step in the right direction, and I intend to vote in favor of the McCain-Lieberman amendment.

Although I am in favor of the Climate Stewardship Act, I think more thought needs to go into the exact actions by which we reach the goal of reducing emissions to 2000 levels by 2010. These are important decisions, and Congress should not allow such important decisions to rest in the hands of the agencies. I support concrete, certifiable reductions, and these reductions should come primarily by increasing the efficiency of our economy and further developing our renewable energy resources. Increasing CAFE standards for automobiles, efficiency standards for air conditioners and other appliances, and reducing power plant emissions are just a few examples of concrete steps that we can take to reduce greenhouse gas emissions.

The United States has made tremendous strides in increasing the energy efficiency of the economy. In doing so, we have averted millions of tons of greenhouse gas emissions. With further steps in improving our energy efficiency, the McCain-Lieberman target is imminently attainable. I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield 10 minutes to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I have enjoyed listening to this debate either in person or over the television. I will not try to add to it with a plethora of statistics, forecasts, or predictions. Rather, I want to deal with some of the statements that have been made including some we have just heard from the Senator from New York and try to do a little math of a very simple and direct kind and ask a few questions.

First, the Senator from New York said the United States produces most of the greenhouse gasses. My understanding is the correct number is 25 percent of the greenhouse gasses produced in the world as a whole. That is the largest of any single country. It does not constitute most. But it is a plurality and pluralities win elections so that puts us in first place.

Now let us assume for the sake of following this through that we achieve a savings of 10 percent. I am not sure we will. No one is really sure in all of the predictions, dire and rosy, that are made with respect to this legislation how much the savings will be, but we will pick a number easy to calculate, 10 percent. That means, if the laws of mathematics have not changed, we would reduce the world emissions by 2.5 percent because 10 percent of 25 percent is 2.5 percent.

The question then arises, will the rest of the world stay static while we reduce the total by 2.5 percent or will a combination of China, India, Russia, Australia, what have you, increase the total by 2.5 percent so that the net effect in the atmosphere of America doing this is zero. That is a very likely scenario. The net effect of the United States doing this as far as manmade emissions are concerned would be zero. Yes, we could reduce theoretically ours by 10 percent. That would be made up by the rest of the world.

The question arises, how much benefit is there to see to it that the overall world situation is as it is now with the United States producing no significant impact on the total?

The next question, what do we do if we reduce it by 10 percent? How do we do that? Obviously, we will need the power. Indeed, we will need substantially more power between now and the year 2010 if we are going to reduce the emissions that come from fossil fuel to generate the power we will have to go someplace else. There are a variety of places we can go.

One we hear often is we should use natural gas. We should replace coal with natural gas. That is a good idea. But let us understand something right now. We have in the United States currently a shortage of natural gas. As Alan Greenspan pointed out, that is one of our major economic challenges. He also has pointed out, natural gas is the one fossil fuel we cannot import. In order to import natural gas we have to have a pipeline, unless you liquefy it, and that is tremendously expensive, and we do not have the ports available to receive natural gas in liquefied form. The only places we can import natural gas are Mexico and Canada, and we are doing that.

If you look at a geological chart of the United States you find there is plenty of natural gas in the United States, but a very large percentage of that is on public land. Now the people who are telling us we must reduce greenhouse gas, namely the environmental groups, are the same people who are telling us we cannot drill for natural gas in the United States because that somehow will desecrate the public lands. I am not sure the land cares whether there is a drilling rig on it or whether there is a pipeline running across it, but certainly the Sierra Club cares. They say absolutely no drilling for natural gas on public lands.

If we cannot get to the natural gas, we will continue to use coal. Let's use clean coal. We have enough clean coal in the State of Utah to heat, light, drive the city of San Francisco for the next 300 years. We proposed mining that. Clean coal, low-sulfur coal would significantly reduce greenhouse gas emissions. Who got very upset at the idea we might start to use clean coal? The Sierra Club. They got President Clinton to declare a national monument right on top of the potential clean coal to make sure there would never be any coal mined from that place because environmentally they do not want any coal mines.

Well, we cannot use natural gas because we cannot get it off our public lands. We cannot use the clean coal in the West because we cannot get it off our public lands. What is our alternative? Nuclear. That will do it. That is what they do in Europe. That is why Europe is in favor of Kyoto because they do not use fossil fuel to generate electricity; they use nuclear power.

So let's have nuclear plants all over the United States in order to produce the 10 percent reduction called for in this bill. Is the Sierra Club ready to endorse and embrace nuclear? They will not let us drill for natural gas. They do not want us to use the clean coal and they absolutely do not want us to build nuclear plants.

All right. Where else do we go? Well, in the West, we get a portion of our power from hydroplants. Dams have been built to store water. And as the water tumbles down the front of the dam, why, we get power. And it is the goal of the Sierra Club, and other groups that are supporting this bill, to dynamite these dams. They want to drain Lake Powell and dynamite the dam.

It is very interesting, if I could make a quick historic aside, when my father was in the Senate, and they were talking about building the Glen Canyon Dam that would produce this power, the Sierra Club opposed it and said: We will never, ever need that much power. But, they said, if for some reason we are wrong, and we should need that power, there is no point in building the dam to provide the power because look at all the coal that is there. The coal is the coal that they moved to make sure would never get mined.

I could embrace the idea of reducing the emissions in a test fashion to see if it did indeed have any impact on global warming if I could see the way clear to produce the power some other way than the way we are doing it now.

I would say to the Senator from Connecticut, who has excellent contacts in the environmental world, if he would go back to those who are supporting this bill and say to them, "In return for support of this bill, will you agree to drill for natural gas on public lands, to exploit low-sulfur coal where it exists on public lands, and to explore the possibility of more nuclear plants so that we don't become dependent on fossil fuel?" I might very well be interested in cosponsoring and voting for this bill.

But until those who are driving the debate publicly are willing to address the question of how you replace the sources of power that would have to be eliminated if this bill should pass, I intend to vote against the bill.

I yield the floor.

Mr. KYL. Mr. President, in 1997, the Senate unanimously passed the Byrd-Hagel resolution that stated that the Senate would reject any climate agreement that did not mandate "new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period" as the United States or that "would result in serious harm to the economy of the United States." The Kyoto Protocol failed to meet these conditions, and consequently, President Clinton never submitted the protocol for Senate ratification, nor has President Bush.

The initiative before us. The Climate Stewardship Act of 2003, also fails to comply with the Byrd-Hagel resolution. First, it unilaterally commits the United States to carbon emissions restrictions, and second, it puts into place the regulatory structure for future carbon dioxide emissions reductions. This initiative represents the first phase in a long-term effort to reduce carbon dioxide emissions that would ultimately inflict serious harm on the U.S. economy. There is no need at this time to go down that path.

There are many reasons why the U.S. should avoid committing itself to carbon dioxide reductions. First, carbon dioxide is the unavoidable consequence of burning carbon-based fuels such as coal, oil and natural gas. The only way to get energy from a carbon-based fuel is to force the carbon to combine with oxygen through burning it. The result of that process is carbon dioxide, an odorless, colorless, non-toxic gas that sustains life. Reducing carbon dioxide to levels that would be climatically meaningful would mean using something other than coal, oil or natural gas to fuel our economy. Unfortunately, there are no economically viable alternatives to replace these fuels at this time.

This was made clear in a review of available energy technologies published in Science magazine in November 2002. In that review, a team of scientists many of whom are climate alarmists—concluded that our fossil fuel-dominated energy system "cannot be regulated away" and that we must instead rely on "the development within the coming decades of primary energy sources that do not emit carbon dioxide to the atmosphere."

The review notes that the United Nations' Framework Convention on Climate Change calls for a stabilization of greenhouse gases at levels that avoid "dangerous anthropogenic [man-made] interference with the climate system." Nobody really knows what that level is, but the authors of the study argue that stabilization at levels as low as 450 parts per million may be necessary to do this. The review states that, "[t]argets of cutting to 450 parts per million . . . could require a Herculean effort." And, "[e]ven holding at 550 parts per million is a major challenge." Incidentally, we are currently at 370 parts per million, so the Herculean effort would still result in carbon dioxide levels significantly higher than we have now.

Now I realize that the initiative before us falls well short of stabilizing atmospheric emissions at 450 or 550 parts per million. But let me be clear that if the Senate passes this initiative it would set a precedent that would lead to future, more costly reduction requirements. Currently, the executive branch has no authority to regulate carbon dioxide emissions. Indeed, the Clean Air Act expressly forbids the executive to regulate carbon dioxide emissions. This initiative would create the architecture for a series of increasingly stringent controls on energy use. It is widely acknowledged that if indeed global warming is a serious problem, that even the Kyoto Protocol is woefully inadequate to meet the challenge. As noted by the EU, and elsewhere, "avoiding dangerous interference with the climate system . . . would require substantial (50 to 70%) global reductions in total greenhouse gas emissions." So this precedent-setting initiative would be the first stage of what appears to be a monumental and extravagantly expensive undertaking, and the levels of carbon dioxide in the atmosphere would still be higher than they are now after all our efforts and all the cost.

The Science review notes that the world's power consumption is about 12 trillion watts, 85 percent of which is supplied with fossil fuels. By 2050, total energy consumption will be as much as three times the amount currently produced by fossil fuels. The review states: "Energy sources that can produce 100 to 300 percent of present world power consumption without greenhouse emissions do not exist operationally or as pilot plants."

The authors conclude that the ability to stabilize greenhouse gas emissions without seriously damaging the economy is not possible at this time: "CO_2 is a combustion product vital to how civilization is powered." All of the possible alternative fuels "have serious deficiencies that limit their ability to stabilize global climate." The authors simply hope that we can "develop revolutionary changes in the technology of energy production, distribution, storage, and conversion."

In other words, the means to meaningfully reduce carbon dioxide emissions are not available, suggesting that the economy would suffer from a premature attempt to reduce emissions.

How would this initiative affect the U.S. economy? The Department of Energy's Energy Information Administration makes it quite clear that policies that regulate carbon dioxide emissions would most heavily impact coal, which is the United States' most plentiful and affordable domestic energy source, and is the most important fuel in electricity generation. Currently, 52 percent of America's electricity needs are generated from coal. And while that share is projected to decrease somewhat over the next 20 years, total coal use may well go up to keep up with growing electricity demand. It doesn't make a lot of sense to target our most important and plentiful domestic energy resource.

Incidentally, my State's only significant coal reserves are located on Black Mesa and the mine there is a major employer of Native Americans from the Hopi Tribe and Navajo Nation. This mine also supplies secure, affordable energy for millions of Southwest families.

There is also a lot of concern up here about the decline in manufacturing jobs nationally. But the Energy Information Administration also makes it clear that energy intensive manufacturing industries would also be harmed by policies that regulate carbon dioxide.

Finally, we are not the only nation to come to the realization that Kyoto-style policies carry a hefty price tag. Russia made it quite clear at a recent United Nations' World Climate Conference that the Kyoto Protocol does not serve the economic interests of her people, and therefore will not be pursuing greenhouse emissions reductions. Andrei Illarionov, President Putin's chief economic advisor has stated that Kyoto is incompatible economic growth, noting that 40 years of data from 150 countries shows that GDP growth is highly correlated with increased carbon dioxide emissions. Thus Kyoto is incompatible with Putin's goal of doubling Russia's economic growth over the next 10 years, which would put the country slightly above its Kyoto target. Moreover, Illarionov stated: "But Russia isn't going to stop at this level, so the carbon dioxide level will be much higher." He concludes that supporting Kyoto would mean "dooming the country to poverty, backwardness and weakness."

And that is the message I want to leave with my colleagues. Engaging in Kyoto-style emission reduction programs are incompatible with economic growth at our current levels of technology, and to act now without sound scientific justification would be foolish. I urge my colleagues to vote no on S. 139.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I would like to inquire as to the amount of time we have left on our side.

The PRESIDING OFFICER. There are 30 minutes 35 seconds.

Mr. INHOFE. All right. Mr. President, I was telling my good friend from Connecticut a few minutes ago, if we keep hearing it repeated that "the science is real, the science is real, the science is real," sooner or later they are going to start believing it. Nothing could be further from the truth.

Let me just say, first of all, reference was made by one of the speakers to the Byrd-Hagel resolution that was passed 95 to 0. What did that resolution say? The resolution said, if there is economic damage or if the developing countries do not have to do the same thing the developed nations do, then we are not going to ratify the treaty. That is exactly what they came back with.

So here we have a situation now that is even worse because we are talking about passing a bill that would put the United States of America in a position where they have to do something that not only the developing nations do not have to do, but even the developed nations do not have to do.

So I can tell you right now, there are a lot of people in China who are rejoicing, thinking: Boy, all those American jobs are going to come to us if they pass this. In India, they are rejoicing; in Brazil, the same thing. In South Korea, President Roh, and President Vincente Fox of Mexico would be delighted to think about the great jobs that would go there—many of which have already gone there because of some of our overregulation in this country.

Like Kyoto, this is an extreme approach. I am not going to try to figure out which bill we are talking about. The McCain-Lieberman bill has been around now for months. And now, at 11:53 this morning, they changed it. I don't know what was changed.

But I would say this: This is a cartoon that appeared that I think you will enjoy, I say to Senator LIEBERMAN. It is the camel's nose under the tent, the fact that if you get just a little bit here, then all of a sudden the rest of it will come in. And the rest of it is the body of Kyoto.

Now, why do I say that? I say that because they are actually saying one thing. I don't care how they change their bill, they are changing the policy of America to make us believe and have, as a new policy, that CO_2 is a pollutant. CO_2 is not a pollutant. Other things are pollutants.

In fact, we have the Clear Skies Act which the President of the United States, President Bush, is promoting. It has the largest reduction in emissions that any President has ever promoted, with a 70-percent reduction. And those are in sulfur dioxide and mercury.

But in this case here, just to show you that nothing really has changed by the last minute change, these features—the covered gases, emission caps, timetables, emissions trading, wealth transfer, emissions reporting, sequestration and sinks, verification, and future racheting—those are the same things that are in the current bill that appeared in the bill mysteriously at 11:53.

Now, I would like to suggest we have heard a lot of hysteria tonight. We are going to hear it tomorrow for 2 more hours—no, 1 more hour. That time is going to be equally divided, and they are going to be talking about the horrible things that are going to happen, the ice caps are going to be breaking, all these things.

I would suggest to you, Mr. President, we heard the same thing a few years ago. Looking at a couple magazines—this is Science Digest. They came out, and they said: "Brace Yourself for Another Ice Age." The same people who are talking about warming today were talking about bracing yourself for another ice age. If there were time, I would read the script. It is really enlightening to do so. I would encourage my fellow Senators to do that.

Then, Time magazine came out, and they have "Another Ice Age?" They talked about these horrible things that are going to happen: We are not going to be able to grow anything anymore. We are going to have to shut down businesses because we are no longer going to be able to function because we have another ice age—not global warming, global cooling.

Then along came Newsweek, and it says: "The Cooling World." They talk about the horrible things that are going to happen.

So it seems to me it is the strategy of those individuals who are catering to the extreme environmental left to try to scare people. And there is no reason to do that.

Now, I think probably the most significant thing I am going to be talking about tonight is to try to make people realize that if you say something enough times, as we keep hearing—as I mentioned a minute ago, about the science being real, about it is proven, and all that—sooner or later people believe it. One reason is we do have a liberal national media, and they would like to have people believe that.

Now, we heard a lot of discussion about the National Academy of Sciences. I would like to quote Dr. Frederick Seitz, who is the former president of the National Academy of Sciences, and 17,800 other independently verified signers.

Now, the Senator from Arizona talked about the 1,010 scientists. We are talking about 17,800. This is what the Oregon petition said. This is a petition that was put together by the lead, Dr. Frederick Seitz, the former president of the National Academy of Sciences, along with 17,800 other signatures:

> We urge the U.S. government to reject the global warming agreement that was written in Kyoto, Japan, in December, 1997, and any other similar proposals. The proposed limits on greenhouse gases would harm the environment, hinder the advance of science and technology, and damage the health and welfare of mankind.

This is the former president of the National Academy of Sciences. He goes on to say:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.

Now, this is significant. We are talking about not only is CO_2 not a pollutant—which it is not a pollutant—but it is a fertilizer. It is something that helps us and something that would be to the benefit to have more of, not less.

Now, in addition, there are over 4,000 scientists, 70 of whom are Nobel prize winners, who have signed the Heidelberg appeal.

The Heidelberg appeal says: No compelling evidence exists to justify controls of anthropogenic greenhouse gas emissions. Anthropogenic is the term meaning "man-made." We keep hearing the Senator from New York talking about the man-made gases. It does not exist. These are 4,000 scientists. Look at some of the scientists we are talking about. They are on this list. It is too many to delineate at this time. The bottom line is that the science just flat is not there.

Ninety percent of the science—in fact, 100 percent of the science I have heard the other side talk about tonight is all science that they allege happened, but it was all before 1999. What we are talking about are things that have happened since then. There has been a turnaround.

Last July 8, James Schlesinger—we all remember him; he certainly is no Republican—the Energy Secretary to former President Carter, said:

> There is an idea among the public that the science is settled. That remains far from the truth.

He goes on to talk about the fact that the science is not sound behind the myth, the hoax of global warming.

It is important to realize that the IPCC, which is the Intergovernmental Panel on Climate Change, came from the United Nations with the idea that they are making the recommendations. The lead scientist behind that was a scientist named Dr. Michael Mann.

What we have done here is talk about what has happened in terms of the science that has come from this recent 2003 science, as opposed to what came under Michael Mann or the the Intergovernmental Panel on Climate Change. One is the detail, less hemispheric, and the information that they used, the age of the data. Under Michael Mann it was older, 1999 or before. The newer is after the IPCC. This is all new stuff. I will submit this for the RECORD because it is all very self-explanatory.

Several times reference was made by the distinguished Senator from Connecticut to MIT and what MIT is saying to us. I would like to quote Dr. Richard Lindzen, an MIT scientist and a member of the National Academy of Sciences. Both of these—MIT and National Academy of Sciences—were used to fortify the case that this hoax called greenhouse gas is a reality. This is what Dr. Rich Lindzen said. He has specialized in the climate issue for over 30 years. He told the Committee on Environment and Public Works, the committee I chair:

> There is a definite disconnect between Kyoto and science. Should a catastrophic scenario prove correct, Kyoto would not prevent it.

These are new discussions that are coming from scientists whose credentials cannot be questioned. Again, it is MIT science—we heard that a few minutes ago—and the National Academy of Sciences.

Dr. David Legates is director of the Center for Climatic Research at the University of Delaware. This is going back to Michael Mann, the guy who is the scientist behind the IPCC, all this stuff that we have been hearing. Dr. Legates said:

> Although [Mann's work] is now widely used as proof of anthropogenic global warming, we've become concerned that such an analysis is in direct contradiction to most of the research and written histories available. Our paper shows this contradiction and argues that the results of Mann . . . are out of step with the preponderance of the evidence.

Preponderance of the evidence, we keep hearing the other side say the science there. No one is going to question it. We are all questioning it.

This is from a publication called "Energy and Environment," and this was November 15, last week. It starts talking about the flaws in the logic that were used by the Mann study. The flaws all come out. I will show the greatest flaw of all.

Let me hold this piece of paper up to this side. This is what Dr. Mann has been talking about. He referred to the famous hockey stick. Here is the hockey stick. The shaft goes along here and all of a sudden that is the hockey stick part. That is supposed to be where it is getting so warm. What he failed to do was to go back to the 1400s. If you look at this, the Earth was much warmer, the temperatures were much warmer back then than they are today by a long ways. So it is just leaving out these little convenient things that causes the truth to be distorted.

I think this is probably the most important chart. It shows you what the other side does. They will cover up the part that disclaims everything they are saying and come out and use it as evidence to promote it. I am saying that the temperatures on the Earth's surface were higher in the 1400s than they are today.

One of the most recent things that came out just in March was the Harvard Smithsonian study. This was the most far-reaching study ever made on climate change. It examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades. The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion that climate change is not real, that the science is not accurate. We will be coming back to that from time to time, probably tomorrow also.

This is the range of climate proxies that were used to come up with the conclusions of the Harvard Smithsonian study. If you read them all, it starts with borehole data, cultural data, glacier advance and retreats, geomorphology, all these things were used. Primarily what was used by Dr. Mann were the tree rings. And this covers every known type of a proxy that could be used. All of this was in the Harvard Smithsonian study.

So I think if you go back one more time to the chart that we had up here that shows how they are misrepresenting the data, if you stop and think about it, just use logic on things that we know. What is incontrovertible? What do we know right now that no one can question? What we know is that there was a medieval warming period. That period was around from 800 A.D. to about 1300. Then there was the little ice age that came along. The little ice age went from 1300 to 1900. Then we went into another warming period that endured from 1900 until 1940.

Something significant happened in 1940. In 1940, we started going into another cooling period. But wait a minute. The 1940s was the decade when the surge came in CO_2 emissions. That was during the time when more people were driving, and it happened right after the war. So we had the greatest increase in releases of CO_2 during that time, an 80-percent increase.

What did that do? Did that cause warming? It did not. It precipitated a cooling period that endured through the 1970s. I think if you look at that, I don't know how anyone can say that the science is at all favoring—and certainly not recent science—the concept, I call it a hoax, of global warming.

Since I gave a speech on the floor when I used these charts, which I may not have time to do tonight, there have been a lot of things that have come out. The University of Colorado researched the Arctic Circle information. To do that, they actually went down beneath the snowpack in the Colorado Rockies, and the scientists discovered fungi emitting large quantities of carbon dioxide in methane. Of course, this is totally unrelated to manmade emissions. That is not man-made. They are talking about man-made emissions. That is something that was there that was never considered until it was discovered about a month ago. They said in an article in the Washington Post, quoting the scientist:

> Indeed, scientists said, if other regions of the world have similar fungal communities thriving under the winter snows, as seems likely, climatologists will have to revise their models of global warming to accommodate fungi surprisingly massive role in the winter production of greenhouse gases, such as carbon dioxide.

It went on to say—these are the scientists now, after this discovery just a month ago:

> The global warming models can no longer ignore fungi in snowy regions and seasons as they had, scientists said, especially because about 40 percent of the landmass is covered with snow for at least part of the year.

We will revisit this issue, but there is no question that the science refutes everything the alarmists we have heard about have been trying to promote. I think something that would be more meaningful to the Members of this body would be, so what, there is. There is a preacher named Lon Solomon. On the rare occasions I am here on Sunday, I will go out to the McLean Bible

Church. Right in the middle of his sermon he says: So what.

We have gone through all this, the science is flawed, it doesn't exist. So what. What is the big deal? The big deal is the economic harm that would come to this country. Let's examine it for a moment.

Later on I will go over all of the letters, but here is what the teamsters, boilermakers, electrical workers, and others wrote me in a letter on September 9—this past September 9. This is not in 1999. They write:

> Mandatory reduction requirements for carbon dioxide and other greenhouse gases would create much higher energy prices for consumers and put the economic recovery at risk, while providing little or no tangible benefit for the global environment. We, therefore, urge you to vote against S. 139, the Climate Stewardship Act.

CBO, the Congressional Budget Office—we depend on them for scoring, for coming up with numbers we use to make economic decisions in this body. They said it best:

> The price increases resulting from a carbon cap would be regressive. That is, they would place a relatively greater burden on lower income households than on higher income households.

A minute ago we heard Senator VOINOVICH from Ohio. During one of our committee hearings, a guy named Tom Mullen, who is the president of Catholic Charities, testified before our committee and said:

> The overall impact on the economy in northeast Ohio would be overwhelming, and the needs that we address at Catholic Charities in Ohio with the elderly and poor would be well beyond our capacity and that of our current partners in government and the private sector.

You heard about the harassment he has been subjected to because he cares—sincerely, genuinely cares—about these older people.

What about minorities? According to a study by the National Black Chamber of Commerce and the United States Hispanic Chamber of Commerce, if the United States ratifies Kyoto or passes domestic climate policies—that is what we are talking about, effectively implementing the treaty; that is their goal—the result would "disproportionately harm America's minority communities, and place the economic advancement of millions of U.S. Blacks and Hispanics at risk."

That was the Center for Energy and Economic Development doing a study for the Black Chamber of Commerce and the Hispanic Chamber of Commerce.

It gets down to being more specific. We find out from this study that the Kyoto issue we are talking about right now would cost 511,000 jobs by Hispanic workers and 864,000 jobs held by black workers. Poverty rates for minority families will increase dramatically, and because Kyoto will bring about higher energy prices, many minority businesses would be lost.

Here is a chart that shows the unemployment rate this study revealed. This study was sanctioned by the Black and Hispanic Chambers of Commerce because of their concern. Keep in mind all these things will happen to them, and yet there is no science or logic behind those decisions.

This information came from Pennsylvania State University. They did a study. In this study, they break it down by State as to how many jobs are going to be lost. I will point out a couple of States.

Illinois would lose, if we were to pass S. 139, 159,000 jobs. I hope the Senators from Illinois are watching right now because 159,000 jobs is not what they would want. Ironically, in Indiana, they would lose 194,000 jobs. In Michigan—and that is a big auto State—they would lose 133,000 jobs. They tell you we are going to carve out a special deal for the autos. Look, this is the nose-under-the-tent concept. They now say if we adopt this, our policy is the science is real and global warming, in fact, exists.

In Pennsylvania—and I am sure the Pennsylvania Senators are very sensitive to this—they would lose, if we pass this bill, 178,000 jobs. In the State of West Virginia, it will be 126,000 jobs; in Wisconsin, 113,000 jobs; for the interest of the Senator presiding, over 100,000 jobs in the State of Minnesota.

Something was stated by the Senator from Connecticut concerning farms. He said we are going to carve out farmers and agriculture, that nothing is going to happen there. Standard & Poor's Data Resource International did a study—again, a very recent study. They talked about what is going to happen.

Let me share with my colleagues what will happen to the agricultural families in America, according to Standard & Poor's. You can discredit Standard & Poor's, but I don't think you will get by with it. They are legitimate.

Fewer small family farms: Higher energy costs, together with the reduced domestic and export demand, would lead to a severe decline in agricultural investment and a sharp increase in farm consolidations. The number of small farms likely would decline much more rapidly than under business-as-usual conditions.

Higher production costs: Production costs would increase by up to $16 billion, an increase of almost 9 percent, and would be difficult for agriculture to pass on to the consumers. These higher production costs include a $13 billion increase in manufactured input—that is fuel, fertilizer, and chemicals—expenditures, and $1.6 billion increase in farm origin.

Lower demand for agricultural products: Weaker demand for agricultural products results both from the 1.6 percent decline in GDP and 2.4 percent decrease in consumers' disposable income. It goes on and on.

Higher food program costs: If you are not sensitive to the farmer, you ought to be sensitive to the people who have to eat in this country. For example, USDA spends more than $39 billion for six food assistance programs, including the Food Stamp Program—there are a lot of people interested in that program—and child nutrition programs. We talk about that every day.

For these programs alone, emission controls from the protocol would add 500,000 persons to the food stamp rolls and increase program costs up to 5 percent annually.

Again, this is not Senator JIM INHOFE talking. I am not qualified to make these assessments. This is a study made by a Standard & Poor's research group.

Getting back to the MIT joint program, since they have been used quite a bit, the MIT Joint Program on Science and Policy of Global Change, the average crop yield is 30 percent higher in a CO_2-enhanced world.

That is what the Senator from Utah was talking about.

I inquire from the Chair as to our remaining time.

The PRESIDING OFFICER. Three minutes and thirty seconds.

Mr. INHOFE. I reserve the remainder of my time. I am anxious to hear from the Senator from Connecticut and the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, devastating fires across California fueled by unusual drought conditions have already claimed the lives of 18 people, destroyed nearly 2,000 homes, consumed nearly 600,000 acres roughly the size of Rhode Island, and caused over $2 billion in damages. Glaciers in Glacier National Park have dwindled from 150 more than a century ago to about 35 today. Some scientists estimate that the park will have no glaciers in 30 years. An ice-dammed lake drained recently when the Ward Hunt Ice Shelf, which a century ago rimmed the entire northern coast of Ellesmere Island, broke up along the coast of northeast Canada. NASA has confirmed that part of the Arctic Ocean that remains frozen year-round has been shrinking at a rate of 10 percent per decade since 1980.

We can talk about the impact of the Kyoto Treaty, as Senator INHOFE just did. I call the attention of my colleagues to this picture. Here is the Arctic Sea ice boundary in 1979. There it is today. I am sure that that will be natural causes and have nothing to do with man-made activity, human activities, but the fact is, as the Senator from New York showed, Kilimanjaro is now without snow.

At a conference in Iceland in August, scientists told senior government officials that the Arctic is heating up fast, disclosing disturbing findings from a massive study of polar climate change. Dr. Robert Corell, who heads the Arctic Climate Impact Assessment team, said: If you want to see what will be happening in the rest of the world 25 years from now, just look at what is happening in the Arctic.

Look at what is happening in the Arctic. The destruction of 70 percent of heat-sensitive coral reefs due to increases in water temperatures places reef fisheries in jeopardy, increases coastal damages from hurricanes, and hurts local economies supported by tourism.

Researchers at the University of Texas, Wesleyan University and Stanford University earlier this year reported in the journal Nature that global warming is forcing species around the world, from California starfish to Alpine herbs, to move into new ranges or alter habits that could disrupt ecosystems.

The end result of these changes could be substantial ecological disruption, local losses in wildlife, and even extinction of certain species.

From an article in the July 2003 Journal of Hydrology: The winters in New England are getting shorter. According to U.S. Geological Survey scientists, northern New England winters have receded by 1 or 2 weeks in length over the last 30 years.

The list of what is happening goes on and on.

The chair of the Climate Research Committee of the National Academy of Sciences stated very clearly during an October 1, 2003, hearing before the Commerce Committee: The planet has a fever, and it is time to be taking action.

I caution my colleague from Oklahoma about statements that he attributes to certain members of the scientific community. Specifically, I am referring to two scientists that he referred to before, Dr. Wigley and Dr. Schneider. Dr. Wigley has written to Senators FRIST and DASCHLE about the misrepresentation of his work by Senator INHOFE. He writes a long letter: Senator INHOFE urges that Congress should put stock in scientists who rely on the most objective scientific data. He characterizes me as someone whose credentials cannot be trusted.

Mr. INHOFE. May I interrupt for a question?

Mr. McCAIN. Yes, but not to take my time.

Mr. INHOFE. I do not believe I mentioned Dr. Wigley in my remarks. It must have been somebody else.

Mr. McCAIN. Pardon me?

Mr. INHOFE. I do not believe I mentioned Dr. Wigley in my remarks.

Mr. McCAIN. Dr. Wigley was mentioned by the Senator in his statement on the floor.

He goes through several misrepresentations. Perhaps the most serious one, and this is a quote from his letter: the third representation made by Senator INHOFE concerns the observed record of global mean temperature changes over the past 100 years. This data show a warming to about 1940, little change from 1940 to the mid-1970s, and then further warming. Senator INHOFE implies that these changes are inconsistent with the global warming hypothesis and with climate models. This is categorically incorrect. In order to understand these observed changes, it is necessary to consider all likely causal factors, both human-induced and natural. Human-induced factors include the warming effects of greenhouse gases and the cooling effects of sulfate aerosols. Natural factors include changes in the output of the sun, effects of explosive volcanic eruptions like Mount Pinatubo in 1991. When all these factors are considered, models give an expected pattern of 20th century temperature changes that is in remarkable agreement with the observations, and the models clearly show the three phases as noted above, in particular the leveling off, the warming trend over 1940 to 1975, turns out to be explained largely by the cooling effects of sulfate aerosols, temporarily offsetting the warming due to increasing concentration of greenhouse gases, something which was first pointed out in the paper of mine published in Nature in 1989, which has been clearly stated in a subsequent IPCC report. This remarkable agreement shows quite clearly that human factors have been the dominant cause of global scale climate change over the past 50 years, contrary to the assertion by Senator INHOFE that all observed changes are merely manifestations of natural viability.

For his part, Dr. Schneider had the following to say about Senator INHOFE's statement: It is misrepresenting my views to characterize them as even implying that IPCC is exaggerated or failed to describe the state of the science fairly at the time the assessment reports were completed in the year 2000.

So Dr. Wigley and Dr. Schneider take some exception to how their views were characterized on the floor of the Senate.

I want to point out again that the 17,000, or whoever they were, scientists or those who claimed to be scientists—and there are some interesting signatures to that—were in opposition to the United States signing the Kyoto Treaty.

I know that my colleague, the Senator from Connecticut, would like to say a few words, but I again want to read a letter from 1,010 preeminent scientists who write:

> DEAR SENATORS FRIST AND DASCHLE: Two years have elapsed since the publication of the reports by the Intergovernmental Panel on Climate Change and the National Research Council on the state of the science of climate change and its impacts on the United States and the rest of the world. As scientists engaged in research on these subjects, we are writing to confirm that the main findings of these documents continue to represent the consensus opinion of the scientific community. Indeed, these findings have been reinforced rather than weakened by research reported since the documents were released. In brief—

And he goes through a number of aspects of it.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF CLIMATE SCIENCE: JULY 2003—A LETTER FROM U.S. SCIENTISTS

JULY 29, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: Two years have elapsed since the publication of the most recent reports by the Intergovernmental Panel on Climate Change (IPCC) and the National Research Council (NRC) on the state of the science of climate change and its impacts on the United States and the rest of the world. As scientists engaged in research on these subjects, we are writing to confirm that the main findings of these documents continue to represent the consensus opinion of the scientific community. Indeed, these findings have been reinforced rather than weakened by research reported since the documents were released.

In brief, the findings are that:

(1) Anthropogenic climate change, driven by emissions of greenhouse gases, is already underway and likely responsible for most of the observed warming over the last 50 years—the largest warming that has occurred in the Northern Hemisphere during at least the past 1,000 years;

(2) Over the course of this century the Earth is expected to warm an additional 2.5 to 10.5°F, depending on future emissions levels and on the climate sensitivity—a sustained global rate of change exceeding any in the last 10,000 years;

(3) Temperature increases in most areas of the United States are expected to be considerably higher than these global means because of our nation's northerly location and large average distance from the oceans;

(4) Even under mid-range emissions assumptions, the projected warming could cause substantial impacts in different regions of the U.S., including an increased likelihood of heavy and extreme precipitation events, exacerbated drought, and sea level rise;

(5) Almost all plausible emissions scenarios result in projected temperatures that continue to increase well beyond the end of this century; and,

(6) Due to the long lifetimes of greenhouse gases in the atmosphere, the longer emissions increase, the faster they will ultimately have to be decreased in order to avoid dangerous interference with the climate system.

Evidence that climate change is already underway includes the instrumental record, which shows a surface temperature rise of approximately 1°F over the 20th century, the accelerated sea level rise during that century relative to the last few thousand years, global retreat of mountain glaciers, reduction in snow cover extent, earlier thawing of lake and river ice, the increase in upper air

> water vapor over most regions in the past several decades, and the 0.09°F warming of the world's deep oceans since the 1950's.
>
> Evidence that the warmth of the Northern Hemisphere during the second half of the last century was unprecedented in the last 1000 years comes from three major reconstructions of past surface temperatures, which used indicators such as tree rings, corals, ice cores, and lake sediments for years prior to 1860, and instrumental records for the interval between 1865 and the present.
>
> On the subject of human causation of this warmth, the NRC report stated that, "The IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue." Indeed, computer simulations do not reproduce the late 20th century warmth if they include only natural climate forcing such as emissions from volcanoes and solar activity. The warmth is only captured when the simulations include forcings from human-emitted greenhouse gases present in the atmosphere.
>
> In summary, the main conclusions of the IPCC and NRC reports remain robust consensus positions supported by the vast majority of researchers in the fields of climate change and its impacts. The body of research carried out since the reports were issued tends to strengthen their conclusions.
>
> Sincerely,
>
> Richard J. Abitz, Ph.D., Director, Fluor Fernald, Inc., Cincinnati, OH.
>
> Vincent J. Abreu, Ph.D., Research Scientist, University of Michigan, Department of Atmospheric, Oceanic, and Space Sciences, Ann Arbor, MI.
>
> Ilse Ackerman, M.S., Doctoral Candidate, Cornell University, Department of Crop and Soil Sciences, Ithaca, NY.
>
> Leslie M. Adams, Ph.D., University of New Hampshire, Department of Plant Biology, Durham, NH.
>
> Steven M. Adler-Golden, Ph.D., Principal Scientist, Spectral Sciences, Inc., Burlington, MA.
>
> David D. Ainley, Ph.D., Senior Ecologist, Harvey and Associates, San Jose, CA.
>
> Neela Malati Akhouri, Ph.D., Information Manager, University of Toledo, Lake Erie Center, Oregon, OH.
>
> Becky Alexander, Ph.D., Post-Doctoral Fellow, Harvard University, Department of Earth and Planetary Sciences, Cambridge, MA.
>
> J. David Allan, Ph.D., Professor, University of Michigan, School of Natural Resources and Environment, Ann Arbor, MI.

Mr. McCAIN. The letter further states:

> Over the course of this century, the Earth is expected to warm an additional 2.5 to 10.5 degrees Fahrenheit, depending on future emissions levels and on the climate sensitivity—a sustained global rate of change exceeding any in the last 10,000 years.
>
> Temperature increases in most areas of the United States are expected to be considerably higher than these global means because of our nation's northerly location and large average distance from the oceans.
>
> Almost all plausible emissions scenarios result in projected temperatures that continue to increase well beyond the end of this century, and
>
> Due to the long lifetimes of greenhouse gases in the atmosphere—

Those are the ones that cause no harm in the view of the opponents of this legislation.

> the longer emissions increase, the faster they will ultimately have to be decreased in order to avoid dangerous interference with the climate system.
>
> Evidence that climate change is already underway includes the instrumental record, which shows a surface temperature rise of approximately 1 degree Fahrenheit over the 20th century, the accelerated sea level rise during that century relative to the last few thousand years, global retreat of mountain glaciers, reduction in snow cover extent, earlier thawing of lake and river ice, the increase in upper air water vapor over most regions in the past several decades, and the 0.09 Fahrenheit warming of the world's deep oceans since the 1950s.
>
> Evidence that the warmth of the Northern Hemisphere during the second half of the last century was unprecedented in the last 1,000 years comes from three major reconstructions of past surface temperatures, which used indicators such as tree rings, corals, ice cores, and lake sediments for years prior to 1860, and instrumental records for the interval between 1865 and the present.
>
> On the subject of human causation of this warmth, the NRC report stated that the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue.

What the Senator from Connecticut and I are doing is an incredibly modest proposal to try to at least stop the increase of greenhouse gases. The overwhelming majority of the scientific community in the United States of America agrees that climate change is taking place. How serious that is, how significant it is, and how longlasting its effect could be the subject of significant debate and discussion.

But the fact is that the loss of jobs, which I do not believe is accurate, is an issue that needs to be addressed. But what about the loss of our environment? What happens if the coral reefs die? What happens if the Arctic icecap melts? What happens if we continue to see increased temperatures?

I don't know all the answers as to what happens. I leave that in the hands of people who are smarter than I am. But if this picture doesn't concern you, then nothing will. I hope we will be able to pass this legislation as a very modest and a very humble beginning to addressing the issue of climate change.

I assure my colleagues of one thing. I will talk about this again tomorrow. We will be back on this issue, just as we were back on the issue of campaign finance reform. We will be back on it because this is not stopping. This is not stopping. More and more evidence will be accumulated and more and more people will become concerned because we love this great country of ours and we love this world and we do not want to see it destroyed.

The overwhelming body of scientific evidence indicates we are placing our globe in jeopardy and the lives and futures of our children and our grandchildren. We may have lived in a very nice time in the history of the world. Our children and grandchildren may be condemned to a much less happy world.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. As sponsors of the amendment, traditionally, we speak last.

Mr. LIEBERMAN. Would the Chair advise us how much time remains?

The PRESIDING OFFICER. There remain 23 seconds for the proponents of the measure and 3 minutes 23 seconds for the Senator from Oklahoma.

Mr. INHOFE. Since it was called to our attention that tradition would have it you wrap up, you may have the last 23 seconds. Let me say to my good friend from Arizona—and he is a good friend—you can talk about these people. He talked about 1,010 scientists. I talked about over 20,000 scientists who have agreed with this, looked at this, and said it doesn't really exist. I have talked about sources that cannot be impugned by anyone. I am talking about the Smithsonian, Harvard, Standard & Poor's, and others.

Let me just mention I have saved, I think, the best for last because, yes, we are concerned about jobs. That is the biggest concern we have in America now. Wharton Econometric Forecasting Associates came out with something that delineated exactly the damage that would be done to America and that it would cost 2.4 million U.S. jobs. That is why the labor unions are involved in this. It would reduce GDP by 3.2 percent, or about $300 billion, which is more than we spend on primary and secondary education combined.

They said because of Kyoto, American consumers would face higher medical, food, and housing costs. Tomorrow I will delineate exactly how much that is. At the same time, an average household of four would see its real income drop by $2,700 by 2010, and each year thereafter.

They go on to say—this is the Wharton School of Economics:

> Under Kyoto, energy and electricity prices would nearly double and gasoline prices would go up an additional 65 cents a gallon.

I know I am almost out of time. Since it was brought up by the distinguished Senator from Connecticut about the farmers, let me tell you who is frantically trying to stop us from destroying the American farmer: the International Dairy Foods Association, the National Association of Wheat Growers, National Cattle and Beef Association, National Food Processors Association, National Grange, the National Oilseed Producers, the American Farm Bureau, the National Corn Growers Association. The list goes on and on, because these people are very much concerned about the competitive disadvantage in which they would find themselves.

I would also have to say I invite my very good friend from Arizona to go back and search the record of my remarks, the 40-minute talk I made a few minutes ago. Nowhere in that talk are the two names—what were they, Wigley and Schneider?—who were mentioned during that time. Tomorrow there will be ample opportunity to address that issue.

We are talking about a big deal. You wonder what the motivation is? I will quote a couple of people. If the science is not real, if it inflicts all this damage on America, then what could possibly be the motivation? I think maybe Jacques Chirac, the President of France, the other day was correct when he said, "Kyoto is not about climate. It is the first component of an authentic global governance."

Do we really want to have France dictating policies to us?

Mr. McCAIN. I ask unanimous consent that the Senator from Oklahoma have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Let me just say I will yield the remainder of my time. I think it would be only fair if I get an additional 3 minutes, that they get an additional 3 minutes, too, and I don't want that to happen.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I wish to express my appreciation to all who have engaged in this debate tonight. I wish we had more time. This press of end-of-year business prevents us from doing so. We will be revisiting this issue. I congratulate the Senator from Oklahoma for an articulate presentation of his views. I look forward to our additional 2 hours together tomorrow.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I describe a sad and reprehensible display of intimidation that took place in Peoria, IL, on July 6, 2001. That day, Forest Hatley and Charles Lambert decided to burn a cross at a home in Macomb, IL, where an interracial couple lived. The two men constructed a 7-foot by 3-foot cross and doused it with gasoline. Shortly after midnight, the two men transported the cross to the victims' yard, planted it in front of the home, and ignited it. Lambert and Hatley each admitted this action was taken to intimidate the couple because of the male's race and because he was living with a person of another race.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

NOMINATION FOR THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. KENNEDY. Mr. President, the nomination of Naomi Churchill-Earp to be a member of the Equal Employment Opportunity Commission in the Department of Labor was approved today by the Health, Education, Labor, and Pensions Committee, despite concerns about her ability to fairly apply employment laws.

Many of us in the committee have strong reservations about her record. A Commissioner of the EEOC must have a record of conduct that supports and promotes equality in the workplace. Ms. Churchill-Earp has served as an equal employment manager at a number of Federal agencies and while serving in these positions, a number of discrimination complaints have been filed against her. African Americans, in particular, say that she has created a hostile working environment by making disparaging remarks about African-American employees. The NAACP and Blacks in Government oppose her nomination, and many of us share their concerns.

The committee did not hold a hearing on this important nomination, and we did not have the opportunity to question her about her qualifications and positions. Unless we have an opportunity to resolve these concerns, I intend to oppose this nomination when it reaches the full Senate.

NOMINATION FOR COMMISSIONER OF EDUCATION STATISTICS

Mr. KENNEDY. Mr. President, the nomination of Robert Lerner to be Commissioner of Education Statistics in the Department of Education was approved today by the Health, Education, Labor and Pensions Committee despite concerns about this nominee's qualifications.

The Commissioner of Statistics must conduct the activities of that office in a manner that is "objective, secular, neutral and non-ideological" and "free of partisan political influence and racial, cultural, general or regional bias." The Commissioner must also have "substantial knowledge" of the programs assisted by the National Center for Education Statistics.

Many of us feel that Dr. Lerner does not meet these requirements. He has clearly been an advocate for partisan ideological causes, and his advocacy does not seem to be compatible with a non-partisan role as Commissioner. His published writings raise questions about his ability to set aside his ideological views in dealing with statistical analysis.

Previous nominees for this important position have come from academic backgrounds and with experience in dealing with statistical analysis. Dr. Lerner has no such experience or academic background.

The Committee did not have a hearing on this important nomination and we did not have the opportunity to question Dr. Lerner regarding his qualifications and past advocacy. Unless we have an opportunity to resolve these concerns, I intend to oppose this nomination when it reaches the full Senate.

NATIONAL CEMETERY EXPANSION ACT OF 2003

Mr. GRAHAM of Florida. Mr. President, today the House passed important legislation that has already unanimously passed the Senate and authorizes the construction of six new national veterans cemeteries. By passing this bill, we ensure that America's veterans and their families have access to the burial honors they have earned.

The brave men and women who fought for our nation are a population that is aging rapidly. In 2002, America lost 646,264 veterans. Projections show that this rate will continue to climb through the year 2008, when we are expected to lose over 700,000 veterans.

By the end of 2004, only 64 of the 124 veterans national cemeteries will be available for both casketed and cremated remains. As cemetery service capabilities decrease, veterans in areas near cemeteries that are at capacity will lose access to burial options within a reasonable distance of their homes. In order to ensure that burial options are provided for veterans and their family members, we must develop new cemeteries and expand existing cemeteries. This process must start as soon as possible because the construction of a new cemetery takes an average of seven years.

In anticipation of veterans' future needs, the Department of Veterans Affairs conducted a study that identifies veteran population centers not served by an open national or state veterans cemetery. The report, "Future Burial Needs," was initially released in May 2002 and has been recently revised using veteran population estimates from the 2000 census. The report identified 31 locations as areas where cemeteries would need to be established.

Recognizing that it would not be practicable to establish national cemeteries in all 31 locations, especially in areas where state cemeteries could meet the needs of smaller veterans' populations, VA established guidelines to determine the neediest areas. In locations that had more than 170,000 veterans residing more than 75 miles from an open state or national cemetery, VA would establish or expand national cemeteries. Based on revised population estimates and the new guidelines, VA identified 11 locations that required either a new national cemetery or an expansion of an existing national cemetery. Of these locations, five will be served by an already-planned state cemetery funded through VA's State Cemetery Grants Program or by expanding existing national cemeteries. This bill directs the Department of Veterans Affairs to construct veterans cemeteries six cities: Jacksonville, Florida; Sarasota, Florida; Birmingham, Alabama; Bakersfield, California; Philadelphia, Pennsylvania; and Columbia, South Carolina.

We cannot afford to wait any longer to fulfill this commitment to our nation's veterans. Mr. President, I am proud to have sponsored legislation to help provide peace of mind to veterans and their families at that difficult time. Now, I look forward to working with my colleagues on securing the necessary resources to begin construction of these cemeteries expeditiously.

CONFIRMATION OF THOMAS HARDIMAN

Mr. SANTORUM. Mr. President, in this sadly historic era of unprecedented filibusters of judicial nominees, the truth is an unwelcome visitor to those in the minority who seek to deprive President Bush of his constitutional duty to nominate Article III judges. The latest salvo in this increasingly disappointing game is the ranking member of the Judiciary Committee's written statement regarding Thomas M. Hardiman, who was confirmed by the Senate by unanimous consent on October 22, 2003.

The ranking member claims that Mr. Hardiman has "no judicial experience," which is of course not unusual for district court nominees. Although Mr. Hardiman has not stood for election as a State trial court judge in Allegheny County, a county where Democrats outnumber Republicans by a margin of more than 2–1, Mr. Hardiman is not without significant adjudicatory experience. In 1995 the Disciplinary Board of the Pennsylvania Supreme Court appointed Mr. Hardiman as a Hearing Officer to adjudicate cases involving alleged violations of the Rules of Professional Conduct brought by clients against their lawyers. Mr. Hardiman served with distinction in this capacity, on a pro bono basis, until his recent confirmation. In addition, Mr. Hardiman has adjudicated securities cases as an arbitrator under the auspices of the National Association of Securities Dealers. His work for the Disciplinary Board and the NASD has provided Mr. Hardiman with valuable experience ruling on motions, reviewing evidence, assessing the credibility of witnesses, deciding cases, and researching and writing opinions. Without doubt, Mr. Hardiman's experiences adjudicating these cases has increased his preparedness for the Federal bench.

In addition to his quasi-judicial experience, Mr. Hardiman has impeccable academic credentials. As Senator SPECTER, has noted, Mr. Hardiman graduated with honors from both the University of Notre Dame and Georgetown University Law Center. He was appointed to the prestigious position of Notes and Comments Editor of the Georgetown Law Journal, was a semifinalist in the first-year moot court competition and participated on the Criminal Law moot court team. Mr. Hardiman's academic credentials are especially impressive considering the fact that he is the first in his family to attend college and he worked part-time during most of is law school career.

Consistent with his academic achievements, Thomas Hardiman has had a distinguished career as a litigator and trial lawyer. After working for the prestigious law firm of Skadden, Arps, Slate, Meagher & Flom, Mr. Hardiman and his wife moved to Pittsburgh in 1992 where he has been a rising star in the Pittsburgh legal community. Mr. Hardiman is admitted to practice law in Pennsylvania, Massachusetts, and the District of Columbia. He has been a member of the bar of the Supreme Court of the United States, the U.S. Court of Appeals for the Third Circuit, the U.S. Tax Court, as well as the court he now joins. He has handled well over 60 trials. For the record—and to address the ranking member's semantic game regarding the number of trials Mr. Hardiman has conducted—a "trial" is defined as "A judicial examination and determination of issues between parties to action . . . whether they be issues of law or fact." *Black's Laws Dictionary*, 5th ed. 1979. Among these 60-plus cases are: four cases before the Court of Appeals for the Third Circuit, two cases before the Pennsylvania Supreme Court, and 11 cases before the intermediate appellate courts of Pennsylvania. Mr. Hardiman has been lead counsel on several jury and non-jury trials in Federal and State court, and has tried cases to judgment on a variety of dispositive motions at all levels of the Pennsylvania judiciary. Mr. Hardiman has been lead and associate counsel on several equity matters in Federal and State court as well. Finally, he has handled matters involving real estate, contracts, securities, taxation, Medicare fraud, civil rights, and cases arising under the first, fourth, fifth, sixth, seventh, eighth, tenth, eleventh, and fourteenth amendments to the U.S. Constitution. In sum, Thomas Hardiman has deep and broad experience as a trial lawyer which is particularly extraordinary for a man his age.

In a letter dated June 18, 2003, Chief Justice of the Pennsylvania Supreme Court and lifelong Democrat Ralph J. Cappy wrote of Mr. Hardiman: "As a professional, he is outstanding. His competence and ethics are beyond reproach. It is rare that we see a person of his age and experience argue before our Court, often successfully, with a courtesy and depth of knowledge which could serve as a benchmark for any who appear before us." The Chief Justice continued: "As an individual, Tom is exemplary. He is extremely bright and knowledgeable in the law." Another prominent Democrat and Professor of Law at Duquesne Law School, Kenneth Gormley, wrote on June 19, 2003: "Tom is a first-rate litigator, who is conscientious about every aspect of his work; he is a perfectionist when it comes to representing clients in a professional manner. As an appellate lawyer, Tom possesses an extremely high level of sophistication when it comes to analytical reasoning and writing. His written work product is first-rate. An an oral advocate, he is as good as any appellate lawyer I have seen in action in twenty years." Professor Gromley said of Mr. Hardiman: "He is a lawyer of superior intellect, good judgment, and boundless energy. It is my opinion that he will constitute an excellent addition to the federal bench here in the Western District of Pennsylvania."

Finally, the dean of the Democratic bar in Allegheny County, David Armstrong, wrote of Mr. Hardiman on June 17, 2003: "I have come to know Mr. Hardiman as an excellent lawyer and a person of great intellectual curiosity and ability, as well as personal integrity. Mr. Hardiman's temperament, intellect, character and experience in my opinion, would make him an excellent member of the federal bench." Significantly, attorney Armstrong came to know Mr. Hardiman through trials they litigated against one another.

As the aforementioned facts demonstrate, the ranking member's unfair criticism and inappropriate reliance on the comments of a disgruntled lawyer in Pittsburgh who was the chief contributor to the local bar's rating of Mr. Hardiman demonstrate beyond doubt that the only partisanship involved with Mr. Hardiman's nomination and confirmation emanated from those who slandered him in an effort to defeat the nomination of a good and able man. It is always more appropriate to raise allegations about a nominee at his hearing rather than after his confirmation by the Senate. I am pleased to have the opportunity to set the record straight and I commend the Senate for its confirmation of Thomas Hardiman who will serve the people of Pennsylvania well as a Federal judge.

TRIBUTE TO THE LATE EARL GOODWIN, FORMER ALABAMA STATE SENATOR

Mr. SHELBY. Mr. President, I pay tribute today to a dear friend and Alabama icon, Mr. Earl Goodwin. Earl passed away on Friday, October 24, 2003 at the age of 93. He and I and our families have been close friends for nearly 40 years, and his death is a great loss for the State of Alabama.

Earl was a soldier in the United States Armed Forces, fighting on the beaches of Normandy. He made multiple trips back to England to pick up more groups of troops bringing them over to France. He completed these missions in aircraft that were unsafe because of their frequent crash landings. Earl was a true war hero, who put love of country before everything else.

After the war, he returned to Alabama and eventually created Bush Hog which became one of the world's foremost manufacturer of farm implements. Bush Hog employs hundreds of Dallas County residents, and has made great contributions in economic development to the region. Earl was a visionary with a smart mind for business. He will certainly be remembered for the tremendous difference he made in Dallas County.

Throughout his time in business, Earl was active in the community and politically astute. A lifelong Democrat, he became a prominent member of the Alabama State Senate, worked for Governor George Wallace, worked to elect Governor Don Siegelman, and served as a National Democratic Committeeman.

Senator Goodwin is an example of the American success story. Born into poverty, Earl took adversity and challenged it in every way possible. He was a war hero, a successful businessman, a husband of 61 years, and a father and grandfather.

Earl Goodwin will be missed by all those who knew him, and I hope this tribute exemplifies, in a small way, the kind of man that he was.

ADDITIONAL STATEMENTS

JOSEPH W. McCRACKEN

• Mr. SMITH. Madame President, I rise today to acknowledge the passing of Joseph W. McCracken on October 26, 2003.

For over four decades Mr. McCracken represented the forest products industry in Oregon and other western States, as the executive vice President of The Western Forest Industries Association. Mr. McCracken represented a sector of the industry that I hold in particularly high esteem—a sector comprised of small, family owned sawmills and plywood plants.

These are the mills that traditionally depended on our Federal forest lands for their supply of timber. These are the mills that are located in small rural communities where they provide the backbone of the local economy.

During his years of service to his industry, Joe McCracken was a fixture in his town and served as an advisor and mentor to many of our predecessors in this body. Warren Magnusen, Scoop Jackson, Mark Hatfield, Bob Packwood, Frank Church, Jim McClure, Jim Melcher, and other stalwarts of our western Senate delegation looked to Joe for counsel and advice on public land issues affecting his constituents.

He represented them with a passion and commitment that was exemplary. Joe McCracken was a visionary and was responsible for creating and influencing countless pieces of legislation and regulations that benefitted his industry, the people that work in it and the communities that depend on it.

The Small Business Set Aside Program, as just one example, assured small, family-owned mills a fair share of the Federal timber sold from our national forests and lands managed by the Bureau of Land Management.

Joe McCracken was a pioneer in crafting the policies and regulations affecting the Oregon and California Railroad lands in western Oregon, today known as the "O&C" lands. He did this both as a professional staff person for the Department of the Interior and as an advocate for his trade association.

Under Joe McCracken's representation, the small, family owned mills throughout the west prospered. Many of them are under second and even third generation management. Unfortunately, many of them no longer exist.

After Joe's retirement in the early 90's, a sea change in Federal policies regulating the management of public forests unfolded to the point that very little timber is being provided from these forest lands and many of the mills have closed.

Unfortunately, these were the mills Mr. McCracken fought so hard to preserve. Those that have survived owe their existence largely to Joe McCracken.

Joe was born in Dillon, MT in 1924. He served his country as a Lieutenant in the United States Marines. He attended Princeton University where he earned a masters degree in political science.

He had a distinguished career with the Department of Interior and, specifically, the Bureau of Land Management prior to taking the leadership position with the Western Forest Industries Association.

Joe McCracken was a unique individual who left a profound imprint on the growth and evolution of public forest policy and the industry that is so closely dependent on public forest lands. His contributions to this body in assisting us in the thoughtful debate and deliberation of these important matters are worthy of our formal recognition.

I extend my heartfelt sympathy to Joe McCracken's wife Janet and his two children.•

WORKPLACE LEARNING CONNECTION

• Mr. HARKIN. Mr. President, in the middle of the last decade, a group of business and education leaders in Cedar Rapids, IA convened a stakeholder group to discuss community concerns. This group identified the need for a highly skilled and well-educated workforce as a top priority.

The fact that this group identified the need to improve workforce development is not news. Nor is the problem they identified unique or isolated to eastern Iowa. What is news and what is unique is the response.

In 1998, area employers, educational institutions and community organizations partnered with Kirkwood Community College and Grant Wood Area Education Agency to create the Workplace Learning Connection to facilitate work-based learning for area students. This project is a winner for everyone involved. Teachers and students get more information about local career opportunities and the skills needed for those careers. Students get experience in relevant, work-based learning activities. Employers get workers with the skills that match the jobs they have.

The Workplace Learning Connection has been recognized as one of the 11 best Tech Prep programs in the Nation, is one of the top 25 school-to-work programs in the country and has been cited in national publications as an exemplary program. Over the past 5 years, TWLC has worked with over 700 employers to organize over 8,000 job shadow experiences and 750 internships; provided professional development activities for teachers impacting thousands of students in 35 area school districts in 7 counties; and facilitated hundreds of business tours and classroom speakers.

The Workplace Learning Connection has been an unqualified success and the community is celebrating the fifth anniversary of this project on October 30, 2003. In commemoration of this event, I wanted to bring this organization to the attention of the Senate and the Nation.•

TRIBUTE TO MARY ALICE ZETTEL

• Mr. BUNNING. Mr. President, I pay tribute to Mary Alice Zettel of Bardstown, KY, on being recognized as one of the Nation's top principals in the 2003 National Distinguished Principal Program by the U.S. Department of Education.

The annual National Distinguished Principals Program was established in 1984 to honor elementary and middle school principals who set high standards for the pace, character, and quality of the education their students receive.

Ms. Zettel, a principal at Holy Trinity Parish School in Louisville, KY, has been recognized by the U.S. Department of Education for her tireless work in exhibiting excellence at Holy Trinity Parish School and has made outstanding contributions to the Louisville community. It has been said when entering Holy Trinity Parish School you will hear Ms. Zettel's laughter and happiness throughout its hallways. Ms. Zettel sets an example of excellence for the rest of the faculty, and the faculty follows that example, and she inspires her students to achieve academically and contribute to the community.

I now ask my fellow colleagues to join me in thanking Mary Alice Zettel for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have principals like Mary Alice Zettel in our schools and communities.•

TRIBUTE TO RONALD W. BARTON

• Mr. WARNER. Mr. President, I would like to note before the Senate a great professional honor bestowed recently on my constituent, Ronald W. Barton of Arlington: the Chairman's Medal of the Defense Nuclear Facilities Safety Board.

The Safety Board, the Senators will recall, was established by statute in 1988 for the purpose of providing the highest quality of technical oversight of the safe operations of the Nation's nuclear weapons complex—dozens of plants with very high risk radioactive material. To accomplish this very difficult task, the Safety Board has to attract and train the very best technical talent in the nuclear area. Chairman Conway's citation accompanying the award to Mr. Barton says in part:

> Mr. Barton joined the Board in 1994, bringing with him more than 25 years of project management and engineering experience in the design, construction, and operation of nuclear reactors for commercial facilities. He became an indispensable leader for the Board's technical staff, and was key to the development of more than half a dozen technical reports, which continue to have an impact on operations in the defense nuclear complex today.

I have examined Mr. Barton's career, and I certainly agree with Chairman Conway. Mr. Barton not only brought his own expertise to the board, but he trained and developed a generation of young engineers to contribute to the admirable technical performance of the safety board, where a technical staff of about 60 oversees the safe operation of a complex of over 100,000 workers with a budget of over $16 billion. This technical staff is superb, and Ron Barton helped build it, and then led it by example.

Now Ron must retire, much too early, because of his leukemia. We wish he were able to continue to serve, but we are grateful for the contributions he made to safety in the nuclear complex. For instance, Ron was the expert lead on at least six very complex and thorough technical studies, on such diverse areas as: DOE emergency management capabilities, confinement ventilation systems, fire protection, criticality safety, and documented safety analysis. This is an extraordinary list of achievements; these reports still guide the Department of Energy operations of these complex, hazardous facilities. We should be grateful to Ron for these contributions.

Ron Barton is the best of the best, and the Nation will miss his contributions. We wish him good health and a happy retirement.•

NETDAY STUDENT VOICES' SPEAK UP DAY ON OCTOBER 29

• Ms. STABENOW. Mr. President, I rise today to "speak up" and support "Speak Up Day," a national event where students of all ages and grades, from communities and schools across the country, will go online from their classrooms and share their opinions, ideas and thoughts about how technology should be used in schools. NetDay, a national non-profit organization dedicated to connecting every child to a brighter future through the use of technology, is hosting this inaugural event of student participation in the governmental process.

"Speak Up Day" is being held as the U.S. Department of Education works on the development the Nation's third National Education Technology Plan as mandated by the No Child Left Behind Act. The Plan will establish a national strategy supporting the effective use of technology to improve student academic achievement and to prepare students for the 21st century.

Today's "Speak Up Day" activities will allow the student voice to be heard and involved in crafting this new Technology Plan. NetDay will summarize the student "Speak Up Day" comments into a written report that will be submitted for the National Education Technology Plan and will be available online for public discussion. This report will also be a call to action for national, State, and local education leaders to recognize the importance of student input in discussions about how schools and instruction impact their educational experiences.

I think we can all agree that using technology in schools has become a necessity. With the expansion and prevalence of the Internet in our society, it is critical that we teach our children how to use computers, the Internet, and the various other forms of interactive technology that exist today. Yet beyond the necessity of 'learning' technology, it is important that educators and communities understand that so many of our youth today are already 'one' with technology. The challenge lies in understanding how to connect this technological know-how with classroom instruction so that all our children have the best educational experience possible to prepare them for the future. "Speak Up Day" is a real life lesson on the impact of technology in the classroom, a forum for students to be civically engaged, and an outlet for our Nation's youth to express their empowerment when technology is paired with education.

Since October 1, over 1,000 schools from all 50 States, the District of Columbia, and over 25 Department of Defense schools have preregistered for NetDay's "Speak Up Day" initiative, with over 170,000 students planning to participate. I am pleased that schools across the State of Michigan have registered to take part in this event. Over 5,000 students from small rural schools in Middleville, MI, to suburban schools in West Bloomfield and high schools in Detroit will have the opportunity to express their thoughts on technology in schools. I highly commend NetDay for sponsoring this progressive event, and I look forward to hearing the outcome of the discussion.•

TRIBUTE TO GARRY NEIL DRUMMOND, SR.

• Mr. SHELBY. Mr. President, I pay tribute to a dear friend, Garry Drummond, of Birmingham, AL. Garry Drummond was recently named to the Alabama Business Hall of Fame.

Garry is the chairman and chief executive officer of Drummond Company, Inc., one of Alabama's largest coal producers and a major national producer of foundry coke. The company was founded in 1935 by Mr. Heman Drummond, father of five brothers who are still associated with the company today. The company's executive and administrative offices are in Birmingham, with operational headquarters in Jasper, AL.

Garry was born in Sipsey, AL, on June 8, 1938. He earned his Associate degree from Walker College in 1959. He received his bachelor of science degree in civil engineering from the University of Alabama in 1961. He also holds an honorary doctorate of science from the University of Alabama, awarded in May 1983, and served on the University's board of trustees from 1983 to 2001.

Garry has been active in the coal industry and its State, national, and international organizations. He is the longest running board member of the National Mining Association and is a former member of the board of directors of the American Coal Foundation. He is a founder of the Mining and Reclamation Council of America , MARC, a national trade organization representing primarily surface miners that later merged with the National Coal Association in 1987. Garry served as MARC's first chairman. He is a member of the board of directors and past chairman of the Alabama Coal Association and a former member of the National Coal Council, an advisory group appointed by the U.S. Secretary of Energy. He is also a member of the board of directors of the Center for Energy and Economic Development.

I offer Garry my congratulations and best wishes as he becomes a member of the Alabama Business Hall of Fame.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12938 WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—PM 53

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency posed by the proliferation of weapons of mass destruction and their delivery systems declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2003. the most recent notice continuing this emergency was signed on November 6, 2002, and published in the *Federal Register* on November 12, 2002 (67 Fed. Reg. 68493).

Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have determined the national emergency previously declared must continue in effect beyond November 14, 2003.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 29, 2003.*

REPORT RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN RELATIVE TO THE THREAT TO NATIONAL SECURITY AND FOREIGN POLICY OF THE UNITED STATES—PM 54

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating the Sudan emergency is to continue in effect beyond November 3, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on October 31, 2002 (67 Fed. Reg. 66525).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 29, 2003.*

MESSAGES FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1616. An act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 2744. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building".

H.R. 3232. An act to reauthorize certain school lunch and child nutrition programs through March 31, 2004.

H.R. 3234. An act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building".

H.R. 3249. An act to extend the term of the Forest Counties Payments Committee.

H.J. Res. 63. Joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries.

H. Con. Res. 279. Concurrent resolution recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decisionmaking through such Program.

The message further announced that the House has passed the bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr., without amendment.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members to be managers of the conference on the part of the House: Mr. ISTOOK, Mr. WOLF, Mr. LEWIS of California, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mrs. NORTHUP, Mr. ADERHOLT, Mr. SWEENEY, Mr. CULBERSON, Mr. YOUNG of Florida, Mr. HOYER, Mr. OLVER, Mr. PASTOR, Ms. KILPATRICK, Mr. CLYBURN, Mr. ROTHMAN and Mr. OBEY.

At 5:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1516) entitled, "An Act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.".

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1616. An act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes to the Committee on Energy and Natural Resources.

H.R. 2744. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3232. An act to reauthorize certain school lunch and child nutrition programs through March 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3234. An act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the "Ben R. Gerow Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3249. An act to extend the term of the Forest Counties Payments Committee; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the continued viability of United States commercial and recreational fisheries; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 279. Concurrent resolution recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decisionmaking through such Program; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar.

H.J. Res. 63. Joint resolution to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes.

The following bill was discharged from the Committee on Finance, pursuant to the order of September 23, 2003, and placed on the calendar.

S. 150. A bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4725. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers" (RIN1904-AB10) received on October 7, 2003; to the Committee on Energy and Natural Resources.

EC-4726. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Motor Vehicle Fleet Fuel Efficiency" (RIN1991-AB59) received on October 7, 2003; to the Committee on Energy and Natural Resources.

EC-4900. A communication from the Assistant Secretary, Land and Minerals Management, transmitting, pursuant to law, the report of a rule entitled "Locating, Recording, and Maintaining Mining Claims or Sites" (RIN1004-AD31) received on October 27, 2003; to the Committee on Energy and Natural Resources.

EC-4901. A communication from the Assistant Chief Counsel, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Advanced Construction of Federal-aid Projects" (RIN2125-AD59) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4902. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage" (RIN2137-AC68) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4903. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Fayetteville, AR" (MM Doc. No. 01-55) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4904. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Butte, MT" (MB Doc. No. 03-118) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4905. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Harrison, Michigan" (MB Doc. No. 03-176) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4906. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law; the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Bay City, Michigan" (MM Doc. No. 01-84) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4907. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Payson, Camp Verde, Arizona" (MB Doc. No. 03-160) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4908. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Ozona and Iraan, Texas" (MB Doc. No. 02-261) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4909. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Crisfield, Maryland; Belle Haven, Exmore, Nassawadox, and Poquoson, Virginia" (MM Doc. No. 02-76) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4910. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM

Broadcast Stations, Buffalo, Oklahoma" (MB Doc. No. 02-383) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4911. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Daisy, AR; Trona, CA; Muldrow and Rattan, OK)" (MB Doc. No. 03–42, – 29, –30, –43) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4912. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Saint Joseph, Clayton, Ruston, and Wisner, Louisiana" (MM Doc. No. 01–19, –27,) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4913. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Quartzsite, Arizona" (MB Doc. No. 03–131) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4914. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cedar Bluff, Virginia and Gary, West Virginia)" (MB Doc. No. 02–316) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4915. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of LPTV Digital Data Seryices Pilot Project" (FCC01–137) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4916. A communication from the Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities" (FCC02–121) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4917. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (31)" (RIN2120–AA65) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4918. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: [CGD01–03–101] Mianus River, CT" (RIN1625–AA09) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4919. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: [CGD08–03–035] Mississippi River, Iowa and Illinois" (RIN1625–AA09) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4920. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [CGD05–03–166] Hatteras Island, NC" (RIN1625–AA00) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4921. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747SP and 747SR; 747–100B , 200B, 200C, 200F, 300, 400, and 400D and 767–200 Series Airplanes Doc. No. 2002–NM–106" (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4922. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–31 and DC–9–32 Airplanes Doc. No. 2003–NM–61" (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4923. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes Doc. No. 2003–CE–42" (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4924. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes Doc. No. 2003–CE–43" (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4925. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Stemme GmbH and Co. KG Models STEMME S10–VT Sailplanes Doc. No. 2003–CE–36" (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4926. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 208 and 208B Airplanes Doc. No. 2003–CE–41" (RIN2120–AA64) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4927. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Review Inspection Requirements" (RIN0580–AA58) received on October 27, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4928. A communication from the Secretary of the Treasury transmitting, a six month periodic report in the national emergency with respect to Sudan that was declared in Executive Order 13067; to the Committee on Banking, Housing, and Urban Affairs.

EC-4929. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Extension of Tolerance for Emergency Exemptions" (FRL#7330–2) received on October 27, 2003; to the Committee on Environment and Public Works.

EC-4930. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nonpoint Source Program and Grants Guidelines for State and Territories" received on October 27, 2003; to the Committee on Environment and Public Works.

EC-4931. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Regional Haze Rule to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area; Direct Final Rule, Removal of Amendments" (FRL#7579–6) received on October 27, 2003; to the Committee on Environment and Public Works.

EC-4932. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2003" (Rev. Rule 2003–114) received on October 27, 2003; to the Committee on Finance.

EC-4933. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Eligibility Criteria for WOTC" (Rev. Rule 2003–112) received on October 27, 2003; to the Committee on Finance.

EC-4934. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Special Rules for Certain Foreign Business Entities" (RIN1545–AX39) received on October 27, 2003; to the Committee on Finance.

EC-4935. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2003 Base Period T-Bill Rate" (Rev. Rul. 2003–111) received on October 27, 2003; to the Committee on Finance.

EC-4936. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Actual Knowledge of Tax Lien for Priority Under IRC 6323(a)" (Rev. Rule 2003–108) received on October 27, 2003; to the Committee on Finance.

EC-4937. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling Permitting Electronic Substantiation of Employee Travel and Entertainment Expenses" (Rev. Rul. 2003–106) received on October 27, 2003; to the Committee on Finance.

EC-4938. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled

"Qualified Census Tracts—Pacific Islands" (Rev. Proc. 2003–81) received on October 27, 2003; to the Committee on Finance.

EC–4939. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—August 2003" (Rev. Rul. 2003–113) received on October 27, 2003; to the Committee on Finance.

EC–4940. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2004 Per Diem Travel Expenses" (Rev. Proc. 2003–80) received on October 27, 2003; to the Committee on Finance.

EC–4941. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2003 Automobile Inflation Adjustment" (Rev. Proc. 2003–75) received on October 27, 2003; to the Committee on Finance.

EC–4942. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Business Purpose Aggregation" (Rev. Rul. 2003–110) received on October 27, 2003; to the Committee on Finance.

EC–4943. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles and services in the amount of $50,000,000 or more to the Pacific Ocean (international waters); to the Committee on Foreign Relations.

EC–4944. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 to Japan; to the Committee on Foreign Relations.

EC–4945. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–4946. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, a draft of proposed legislation to authorize an education benefit for employees of the Broadcasting Board of Governors serving in the Commonwealth of the Northern Mariana Islands; to the Committee on Foreign Relations.

EC–4947. A communication from the Chair, United States Sentencing Commission, transmitting, an emergency amendment and accompanying report relative to the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (the "PROTECT" Act); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004" (Rept. No. 108–175).

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 743. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes (Rept. No. 108–176).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1066. A bill to correct a technical error from Unit T–07 of the John H. Chafee Coastal Barrier Resources System (Rept. No. 108–177).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1643. A bill to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968 (Rept. No. 108–178).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 1794. A bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9 and other parts used in plasma and LCD televisions; to the Committee on Finance.

By Mr. GRAHAM of South Carolina:

S. 1795. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. GRAHAM of South Carolina, and Mr. DEWINE):

S. 1796. A bill to revitalize rural America and rebuild main street, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1797. A bill to implement antitrust enforcement enhancements and cooperation incentives; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. KYL, and Mr. NELSON of Florida):

S. Res. 253. A resolution to recognize the evolution and importance of motorsports; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida):

S. Res. 254. A resolution commending the Florida Marlins baseball team for winning the 2003 World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1172

At the request of Mr. FRIST, the names of the Senator from Mississippi

(Mr. COCHRAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1177

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 1601

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1601, a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

S. 1626

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1626, a bill to provide emergency disaster assistance to agricultural producers.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1708

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1708, a bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system.

S. 1734

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1734, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 244

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1828

At the request of Mr. BENNETT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of amendment No. 1828 proposed to H.R. 1904, a bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 2000

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2000 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 2000 proposed to H.R. 2800, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself, Mr. GRAHAM of South Carolina, and Mr. DEWINE):

S. 1796. A bill to revitalize rural America and rebuild main street, and for other purposes; to the Committee on Finance

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today, the rural Renaissance Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Renaissance Act".

SEC. 2. RURAL RENAISSANCE CORPORATION.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following new section:

"SEC. 379E. RURAL RENAISSANCE CORPORATION.

"(a) ESTABLISHMENT AND STATUS.—There is established a body corporate to be known as the 'Rural Renaissance Corporation' (hereafter in this section referred to as the 'Corporation'). The Corporation is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31, United States Code.

"(b) PRINCIPAL OFFICE; APPLICATION OF LAWS.—The principal office and place of business of the Corporation shall be in the District of Columbia, and, to the extent consistent with this section, the District of Columbia Business Corporation Act (D.C. Code 29-301 et seq.) shall apply.

“(c) Functions of Corporation.—The Corporation shall—

“(1) issue rural renaissance bonds for the financing of qualified projects as required under section 54 of the Internal Revenue Code of 1986,

“(2) establish an allocation plan as required under section 54(f)(2)(A) of such Code,

“(3) establish and operate the Rural Renaissance Trust Account as required under section 54(l) of such Code,

“(4) perform any other function the sole purpose of which is to carry out the financing of qualified projects through rural renaissance bonds, and

“(5) not later than February 15 of each year submit a report to Congress—

“(A) describing the activities of the Corporation for the preceding year, and

“(B) specifying whether the amounts deposited and expected to be deposited in the Rural Renaissance Trust Account are sufficient to fully repay at maturity the principal of any outstanding rural renaissance bonds issued pursuant to such section 54.

“(d) Powers of Corporation.—The Corporation—

“(1) may sue and be sued, complain and defend, in its corporate name, in any court of competent jurisdiction,

“(2) may adopt, alter, and use a seal, which shall be judicially noticed,

“(3) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Corporation,

“(4) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation,

“(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid,

“(6) may, as necessary for carrying out the functions of the Corporation, employ and fix the compensation of employees and officers,

“(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation,

“(8) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this section, and

“(9) shall have such other powers as may be necessary and incident to carrying out this section.

“(e) Nonprofit Entity; Restriction on Use of Moneys; Conflict of Interests; Independent Audits.—

“(1) Nonprofit entity.—The Corporation shall be a nonprofit corporation and shall have no capital stock.

“(2) Restriction.—No part of the Corporation's revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this section.

“(3) Conflict of interests.—No director, officer, or employee of the Corporation shall in any manner, directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

“(4) Independent audits.—An independent certified public accountant shall audit the financial statements of the Corporation each year. The audit shall be carried out at the place at which the financial statements normally are kept and under generally accepted auditing standards. A report of the audit shall be available to the public and shall be included in the report required under subsection (c)(5).

“(f) Tax Exemption.—The Corporation, including its franchise and income, is exempt from taxation imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

“(g) Management of Corporation.—

“(1) Board of directors; membership; designation of chairperson and vice chairperson; appointment considerations; term; vacancies.—

“(A) Board of directors.—The management of the Corporation shall be vested in a board of directors composed of 7 members appointed by the President, by and with the advice and consent of the Senate.

“(B) Chairperson and vice chairperson.—The President shall designate 1 member of the Board to serve as Chairperson of the Board and 1 member to serve as Vice Chairperson of the Board.

“(C) Individuals from private life.—Five members of the Board shall be appointed from private life.

“(D) Federal officers and employees.—Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with rural development.

“(E) Appointment considerations.—All members of the Board shall be appointed on the basis of their understanding of and sensitivity to rural development processes. Members of the Board shall be appointed so that not more than 4 members of the Board are members of any 1 political party.

“(F) Terms.—Members of the Board shall be appointed for terms of 3 years, except that of the members first appointed, as designated by the President at the time of their appointment, 2 shall be appointed for terms of 1 year and 2 shall be appointed for terms of 2 years.

“(G) Vacancies.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of a member's term, the member shall continue to serve until a successor is appointed and is qualified.

“(2) Compensation, actual, necessary, and transportation expenses.—Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Corporation.

“(3) Quorum.—A majority of the Board shall constitute a quorum.

“(4) President of corporation.—The Board of Directors shall appoint a president of the Corporation on such terms as the Board may determine.”.

SEC. 3. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) In General.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

“Subpart H—Nonrefundable Credit for Holders of Rural Renaissance Bonds

“Sec. 54. Credit to holders of rural renaissance bonds.

“SEC. 54. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

“(a) Allowance of Credit.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

“(b) Amount of Credit.—

“(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

“(2) Annual credit.—The annual credit determined with respect to any rural renaissance bond is the product of—

“(A) the applicable credit rate, multiplied by

“(B) the outstanding face amount of the bond.

“(3) Applicable credit rate.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

“(4) Credit allowance date.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term includes the last day on which the bond is outstanding.

“(5) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

“(c) Limitation Based on Amount of Tax.—

“(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

“(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(d) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(e) Rural Renaissance Bond.—For purposes of this part, the term ‘rural renaissance bond’ means any bond issued as part of an issue if—

“(1) 95 percent or more of the proceeds from the sale of such issue are to be used—

“(A) for expenditures incurred after the date of the enactment of this section for any qualified project, or

“(B) for deposit in the Rural Renaissance Trust Account for repayment of rural renaissance bonds at maturity,

“(2) the bond is issued by the Rural Renaissance Corporation, is in registered form, and meets the rural renaissance bond limitation requirements under subsection (f),

“(3) except for bonds issued in accordance with subsection (f)(4), the term of each bond which is part of such issue does not exceed 30 years,

“(4) the payment of principal with respect to such bond is the obligation of the Rural Renaissance Corporation, and

“(5) the issue meets the requirements of subsection (g) (relating to arbitrage).

“(f) Limitation on Amount of Bonds Designated.—

“(1) National limitation.—There is a rural renaissance bond limitation for each calendar year. Such limitation is—

“(A) for 2004—

“(i) with respect to bonds described in subsection (e)(1)(A), $50,000,000,000, plus

“(ii) with respect to bonds described in subsection (e)(1)(B), such amount (not to exceed $15,000,000,000) as determined necessary by the Rural Renaissance Corporation to provide funds in the Rural Renaissance Trust Account for the repayment of rural renaissance bonds at maturity, and

“(B) except as provided in paragraph (3), zero thereafter.

“(2) Limitation allocated to qualified projects among States.—

“(A) In general.—Subject to subparagraph (B), the limitation applicable under paragraph (1)(A)(i) for any calendar year shall be allocated by the Rural Renaissance Corporation for qualified projects among the States under an allocation plan established by the Corporation and submitted to Congress for consideration.

“(B) Minimum allocations to States.—In establishing the allocation plan under subparagraph (A), the Rural Renaissance Corporation shall ensure that the aggregate amount allocated for qualified projects located in each State under such plan is not less than $500,000,000.

“(3) Carryover of unused limitation.—If for any calendar year—

“(A) the rural renaissance bond limitation amount, exceeds

“(B) the amount of bonds issued during such year by the Rural Renaissance Corporation,

the rural renaissance bond limitation amount for the following calendar year shall be increased by the amount of such excess. Any carryforward of a rural renaissance bond limitation amount may be carried only to calendar year 2005 or 2006.

“(4) Issuance of small denomination bonds.—From the rural renaissance bond limitation for each year, the Rural Renaissance Corporation shall issue a limited quantity of rural renaissance bonds in small denominations suitable for purchase as gifts by individual investors wishing to show their support for investing in rural America.

“(g) Special Rules Relating to Arbitrage.—

“(1) In general.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the Rural Renaissance Corporation reasonably expects—

“(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

“(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

“(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

“(2) Rules regarding continuing compliance after 3-year determination.—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

“(A) the Rural Renaissance Corporation uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

“(B) the following requirements are met:

“(i) The Rural Renaissance Corporation spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

“(ii) The Rural Renaissance Corporation spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

“(h) Recapture of Portion of Credit Where Cessation of Compliance.—

“(1) In general.—If any bond which when issued purported to be a rural renaissance bond ceases to be such a qualified bond, the Rural Renaissance Corporation shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

“(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

“(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

“(2) Failure to pay.—If the Rural Renaissance Corporation fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

“(3) Special rules.—

“(A) Tax benefit rule.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

“(B) No credits against tax.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

“(i) the amount of any credit allowable under this part, or

“(ii) the amount of the tax imposed by section 55.

“(i) Rural Renaissance Trust Account.—

“(1) In general.—The following amounts shall be held in a Rural Renaissance Trust Account by the Rural Renaissance Corporation:

“(A) The proceeds from the sale of all bonds issued under this section.

“(B) The amount of any matching contributions with respect to such bonds.

“(C) The investment earnings on proceeds from the sale of such bonds.

“(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

“(2) Use of funds.—Amounts in the Rural Renaissance Trust Account may be used only to pay costs of qualified projects, redeem rural renaissance bonds, and fund the operations of the Rural Renaissance Corporation, except that amounts withdrawn from the Rural Renaissance Trust Account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of rural renaissance bonds described in subsection (e)(1)(A).

“(3) Use of remaining funds in rural renaissance trust account.—Upon the redemption of all rural renaissance bonds issued under this section, any remaining amounts in the Rural Renaissance Trust Account shall be available to the Rural Renaissance Corporation for any qualified project.

“(j) Qualified Project.—For purposes of this section—

“(1) In general.—Subject to paragraph (3), the term ‘qualified project’ means a project which—

“(A) includes 1 or more of the projects described in paragraph (2),

“(B) is located in a rural area, and

“(C) is proposed by a State and approved by the Rural Renaissance Corporation.

“(2) Projects described.—A project described in this paragraph is—

“(A) a water or waste treatment project,

“(B) a conservation project, including any project to protect water quality or air quality (including odor abatement), any project to prevent soil erosion, and any project to protect wildlife habitat, including any project to assist agricultural producers in complying with Federal, State, or local regulations,

“(C) an affordable housing project,

“(D) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

“(E) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production or processing of ethanol, biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

“(F) a rural venture capital project for, among others, farmer-owned entities,

“(G) a distance learning or telemedicine project,

“(H) a project to expand broadband technology, and

“(I) a rural teleworks project.

“(3) Special rules.—For purposes of this subsection—

"(A) any project described in subparagraph (E) or (F) of paragraph (2) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

"(B) any project for a farmer-owned entity which is a facility described in paragraph (2)(E) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

"(3) Approval guidelines and criteria.—Not later than 60 days after the date of the enactment of this section, the Rural Renaissance Corporation shall consult with the appropriate committees of Congress regarding the development of guidelines and criteria for the approval by the Corporation of projects as qualified projects for inclusion in the allocation plan established under subsection (f)(2)(A) and shall submit such guidelines and criteria to such committees.

"(k) Other Definitions and Special Rules.—For purposes of this section—

"(1) Bond.—The term 'bond' includes any obligation.

"(2) Rural area.—The term 'rural area' means any area other than—

"(A) a city or town which has a population of greater than 50,000 inhabitants, or

"(B) the urbanized area contiguous and adjacent to such a city or town.

"(3) Rural renaissance corporation.—The term 'Rural Renaissance Corporation' means the Rural Renaissance Corporation established under section 379E of the Consolidated Farm and Rural Development Act.

"(4) Treatment of changes in use.—For purposes of subsection (e)(1)(A), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the Rural Renaissance Corporation takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

"(5) Partnership; S corporation; and other pass-thru entities.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(6) Bonds held by regulated investment companies.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(7) Credits may be stripped.—Under regulations prescribed by the Secretary—

"(A) In general.—There may be a separation (including at issuance) of the ownership of a rural renaissance bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(B) Certain rules to apply.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the rural renaissance bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(8) Reporting.—The Rural Renaissance Corporation shall submit reports similar to the reports required under section 149(e).".

(b) Amendments to Other Code Sections.—

(1) Reporting.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) Reporting of credit on rural renaissance bonds.—

"(A) In general.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

"(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(2) Treatment for estimated tax purposes.—

(A) Individual.—Section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rule for Holders of Rural Renaissance Bonds.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a rural renaissance bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.".

(B) Corporate.—Subsection (g) of section 6655 of such Code (relating to failure by corporation to pay estimated income tax) is amended by adding at the end the following new paragraph:

"(5) Special rule for holders of rural renaissance bonds.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a rural renaissance bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.".

(c) Clerical Amendments.—

(1) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Subpart H. Nonrefundable Credit for Holders of Rural Renaissance Bonds.".

(2) Section 6401(b)(1) of such Code is amended by striking "and G" and inserting "G, and H".

(d) Effective Date.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. DEWINE (for himself and Mr. Kohl):

S. 1797. A bill to implement antitrust enforcement enhancements and cooperation incentives; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with my colleague Senator DeWine, to introduce the "Antitrust Criminal Penalty Enhancement and Reform Act of 2003." This important bipartisan antitrust reform bill will strengthen the procedures under which antitrust settlements are reviewed by the courts, will increase criminal penalties for the most egregious antitrust violations, and will enhance the Justice Department's existing leniency program to encourage more antitrust criminal wrongdoers to come forward and thereby significantly assist the Department in detecting and preventing antitrust conspiracies.

This bill will accomplish three important goals. First, it will strengthen the review of the Justice Department's civil antitrust settlements under the Tunney Act. The Tunney Act is an important statute, passed nearly thirty years ago, that insures the public interest and consumers are protected when the Justice Department settles civil antitrust cases. The Tunney Act requires that, before entering any proposed consent judgment proposed by the Justice Department, the court must determine that the judgment is in the public interest. The statute also contains strict procedures for the public disclosure of proposed antitrust consent decrees and an opportunity for public comment.

The Tunney Act was passed in 1974 in response to concerns that some Justice Department settlements were motivated by inappropriate political pressure and were simply inadequate to restore competition or protect consumers. Congress concluded that review by the district courts to be an essential safeguard to deter the Justice Department from settling cases without regard for the public interest or the interest of affected consumers. The Tunney Act was enacted to end the then-prevalent practice of district judges "rubber stamping" antitrust consent decrees.

Unfortunately, in recent years, many courts—including specifically the U.S. Court of Appeals for the District of Columbia Circuit—have misconstrued the plain meaning of the Tunney Act and have returned to the practice of "rubber stamp" review of antitrust settlements. The controlling precedent in the D.C. Circuit is now that trial courts must enter antitrust consent decrees as long as they do not make a "mockery of the judicial power." This standard is contrary to the intent of the Tunney Act and effectively strips the courts of the ability to engage in meaningful review of antitrust settlements.

Our bill will restore the original intent of the Tunney Act by First, providing that courts are to independently determine that antitrust settlements are in the public interest, second, setting forth a specific list of factors that a court must examine in the course of its public interest review—rather than may consider as the statute is currently written, and third, requiring the government establish that substantial evidence and reasoned analysis supports the government's belief that the consent judgment is in the public interest. These provisions will make clear that the court has the authority to conduct a meaningful review to ensure that antitrust settlements are not contrary to the public interest, or to competition.

Second, the bill will enhance criminal penalties for those who violate our antitrust laws. It will increase the maximum corporate penalty from $10 to $100 million, will increase the maximum individual fine from $350,000 to $1 million, and increase the maximum jail term for individuals who are convicted of criminal antitrust violations from three to ten years. These changes will send the proper message that criminal antitrust violations—crimes such as price fixing and bid rigging—committed by business executives in a boardroom are serious offense that steal from American consumers just as effectively as does a street criminal with a gun. We have all learned through unfortunate experience in the last few years at some of our largest at most respected corporations the serious consequences of crime in the boardroom, with literally tens of millions of dollars being looted from shareholders. These examples of corporate malfeasance teach us that criminal sanctions for white collar crime must be serious enough to deter such misbehavior, and our bill will help ensure our antitrust penalties are strong enough to accomplish this mission.

Finally, this bill will give the Justice Department significant new tools under its antitrust leniency program. The leniency program rewards the first member of a criminal antitrust conspiracy to admit its crime to the Justice Department by granting the wrongdoer criminal amnesty. This is an important tool for law enforcement officials to detect and break up cartels that fix prices and limit supply in our economy. This new provision will give the Justice Department the ability to offer those applying for leniency the additional reward of only facing actual damages in civil suits arising out of the antitrust conspiracy, rather than the treble damage liability to which they would otherwise be subject. This statutory change will remove a significant disincentive to those who would be likely to seek criminal amnesty and should result in a substantial increase in the number of antitrust conspiracies being detected.

Each of these three reforms are important measures will significantly enhance the enforcement of our nation's antitrust laws. I urge my colleagues to support this important measure.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 253—TO RECOGNIZE THE EVOLUTION AND IMPORTANCE OF MOTORSPORTS

Mr. CAMPBELL (for himself, Mr. KYL, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 253

Whereas on March 26, 1903, an automotive race was held on a beach in Volusia County, Florida, inaugurating 100 years of motorsports;

Whereas 100 years later, motorsports are the fastest growing sports in the country;

Whereas races occur at hundreds of motorsport facilities in all 50 States;

Whereas racing fans can enjoy a wide variety of motorsports sanctioned by organizations that include Championship Auto Racing Teams (CART), Grand American Road Racing (Grand Am), Indy Racing League (IRL), International Motorsports Association (IMSA), National Association for Stock Car Automobile Racing (NASCAR), National Hot Road Association (NHRA), Sports Car Club of America (SCCA), and United States Auto Club (USAC);

Whereas the research and development of vehicles used in motorsports have directly contributed to improvements in safety and technology for the automobiles and motor vehicles used by hundreds of millions of Americans;

Whereas 13,000,000 fans will attend NASCAR races alone in 2003;

Whereas fans of all ages spend days at motorsport facilities participating in a variety of interactive theme and amusement activities surrounding races;

Whereas motorsport facilities that provide these theme and amusement activities contribute millions of dollars into local economies;

Whereas motorsports make a significant contribution to the national economy; and

Whereas tens of millions of people in the United States enjoy the excitement and speed of motorsports every week: Now, therefore, be it

Resolved, That the Senate recognizes the evolution of motorsports and honors those who have helped create and build this great American pastime.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution that recognizes the importance of motorsports in America and their century of evolution. 100 years ago last March, Ormond-Daytona Beach in Volusia County, Florida was the venue for the very first annual "Winter Automobile Racing Meet." This race is now recognized as the genesis of organized auto racing, giving Ormond-Daytona Beach the title of "Birthplace of Speed." In the decades that have followed, motorsports have evolved from scattered impromptu events to the second most popular sport in the United States.

Motorsports is now the fastest growing sport in the country, drawing millions of spectators and tens of millions of television viewers each year. For example, 13 million fans will attend NASCAR races alone in 2003. Millions of additional fans will attend races sanctioned by the Automobile Racing Club of America, (ACRA); Championship Auto Racing Teams (CART); Indy Racing League (IRL); and the Sports Car Club of America (SCCA).

Tracks are found throughout the country, with over 900 facilities in all 50 States hosting races sponsored by sanctioning bodies. These tracks make significant contributions to the economies of our communities, ranging from smaller facilities that host weekly racing series to the largest superspeedways such as Talladega and Daytona.

Fans travel hundreds and sometimes thousands of miles to attend these races, frequently arriving several days ahead of the headline event. Once at the destination track, they enjoy a variety of interactive entertainment attractions, including racing simulators, concerts, memorabilia vendors, hospitality facilities, opportunities to meet drivers, tours of the track and garage areas, etc. Motorsports entertainment facilities are amusement parks, dedicated to the themes of speed and competition.

My resolution today recognizes the importance and growth of motorsports. I urge my colleagues to support this resolution, which honors the motorsports entertainment industry for its impressive contributions to the national economy and its ongoing evolution.

SENATE RESOLUTION 254—COMMENDING THE FLORIDA MARLINS BASEBALL TEAM FOR WINNING THE 2003 WORLD SERIES

Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 254

Whereas on October 25, 2003, the Florida Marlins defeated the New York Yankees, 2 to 0, in Game 6 of the World Series, to capture their second World Series title in the 11 seasons of the franchise;

Whereas the Florida Marlins became the first visiting team to celebrate a World Series championship in Yankee Stadium since the Los Angeles Dodgers in 1981;

Whereas under the leadership of manager Jack McKeon, general manager Larry Beinfest, and team owner Jeffrey Loria, the Marlins compiled the best record in baseball since May 23, 2003, becoming only the ninth team in Major League Baseball history to rebound from at least 10 games under .500 to reach the playoffs;

Whereas each player, manager, coach, trainer, and administrator of the Florida Marlins contributed to a magical turnaround that resulted in the Florida Marlins reaching the pinnacle of the sport, a World Series Championship;

Whereas the manager of the Florida Marlins, Jack McKeon, became the oldest manager in Major League Baseball history to win the World Series, and led Florida to the title after joining the team in May of 2003;

Whereas Florida Marlins pitcher Josh Beckett was named World Series Most Valuable Player, after pitching a complete game, 5 hit shutout, on 3 days rest in Yankee Stadium during Game 6 of the World Series;

Whereas young stars like Miguel Cabrera, Juan Pierre, and Luis Castillo combined with established veterans like Ivan Rodriguez and Jeff Conine to produce an exciting, never-say-die team that won over fans around the country during an unexpected march to the World Series;

Whereas the Florida Marlins upset the San Francisco Giants in 4 games to win the Division Series, then stunned the Chicago Cubs by coming back from a 3 games to 1 deficit to win the National League Championship Series in 7 games; and

Whereas fans of the Florida Marlins and the South Florida community demonstrated commendable team support and pride: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Florida Marlins for winning the 2003 World Series;

(2) recognizes the achievements of the players, coaches, and support staff who were instrumental in securing a second World Series title for the Florida Marlins;

(3) commends the support and pride of the fans of the Florida Marlins; and

(4) directs the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Florida Marlins, Jeffrey Loria;

(B) the general manager of the Florida Marlins, Larry Beinfest;

(C) the manager of the Florida Marlins, Jack McKeon; and

(D) each player and coach of the 2003 World Series Champion Florida Marlins baseball team.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2025. Mrs. BOXER (for herself, Mrs. CLINTON, and Mr. DAYTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

SA 2026. Mrs. BOXER (for herself and Mrs. CLINTON) proposed an amendment to the bill H.R. 1904, supra.

SA 2027. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. DODD, Mr. SCHUMER, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2028. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. DURBIN, Mr. AKAKA, Mrs. MURRAY, Mr. LAUTENBERG, Mr. EDWARDS, Mr. BIDEN, Mr. CARPER, Mr. NELSON, of Florida, Mr. CORZINE, and Ms. CANTWELL) proposed an amendment to the bill S. 139, to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

SA 2029. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2025. Mrs. BOXER (for herself, Mrs. CLINTON, and Mr. DAYTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE . FIREFIGHTERS MEDICAL MONITORING ACT

SEC. 1. SHORT TITLE.

This Title shall be referred to as the "Firefighters Medical Monitoring Act of 2003".

SECTION 2. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

SA 2026. Mrs. BOXER (for herself and Mrs. CLINTON) proposed an amendment to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE . DISASTER AIR QUALITY MONITORING ACT

SEC. 1. SHORT TITLE.

This Title shall be referred to as the "Disaster Air Quality Monitoring Act of 2003".

SECTION 2. MONITORING OF AIR QUALITY IN DISASTER AREAS.

(a) IN GENERAL.—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in the Public Law 95-95 section 112(b).

(d) AUTHORIZATION.—To carry out this Title, there are authorized to be appropriated $8,000,000.

SA 2027. Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. DODD, Mr. SCHUMER, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —HIGHLANDS STEWARDSHIP AREA

SECTION 01. SHORT TITLE.

This title may be cited as the "Highlands Stewardship Area Act".

SEC. 02. FINDINGS.

Congress finds that—

(1) the Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut;

(2) the Highlands region is an environmentally unique area that—

(A) provides clean drinking water to more than 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14,000,000 visitors annually; and

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits;

(3) an estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region;

(4) more than 1,400,000 people live in the Highlands region;

(5) the Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner;

(6) continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) the water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant;

(8) the national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition fiscal year 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) the Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, restore, promote, or interpret resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Picatinny Arsenal, New Jersey;

(M) the Great Swamp National Wildlife Refuge;

(N) the proposed Crossroads of the Revolution National Heritage Area;

(O) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(P) the Farmington River Wild and Scenic Area in Connecticut;

(10) it is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region;

(11) the States of Connecticut, New Jersey, New York, and Pennsylvania and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region; and

(12) because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region.

SEC. 03. PURPOSES.

The purposes of this title are—

(1) to recognize—

(A) the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands; and

(B) the national significance of the Highlands region to the United States;

(2) to authorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation land in the Highlands region; and

(3) to continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, units of local government, and private forest and farm landowners in the conservation and stewardship of the land and natural resources in the Highlands region.

SEC. 04. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term "Highlands region" means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term "Highlands State" means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any of those States (including the Palisades Interstate Park Commission).

(3) HIGHLANDS STEWARDSHIP AREA.—The term "Highlands Stewardship Area" means the stewardship area designated under section 05.

(4) LAND CONSERVATION PARTNERSHIP PROJECT.—The term "land conservation partnership project" means a project in which a Highlands State acquires from a willing seller land or an interest in land in the Highlands Stewardship Area for the purpose of permanently protecting, conserving, or preserving the land or interest in the land through a partnership with the Federal Government.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) STUDY.—The term "study" means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(7) UPDATE.—The term "update" means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. 05. DESIGNATION OF HIGHLANDS STEWARDSHIP AREA.

(a) DESIGNATION.—The Secretary and Secretary of the Interior may designate the Highlands Stewardship Area, to be composed of portions of the region identified by the Forest Service as having high conservation values.

(b) CONSULTATION AND RESOURCE ANALYSES.—In designating the Highlands Stewardship Area, the Secretary and the Secretary of the Interior shall—

(1) consult with the Governors of the Highlands States and units of local government; and

(2) use the study, the update, and any additional studies conducted by the Forest Service in the Highlands region.

SEC. 06. LAND CONSERVATION PARTNERSHIP PROJECTS.

(a) IN GENERAL.—Annually, the Governors of the Highlands States, with input from interested units of local government and the public, may jointly identify land conservation partnership projects within the Highlands Stewardship Area that shall be submitted to the Secretary of the Interior for consideration under subsection (b).

(b) DESIGNATION OF PROJECTS.—From among the projects submitted under subsection (a), the Secretary of the Interior, in consultation with the Secretary, shall annually—

(1) designate land conservation partnership projects that are eligible to receive financial assistance under this section; and

(2) submit proposals for the projects to Congress.

(c) CONDITIONS.—

(1) IN GENERAL.—To be eligible for financial assistance under subsection (a), a Highlands State shall enter into an agreement with the Secretary of the Interior that—

(A) identifies—

(i) the Highlands State that will own or hold and manage the land or interest in land; and

(ii) the source of funds to provide the non-Federal share under paragraph (2);

(B) describes the management objectives for the land that will ensure permanent protection and use of the land for the purpose for which the assistance is provided;

(C) provides that if the Highlands State converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may—

(i) seek specific performance of the conditions of financial assistance in United States District Court; or

(ii) seek reimbursement from the Highlands State in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(I) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(II) the amount by which the financial assistance increased the value of the land or interest in land; and

(D) provides that the land conservation partnership project shall be consistent with areas identified as having high conservation value in—

(i) the Forest Service study and update, including—

(I) Important Areas (study);

(II) Conservation Focal Areas (update);

(III) Conservation Priorities (update); and

(IV) land identified as having higher or highest resource value in the Conservation Values Assessment (update); or

(ii) any similar study conducted by the Forest Service in the Highlands region.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this subsection shall not exceed 50 percent of the cost of the land conservation partnership project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $25,000,000 for each of fiscal years 2005 through 2014, to remain available until expended.

SEC. 07. DEPARTMENT OF AGRICULTURE PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—To meet land resource goals of, and the stewardship, scientific, and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands Region, the Secretary (acting through the Chief of the Forest Service), in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, units of local government, and private forest and farm landowners in the conservation and stewardship of the land and natural resources in the Highlands region.

(b) DUTIES.—The Secretary shall—

(1) in consultation with the Highlands States and consistent with this title, undertake studies and research in the Highlands Region;

(2) make the findings of the study publicly available and update and maintain a public dialogue regarding implementation; and

(3) assist the Highland States, units of local government, individual landowners, and private organizations in identifying and using technical and financial assistance programs provided by the Forest Service and other units of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (b) $1,000,000 for each of fiscal years 2005 through 2014.

SEC. 08. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) requires any private property owner to permit public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with regard to public access to or use of private land.

(b) LIABILITY.—Designation of the Highlands Stewardship Area shall not create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any person injured on private property.

(c) LAND USE.—Nothing in this title modifies any authority of the Federal Government or State or local government to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HIGHLANDS STEWARDSHIP AREA PROGRAMS.—Nothing in this title requires the owner of any private property located within the Highlands Stewardship Area to participate in the land conservation program, financial or technical assistance program, or any other program established under this title.

(e) PURCHASE OF LAND OR INTEREST IN LAND FROM WILLING SELLERS.—Funds made available under this Act may be used to purchase land or interests in land from willing sellers only.

SA 2028. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. DURBIN, Mr. AKAKA, Mrs. MURRAY, Mr. LAUTENBERG, Mr. EDWARDS, Mr. BIDEN, Mr. CARPER, Mr. NELSON of Florida, Mr. CORZINE, and Ms. CANTWELL) proposed an amendment to the bill S. 139, to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangable with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Climate Stewardship Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

Title I—Federal Climate Change Research and Related Activities.

Sec. 101. National Science Foundation fellowships.
Sec. 102. Commerce Department study of technology transfer barriers.
Sec. 103. Report on United States impact of Kyoto protocol.
Sec. 104. Research grants.
Sec. 105. Abrupt climate change research.
Sec. 106. NIST greenhouse gas functions.
Sec. 107. Development of new measurement technologies.
Sec. 108. Enhanced environmental measurements and standards.
Sec. 109. Technology development and diffusion.
Sec. 110. Agricultural outreach program.

Title II—National Greenhouse Gas Database

Sec. 201. National greenhouse gas database and registry established.
Sec. 202. Inventory of greenhouse gas emissions for covered entities.
Sec. 203. Greenhouse gas reduction reporting.
Sec. 204. Measurement and verification.

Title III—Market-driven Greenhouse Gas Reductions

Subtitle A—Emission Reduction Requirements; Use of Tradeable Allowances

Sec. 301. Covered entities must submit allowances for emissions.
Sec. 302. Compliance.
Sec. 303. Borrowing against future reductions.
Sec. 304. Other uses of tradeable allowances.
Sec. 305. Exemption of source categories.

Subtitle B—Establishment and Allocation of Tradeable Allowances

Sec. 331. Establishment of tradeable allowances.
Sec. 332. Determination of tradeable allowance allocations.
Sec. 333. Allocation of tradeable allowances.
Sec. 334. Ensuring target adequacy.
Sec. 335. Initial allocations for early participation and accelerated participation.
Sec. 336. Bonus for accelerated participation.

Subtitle C—Climate Change Credit Corporation

Sec. 351. Establishment.
Sec. 352. Purposes and functions.

Subtitle D—Sequestration Accounting; Penalties

Sec. 371. Sequestration accounting.
Sec. 372. Penalties.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term "baseline" means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section 201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) CARBON DIOXIDE EQUIVALENTS.—The term "carbon dioxide equivalents" means, for each greenhouse gas, the amount of each such greenhouse gas that makes the same contribution to global-warming as one metric ton of carbon dioxide, as determined by the Administrator.

(4) COVERED SECTORS.—The term "covered sectors" means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(5) COVERED ENTITY.—The term "covered entity" means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits, from any single facility owned by the entity, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(6) DATABASE.—The term "database" means the national greenhouse gas database established under section 201.

(7) DIRECT EMISSIONS.—The term "direct emissions" means greenhouse gas emissions

by an entity from a facility that is owned or controlled by that entity.

(8) FACILITY.—The term "facility" means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(9) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT EMISSIONS.—The term "indirect emissions" means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity.

(11) INVENTORY.—The term "Inventory" means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5).

(12) LEAKAGE.—The term "leakage" means—

(A) an increase in greenhouse gas emissions by one facility or entity caused by a reduction in greenhouse gas emissions by another facility or entity; or

(B) a decrease in sequestration that is caused by an increase in sequestration at another location.

(13) PERMANENCE.—The term "permanence" means the extent to which greenhouse gases that are sequestered will not later be returned to the atmosphere.

(14) REGISTRY.—The term "registry" means the registry of greenhouse gas emission reductions established under section 201(b)(2).

(15) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(16) SEQUESTRATION.—

(A) IN GENERAL.—The term "sequestration" means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(B) INCLUSIONS.—The term "sequestration" includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term "sequestration" does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species.

(17) SOURCE CATEGORY.—The term "source category" means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

(18) STATIONARY SOURCE.—The term "stationary source" means generally any source of greenhouse gases except those emissions resulting directly from an engine for transportation purposes.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES.

SEC. 101. NATIONAL SCIENCE FOUNDATION FELLOWSHIPS.

The Director of the National Science Foundation shall establish a fellowship program for students pursuing graduate studies in global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. COMMERCE DEPARTMENT STUDY OF TECHNOLOGY TRANSFER BARRIERS.

(a) STUDY.—The Assistant Secretary of Technology Policy at Department of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases. The study shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Assistant Secretary shall work with the existing interagency working group to address identified barriers.

(b) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking "and" after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

"(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

"(viii) the total earned royalty income for climate-change or energy-efficient technology; and".

(c) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking "15 percent," in paragraph (1)(A) and inserting "15 percent (25 percent for climate change-related technologies),"; and

(2) by inserting "($250,000 for climate change-related technologies)" after "$150,000" each place it appears in paragraph (3).

SEC. 103. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall execute a contract with the National Academy of Science for a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol without United States participation will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 104. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) RESEARCH GRANTS.—

"(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being addressed by Federal agencies.

"(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list for the National Science Foundation.

"(3) FUNDING THROUGH NSF.—

"(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

"(B) AUTHORIZATION.—For fiscal year 2004 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.".

SEC. 105. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify, and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term "abrupt climate change" means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2004 $60,000,000 to carry out this section, such sum to remain available until expended.

SEC. 106. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272 (c)) is amended—

(1) by striking "and" after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

"(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will facilitate activities that reduce emissions of greenhouse gases or increase sequestration of greenhouse gases, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and".

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

To facilitate implementation of section 204, the Secretary" shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions for which no accurate or reliable measurement technology exists. The program shall include—

(1) technologies (including remote sensing technologies) to measure carbon changes and other greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices; and

(2) technologies to calculate non-carbon dioxide greenhouse gas emissions from transportation.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

"(a) In General.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 3(8) of the Climate Stewardship Act of 2003) and of facilitating implementation of section 204 of that Act.

"(b) Research Program.—

"(1) In general.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

"(2) Research projects.—The specific contents and priorities of the research program shall be determined in consultation, with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

"(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

"(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

"(C) that will be exchanged internationally, as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

"(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

"(c) National measurement laboratories.—

"(1) In general.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

"(2) Material, process, and building research.—The National Measurement Laboratories shall conduct research under this subsection that includes—

"(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

"(B) developing chemical processes to be used by industry that, compared to similar processes in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

"(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

"(3) Standards and tools.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials; artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

"(d) National Voluntary Laboratory Accreditation Program.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.".

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to promote the use, by the more than 380,000 small manufacturers, of technologies and techniques that result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases.

SEC. 110. AGRICULTURAL OUTREACH PROGRAM.

(a) In General.—The Secretary of Agriculture, acting through the Global Change Program Office and in consultation with the heads of other appropriate departments and agencies, shall establish the Climate Change Education and Outreach Initiative Program to educate, and reach out to, agricultural organizations and individual farmers on global climate change.

(b) Program Components.—The program—

(1) shall be designed to ensure that agricultural organizations and individual farmers receive detailed information about—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven, economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts;

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) shall provide—

(A) outreach materials to interested parties;

(B) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change or coordination with existing centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) Establishment.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and nongovernmental organizations, shall establish, operate, and maintain a database, to be known as the "National Greenhouse Gas Database", to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) National Greenhouse Gas Database Components.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) Comprehensive System.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a com prehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) Requirements.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) Serial numbers.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions registered under section 204;

(B) for the provision of unique serial numbers to identify the registered emission reductions made by an entity relative to the baseline of the entity;

(C) for the tracking of the registered reductions associated with the serial numbers; and

(D) for such action as may be necessary to prevent counterfeiting of the registered reductions.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) In General.—Not later than July 1st of each calendar year after 2008, each covered entity shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents, except those reported under paragraph (3);

(2) the amount of petroleum products sold or imported by the entity and the amount of

greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section 301(b);

(3) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 301(d); and

(4) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the each calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents;

(B) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section 301(b);

(C) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section 301(d); and

(D) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry and for other purposes; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section 201(c)(1) and that relates to—

(i) any activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration by the entity that were carried out during or after 1990 and before the establishment of the database, verified in accordance with regulations promulgated under section 201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in net sequestration by the entity.

(3) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed under section 204, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry, and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section 301.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section 203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) EXCEPTION.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security or discloses confidential business information that can not be derived from information that is otherwise publicly available and that would cause competitive harm if published.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section 201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(B) the greenhouse gas reduction and sequestration measurement and estimation methods and standards applied in other countries, as applicable or relevant;

(C) the extent to which available fossil fuels,greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(D) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity" and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases;

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases; and

(5) describes the activity during the year covered by the period in the trading of greenhouse gas emission allowances.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish by rule, in coordination with the Administrator, the Secretary of Energy, and the Secretary of Agriculture, comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The methods and standards established under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system where technologically feasible;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry taking into account—

(i) protocols and standards in use by entities requiring or desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this Act by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of methods of—

(i) estimating greenhouse gas emissions, for those cases in which the Secretary determines that methods of monitoring, measuring or estimating such emissions with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system are not technologically feasible at present; and

(ii) reporting the accuracy of such estimations;

(D) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(E) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) Review and Revision.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) Public Participation.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) Experts and Consultants.—

(1) In general.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) Available arrangements.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

Subtitle A—Emission Reduction Requirements; Use of Tradeable Allowances

SEC. 301. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) In General.—Beginning with calendar year 2010—

(1) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, that it emits from stationary sources, except those described in paragraph (2);

(2) each producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents; that it produces or imports and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(3) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, as determined by the Administrator under subsection (b), when used for transportation.

(b) Determation of Transportation Sector Amount.—For the transportation sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide. equivalents, that will be emitted when petroleum products are used for transportation.

(c) Exception for Certain Deposited Emissions.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a facility under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section 204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

(d) Determination of Hydroflurocarbon, Perfluorocarbon, and Sulfur Hexafluoride Amount.—The Administrator shall determine the amounts of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents, that will be deemed to be emitted for purposes of this Act.

SEC. 302. COMPLIANCE.

(a) In General.—

(1) Source of Tradeable Allowances Used.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section 351.

(2) Verification by administrator.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account the tradeable allowances submitted by the covered entity to the Administrator; and

(B) retire the serial number assigned to each such tradeable allowance.

(b) Alternative Means of Compliance.—For the years after 2010, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary determines that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section 372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section 303.

(c) Dedicated Program for Sequestration in Agricultural Soils.—If a covered entity chooses to satisfy 15 percent of its total allowance submission requirements under the provisions of subsection (b), it shall satisfy up to 1.5 percent of its total allowance submission requirement by submitting registered net increases in sequestration in agricultural soils, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section 371.

SEC. 303. BORROWING AGAINST FUTURE REDUCTIONS.

(a) In General.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this Act for the current calendar year, subject to the limitation imposed by section 302(b).

(b) Determination of Tradeable Allowance Credits.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce emissions from the covered entity within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) Carrying Cost.—If a covered entity uses a credit under this section to meet the requirements of this Act for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year; multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) MAXIMUM BORROWING PERIOD.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this Act for the current year.

(e) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 301.

(c) CLIMATE CHANGE CREDIT ORGANIZATION.—The Climate Change Credit Corporation established under section 351 may sell tradeable allowances allocated to it under section 332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section 352.

(d) BANKING OF TRADEABLE ALLOWANCES.—Notwithstanding the requirements of section 301, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section 301, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 305. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this Act to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section 331(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may not grant an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

SUBTITLE B—ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to—

(1) 5896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary, to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—In this section:

(1) IN GENERAL.—The term "non-covered entity" means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) is not a covered entity.

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 351.

(b) ALLOCATION FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals;

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers;

(6) the degree to which the amount of allocations to the covered sectors should decrease over time; and

(7) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—Before allocating or providing tradeable allowances under subsection (a) and within 24 months after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section 334, the Administrator shall—

(1) allocate to each covered sector that sector's allotments determined by the Administrator under section 332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section 351); and

(2) allocate to the Climate Change Credit Corporation established under section 351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to covered entities, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for emissions reductions made before 2010 and registered with the database; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride to such producers or importers.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(f) ALLOCATIONS TO CERTAIN STATES; RURAL ELECTRIC COOPERATIVES.—

(1) IN GENERAL.—The Administrator shall make the allocations described in paragraphs (2) and (3) each year at no cost. The allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation.

(2) STATE ALLOCATIONS.—The Administrator shall allocate, for all electric generating units located in a State in which the average heating value of coal consumed by electric generating units in 1999 was less than 7,000 Btu per pound, allowances in an amount equal to the greenhouse gas emissions of the units in 2000, multiplied by 1.3.

(3) RURAL ELECTRIC COOPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative and not taken into account for purposes of paragraph (2), the Administrator shall allocate allowances in an amount equal to the greenhouse gas emissions of each such unit in 2000, plus an amount equal to the average emissions growth expected for all such units.

SEC. 334. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by section 331 no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section 331(a)(1), and transmit a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

SEC. 335. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

Before making any allocations under section 333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section 201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section 336, such tradeable allowances as the Administrator has determined to be appropriate under that section.

SEC. 336. BONUS FOR ACCELERATED PARTICIPATION.

(a) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section 334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entity to satisfy 20 percent of its requirements under section 301 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emissions under the conditions described in section 312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section 201, and as adjusted by the appropriate sequestration discount rate established under section 371; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section 301 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

SEC. 351. ESTABLISHMENT.

(a) IN GENERAL.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section 333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this Act. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(4) TECHNOLOGY DEPLOYMENT PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide support for the deployment of technology to assist in compliance with this Act by distributing the proceeds from no less than 10 percent of the total allowances allocated to it. The support shall include the following:

(A) COAL GASIFICATION COMBINED-CYCLE AND GEOLOGICAL CARBON STORAGE PROGRAM.—The Corporation shall establish and carry out a program, through direct grants, to provide incentives for the repowering of existing facilities or construction of new facilities producing electricity or other products from coal gasification combined-cycle plants that capture and geologically store at least 90 percent of the carbon dioxide produced at the facility in accordance with requirements established by the Administrator to ensure the permanence of the storage and that such storage will not cause or contribute to significant adverse effects on public health or the environment. The Corporation shall ensure that no less than 20 percent of the funding under this program is distributed to rural electric cooperatives.

(B) AGRICULTURAL PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide incentives for greenhouse gas emissions reductions or net increases in greenhouse gas sequestration on agricultural lands. The program shall include incentives for—

(i) production of wind energy on agricultural lands;

(ii) agricultural management practices that achieve verified, incremental increases in net carbon sequestration, in accordance with the requirements established by the Administrator under section 371; and

(iii) production of renewable fuels that, after consideration of the energy needed to produce such fuels, result in a net reduction in greenhouse gas emissions.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) SEQUESTRATION ACCOUNTING.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section 301 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methods and standards created under section 204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calender year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) UPDATES.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section 301 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

SA 2029. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8 . INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) in the second sentence, by striking "no more than $1,000" and inserting "as provided in title 18, United States Code,"; and

(2) by inserting after the second sentence the following: "In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.".

(b) NATIONAL PARK SYSTEM LANDS.—

(1) FINES.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking "That the Secretary" at the beginning of the section and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary";

(B) by striking "$500" and inserting "$10,000"; and

(C) by inserting after the first sentence the following: "In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking "He may also" the first place it appears and inserting the following:

"(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may";

(B) by striking "He may also" the second place it appears and inserting "The Secretary may"; and

(C) by striking "No natural," and inserting the following:

"(c) LEASE AND PERMIT AUTHORITIES.—No natural".

(c) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking "$500" and inserting "$10,000"; and

(2) by inserting after the first sentence the following: "In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 29, 2003 at 9:30 a.m. on future of NASA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 29, 2003 at 9:30 a.m. to hold a Nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 29, 2003 at 2:30 p.m. to hold a hearing on Challenges for U.S. Policy Toward Colombia: Is Plan Colombia Working?

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Is Intellectual Diversity an Endangered Species on America's College Campuses? during the session of the Senate on Wednesday, October 29, 2003 at 2:00 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, October 29, 2003. The following agenda will be considered:

Agenda

S. , Head Start Improvement and School Readiness Act.

S. , The Poverty Reduction and Prevention Act of 2003.

S. , Pension Stability Act.

S. , Health Care Safety Net Amendments Technical Corrections Act of 2003.

S. 423, Health Care Parity for Legal Transportation and Recreational Activities Act.

S. 1172, Improved Nutrition and Physical Activity Act.

Nominations: Robert Lerner, of Maryland, to be Commissioner of Education Statistics; Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission; Stuart J. Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission; and any other nominees that have been cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 29, 2003, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct a business meeting to consider pending committee business; to be followed immediately by a hearing on S. 1770, the

"Indian Money Account Claims Satisfaction Act of 2003."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 29, 2003, at 10 a.m., on "BCS or Bust: Competitive and Economic Effects of the Bowl Championship Series On and Off the Field," in the Dirksen Senate Office Building, Room 226.

Witness List: LaVell Edwards, Former Head Football Coach, Brigham Young University, Provo, UT; Harvey Perlman, Chancellor, University of Nebraska-Lincoln, Lincoln, NE; Dr. Scott S. Cowen, President, Tulane University, New Orleans, LA; Dr. Myles Brand, President, National Collegiate Athletic Association, Indianapolis, IN; and Keith Tribble, Chief Executive Officer, Orange Bowl Committee, Miami, FL.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 29, 2003, at 2 p.m., on "Nominations," in the Dirksen Senate Office Building, Room 226.

Agenda

Panel I: Senators.

Panel II: James B. Comey to be Deputy Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, October 29, 2003, at 2:30 p.m. concerning the International Space Station.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent for privileges of the floor be extended to George Bain, a Forest Service Fellow on my staff, for the duration of the Healthy Forests debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I ask unanimous consent that privilege of the floor be granted to Trish Aspland, congressional assistant from the U.S. Forest Service, for the remainder of the debate relating to H.R. 1904, the Healthy Forest Restoration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I ask unanimous consent that Doug MacCleery, an employee of the Department of Agriculture, who has been detailed to the Agriculture Committee, and Fred Zepponi, an intern on the committee's staff, be granted the privilege of the floor during debate on H.R. 1904.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask consent that Darcy Zotler on my staff and Evan Notman on my staff be permitted floor privileges for the duration of the debate on the healthy forests.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that George Matejko and Ron Hooper, both congressional fellows in Senator BURNS' office, be granted the privilege of the floor during the consideration of H.R. 1904.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Wendy Miller, an environmental fellow in my office, be granted floor privileges for the duration of our consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that Ms. Barbara Peichel, a fellow in my office, be granted the privilege of the floor during the debate on the McCain-Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Dr. Bill Roma, who is a fellow working for Senator CLINTON, be given the privilege of the floor for the debate on the McCain-Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 329 through 331 and Calendar Nos. 333 through 345, en bloc.

The PRESIDING OFFICER. Without objection, the Senate will proceed to those measures en bloc.

Mr. McCAIN. I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAVID BYBEE POST OFFICE BUILDING

The bill (S. 1405) to designate the facility of the United States Postal Service located at 514 17th Street Moline, Illinois, as the "David Bybee Post Office Building," was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAVID BYBEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, shall be known and designated as the "David Bybee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the David Bybee Post Office Building.

JAMES E. DAVIS POST OFFICE BUILDING

The bill (S. 1590) to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building," was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES E. DAVIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, shall be known and designated as the "James E. Davis Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the James E. Davis Post Office Building.

JOHN G. DOW POST OFFICE BUILDING

The bill (S. 1659) to designate the facility of the United States Postal Service, located at 57 Old Tappan Road in Tappan, New York, as the "John G Dow Post Office Building," was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN G. DOW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, shall be known and designated as the "John G. Dow Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the John G. Dow Post Office Building.

SENATOR JAMES B. PEARSON POST OFFICE

The bill (S. 1718) to designate the facility of the United States Postal Service, located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office," was considered, ordered to a third reading, read the third time and passed, as follows:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENATOR JAMES B. PEARSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, shall be known and designated as the "Senator James B. Pearson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Senator James B. Pearson Post Office.

WALT DISNEY POST OFFICE BUILDING

The bill (H.R. 1610) to redesignate the facility of the United States Postal Service located at 230 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building," was considered, ordered to a third reading, read the third time and passed.

ARTHUR 'PAPPY' KENNEDY POST OFFICE

The bill (H.R. 1882) to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office," was considered, ordered to a third reading, read the third time and passed.

EDDIE MAE STEWARD POST OFFICE

The bill (H.R. 1883) to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office," was considered, ordered to a third reading, read the third time and passed.

JUDGE EDWARD RODGERS POST OFFICE BUILDING

The bill (H.R. 2075) to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building," was considered, ordered to a third reading, read the third time and passed.

BRUCE WOODBURY POST OFFICE BUILDING

The bill (H.R. 2254) to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office building," was considered, ordered to a third reading, read the third time and passed.

STEPHEN HORN POST OFFICE BUILDING

The bill (H.R. 2309) to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building," was considered, ordered to a third reading, read the third time and passed.

ROBERT A. BORSKI POST OFFICE BUILDING

The bill (H.R. 2328) to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building," was considered, ordered to a third reading, read the third time and passed.

FRANCISCO A. MARTINEZ FLORES POST OFFICE

The bill (H.R. 2396) to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office," was considered, ordered to a third reading, read the third time and passed.

BRIAN C. HICKEY POST OFFICE BUILDING

The bill (H.R. 2452) to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building," was considered, ordered to a third reading, read the third time and passed.

J.C. LEWIS, JR. POST OFFICE BUILDING

The bill (H.R. 2533) to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building," was considered, ordered to a third reading, read the third time and passed.

BARBARA B. KENNELLY POST OFFICE BUILDING

The bill (H.R. 2746) to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building," was considered, ordered to a third reading, read the third time and passed.

BOB HOPE POST OFFICE BUILDING

The bill (H.R. 3011) to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building," was considered, ordered to a third reading, read the third time and passed.

COMMENDING THE FLORIDA MARLINS FOR WINNING THE 2003 WORLD SERIES

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 254 submitted earlier today by Senators NELSON and GRAHAM of Florida.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 254) commending the Florida Marlins baseball team for winning the 2003 World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAHAM of Florida. Mr. President, I rise today to recognize the Florida Marlins for their outstanding victory in the 2003 World Series. The Marlins, under the leadership of their Managing General Partner Jeffrey Loria, General Manager Larry Beinfest and Manager Jack McKeon, defeated the 26-time World Champion New York Yankees to garner their second World Championship in only their 10th year of existence.

With their combination of youthful energy and veteran experience, the Marlins were able to defeat the defending National League Champion San Francisco Giants in four games in the divisional series before coming back from a three games-to-one deficit to defeat the Chicago Cubs in seven games to win the National League Pennant. Led by the enthusiastic leadership of veteran catcher Ivan Rodriguez and the pitching of budding superstar Josh Beckett, the Marlins have a bright future ahead of them.

Floridians from Key West to Pensacola were riveted by the Marlins comeback style and gritty determination as they watched their home team defeat three of baseball's most storied franchises on their way to the championship. As a silence fell over the boroughs of New York City, a party of historic proportions broke out in my home state as our team emerged from the dugout to celebrate its second championship.

The Florida Marlins continue to be a source of pride for residents of the Sunshine State and this year's team, so often faced with adversity, stood as a fine representative of all that our great state has to offer.

Mr. NELSON of Florida. Mr. President, I rise today to urge passage of a resolution sponsored by Senator GRAHAM and myself commending the Florida Marlins for winning the 2003 World Series.

In their 10th anniversary season the Marlins have once again reached the pinnacle of baseball. They provided us with a magical season many in Florida and elsewhere won't soon forget. They started the season with little fanfare and low expectations, and they struggled at first with a losing record. And just when things seemed as if they couldn't get any worse, they lost their manager. For many the Marlins' early misfortunes signaled another losing season.

But on May 23, the team began a magical run that culminated in a World Series title over the storied New York Yankees. During this remarkable stretch, they compiled the best record in baseball, earned a wild-card playoff spot, upset the heavily favored San Francisco Giants in the Division series, shocked the Chicago Cubs by rebounding from a three-games-to-one deficit to win the National League Championship and became the first opposing team to capture a World Series title in Yankee Stadium in 22 years.

During their season, and especially the playoffs, the Marlins confidently believed in their abilities and their play made believers out of many all along the way. If nothing else, their season illustrates for everyone a lesson we all should heed—never give up. We offer congratulations to all members of the Florida Marlins organization and to their fans in South Florida.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 254) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 254

Whereas on October 25, 2003, the Florida Marlins defeated the New York Yankees, 2 to 0, in Game 6 of the World Series, to capture their second World Series title in the 11 seasons of the franchise;

Whereas the Florida Marlins became the first visiting team to celebrate a World Series championship in Yankee Stadium since the Los Angeles Dodgers in 1981;

Whereas under the leadership of manager Jack McKeon, general manager Larry Beinfest, and team owner Jeffrey Loria, the Marlins compiled the best record in baseball since May 23, 2003, becoming only the ninth team in Major League Baseball history to rebound from at least 10 games under .500 to reach the playoffs;

Whereas each player, manager, coach, trainer, and administrator of the Florida Marlins contributed to a magical turnaround that resulted in the Florida Marlins reaching the pinnacle of the sport, a World Series Championship;

Whereas the manager of the Florida Marlins, Jack McKeon, became the oldest manager in Major League Baseball history to win the World Series, and led Florida to the title after joining the team in May of 2003;

Whereas Florida Marlins pitcher Josh Beckett was named World Series Most Valuable Player, after pitching a complete game, 5 hit shutout, on 3 days rest in Yankee Stadium during Game 6 of the World Series;

Whereas young stars like Miguel Cabrera, Juan Pierre, and Luis Castillo combined with established veterans like Ivan Rodriguez and Jeff Conine to produce an exciting, never-say-die team that won over fans around the country during an unexpected march to the World Series;

Whereas the Florida Marlins upset the San Francisco Giants in 4 games to win the Division Series, then stunned the Chicago Cubs by coming back from a 3 games to 1 deficit to win the National League Championship Series in 7 games; and

Whereas fans of the Florida Marlins and the South Florida community demonstrated commendable team support and pride: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Florida Marlins for winning the 2003 World Series;

(2) recognizes the achievements of the players, coaches, and support staff who were instrumental in securing a second World Series title for the Florida Marlins;

(3) commends the support and pride of the fans of the Florida Marlins; and

(4) directs the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to—

(A) the owner of the Florida Marlins, Jeffrey Loria;

(B) the general manager of the Florida Marlins, Larry Beinfest;

(C) the manager of the Florida Marlins, Jack McKeon; and

(D) each player and coach of the 2003 World Series Champion Florida Marlins baseball team.

ORDERS FOR THURSDAY, OCTOBER 30, 2003

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. Thursday, October 30. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider Executive Calendar No. 405, the nomination of Charles Pickering to be a United States Circuit Judge for the Fifth Circuit; provided further that there then be 60 minutes equally divided between the chairman and ranking member with the final 10 minutes divided with the first 5 minutes under the control of the Democratic leader or his designee, and the final 5 minutes under the control of the majority leader or his designee; further, that following that debate the Senate proceed to the cloture vote on the nomination.

I further ask unanimous consent that if cloture is not invoked, the Senate return to legislative session and resume consideration of S. 139, the climate change bill; provided further that there be 2 hours of debate remaining under the provisions of the previous order to be equally divided between Senator LIEBERMAN and Senator INHOFE or their designees.

Finally, I ask unanimous consent that following the disposition of S. 139, the Senate resume consideration of H.R. 1904, the Healthy Forests legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, tomorrow there will be 1 hour of debate on the nomination of Charles Pickering to be a United States Circuit Judge for the Fifth Circuit prior to a cloture vote on that nomination. If cloture is not invoked, the Senate will resume consideration of S. 139, the climate change bill. Under the previous consent, there will 2 hours of debate remaining prior to a vote on that measure. Following that vote, the Senate will resume debate on H.R. 1904, the Healthy Forests legislation. It is the leader's intention to complete action on this measure during tomorrow's session. Senators should expect amendments to be offered and debated throughout the afternoon. Therefore, votes should be anticipated throughout the afternoon as well.

Following completion of the Healthy Forests legislation, the Senate will resume debate on H.R. 2800, the Foreign Operations appropriations bill. We have locked in a final list of amendments during today's session, and it is anticipated that we can complete action on the bill in short order.

The Senate may also consider other conference reports that became available.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:13 p.m., adjourned until Thursday, October 30, 2003, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 29, 2003:

DEPARTMENT OF THE TREASURY

ARNOLD I. HAVENS, OF VIRGINIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE DAVID AUFHAUSER.

DEPARTMENT OF EDUCATION

SUSAN K. SCLAFANI, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE CAROL D'AMICO, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, October 29, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 29, 2003.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Bryce Anderson, pastor, Church of the Living Word, Vincennes, Indiana, offered the following prayer:

God of our forefathers, refuge of good and wise people in every generation: when history began, You were the first enlightener of minds. Yours was the Spirit that first led them out of their brutish estate. You are the Lord and giver of life, the source of all knowledge, the fountain of all goodness.

The patriarchs trusted You and were not put to shame. The prophets sought You and You committed Your word to their lips. The psalmists rejoiced in You and You were present in their psalms. The apostles waited upon You and they were filled with Your Spirit. The martyrs called upon You and You were with them in the midst of the flame.

Forbid it that we should fail to profit by these great memories of the ages or to enter into the glorious inheritance which You have prepared for us through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. DEFAZIO) come forward and lead the House in the Pledge of Allegiance.

Mr. DEFAZIO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 247. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

WELCOMING THE REVEREND BRYCE ANDERSON

(Mr. HOSTETTLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Speaker, I am pleased that our session today began with a prayer delivered by Bryce Anderson, pastor of the Church of the Living Word in Vincennes, Indiana.

It is a proud and longstanding part of our heritage that the work of Congress begins only after God's blessing and favor is sought, and I am proud that Pastor Anderson could participate in this historical duty.

In 1987, Pastor Anderson and his wife, Bobbie, established the Church of the Living Word as an outreach to their community. In his 16 years as pastor, Bryce has demonstrated the commitment and dedication that make him both a role model and spiritual leader in Knox County.

Bryce shares with the first Speaker of the House, Frederic Augustus Muhlenberg, the notion that service to God and public service go hand in hand. Like so many of our founders, Pastor Anderson believes the church has both a role and responsibility to be active in faith and in service to community and country.

Mr. Speaker, I could not agree more.

ON THE RELEASE OF U.S. CITIZEN FUMING FONG

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, for both sides of the aisle, Monday evening was a great time for New Jersey and America. I was at the Newark Airport at 11 p.m. when Fuming Fong, an American citizen who has been held in prison by the Chinese for 3 years, was finally released and returned home.

Mr. Speaker, I want to thank the State Department, most notably Assistant Secretary Kelly, and Will Laidlaw from the U.S. embassy in Beijing who came with Fuming Fong to join his family here in the United States. He is from West Orange, New Jersey, which is part of my district.

Fuming Fong is an electrical engineer. He was charged in a universal charge of bribery, which so many people are in Chinese prisons for. He was detained by the Chinese Government in February of 2000. After meeting with the Fong family in August 2001, I made the decision that this was something we could all get on board with, and so I went to China in January and the end of this year to plead with the Chinese Government, indeed, the President himself.

Mr. Speaker, any time that we begin to take freedom for granted, I would like my colleagues here in this House to think of Fuming Fong and what he went through and how beautiful this country of America is.

WASHINGTON WASTE WATCHERS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I once again want to talk a little about the Washington Waste Watchers and the work that a number of us are trying to do to root out waste in Washington. The examples are just one after another; but one that hit me, I think like a ton of bricks, was the $814,000 in salary and bonuses for a Head Start executive director in Kansas.

Yet, Mr. Speaker, when we bring these up, our good friends on the Democratic side of the aisle have only one solution. What is their solution? Do they join us when the chairman of the Committee on the Budget proposes to cut 1 percent in waste, fraud, and abuse? No, they propose increased taxes on the American people.

When we see a $470,000 grant to study individuals, now, listen to this, drinking alcohol while watching pornography, do we get the Members of the other side of the aisle coming forward to say we want to help cut waste, fraud, and abuse? No, they propose to increase taxes on the American people. When we see, for example, the Impact Aid funds intending to go to schools in South Dakota that were instead used, some of them, to purchase real estate, to purchase a Lincoln Navigator and a Cadillac Escalade, do we get our friends on the Democratic side of the aisle to say we want to support you in cutting this waste? No, they propose increasing taxes, 25 times just this year alone.

NO MONEY FOR EXTENDED UNEMPLOYMENT BENEFITS FOR AMERICANS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the whining from the other side of the aisle is extraordinary. They can see all this waste, fraud, and abuse; but they control the White House, the Senate, and the House and yet they do not do anything about it. Puzzling.

Here is something else they do nothing about which is very puzzling. There are 4 million American workers who have exhausted their unemployment benefits and cannot find work. The President and the Republican majority say that we cannot afford to extend unemployment benefits to these people, despite the fact there is $20 billion sitting in the Unemployment Trust Fund of taxes paid by Americans.

No waste, fraud, and abuse here; there are just people who cannot find work and want it. Now, the Republicans say we cannot afford it, but they are borrowing hundreds of millions of dollars to pay Iraqis for no-show jobs. The anti-waste, -fraud, and -abuse crowd is happy to pay Iraqis for no-show jobs, but they will not give unemployed Americans benefits out of a trust fund. These are people who want to work and cannot find work because of the miserable economic record of this administration.

IRMO HIGH SCHOOL'S BLUE RIBBON AWARD FOR 2003

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor the students and faculty of Irmo High School in Irmo, South, Carolina. Irmo High just received recognition from the U.S. Department of Education as a blue ribbon school, their third such award.

As Secretary of Education Rod Paige has said, schools chosen for the blue ribbon will be ones that are meeting our mission to ensure that every child learns and no child is left behind. Blue ribbon recipients will be national models of excellence that others can learn from.

I want to personally thank the hard work of the faculty who have visited Washington, including Principal Gerald Witt, teachers Phil Tanner, Jan McCarthy, and JROTC director Colonel Pete Sercer. Also, School District Five school board members have supported the progress made at Irmo High School, especially Jan Hammond, Paula Hite, and Carol Sloop. Yet above all, the ones who really deserve recognition are the students who have achieved remarkably.

Irmo High School is truly an example of educational success, and I ask all my colleagues to join me in honoring the school today, a day highlighted by the visit of California Governor-elect Arnold Schwarzenegger.

In conclusion, may God bless our troops.

THE ECONOMY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, when I travel home to Los Angeles County, the people ask me, where are the jobs? Where are the extended unemployment insurance benefits?

When we look at this chart, we can see that since January of 2001 we have not made any progress. In fact, in the San Gabriel Valley the unemployment rate is still above 10 percent, and it is double digit in areas that are unincorporated in East Los Angeles where we have high minority populations. These are working people that are looking for relief. They are waiting for unemployment insurance. And they are also asking why is the Republican Party not doing more to strengthen our economy.

The Democrats want to provide pay increases for our Reservists and our military families. I am ashamed to say these are the same families we represent that are in waiting lines to get food, these Reservist families in my district; and I think that is abominable.

We need to provide a tax incentive to encourage companies to keep jobs at home, not abroad, like Halliburton and Bechtel. We need to raise the minimum wage. We need to pass a highway infrastructure bill that will keep good-paying jobs, not minimum-wage jobs, but jobs that pay above minimum wage.

Mr. Speaker, I ask my colleagues to consider proposing those incentives that we are talking about today to restore the economy for Americans.

NO FINANCIAL AID FOR SEX OFFENDERS ACT

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, today I am introducing the No Financial Aid for Sex Offenders Act for 2003. It is a national embarrassment that we are handing out taxpayer dollars for pedophiles and rapists to take college courses while hardworking young people from poor and middle class families are left to flip hamburgers and mow lawns to pay for college.

In 1972, Congress created the Pell grant program to help children from low- and moderate-income families go to college. In 1994, Congress prohibited State and Federal prisoners from getting these Pell grants. This past year, 54 violent sexual predators in Florida obtained over $200,000 in Pell grants at taxpayer expense. They got a free ride by exploiting a loophole, that is, they were involuntarily confined in something called a civil commitment center as opposed to being called a prison.

This legislation closes that loophole and ensures that this money will be used as intended, by needy law-abiding college students. I urge my colleagues to cosponsor this legislation, H.R. 3385.

ARMED FORCES TAX FAIRNESS BILL

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, it is outrageous, it is unbelievable, but it is true. The House Republican leadership has kept at the Speaker's desk, since March of this year, the Armed Forces Tax Fairness Bill. Several months ago, they said we could afford to give a $230,000 tax break to American citizens living safely here at home making $1 million in dividend income; yet the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT) say we cannot afford to provide modest tax help to brave service men and women, many of whom are serving in Afghanistan and Iraq.

Yesterday, the leadership said we had time to rename three post offices around the country; yet we have not had the time to consider the Armed Forces Tax Fairness Act. Why? Because it is paid for by closing the Benedict Arnold loophole that lets American citizens renounce their citizenship to keep from paying taxes.

It is shameful the Republican leadership seems to be more interested in protecting Benedict Arnolds than in helping our service men and women.

ENERGY PLAN VITAL FOR AMERICA'S HOMELAND DEFENSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, with national security foremost on the minds of the American people, there is one thing we can do to simultaneously protect our shores and boost the economy: quickly approve a comprehensive energy plan.

With the President's support, the House passed a responsible energy plan last Congress that will free us from the undue burden of dependence on foreign oil and, of course, bring new jobs to parts of the country that sorely need them.

Ignoring this impending energy crisis will do nothing to solve it. ANWR exploration could free us from trading with leaders like Saddam Hussein, who used oil money to develop weapons of mass destruction. Increased domestic production is an indispensable component of any energy plan.

Mr. Speaker, during World War II, our great nations bonded together and made personal sacrifices to make this world a safer place to live.

□ 1015

Now, again, we are at war, a Nation at war, and just like in the past, we need to come together. We can take one giant step forward by implementing the House's energy plan.

EXTEND UNEMPLOYMENT BENEFITS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, today I am introducing a petition to force a vote on legislation to extend unemployment benefits as a triage effort to tide people over until we address the underlying problem behind high unemployment rates: the U.S. economy's job losses.

This country has lost 3.2 million private sector jobs in the last 3 years. It is not that Americans are not looking for work, it is that the jobs are just not there.

In addition to providing a safety net to individuals, we need to focus on creating an environment allowing the private sector to grow and create these desperately needed jobs. Not only do unemployment benefits provide a level of security to families, unemployment benefits also help stimulate our local economies. When people do not have spending power, businesses hurt.

Last week 11,000 Oregonians exhausted their benefits, and that number is going to continue to grow unless this Congress acts. This deprives our State's local economy of $3 million every week in stimulus. Unemployment benefits are intended as a safety net to bridge people from one job to the next. I urge my colleagues to join me in signing this discharge petition.

MEDIA NOT GIVING BALANCED ACCOUNTING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, if Americans do not get the facts from the media objectively reported, they do not have a basis on which to make good decisions. For example, a few days ago The Washington Post ran a six-column page 2 story about the redistricting process that the Texas legislature completed earlier this month. The writer quoted eight Democratic Members of Congress but not one Republican official. This was obviously a one-sided report that did not give their readers a balanced accounting.

A recent Gallup Poll showed that 45 percent of Americans believe the news media in this country are too liberal, while only 14 percent say the news media are too conservative. Ultimately, it is a matter of trust, whether the media trusts the American people with the unvarnished facts. They should. Let the people make up their own minds, not be told what to think.

SUCH A DEAL

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, in the last 3 years, 3 million Americans have lost their jobs; 42 million Americans are without health insurance of which 22 million Americans work full time; a trillion dollars worth of corporate assets have been foreclosed on; and 3 million more Americans have walked out of the middle class to poverty.

In that same period of time, we have added $3 trillion to the Nation's debt.

Mr. Speaker, $3 trillion added to the Nation's debt; 3 million Americans have lost their jobs. As my great aunt would say, "Such a deal."

We need to do better for the American people. Just last week we passed an economic program for Iraq's future. I voted for it. It included investments in jobs, health care, education, housing, and infrastructure. The promise we make to Iraq and the values we hold for Iraq must be the promise we hold for the American people. We must now invest in our economic growth so we can stimulate our job market with the same kind of attitude and investment that we have had in the stock market. We have a health care crisis and a job crisis in this country. We must invest in America's economic future with the same commitment we have done for Iraq.

CALIFORNIA FIRES DEVASTATE LANDSCAPE

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, Governor-elect Schwarzenegger just addressed the Republican Conference, and he is meeting with leaders on both sides of the aisle. What he is asking for is help for the State of California. When I left San Diego, it literally looked like an atomic bomb went off. Going from Los Angeles to San Diego, it looks like a moonscape. Governor-elect Schwarzenegger is meeting with the leadership from the Democratic side and our side, and he said that we need to work together on this.

Mr. Speaker, I do not know if most people understand the devastation. I have seen what B–52 raids do to a city. It fails in comparison to what is happening in San Diego. We ask Members of Congress on both sides of the aisle to work with us in California's desperate time.

RELIEF FOR UNEMPLOYED WORKERS

(Mr. MICHAUD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHAUD. Mr. Speaker, I just signed a discharge petition to extend unemployment benefits for dislocated workers across our Nation, and I am here to urge my colleagues to do the same. Let me just share some of the numbers from the State of Maine. For the past 3 years, Maine has lost 22 percent of its manufacturing jobs, 15,500 jobs in total, the highest in the Nation.

Mr. Speaker, where is relief for these workers and their families? Too many Mainers are approaching today, tomorrow and the coming days without a job, without health care coverage, without adequate food and medicine, and without the ability to make ends meet. We cannot turn our backs on these workers and their families. We must extend unemployment insurance for the people who have exhausted their benefits. Our most important job is to help those who cannot find a job.

WHERE IS THE ACCOUNTABILITY?

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I too ask my colleagues to sign onto a very important discharge petition that will help 4.6 million of our dislocated workers. I rise to say that, but I also rise to ask the question that Robert Kennedy asked, some people will ask why, and I ask, as he did, why not?

President Bush yesterday in essence said that we should stay the course, and I would argue that even as we make a commitment to ensure that we rebuild Iraq, it is imperative that there is accountability, accountability for the lost lives of our young brave men and women, accountability for the tragedies of 40 deaths in the last 48 hours, accountability for a nonexit plan, and no strategy to rebuild Iraq.

Mr. Speaker, I ask for the resignation of CIA Director George Tenet, accountability by Secretary Rumsfeld, Paul Wolfowitz, and I would ask that they be held accountable. There are too many lives being lost, there is too much to be done for us to stand idly by. Some ask, why; I ask, why not?

TWO MORE SOLDIERS KILLED

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday we listened to the President have a press conference. We discovered it is 1984, war is peace, that chaos is democracy, and that everything is fine. Yesterday two more soldiers were killed in Iraq. Nothing has changed in the Department of War. We have the same Secretary, we have the same Assistant Secretary, we have the same people in the White House saying that we are doing just fine. They have not changed anything. They just want more money out of us.

I suggest that we have a moment of silence for those who died yesterday.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2989, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2989, TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. OLVER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2989, be instructed to insist on the Senate position with respect to Transit New Starts and Job Access and Reverse Commute funding, and be further instructed to insist on the House position with respect to National Archives and Records Administration's Electronic Records Archives and National Historical Publications and Records Commission grants.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. OLVER) will be recognized for 30 minutes and the gentleman from Oklahoma (Mr. ISTOOK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House and Senate versions of the Transportation-Treasury bill have substantial differences on a wide range of issues that we will have to reconcile in our conference negotiations, and some of those reconciliations will not be easy. Many of these, such as the differences in funding level for Amtrak and election reform are widely publicized and well known.

The two versions of the Transportation-Treasury bill contain a number of issues that have not been as widely noted, but will have nevertheless a significant impact on people's lives.

The motion to instruct that is at the desk and has been read this morning highlights just a few of those issues that I believe and we believe on this side deserve the attention of the conferees.

First, the motion insists upon the Senate's funding level for Transit New Starts projects. The House bill provided $1.21 billion, more than $100 million below the Senate level of $1.32 billion, and even the Senate bill is in turn more than $200 million below the President's request.

Under the House funding level, the Members on both sides of the aisle were not able to secure funding for many of the light rail projects in their districts. Several of the projects that did receive funding are well below the actual needs of the project in fiscal year 2004.

The New Starts program which covers heavy and light rail, commuter rail, and rapid bus systems has helped create or extend hundreds of transit fixed guideway systems across the country. These investments in turn provided greater mobility for many millions of urban and suburban Americans. They have helped to reduce congestion and improve air quality in areas that they serve, and they have fostered the development of safer and more livable communities.

Mr. Speaker, I remind Members that the President's budget request sought $1.51 billion, which is $300 million more than is provided in the House bill, and that this motion supports $100 million of that difference. President Bush's request and the Senate's funding level acknowledge the need for additional major investment in transit light rail projects. We need to pass this motion to ensure that the conferees share this priority.

Second, Mr. Speaker, today's motion to instruct insists upon the Senate level of funding of $125 million for the Job Access and Reverse Commute funding.

□ 1030

This program is designed to assist welfare reform efforts by providing better transportation services for low-income individuals, persons who often cannot afford automobiles in this society, including former welfare recipients who are traveling to jobs or training centers. The House-passed bill is $40 million below the Senate funding level and $64 million below the fiscal year 2003 enacted level, which was $149 million for that program.

The Senate funding is already 15 percent below last year's enacted level, but the House bill provides something more than a 40 percent cut in last year's enacted funding level for that program. Reducing funding for those trying to get to work or for those trying to get training to reenter the workforce seems to be the wrong priority under the current circumstances.

Since 2001, the economy has lost over 3 million private sector jobs and 2.6 million jobs overall. The unemployment rate is hovering near 6 percent with little sign of improvement. For those who see improvement in the economy, there is a general acknowledgment that this has been thus far a "jobless recovery." Given this economy, I would suggest that we should not want to reduce the funding aimed squarely at getting people back to work.

Thirdly, Mr. Speaker, the motion insists upon the House funding levels for the National Archives electronic records archives initiative and for the National Historic Publications and Records Commission grants. These two programs, administered by the National Archives and Records Administration, are both critical for properly maintaining our Nation's history. The House bill fully funds the budget request of $35.9 million for the electronic records initiative and this funding will help build the infrastructure necessary for properly maintaining the Federal Government's electronic records. It also serves as a standard for States and municipalities as they deal with issues involving electronic records archiving.

Unfortunately, the other body neglected to provide the necessary resources for these vital programs. Without funding at the House level, hundreds of thousands of electronic records and historic records will not be maintained as they should be.

Mr. Speaker, I urge support for the motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct conferees, of course, is not binding upon the conferees. It is intended, I know, by the gentleman from Massachusetts as an expression of intent. Although I would not pretend to agree with all the priorities that he seeks to express in it or to bind us, but in the spirit of advancing this issue through the House, the bill, in the spirit of comity, I am willing to accept the amendment. Then we will do the best we can on that and other priorities in conference.

I should point out, of course, that if we do as the gentleman from Massachusetts suggests and guarantee that there be over $100 million additional for new starts, that money might come out of highways. I do not know how we are going to work through these things, but I do believe that it is best, rather than fight over things on the floor, to accept the amendment and let the conferees do the best they can in working on this and on the other priorities.

Mr. Speaker, I reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I thank the gentleman for his willingness to accept the motion. I have just one or two speakers that I would like to allow time for. Then we will go on to other things.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished ranking member for yielding me this time, and I thank the chairman of the subcommittee as well.

Mr. Speaker, I rise enthusiastically to support the Olver motion to instruct the conferees, the transportation appropriations conferees for, I think, a very well-thought-out instruction that emphasizes the direction that is crucial for this country. To maintain or support the Senate level for the new starts, I believe, is absolutely crucial.

As I look at the Nation's needs as a member of the Select Committee on Homeland Security, one of the issues that we have spoken about is to ensure the safety of the Nation's byways, highways, freeways and certainly to reassess the needs for improved and increased regional mobility, clean, secure, efficient regional mobility opportunities. These new-start moneys will assist in light rail, it will assist in guideways, it will assist in helping urban and suburban areas, and it will assist in rapid buses and commuter systems.

It is interesting that, as we debate this question, we in Houston are in the throes of moving forward on our light rail projects; and certainly a city that is the fourth largest city in the Nation clearly would have a very ready opportunity, if you will, on its plan to be able to secure Federal funds. We do know that in the appropriations process now, there are about 30 cities with others standing in line. I believe in the 21st century this is no time to turn around on our commitment to transit issues. It helps us improve the quality of life, and it helps us in particular to improve the opportunity for air quality and for the ability of our citizenry to move about. Clearly, the Senate level for the job access and reverse commute grants is imperative. Right now we know we have totally about 4.6 million in dislocated workers around the Nation. In Texas we have over 131,000 unemployed individuals and growing. Therefore, this question of being able to access your job without necessarily having a car and also to access training is crucial, particularly in States that have been hard hit by unemployment.

I would hope that my colleagues would see the reason of this motion to instruct and know that this is no time to shortchange the opportunities of growth in mobility that we have before this Congress. Local communities look to the Congress to be bipartisan, to be embracing, to be smart, and to move forward on transportation issues where they cannot. All over our country they are looking to improve many of their systems. Let it be known that regional mobility is not singular. It is rapid buses. It is guideways. It is light rail. In some instances it may be expansion of our roadways. But whatever it is, those Federal funds are imperative for us to have. I would ask my colleagues to enthusiastically support the decision that this Congress needs to make.

Mr. ISTOOK. Mr. Speaker, I yield back the balance of my time.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. OLVER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ISTOOK, WOLF, LEWIS of California, ROGERS of Kentucky, TIAHRT, Mrs. NORTHUP, Messrs. ADERHOLT, SWEENEY, CULBERSON, YOUNG of Florida, HOYER, OLVER, PASTOR, Ms. KILPATRICK, and Messrs. CLYBURN, ROTHMAN and OBEY.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.J. RES. 75, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 417 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 417

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 417 is a closed rule that provides for the consideration of H.J. Res. 75, a continuing resolution that will ensure further appropriations for the fiscal year 2004. The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides for one motion to recommit.

Mr. Speaker, we passed the first continuing resolution, H.J. Res. 69, during the final days of September and it became Public Law 108–84. The provisions of H.J. Res. 69 are scheduled to expire this Friday, October 31. Therefore, under the joint resolution that this rule makes in order, the provisions of that first continuing resolution will be extended until November 7, 2003. In brief, for the fiscal year 2004 appropriations bills that have been enacted into law, the continuing resolution provides an additional week of funding for government agencies.

Mr. Speaker, we did pass a continuing resolution last week that conjoined the six fiscal year 2004 appropriations bills that have been passed by the House, but the other body clearly needs additional time to complete the funding work for the coming year. The House has passed each of the 13 regular appropriations bills. However, to ensure that essential government services continue to operate, this rule makes in order another continuing resolution to give us the additional time to complete the appropriations process in an orderly manner.

This rule was approved by the Committee on Rules yesterday. I urge my colleagues to support it. I know all of us in the House wait with great anticipation the completion of the appropriations work by the Members of the other body. Until that time, this resolution will provide a continuation of funding for government agencies until these important issues are resolved.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. I thank my good friend, the gentleman from Georgia (Mr. LINDER), for yielding me the time. I oppose this closed rule and the underlying legislation.

Mr. Speaker, I wondered to myself last night as the Committee on Rules majority Republicans passed yet another closed rule which stifles debate and shuts off meaningful contributions from all of the Members of this Chamber, what is the problem? Congress has only had since January 3 of this year to complete work on the 13 annual appropriations bills, the so-called "must pass" bills that Congress works on every year. In case anyone is unclear, so far Congress has passed three of the 13 appropriations bills that must pass before September 30. Defense appropriations, done. Homeland security, done. And, of course, the bill which funds this very institution, Congress, done. Everything else, military construction; veterans affairs; labor, health and human services; commerce, judiciary; education, all just kind of out there somewhere in this vacuous air inside the Beltway.

And the sad part? No one to blame but the party in control. Despite the fact that just yesterday I heard a Member of the other body blame former President Clinton, I do not think the American people are buying that. The fact is the last time there was single-party control of Congress at the beginning of President Clinton's administration, control of Congress and the White House, all 13 appropriations bills were passed by September 30.

□ 1045

We had a balanced budget, and, oh, yes, we had budget surpluses as far as the eye could see.

My, how times have changed. Well, thank you, Mr. President. Thank you, my good friends, the Republican Congress. Now, we have debt in our Nation as far as the eye can see, and, in many respects, disdain from a large portion of the rest of the world.

In my view, the majority is the modern day reincarnation of Nero. The majority fiddles while the Nation burns, or, to put it another way, we are drowning in a sea of red ink.

It will surprise no one, then, that I think we should not pass this rule. We should not pass the underlying legislation. We should stop working 2-day workweeks like we did last week, and we should stay here and finish our work; yes, work maybe even 7 days a week, until we do what the people have elected us to do. What a crazy suggestion.

Enough already. Let us get to work.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged at this time to yield 3 minutes to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me time and for his leadership on many of these issues.

Mr. Speaker, I rose just a few minutes ago to support the movement of the conference of the Committee on Appropriations Subcommittee on Transportation, Treasury, and Independent Agencies and hope that this body would support the idea of going with the Senate numbers on certain aspects of that appropriations process.

The distinguished gentleman from Florida is absolutely right: This Congress is in the hands of the other party, and any delay that is now going on that requires us, again, to implement another CR, as we have done in sessions past when this body, both this House and the other body, have been dominated and controlled by the Republicans, is because we have this aggravation and tension about who should be provided for first, the domestic needs of this Nation, or whether or not we should be continuing to throw good money after bad in areas where we cannot point to the success of that investment.

It is clear that the struggle in HHS is about funding our children's educational needs, and, because the Republicans are not interested in doing that, then we have gridlock. It is clear that in instances where we are trying to provide extra resources for investment in the Nation's troubled transportation systems we have gridlock, because the other body, the other party, is not interested in compromise. So I believe it is crucial that we have a CR that has the opportunity for an open rule to provide insight and amendments on these very issues.

I would hope that my colleagues would see the folly of a continuing CR that does not in fact have the teeth to address the concerns that we have, address the concerns of the $20 million billion that we have now begun to move forward on the rebuild of Iraq.

The President said yesterday we had about $13 billion from our friends and allies. I believe that with a little more time we could get more money, have more stakeholders in the rebuild, and that we should insist that the President collaborate with our NATO allies before we give one cent. I believe if we do give the $20 billion, it should be in the context of a $10 billion loan, as opposed to a total $20 billion giveaway.

None of us are against the rebuilding of Iraq or investing in democracy. We are against the continued loss of life of our young men and women on the front lines. We are against a haphazard policy as relates to Iraq. We were against a preemptive attack. And we certainly were against the lack of finding of weapons of mass destruction.

All of this ties into, ultimately, how this Congress spends its money and how it invests in spending its money. I believe the CR is misdirected, it should be an open rule, and I believe the American people expect more from this Congress and we should be held accountable.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my good friend and colleague on the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I have a list here from the NFL of the top punters in the NFL. The top 3 punters are Shane Lechler from Oakland, Brian Moorman from Buffalo, and Scott Player from Arizona. And as talented and experienced and skilled as these punters are, they have nowhere near the ability that the Republican leadership in this House has when it comes to punting, because that is what we are doing today. We are punting once again, because the Republicans in this House cannot get along with the Republicans in the other body, and they cannot get their work done.

The main job that the leadership of this House has is to pass 13 appropriations bills, work with the other body to get them passed and get them on the President's desk by September 30. This leadership has failed in doing that. They cannot do their job.

The Republicans cannot get along with Republicans. They cannot blame a Democratic Senate because they have a Republican Senate. They cannot blame a Democrat in the White House because they have a Republican in the White House. They control the House, they control the Senate, they control the White House, they even control the courts, and they still cannot get their job done.

So it is important for all of my colleagues to understand at this critical moment that we are here because the leadership in this House cannot get their work done. They cannot coordinate with Members of their own party.

They cannot do the work that they are supposed to do.

I would just hope, and I say this especially to those who are watching this, that they understand, that these are the people who said give us the power and we will impress you with our ability and our skill and our efficiency.

Well, they have the power. Again, they have the power because they control the House, they control the Senate, they control the White House, and they cannot get their work done.

So we are going to punt until November 7, but I want to make a prediction right now, we are going to punt again. And it is kind of sad, because they are not doing the work they are supposed to do. They are not getting the job done.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the points that have been made are echoed all throughout this Chamber.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHAW). The question is the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on the question will be postponed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 418

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 418 is a rule providing for the consideration of H.R. 2691, the Department of Interior and Related Agencies Appropriations Act of 2004. The rule waives all points of order against the conference report and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the Interior conference report that the House shall consider, following adoption of this rule, provides for $19.8 billion in budget authority for fiscal year 2004, which is $300 million above the level requested by the administration.

Specifically, the bill provides increased levels of funding for the National Park Service, for our system of National Wildlife Refuges, for the Indian Health Service, the Forest Service and the Bureau of Land Management, among others.

As a Member from the West, I am particularly pleased that the conference agreement provides for $227.5 million for payment in lieu of taxes, or PILT, which is greatly needed to reimburse local communities in Western States whose tax rolls are limited by extensive Federal land holdings in their areas. This bill funds PILT at a level of $7.5 million above the current year and $22.5 million above the level requested by the administration.

The bill also provides $212 million for Indian Trust reform to ensure that Indian Tribes receive full value for oil, gas and other mineral resources Federal agencies permit to be produced on their lands. By law, the Interior Department serves as trustee for Indian lands and resources, and Congress is committed to taking the steps necessary to see that the Department carries out those trust responsibilities to their fullest.

Finally, Mr. Speaker, the conferees are to be commended for their efforts to fund a wide range of forest, health and wildfire safety initiatives. The tragic wildfires now raging in California have focused the public's attention on the importance of reducing the threat of massive fires that endanger both lives and property in their affected areas. This year, the Congress has provided historic levels of resources for Federal fire fighting assistance, including in this conference report a total of $2.9 billion, one of the largest one-time fire fighting allocations in our history.

The bill includes $2.5 billion for the national fire plan, as well as additional $400 million to repay wildfire suppression expenses of last year. These funds emphasize providing fire fighting resources and personnel to keep fires small, reducing wildfire risks by reducing the buildup of hazardous fuels, increasing State, volunteer and community assistance, and stepped up research and development, performance monitoring and accountability.

Specifically, the conference agreement increases wildfire suppression by $289 million over the current year, wildfire preparedness by $65 million, hazardous fuels reduction by $11 million, and forest health and rehabilitation activities by $35 million over the current year.

Mr. Speaker, the gentleman from North Carolina (Chairman TAYLOR) and his fellow House conferees have done an excellent job under challenging circumstances. They have negotiated an agreement which protects the House positions on provisions far too numerous to mention, and they have reported a balanced bill that meets the most pressing needs of Interior Department and related agencies.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the conference agreement.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes.

Mr. Speaker, again the Committee on Rules has trampled on the rights of the minority and the voices of millions of Americans. Last night, the Committee held an emergency meeting to consider a rule for the Interior appropriations conference report. The Democrats had only an hour to skim the contents of the lengthy report before a quick hearing was held and the rules hastily approved along party lines. Now, this morning, the entire membership of the House is expected to consider the Interior appropriations conference report, even though Members had only a few late-night hours to scan the report.

It is almost November, and we are well into the new fiscal year, with only three of the 13 appropriations bills enacted into law. But inefficiency does not justify our hurriedly passing a bill appropriating almost $20 billion. The American people expect their elected Representatives will have more than a handful of dark hours in the late night to consider vital legislation.

Mr. Speaker, in the few hours I have had to read this conference report, I saw several problems with the bill. Back in 1992, the funding for the National Endowment for the Humanities and the National Endowment for the Arts reached its funding zenith, $176 million for each agency. Over the years, the NEA and NEH budgets have been slashed again and again, but for the last 2 years this body has voted to increase the funding for the arts and humanities.

□ 1100

In July, the House adopted the Slaughter-Dicks amendment in increasing the funding for NEA by $10 billion and funding for NEH by $5 million. However, the $10 million budget increase for NEA has been reduced by $4.5 million and the funding for NEA has been reduced by $5 million from the levels that the body endorsed.

Investing in the arts, Mr. Speaker, is a smart business. The $232 million the Federal Government invested in the NEA and NEH last year had an economic impact of $132 billion and billions in Federal, State, and local tax revenues. Every dollar the NEA invests in local theater groups, orchestras, or exhibitions generates $7 for the arts organization by attracting other grants and private donations and ticket sales.

Investing in the arts is also smart for our children. Over and over arts education has proven to increase academic performance, regardless of socioeconomic background. The NEA provides the grants for local arts activities in every State and in every congressional district. In Buffalo, New York, the NEA provided a small $10,000 grant to a community arts group to support a program to offer weekend classes in visual arts and jazz music for the African American children in Buffalo's low-income, inner city east side. Another small community grant to a group in Buffalo provided weekly workshops in media literacy and digital arts for girls age 9 to 15. And in the district of my colleague, the gentleman from Washington (Mr. HASTINGS), an 8-week summer residency program that provided psychiatrically and emotionally impaired children with instruction in creative writing, mask-making, and theatrical improvisation received a community arts grant from the NEA.

Yesterday, the Wall Street Journal told that story of an NEA arts program to bring professional theater companies to perform Shakespeare's plays in hundreds of small and midsize towns. The Chicago Shakespeare Theatre recently brought a live-action "Romeo and Juliet" to Paducah, Kentucky. After the performance, the audience stood up to cheer. The article ends by saying, "Shakespeare played well on stage is a wondrously different thing from Shakespeare stammered through in a classroom."

The National Endowment for the Humanities is at the forefront in preserving our American culture and history. Democracy suffocates without an understanding of its past. The NEH and NEA provide the air that our democracy needs to survive and to thrive. Bruce Cole, the chairman of the National Endowment for the Humanities, warns us that "we face a serious challenge to our country that lies within our borders and even within our schools: the threat of American amnesia. We are in danger of having our view of the future obscured by our ignorance of the past. We cannot see clearly ahead if we are blind to history, and a nation that does not know why it exists or what it stands for cannot be expected to long endure."

The bill fails to adequately fund programs that protect some of the Nation's most valuable treasures: our natural resources. Again, I repeat the admonition of former President Theodore Roosevelt, one of the fathers of American conservation: "In utilizing and conserving the natural resources of the Nation, the one characteristic more essential 'than any other is foresight." We are caretakers of the Nation's natural resources and parks. We are entrusted with the duty to preserve them for generations yet to come, and we should not hand over management and protection of the natural treasures of our parks to the lowest bidders.

Going against the bill as passed by this body, the conference report has added funding for studies about privatizing jobs in the National Park Service and the United States Forest Service. The $8 million for these feasibility studies should be spent more wisely on finding ways to protect our natural resources, not finding ways to eliminate jobs. The report abandons the conservation trust agreement reached and enacted into law in response to the 315 Members of the House who voted for the Conservation Reinvestment Act.

For over a century, the Federal Government has acted as the trustee of monies belonging to native Americans. Seeking a complete accounting of these funds held in trust, our native Americans have sued the Department of the Interior, charging the Department with gross mismanagement of the trust fund. The conference report contains new language added to the report that directly interferes with their continuing litigation by limiting the Department's ability to comply with the judge's orders.

Many tribes from across the Nation are strongly opposed to this intrusion and have written to the gentleman from California (Chairman DREIER) and the gentleman from Texas (Ranking Member FROST), and I will insert for the RECORD at the end of my remarks three of those letters. The Seneca Nation called my office yesterday seeking help to protect their lawsuit from congressional meddling. Like any trustee, the Federal Government owes the tribes a complete accounting of the money. The new provision is a heavy-handed interference in an ongoing case in a co-equal branch of our government. We should show more respect for our Native Americans and our Federal courts.

MANDAN, HIDATSA, & ARIKARA NATION,
New Town, ND, October 28, 2003.

Hon. DAVID DREIER,
Chariman, Committee on Rules, House of Representatives, Washington, DC.
Hon. MARTIN FROST,
Ranking Member, Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRMAN DREIER AND RANKING MEMBER FROST: The House and Senate conferees have included language in the Interior and Related Agencies conference report which will halt further efforts by the Interior Department to conduct a historical accounting of the errors in Indian trust fund accounts, as directed by a federal court.

The so-called "trust reform" rider language violates Rule 21, clause 2 of the Rules of the House of Representatives and constitutes legislating on an appropriations bill. The provision also violates the scope rule, House rule 22, clause 9, since the provision was not in either the house or senate bill before conference. Thus, for procedural and substantive reasons set forth below, I ask the Committee to issue a Rule to Recommit the Interior and Related Agencies conference report back to conference with directions to eliminate the offending language.

This provision was drafted without any consultation with the Committee on Resources or with any of the affected class action plaintiffs, or with any Native American tribes. Furthermore, this provision will delay the resolution of the Indian trust fund accounting problem and the court case for years. Native Americans have waited for over 100 years for an accounting. Now is not the time for delay. In fact, many of the Cobell beneficiaries, whose main income depends on a proper accounting, are dying. If the Interior Department is allowed to delay, those older beneficiaries may never be repaid.

There is no question that the Cobell Plaintiffs are likely to win. The Interior Department knows this and that is the reason they are asking for a delay. It simply is not in keeping with American justice to delay the likely meritorious legal claims of hundreds of litigants because the losing party does not like the result. Finally, there are serious constitutional questions of due process and takings that are at stake.

Thus, I reiterate my opposition to the language in the trust reform rider and ask the Committee to issue a Rule to Recommit to Conference.

Sincerely,

TEX G. HALL,
Chairman,
Mandan, Hidatsa & Arikara Nation.

NATIONAL CONGRESS OF
AMERICAN INDIANS,
Washington, DC, October 28, 2003.

Hon. DAVID DREIER,
Chairman, Committee on Rules.
Hon. MARTIN FROST,
Ranking Member, Committee on Rules.

DEAR MEMBERS: It has come to our attention that language in the FY2004 Interior Appropriations bill would allow the Department of Interior to ignore the Cobell v. Norton court ordered historical accounting for one year. This language, if adopted in the Conference Report, would be an unconstitutional violation of Article III powers and would constitute takings in violation of the Fifth Amendment. Additionally, and most importantly, it would be unfair to those parties that have waited out this litigation and are finally seeing a resolution to this historical injustice.

We hereby request that the language be ruled out of order. In the alternative, we respectfully request that the Committee allow a point of order by the authorizing committee Chairman. It is not our desire to ask the committee members to take the unusual step of asking for a motion to recommit in both the House and Senate.

Please note that the authorizing committee has already taken action on this issue. Just last week, the House Resources Committee held a field hearing in Billings, Montana to gather input on developing a process to settle the trust funds lawsuit. Additionally, the Resources Committee will beholding another field hearing this Saturday at the Salt River-Pima Maricopa Community in Arizona to gather more input on this pressing issue. Finally, Senator Campbell, joined by Senators Inouye and Domenici, has introduced Senate bill 1770 to address concerns raised with the ongoing trust fund litigation, and will hold a hearing on the measure tomorrow.

Thank you for your consideration on this very important and time sensitive matter. If you have any questions regarding this concern, please do not hesitate to contact NCAI at 202.466.7767.

Sincerely,

TEX G. HALL,
President.

NATIVE AMERICAN RIGHTS FUND,
Washington, DC, October 28, 2003.

Hon. DAVID DREIER,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

Hon. MARTIN FROST,
Ranking Member, Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRMAN DREIER AND RANKING MEMBER FROST: The Native American Rights Fund represents 500,000 individual Indians in the Cobell v. Norton Indian Trust Funds lawsuit. We have won every merits phase of this case and the right to have a full accounting of our multi-billion dollar Individual Indian Trust—which contains the proceeds from our own land. The House and Senate conferees have included language in the Interior and Related Agencies conference report which will halt further efforts by the Interior Department to conduct the historical accounting of all the assets of the Individual Indian Trust, as directed by a federal trial and appellate courts.

The so-called "trust reform" rider language violates Rule XXI, clause 2 of the rules of the House of Representatives and constitutes legislating on an appropriations bill. The provision also violates the scope rule, House rule XXII, clause 9, since the provision was not in either the house or senate bill before conference. Thus, for procedural and substantive reasons set forth below, we urge the Committee to issue a Rule to Recommit the Interior and Related Agencies conference report back to conference with directions to eliminate the offending language.

This provision was drafted without any consultation with the Committee on Resources or with any of the affected class action plaintiffs, or with any American Indian tribes. Furthermore, this hostile provision will delay the resolution of the Indian trust fund accounting for years. Native Americans have waited for over 100 years for an accounting. They have played by the rules and litigated this matter in federal court. Now on the brink of justice, this bill would further delay the relief these individual Indians deserve. Justice delayed is justice denied. Many of the Cobell beneficiaries—whose main income depends on these monies and who have not had the benefit of this proper accounting they are owed—are dying. If the Interior Department is permitted to further delay, the unconscionable result will be that those older beneficiaries may never be repaid their own trust money.

Furthermore, the trust funds rider is plainly unconstitutional. By directing the Court how to "construe" existing law, the appropriations rider violates the Constitutional Separation of Powers Doctrine. Indeed, as initially held in Marbury v. Madison, 1 U.S. (Cranch) 137, 177 (1803), "It is emphatically the province and duty of the judicial department to say what the law is." Congress can therefore not tell a Court how to "construe" the law—that interpretive function is the Judiciary's.

There is no question that the Cobell Plaintiffs will continue to prevail. The Interior Department knows this and that is the reason they are asking for further delay. It simply is not in keeping with American justice to delay the decidedly meritorious legal claims of hundreds of litigants because the losing party does not like the result. Finally, there are serious constitutional questions of due process and takings that are at stake.

Thus, I reiterate my opposition to the language in the trust reform rider and ask the Committee to issue a Rule to Recommit to Conference.

Best regards,

JOHN ECHOHAWK,
Executive Director.

Mr. Speaker, I am happy to yield 6 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in support of the rule providing for consideration of the Interior Appropriations Act for fiscal year 2004. Although there are certainly things that I would have done differently, I am generally pleased with the process this year and am glad that we have the opportunity to bring this bill to the floor as a freestanding measure.

I supported the conference agreement and am particularly pleased it included the additional $400 million added by the other body for emergency wildland fire costs. The House voted overwhelmingly to have the money included in the final conference report, and we were successful in providing it.

Other levels in the bill are far lower than I would have hoped, particularly levels for conservation spending. Under the Conservation Trust Fund law established in 2000, this bill should have funded conservation programs at $1.56 billion for the Interior part of the bill. Unfortunately, this bill falls roughly $500 million short of that level. The impact of this cut will be felt nationwide. Funding is reduced for State and Federal land and water conservation fund, historic preservation, park and refuge construction, endangered species work, and forest legacy project. It means projects all over the country will not be done this year.

The agreement does provide small increases for other important programs that I am extremely pleased about. The National Endowment for the Arts receives a $5 million increase over last year, and that was a direct result of the Slaughter-Dicks amendment that added $10 million for the National Endowment for the Arts and $5 million for the National Endowment for the Humanities that was voted on overwhelmingly by the House. And the Tribal College Program receives an additional $10 million. My colleague from the other body, the ranking Democratic member, Mr. DORGAN, is to be given a pat on the back for his efforts on this matter.

The agreement also addresses the issue of competitive outsourcing with a compromise that I think is responsible. I want to again thank the gentleman from North Carolina (Chairman TAYLOR) and his staff for their work on this bill, his first, and urge my colleagues to support both the rule for the conference report and the conference report itself.

I want to go back on the issue of funding for firefighting just for a moment. I am deeply concerned about the process that we have today, the way we fund the efforts to deal with forest fires in our country. What we do is we in essence appropriate some of the money, but then give the agencies the ability, the Forest Service and the BLM, to borrow money from other accounts in order to fund all of the money that is necessary for fighting the fires. And then we do not replenish the amount of money necessary. In 2003, I think we were short a couple of hundred million dollars in terms of replenishing the money necessary to make up the funding that was borrowed.

Now, with FEMA, we do not do it that way. We just give FEMA the money, and they draw it down and then we replenish it; and this is what I think we should do. We have got to come up with a new way of funding firefighting in this country. It is not acceptable.

The other problem we have is we have old, antiquated equipment. We have a whole group of airplanes that are 40-plus years old that we are using for firefighting. And according to the staff on the Subcommittee on Interior Appropriations, we are losing lives because we are using this old equipment.

So I would urge that next year we make this a priority, that we have a committee investigation. I am going to talk to the gentleman from California (Chairman LEWIS) on the Subcommittee on Defense and the gentleman from North Carolina (Chairman TAYLOR) on the Subcommittee on Interior. We have to get some new equipment for these firefighters. It is outrageous that we are sending them out with these old airplanes and not replacing them. The planes that we use now are, I think, C–130s that are in some cases over 40 years old. I just had a chance to fly in a few of these over in Iraq; and I want my colleagues to know, I would not want to be fighting fires in these old planes.

So we have a lot of work to do, and I hope even in this supplemental, because of the situation in California. I understand the chairman of the Interior Appropriations Committee in the other body is considering an amendment to add money for additional funds for firefighting for the Forest Service and for the BLM. That should be done. We should not go in and start this year and start borrowing immediately on the 2004 money in order to fund these fires in California.

Now, I understand that $500 million was added in FEMA; and definitely, there is a requirement here for $100 million-plus for the Forest Service and the BLM.

So, Mr. Speaker, this is a good bill, and I am going to vote for this bill; but we have additional things that need to be done in the supplemental or in the omnibus.

So this is an important matter. I know there is a lot of controversy on the agreement on how we are going to deal with these trust accounts, and I just want to say, I am concerned about the potential liability here to the country and to the Congress if we do not come up with a settlement here. The authorizing committees have promised us over and over again that they are going to deal with this issue. Well, they have had one hearing. The pace of their activity is not what I would call brisk. They need to get busy here. They made commitments to the gentleman from North Carolina (Chairman TAYLOR) and myself that they were going to get busy on this issue. Well, they need to do it. That is not just in the House; it is also in the other body. They have to get busy, because this is a crisis that is affecting the Department of the Interior, and it is going to affect tribal programs and mean less funding for our tribes because of this if we do not come up with an answer. So we have some work to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the comments of my colleague, the gentleman from Washington (Mr. DICKS). I think much of this bill reflects positively on his leadership and hard work over the years on this committee. I appreciate that there are some things in here that deal with the notion of how we are going to protect the national Mall, issues of protecting the employees in the Department of the Interior, although I would have rather preferred the House-passed ban on contracting out their positions.

But I must come to the floor in deep disappointment, Mr. Speaker, dealing with the way that we have treated the conservation trust fund. I was one of the people that supported the landmark legislation that was advanced by the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER) that had huge, bipartisan support to address a serious failure on the part of Congress to fund our conservation programs. There are vast, unmet needs across the country.

We came together, passed the legislation in the House. It was held up in the other body, but there was a reasonable alternative that was brokered in no small measure due to the hard efforts of my colleague, again, the gentleman from Washington (Mr. DICKS). We went along with CARA Light as it was called, with the assurance that we had a trust fund in place. And I am sad to say that the commitment that was made to a bipartisan majority of this Chamber has been violated. This will would almost cut in half the program this year. The traditional acquisition programs are funded at $272 million, a little over half of what they received last year. I am deeply, deeply concerned.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to point out, and the gentleman, I think, mentioned this, this was a bipartisan agreement, by the way. This was not something that was just done by myself and the gentleman from Wisconsin (Mr. OBEY). This was something that the gentleman from Ohio (Mr. REGULA) was involved in and Mr. BYRD was involved in. So it had both House and the other body working together on this alternative, and so this was a bipartisan agreement. That is why it hurts me deeply that we have not been able to keep this up.

□ 1115

But budget levels have been so ridiculously low for the Interior, our allocation, that it has been almost impossible. The committee has made some very difficult choices, but I am completely in concurrence. I think their commitment was made. We should stay with it. We should get back to it, and, hopefully, we will at some point in the future.

But I have to concur with the gentleman that we are $500 million below where we were supposed to be under the agreement.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I appreciate the comments of the gentleman from Washington (Mr. DICKS), and I thank him for his hard work. In part, it is true that this underfunding is the result of the allocations that were given to the subcommittee. And I do not envy the gentleman from Washington (Mr. DICKS) or his colleague in terms of trying to fight this through. But the fact is, that this problem is part of the consequence of the decision of people who are running the show here in the House to systematically shortchange fundamental needs of the American public by moving forward with massive tax cuts.

There are also issues that I have deep concerns about in terms of misallocation of funds while we deal with the important issue of rebuilding Iraq and dealing with Afghanistan.

The point is there was a fundamental commitment made on a bipartisan basis by the leadership in this Chamber and in the other body in order to forestall mandatory spending under the Land and Water Conservation Fund, with the enactment of CARA.

There are other things in this bill that give me great pause that have nothing to do with finances. There are egregious riders dealing with the Tongass and Montana forests that are a real set back for the environment. The bill does not include House-passed language that prevented the construction of new roads through our national parks, wildlife refuges, and national monuments under the guise of the obscure 1866 mining law known as RS 2477 that is a path to destruction through national treasures.

There is a lot here to be concerned about, and, unfortunately, the way that the rule is structured and brought before us, the House is not going to be able to address them.

So in conclusion, Mr. Speaker, I would just say I appreciate the difficulty that the subcommittee had in some regards, and I appreciate the commitment of the gentleman from Washington (Mr. DICKS) to helping follow through on this agreement that was reached to be able to protect the environment. I hope we can do better. But I would think that we ought to start by rejecting the rule, rejecting the bill before us and make sure that we do right by the important agreements that we have for our environment and not approve destructive riders.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise in strong opposition to the rule because of a provision included in the Interior conference report that would limit the Federal Government's accountability to over a half million American Indian Trust beneficiaries by preventing the Department of Interior from conducting a complete historical accounting of individual Indian Trusts, as directed by a Federal court last month in Cobell versus Norton litigation.

Last year, the House voted overwhelmingly to strike a similar provision in the fiscal year 2003 Interior appropriations bill. And in July of this year, the gentleman from North Carolina (Chairman TAYLOR) graciously agreed to drop a similar provision from the fiscal year 2004 Interior funding bill before it was considered on the House floor.

Despite these actions, the provision in the conference report, once again, serves to delay justice to the Indian beneficiaries who have waited for over 100 years for an accounting while opening up the government to new legal claims.

The Congressional Native American Caucus opposes this provision. The chairman and ranking Democrat of the Committee on Resources, the authorizing committee, oppose this provision. As a matter of fact, just a few minutes ago, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), during the markup over in the Committee on Resources, asked that if this rule is approved to vote against the Interior appropriations bill.

In addition, this provision was drafted without the input of the authorizing committee or any of the Indian Trust beneficiaries or Indian tribes.

Mr. Speaker, this provision violates the House rule against legislating on the appropriations bill. It may also violate the House scope rule since the provision was included in the conference report without having first been included in either the House or the Senate bills. It violates, I believe, the U.S. Constitution separation-of-powers doctrine since the provision dictates how a Federal law relating to Indian Trust management reform should be interpreted. That interpretive function is the responsibility of the courts.

The House Committee on Resources held two hearings on Indian Trust funds this year, and it plans to hold more hearings. These hearings in the authorizing committee will produce the proper framework for settlement negotiations to resolve the Cobell case. Let us give the authorizing committee the opportunity to complete its job.

Mr. Speaker, the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) are seriously committed to this. That is why they asked just a few minutes ago that if this rule is passed and the bill does come for a vote, the conference report, that we vote "no" on that conference report.

So I urge my colleagues, Mr. Speaker, to oppose the rule and to vote against the conference report.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHAW). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately noon.

Accordingly (at 11 o'clock and 22 minutes a.m.), the House stood in recess until approximately noon.

□ 1205

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 12 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on adoption of those resolutions on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

House Resolution 417, by the yeas and nays; and

House Resolution 418, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

PROVIDING FOR CONSIDERATION OF H.J. RES. 75, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 417, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 311, nays 112, not voting 11, as follows:

[Roll No. 574]

YEAS—311

Abercrombie
Ackerman
Aderholt
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—112

Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berman
Berry
Brown (OH)

Brown, Corrine
Capps
Capuano
Carson (IN)
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meeks (NY)
Michaud
Miller, George
Moran (VA)
Nadler
Neal (MA)
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Rangel
Rodriguez
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Serrano
Sherman
Slaughter
Snyder
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—11

Akin
Cannon
Clay
Dooley (CA)
Fletcher
Gephardt
Gutierrez
Houghton
Lampson
Pitts
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1229

Messrs. DEUTSCH, RANGEL, JEFFERSON, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Ms. McCARTHY of Missouri, Ms. SCHAKOWSKY, and Ms. LINDA T. SÁNCHEZ of California changed their vote from "yea" to "nay."

Messrs. BLUMENAUER, CARDOZA, RUSH, Mrs. NAPOLITANO, and Mrs. JONES of Ohio changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. AKIN. Mr. Speaker, on Wednesday, the 29th of October, I was involved in a briefing with the Central Intelligence Agency. As a consequence, I was unavoidably detained and could not cast a vote for H. Res. 417. Had I been present at the time of the vote, I would have voted in the affirmative.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 418, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 289, nays 136, not voting 9, as follows:

[Roll No. 575]

YEAS—289

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—136

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clyburn
Cooper
Costello
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—9

Conyers
Delahunt
Dooley (CA)
Fletcher
Gephardt
Gutierrez
Houghton
Lampson
Stupak

□ 1236

Mr. MORAN of Virginia and Mr. EDWARDS changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1720) to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at the Department of Veterans Affairs medical centers, as amended.

The Clerk read as follows:

H.R. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Care Facilities Capital Improvement Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Authorization of major medical facility projects for patient care improvements.
Sec. 3. Authorization of major medical facility projects and leases.
Sec. 4. Authorization of major medical facility projects, former Fitzsimons Army Medical Center, Aurora, Colorado.
Sec. 5. Limitation on disposal of Lakeside Division, Department of Veterans Affairs medical facilities, Chicago, Illinois.
Sec. 6. Plans for facilities in southern New Jersey and far South Texas.
Sec. 7. Increase in major medical facility construction cost threshold.
Sec. 8. Study and report on feasibility of coordination of veterans health care services in South Carolina with new university medical center.
Sec. 9. Name of Department of Veterans Affairs health care facility, Chicago, Illinois.
Sec. 10. Name of Department of Veterans Affairs outpatient clinic, New London, Connecticut.
Sec. 11. Office of Research Oversight in Veterans Health Administration.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR PATIENT CARE IMPROVEMENTS.

(a) IN GENERAL.—(1) Subject to paragraph (3), the Secretary of Veterans Affairs is authorized to carry out major medical facility projects in accordance with this section, using funds appropriated for fiscal year 2004 or 2005 pursuant to subsection (e). The cost of any such project may not exceed—

(A) $100,000,000 in fiscal year 2004; and

(B) $125,000,000 in fiscal year 2005.

(2) Projects carried out under this section are not subject to section 8104(a)(2) of title 38, United States Code.

(3) The Secretary may not award a contract by reason of the authorization provided by paragraph (1) until after the Secretary has awarded a contract for each construction project authorized by section 3(a) and a contract for each lease authorized by section 3(d).

(b) TYPE OF PROJECTS.—A project carried out under subsection (a) may be carried out only at a Department of Veterans Affairs medical center and only for the purpose of one or more of the following:

(1) Improving a patient care facility.

(2) Replacing a patient care facility.

(3) Renovating a patient care facility.

(4) Updating a patient care facility to contemporary standards.

(5) Establishing a new patient care facility at a location where no Department patient care facility exists.

(6) Improving, replacing, or renovating a research facility or updating such a facility to contemporary standards.

(c) PURPOSE OF PROJECTS.—In selecting medical centers for projects under subsection (a), the Secretary shall select projects to improve, replace, renovate, update, or establish facilities to achieve one or more of the following:

(1) Seismic protection improvements related to patient safety (or, in the case of a research facility, patient or employee safety).

(2) Fire safety improvements.

(3) Improvements to utility systems and ancillary patient care facilities (including such systems and facilities that may be exclusively associated with research facilities).

(4) Improved accommodation for persons with disabilities, including barrier-free access.

(5) Improvements at patient care facilities to specialized programs of the Department, including the following:

(A) Blind rehabilitation centers.

(B) Inpatient and residential programs for seriously mentally ill veterans, including mental illness research, education, and clinical centers.

(C) Residential and rehabilitation programs for veterans with substance-use disorders.

(D) Physical medicine and rehabilitation activities.

(E) Long-term care, including geriatric research, education, and clinical centers, adult day care centers, and nursing home care facilities.

(F) Amputation care, including facilities for prosthetics, orthotics programs, and sensory aids.

(G) Spinal cord injury centers.

(H) Traumatic brain injury programs.

(I) Women veterans' health programs (including particularly programs involving privacy and accommodation for female patients).

(J) Facilities for hospice and palliative care programs.

(d) REVIEW PROCESS.—(1) The Secretary shall provide that, before a project is submitted to the Secretary with a recommendation that it be approved as a project to be carried out under the authority of this section, the project shall be reviewed by a board within the Department of Veterans Affairs that is independent of the Veterans Health Administration and that is constituted by the Secretary to evaluate capital investment projects. The board shall review such project to determine the project's relevance to the medical care mission of the Department and whether the project improves, renovates, repairs, establishes, or updates facilities of the Department in accordance with this section.

(2) In selecting projects to be carried out under the authority provided by this section, the Secretary shall consider the recommendations of the board under paragraph (1). In any case in which the Secretary approves a project to be carried out under this section that was not recommended for such approval by the board under paragraph (1), the Secretary shall include in the report of the Secretary under subsection (g)(2) notice of such approval and the Secretary's reasons for not following the recommendation of the board with respect to that project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account for projects under this section—

(1) $167,900,000 for fiscal year 2004; and

(2) $600,000,000 for fiscal year 2005.

(f) LIMITATION.—Projects may be carried out under this section only using funds appropriated pursuant to the authorization of appropriations in subsection (e), except that funds appropriated for advance planning may be used for the purposes for which appropriated in connection with such projects.

(g) REPORTS.—(1) Not later than April 1, 2005, the Comptroller General shall submit to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives a report evaluating the advantages and disadvantages of congressional authorization for projects of the type described in subsection (b) through general authorization as provided by subsection (a), rather than through specific authorization as would otherwise be applicable under section 8104(a)(2) of title 38, United States Code. Such report shall include a description of the actions of the Secretary of Veterans Affairs during fiscal year 2004 to select and carry out projects under this section.

(2) Not later than 120 days after the date on which the site for the final project under this section for each such fiscal year is selected, the Secretary shall submit to the committees referred to in paragraph (1) a report on the authorization process under this section. The Secretary shall include in each such report the following:

(A) A listing by project of each such project selected by the Secretary under that section, together with a prospectus description of the purposes of the project, the estimated cost of the project, and a statement attesting to the review of the project under subsection (c), and, if that project was not recommended by the board, the Secretary's justification under subsection (d) for not following the recommendation of the board.

(B) An assessment of the utility to the Department of Veterans Affairs of that authorization process.

(C) Such recommendations as the Secretary considers appropriate for future congressional policy for authorizations of major and minor medical facility construction projects for the Department of Veterans Affairs.

(D) Any other matter that the Secretary considers to be appropriate with respect to oversight by Congress of capital facilities projects of the Department of Veterans Affairs.

SEC. 3. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND LEASES.

(a) PROJECT AUTHORIZATIONS.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a new bed tower to consolidate two inpatient sites of care in inner city Chicago at the West Side Division of the Department of Veterans Affairs health care

system in Chicago, Illinois, in an amount not to exceed $98,500,000.

(2) Seismic corrections to strengthen Medical Center Building 1 of the Department of Veterans Affairs health care system in San Diego, California, in an amount not to exceed $48,600,000.

(3) A project for (A) renovation of all inpatient care wards at the West Haven, Connecticut, facility of the Department of Veterans Affairs health system in Connecticut to improve the environment of care and enhance safety, privacy, and accessibility, and (B) establishment of a consolidated medical research facility at that facility, in an amount not to exceed $50,000,000.

(4) Construction of a medical facility on available Federal land at the Defense Supply Center, Columbus, Ohio, in an amount not to exceed $90,000,000.

(5) Construction of a Department of Veterans Affairs-Department of Navy joint venture, comprehensive outpatient medical care facility to be built on the grounds of the Pensacola Naval Air Station, Pensacola, Florida, in an amount not to exceed $45,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2004 for the Construction, Major Projects, account $332,100,000 for the projects authorized in subsection (a).

(c) LIMITATION.—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2004 pursuant to the authorization of appropriations in subsection (b);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2004 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2004 for a category of activity not specific to a project.

(d) AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.—The Secretary of Veterans Affairs may enter into leases as follows:

(1) For an outpatient clinic in Charlotte, North Carolina, in an amount not to exceed $3,000,000.

(2) For facilities for a multi-specialty outpatient clinic for the Veterans Health Administration and a satellite office for the Veterans Benefits Administration in Clark County, Nevada, at an annual lease amount not to exceed $6,500,000.

(3) For facilities authorized in section 4 at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado, in an amount not to exceed $30,000,000.

SEC. 4. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS, FORMER FITZSIMONS ARMY MEDICAL CENTER, AURORA, COLORADO.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out major medical facility projects under section 8104 of title 38, United States Code, at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado. Projects to be carried out at such site shall be selected by the Secretary and may include inpatient and outpatient facilities providing acute, sub-acute, primary, and long-term care services. The cost of projects under this section shall be limited to—

(1) an amount not to exceed a total of $300,000,000 if either direct construction or a combination of direct construction and leasing is selected by the Secretary under subsection (b); and

(2) no more than $30,000,000 per year in leasing costs if a leasing option is selected by the Secretary as the sole option under subsection (b).

(b) SELECTION OF OPTION.—The Secretary of Veterans shall select the option to carry out the authority provided in subsection (a) of either—

(1) direct construction by the Department of Veterans Affairs or a combination of direct construction and leasing; or

(2) leasing alone.

(c) CONSULTATION WITH SECRETARY OF DEFENSE.—The Secretary of Veterans Affairs shall consult with the Secretary of Defense in carrying out this section. Such consultation shall include consideration of establishing a Department of Veterans Affairs-Department of Defense joint health-care venture at the site of the project or projects under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal years 2004, 2005, and 2006 for "Construction, Major Projects" for the purposes authorized in subsection (a).

(e) LIMITATION.—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2004, 2005, or 2006 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2004 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2004, 2005, or 2006 for a category of activity not specific to a project.

(f) REPORT TO CONGRESSIONAL COMMITTEES.—After complying with applicable provisions of the National Environmental Policy Act of 1969, but not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on this section. The report shall include the following:

(1) Notice of the option selected by the Secretary pursuant to subsection (b) to carry out the authority provided by subsection (a).

(2) Information on any further planning required to carry out the authority provided in subsection (a).

(3) Other information of assistance to the committees with respect to such authority.

SEC. 5. LIMITATION ON DISPOSAL OF LAKESIDE DIVISION, DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES, CHICAGO, ILLINOIS.

(a) LIMITATION.—The Secretary of Veterans Affairs may not make a final disposal under section 8162 of title 38, United States Code, of the Lakeside Division facility of the Department of Veterans Affairs medical facilities in Chicago, Illinois, until the Secretary has entered into a contract for the construction project authorized by section 3(a)(1).

(b) DEFINITION.—For purposes of this section, the term "disposal", with respect to the Lakeside Division facility, includes entering into a long-term lease or sharing agreement under which a party other than the Secretary has operational control of the facility.

SEC. 6. PLANS FOR FACILITIES IN SOUTHERN NEW JERSEY AND FAR SOUTH TEXAS.

(a) PLAN.—(1) The Secretary of Veterans Affairs shall develop—

(A) a plan to establish an inpatient facility to meet hospital care needs of veterans who reside in southern New Jersey; and

(B) a plan for hospital care needs of veterans who reside in far south Texas.

(2) In developing the plans under paragraph (1), the Secretary shall, at a minimum, consider options using the existing authorities of section 8111 and 8153 of title 38, United States Code—

(A) to establish a hospital staffed and managed by employees of the Department, either in private or public facilities, including Federal facilities; or

(B) to enter into contracts with existing private facilities and private providers for that care.

(b) REPORTS.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on each plan under subsection (a) not later than January 31, 2004.

(c) DEFINITIONS.—In this section:

(1) The term "far south Texas" means the following counties of the State of Texas: Bee, Calhoun, Crockett, DeWitt, Dimmit, Goliad, Jackson, Victoria, Webb, Aransas, Duval, Jim Wells, Kleberg, Nueces, Refugio, San Patricio, Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy, and Zapata.

(2) The term "southern New Jersey" means the following counties of the State of New Jersey: Ocean, Burlington, Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May.

SEC. 7. INCREASE IN MAJOR MEDICAL FACILITY CONSTRUCTION COST THRESHOLD.

Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking "$4,000,000" and inserting "$6,000,000".

SEC. 8. STUDY AND REPORT ON FEASIBILITY OF COORDINATION OF VETERANS HEALTH CARE SERVICES IN SOUTH CAROLINA WITH NEW UNIVERSITY MEDICAL CENTER.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study to examine the feasibility of coordination by the Department of Veterans Affairs of its needs for inpatient hospital, medical care, and long-term care services for veterans with the pending construction of a new university medical center at the Medical University of South Carolina, Charleston, South Carolina.

(b) MATTERS TO BE INCLUDED IN STUDY.—(1) As part of the study under subsection (a), the Secretary shall consider the following:

(A) Integration with the Medical University of South Carolina of some or all of the services referred to in subsection (a) through contribution to the construction of that university's new medical facility or by becoming a tenant provider in that new facility.

(B) Construction by the Department of Veterans Affairs of a new independent inpatient or outpatient facility alongside or nearby the university's new facility.

(2) In carrying out paragraph (1), the Secretary shall consider the degree to which the Department of Veterans Affairs and the university medical center would be able to share expensive technologies and scarce specialty services that would affect any such plans of the Secretary or the university.

(3) In carrying out the study, the Secretary shall especially consider the applicability of the authorities under section 8153 of title 38, United States Code (relating to sharing of health care resources between the Department and community provider organizations) to govern future arrangements and relationship between the Department and the Medical University of South Carolina.

(c) CONSULTATION WITH SECRETARY OF DEFENSE.—The Secretary of Veterans Affairs shall consult with the Secretary of Defense in carrying out the study under this section. Such consultation shall include consideration of establishing a Department of Veterans Affairs-Department of Defense joint health-care venture at the site referred to in subsection (a).

(d) REPORT.—Not later than March 31, 2004, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study. The report shall include the Secretary's recommendations with respect to coordination described in subsection (a), including recommendations with respect to each of the matters referred to in subsection (b).

SEC. 9. NAME OF DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITY, CHICAGO, ILLINOIS.

The Department of Veterans Affairs health care facility located at 820 South Damen Avenue in Chicago, Illinois, shall after the date of the enactment of this Act be known and designated as the "Jesse Brown Department of Veterans Affairs Medical Center". Any reference to such facility in any law, map, regulation, document, paper, or other record of the United States shall be considered to be a reference to the Jesse Brown Department of Veterans Affairs Medical Center.

SEC. 10. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, NEW LONDON, CONNECTICUT.

The Department of Veterans Affairs outpatient clinic located in New London, Connecticut, shall after the date of the enactment of this Act be known and designated as the "John J. McGuirk Department of Veterans Affairs Outpatient Clinic". Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the John J. McGuirk Department of Veterans Affairs Outpatient Clinic.

SEC. 11. OFFICE OF RESEARCH OVERSIGHT IN VETERANS HEALTH ADMINISTRATION.

(a) STATUTORY CHARTER.—(1) Chapter 73 of title 38, United States Code, is amended by inserting after section 7306 the following new section:

"§ 7307. Office of Research Oversight

"(a) REQUIREMENT FOR OFFICE.—(1) There is in the Veterans Health Administration an Office of Research Oversight (hereinafter in this section referred to as the 'Office'). The Office shall advise the Under Secretary for Health on matters of compliance and assurance in human subjects protections, animal welfare, research safety, and research impropriety and misconduct. The Office shall function independently of entities within the Veterans Health Administration with responsibility for the conduct of medical research programs.

"(2) The Office shall—

"(A) monitor, review, and investigate matters of medical research compliance and assurance in the Department with respect to human subjects protections and animal welfare; and

"(B) monitor, review, and investigate matters relating to the protection and safety of human subjects, research animals, and Department employees participating in medical research in Department programs.

"(b) DIRECTOR.—(1) The head of the Office shall be a Director, who shall report directly to the Under Secretary for Health (without delegation).

"(2) Any person appointed as Director shall be—

"(A) an established expert in the field of medical research, administration of medical research programs, or similar fields; and

"(B) qualified to carry out the duties of the Office based on demonstrated experience and expertise.

"(c) FUNCTIONS.—(1) The Director shall report to the Under Secretary for Health on matters relating to protections of human subjects and laboratory animals under any applicable Federal law and regulation, the safety of employees involved in Department medical research programs, and suspected misconduct and impropriety in such programs. In carrying out the preceding sentence, the Director shall consult with employees of the Veterans Health Administration who are responsible for management and conduct of Department medical research programs.

"(2) The matters to be reported by the Director to the Under Secretary under paragraph (1) include the following:

"(A) Lack of required integrity of content, validity of approach, and ethical conduct of employees in Department medical research programs.

"(B) Allegations of research impropriety and misconduct by employees engaged in medical research programs of the Department.

"(3)(A) When the Director determines that such a recommendation is warranted, the Director may recommend to the Under Secretary that a Department research activity be terminated, suspended, or restricted, in whole or in part.

"(B) In a case in which the Director reasonably believes that activities of a medical research project of the Department place human subjects' lives or health at imminent risk, the Director shall direct that activities under that project be immediately suspended or, as appropriate and specified by the Director, be limited.

"(d) GENERAL FUNCTIONS.—(1) The Director shall conduct periodic inspections and reviews, as the Director determines appropriate, of medical research programs of the Department. Such inspections and reviews shall include review of required documented assurances.

"(2) The Director shall observe external accreditation activities conducted for accreditation of medical research programs conducted in facilities of the Department.

"(3) The Director shall investigate allegations of research impropriety and misconduct in medical research projects of the Department.

"(4) The Director shall submit to the Under Secretary for Health, the Secretary, and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on any suspected lapse, from whatever cause or causes, in protecting safety of human subjects and others, including employees, in medical research programs.

"(5) The Director shall carry out such other duties as the Under Secretary for Health may require.

"(e) SOURCE OF FUNDS.—Amounts for the activities of the Office, including its regional offices, shall be derived from amounts appropriated for the Veterans Health Administration for Medical Care.

"(f) ANNUAL REPORT.—Not later than March 15 each year, the Director of the Office shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the activities of the Office during the preceding calendar year. Each such report shall include, with respect to that year, the following:

"(1) A summary of reviews of individual medical research programs of the Department completed by the Office.

"(2) Directives and other communications issued by the Office to field activities of the Department.

"(3) Results of any investigations undertaken by the Office during the reporting period consonant with the purposes of this section.

"(4) Other information that would be of interest to those committees in oversight of the Department medical research program.

"(g) MEDICAL RESEARCH.—For purposes of this section, the term 'medical research' has the meaning given such term in section 7303(a)(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7306 the following new item:

"7307. Office of Research Oversight.".

(b) CONFORMING AMENDMENT.—Section 7303 of title 38, United States Code, is amended by striking subsection (e).

(c) COMPTROLLER GENERAL REPORT.—(1) The Comptroller General shall conduct a study to assess—

(A) the effects of the establishment by law of the Office of Research Oversight in section 7307 of title 38, United States Code, as added by subsection (a);

(B) the effects of the specification by law of the functions of that Office; and

(C) improvements in the conduct of ethical medical research in the Veterans Health Administration.

(2) Not later than January 1, 2006, the Comptroller General shall submit to the Committees on Veterans' Affairs of the House and Senate a report on the study conducted under paragraph (1). The Comptroller General shall include in the report such recommendations for legislation and administrative action as the Comptroller General considers appropriate.

(d) REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans Affairs' of the Senate and House of Representatives a report setting forth the results of the implementation of section 7307 of title 38, United States Code, as added by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is today considering H.R. 1720, as amended, the Veterans Health Care Facilities Capital Improvement Act. Enactment of this measure would be a significant step in addressing the problem of crumbling and substandard health care facilities for our Nation's veterans.

I want to just say at the outset how very delighted and pleased I am that the gentleman from Connecticut (Mr. SIMMONS) is here. As the chairman of the Subcommittee on Health and the prime sponsor of this bill, he has worked many, many hours in crafting this legislation. I want to really pay him the highest compliment for the extraordinarily good work he did in writing this legislation. I thank the gentleman for his leadership on this. I would also like to thank my friends on the other side of the aisle for their good, hard work. This is a bipartisan bill that we present to the House today, and I hope it will get the full support and assent of this body.

Mr. Speaker, most VA hospitals, clinics, nursing homes, and research facilities have ongoing needs for maintenance, repair, and modernization to promote patient and employee safety and provide a higher standard of care for our Nation's veterans. For example, hundreds of millions of dollars are needed to address problems at many VA facilities that could suffer severe damage in the event of an earthquake. However, projects to address these and other deficiencies have been put on the shelf while VA contemplates and completes its CARES process.

The Department of Veterans Affairs is currently undertaking, as I think many Members know, a market-based national assessment to determine whether its present health care facilities meet current and future veterans' health care needs. The VA's process for achieving this goal, called the Capital Asset Realignment for Enhanced Services, or CARES, is intended to produce a national plan which the Secretary will then approve or disapprove by the end of the year. Members, I am sure, or at least some Members, are aware that while the VA has an aggressive schedule for completing the planning process, the implementation of this plan will take many years to complete. In the meantime, a number of pressing construction needs have been identified.

The committee has been vigilant to avoid authorizing projects at facilities that might not be needed to serve the future needs of our veterans. All of the projects authorized by our committee in recent authorization measures would serve veterans for many years after they have been completed. Similarly, the projects authorized in this bill would improve health care for veterans for 20 years or more and are a wise and, we believe, worthy investment for this Nation to make on behalf of our veterans.

Let me just say, Mr. Speaker, there are a number of additions to this bill that were made precisely because Members came to us and made very persuasive argument as to why they need to be included. The gentleman from Colorado (Mr. HEFLEY) and the gentleman from Colorado (Mr. BEAUPREZ), a member of the committee, really pushed hard on the Fitzsimons project. That is included in here. The gentleman from New Jersey (Mr. LOBIONDO) from my own State made a very strong estimate and gave us documentation for a study. That is included in here. There are others that came to us, again made their cases, cogent cases that they were; and those have been included in this authorization measure.

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The VA Committee has been vigilant to avoid authorizing projects at facilities that might not be needed to serve the future needs of veterans. All of the projects authorized by our committee in recent authorization measures would serve veterans for many years after they have been completed. Similarly, the projects authorized in this bill would improve health care for veterans for 20 years or more, and are a wise and worthy investment for this Nation to make on behalf of veterans.

Mr. Speaker, we are coming to a crossroads in the pattern of funding for VA health care facilities. A consultant's report in June 1998 concluded that VA should be spending (at a minimum) from 2 percent to 4 percent of its "plant replacement value" on upkeep and replacement of its health care facilities. The value of VA facilities was estimated to be $35 billion in 1998; thus, VA should be spending from $700 million to $1.4 billion each year to keep pace with its capital needs. Sadly, VA only received $213 million in VA construction funding for fiscal year 2003 and only requested $421 million for fiscal year 2004.

When the Undersecretary for Health submitted his admittedly incomplete CARES plan to the Secretary's CARES commission earlier this year, it called for a minimum of $3.5 billion in new construction over the next 5 years. I say the plan was incomplete because it excluded funding for projects that would enhance VA's ability to provide veterans with long-term care. The VA Committee has called on the CARES Commission to address this serious shortcoming. Nevertheless, a plan to spend $3.5 to $4 billion over the next 5 years means that Congress will need to appropriate $700 to $800 million every year during that period. Mr. Speaker, even though the deficit outlook for the next several years is not good, this is an obligation that has been put off long enough. The failure to begin addressing this huge backlog in renovation and modernization projects can only lead to inefficiency and inferior care for veterans in the future.

Mr. Speaker, H.R. 1720, as amended, would authorize the Department of Veterans Affairs to improve, establish, restore or replace VA health care facilities where necessary. The Committee decided in the last Congress that there is a demonstrable need to provide a more flexible and responsive authorization process to address the overwhelming backlog of construction projects, and this bill continues with that approach.

Under this bill, the Secretary would be authorized to approve individual facility projects, based on the decisions of a capital investments board that must carefully and objectively consider each proposed construction project. The bill provides criteria to be used by the board that would place a premium on projects to protect patient safety and privacy, improve seismic protection, and provide barrier-free accommodations. It would also emphasize improving VA patient care facilities areas of particular concern, such as specialized care programs, in order to meet the contemporary standard of care veterans deserve and need.

H.R. 1720 would require the Secretary to report his actions on construction to this Committee and to the Committee on Appropriations, and would mandate a review of the delegated-project approach by the General Accounting Office, to ensure this is an effective mechanism to advance VA medical construction during and after the CARES process.

The bill also would authorize construction of a specific set of urgent major medical projects as follows: Clark County, NV—the lease of a multi-specialty outpatient clinic and Veterans Benefits Administration satellite office at an annual rent not to exceed $6,500,000; Columbus, OH—$90,000,000 to construct a new VA medical center; West Haven, CT—$50,000,000 to renovate inpatient wards and research facilities at the Wet Haven VA medical center; Chicago, IL—$98,500,000 to consolidate inpatient care in a new bed tower at the West Side Division; San Diego, CA—$48,600,000 for seismic corrections to Building 1 at the San Diego VA medical center; and Pensacola, FL—$45,000,000 to construct a joint-venture outpatient clinic at the Pensacola Naval Air Station. The bill would require the Secretary to move forward on these projects first before awarding construction contracts under the general construction delegation provided by the bill.

Mr. Speaker, this bill would authorize appropriations of $500 million in fiscal year 2004 and $600 million in fiscal year 2005 to accommodate construction projects under the various authorities provided. Additionally, the bill would authorize the appropriation of $300 million over 3 years for the replacement VA medical center near Denver CO, at the former Fitzsimons site.

Mr. Speaker, as I mentioned, H.R. 1720, as amended, includes the provisions of H.R. 116, a bill to authorize a joint VA–Air Force health care facility to be located on the grounds of the "New Fitzsimons" campus of the University of Colorado Health Sciences Center, in

Aurora, CO. The bill would require the Secretary, after consulting with the Secretary of Defense, to decide how to replace the 57-year-old Denver medical center with a new Federal Regional Medical Center in Aurora. There is a unique opportunity at this location to enhance VA–DOD sharing by jointly constructing or leasing a premier health treatment facility as a joint venture of the VA, the Department of the Air Force, and the University. We certainly expect that both the Air Force and the VA will find a way to execute this plan in a manner that advances the interests of the American taxpayer and the beneficiaries served by the two Departments.

I want to commend Chairman JOEL HEFLEY and Representative BOB BEAUPREZ, a Member of the VA Committee, for spurring this project forward. We would not be considering this measure on the floor of the House today without their hard work and individual efforts to help make this project a reality.

H.R. 1720 would also require VA to conduct a study and report on the feasibility of constructing a new medical center for veterans in Charleston, SC, and a study for meeting the inpatient hospitalization needs of southern New Jersey veterans. The Committee appreciates the work of Mr. BROWN, the chairman of our Subcommittee on Benefits, and Mr. LOBIONDO, the distinguished chairman of the Subcommittee on Coast Guard and Maritime Transportation, for their insight in crafting these two provisions.

The final measures in the bill, Mr. Speaker, would designate the Department of Veterans Affairs Outpatient Clinic in New London, CT, as the John J. McGuirk Department of Veterans Affairs Outpatient Clinic, and the VA Medical Center at 820 S. Damon Street in Chicago, IL, the Jesse Brown Veterans Affairs Medical Center.

Our bipartisan bill would also honor the late Jesse Brown, former Secretary of Veterans Affairs, for his exemplary service to his country as a combat-wounded U.S. Marine Corps veteran of the Vietnam war and dedicated leader of the Department of Veterans. Mr. Brown enlisted in the Marine Corps in 1963 and was seriously wounded in Vietnam. Mr. Brown's career in veterans' advocacy spanned his entire remaining life. He served with distinction in the Clinton administration as the third Secretary of Veterans Affairs, and is buried at Arlington National Cemetery.

Naming the West Side VA Medical Center after Jesse Brown would appropriately memorialize his accomplishments and commitment to improving the quality of life of all veterans.

The final provision in this bill adds a new degree of accountability to the VA medical research program. The provision is the result of efforts by two of the Committee's Subcommittee chairmen, Mr. BUYER and Mr. SIMMONS. Their proposal is supported by Ms. HOOLEY and Mr. RODRIGUEZ, their respective ranking members.

The language of section 11, which is taken from H.R. 1585 as revised by our Subcommittee on Health requires VA to maintain a permanent and independent research compliance and assurance office. While establishment of this office may not provide a complete shield against possible future abuses, it does send a clear message that the Congress expects compliance with rules already in place to assure protection of human subjects who participate in research sponsored by VA.

Finally, I want to thank the Committee's ranking member, LANE EVANS, for his support of this legislation, and for the work of the chairman and ranking member of the Health Subcommittee, ROB SIMMONS and CIRO RODRIGUEZ, respectively, for considering this bill in a timely fashion.

Mr. Speaker, I urge my colleagues to support H.R. 1720, as amended.

Mr. Speaker, I reserve the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1720. I would like to thank VA Committee Chairman SMITH and Health Subcommittee Chairman SIMMONS for working closely with all of us on this side of the aisle on this important issue. I also want to thank our ranking member, the gentleman from Illinois (Mr. EVANS), for his steadfast support and hard work on this legislation. I also want to thank Chairman SMITH and the entire staff for working with us to bring this measure before the House for consideration today.

This bill contains authorizations for many worthwhile, major medical construction projects.

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Congress has put a virtual stop to appropriations for major medical construction projects over the last 4 years since the General Accounting Office released a report that suggested the VA was spending too much money maintaining buildings that were not being used to serve veterans.

Since fiscal year 2000, Congress has appropriated $121 million for major medical projects. That is about $6 million less than experts recommend for maintaining and enhancing capital assets. But while spending for major medical construction projects has declined, the number of veterans moving into States like my own, the State of Nevada, continues to explode, and the need for expanded facilities is not being met.

Southern Nevada's veterans population is one of the fastest glowing in the Nation, and is getting larger every day. The VA predicts that the number of annual visits by veterans in the Las Vegas Valley to their primary health care clinic will rise from 200,000 to more than half a million by 2010, that is a mere 7 years from now, and the number of hospital beds needed to serve the veterans in my community will increase by over 50 percent.

The VA is already struggling to address and meet the current demands of the VA health care structure in the Las Vegas Valley. Last year, 1,500 southern Nevada veterans were sent to neighboring States because they could not provide the needed services locally. This is an unfair burden on these veterans and their families. They should not have to travel hundreds much miles away for care.

In addition, due to the decrepit conditions and structural deficiencies, the VA evacuated the Guy Clinic, only 5 years old, forcing veterans to rely on a string of temporary clinics scattered across the Las Vegas Valley. Imagine, if you will, what it is like for an 80-year-old veteran waiting in the desert heat, sometimes up to 110 degrees, to be shuttled from clinic to clinic to receive the health care he needs.

For example, a veteran who needs a CT scan may have to shuttle from a temporary site which houses the CT scan technology to then another site to obtain a prescription for a controlled narcotic that he needs, and then to a third site for mental health services.

Female veterans who need mammograms have to shuttle to different clinics just for that one particular service.

As one 81-year-old World War II veteran described the situation, "You are going from one place to another and it gets confusing. Don't our veterans deserve a permanent facility to meet all their health care needs?"

In short, southern Nevada is facing a veterans health care crisis. At the time H.R. 1720 was introduced and passed by the Committee on Veterans' Affairs, the VA recognized Las Vegas was in need of a new, multispecialty outpatient clinic. H.R. 1720 authorized $6.5 million for annual leases for that clinic. However, in the time since the legislation has been acted on by the committee, the Department of Veterans Affairs released the CARES document which proposed $4.6 billion worth of construction, reflecting only a portion of the growing backlog and veterans growing demand for services.

The VA's average healthcare facility is about 52 years old, so updates are essential. The failure to make investments has put the VA way behind in addressing such urgent needs as seismic corrections, renovations to address patient safety, and privacy concerns and problems that threaten VA's accreditation by outside quality assurance agencies.

To address the concern about underutilized buildings, the VA embarked upon a process to identify veterans needs for health care for the next 20 years. The CARES plan calls for the construction of a full-scale medical facility in Las Vegas, including a full-service patient care hospital, an outpatient clinic and a comprehensive long-term care nursing facility in Las Vegas.

In light of the VA's new plan for a veterans health care facility, I ask the committee to continue to work with me to update the authorization level to reflect the demands in southern Nevada and to allocate funds for a full-service VA medical complex.

America's veterans served our Nation, and now we must honor our commitment to those brave men and women. Providing high-quality health care is part of keeping our promise to these heroes and sends an important message to our troops now deployed at home and abroad in defense of our Nation. These future veterans, many of whom will soon call Nevada home, will also one day be eligible for VA care. Investing now will ensure that we will be able to serve the health care needs of our veterans, today and in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Indiana (Mr. BUYER), who wrote section 11 dealing with human research protection.

Mr. BUYER. Mr. Speaker, I rise in support of this bill and thank the chairman for including my bill to ensure human subject protection in research.

Mr. Speaker, today we are considering H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act, legislation designed to authorize the Secretary of Veterans Affairs to carry out major facilities construction projects to improve, renovate, replace, update, and establish care facilities across the Department of Veterans Affairs.

One provision I would like to draw your attention to is section 11 of the bill. Section 11 guarantees that there is an independent oversight body within the Veterans Health Administration, Department of Veterans Affairs to oversee research compliance and assurance.

This provision addresses the important issue of human subjects protection in VA medical research. Since 1999 several hearings have been held by the House Veterans' Affairs Subcommittee on Oversight and Investigations. I compliment the work of then Subcommittee Chairman Terry Everett of Alabama, who also worked to ensure that necessary actions are taken to assure that our Nation's most vulnerable veterans are protected and not subjected to harm.

This provision is the final language that was worked out by my Subcommittee on Oversight and Investigations and Subcommittee Chairman Simmons of the Health Subcommittee and it reflects the original intent of H.R. 1585, a bill I introduced because I wanted to ensure that our Nation's most vulnerable veterans are protected and not in any way harmed by the very system whose mission it is to safeguard their safety and well being.

In particular, this bill does the following:

Establishes an independent office to oversee research compliance and assurance;

Provides that the new office counsels the Under Secretary for Health on all matters related to the protection of human research subjects, research misconduct and impropriety, laboratory animal welfare; ethical conduct of research; and research safety;

That the office shall investigate allegations of research misconduct and impropriety; suspend or restrict research to ensure the safety, and ethical treatment of human subjects; preserve the integrity and validity of research; prevent mistreatment of laboratory animals used in research; and assure compliance in the conduct of research;

The director of the office shall conduct periodic inspections at research facilities; observe external accreditation site visits; investigate allegations of research misconduct and improprieties;

It requires the immediate notification of the Under Secretary for Health when endangerment of human research subjects is evident or suspected and requires that Congress be notified when research misconduct or impropriety has been discovered;

This bill provides that funding for the new office would be independent from the Office of Research and Development; and

Finally, this bill mandates that the Comptroller General of the United States conduct a study of the effectiveness of the new office and submit a report to Congress by January 1, 2006.

This legislation has strong bipartisan support. I would like to thank all the cosponsors of the original bill. In particular, I would like to thank Chairman CHRIS SMITH and Ranking Member LANE EVANS and the Ranking Member of my Subcommittee, DARLENE HOOLEY for their cosponsorship and support. I ask my colleagues to support H.R. 1720 and strengthen VA research programs so our veterans are never placed in a harmful environment.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. SIMMONS), the prime sponsor of this legislation and the chairman of our Subcommittee on Health.

Mr. SIMMONS. Mr. Speaker, I thank the chairman and the ranking members of the Committee on Veterans' Affairs for all of their hard work on this legislation. I also thank my ranking member on the Health Subcommittee, the gentleman from Texas (Mr. RODRIGUEZ), for all of his work. This legislation constitutes a bipartisan effort to fund medical health care facilities for our Nation's veterans.

When I first assumed the chair of the Committee on Veterans' Affairs Subcommittee on Health, I was committed to providing the resources necessary to improve these health care facilities for our veterans, and this has been a bipartisan enterprise for the past 9 months. This legislation is the fruit of that work, and I think this legislation speaks very well for the bipartisan effort that we made on the subcommittee and the committee.

Among other things, this legislation would authorize specific construction projects, such as in Clark County, Nevada, where we just heard about the multispecialty outpatient clinic; in Columbus, Ohio, a new VA medical center; and in West Haven, Connecticut, renovations of a facility that was first built in 1917.

Mr. Speaker, I am proud of the fact that the State of Connecticut built this facility in 1917 as a tuberculosis and a neuropsychiatric hospital, and I am proud of the fact it is affiliated with Yale University's School of Medicine, which is one of the premier schools of medicine in the United States. But the question we have to address to ourselves, not only with this facility but these other facilities, is how efficient are they in today's day and age? How is the morale of VA employees, when they work in facilities that are almost 100 years old? How can we clean them and maintain the standards of sanitation that we want as we treat our veterans population? How can old hospital wards become more user-friendly and accommodate the new technologies for dealing with our veterans? And is there enough renovated space for these purposes?

That is why we are moving forward to authorize certain construction projects, such as in Chicago, Illinois, consolidating inpatient care in a new bed tower in the West Side Division; or in San Diego, California, doing almost $50 million worth of seismic corrections to Building I at the VA medical center; or in Pensacola, Florida, a joint-venture outpatient clinic at the Pensacola Naval Air Station where the Veterans Administration and the Department of Defense are sharing resources and sharing technologies to come up with a joint facility, something that saves our taxpayers a tremendous amount of money.

In the aggregate, Mr. Speaker, this bill would authorize appropriations of $500 million in fiscal year 2004 and $600 million in fiscal year 2005 to accommodate the construction projects under the various authorities provided.

One of these major construction projects, and you will hear from some of our other Members shortly, is the "New Fitzsimons" Campus of the University of Colorado Health Sciences Center. What the bill would require is that the Secretary of Defense and the Veterans Administration work together to create a new medical center in that area to serve our veterans population.

We have also authorized a joint project in Charleston, South Carolina, where we will do a feasibility study for a new medical center, I commend my colleague, the gentleman from South Carolina (Mr. BROWN) for his work on that project. And also an inpatient hospitalization needs study for southern New Jersey, something that my colleague, the gentleman from New Jersey (Mr. LOBIONDO), has been involved with.

So as we work our way through the details of this legislation, Mr. Speaker, it should become clear that this is a joint effort and a joint product by all members of the Committee on Veterans' Affairs and the Subcommittee on Health to come up with a hospital authorization bill that serves the needs of all of our veterans, north and south, east and west, nationwide.

Mr. Speaker, this legislation we are voting on today will help us improve, upgrade and even replace VA facilities in specialized areas of concern, such as spinal cord injury care, hemodialysis, long term care and medical research. Our bill also gives the VA Secretary flexibility to move forward on both high priority projects and the CARES process together. So this is a compromise bill and one that all Members can support.

This bill would also improve protection and safety of VA medical research programs. VA research is internationally recognized and has made important contributions in virtually every area of medicine and health. But it still needs watchful oversight. I thank the gentleman from Indiana, Mr. BUYER, for his leadership in crafting these provisions as part of this legislation, which I strongly support, and I thank our Full Committee Chairman for agreeing to move this measure forward as a part of our construction bill.

Mr. Speaker, this legislation would also designate the Department of Veterans Affairs Outpatient Clinic in New London, Connecticut, the "John J. McGuirk Department of Veterans Affairs Outpatient Clinic".

I am very pleased that our bill would memorialize the life and work of Mr. John J. McGuirk of Connecticut. John was active in promoting improved care and more available VA clinics in his beloved State of Connecticut. He was a role model to many of us in the veterans' community, and was particularly committed to working on behalf of disabled and elderly veterans—those with the greatest need for ready access to VA health care. His death in 1999 was a loss to all the veterans of my State.

John J. McGuirk, a native of the Constitution State, enlisted in the United States Navy in World War II. He served as an enlisted man in the dangerous occupation of salvage diver. Hazarding death and injury every day of his Navy service, Mr. McGuirk worked across the South Pacific from Pearl Harbor to Manila, Philippines. He served aboard the salvage ship, USS *Laysan Island*, in clearing war devastation in Manila Bay. John McGuirk was decorated with the Philippines Liberation Medal, the American Theatre Medal, the Asiatic Pacific Theatre Medal and the World War II Victory Medal.

When Mr. McGuirk's obligation to the United States Navy was discharged at the war's end, his personal obligation to his country and fellow veterans endured and became his lifelong commitment.

Mr. McGuirk's advocacy resulted in VA activating a system of community-based clinics across the State, providing primary care to thousands of veterans. John McGuirk played an instrumental role in VA's opening of the community clinic on the grounds of the U.S. Coast Guard Academy in New London.

John actively served in Post Number Nine of the American Legion of Connecticut for the entirety of his adult life, including two stints as Post Commander, as well as Finance Officer and Service Officer. He was also a member of the Disabled Veterans of America and of U.S. Submarine Veterans, Inc.

I am proud to promote this effort to memorialize the name of a good man, a war veteran and a man of peace, John J. McGuirk of Connecticut. This gesture is but a token of the esteem and affection we hold for him and his lasting contribution to our State and his service to our veterans.

Mr. Speaker, I strongly urge my colleagues to support this bill.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 1720, as amended. I want to thank the gentleman from New Jersey (Chairman SMITH), our Subcommittee on Health chairman, the gentleman from Connecticut (Mr. SIMMONS), and the ranking member, the gentleman from Texas (Mr. RODRIGUEZ), for allowing me the time to speak on this bill.

One provision that I am particularly pleased that the bill includes language that would rename the West Side division of VA Chicago after the Honorable Jesse Brown. The late Honorable Jesse Brown served as Secretary for Veterans Affairs and was a strong advocate in our budgetary battles at that time in the Clinton Administration. As Secretary, Jesse made good on his promise of putting veterans first. Sadly, he left us much too soon after a struggle with Lou Gehrig's disease. It is fitting that we rename the West Side division of VA Chicago in his name.

This bill would also give Congress and the VA an opportunity to reinvigorate VA's flagging major medical construction programs. VA is at a critical juncture, where it must make billions of dollars worth of improvements to ensure its ability to provide modern, high-quality and efficient health care services.

Mr. Speaker, this is a good bill. I thank the chairman of the full committee for getting it through, and, again, for the way we work together.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to my good friend and colleague, the gentleman from Nevada (Mr. GIBBONS), and thank him for his work on behalf of the $6.5 million lease for the outpatient clinic in his area.

Mr. GIBBONS. Mr. Speaker, I want to thank the chairman of the committee for yielding me time.

No doubt all of us in this Chamber realize and recognize the fact that our veterans risk their lives for our great Nation, and especially for the freedoms we all enjoy. We owe them much. Today, we take yet another step toward providing them with the health care services they deserve.

For example, H.R. 1720 authorizes funding for a Veterans Administration medical clinic in Clark County, Nevada, allowing the VA to lease space and provide desperately needed health care services to one of the fastest growing veterans populations in the country.

While this authorization best serves the short-term needs of Nevada's veterans, the long-term needs recognized by myself and Veterans Administration Secretary, Anthony Principi, call for the construction of a permanent, full-service veterans hospital in southern Nevada. Until this long-term goal is realized, the establishment of a medical clinic in Clark County will provide critical health care services to those veterans in southern Nevada.

I applaud my colleagues for bringing this bill to the floor, and remain committed to providing our veterans with the best health care services we can afford.

Ms. BERKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman, sometimes not so gentle, for yielding me time.

In fact, I thank the not-so-gentle woman for fighting for these facilities in her district. She has fought long and hard, and this is just one of the fruits. She has done a tremendous job.

I want to thank the chairman of the full committee and chairman of the Subcommittee on Health, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. SIMMONS) for creating the environment on our committee that we could talk about these issues and work towards solving them without partisan rancor. I sincerely appreciate the efforts by the majority side on these bills.

I too rise in support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act. I think it goes without saying that if the VA is to provide excellent health care, it must have excellent health facilities. We simply cannot allow our veterans and our VA employees to work and be treated in buildings that are unsafe.

Another such building on the list that you have heard is the Medical Center Building Number 1 in the VA health care system in San Diego, the medical facility used by veterans in all of San Diego and in my congressional district.

This building is in desperate need of seismic corrections, including new exterior bracing enhancements to the existing seismic structures, with an estimated cost of almost $50 million. Not an insignificant sum—but the cost of not doing this project would be much higher in real human lives. The VA has identified more than 60 projects that require seismic fortification.

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We cannot continue to turn our heads away while VA patients and employees are in harm's way.

So I compliment all of those who have worked on this, and I urge my colleagues to support H.R. 1720.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to my good friend and colleague, the gentleman from Florida (Mr. MILLER), and thank him because he was very instrumental in helping us work on the language that provides $45 million for an outpatient clinic in Pensacola. I want to thank him for that outstanding work he did.

Mr. MILLER of Florida. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I do rise today in full support of H.R. 1720, as amended, and thank our full committee chairman, the gentleman from New Jersey (Mr. SMITH) and our Subcommittee on Health chairman, the gentleman from Connecticut (Mr. SIMMONS), whom we have already heard from today, for their leadership and their efforts to bring this bill to authorize major medical construction to final passage today. This is a good bill, Mr. Speaker, truly a bipartisan compromise, as we have already heard, and one that deserves the full support of each and every Member on the House floor.

Mr. Speaker, I represent the first district of Florida, an area of record growth and a high concentration of active duty servicemembers, military retired families, and veterans. This bill, as amended, provides a critical and important first step to providing veterans and the military communities that I serve in northwest Florida with state-of-the-art health care in a new, combined Navy-VA clinic in Pensacola.

In VA's budget submission for the fiscal year 2004, the Pensacola facility is described as "obsolete" and "less than half the required space for the current and future workload." This description does not paint the true picture of a crowded and totally inadequate facility. The time to move forward on a new, combined facility is now. Our bill sets the stage for that progress on behalf of veterans in my district.

I wish to acknowledge the effort of Julie Catellier, the director of the VA Biloxi and Pensacola facilities, and Captain Richard Buck of the Pensacola Naval Hospital for their creative and tenacious work and cooperation to provide a state-of-the-art VA facility and improve the quality of care for our veterans and military families.

A year ago, the director of the VA Gulf Coast Health Care System and the commanding officer of the naval hospital in Pensacola coauthored an innovative DOD-VA joint business plan. The essential groundwork has been laid; and H.R. 1720, as amended, would authorize a $45 million health care facility as a joint venture between DOD and VA.

Mr. Speaker, I urge strongly that my colleagues support this important legislation for not only the veterans in my district, but for others across the Nation.

Ms. BERKLEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Nevada for yielding me this time.

I rise in support of H.R. 1720, the Veterans Health Care Improvement Act. Incorporated in this legislation is a bill to rename the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the "Jesse Brown Department of Veterans Affairs Medical Center."

I am pleased to have introduced this legislation with the ranking member of the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS.) This legislation is supported by the veterans community and all of my colleagues in the Illinois delegation.

The late Honorable Jesse Brown was sworn in by President Clinton as the Secretary of Veterans Affairs on January 22, 1993. Secretary Brown directed the Federal Government's second largest Department, responsible for a nationwide system of health care services, benefits, programs, and national cemeteries for America's more than 26 million veterans. Under Secretary Brown's leadership, the VA expanded benefits for veterans who were prisoners of war or were exposed to agent orange, radiation, or mustard gas. He successfully worked for the enactment of laws authorizing the VA to pay compensation for those with undiagnosed illnesses from the Persian Gulf War. His vision and commitment led to improved technology and redesigned work processes in an effort to reduce the backlog of veterans benefit claims. His leadership led to the first national summit meeting on homeless veterans. Out of the summit, the VA began to award grants to groups that aid the homeless and added homeless programs to medical centers.

Secretary Brown understood the plight of veterans as well as anyone because he was a veteran. He was a Marine who was wounded in combat in 1965 while patrolling in Vietnam. He was a true patriot, giving his best on behalf of his country. His work as executive director of the Disabled American Veterans prepared him for the challenges that he would confront at the VA. And let me add that his education at Chicago City College, Roosevelt University in Chicago, and Catholic University in Washington, D.C. helped to prepare him for his later success in life.

Perhaps Secretary Brown's greatest accomplishments would be that he was a family man, a man of integrity, and a father. The honor that we bestow on him by renaming the VA facility after him is symbolic in nature, but substantive in reality for the lives of the people he touched. He gave the best of himself in service to others. Now we say thank you.

Finally, Mr. Speaker, I want to thank the members of the Committee on Veterans' Affairs for moving this legislation. I personally happen to know several members of Secretary Brown's family, a professor from Roosevelt University, his mother, his sister and brother-in-law, the recently retired superintendent of police in Chicago, Terry Hilliard; and I know that they are all proud of his accomplishments and appreciate this recognition and would want to extend their thanks to the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. HOBSON) and thank him for his work on the medical center, a $90 million authorization that he worked so hard to procure.

Mr. HOBSON. Mr. Speaker, I first want to thank the distinguished chairman and the distinguished subcommittee chairman and ranking member for inclusion of this provision in the bill. This was a bill initially sponsored by me and the gentleman from Texas (Mr. ORTIZ), and we have included his facility. I also should note that it was sponsored by the other two members of the Ohio delegation from Columbus, Ohio, the gentleman from Ohio (Mr. TIBERI) and the gentlewoman from Ohio (Ms. PRYCE).

Mr. Speaker, I rise in strong support of H.R. 1720, which authorizes the Secretary of Veterans Affairs to carry out major medical facility construction projects. I rise not only as a veteran, but as a member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations that helps determine the funding priorities of the Department of Veterans Affairs.

However, no matter which hat I am wearing, I can see clearly that something needs to be done for the ever-increasing veteran population in central Ohio. One provision contained in this very important act will help central Ohio take a huge step toward alleviating serious problems by authorizing construction of a new VA medical facility in Columbus, Ohio. Actually, it is in White Hall, Ohio, which is in my district.

The current Chalmers P. Wylie VA Outpatient Clinic in White Hall, or actually it is in Columbus; the new one will be in White Hall, has a high-quality professional medical staff, but the facility is woefully inadequate for the needs of the area's veterans. Originally, this clinic was to handle 135,000 annual visits; but last year, it saw more than 192,000, fully 42 percent more than intended in the original design, and we do not own the ground, and the lease is up in 10 years.

Over the years, far too many veterans have had to travel up to 3 hours to receive treatment at larger VA medical centers in either Cleveland, Cincinnati, or elsewhere because of the limited medical services offered by the current clinic. The cost to transfer these veterans has reached several million dollars per year.

This bill includes the authority to build a new 260,000 square foot facility on the Defense Supply Center on the White Hall, Ohio, campus, which will house a wide variety of new and expanded services that are not currently offered at the Chalmers P. Wylie facility.

In conclusion, Mr. Speaker, it is vitally important that we move forward with this legislation and subsequently on the new facility in White Hall. I am grateful to the members of the Committee on Veterans' Affairs and this subcommittee, once again, for their expeditious movement of this bill. I urge everyone to support this bill.

Ms. BERKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, let me begin by thanking members of the Committee on Veterans' Affairs, the subcommittee, the ranking member and the chairman, and especially the gentleman from New Jersey (Mr. SMITH), and the ranking member, the gentleman from Illinois (Mr. EVANS), and my colleague, the gentleman from Texas (Mr. RODRIGUEZ). I also want to thank my good friend, the gentleman from Ohio (Mr. HOBSON), who has been a champion for our veterans and their interests, both in Ohio and south Texas and the rest of the Nation.

Finding a way to get inpatient health care services for our veterans in south Texas has been a long journey, and it is a labor of love for all involved. We first began this journey 21 years ago.

We know the debt we owe our veterans today. The soldiers we send forth in today's war on terrorism are tomorrow's veterans. As liberty must be defended, the population of veterans in the United States and south Texas will continue to grow.

I have worked with the Department of Veterans Affairs for a long time to bring improved services to the long-ignored population of veterans living in the tip of Texas. The VA has responded with their approach through the CARES program. It is long overdue for the VA to look seriously at the long-term needs and service delivery for the population they serve. Can my colleagues imagine, those who served the military from the Second World War, the Korean War, and the Vietnam War, they have to travel all the way to San Antonio, a journey of about anywhere from 2½ to 7 hours. Some of them are bedridden. There is no ambulance service. We are working on that. But thanks to the support that the VA has given me and the other Members who have needs in their districts, we really thank them for all the help that they have given us.

There are presently no inpatient services in this market, other than a limited contract in the Lower Rio Grande Valley, and limited access to specialty care patients. Patients must now travel a long, long journey. Opportunities exist to reduce this gap by working with DOD in Corpus Christi, as well as the University of Texas Regional Health Care Academic Center in Harlingen. Two submarkets were identified: Coastal Bend, Corpus Christi and surrounding area, and Rio Grande Valley, including Brownsville, Harlingen and surrounding areas, because transportation between these areas is difficult, involving secondary roads which take considerable travel time. It was an area that we had no interstate highways, no freeways until the last 10, 12 years. So to travel to get to the facility was long and hard.

So I want to thank again the subcommittee and the full committee for addressing this need and for working with us. Again, I thank my good friend, the gentleman from Ohio (Mr. HOBSON), so much for the help he gave me on this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Colorado (Mr. HEFLEY), who is the author of H.R. 116, which is included as section 4 of this bill, which authorizes a $300 million Fitzsimons Hospital System, along with the gentleman from Colorado (Mr. BEAUPREZ), who is the chief cosponsor.

Mr. HEFLEY. Mr. Speaker, I appreciate the gentleman yielding me this time.

I rise today in complete support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act, which is a 2-year authorization bill that will authorize the Secretary of Veterans Affairs to carry out major medical facility construction projects to improve, renovate, replace, and update our established patient care facilities within the Department of Veterans Affairs.

Certainly it is not before it is needed. If my colleagues have visited many of these facilities, as our chairman has, they would know how badly this updating and renovation is needed. I want to thank the chairman particularly. No one could have been more gracious and helpful than he has been to me in my particular part of this bill, and I appreciate that so much. The gentleman is so dedicated to better health care for veterans. The gentleman is the expert in the House of Representatives, and I look to him for guidance on these subjects. He has been just great with this. As a matter of fact, I appreciate the gentleman's whole committee, both Democrats and Republicans. They are trying to get a job done for the veterans, and they are doing an excellent job of it.

Again, I appreciate the gentleman from Colorado (Mr. BEAUPREZ), who is on the committee and is one of my dear friends and colleagues from the State of Colorado and who has been absolutely dedicated to this project as well.

As the gentleman indicated, in addition to authorizing $168 million for fiscal year 2004 and $600 million for fiscal year 2005 for construction of undesignated major projects, H.R. 1720 also authorizes the Secretary of Veterans Affairs to carry out a major medical facility project at the former Fitzsimons Army Medical Center site in Aurora, Colorado. H.R. 1720 would authorize this project to be carried out, using a total of approximately $300 million.

The Veterans Medical Center in Denver and the University of Colorado hospitals have been in a partnership, a next-door partnership since the Second World War. They have shared expensive and specialized medical equipment and facilities, such as surgical suites and imaging equipment and expensive specialty diagnostics and medical treatments; but due to the lack of space and the landlockness of the hospitals there, when the University of Colorado needed to modernize and build on a new site, they went out to the Fitzsimons Army Medical Center and began building in 1995.

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And the university's move will create a state-of-the-art medical campus which, in turn, will develop many of the very best services of in the United States. The Anschutz Cancer Pavilion, which is already open, is among the best institutions in the Nation for all types of cancer treatment and research.

The University of Colorado Health Science Center is well known throughout the country for its organ transplant programs, for instance. Unfortunately, the University's move created an 8-mile separation between the University of Colorado and the old veterans hospital that had been so close before.

This 8-mile separation creates a very real and significant barrier to quality care for veterans who have been working in cooperation all these years, the two hospitals.

A study commissioned by the Veterans Integrated Service Network indicated that high demand for medical services by veterans at the Denver Veterans Medical Center will continue unabated for at least the next 20 years. The cost of maintaining the current Denver Veterans Medical Center, to satisfy minimal accreditation levels until 2020, has been estimated to be $233 million, and estimates to rebuild the facility in 2020 are $377 million in today's dollars.

So if we put this $233 million into it, at the end of this period, this 20-year period, we still have an old facility, and we have put almost as much into it as it would take to build a new facility.

Planning studies have shown that a move of the Denver Veterans Medical

Center to the Fitzsimons campus is the most cost-effective of the reasonably accepted alternatives.

The Denver Veterans Medical Center relocation to the Fitzsimons campus will solve aging facilities issues, cap new facilities cost, enhance quality of medical care, increase flexibility and reduce operational costs. Veterans who have highly specialized medical needs must have easy access to the best diagnostic and treatment programs that America provides.

In a medical school environment, doctors tend to be better informed of the latest treatment procedures and protocols. They are closer to the cutting edge of modern medicine. Quality of medical care for veterans is enhanced in a medical school teaching hospital. University physicians and special residency programs provide a significant amount of care in the Denver veterans medical center. To date, some 90 percent of the physicians that work at the VA Medical Center also work at the University of Colorado Health Science Center. And most VA doctors have faculty appointments in the medical school.

Colocating the University of Colorado hospital in the Denver Veterans Medical Center will allow university doctors to continue their close relationship in treating veterans.

Mr. Speaker, let me just summarize real quickly. This is an opportunity that you do not get very often, to have a medical campus which is, in essence, right in the middle of a metropolitan area like Denver, Colorado. If it was not for the closing of Fitzsimons Hospital, which we all hated at the time, this would never have come about. But right here, in the middle of this metropolitan area, you will have the one of the finest, state-of-the-art, cutting edge health medical facilities in the whole United States. It is going to mean cutting edge, quality care for veterans. The gentleman from New Jersey (Mr. SMITH) can take a lot of credit when this comes about.

The new VA Medical Center at Fitzsimons site will be veteran-friendly and will provide a practicable alternative to the Denver Veterans Medical Center remaining at its current, outdated facility.

The new Veterans Medical Center at Fitzsimons will be a free-standing ambulatory and impatient care federal tower building for veterans, clearly identified as the Veterans Administration Medical Center.

New veterans research facilities will be constructed and there will be a new veterans long-term care unit located next to the new 180-bed State veterans nursing home currently being constructed at the site.

Given the rising demand for veterans health care, and the significant challenges of an aging and increasingly less-efficient Denver Veterans Medical Center facility, my interest and my efforts are aimed at continuing the collaboration between the Denver Veterans Medical Center, University of Colorado Health Sciences Center and University of Colorado Hospital.

I believe that the opportunity to co-locate the Denver Veterans Medical Center with the University of Colorado Health Sciences Center and the University of Colorado Hospital at the Fitzsimons campus will meet the demand for veteran care in this area through 2020 and beyond; provide significant savings in both capital and operational costs for the Department of Veterans Affairs and the taxpayer; continue to meet the Denver Veterans Medical Center commitment to education and research; and potentially create a national model for the future of veterans' care dealing with both a new concept for facilities and collaboration with long-established partners. More importantly, this move will retain veteran "identity" while also providing optimum patient care.

To date, over 45 local, state and national Veterans' Service Organizations and the American Federation of Government Employees, Local 2241, have expressed their support for this proposal.

I believe that co-locating the Denver Vetrans' Medical Cebter with the University of Colorado Hospital will achieve the goals of providing the up-most modern, comprehensive and cost-efficient medical care that we as a nation owe our veterans.

Congress has a duty to provide the best medical care it can to our nation's veterans and we must always strive for the very best health care services it can by utilizing the most cost-effective measures available.

The fact is, aging facilities, lack of funds, and the growing demands on the veterans health system are proving to be daunting obstacles in meeting Congress' responsibilities to our nation's veterans.

However, the possibility for the Denver Veterans Medical Center to move to Fitzsimons and co-locate with University of Colorado Health Sciences Center and University of Colorado Hospital is a unique opportunity to provide solid and constructive solutions to these challenges.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. HEFLEY) again, Mr. Speaker, for the outstanding work that he has done. He has been indefatigable in promoting this project along with the gentleman from Colorado (Mr. BEAUPREZ). And we are very, very grateful on the committee to have that kind of advocacy coming our way on behalf of the veterans.

Mr. Speaker, I would inquire as to our remaining time and ask if the gentlewoman from Nevada (Ms. BERKLEY) might yield some of her time. We have an additional speaker, the gentleman from Colorado (Mr. BEAUPREZ).

The SPEAKER pro tempore (Mr. TERRY). The gentleman from New Jersey (Mr. SMITH) has 30 seconds. The gentlewoman (Ms. BERKLEY) from Nevada has 5 minutes.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be delighted to yield to the gentleman the balance of our time so that all of his members can speak on behalf of this legislation. If I could take 30 seconds to sum up.

Mr. Speaker, the gentleman from California (Mr. FILNER) in his remarks referred to me as the not-so-gentlelady from Nevada. I take great pride in that characterization. I do not think any of us should be gentle when it comes to issues that affect the health care of our veterans.

We owe these veterans, men and women, a tremendous debt of gratitude. We are going to have far more veterans once our war against terrorism is over. I applaud my colleagues on both sides of the aisle for being steadfast on this piece of legislation. We should not rest. And none of us should be able to go back to our districts and look our veterans in the face if we do not deliver for them now.

Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman from Nevada (Ms. BERKLEY) for her gracious yielding.

Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BEAUPREZ). He has been a very strong supporter of this legislation in general, but particularly for Fitzsimons.

Mr. BEAUPREZ. Mr. Speaker, I also am proud to speak today in strong support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act. Many facilities in the VA health care system are run-down, decrepit buildings that are not conducive to providing quality health care to our veterans.

The Denver Veterans Medical Center in Colorado was constructed approximately 50 years ago to provide fairly low-volume inpatient care to our veteran population. In Colorado today, as my distinguished colleague, the gentleman from Colorado (Mr. HEFLEY) just outlined, we have an opportunity to provide health care in a much more efficient manner.

The Denver Veterans Medical Center is in decaying state. It is faced with two main alternatives with regard to this facility. The first alternative is to invest in renovation of this facility and make it capable of handling the medical needs of our current veteran population and the changing needs of that population over the next 20 or so years. After such a renovation, not only would the VA still be left with a 50-year-old building, but as the gentleman from Colorado (Mr. HEFLEY) pointed out, it would also be an orphaned medical center.

The second alternative is to relocate the building to the new Fitzsimons campus. Such a relocation would allow for a modern facility to deliver modern health care on a state-of-the-art medical campus, one that we think will be a standard for the whole Nation.

The VA would be able to take advantage of the University of Colorado partnership which will provide numerous operational efficiencies, as well as access to an extensive staff of doctors, technicians, and specialists.

This legislation would also authorize this critical relocation. The cost to restore the Denver facility far outweighs the cost of constructing a new hospital. It is estimated that the savings in operational efficiencies at Fitzsimons itself will pay for construction of the new hospital. Regardless of where our veterans happen to live, they deserve the best care possible.

Mr. Speaker, I want to compliment the gentleman from New Jersey (Mr. SMITH), the gentleman from Connecticut (Mr. SIMMONS), the gentleman from Colorado (Mr. HEFLEY), my colleague, for bringing this important legislation to the floor.

Again, Mr. Speaker, we believe that the Fitzsimons Veterans Hospital will become a standard for delivering better health care to our veterans for years and years to come.

Mr. Speaker, I am proud to speak today in support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act. During my time serving on the Veterans Affairs Committee I have learned first hand the difficulties and challenges the VA faces in order to provide healthcare to our nations veterans. It is my belief H.R. 1720 is one of many steps we in Congress can take to address the challenges of the VA by authorizing major medical construction for certain VA facilities.

Many facilities in the VA healthcare system are run-down, decrepit buildings that are not conducive to providing quality healthcare to our veterans. It is inconceivable to think the VA system should be expected to handle an increased amount of patients without the proper medical facilities in which to do so. We must remember that before we place increased demands on the VA we must provide the system with the tools to succeed in their mission of quality, timely healthcare.

As military operations continue to be carried out by the United States overseas, we will be creating a new generation of veterans in need of medical services from the VA. As medical costs continue to rise in the United States, many people, unable to afford private medical care will enroll for medical care with the VA. Also, as described by Deputy Secretary Leo Mackay, "the VA's record of achievement in medical care has been so dramatic that we are now confronted with unprecedented demand for our services." The population dynamics that have been taking place in terms of VA enrollment are staggering. We have record levels of enrollment for VA Health Care today. In many parts of the country, those numbers will be leveling off, and slowly decreasing in the years to come. In my home state of Colorado, the enrollment numbers will only continue to rise.

The history of the VA is a unique one, especially when it comes to the medical care of our Nation's veterans. The Denver Veterans Medical Center in Colorado was constructed primarily to provide low-volume inpatient care to our veteran population. Over time, the VA has worked to adapt this center to the ways of modern medicine, and to provide primarily high-volume outpatient care to our veterans. Unfortunately, the costs associated with the necessary renovations are extremely high, and this building is finding little potential for further renovation to address current medical needs with modern medical equipment.

The issues faced by this center are not unique, and are exactly the types of issues that prompted the CARES process to be initiated. In 1999, the General Accounting Office reported that the "VA could enhance veterans' health care benefits if it reduced the level of resources spent on underused or inefficient buildings, and used these resources instead. To provide health care more efficiently." In Colorado today, we have just such an opportunity to provide health care in a much more efficient manner.

Since the construction of this medical center fifty years ago, the VA has established a partnership with the University of Colorado-Health Science Center to enhance the quality of care provided here. I am told that approximately 90 percent of the doctors providing care here are University doctors. Most research initiatives carried out in this hospital are carried out with the help of University researchers. Cutting edge medical procedures are carried out at this hospital through collaboration between the VA, and the University of Colorado. After the University's decision to relocate to Fitzsimons was made a few years ago, the 50-year partnership between CU and the VA has begun to erode. The VA is losing access to the fine medical staff from CU that they have relied upon for such a long time.

The University saw the potential to create numerous operational efficiencies in their move to Fitzsimons, and they acted on it. Today, the VA has the potential to benefit from many of these same efficiencies by moving to Fitzsimons, and create other ones through an extended collaboration with the University and the Department of Defense. Congress, through H.R. 1720, should authorize the VA to act on this opportunity in much the same way the University did. This House has already begun the process of action by approving four million dollars in the DoD appropriation, and an additional nine million dollars in the VA/HUD appropriation this year.

The Denver Veterans Medical Center is faced with two main alternatives with regard to their facility. The first alternative is to invest in the renovation of this facility to make it capable of handling the medical needs of our current veteran population, and the changing needs of that population over the next 20 years. After such a renovation, not only would the VA still be left with a 50-year old building, but it would also be an orphaned medical center. The second alternative is to relocate to the new Fitzsimons campus. Such relocation would allow for a modern facility to deliver modern health care in a preferred location. The VA would once again be able to take advantage of the University partnership, which will provide numerous operational efficiencies as well as access to an extensive staff of doctors, technicians, and specialists.

It is my belief that the savings in operational efficiencies of Fitzsimons in itself will pay for the construction of the new hospital. Of greater importance, the quality of care that could be provided to our veterans will be much higher at Fitzsimons.

Construction of a new hospital at Fitzsimons also allows for the ability to build a much needed Spinal Cord Injury center. Such a center is highly desired not only by the veterans in our district, but it would also be well suited for ideal research opportunities with the university. Currently, the closest Spinal Cord Injury center to our region is a great distance away in Albuquerque, New Mexico.

One final reason construction of a new VA hospital at Fitzsimons is a better option, lies in the hospital's potential for cutting-edge enhancements in veteran health care through collaborative research with the university.

As you know, the Department of Defense has recently expressed an interest in joining in the collaborative arrangement already espoused by the University and the VA. The benefits of this arrangement for our active duty and their families currently stationed at Buckley Air Force Base would be profound. Aside from having access to a full spectrum of medical services not available on base, these soldiers and their family will not have to worry about the potential loss in medical care caused by deployments of those who serve in the medical corps. The benefits to the base doctors will also increase significantly, allowing them to experience medical situations not typically found in a military community, while also having quick access to some of the greatest medical resources, references, and research in the country.

Regardless of where our veterans happen to live, they deserve the best care possible. As the House votes on this measure today, I ask that we all keep in mind the long-term planning mission of the VA: "to improve access to, and the quality and cost effectiveness of, veterans health care." This message cannot be forgotten when addressing the needs of our veterans living in rural and outlying network areas.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Colorado (Mr. BEAUPREZ), a good friend, for his statement and for his fine work.

Mr. Speaker, I remind my colleagues we are at a crossroads. We have not done our due diligence in ensuring that sufficient funds were available to renovate, to update, to modernize our aging infrastructure of VA health care and other facilities within the VA, that is to say, those dealing with research and development.

There was a consultants' report as far as back as June of 1998 that suggested we spend 2 to 4 percent on plant replacement value to upkeep these vital facilities. We have not done that. We need to now do some hurry-up-and-catch-up baseball here. This legislation is certainly a step in the right direction. I hope it has the full support of our colleagues.

Mr. TIBERI. Mr. Speaker, I rise today to express my support for H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act. I am pleased that the House of Representatives acted today to approve this important bill.

H.R. 1720 includes language originally included in legislation introduced by my colleague, Congressman DAVID HOBSON, that authorizes the construction of an expanded VA medical facility on the campus of the Defense Supply Center in Columbus, OH.

I have been deeply and personally committed to improving health care for veterans for nearly 20 years, going back to my days as a congressional staffer handling veteran's casework. I know first hand the difficulties our veterans have had receiving the level of care they earned through their service to our country.

Columbus is the 15th largest city in America. Central Ohio, a metropolitan area of 1.2 million people, has over 135,000 veterans who reside here. Yet we have never had a VA hospital, and our clinic has always been too small to provide the services needed for our veterans. As one of the fastest growing areas in the country, we continue to see the number of veterans in central Ohio increase each year.

On the day it opened in 1995, our existing clinic was already too small to meet all the health care needs of our veterans. It was designed to handle 135,000 annual visits. Last year there were 192,000 visits, and this year the clinic is handling 823 visits per day, which will total approximately 205,000 visits in 2003. Furthermore, the current veterans population projection data does not account for veterans of Operation Enduring Freedom, Noble Eagle or Iraqi Freedom. In Ohio alone we have mobilized over 6,000 National Guard and Reserve Forces who are now eligible for health care, as well as the hundreds of thousands of Active Duty soldiers of those operations who will be returning home in the near future. These new veterans will dramatically swell the rolls at our local facilities.

While our local VA officials do the best they can with the resources they have been given, the existing facility is simply too small to meet our current needs, much less the growing needs of the future.

A continued piecemeal approach to veterans' needs both wastes taxpayer dollars, and provides substandard care to the central Ohio men and women who have given so much to our country. The VA spends nearly $3 million a year shipping our veterans around the State, admitting emergency cases to a local hospital, and paying for outpatient specialty care because they lack adequate facilities. Additionally, the current facility is leased, and the lease will expire in just over 10 years. I believe it is not a good use of taxpayer money to invest dollars in a facility the VA will not control over the long term.

I want to tell you about a veteran I know who lives in Pataskala, OH. Mr. Stanley Folk is 78 years old, and is a 60 percent service connected World War II veteran who is forced to travel to the Cincinnati VA hospital twice a month. He gets up at 4:30 a.m. to catch a shuttle down to Cincinnati to get the treatment he needs. He is forced to stay there all day until the shuttle returns him to Columbus. He does not get home until well after 7 p.m. The strain of this trip makes him so tired and ill that he is in bed for several days after to recover. This would be a hardship on anyone, but is doubly so for the elderly and disabled. It is unconscionable that veterans must go through this to get the care they deserve. The sad part is Mr. Folk is not alone. I could go on and on with stories of veterans who have faced similar hardship.

Furthermore, there are many veterans who will not seek emergency care at night and on weekends, because the VAOPC is closed, and they are afraid to go to private hospitals with no prior guarantee the VA will pay the private hospital expense. These veterans have no health insurance and they are afraid they will be stuck with a large bill they cannot pay, so they delay treatment at risk to their health.

I believe the facts clearly show that these facilities and services are desperately needed to meet the health care needs of veterans in central Ohio. I would like to thank Chairman SMITH and Ranking Member EVANS, as well as Subcommittee Chairman SIMMONS and Ranking Member RODRIGUEZ for their hard work on this legislation. My colleagues in the central Ohio delegation, Congressman DAVID HOBSON and Congresswoman DEBORAH PRYCE, as well as Ohio Senators MIKE DEWINE and GEORGE VOINOVICH, also deserve a great deal of credit for their hard work on this issue and steadfast support for the interests of central Ohio's veterans.

Mr. BROWN of South Carolina. Mr. Speaker, Chairman SIMMONS has done a fine job of explaining the bill under consideration. I would like to thank him, Full Committee Chairman SMITH, and my colleagues on the Veterans Affairs Committee for their excellent bipartisan work on this legislation.

We all understand the significant needs of our VA medical facilities across this great Nation. Many Members of this Congress have a VA building in their district that is old and in need of renovation, maintenance, and repair. The practice of medicine requires constant modernization of equipment and facilities, and we need to do our best to ensure that our veterans continue to receive the quality of care that they deserve. Although there are never enough resources for our veterans and their medical centers, this bill will authorize much needed help for those areas most in need.

In addition to the projects authorized in this bill, I think we can all agree that more needs to be done to encourage VA to coordinate with the Defense Department, the academic community, and maybe even the private sector when medical facilities are constructed or renovated. During the consideration of this bill in full committee, I offered an amendment that was adopted without objection. It would require the Secretary of Veterans Affairs to conduct a study to examine the feasibility of coordination by the Department of Veterans Affairs with the Department of Defense's Naval Hospital Charleston and the pending construction of a new university medical center at the Medical University of South Carolina in Charleston, SC.

Our VA Hospital, located in downtown Charleston, was built in 1966. It was a good facility for its time, and the staff there does a great job, but it definitely needs a major facelift. The building is located right next to the Medical University of South Carolina (MUSC), a modern and growing facility that is in the process of a large expansion project. MUSC and the VA work well together in many areas, especially in providing outstanding patient care.

On the old Naval Base, which was closed as a result of the last BRAC, the Naval Hospital Charleston remains a few miles away. The Navy has considerably downsized this facility, which mainly serves military retirees now. It is my understanding that the building may shut down in the future and move to a new, consolidated clinic location at the Naval Weapons Station Charleston. The proposed site would be a single 156,000-square-foot facility valued at greater than $30 million, but there are no plans that I am aware of to coordinate with the VA. It is clear that there is a tremendous opportunity for the VA, DOD and MUSC to work together for the good of our veterans and American taxpayers. I am certain that there are other similar examples throughout the United States.

I feel very strongly that this is the right thing to do for our active military personnel, retirees, and veterans. Earlier this year, we held a hearing on the Presidential Task Force Report, which focused heavily on VA–DOD resource sharing efforts. Both Undersecretaries McKay and Chu acknowledged that more could be done in this area, and Charleston was cited as one of many examples. The VA cannot afford to always go it alone in the future when planning and constructing new medical facilities.

For the sake of our veterans and the men and women who serve them in VA medical facilities, I urge my colleagues to support this bill.

Mr. KIRK. Mr. Speaker, I rise in strong support of the Veterans Health Care Facilities Capital Improvement Act of 2003. Every American knows that the face of health care has changed dramatically over the past decades. This is no less true for military and veterans' health care. This legislation is vital because it will improve, renovate, and update patient care facilities at Department of Veterans Affairs medical centers. More important, this legislation demonstrates the continued support of Congress for our nation's veterans by providing the best health service facilities possible.

My district is home to the North Chicago VA Medical Center. On June 19, 2001, the VA released its Capital Asset Realignment for Enhanced Services (CARES) study. The CARES study developed four options to improve veterans' heath care in the Chicago area, each of which recommended the preservation of services offered at North Chicago. The CARES study also recommended increasing the level the cooperation between North Chicago VA and the Navy's Great Lakes Naval Hospital.

H.R. 1720 will assist the VA in cases where the department enters into resource sharing agreements with the DoD. H.R. 1720 is critical to this mission because the legislation includes a modest adjustment of the definition of what constitutes a "major" construction project. This legislation will raise the threshold for "major" construction projects to $6 million, and thus allow cooperative sharing agreements between the VA and DoD continue moving forward with minor projects without being subjected to burdensome bureaucratic time tables. Avoiding delays and moving forward with capital improvements to VA health care facilities will save valuable resources and time, which will continue the quality of services offered our Nation's active and veteran population.

In the case of the North Chicago VA Medical Center and Great Lakes Naval Hospital, integration of the two medical facilities is practical and urgent. These facilities both sit underutilized and less than a mile away from each other. Combining these two facilities, state of the art, Federal health care center will maximize the use of tax dollars, enhance the training opportunities for young naval medical corps personnel, and, most important, bring the health care we promised our service men and veteran population into the 21st century. Changing the definition of "major" construction may allow the VA to move forward with plans to redesign and construct operating rooms and the emergency room at North Chicago.

I would like to thank the chief sponsor of this bill Representative ROB SIMMONS, and Chairman CHRIS SMITH of the VA Committee for their work and dedication to America's veterans.

Mr. Speaker, H.R. 1720 will allow the VA to continue moving forward by providing our Nation's veterans, and in some cases our active duty personnel, with new improved health care facilities. I urge my colleagues to support this legislation.

Mrs. SUSAN DAVIS of California. Mr. Speaker, I rise today in strong support of H.R. 1720, legislation to provide funding for a project crucial to the veterans' community in the San Diego region.

The Veterans' Affairs Medical Center in La Jolla, California serves one of the largest veterans communities in the nation. Nearly 240,000 retired military personnel in the San Diego area receive treatment from at the La Jolla hospital and nearby VA medical facilities.

I can't stress enough how important it is to ensure these facilities can provide veterans with the treatment they need even at times of disaster.

Just this week, the dedicated medical staff at area VA medical facilities worked hard to care for our veterans—despite the poor air quality and other dangers caused by the horrible wildfires burning in Southern California. It is crucial that they have the resources to continue their important work during such difficult times.

H.R. 1720 will help the VA prepare in case another type of disaster strikes. This legislation provides 50 million dollars to make necessary seismic corrections to the La Jolla VA medical center.

Mr. Speaker, this project will help ensure that both our veterans and the medical staff will be safe if a large earthquake strikes. And it will ensure that the hospital can continue treating our veterans in the aftermath.

I encourage my colleagues to join me in supporting this legislation on behalf of our veterans' community and dedicated VA medical personnel in San Diego.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1720, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1720, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA submitted the following conference report and statement on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–334)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Vision 100—Century of Aviation Reauthorization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Findings.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Federal Aviation Administration operations.
Sec. 104. Funding for aviation programs.
Sec. 105. Agreements for operation of airport facilities.
Sec. 106. Insurance.

Subtitle B—Passenger Facility Fees

Sec. 121. Low-emission airport vehicles and ground support equipment.
Sec. 122. Use of fees to pay debt service.
Sec. 123. Streamlining of the passenger facility fee program.
Sec. 124. Financial management of passenger facility fees.

Subtitle C—AIP Modifications

Sec. 141. Airfield pavement.
Sec. 142. Replacement of baggage conveyor systems.
Sec. 143. Authority to use certain funds for airport security programs and activities.
Sec. 144. Grant assurances.
Sec. 145. Clarification of allowable project costs.
Sec. 146. Apportionments to primary airports.
Sec. 147. Cargo airports.
Sec. 148. Considerations in making discretionary grants.
Sec. 149. Flexible funding for nonprimary airport apportionments.
Sec. 150. Use of apportioned amounts.
Sec. 151. Increase in apportionment for, and flexibility of, noise compatibility planning programs.
Sec. 152. Pilot program for purchase of airport development rights.
Sec. 153. Military airport program.
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Sec. 901. Extension of expenditure authority.
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SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

SEC. 4. FINDINGS.

Congress finds the following:

(1) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.

(2) Past Federal investment in aeronautics research and development has benefited the economy and national security of the United States and the quality of life of its citizens.

(3) The total impact of civil aviation on the United States economy exceeds $900,000,000,000 annually and accounts for 9 percent of the gross national product and 11,000,000 jobs in the national workforce. Civil aviation products and services generate a significant surplus for United States trade accounts, and amount to significant numbers of the Nation's highly skilled, technologically qualified work force.

(4) Aerospace technologies, products, and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.

(5) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and security, aviation system capabilities, aircraft noise, emissions, and fuel consumption.

(6) Revitalization and coordination of the United States efforts to maintain its leadership in aviation and aeronautics are critical and must begin now.

(7) A recent report by the Commission on the Future of the United States Aerospace Industry outlined the scope of the problems confronting the aerospace and aviation industries in the United States and found that—

(A) aerospace will be at the core of the Nation's leadership and strength throughout the 21st century;

(B) aerospace will play an integral role in the Nation's economy, security, and mobility; and

(C) global leadership in aerospace is a national imperative.

(8) Despite the downturn in the global economy, projections of the Federal Aviation Administration indicate that upwards of 1,000,000,000 people will fly annually by 2013. Efforts must begin now to prepare for future growth in the number of airline passengers.

(9) The United States must increase its investment in research and development to revitalize the aviation and aerospace industries, to create jobs, and to provide educational assistance and training to prepare workers in those industries for the future.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) Authorization.—Section 48103 is amended—

(1) by striking "September 30, 1998" and inserting "September 30, 2003"; and

(2) by striking paragraphs (1) through (5) and inserting the following:

"(1) $3,400,000,000 for fiscal year 2004;

"(2) $3,500,000,000 for fiscal year 2005;

"(3) $3,600,000,000 for fiscal year 2006; and

"(4) $3,700,000,000 for fiscal year 2007.".

(b) Obligational Authority.—Section 47104(c) is amended by striking "September 30, 2003" and inserting "September 30, 2007".

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

"(1) $3,138,000,000 for fiscal year 2004;

"(2) $2,993,000,000 for fiscal year 2005;

"(3) $3,053,000,000 for fiscal year 2006; and

"(4) $3,110,000,000 for fiscal year 2007.";

(2) by striking subsections (b), (d), and (e) and redesignating subsection (c) as subsection (b);

(3) by inserting after subsection (b) (as so redesignated) the following:

"(c) Enhanced Safety and Security for Aircraft Operations in the Gulf of Mexico.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

"(d) Operational Benefits of Wake Vortex Advisory System.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used for the development and analysis of wake vortex advisory systems.

"(e) Ground-Based Precision Navigational Aids.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 to 2007 may be used to establish a program for the installation of a precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and other such approach aids and is certified or approved by the Administrator.";

(4) in subsection (f)—

(A) by striking "for fiscal years beginning after September 30, 2000"; and

(B) by inserting "may be used" after "necessary"; and

(5) by adding at the end the following:

"(h) Standby Power Efficiency Program.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2004 through 2007 may be used by the Secretary of Transportation, in cooperation with the Secretary of Energy and, where applicable, the Secretary of Defense, to establish a program to improve the efficiency, cost effectiveness, and environmental performance of standby power systems at Federal Aviation Administration sites, including the implementation of fuel cell technology.

"(i) Pilot Program To Provide Incentives for Development of New Technologies.—Of amounts appropriated under subsection (a), $500,000 for fiscal year 2004 may be used for the conduct of a pilot program to provide operating incentives to users of the airspace for the deployment of new technologies, including technologies to facilitate expedited flight routing and sequencing of takeoffs and landings.".

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) In General.—Section 106(k)(1) is amended to read as follows:

"(1) Salaries, Operations, and Maintenance.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

"(A) $7,591,000,000 for fiscal year 2004;

"(B) $7,732,000,000 for fiscal year 2005;

"(C) $7,889,000,000 for fiscal year 2006; and

"(D) $8,064,000,000 for fiscal year 2007.

Such sums shall remain available until expended.".

(b) Authorized Expenditures.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A) and (B) and subparagraphs (F) through (I);

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C), respectively;

(3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking "fiscal years 2000 through 2003" and inserting "fiscal years 2004 through 2007"; and

(4) by adding after subparagraph (C) (as so redesignated) the following:

"(D) Such sums as may be necessary for fiscal years 2004 through 2007 for the Center for Management Development of the Federal Aviation Administration to operate training courses and to support associated student travel for both residential and field courses.

"(E) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out and expand the Air Traffic Control Collegiate Training Initiative.

"(F) Such sums as may be necessary for fiscal years 2004 through 2007 for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

"(G) Such sums as may be necessary for fiscal years 2004 through 2007 to carry out the Aviation Safety Reporting System.".

(c) Airline Data and Analysis.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004, $4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather aviation data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

SEC. 104. FUNDING FOR AVIATION PROGRAMS.

(a) In General.—Chapter 481 is further amended by adding at the end the following:

"§48114. Funding for aviation programs

"(a) Authorization of Appropriations.—

"(1) Airport and Airway Trust Fund Guarantee.—

"(A) In general.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2007 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

"(B) Guarantee.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

"(2) Additional Authorizations of Appropriations from the General Fund.—In any fiscal year through fiscal year 2007, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

"(b) Definitions.—In this section, the following definitions apply:

"(1) Total Budget Resources.—The term 'total budget resources' means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this title and for which appropriations are provided pursuant to authorizations contained in this title:

"(A) 69–8106–0–7–402 (Grants in Aid for Airports).

"(B) 69–8107–0–7–402 (Facilities and Equipment).

"(C) 69–8108–0–7–402 (Research and Development).

"(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

"(2) Level of Receipts Plus Interest.—The term 'level of receipts plus interest' means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

"(c) Enforcement of Guarantees.—

"(1) Total Airport and Airway Trust Fund Funding.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

"(2) Capital Priority.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2007 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.".

(b) Conforming Amendment.—The analysis for chapter 481 is amended by adding at the end the following:

"48114. Funding for aviation programs.".

(c) Repeal.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) and the item relating to such section in the table of contenets in section 1(b) of such Act are repealed.

SEC. 105. AGREEMENTS FOR OPERATION OF AIRPORT FACILITIES.

Section 47124 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Government Relief From Liability.—The Secretary of Transportation shall ensure that an agreement under this subchapter with a qualified entity (as determined by the Secretary), State, or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport facility relieves the United

States Government from any liability arising out of, or related to, acts or omissions of employees of the entity, State, or subdivision in operating the airport facility.";

(2) by striking subsection (b)(2) and inserting the following:

"(2) The Secretary may make a contract with a qualified entity (as determined by the Secretary) or, on a sole source basis, with a State or a political subdivision of a State to allow the entity, State, or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the entity, State, or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the entity, State, or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.";

(3) in subsection (b)(3)—

(A) in the paragraph heading by striking "PILOT";

(B) by striking "pilot" each place it appears; and

(C) in subparagraph (E) by striking "$6,000,000 per fiscal year" and inserting "$6,500,000 for fiscal 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007"; and

(4) in subsection (b)(4)(C) by striking "$1,100,000." and inserting "$1,500,000.".

SEC. 106. INSURANCE.

(a) AIRCRAFT MANUFACTURERS.—

(1) IN GENERAL.—Section 44302 is amended by adding at the end the following:

"(g) AIRCRAFT MANUFACTURERS.—

"(1) IN GENERAL.—The Secretary may provide to an aircraft manufacturer insurance for loss or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.

"(2) AMOUNT.—Insurance provided by the Secretary under this subsection shall be for loss or damage in excess of the greater of the amount of available primary insurance or $50,000,000.

"(3) TERMS AND CONDITIONS.—Insurance provided by the Secretary under this subsection shall be subject to the terms and conditions set forth in this chapter and such other terms and conditions as the Secretary may prescribe.".

(2) DEFINITION OF AIRCRAFT MANUFACTURER.—Section 44301 is amended—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'aircraft manufacturer' means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.".

(3) COVERAGE.—Section 44303(a) is amended—

(A) in the subsection heading by striking "IN GENERAL" and inserting "IN GENERAL"; and

(B) by adding at the end the following:

"(6) loss or damage of an aircraft manufacturer resulting from operation of an aircraft by an air carrier and involving war or terrorism.".

(b) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD-PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—Section 44303(b) is amended by adding at the end the following: "The Secretary may extend the provisions of this subsection to an aircraft manufacturer (as defined in section 44301) of the aircraft of the air carrier involved.".

(c) PREMIUMS AND LIMITATIONS ON COVERAGE AND CLAIMS.—Section 44306(b) is amended by striking "air" and inserting "insurance".

(d) ENDING EFFECTIVE DATE.—Section 44310 is amended by striking "December 31, 2004" and inserting "March 30, 2008".

(e) TECHNICAL CORRECTION.—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking "to carry out foreign policy" and inserting "to carry out the foreign policy".

Subtitle B—Passenger Facility Fees

SEC. 121. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) IN GENERAL.—Section 40117(a)(3) is amended by inserting at the end the following:

"(G) A project for converting vehicles and ground support equipment used at a commercial service airport to low-emission technology (as defined in section 47102) or to use cleaner burning conventional fuels, retrofitting of any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology or use cleaner burning fuels if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.".

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—Section 40117(b) is amended by adding at the end the following:

"(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to a vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.".

(c) GROUND SUPPORT EQUIPMENT DEFINED.—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) GROUND SUPPORT EQUIPMENT.—The term 'ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.".

(d) GUIDANCE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance determining eligibility of projects, and how benefits to air quality must be demonstrated, under the amendments made by this section.

SEC. 122. USE OF FEES TO PAY DEBT SERVICE.

Sections 40117(b) is further amended by adding at the end the following:

"(6) DEBT SERVICE FOR CERTAIN PROJECTS.—In addition to the uses specified in paragraphs (1) and (4), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) to be used for making payments for debt service on indebtedness incurred to carry out at the airport a project that is not an eligible airport-related project if the Secretary determines that such use is necessary due to the financial need of the airport.".

SEC. 123. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) APPLICATION REQUIREMENTS.—Section 40117(c) is amended—

(1) by adding at the end of paragraph (2) the following:

"(E) The agency must include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

"(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.";

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

"(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

"(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies that may be affected. The public notice may include—

"(i) publication in local newspapers of general circulation;

"(ii) publication in other local media; and

"(iii) posting the notice on the agency's Internet website.

"(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

"(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B)."; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking "shall" and inserting "may".

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117 is amended by adding at the end the following:

"(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

"(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

"(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. The notice shall include—

"(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

"(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

"(C) the level of the passenger facility fee that is proposed.

"(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

"(5) AUTHORITY TO IMPOSE FEE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

"(6) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

"(7) SUNSET.—This subsection shall cease to be effective beginning on the date that is 3 years after the date of issuance of regulations to carry out this subsection.

"(8) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order issued by the Secretary for purposes of section 46110.".

(c) CLARIFICATION OF APPLICABILITY OF PFC'S TO MILITARY CHARTERS.—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking "and" at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(4) by adding after subparagraph (E) the following:

"(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.".

(d) TECHNICAL AMENDMENTS.—Section 40117(a)(3)(C) is amended—

(1) by striking "for costs" and inserting "A project for costs"; and

(2) by striking the semicolon and inserting a period.

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration, consistent with current law, with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

SEC. 124. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.

Section 40117 is further amended by adding at the end the following:

"(m) FINANCIAL MANAGEMENT OF FEES.—

"(1) HANDLING OF FEES.—A covered air carrier shall segregate in a separate account passenger facility revenue equal to the average monthly liability for fees collected under this section by such carrier or any of its agents for the benefit of the eligible agencies entitled to such revenue.

"(2) TRUST FUND STATUS.—If a covered air carrier or its agent fails to segregate passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

"(3) PROHIBITION.—A covered air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

"(4) COMPENSATION TO ELIGIBLE ENTITIES.—A covered air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

"(5) INTEREST ON AMOUNTS.—A covered air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts if the accounts are established and maintained in compliance with this subsection.

"(6) EXISTING REGULATIONS.—The provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall not apply to a covered air carrier.

"(7) COVERED AIR CARRIER DEFINED.—In this section, the term 'covered air carrier' means an air carrier that files for chapter 7 or chapter 11 of title 11 bankruptcy protection, or has an involuntary chapter 7 of title 11 bankruptcy proceeding commenced against it, after the date of enactment of this subsection.".

Subtitle C—AIP Modifications

SEC. 141. AIRFIELD PAVEMENT.

Section 47102(3)(H) is amended by inserting "nonhub airports and" before "airports that are not primary airports".

SEC. 142. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: "; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.".

SEC. 143. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

Section 308 of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 44901 note; 110 Stat. 3253), and the item relating to such section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 144. GRANT ASSURANCES.

(a) STATUTE OF LIMITATIONS..—Section 47107(l)(5)(A) is amended by inserting "or any other governmental entity" after "sponsor".

(b) AUDIT CERTIFICATION.—Section 47107(m) is amended—

(1) in paragraph (1) by striking "promulgate regulations that" and inserting "include a provision in the compliance supplement provisions to";

(2) in paragraph (1) by striking "and opinion of the review"; and

(3) by striking paragraph (3).

SEC. 145. CLARIFICATION OF ALLOWABLE PROJECT COSTS.

Section 47110(b)(1) is amended by inserting before the semicolon at the end "and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type".

SEC. 146. APPORTIONMENTS TO PRIMARY AIRPORTS.

(a) IN GENERAL.—Section 47114(c)(1) is amended by adding at the end the following:

"(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

"(i) the passenger boardings at the airport were below 10,000 in calendar year 2002 or 2003;

"(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

"(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.".

(b) SPECIAL RULE FOR TRANSITIONING AIRPORTS.—Section 47114(f)(3) is amended—

(1) in the paragraph heading by striking "AIRORTS" and inserting "AIRPORTS"; and

(2) in subparagraph (B) by striking "fiscal years 2000 through 2003" and inserting "fiscal year 2004".

SEC. 147. CARGO AIRPORTS.

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking "ONLY"; and

(2) in subparagraph (A) by striking "3 percent" and inserting "3.5 percent".

SEC. 148. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.

Section 47115(d) is amended to read as follows:

"(d) CONSIDERATIONS.—

"(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

"(A) the effect that the project will have on overall national transportation system capacity;

"(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

"(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

"(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B);

"(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out; and

"(F) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport.

"(2) FOR ALL PROJECTS.—In selecting a project for a grant under this section, the Secretary shall consider among other factors whether—

"(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

"(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.".

SEC. 149. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) PROJECT GRANT AGREEMENTS.—Section 47108(a) is amended by inserting "or 47114(d)(3)(A)" after "under section 47114(c)".

(b) ALLOWABLE PROJECT COSTS.—Section 47110 is amended—

(1) in subsection (b)(2)(C) by striking "of this title" and inserting "or section 47114(d)(3)(A)";

(2) in subsection (g)—

(A) by inserting "or section 47114(d)(3)(A)" after "of section 47114(c)"; and

(B) by striking "of project" and inserting "of the project"; and

(3) by adding at the end the following:

"(h) NONPRIMARY AIRPORTS.—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.".

(c) WAIVER.—Section 47117(c)(2) is amended to read as follows:

"(2) Waiver.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.".

(d) Terminal Development Costs.—Section 47119(b) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or"; and

(3) by adding at the end the following:

"(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).".

SEC. 150. USE OF APPORTIONED AMOUNTS.

The first sentence of section 47117(b) is amended by striking "primary airport" and all that follows through "calendar year" and inserting "nonhub airport or any airport that is not a commercial service airport".

SEC. 151. INCREASE IN APPORTIONMENT FOR, AND FLEXIBILITY OF, NOISE COMPATIBILITY PLANNING PROGRAMS.

Section 47117(e)(1)(A) is amended—

(1) by striking "At least 34 percent" and inserting "At least 35 percent";

(2) by striking "of this title and" and inserting a comma;

(3) by striking "of this title." and inserting ", for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47141, and for airport development described in section 47102(3)(F), 47102(3)(K), or 47102(3)(L) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)."; and

(4) by striking "34 percent requirement" and inserting "35 percent requirement".

SEC. 152. PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

(a) In General.—Subchapter I of chapter 471 is amended by adding at the end the following:

"§47138. Pilot program for purchase of airport development rights

"(a) In General.—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

"(b) Grant Requirements.—

"(1) In general.—The Secretary may not make a grant under subsection (a) unless the grant is made—

"(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

"(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

"(2) Matching requirement.—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

"(c) Grant Standards.—The Secretary shall prescribe standards for grants under subsection (a), including—

"(1) grant application and approval procedures; and

"(2) requirements for the content of the instrument recording the purchase of the development rights.

"(d) Release of Purchased Rights and Covenant.—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

"(e) Limitation.—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.".

(b) Conforming Amendment.—The analysis for chapter 471 is amended by inserting after the item relating to section 47137 the following:

"47138. Pilot program for purchase of airport development rights.".

SEC. 153. MILITARY AIRPORT PROGRAM.

Section 47118 is amended—

(1) in subsection (e) by striking "Not more than $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available" and inserting "From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available";

(2) in subsection (f) by striking "Not more than a total of $7,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for fiscal years beginning after September 30, 1992, is available" and inserting the following:

"(1) Construction.—From amounts the Secretary distributes to an airport under section 47115, $10,000,000 for each of fiscal years 2004 and 2005, and $7,000,000 for each fiscal year thereafter, is available"; and

(3) by adding at the end of subsection (f) the following:

"(2) Reimbursement.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47115 or 47117(e)(1)(B), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).".

SEC. 154. AIRPORT SAFETY DATA COLLECTION.

Section 47130 is amended to read as follows:

"§47130. Airport safety data collection

"Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.".

SEC. 155. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) In General.—Section 47134(b)(1) is amended—

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

"(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

"(ii) in the case of a nonprimary airport, by the Secretary after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) Objection to exemption.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.".

(b) Effective Date.—The amendments made by subsection (a) shall not affect any application submitted before the date of enactment of this Act.

SEC. 156. INNOVATIVE FINANCING TECHNIQUES.

The first sentence of section 47135(a) is amended by inserting after "approve" the following: ", after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act,".

SEC. 157. AIRPORT SECURITY PROGRAM.

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) Administration.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.".

SEC. 158. EMISSION CREDITS FOR AIR QUALITY PROJECTS.

(a) Emissions Credit.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47139. Emission credits for air quality projects

"(a) In General.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors receive appropriate emission reduction credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(F), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following conditions:

"(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

"(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

"(3) Credits are calculated and provided to airports on a consistent basis nationwide.

"(4) Credits are provided to airport sponsors in a timely manner.

"(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

"(b) Assurance of Receipt of Credits.—As a condition for making a grant for a project described in section 47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a

Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

"(c) PREVIOUSLY APPROVED PROJECTS.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).

"(d) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is further amended by inserting after the item relating to section 47138 the following:

"47139. Emission credits for air quality projects.".

SEC. 159. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47140. Airport ground support equipment emissions retrofit pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

"(d) MAXIMUM AMOUNT.—Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

"(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

"(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term 'eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is further amended by inserting after the item relating to section 47139 the following:

"47140. Airport ground support equipment emissions retrofit pilot program.".

(b) ACTIVITIES ADDED TO DEFINITION OF AIRPORT DEVELOPMENT.—

(1) IN GENERAL.—Section 47102(3) is amended—

(A) by striking subparagraphs (J), (K), and (L) and redesignating subparagraph (M) as subparagraph (J); and

(B) by adding at the end the following:

"(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47139.

"(L) a project for the acquisition or conversion of vehicles and ground support equipment, owned by a commercial service airport, to low-emission technology, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139.".

(2) GUIDANCE.—

(A) ELIGIBLE LOW-EMISSION MODIFICATIONS AND IMPROVEMENTS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission modifications and improvements, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(K) of title 49, United States Code, as added by this subsection.

(B) ELIGIBLE LOW-EMISSION VEHICLE TECHNOLOGY.—The Secretary, in consultation with the Administrator, shall issue guidance describing eligible low-emission vehicle technology, and stating how airport sponsors will demonstrate benefits, under section 47102(3)(L) of title 49, United States Code, as added by this subsection.

(c) ALLOWABLE PROJECT COST.—Section 47110(b) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) if the cost is for a project not described in section 47102(3) for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that include low-emission technology, but only to the extent of the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary.".

(d) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 801 of this Act) is further amended by inserting after paragraph (10) the following:

"(11) 'low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially nonpetroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.".

SEC. 160. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47141. Compatible land use planning and projects by State and local governments

"(a) IN GENERAL.—The Secretary of Transportation may make grants, from amounts set aside under section 47117(e)(1)(A), to States and units of local government for development and implementation of land use compatibility plans and implementation of land use compatibility projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations. The Secretary may make a grant under this section for a land use compatibility plan or a project resulting from such plan only if—

"(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the preceding 10 years; and

"(2) the land use plan or project meets the requirements of this section.

"(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

"(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

"(2) enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively; and

"(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

"(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be made under this section for a land use plan or a project resulting from such plan to provide—

"(1) assurances satisfactory to the Secretary that the plan—

"(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

"(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

"(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

"(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

"(E) has been approved jointly by the airport owner or operator and the State or unit of local government; and

"(2) such other assurances as the Secretary determines to be necessary to carry out this section.

"(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require a State or unit of local government to which a grant may be made under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

"(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a project resulting from a land use compatibility plan only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, the State or unit of local government has provided the assurances required by this section, the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with applicable Federal Aviation Administration standards.

"(f) SUNSET.—This section shall not be in effect after September 30, 2007.".

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

"47141. Compatible land use planning and projects by State and local governments.".

SEC. 161. TEMPORARY INCREASE IN GOVERNMENT SHARE OF CERTAIN AIP PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs for a grant made in each of fiscal years 2004 through 2007 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 162. SHARE OF AIRPORT PROJECT COSTS.

(a) IN GENERAL.—Section 47109 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) GRANDFATHER RULE.—

"(1) IN GENERAL.—In the case of any project approved after September 30, 2003, at a small hub airport or nonhub airport that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if—

"(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

"(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project.

"(2) LIMITATION.—The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).".

(b) CONFORMING AMENDMENT.—Subsection (a) of section 47109 is amended by striking "Except as provided in subsection (b)" and inserting "Except as provided in subsection (b) or subsection (c)".

SEC. 163. FEDERAL SHARE FOR PRIVATE OWNERSHIP OF AIRPORTS.

Section 47109(a)(4) is amended by striking "40 percent" and inserting "70 percent".

SEC. 164. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: ", including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program".

SEC. 165. HANGAR CONSTRUCTION GRANT ASSURANCE.

Section 47107(a) is amended—

(1) by striking "and" at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting "; and"; and

(3) by adding at the end the following:

"(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.".

SEC. 166. TERMINAL DEVELOPMENT COSTS.

Section 47119(a) is amended to read as follows:

"(a) REPAYING BORROWED MONEY.—

"(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

"(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

"(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

"(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

"(B) that is a designated airport under section 47118 in fiscal year 2003; and

"(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

"(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

"(A) the sponsor submits the certification required under section 47110(d);

"(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

"(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 1 year beginning on the date the grant is used to repay the borrowed money.

"(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).".

Subtitle D—Miscellaneous

SEC. 181. DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§ 47142. Design-build contracting

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

"(1) the Administrator approves the application using criteria established by the Administrator;

"(2) the design-build contract is in a form that is approved by the Administrator;

"(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

"(4) use of a design-build contract will be cost effective and expedite the project;

"(5) the Administrator is satisfied that there will be no conflict of interest; and

"(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

"(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

"(c) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term 'design-build contract' means an agreement that provides for both design and construction of a project by a contractor.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 is further amended by inserting after the item relating to section 47141 the following:

"47142. Design-build contracting.".

SEC. 182. PILOT PROGRAM FOR INNOVATIVE FINANCING OF AIR TRAFFIC CONTROL EQUIPMENT.

(a) IN GENERAL.—In order to test the cost effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending, subject to section 1341 of title 31, United States Code, a contract for more than one, but not more than 20, fiscal years to purchase and install air traffic control equipment for the Administration. Such amendments may be for more than one, but not more than 10, fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost effectiveness.

(f) Funding.—Out of amounts appropriated under section 48101 for fiscal year 2004, such sums as may be necessary shall be available to carry out this section.

SEC. 183. COST SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) In General.—Chapter 445 is amended by adding at the end the following:

"§44517. Program to permit cost sharing of air traffic modernization projects

"(a) In General.—Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation's air transportation system by encouraging non-Federal investment in critical air traffic control equipment and software.

"(b) Federal Share.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117.

"(c) Limitation on Grant Amounts.—No eligible project may receive more than $5,000,000 in Federal funds under the program.

"(d) Funding.—The Secretary shall use amounts appropriated under section 48101(a) to carry out the program.

"(e) Definitions.—In this section, the following definitions apply:

"(1) Eligible Project.—The term 'eligible project' means a project to purchase equipment or software relating to the Nation's air traffic control system that is certified or approved by the Administrator of the Federal Aviation Administration and that promotes safety, efficiency, or mobility. Such projects may include—

"(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landing systems, weather and wind shear detection equipment, and lighting improvements;

"(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

"(C) equipment and software that enhance airspace control procedures or assist in en route surveillance, including oceanic and offshore flight tracking.

"(2) Project Sponsor.—The term 'project sponsor' means any major user of the national airspace system, as determined by the Secretary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

"(f) Transfers of Equipment.—Notwithstanding any other provision of law, and upon agreement by the Administrator, a project sponsor may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, or automation tools, the purchase of which was assisted by a grant made under this section, if such facilities, equipment or tools meet Federal Aviation Administration operation and maintenance criteria.

"(g) Guidelines.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.".

(b) Conforming Amendment.—The analysis for chapter 445 is amended by adding at the end the following:

"44517. Program to permit cost sharing of air traffic modernization projects.".

SEC. 184. FACILITIES AND EQUIPMENT REPORTS.

(a) Biannual Reports.—Beginning 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months that describes—

(1) the 10 largest programs funded under section 48101(a) of title 49, United States Code;

(2) any changes in the budget for such programs;

(3) the program schedule; and

(4) technical risks associated with the programs.

(b) Sunset Provision.—This section shall cease to be effective beginning on the date that is 4 years after the date of enactment of this Act.

SEC. 185. CIVIL PENALTY FOR PERMANENT CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) In General.—Chapter 463 is amended by adding at the end the following:

"§46319. Permanent closure of an airport without providing sufficient notice

"(a) Prohibition.—A public agency (as defined in section 47102) may not permanently close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

"(b) Publication of Notice.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

"(c) Civil Penalty.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.".

(b) Conforming Amendment.—The analysis for chapter 463 is amended by adding at the end the following:

"46319. Permanent closure of an airport without providing sufficient notice.".

SEC. 186. MIDWAY ISLAND AIRPORT.

(a) Findings.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) Memorandum of Understanding on Sale of Aircraft Fuel.—The Secretaries of Transportation, Defense, Interior, and Homeland Security shall enter into a memorandum of understanding to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) Transfer of Navigation Aids at Midway Island Airport.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) Funding to Secretary of the Interior for Midway Island Airport.—The Secretary of Transportation may enter into a reimbursable agreement with the Secretary of the Interior for the purpose of funding airport development, as defined in section 47102(3) of title 49, United States Code, at Midway Island Airport for fiscal years ending before October 1, 2007, from amounts available in the discretionary fund established by section 47115 of such title. The maximum obligation under the agreement for any such fiscal year shall be $2,500,000.

SEC. 187. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking "and" at the end of clause (i);

(2) by adding "and" at the end of clause (ii); and

(3) by adding at the end the following:

"(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;".

SEC. 188. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115 is amended by adding at the end the following:

"(j) Marshall Islands, Micronesia, and Palau.—For fiscal years 2004 through 2007, the sponsors of airports located in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau shall be eligible for grants under this section and section 47116.".

SEC. 189. LIMITATION ON APPROVAL OF CERTAIN PROGRAMS.

Section 47504(b) is amended by adding at the end the following:

"(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 for mitigation of aircraft noise less than 65 DNL.".

SEC. 190. CONVEYANCE OF AIRPORT.

(a) Offer of Conveyance.—Subject to the requirements of this section, the Chaluka Corporation is hereby offered ownership of the surface estate in the former Nikolski Radio Relay Site on Umnak Island, Alaska, and the Aleut Corporation is hereby offered the subsurface estate of that Site, in exchange for relinquishment by the Chaluka Corporation and the Aleut Corporation of Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(b) Acceptance and Relinquishment.—

(1) In general.—The Secretary of the Interior shall convey the land as provided in subsection (c) if the Chaluka Corporation and the Aleut Corporation take the actions specified in paragraphs (2) and (3), respectively.

(2) Chaluka corporation.—As a condition for conveyance under subsection (c), the Chaluka Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, the Chaluka Corporation—

(A) accepts the offer under subsection (a);

(B) confirms that the area surveyed by the Bureau of Land Management for the purpose of fulfilling the Chaluka Corporation's final entitlements under sections 12(a) and 12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a) and (b)), identified as Group Survey Number 773, accurately represents the Chaluka Corporation's final, irrevocable Alaska Native Claims Settlement Act priorities and entitlements unless any tract in Group Survey Number 773 is ultimately not conveyed as the result of an appeal; and

(C) relinquishes Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska, which will be charged against the Chaluka Corporation's final entitlement under section

12(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(b)).

(3) ALEUT CORPORATION.—As a condition for the conveyance under subsection (c), the Aleut Corporation shall notify the Secretary of the Interior within 180 days after the date of enactment of this Act that, by means of a legally binding resolution of the Board of Directors, accompanied by the written legal opinion of counsel as to the legal sufficiency of the Board of Directors' action, the Aleut Corporation—

(A) accepts the offer under subsection (a); and

(B) relinquishes all rights to Lot 1, Section 14, Township 81 South, Range 133 West, Seward Meridian, Alaska.

(c) REQUIREMENT TO CONVEY.—

(1) CONVEYANCE.—Notwithstanding the existence of Public Land Order 2374, upon receipt from the Chaluka Corporation and from the Aleut Corporation of their acceptances made in accordance with the requirements of subsections (b)(2) and (b)(3), respectively, of the offer under subsection (a), the Secretary of the Interior shall convey to the Chaluka Corporation the surface estate, and to the Aleut Corporation the subsurface estate, of—

(A) Phase I lands as soon as practicable; and

(B) each parcel of Phase II lands upon completion of environmental restoration of Phase II lands in accordance with applicable law.

(2) PHASE I LIABILITY LIMIT.—Notwithstanding section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607), neither the Chaluka Corporation nor the Aleut Corporation shall be subject to any liability for—

(A) the presence or release of a hazardous substance, as that term is defined by section 101(14) of that Act (16 U.S.C. 9601(14)), on Phase I lands or the presence of solid waste on Phase I lands, which predates conveyance of those lands to the Chaluka Corporation and the Aleut Corporation pursuant to this section; or

(B) any release, from any of the hazardous substances or solid wastes referred to in subparagraph (A), following conveyance of Phase I lands under this section, so long as the presence of or releases from those hazardous substances or solid wastes are not the result of actions by the Chaluka Corporation or the Aleut Corporation.

(3) CONTINUED ACCESS OVER HILL AND BEACH STREETS.—The surface estate conveyed under paragraph (1) shall be subject to the public's right of access over Hill and Beach Streets, located on Tract B of United States Survey 4904.

(d) TREATMENT AS ANCSA LANDS.—Conveyances made under subsection (c) shall be considered to be conveyances under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and are subject to the provisions of that Act except sections 14(c)(3), 14(c)(4), and 17(b)(3) (43 U.S.C. 1613(c)(3), 1613(c)(4), and 1616(b)(3)).

(e) AUTHORITY TO CONVEY CERTAIN OTHER LANDS.—The Secretary of the Interior shall at no cost to the recipient convey ownership of—

(1) an estate in fee simple in—

(A) each of Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904 that is the subject of an Aleutian Housing Authority mutual help occupancy agreement, to the Aleutian Housing Authority; and

(B) the remainder of such Lots to the current occupants; and

(2) an estate in fee simple in the Nikolski powerhouse land, to—

(A) the Indian Reorganization Act Tribal Government for the Native Village of Nikolski, upon completion of the environmental restoration described in subsection (f), if after the restoration the powerhouse continues to be located on the Nikolski powerhouse land; or

(B) the surface estate to the Chaluka Corporation and the subsurface estate to the Aleut Corporation, if after the restoration, the Nikolski powerhouse is no longer located on the Nikolski powerhouse land.

(f) RESTORATION OF POWERHOUSE LAND.—The Denali Commission, in consultation with the appropriate agency of the State of Alaska, is authorized to arrange for environmental restoration, in accordance with applicable law, of the areas on, beneath, and adjacent to the Nikolski powerhouse land that are contaminated as a result of powerhouse operations and activities.

(g) ACCESS.—As a condition of the conveyance of land under subsection (c), the Chaluka Corporation shall permit the United States Government, and its agents, employees, and contractors, to have unrestricted access to the airfield at Nikolski in perpetuity for site investigation, restoration, remediation, and environmental monitoring of the former Nikolski Radio Relay Site and reasonable access to that airfield, and to other land conveyed under this section, for any activity associated with management of lands owned by the United States and for other governmental purposes without cost to the Government.

(h) SURVEY REQUIREMENTS.—

(1) BLM SURVEYS.—The Bureau of Land Management is not required to conduct additional on-the-ground surveys as a result of conveyances under this section. The patent to the Chaluka Corporation may be based on protracted section lines and lotting where relinquishment under subsection (b)(2)(C) results in a change to the Chaluka Corporation's final boundaries.

(2) MONUMENTATION.—No additional monumentation is required to complete those final boundaries.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) FEDERAL AGENCIES.—There is authorized to be appropriated to the Department of the Interior and other appropriate agencies such sums as are necessary to carry out the provisions of this section.

(2) POWERHOUSE LAND RESTORATION.—There is authorized to be appropriated $1,500,000 to reimburse the appropriate State of Alaska agency for costs required for environmental restoration of the Nikolski powerhouse land, in accordance with applicable law.

(j) TERMINATION.—This section shall cease to be effective if either the Chaluka Corporation or the Aleut Corporation affirmatively rejects the offer under subsection (a) or if after 180 days following the date of enactment of this Act either corporation has not taken the actions specified in subsection (b)(2) or (b)(3), respectively.

(k) DEFINITIONS.—In this section, the following definitions apply:

(1) The term "Aleut Corporation" means the regional corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the region in which the Native Village of Nikolski, Alaska, is located.

(2) The term "Chaluka Corporation" means the village corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Native Village of Nikolski, Alaska.

(3) The term "former Nikolski Radio Relay Site" means the portions of Tracts A, B, and C of Public Land Order 2374 that are surveyed as Tracts 37, 37A, 38, 39, and 39A of Township 83 South, Range 136 West, Seward Meridian, Alaska, and Tract B of United States Survey 4904, Alaska, except—

(A) Lots 1, 2, 5, 6, and 9 of Tract B of Amended United States Survey 4904; and

(B) the Nikolski powerhouse land.

(4) The term "Nikolski powerhouse land" means the parcel of land upon which is located the power generation building for supplying power to the Native Village of Nikolski, the boundaries of which are described generally as follows: Beginning at the point at which the southerly boundary of Tract 39 of Township 83 South, Range 136 West, Seward Meridian, Alaska, intersects the easterly boundary of the road that connects the Native Village of Nikolski and the airfield at Nikolski; then meandering in a northeasterly direction along the easterly boundary of that road until the road intersects the westerly boundary of the road that connects Umnak Lake and the airfield; then meandering in a southerly direction along the western boundary of that Umnak Lake road until that western boundary intersects the southern boundary of such Tract 39; then proceeding eastward along the southern boundary of such Tract 39 to the beginning point.

(5) The term "Phase I lands" means Tract 39 of Township 83 South, Range 136 West, Seward Meridian, excluding the Nikolski powerhouse land.

(6) The term "Phase II lands" means the portion of the former Nikolski Radio Relay Site not conveyed as Phase I lands.

TITLE II—FAA ORGANIZATION

Subtitle A—FAA Reform

SEC. 201. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended—

(1) in the subsection heading by inserting "AND AIR TRAFFIC SERVICES BOARD" after "COUNCIL"; and

(2) in paragraph (2)—

(A) by striking "consist of" and all that follows through "members, who" and inserting "consist of 13 members, who";

(B) by inserting after "Senate" in subparagraph (C)(i) ", except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation";

(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting "; and"; and

(D) by striking "employees, by—" in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting "employees, by the Secretary of Transportation.".

SEC. 202. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) QUALIFICATIONS.—No officer or employee of the United States Government may be appointed to the Council under paragraph (2)(C) or to the Air Traffic Services Committee.";

(2) in paragraph (4)(C) by inserting "or Air Traffic Services Committee" after "Council" each place it appears;

(3) in paragraph (5) by inserting ", the Air Traffic Services Committee," after "Council";

(4) in paragraph (6)(C)—

(A) by striking "SUBCOMMITTEE" in the subparagraph heading and inserting "COMMITTEE";

(B) by striking "member" and inserting "members";

(C) by striking "under paragraph (2)(E)" the first place it appears and inserting "to the Air Traffic Services Committee"; and

(D) by striking "of the members first" and all that follows through the period at the end and inserting "the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).";

(5) in paragraph (6)(D) by striking "under paragraph (2)(E)" and inserting "to the Committee";

(6) in paragraph (6)(E) by inserting "or Committee" after "Council";

(7) in paragraph (6)(F) by inserting "of the Council or Committee" after "member";

(8) in the second sentence of subparagraph (6)(G)—

(A) by striking "Council" and inserting "Committee"; and

(B) by striking "appointed under paragraph (2)(E)";

(9) in paragraph (6)(H)—

(A) by striking "SUBCOMMITTEE" in the subparagraph heading and inserting "COMMITTEE";

(B) by striking "under paragraph (2)(E)" in clause (i) and inserting "to the Committee"; and

(C) by striking "Air Traffic Services Subcommittee" and inserting "Committee";

(10) in paragraph (6)(I)(i)—

(A) by striking "appointed under paragraph (2)(E) is" and inserting "is serving as"; and

(B) by striking "Subcommittee" and inserting "Committee";

(11) in paragraph (6)(I)(ii)—

(A) by striking "appointed under paragraph (2)(E)" and inserting "who is a member of the Committee"; and

(B) by striking "Subcommittee" and inserting "Committee";

(12) in paragraph (6)(K) by inserting "or Committee" after "Council";

(13) in paragraph (6)(L) by inserting "or Committee" after "Council" each place it appears; and

(14) in paragraph (7)—

(A) by striking "SUBCOMMITTEE" in the paragraph heading and inserting "COMMITTEE";

(B) by striking subparagraph (A) and inserting the following:

"(A) ESTABLISHMENT.—The Administrator shall establish a committee that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, into such committee. The committee shall be known as the Air Traffic Services Committee (in this subsection referred to as the 'Committee').";

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

"(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Committee shall consist of five members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

"(i) shall have a fiduciary responsibility to represent the public interest;

"(ii) shall be citizens of the United States; and

"(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

"(I) Management of large service organizations.

"(II) Customer service.

"(III) Management of large procurements.

"(IV) Information and communications technology.

"(V) Organizational development.

"(VI) Labor relations.

"(C) PROHIBITIONS ON MEMBERS OF COMMITTEE.—No member of the Committee may—

"(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

"(ii) engage in another business related to aviation or aeronautics; or

"(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.";

(E) by striking "Subcommittee" each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting "Committee";

(F) by striking "approve" in subparagraph (E)(v)(I) (as so redesignated) and inserting "make recommendations on";

(G) by striking "request" in subparagraph (E)(v)(II) (as so redesignated) and inserting "recommendations";

(H) by striking "ensure that the budget request supports" in subparagraph (E)(v)(III) (as so redesignated) and inserting "base such budget recommendations on";

(I) by striking "The Secretary shall submit" in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E);

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

"(F) COMMITTEE PERSONNEL MATTERS AND EXPENSES.—

"(i) PERSONNEL MATTERS.—The Committee may appoint and terminate for purposes of employment by the Committee any personnel that may be necessary to enable the Committee to perform its duties, and may procure temporary and intermittent services under section 40122.

"(ii) TRAVEL EXPENSES.—Each member of the Committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.";

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking "Subcommittee" each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting "Committee";

(L) in subparagraph (H) (as so redesignated)—

(i) by striking "Subcommittee" each place it appears and inserting "Committee";

(ii) by striking "Administrator, the Council" each place it appears in clauses (i) and (ii) and inserting "Secretary"; and

(iii) in clause (ii) by striking "(B)(i)" and inserting "(D)(i)"; and

(M) by adding at the end the following:

"(I) AUTHORIZATION.—There are authorized to be appropriated to the Committee such sums as may be necessary for the Committee to carry out its activities.".

SEC. 203. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking "Air Traffic Services Subcommittee of the Aviation Management Advisory Council" and inserting "Air Traffic Services Committee";

(2) in paragraph (2)(B) by inserting "in" before "paragraph (3).";

(3) in paragraph (3) by striking "Air Traffic Control Subcommittee of the Aviation Management Advisory Committee" and inserting "Air Traffic Services Committee";

(4) in paragraph (4) by striking "Transportation and Congress" and inserting "Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate";

(5) in paragraph (5)(A)—

(A) by striking "develop a" and inserting "implement the"; and

(B) by striking ", including the establishment of" and inserting "in order to further";

(6) in paragraph (5)(B)—

(A) by striking "review" and all that follows through "Administration," and inserting "oversee the day-to-day operational functions of the Administration for air traffic control,";

(B) by striking "and" at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting "; and"; and

(D) by adding at the end the following:

"(iv) the management of cost-reimbursable contracts.";

(7) in paragraph (5)(C)(i) by striking "prepared by the Administrator";

(8) in paragraph (5)(C)(ii) by striking "and the Secretary of Transportation" and inserting "and the Committee"; and

(9) in paragraph (5)(C)(iii)—

(A) by inserting "agency's" before "annual"; and

(B) by striking "developed under subparagraph (A) of this subsection." and inserting "for air traffic control services.".

SEC. 204. DEPUTY ADMINISTRATOR.

Section 106(d) is amended—

(1) by redesignating paragraphs (2) and (3) as (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The annual rate of basic pay of the Deputy Administrator shall be set by the Secretary but shall not exceed the annual rate of basic pay payable to the Administrator of the Federal Aviation Administration.".

Subtitle B—Miscellaneous

SEC. 221. CONTROLLER STAFFING.

(a) ANNUAL REPORT.—Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2005, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

(b) HUMAN CAPITAL WORKFORCE STRATEGY.—

(1) DEVELOPMENT.—The Administrator shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is identified in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall complete development of the strategy.

(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

SEC. 222. WHISTLEBLOWER PROTECTION UNDER ACQUISITION MANAGEMENT SYSTEM.

Section 40110(d)(2)(C) is amended by striking "355)." and inserting "355), except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system, the term 'executive agency' is deemed to refer to the Federal Aviation Administration.".

SEC. 223. FAA PURCHASE CARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled "FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets", numbered GAO–03–405 and dated March 21, 2003.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a

description of the actions taken by the Administrator under this section.

SEC. 224. PROCUREMENT.

(a) Duties and Powers.—Section 40110(c) is amended—

(1) by striking "Administration—" and all that follows through "(2) may—" and inserting "Administration may—";

(2) by striking subparagraph (D);

(3) by redesignating subparagraphs (A), (B), (C), (E), and (F) as paragraphs (1), (2), (3), (4), and (5), respectively; and

(4) by moving such paragraphs (1) through (5) 2 ems to the left.

(b) Acquisition Management System.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking ", not later than January 1, 1996,"; and

(B) by striking "provides for more timely and cost-effective acquisitions of equipment and materials." and inserting the following: "provides for—

"(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

"(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable."; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

"(4) Adjudication of certain bid protests and contract disputes.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107 and shall be subject to judicial review under section 46110 and to section 504 of title 5.".

(c) Authority of Administrator To Acquire Services.—Section 106(f)(2)(A)(ii) is amended by inserting ", services," after "property".

SEC. 225. DEFINITIONS.

(a) In General.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

"(42) 'small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.";

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

"(36) 'passenger boardings'—

"(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

"(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.";

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

"(34) 'nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.";

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

"(31) 'medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.";

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

"(29) 'large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.".

(b) Conforming Amendments.—

(1) Air service termination notice.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) Small community air service.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) Airports not receiving sufficient service.—Section 41743 is amended—

(A) in subsection (c)(1) by striking "(as that term is defined in section 41731(a)(5))"; and

(B) in subsection (f) by striking "(as defined in section 41731(a)(3))".

(4) Preservation of basic essential air service at single carrier dominated hub airports.—Section 41744(b) is amended by striking "(as defined in section 41731)".

(5) Regional air service incentive program.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

SEC. 226. AIR TRAFFIC CONTROLLER RETIREMENT.

(a) Air Traffic Controller Defined.—

(1) Civil service retirement system.—Section 8331 of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (27);

(B) by striking the period at the end of paragraph (28) and inserting "; and"; and

(C) by adding at the end the following:

"(29) the term 'air traffic controller' or 'controller' means—

"(A) a controller within the meaning of section 2109(1); and

"(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).".

(2) Federal employees' retirement system.—Section 8401 of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (33);

(B) by striking the period at the end of paragraph (34) and inserting "; and"; and

(C) by adding at the end the following:

"(35) the term 'air traffic controller' or 'controller' means—

"(A) a controller within the meaning of section 2109(1); and

"(B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B).".

(3) Mandatory separation treatment not affected.—

(A) Civil service retirement system.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: "For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8331(29)(A).".

(B) Federal employees' retirement system.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: "For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8401(35)(A).".

(b) Modified Annuity Computation Rule for Certain Air Traffic Controllers Under FERS.—

(1) In general.—Section 8415 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) through (j) as subsections (f) through (k), respectively, and by redesignating the second subsection (i) as subsection (l); and

(B) by inserting after subsection (d) the following:

"(e) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has had at least 5 years of service as an air traffic controller as defined by section 2109(1)(A)(i), so much of the annuity as is computed with respect to such type of service shall be computed by multiplying $1\frac{7}{10}$ percent of the individual's average pay by the years of such service.".

(2) Conforming amendments.—(A) Section 8422(d)(2) of title 5, United States Code, is amended by striking "8415(i)" and inserting "8415(j)".

(B) Section 8452(d)(1) of such title is amended by striking "subsection (f)" and inserting "subsection (g)".

(C) Section 8468(b)(1)(A) of such title is amended by striking "through (g)" and inserting "through (h)".

(D) Section 302(a) of the Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8331 note) is amended—

(i) in paragraph (1)(D)(VI), by striking "subsection (g)" and inserting "subsection (h)";

(ii) in paragraph (9), by striking "8415(f)" and inserting "8415(g)"; and

(iii) in paragraph (12)(B)(ii), by striking "through (f)" and inserting "through (g)".

(c) Effective Date.—

(1) In general.—This section and the amendments made by this section—

(A) shall take effect on the 60th day after the date of enactment of this Act; and

(B) shall apply with respect to—

(i) any annuity entitlement to which is based on an individual's separation from service occurring on or after the effective date of this section; and

(ii) any service performed by any such individual before, on, or after the effective date of this section, subject to paragraph (2).

(2) Special rule.—

(A) Deposit requirement.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (a)(2) shall, with respect to any service described in subparagraph (B), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(i) the deductions from pay which would have been required for such service if the amendments made by subsection (a)(2) had been in effect when such service was performed, exceeds

(ii) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title with respect to such service.

An amount under this subparagraph shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(B) Prior service described.—This paragraph applies with respect to any service performed by an individual before the effective date *of this section as an employee described in section 8401(35)(B) of title 5, United States Code (as amended by subsection (a)(2)).*

SEC. 227. DESIGN ORGANIZATION CERTIFICATES.

(a) General Authority To Issue Certificates.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting "design organization certificates," after "airman certificates,".

(b) Design Organization Certificates.—

(1) Plan.—Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) Issuance of certificates.—Section 44704 is amended by adding at the end the following:

"(e) Design Organization Certificates.—

"(1) Issuance.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

"(2) Applications.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

"(3) Issuance of type certificates based on design organization certification.—The Administrator may rely on certifications of compliance by a design organization when making a finding under subsection (a).

"(4) Public safety.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.

"(5) No effect on power of revocation.—Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.".

(c) Reinspection and Reexamination.—Section 44709(a) is amended by inserting "design organization, production certificate holder," after "appliance,".

(d) Prohibitions.—Section 44711(a)(7) is amended by striking "agency" and inserting "agency, design organization certificate, ".

(e) Conforming Amendments.—

(1) Section heading.—Section 44704 is amended by striking the section designation and heading and inserting the following:

"§44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates".

(2) Chapter analysis.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

"44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.".

SEC. 228. JUDICIAL REVIEW.

The first sentence of section 46110(a) is amended—

(1) by striking "safety"; and

(2) by striking "under this part" and inserting "in whole or in part under this part, part B, or subsection (l) or (s) of section 114".

SEC. 229. OVERFLIGHT FEES.

(a) Adoption and Legalization of Certain Rules.—

(1) Applicability and effect of certain law.—Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, is deemed to apply to and to have effect with respect to the authority of the Administrator of the Federal Aviation Administration with respect to the interim final rule and final rule, relating to overflight fees, issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

(2) Adoption and legalization.—The interim final rule and final rule referred to in subsection (a), including the fees issued pursuant to those rules, are adopted, legalized, and confirmed as fully to all intents and purposes as if the same had, by prior Act of Congress, been specifically adopted, authorized, and directed as of the date those rules were originally issued.

(3) Fees to which applicable.—This subsection applies to fees assessed after November 19, 2001, and before April 8, 2003, and fees collected after the requirements of subsection (b) have been met.

(b) Deferred Collection of Fees.—The Administrator shall defer collecting fees under section 45301(a)(1) of title 49, United States Code, until the Administrator (1) reports to Congress responding to the issues raised by the court in Air Transport Association of Canada v. Federal Aviation Administration and Administrator, FAA, decided on April 8, 2003, and (2) consults with users and other interested parties regarding the consistency of the fees established under such section with the international obligations of the United States.

(c) Enforcement.—The Administrator shall take an appropriate enforcement action under subtitle VII of title 49, United States Code, against any user that does not pay a fee under section 45301(a)(1) of such title.

TITLE III—ENVIRONMENTAL PROCESS

Subtitle A—Aviation Development Streamlining

SEC. 301. SHORT TITLE.

This title may be cited as "Aviation Streamlining Approval Process Act of 2003".

SEC. 302. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 303. AIRPORT CAPACITY ENHANCEMENT.

Section 40104 is amended by adding at the end the following:

"(c) Airport Capacity Enhancement Projects at Congested Airports.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47176.".

SEC. 304. AVIATION PROJECT STREAMLINING.

(a) In General.—Chapter 471 is amended by inserting after subchapter II the following:

"SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

"§47171. Expedited, coordinated environmental review process

"(a) Aviation Project Review Process.—The Secretary of Transportation shall develop and implement an expedited and coordinated environmental review process for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects that—

"(1) provides for better coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) provides that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for such a project will be conducted concurrently, to the maximum extent practicable; and

"(3) provides that any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal agency or airport sponsor for such a project will be completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (d) with respect to the project.

"(b) Aviation Projects Subject to a Streamlined Environmental Review Process.—

"(1) Airport capacity enhancement projects at congested airports.—An airport capacity enhancement project at a congested airport shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

"(2) Aviation safety and aviation security projects.—

"(A) In general.—The Administrator of the Federal Aviation Administration may designate an aviation safety project or aviation security project for priority environmental review. The Administrator may not delegate this designation authority. A designated project shall be subject to the coordinated and expedited environmental review process requirements set forth in this section.

"(B) Project designation criteria.—The Administrator shall establish guidelines for the designation of an aviation safety project or aviation security project for priority environmental review. Such guidelines shall provide for consideration of—

"(i) the importance or urgency of the project;

"(ii) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(iii) the need for cooperation and concurrent reviews by other Federal or State agencies;

"(iv) the prospect for undue delay if the project is not designated for priority review; and

"(v) for aviation security projects, the views of the Department of Homeland Security.

"(c) High Priority of and Agency Participation in Coordinated Reviews.—

"(1) High priority for environmental reviews.—Each Federal agency with jurisdiction over an environmental review, analysis, opinion, permit, license, or approval shall accord

any such review, analysis, opinion, permit, license, or approval involving an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2) the highest possible priority and conduct the review, analysis, opinion, permit, license, or approval expeditiously.

"(2) AGENCY PARTICIPATION.—Each Federal agency described in subsection (d) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to participate in the coordinated environmental review process under this section and to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in subsection (a) in a timely and environmentally responsible manner.

"(d) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2), the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

"(e) STATE AUTHORITY.—Under a coordinated review process being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the Governor of the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

"(f) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (d) with respect to the project and, if applicable, the airport sponsor.

"(g) USE OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAMS.—

"(1) IN GENERAL.—The Secretary may utilize an interagency environmental impact statement team to expedite and coordinate the coordinated environmental review process for a project under this section. When utilizing an interagency environmental impact statement team, the Secretary shall invite Federal, State and Tribal agencies with jurisdiction by law, and may invite such agencies with special expertise, to participate on an interagency environmental impact statement team.

"(2) RESPONSIBILITY OF INTERAGENCY ENVIRONMENTAL IMPACT STATEMENT TEAM.—Under a coordinated environmental review process being implemented under this section, the interagency environmental impact statement team shall assist the Federal Aviation Administration in the preparation of the environmental impact statement. To facilitate timely and efficient environmental review, the team shall agree on agency or Tribal points of contact, protocols for communication among agencies, and deadlines for necessary actions by each individual agency (including the review of environmental analyses, the conduct of required consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals). The members of the team may formalize their agreement in a written memorandum.

"(h) LEAD AGENCY RESPONSIBILITY.—The Federal Aviation Administration shall be the lead agency for projects designated under subsection (b)(2) and airport capacity enhancement projects at congested airports and shall be responsible for defining the scope and content of the environmental impact statement, consistent with regulations issued by the Council on Environmental Quality. Any other Federal agency or State agency that is participating in a coordinated environmental review process under this section shall give substantial deference, to the extent consistent with applicable law and policy, to the aviation expertise of the Federal Aviation Administration.

"(i) EFFECT OF FAILURE TO MEET DEADLINE.—

"(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (a)(3) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

"(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

"(j) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

"(k) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport or a project designated under subsection (b)(2). Any other Federal agency, or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

"(l) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (j) and (k), the Secretary shall solicit and consider comments from interested persons and governmental entities in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.).

"(m) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

"§47172. Air traffic procedures for airport capacity enhancement projects at congested airports

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may consider prescribing flight procedures to avoid or minimize potentially significant adverse noise impacts of an airport capacity enhancement project at a congested airport that involves the construction of new runways or the reconfiguration of existing runways during the environmental planning process for the project. If the Administrator determines that noise mitigation flight procedures are consistent with safe and efficient use of the navigable airspace, the Administrator may commit, at the request of the airport sponsor and in a manner consistent with applicable Federal law, to prescribing such procedures in any record of decision approving the project.

"(b) MODIFICATION.—Notwithstanding any commitment by the Administrator under subsection (a), the Administrator may initiate changes to such procedures if necessary to maintain safety and efficiency in light of new information or changed circumstances.

"§47173. Airport funding of FAA staff

"(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

"(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

"(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

"(3) shall remain available until expended.

"(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002 (excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862)) for the activities described in subsection (a)..

"§47174. Authorization of appropriations

"In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

"§47175. Definitions

"In this subchapter, the following definitions apply:

"(1) AIRPORT SPONSOR.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.

"(2) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an

airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

"(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term 'airport capacity enhancement project' means—

"(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

"(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.

"(4) AVIATION SAFETY PROJECT.—The term 'aviation safety project' means an aviation project that—

"(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; and

"(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board, as determined by the Administrator; or

"(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

"(5) AVIATION SECURITY PROJECT.—The term 'aviation security project' means a security project at an airport required by the Department of Homeland Security.

"(6) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the United States Government.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"SUBCHAPTER III—AVIATION DEVELOPMENT STREAMLINING

"47171. Expedited, coordinated environmental review process.
"47172. Air traffic procedures for airport capacity enhancement projects at congested airports.
"47173. Airport funding of FAA staff.
"47174. Authorization of appropriations.
"47175. Definitions.".

SEC. 305. ELIMINATION OF DUPLICATIVE REQUIREMENTS.

Section 47106(c) is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (1)(A)(iii) (as added by this Act);

(2) by striking subparagraph (B) of paragraph (1);

(3) by redesignating subparagraph (C) of paragraph (1) as subparagraph (B);

(4) in paragraph (2)(A) by striking "stage 2" and inserting "stage 3";

(5) by striking paragraph (4);

(6) by redesignating paragraph (5) as paragraph (4); and

(7) in paragraph (4) (as so redesignated) by striking "(1)(C)" and inserting "(1)(B)".

SEC. 306. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) is amended—

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking "and" at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(4) by adding at the end the following:

"(E) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47175) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.".

SEC. 307. ISSUANCE OF ORDERS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall publish the final Federal Aviation Administration Order 1050.1E, Environmental Impacts: Policies and Procedures. Not later than 180 days after the date of publication of such final order, the Secretary shall publish for public comment the revised Federal Aviation Administration Order 5050.4B, Airport Environmental Handbook.

SEC. 308. LIMITATIONS.

Nothing in this subtitle, including any amendment made by this title, shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 309. RELATIONSHIP TO OTHER REQUIREMENTS.

The coordinated review process required under the amendments made by this subtitle shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

Subtitle B—Miscellaneous

SEC. 321. REPORT ON LONG-TERM ENVIRONMENTAL IMPROVEMENTS.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. The study shall—

(1) explore new operational procedures for aircraft to achieve those goals;

(2) identify both near-term and long-term options to achieve those goals;

(3) identify infrastructure changes that would contribute to attainment of those goals;

(4) identify emerging technologies that might contribute to attainment of those goals;

(5) develop a research plan for application of such emerging technologies, including new combustor and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change per unit of production of thrust and flight speed; and

(6) develop an implementation plan for exploiting such emerging technologies to attain those goals.

(b) REPORT.—The Secretary shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $500,000 for fiscal year 2004 to carry out this section.

SEC. 322. NOISE DISCLOSURE.

(a) NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

(b) PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS.—The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

(c) NOISE EXPOSURE MAP.—In this section, the term "noise exposure map" means a noise exposure map prepared under section 47503 of title 49, United States Code.

SEC. 323. OVERFLIGHTS OF NATIONAL PARKS.

(a) IN GENERAL.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting ", as defined by this section," after "lands" the first place it appears;

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting "over a national park" after "operations";

(3) in subsection (b)(3)(C) by inserting "over a national park that are also" after "operations";

(4) in subsection (b)(3)(D) by striking "at the park" and inserting "over a national park";

(5) in subsection (b)(3)(E) by inserting "over a national park" after "operations" the first place it appears;

(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting "over a national park" after "operations";

(7) in subsection (f)(1) by inserting "over a national park" after "operation";

(8) in subsection (f)(4)(A)—

(A) by striking "commercial air tour operation" and inserting "commercial air tour operation over a national park"; and

(B) by striking "park, or over tribal lands." and inserting "park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park).";

(9) in subsection (f)(4)(B) by inserting "over a national park" after "operation"; and

(10) in the heading for paragraph (4) of subsection (f) by inserting "OVER A NATIONAL PARK" after "OPERATION".

(b) QUIET TECHNOLOGY RULEMAKING FOR AIR TOURS OVER GRAND CANYON NATIONAL PARK.—

(1) DEADLINE FOR RULE.—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

(2) RESOLUTION OF DISPUTES.—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quite technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.

SEC. 324. NOISE EXPOSURE MAPS.

Section 47503 is amended—

(1) in subsection (a) by striking "1985," and inserting "a forecast period that is at least 5 years in the future"; and

(2) by striking subsection (b) and inserting the following:

"(b) REVISED MAPS.—If, in an area surrounding an airport, a change in the operation *of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.".*

SEC. 325. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than April 1, 2005, the Secretary of Transportation shall issue final regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 326. REDUCTION OF NOISE AND EMISSIONS FROM CIVILIAN AIRCRAFT.

(a) Establishment of Research Program.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to reducing community exposure to civilian aircraft noise or emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities for developing and testing noise reduction engine technology.

(b) Designation of Institute as a Center of Excellence.—The Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Noise and Emission Research.

SEC. 327. SPECIAL RULE FOR AIRPORT IN ILLINOIS.

(a) In General.—Nothing in this title shall be construed to preclude the application of any provision of this Act to the State of Illinois or any other sponsor of a new airport proposed to be constructed in the State of Illinois.

(b) Authority of the Governor.—Nothing in this title shall be construed to preempt the authority of the Governor of the State of Illinois as of August 1, 2001, to approve or disapprove airport development projects.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Community Air Service

SEC. 401. EXEMPTION FROM HOLD-IN REQUIREMENTS.

Section 41734 is amended by adding at the end the following:

"(i) Exemption From Hold-In Requirements.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving scheduled passenger air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.".

SEC. 402. ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.

(a) In General.—Section 41737 is amended by adding at the end the following:

"(e) Adjustments to Account for Significantly Increased Costs.—

"(1) In general.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

"(2) Readjustment if costs subsequently decline.—If an adjustment is made under paragraph (1), and total unit costs subsequently decrease to at least the total unit cost reflected in the compensation rate, then the Secretary may reverse the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

"(3) Significantly increased costs defined.—In this subsection, the term 'significantly increased costs' means a total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the total unit cost reflected in the compensation rate, based on the carrier's internal audit of its financial statements if such cost increase is incurred for a period of at least 2 consecutive months.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 30 days after the date of enactment of this Act.

SEC. 403. JOINT PROPOSALS.

Section 41740 is amended by inserting ", including joint fares," after "joint proposals".

SEC. 404. ESSENTIAL AIR SERVICE AUTHORIZATION.

Section 41742 is amended—

(1) in subsection (a)(2)—

(A) by striking "$15,000,000" and inserting "$77,000,000"; and

(B) by inserting before the period at the end "of which not more than $12,000,000 per fiscal year may be used for the marketing incentive program for communities and for State marketing assistance";

(2) by adding at the end of subsection (a) the following:

"(3) Authorization for additional employees.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program."; and

(3) by striking subsection (c).

SEC. 405. COMMUNITY AND REGIONAL CHOICE PROGRAMS.

Subchapter II of chapter 417 is amended by adding at the end the following:

"§41745. Community and regional choice programs

"(a) Alternate Essential Air Service Pilot Program.—

"(1) Establishment.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

"(2) Assistance to eligible places.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may provide assistance directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

"(3) Use of assistance.—A unit of local government or State receiving assistance for an eligible place under the program may use the assistance for any of the following purposes:

"(A) To provide assistance to air carriers that will use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment if the Secretary determines that passenger safety would not be compromised by the use of such smaller equipment and if the State or unit of local government waives the minimum service requirements under section 41732(b).

"(B) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

"(C) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

"(D) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

"(E) To purchase aircraft to provide transportation to and from the eligible place or to purchase a fractional share in an aircraft to provide such transportation after the effective date of a rule the Secretary issues relating to fractional ownership.

"(F) To pay for other transportation or related services that the Secretary may permit.

"(b) Community Flexibility Pilot Program.—

"(1) In general.—The Secretary shall establish a pilot program for not more than 10 eligible places or consortia of units of local government.

"(2) Election.—Under the program, the sponsor of an airport serving an eligible place may elect to forego any essential air service for which compensation is being provided under this subchapter for a 10-year period in exchange for a grant from the Secretary equal in value to twice the compensation paid to provide such service in the most recent 12-month period.

"(3) Grant.—Notwithstanding any other provision of law, the Secretary shall make a grant to each airport sponsor participating in the program for use on any project that—

"(A) is eligible for assistance under chapter 471 and complies with the requirements of that chapter;

"(B) is located on the airport property; or

"(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

"(c) Fractionally Owned Aircraft.—After the effective date of the rule referred to in subsection (a)(3)(E), only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (a)(3)(E) is used to provide transportation described in subsection (a)(3)(E).

"(d) Applications.—

"(1) In general.—An entity seeking to participate in a program under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

"(2) Required information.—At a minimum, the application shall include—

"(A) a statement of the amount of compensation or assistance required; and

"(B) a description of how the compensation or assistance will be used.

"(e) Participation Requirements.—An eligible place for which compensation or assistance is provided under this section in a fiscal year shall not be eligible in that fiscal year for the essential air service that it would otherwise be entitled to under this subchapter.

"(f) Subsequent Participation.—A unit of local government participating in the program under this subsection (a) in a fiscal year shall not be prohibited from participating in the basic essential air service program under this subchapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

"(g) Funding.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.".

SEC. 406. CODE-SHARING PILOT PROGRAM.

(a) In General.—The Secretary of Transportation shall establish a pilot program under which the Secretary may require air carriers providing service with compensation under subchapter II of chapter 417 of title 49, United States Code, and major air carriers (as defined

in section 41716(a)(2) of such title) serving large hub airports (as defined in section 40102 of such title) to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

(b) LIMITATION.—The Secretary may not require air carriers to participate in the pilot program under this section for more than 10 communities receiving service under subchapter II of chapter 417 of title 49, United States Code.

SEC. 407. TRACKING SERVICE.

Subchapter II of chapter 417 is further amended by adding at the end the following:

"§41746. Tracking service

"The Secretary of Transportation shall require a carrier that provides essential air service to an eligible place and that receives compensation for such service under this subchapter to report not less than semiannually—

"(1) the percentage of flights to and from the place that arrive on time as defined by the Secretary; and

"(2) such other information as the Secretary considers necessary to evaluate service provided to passengers traveling to and from such place.".

SEC. 408. EAS LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 is further amended by adding at the end the following:

"§41747. EAS local participation program

"(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air service subsidy costs for a 4-year period.

"(b) DESIGNATION OF COMMUNITIES.—

"(1) IN GENERAL.—The Secretary may not designate any community under this section unless it is located within 100 miles by road of a hub airport and is not located in a noncontiguous State. In making the designation, the Secretary may take into consideration the total traveltime between a community and the nearest hub airport, taking into account terrain, traffic, weather, road conditions, and other relevant factors.

"(2) ONE COMMUNITY PER STATE.—The Secretary may not designate—

"(A) more than 1 community per State under this section; or

"(B) a community in a State in which another community that is eligible to participate in the essential air service program has elected not to participate in the essential air service program as part of a pilot program under section 41745.

"(c) APPEAL OF DESIGNATION.—A community may appeal its designation under this section. The Secretary may withdraw the designation of a community under this section based on—

"(1) the airport sponsor's ability to pay; or

"(2) the relative lack of financial resources in a community, based on a comparison of the median income of the community with other communities in the State.

"(d) NON-FEDERAL SHARE.—

"(1) NON-FEDERAL AMOUNTS.—For purposes of this section, the non-Federal portion of the essential air service subsidy may be derived from contributions in kind, or through reduction in the amount of the essential air service subsidy through reduction of air carrier costs, increased ridership, prepurchase of tickets, or other means. The Secretary shall provide assistance to designated communities in identifying potential means of reducing the amount of the subsidy without adversely affecting air transportation service to the community.

"(2) APPLICATION WITH OTHER MATCHING REQUIREMENTS.—This section shall apply to the Federal share of essential air service provided this subchapter, after the application of any other non-Federal share matching requirements imposed by law.

"(e) ELIGIBILITY FOR OTHER PROGRAMS NOT AFFECTED.—Nothing in this section affects the eligibility of a community or consortium of communities, an airport sponsor, or any other person to participate in any program authorized by this subchapter. A community designated under this section may participate in any program (including pilot programs) authorized by this subchapter for which it is otherwise eligible—

"(1) without regard to any limitation on the number of communities that may participate in that program; and

"(2) without reducing the number of other communities that may participate in that program.

"(f) SECRETARY TO REPORT TO CONGRESS ON IMPACT.—The Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

"(1) the economic condition of communities designated under this section before their designation;

"(2) the impact of designation under this section on such communities at the end of each of the 3 years following their designation; and

"(3) the impact of designation on air traffic patterns affecting air transportation to and from communities designated under this section.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

"41745. Community and regional choice programs.
"41746. Tracking service.
"41747. EAS local participation program.".

SEC. 409. MEASUREMENT OF HIGHWAY MILES FOR PURPOSES OF DETERMINING ELIGIBILITY OF ESSENTIAL AIR SERVICE SUBSIDIES.

(a) REQUEST FOR SECRETARIAL REVIEW.—An eligible place (as defined in section 41731 of title 49, United States Code) with respect to which the Secretary has, in the 2-year period ending on the date of enactment of this Act, eliminated (or tentatively eliminated) compensation for essential air service to such place, or terminated (or tentatively terminated) the compensation eligibility of such place for essential air service, under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect based on the highway mileage of such place from the nearest hub airport (as defined in section 40102 of such title), may request the Secretary to review such action.

(b) DETERMINATION OF MILEAGE.—In reviewing an action under subsection (a), the highway mileage between an eligible place and the nearest medium hub airport or large hub airport is the highway mileage of the most commonly used route between the place and the medium hub airport or large hub airport. In identifying such route, the Secretary shall identify the most commonly used route for a community by—

(1) consulting with the Governor of a State or the Governor's designee; and

(2) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.

(c) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (a), the Secretary shall—

(1) determine whether the eligible place would have been subject to an elimination of compensation eligibility for essential air service, or termination of the eligibility of such place for essential air service, under the provisions of law referred to in subsection (a) based on the determination of the highway mileage of such place from the nearest medium hub airport or large hub airport under subsection (b); and

(2) issue a final order with respect to the eligibility of such place for essential air service compensation under subchapter II of chapter 417 of title 49, United States Code.

(d) LIMITATION ON PERIOD OF FINAL ORDER.—A final order issued under subsection (c) shall terminate on September 30, 2007.

SEC. 410. INCENTIVE PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable essential air service communities to increase boardings and the level of passenger usage of airport facilities at an eligible place by providing technical, financial, and other marketing assistance to such communities and to States;

(2) to reduce subsidy costs under subchapter II of this chapter as a consequence of such increased usage; and

(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.

(b) MARKETING PROGRAM.—Subchapter II of chapter 417 is further amended by adding at the end the following:

"§41748. Marketing program

"(a) IN GENERAL.—The Secretary of Transportation shall establish a marketing incentive program for eligible places that receive subsidized service by an air carrier under section 41733. Under the program, the sponsor of the airport serving such an eligible place may receive a grant of not more than $50,000 in a fiscal year to develop and implement a marketing plan to increase passenger boardings and the level of passenger usage of its airport facilities.

"(b) MATCHING REQUIREMENT; SUCCESS BONUSES—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with a marketing plan to be developed and implemented under this section shall come from non-Federal sources. For purposes of this section—

"(A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and

"(B) matching contributions from a State or unit of local government may not be derived, directly or indirectly, from Federal funds, but the use by the State or unit of local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds or the Federal income tax treatment of those bonds.

"(2) BONUS FOR 25-PERCENT INCREASE IN USAGE.—Except as provided in paragraph (3), if, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport serving the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.

"(3) BONUS FOR 50-PERCENT INCREASE IN USAGE.—If, after any 12-month period during which a marketing plan has been in effect under this section with respect to an eligible place, the Secretary determines that the marketing plan has increased average monthly boardings, or the

level of passenger usage, at the airport serving the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources under this subsection for the following 12-month period.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

''41748. Marketing program.''.

SEC. 411. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Small Community Air Service'' (in this section referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of nine members of whom—

(A) three members shall be appointed by the Secretary;

(B) two members shall be appointed by the majority leader of the Senate;

(C) one member shall be appointed by the minority leader of the Senate;

(D) two members shall be appointed by the Speaker of the House of Representatives; and

(E) one member shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) one member shall be a representative of a regional airline;

(B) one member shall be a representative of a small hub airport or nonhub airport (as such terms are defined in section 40102 of title 49, United States Code); and

(C) one member shall be a representative of a State aviation agency.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Commission.

(d) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) the challenges faced by small communities in the United States with respect to retaining and enhancing their scheduled commercial air service; and

(B) whether the existing Federal programs charged with helping small communities are adequate for them to retain and enhance their existing air service.

(2) ESSENTIAL AIR SERVICE COMMUNITIES.—In conducting the study, the Commission shall pay particular attention to the state of scheduled commercial air service in communities currently served by the essential air service program.

(e) RECOMMENDATIONS.—Based on the results of the study under subsection (d), the Commission shall make such recommendations as it considers necessary to—

(1) improve the state of scheduled commercial air service at small communities in the United States, especially communities described in subsection (d)(2); and

(2) improve the ability of small communities to retain and enhance their existing air service.

(f) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (e).

(g) COMMISSION PANELS.—The chairperson of the Commission shall establish such panels consisting of members of the Commission as the chairperson determines appropriate to carry out the functions of the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (f).

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $250,000 to be used to fund the Commission.

SEC. 412. SMALL COMMUNITY AIR SERVICE.

Section 41743 is amended—

(1) in the heading of subsection (a) by striking ''PILOT'';

(2) in subsection (a) by striking ''pilot'';

(3) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

''(3) STATE LIMIT.—Not more than 4 communities or consortia of communities, or a combination thereof, from the same State may be selected to participate in the program in any fiscal year.'';

(B) by adding at the end of paragraph (4) the following: ''No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.''; and

(C) in paragraph (5)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the assistance will be used in a timely fashion.'';

(4) in subsection (e)(2)—

(A) by striking ''and'' the first place it appears and inserting a comma; and

(B) by inserting after ''2003'' the following '', and $35,000,000 for each of fiscal years 2004 through 2008''; and

(5) in subsection (f) by striking ''pilot''.

Subtitle B—Miscellaneous

SEC. 421. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.

Section 329 is amended by adding at the end the following:

''(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

''(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

SEC. 422. DELAY REDUCTION ACTIONS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following new section:

''§41722. Delay reduction actions

''(a) SCHEDULING REDUCTION MEETINGS.—The Secretary of Transportation may request that air carriers meet with the Administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during hours of peak operation if—

''(1) the Administrator determines that it is necessary to convene such a meeting; and

''(2) the Secretary determines that the meeting is necessary to meet a serious transportation need or achieve an important public benefit.

''(b) MEETING CONDITIONS.—Any meeting under subsection (a)—

''(1) shall be chaired by the Administrator;

''(2) shall be open to all scheduled air carriers; and

''(3) shall be limited to discussions involving the airports and time periods described in the Administrator's determination.

''(c) FLIGHT REDUCTION TARGETS.—Before any such meeting is held, the Administrator shall establish flight reduction targets for the meeting and notify the attending air carriers of those targets not less than 48 hours before the meeting.

''(d) DELAY REDUCTION OFFERS.—An air carrier attending the meeting shall make any offer to meet a flight reduction target to the Administrator rather than to another carrier.

''(e) TRANSCRIPT.—The Administrator shall ensure that a transcript of the meeting is kept and made available to the public not later than 3 business days after the conclusion of the meeting.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

''41721. Reports by carriers on incidents involving animals during air transport.
''41722. Delay reduction actions.''.

SEC. 423. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§40129. Collaborative decisionmaking pilot program

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

"(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

"(c) GUIDELINES.—

"(1) ISSUANCE.—The Administrator, with the concurrence of the Attorney General, shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall—

"(A) define a capacity reduction event;

"(B) establish the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program; and

"(C) prescribe the methods of communication to be implemented among carriers during such an event.

"(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

"(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication. The Attorney General, or the Attorney General's designee, may monitor such communication.

"(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 2 airports to participate in the pilot program from among the most capacity-constrained airports in the Nation based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

"(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

"(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator, with the concurrence of the Attorney General, may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation, with the concurrence of the Attorney General, finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

"(h) ANTITRUST IMMUNITY.—

"(1) IN GENERAL.—Unless, within 5 days after receiving notice from the Secretary of the Secretary's intention to exercise authority under this subsection, the Attorney General submits to the Secretary a written objection to such action, including reasons for such objection, the Secretary may exempt an air carrier's or foreign air carrier's activities that are necessary to participate in the pilot program under this section from the antitrust laws for the sole purpose of participating in the pilot program. Such exemption shall not extend to any discussions, agreements, or activities outside the scope of the pilot program.

"(2) ANTITRUST LAWS DEFINED.—In this section, the term 'antitrust laws' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

"(i) CONSULTATION WITH ATTORNEY GENERAL.—The Secretary shall consult with the Attorney General regarding the design and implementation of the pilot program, including determining whether a limit should be set on the number of occasions collaborative decisionmaking could be employed during the initial 2-year period of the pilot program.

"(j) EVALUATION.—

"(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary, with the concurrence of the Attorney General, shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

"(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

"(k) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator, with the concurrence of the Attorney General, may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (j) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary, with the concurrence of the Attorney General, determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40129. Collaborative decisionmaking pilot program.".

SEC. 424. COMPETITION DISCLOSURE REQUIREMENT FOR LARGE AND MEDIUM HUB AIRPORTS.

Section 47107 is amended by adding at the end the following:

"(s) COMPETITION DISCLOSURE REQUIREMENT.—

"(1) IN GENERAL.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a large hub airport or a medium hub airport only if the Secretary receives assurances that the airport sponsor will provide the information required by paragraph (2) at such time and in such form as the Secretary may require.

"(2) COMPETITIVE ACCESS.—On February 1 and August 1 of each year, an airport that during the previous 6-month period has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to provide service to the airport or to expand service at the airport shall transmit a report to the Secretary that—

"(A) describes the requests;

"(B) provides an explanation as to why the requests could not be accommodated; and

"(C) provides a time frame within which, if any, the airport will be able to accommodate the requests.

"(3) SUNSET PROVISION.—This subsection shall cease to be effective beginning October 1, 2008.".

SEC. 425. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking "12" and inserting "24".

(b) WITHIN-PERIMETER EXEMPTIONS.—Section 41718(b) is amended—

(1) by striking "12" and inserting "20"; and

(2) by striking "that were designated as medium hub or smaller airports".

(c) LIMITATIONS.—

(1) GENERAL EXEMPTIONS.—Section 41718(c)(2) is amended by striking "two" and inserting "3".

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Section 41718(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking "four" and inserting "without regard to the criteria contained in subsection (b)(1), six"; and

(ii) by striking "and" at the end;

(B) in subparagraph (B)—

(i) by striking "eight" and inserting "ten"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) four shall be for air transportation to airports without regard to their size.".

(d) APPLICATION PROCEDURES.—Section 41718(d) is amended to read as follows:

"(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.".

SEC. 426. DEFINITION OF COMMUTER AIRCRAFT.

(a) IN GENERAL.—Section 41718 is amended by adding at the end the following:

"(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term 'commuters' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.".

(b) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by subsection (a).

SEC. 427. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are

comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 428. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "more than" and all that follows through "after" and inserting "more than 36 months after".

TITLE V—AVIATION SAFETY

SEC. 501. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

"(B) whose certificate is revoked under subsection (b); or"; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking "convicted of such a violation." and inserting "described in subparagraph (A) or (B).".

SEC. 502. RUNWAY SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§44727. Runway safety areas

"(a) AIRPORTS IN ALASKA.—An airport owner or operator in the State of Alaska shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.

"(b) STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study of runways at airports in States other than Alaska to determine which airports are affected by standards of the Federal Aviation Administration applicable to runway safety areas and to assess how operations at those airports would be affected if the owner or operator of the airport is required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet such standards.

"(2) REPORT.—Not later than 9 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of the study.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

"44727. Runway safety areas.".

SEC. 503. CIVIL PENALTIES.

(a) INCREASE IN MAXIMUM CIVIL PENALTY.—Section 46301(a) is amended—

(1) by striking "$1,000" in paragraph (1) and inserting "$25,000 (or $1,100 if the person is an individual or small business concern)";

(2) by striking "or" the last place it appears in paragraph (1)(A);

(3) by striking "section)" in paragraph (1)(A) and inserting "section), or section 47133";

(4) by striking paragraphs (2), (3), (6), and (7) and redesignating paragraphs (4), (5), and (8) as paragraphs (2), (3), and (4), respectively;

(5) by striking "41715" each place it appears in paragraph (2), as redesignated, and inserting "41719";

(6) by striking "paragraphs (1) and (2)" in paragraph (4), as redesignated, and inserting "paragraph (1)"; and

(7) by adding at the end the following:

"(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

"(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than $10,000 for violating—

"(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909) of this title; or

"(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

"(B) A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

"(i) the transportation of hazardous material;

"(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

"(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

"(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

"(v) a violation of section 40127 or section 41705, relating to discrimination.

"(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be $5,000 instead of $1,000.

"(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be $2,500 for each violation.".

(b) INCREASE IN LIMIT ON ADMINISTRATIVE AUTHORITY AND CIVIL PENALTY.—Section 46301(d) is amended—

(1) by striking "more than $50,000;" in paragraph (4)(A) and inserting "more than—

"(i) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

"(ii) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

"(iii) $50,000 if the violation was committed by an individual or small business concern on or after that date;"; and

(2) by striking "is $50,000." in paragraph (8) and inserting "is—

"(A) $50,000 if the violation was committed by any person before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act;

"(B) $400,000 if the violation was committed by a person other than an individual or small business concern on or after that date; or

"(C) $50,000 if the violation was committed by an individual or small business concern on or after that date.".

(c) SMALL BUSINESS CONCERN DEFINED.—Section 46301 is amended by adding at the end the following:

"(i) SMALL BUSINESS CONCERN DEFINED.—In this section, the term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).".

(d) CONFORMING AMENDMENTS.—Title 49 is amended—

(1) in section 41705(b) by striking "46301(a)(3)(E)" and inserting "46301"; and

(2) in section 46304(a) by striking ", (2), or (3)".

SEC. 504. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(d) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(e) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

SEC. 505. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration's proposed wake turbulence research and development program. The assessment shall include—

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives that should be included in the program;

(3) any modifications that will be necessary for the program to achieve the program's goals and objectives on schedule and within the proposed level of resources; and

(4) an evaluation of the roles, if any, that should be played by other Federal agencies, such as the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, in wake turbulence research and development, and how those efforts could be coordinated.

(b) REPORT.—A report containing the results of the assessment shall be provided to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of the Federal Aviation Administration $500,000 for fiscal year 2004 to carry out this section.

SEC. 506. FAA INSPECTOR TRAINING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as "FAA inspectors").

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid pro quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) Sense of the House.—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual's job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) Workload of Inspectors.—

(1) Study by National Academy of Sciences.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) Contents.—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) Report.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

SEC. 507. AIR TRANSPORTATION OVERSIGHT SYSTEM PLAN.

(a) In General.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule for addressing problems with the air transportation oversight system that have been identified in reports by the Comptroller General and the Inspector General of the Department of Transportation.

(b) Plan Requirements.—The plan transmitted by the Administrator under subsection (a) shall set forth the action the Administration will take under the plan—

(1) to develop specific, clear, and meaningful inspection guidance for the use by Administration aviation safety inspectors and analysts;

(2) to provide adequate training to Administration aviation safety inspectors in system safety concepts, risk analysis, and auditing;

(3) to ensure that aviation safety inspectors with the necessary qualifications and experience are physically located where they can satisfy the most important needs;

(4) to establish strong national leadership for the air transportation oversight system and to ensure that the system is implemented consistently across Administration field offices; and

(5) to extend the air transportation oversight system beyond the 10 largest air carriers, so it governs oversight of smaller air carriers as well.

TITLE VI—AVIATION SECURITY

SEC. 601. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.

(a) In General.—Chapter 461 is amended by adding at the end the following:

"§46111. Certificate actions in response to a security threat

"(a) Orders.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

"(b) Hearings for Citizens.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

"(c) Hearings.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

"(d) Appeals.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

"(e) Review.—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

"(f) Explanation of Decisions.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

"(g) Classified Evidence.—

"(1) In general.—The Under Secretary, in consultation with the Administrator and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducted under this section, may provide an unclassified summary of classified evidence upon which the order of the Administrator was based to the individual adversely affected by the order.

"(2) Review of classified evidence by administrative law judge.—

"(A) Review.—As part of a hearing conducted under this section, if the order of the Administrator issued under subsection (a) is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.), such information may be submitted by the Under Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.

"(B) Security clearances.—Pursuant to existing procedures and requirements, the Under Secretary shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator under this section possess security clearances appropriate for their work under this section.

"(3) Unclassified summaries of classified evidence.—As part of a hearing conducted under this section and upon the request of the individual adversely affected by an order of the Administrator under subsection (a), the Under Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under paragraph (1), an unclassified summary of any classified information upon which the order of the Administrator is based.".

(b) Conforming Amendment.—The analysis for chapter 461 is amended by adding at the end the following:

"46111. Certificate actions in response to a security threat.".

SEC. 602. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.

(a) In General.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an "ADIZ"), the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 60 days after the date of establishing the ADIZ, a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) Existing ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) Description of Changes To Improve Operations.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

(d) Definition.—In this section, the terms "Air Defense Identification Zone" and "ADIZ" each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 603. CREW TRAINING.

Section 44918 is amended to read as follows:

"§44918. Crew training

"(a) Basic Security Training.—

"(1) In general.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

"(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

"(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

"(B) Crew communication and coordination.

"(C) The proper commands to give passengers and attackers.

"(D) Appropriate responses to defend oneself.

"(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

"(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

"(G) Situational training exercises regarding various threat conditions.

"(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

"(I) The proper conduct of a cabin search, including explosive device recognition.

"(J) Any other subject matter considered appropriate by the Under Secretary.

"(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

"(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary may establish minimum standards for the training provided under this subsection and for recurrent training.

"(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Vision 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

"(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

"(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

"(b) ADVANCED SELF-DEFENSE TRAINING.—

"(1) IN GENERAL.—Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

"(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

"(A) Deterring a passenger who might present a threat.

"(B) Advanced control, striking, and restraint techniques.

"(C) Training to defend oneself against edged or contact weapons.

"(D) Methods to subdue and restrain an attacker.

"(E) Use of available items aboard the aircraft for self-defense.

"(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

"(G) Any other element of training that the Under Secretary considers appropriate.

"(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

"(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

"(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

"(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

"(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

"(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).".

SEC. 604. STUDY OF EFFECTIVENESS OF TRANSPORTATION SECURITY SYSTEM.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with representatives of the aviation community, shall study the effectiveness of the aviation security system, including the air marshal program, hardening of cockpit doors, and security screening of passengers, checked baggage, and cargo.

(b) REPORT.—The Secretary shall transmit a report of the Secretary's findings and conclusions together with any recommendations, including legislative recommendations, the Secretary may have for improving the effectiveness of aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act. In the report the Secretary shall also describe any redeployment of Transportation Security Administration resources based on those findings and conclusions. The Secretary may submit the report to the Committees in classified and redacted form. The Secretary shall submit the report in lieu of the annual report required under section 44938(a) of title 49, United States Code, that is due March 31, 2004.

SEC. 605. AIRPORT SECURITY IMPROVEMENT PROJECTS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

"§ 44923. Airport security improvement projects

"(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Under Secretary for Border and Transportation Security of the Department of Homeland Security may make grants to airport sponsors—

"(1) for projects to replace baggage conveyer systems related to aviation security;

"(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

"(3) for projects to enable the Under Secretary to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or in line with the baggage handling system; and

"(4) for other airport security capital improvement projects.

"(b) APPLICATIONS.—A sponsor seeking a grant under this section shall submit to the Under Secretary an application in such form and containing such information as the Under Secretary prescribes.

"(c) APPROVAL.—The Under Secretary, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Under Secretary determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

"(d) LETTERS OF INTENT.—

"(1) ISSUANCE.—The Under Secretary may issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project).

"(2) SCHEDULE.—A letter of intent under this subsection shall establish a schedule under which the Under Secretary will reimburse the sponsor for the Government's share of the project's costs, as amounts become available, if the sponsor, after the Under Secretary issues the letter, carries out the project without receiving amounts under this section.

"(3) NOTICE TO UNDER SECRETARY.—A sponsor that has been issued a letter of intent under this subsection shall notify the Under Secretary of the sponsor's intent to carry out a project before the project begins.

"(4) NOTICE TO CONGRESS.—The Under Secretary shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

"(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

"(6) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

"(2) EXISTING LETTERS OF INTENT.—The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003.

"(f) SPONSOR DEFINED.—In this section, the term 'sponsor' has the meaning given that term in section 47102.

"(g) APPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

"(h) AVIATION SECURITY CAPITAL FUND.—

"(1) IN GENERAL.—There is established within the Department of Homeland Security a fund to

be known as the Aviation Security Capital Fund. The first $250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2007 shall be available to be deposited in the Fund. The Under Secretary shall impose the fee authorized by section 44940(a)(1) so as to collect at least $250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Under Secretary to make grants under this section.

"(2) ALLOCATIONS.—Of the amount made available under paragraph (1) for a fiscal year, $125,000,000 shall be allocated in such a manner that—

"(A) 40 percent shall be made available for large hub airports;

"(B) 20 percent shall be made available for medium hub airports;

"(C) 15 percent shall be made available for small hub airports and nonhub airports; and

"(D) 25 percent shall be distributed by the Secretary to any airport on the basis of aviation security risks.

"(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, $125,000,000 shall be used to make discretionary grants, with priority given to fulfilling intentions to obligate under letters of intent issued under subsection (d).

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts made available under subsection (h), there is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2004 through 2007. Such sums shall remain available until expended.

"(2) ALLOCATIONS.—50 percent of amounts appropriated pursuant to this subsection for a fiscal year shall be used for making allocations under subsection (h)(2) and 50 percent of such amounts shall be used for making discretionary grants under subsection (h)(3).".

(b) CONFORMING AMENDMENTS.—

(1) USE OF PASSENGER FEE FUNDS.—Section 44940(a)(1) is amended by inserting after subparagraph (G) the following:

"(H) The costs of security-related capital improvements at airports.

"(I) The costs of training pilots and flight attendants under sections 44918 and 44921.".

(2) LIMITATION ON COLLECTION.—Section 44940(d)(4) is amended by striking "Act." and inserting "Act or in section 44923.".

(3) CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 449 is amended by adding at the end the following:

"44923. Airport security improvement projects.".

SEC. 606. CHARTER SECURITY.

(a) IN GENERAL.—Section 44903 is amended by adding at the end the following:

"(l) AIR CHARTER PROGRAM.—

"(1) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall implement an aviation security program for charter air carriers (as defined in section 40102(a)) with a maximum certificated takeoff weight of more than 12,500 pounds.

"(2) EXEMPTION FOR ARMED FORCES CHARTERS.—

"(A) IN GENERAL.—Paragraph (1) and the other requirements of this chapter do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.

"(B) SECURITY PROCEDURES.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c).

"(C) ARMED FORCES DEFINED.—In this paragraph, the term 'armed forces' has the meaning given that term by section 101(a)(4) of title 10.".

(b) REPEAL.—Section 132 of the Aviation and Transportation Security Act (49 U.S.C. 44944 note) is repealed.

SEC. 607. CAPPS2.

(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not implement, on other than a test basis, the computer assisted passenger prescreening system (commonly known as and in this section referred to as "CAPPS2") until the Under Secretary provides to Congress a certification that—

(1) a procedure is established enabling airline passengers, who are delayed or prohibited from boarding a flight because CAPPS2 determined that they might pose a security threat, to appeal such determination and correct information contained in CAPPS2;

(2) the error rate of the Government and private data bases that will be used to both establish identity and assign a risk level to a passenger under CAPPS2 will not produce a large number of false positives that will result in a significant number of passengers being mistaken as a security threat;

(3) the Under Secretary has demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a security threat;

(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being implemented;

(5) the Under Secretary has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

(7) the Under Secretary has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) GAO REPORT.—Not later than 90 days after the date on which certification is provided under subsection (a), the Comptroller General shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate that assesses the impact of CAPPS2 on the issues listed in subsection (a) and on privacy and civil liberties. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of CAPPS2 on privacy, discrimination, and other civil liberties.

SEC. 608. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS2, on the privacy and civil liberties of United States citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, nongovernmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.

(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.

(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated, and updated.

SEC. 609. ARMING CARGO PILOTS AGAINST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that members of a flight deck crew of a cargo aircraft should be armed with a firearm or taser to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

(b) ARMING CARGO PILOTS AGAINST TERRORISM.—Section 44921 is amended—

(1) in subsection (a) by striking "passenger" each place that it appears;

(2) in subsection (k)(2) by striking "or," and all that follows before the period at the end and inserting "or any other flight deck crew member"; and

(3) by adding at the end of subsection (k) the following:

"(3) ALL-CARGO AIR TRANSPORTATION.—In this section, the term 'air transportation' includes all-cargo air transportation.".

(c) TIME FOR IMPLEMENTATION.—In carrying out the amendments made by subsection (d), the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.

(d) EFFECT ON OTHER LAWS.—The requirements of subsection (e) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

SEC. 610. REMOVAL OF CAP ON TSA STAFFING LEVEL.

The matter appearing under the heading "AVIATION SECURITY" in the appropriations for the Transportation Security Administration in the Transportation and Related Agencies Appropriation Act, 2003 (Public Law 108–7; 117 Stat. 386) is amended by striking the fifth proviso.

SEC. 611. FOREIGN REPAIR STATIONS.

(a) OVERSIGHT PLAN.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing *an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, are subject to an equivalent level of safety, oversight, and quality control as those located in the United States.*

(b) REPAIR STATION SECURITY.—

(1) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

"§44924. Repair station security

"(a) SECURITY REVIEW AND AUDIT.—To ensure the security of maintenance and repair work conducted on air carrier aircraft and components at foreign repair stations, the Under Secretary for Border and Transportation Security of the Department of Homeland Security, in consultation with the Administrator of the Federal Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 18 months after the date on which the Under Secretary issues regulations under subsection (f).

"(b) ADDRESSING SECURITY CONCERNS.—The Under Secretary shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator that a deficiency was identified in the security audit.

"(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

"(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Under Secretary determines that the foreign repair station does not maintain and carry out effective security measures, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall suspend the certification of the repair station until such time as the Under Secretary determines that the repair station maintains and carries out effective security measures and transmits the determination to the Administrator.

"(2) IMMEDIATE SECURITY RISK.—If the Under Secretary determines that a foreign repair station poses an immediate security risk, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall revoke the certification of the repair station.

"(3) PROCEDURES FOR APPEALS.—The Under Secretary, in consultation with the Administrator, shall establish procedures for appealing a revocation of a certificate under this subsection.

"(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 18 months after the date on which the Under Secretary issues regulations under subsection (f), the Administrator shall be barred from certifying any foreign repair station until such audits are completed for existing stations.

"(e) PRIORITY FOR AUDITS.—In conducting the audits described in subsection (a), the Under Secretary and the Administrator shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

"(f) REGULATIONS.—Not later than 240 days after the date of enactment of this section, the Under Secretary, in consultation with the Administrator, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

"(g) REPORT TO CONGRESS.—If the Under Secretary does not issue final regulations before the deadline specified in subsection (f), the Under Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.".

(2) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 449 is further amended by adding at the end the following:

"44924. Repair station security.".

SEC. 612. FLIGHT TRAINING.

(a) IN GENERAL.—Section 44939 is amended to read as follows:

"§44939. Training to operate certain aircraft

"(a) WAITING PERIOD.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if—

"(1) that person has first notified the Secretary that the alien or individual has requested such training and submitted to the Secretary, in such form as the Secretary may prescribe, the following information about the alien or individual:

"(A) full name, including any aliases used by the applicant or variations in spelling of the applicant's name;

"(B) passport and visa information;

"(C) country of citizenship;

"(D) date of birth;

"(E) dates of training; and

"(F) fingerprints collected by, or under the supervision of, a Federal, State, or local law enforcement agency or by another entity approved by the Federal Bureau of Investigation or the Secretary of Homeland Security, including fingerprints taken by United States Government personnel at a United States embassy or consulate; and

"(2) the Secretary has not directed, within 30 days after being notified under paragraph (1), that person not to provide the requested training because the Secretary has determined that the individual presents a risk to aviation or national security.

"(b) INTERRUPTION OF TRAINING.—If the Secretary of Homeland Security, more than 30 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

"(c) NOTIFICATION.—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or less to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if that person has notified the Secretary that the individual has requested such training and furnished the Secretary with that individual's identification in such form as the Secretary may require.

"(d) EXPEDITED PROCESSING.—Not later than 60 days after the date of enactment of this section, the Secretary shall establish a process to ensure that the waiting period under subsection (a) shall not exceed 5 days for an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

"(1) holds an airman's certification of a foreign country that is recognized by an agency of the United States, including a military agency, that permits an individual to operate a multi-engine aircraft that has a certificated takeoff weight of more than 12,500 pounds;

"(2) is employed by a foreign air carrier that is certified under part 129 of title 14, Code of Federal Regulations, and that has a security program approved under section 1546 of title 49, Code of Federal Regulations;

"(3) is an individual that has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii); or

"(4) is an individual that is part of a class of individuals that the Secretary has determined that providing aviation training to presents minimal risk to aviation or national security because of the aviation training already possessed by such class of individuals.

"(e) TRAINING.—In subsection (a), the term 'training' means training received from an instructor in an aircraft or aircraft simulator and does not include recurrent training, ground training, or demonstration flights for marketing purposes.

"(f) NONAPPLICABILITY TO CERTAIN FOREIGN MILITARY PILOTS.—The procedures and processes required by subsections (a) through (d) shall not apply to a foreign military pilot endorsed by the Department of Defense for flight training in the United States and seeking training described in subsection (e) in the United States.

"(g) FEE.—

"(1) IN GENERAL.—The Secretary of Homeland Security may assess a fee for an investigation under this section, which may not exceed $100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

"(2) OFFSET.—Notwithstanding section 3302 of title 31, any fee collected under this section—

"(A) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for those expenses; and

"(B) shall remain available until expended.

"(h) INTERAGENCY COOPERATION.—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Secretary in implementing this section.

"(i) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.".

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

(2) USE OF OVERSEAS FACILITIES.—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Secretary requires fingerprints in the administration of that section,

and shall transmit the fingerprints to the Secretary or other agency designated by the Secretary. The Attorney General and the Secretary of State shall cooperate with the Secretary of Homeland Security in carrying out this paragraph.

(3) USE OF UNITED STATES FACILITIES.—If the Secretary of Homeland Security requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

SEC. 613. DEPLOYMENT OF SCREENERS AT KENAI, HOMER, AND VALDEZ, ALASKA.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall deploy Federal screeners at Kenai, Homer, and Valdez, Alaska.

TITLE VII—AVIATION RESEARCH

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

(1) by striking "to carry out sections 44504" and inserting "for conducting civil aviation research and development under sections 44504";

(2) by striking "and" at the end of paragraph (7);

(3) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(9) for fiscal year 2004, $346,317,000, including—

"(A) $65,000,000 for Improving Aviation Safety;

"(B) $24,000,000 for Weather Safety Research;

"(C) $27,500,000 for Human Factors and Aeromedical Research;

"(D) $30,000,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,000,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperative Research Program;

"(G) $1,500,000 for carrying out subsection (h) of this section;

"(H) $42,800,000 for Advanced Technology Development and Prototyping;

"(I) $30,300,000 for Safe Flight 21;

"(J) $90,800,000 for the Center for Advanced Aviation System Development;

"(K) $9,667,000 for Airports Technology-Safety; and

"(L) $7,750,000 for Airports Technology-Efficiency;

"(10) for fiscal year 2005, $356,192,000, including—

"(A) $65,705,000 for Improving Aviation Safety;

"(B) $24,260,000 for Weather Safety Research;

"(C) $27,800,000 for Human Factors and Aeromedical Research;

"(D) $30,109,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,076,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperative Research Program;

"(G) $1,650,000 for carrying out subsection (h) of this section;

"(H) $43,300,000 for Advanced Technology Development and Prototyping;

"(I) $31,100,000 for Safe Flight 21;

"(J) $95,400,000 for the Center for Advanced Aviation System Development;

"(K) $2,200,000 for Free Flight Phase 2;

"(L) $9,764,000 for Airports Technology-Safety; and

"(M) $7,828,000 for Airports Technology-Efficiency;

"(11) for fiscal year 2006, $352,157,000, including—

"(A) $66,447,000 for Improving Aviation Safety;

"(B) $24,534,000 for Weather Safety Research;

"(C) $28,114,000 for Human Factors and Aeromedical Research;

"(D) $30,223,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,156,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperation Research Program;

"(G) $1,815,000 for carrying out subsection (h) of this section;

"(H) $42,200,000 for Advanced Technology Development and Prototyping;

"(I) $23,900,000 for Safe Flight 21;

"(J) $100,000,000 for the Center for Advanced Aviation System Development;

"(K) $9,862,000 for Airports Technology-Safety; and

"(L) $7,906,000 for Airports Technology-Efficiency; and

"(12) for fiscal year 2007, $356,261,000, including—

"(A) $67,244,000 for Improving Aviation Safety;

"(B) $24,828,000 for Weather Safety Research;

"(C) $28,451,000 for Human Factors and Aeromedical Research;

"(D) $30,586,000 for Environmental Research and Development, of which $20,000,000 shall be for research activities related to reducing community exposure to civilian aircraft noise or emissions;

"(E) $7,242,000 for Research Mission Support;

"(F) $10,000,000 for the Airport Cooperation Research Program;

"(G) $1,837,000 for carrying out subsection (h) of this section;

"(H) $42,706,000 for Advanced Technology Development and Prototyping;

"(I) $24,187,000 for Safe Flight 21;

"(J) $101,200,000 for the Center for Advanced Aviation System Development;

"(K) $9,980,000 for Airports Technology-Safety; and

"(L) $8,000,000 for Airports Technology-Efficiency.".

SEC. 702. FEDERAL AVIATION ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a)(1) The Administrator of the Federal Aviation Administration shall establish a Federal Aviation Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Aviation Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Aviation Administration, for the period described in subsection (f)(1), in positions needed by the Federal Aviation Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the Federal Aviation Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation

from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term "Program" means the Federal Aviation Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the Federal Aviation Administration for the Program $10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

SEC. 703. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a)(1) The Administrator of the National Aeronautics and Space Administration shall establish a National Aeronautics and Space Administration Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the National Aeronautics and Space Administration.

(2) Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act.

(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the National Aeronautics and Space Administration, for the period described in subsection (f)(1), in positions needed by the National Aeronautics and Space Administration and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education, as a junior or senior undergraduate or graduate student, in an academic field or discipline described in the list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be an employee (as defined in section 2105 of title 5, United States Code).

(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

(d) The Administrator shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized and shall update the list as necessary.

(e)(1) The Administrator may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) An individual may not receive a scholarship under this section for more than 4 academic years, unless the Administrator grants a waiver.

(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator by regulation.

(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f)(1) The period of service for which an individual shall be obligated to serve as an employee of the National Aeronautics and Space Administration is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2)(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g)(1) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Administrator when determined to be necessary, as established by regulation.

(2) Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h)(1) Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) The Administrator shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) For purposes of this section—

(1) the term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965;

(2) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965; and

(3) the term "Program" means the National Aeronautics and Space Administration Science and Technology Scholarship Program established under this section.

(j)(1) There is authorized to be appropriated to the National Aeronautics and Space Administration for the Program $10,000,000 for each fiscal year.

(2) Amounts appropriated under this section shall remain available for 2 fiscal years.

(k) The Administrator may provide temporary internships to full-time students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.

SEC. 704. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield

pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) Use of Grants or Cooperative Agreements.—The Administrator may use grants or cooperative agreements in carrying out this section.

(c) Statutory Construction.—Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 705. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) In General.—The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration's standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration's standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration's standards for airfield pavements.

(b) Report.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Science.

SEC. 706. DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS.

The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.

SEC. 707. RESEARCH ON AVIATION TRAINING.

Section 48102(h)(1) of title 49, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, on training requirements for pilots and air traffic controllers.".

SEC. 708. FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

(a) In General.—The Administrator of the Federal Aviation Administration shall develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures. The Center shall—

(1) promote and facilitate collaboration among academia, the Federal Aviation Administration's Transportation Division, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator $500,000 for fiscal year 2004 to carry out this section.

SEC. 709. AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) Establishment.—(1) The Secretary of Transportation shall establish in the Federal Aviation Administration a joint planning and development office to manage work related to the Next Generation Air Transportation System. The office shall be known as the Next Generation Air Transportation System Joint Planning and Development Office (in this section referred to as the "Office").

(2) The responsibilities of the Office shall include—

(A) creating and carrying out an integrated plan for a Next Generation Air Transportation System pursuant to subsection (b);

(B) overseeing research and development on that system;

(C) creating a transition plan for the implementation of that system;

(D) coordinating aviation and aeronautics research programs to achieve the goal of more effective and directed programs that will result in applicable research;

(E) coordinating goals and priorities and coordinating research activities within the Federal Government with United States aviation and aeronautical firms;

(F) coordinating the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(G) facilitating the transfer of technology from research programs such as the National Aeronautics and Space Administration program and the Department of Defense Advanced Research Projects Agency program to Federal agencies with operational responsibilities and to the private sector; and

(H) reviewing activities relating to noise, emissions, fuel consumption, and safety conducted by Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Defense.

(3) The Office shall operate in conjunction with relevant programs in the Department of Defense, the National Aeronautics and Space Administration, the Department of Commerce and the Department of Homeland Security. The Secretary of Transportation may request assistance from staff from those Departments and other Federal agencies.

(4) In developing and carrying out its plans, the Office shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

(b) Integrated Plan.—The integrated plan shall be designed to ensure that the Next Generation Air Transportation System meets air transportation safety, security, mobility, efficiency, and capacity needs beyond those currently included in the Federal Aviation Administration's operational evolution plan and accomplishes the goals under subsection (c). The integrated plan shall include—

(1) a national vision statement for an air transportation system capable of meeting potential air traffic demand by 2025;

(2) a description of the demand and the performance characteristics that will be required of the Nation's future air transportation system, and an explanation of how those characteristics were derived, including the national goals, objectives, and policies the system is designed to further, and the underlying socioeconomic determinants, and associated models and analyses;

(3) a multiagency research and development roadmap for creating the Next Generation Air Transportation System with the characteristics outlined under clause (ii), including—

(A) the most significant technical obstacles and the research and development activities necessary to overcome them, including for each project, the role of each Federal agency, corporations, and universities;

(B) the annual anticipated cost of carrying out the research and development activities; and

(C) the technical milestones that will be used to evaluate the activities; and

(4) a description of the operational concepts to meet the system performance requirements for all system users and a timeline and anticipated expenditures needed to develop and deploy the system to meet the vision for 2025.

(c) Goals.—The Next Generation Air Transportation System shall—

(1) improve the level of safety, security, efficiency, quality, and affordability of the National Airspace System and aviation services;

(2) take advantage of data from emerging ground-based and space-based communications, navigation, and surveillance technologies;

(3) integrate data streams from multiple agencies and sources to enable situational awareness and seamless global operations for all appropriate users of the system, including users responsible for civil aviation, homeland security, and national security;

(4) leverage investments in civil aviation, homeland security, and national security and build upon current air traffic management and infrastructure initiatives to meet system performance requirements for all system users;

(5) be scalable to accommodate and encourage substantial growth in domestic and international transportation and anticipate and accommodate continuing technology upgrades and advances;

(6) accommodate a wide range of aircraft operations, including airlines, air taxis, helicopters, general aviation, and unmanned aerial vehicles; and

(7) take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents.

(d) Reports.—The Administrator of the Federal Aviation Administration shall transmit to the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Transportation and Infrastructure and the Committee on Science in the House of Representatives—

(1) not later than 1 year after the date of enactment of this Act, the integrated plan required in subsection (b); and

(2) annually at the time of the President's budget request, a report describing the progress in carrying out the plan required under subsection (b) and any changes to that plan.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Office $50,000,000 for each of the fiscal years 2004 through 2010.

SEC. 710. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) In General.—The Secretary of Transportation shall establish a senior policy committee to work with the Next Generation Air Transportation System Joint Planning and Development Office. The senior policy committee shall be chaired by the Secretary.

(b) Membership.—In addition to the Secretary, the senior policy committee shall be composed of—

(1) the Administrator of the Federal Aviation Administration (or the Administrator's designee);

(2) the Administrator of the National Aeronautics and Space Administration (or the Administrator's designee);

(3) the Secretary of Defense (or the Secretary's designee);

(4) the Secretary of Homeland Security (or the Secretary's designee);

(5) the Secretary of Commerce (or the Secretary's designee);

(6) the Director of the Office of Science and Technology Policy (or the Director's designee); and

(7) designees from other Federal agencies determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system.

(c) FUNCTION.—The senior policy committee shall—

(1) advise the Secretary of Transportation regarding the national goals and strategic objectives for the transformation of the Nation's air transportation system to meet its future needs;

(2) provide policy guidance for the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office;

(3) provide ongoing policy review for the transformation of the air transportation system;

(4) identify resource needs and make recommendations to their respective agencies for necessary funding for planning, research, and development activities; and

(5) make legislative recommendations, as appropriate, for the future air transportation system.

(d) CONSULTATION.—In carrying out its functions under this section, the senior policy committee shall consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, aviation labor, and the space industry), members of the public, and other interested parties and may do so through a special advisory committee composed of such representatives.

SEC. 711. ROTORCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—The Administrator of the Federal Aviation Administration shall establish a rotorcraft initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of the enactment of this Act, technologies to enable rotorcraft with the following improvements relative to rotorcraft existing as of the date of the enactment of this Act:

(1) 80 percent reduction in noise levels on takeoff and on approach and landing as perceived by a human observer.

(2) Factor of 10 reduction in vibration.

(3) 30 percent reduction in empty weight.

(4) Predicted accident rate equivalent to that of fixed-wing aircraft in commercial service within 10 years after the date of the enactment of this Act.

(5) Capability for zero-ceiling, zero-visibility operations.

(b) IMPLEMENTATION.—Within 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall provide a plan to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate for the implementation of the initiative described in subsection (a).

SEC. 712. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511 is amended by adding at the end the following new subsection:

''(f) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a 4-year pilot airport cooperative research program to—

''(A) identify problems that are shared by airport operating agencies and can be solved through applied research but that are not being adequately addressed by existing Federal research programs; and

''(B) fund research to address those problems.

''(2) GOVERNANCE.—The Secretary of Transportation shall appoint an independent governing board for the research program established under this subsection. The governing board shall be appointed from candidates nominated by national associations representing public airport operating agencies, airport executives, State aviation officials, and the scheduled airlines, and shall include representatives of appropriate Federal agencies. Section 14 of the Federal Advisory Committee Act shall not apply to the governing board.

''(3) IMPLEMENTATION.—The Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences to provide staff support to the governing board established under paragraph (2) and to carry out projects proposed by the governing board that the Secretary considers appropriate.

''(4) REPORT.—Not later than 6 months after the expiration of the program under this subsection, the Secretary shall transmit to the Congress a report on the program, including recommendations as to the need for establishing a permanent airport cooperative research program.''.

TITLE VIII—MISCELLANEOUS

SEC. 801. DEFINITIONS.

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

''(23) 'small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

''(10) 'large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

''(12) 'medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

''(13) 'nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) 'amount made available under section 48103' or 'amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).''.

(b) CONFORMING AMENDMENT.—Section 47116(b)(1) is amended by striking ''(as defined in section 41731 of this title)''.

SEC. 802. REPORT ON AVIATION SAFETY REPORTING SYSTEM.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

SEC. 803. ANCHORAGE AIR TRAFFIC CONTROL.

(a) IN GENERAL.—Not later than September 30, 2004, the Administrator of the Federal Aviation Administration shall complete a study and transmit a report to the appropriate committees regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center at the existing Anchorage Air Route Traffic Control Center facility.

(b) APPROPRIATE COMMITTEES.—In this section, the term ''appropriate committees'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 804. EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108 is amended by striking ''2004'' and inserting ''2008''.

SEC. 805. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.

(a) IN GENERAL.—Section 329(b)(1) is amended by striking ''except that in no case'' and all that follows through the semicolon at the end and inserting the following: ''except that, if the Secretary requires air carriers to provide flight-specific information, the Secretary—

''(A) shall not disseminate fare information for a specific flight to the general public for a period of at least 9 months following the date of the flight; and

''(B) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

SEC. 806. GOVERNMENT-FINANCED AIR TRANSPORTATION.

Section 40118(f)(2) is amended by inserting before the period at the end the following: '', except that it shall not include a contract for the transportation by air of passengers''.

SEC. 807. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15)(C) is amended by inserting ''which is under the actual control of citizens of the United States,'' before ''and in which''.

SEC. 808. UNITED STATES PRESENCE IN GLOBAL AIR CARGO INDUSTRY.

Section 41703 is amended by adding at the end the following:

''(e) CARGO IN ALASKA.—

''(1) IN GENERAL.—For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

''(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term 'eligible cargo' means cargo transported between Alaska and any other place in the United States on a foreign air carrier

(having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried—

"(A) under the code of a United States air carrier providing air transportation to Alaska;

"(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

"(C) under a term arrangement or block space agreement with an air carrier; or

"(D) under the code of a United States air carrier for purposes of transportation within the United States.".

SEC. 809. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) Domestic Air Transportation.—Section 41113(b) is amended—

(1) in paragraph (16) by striking "the air carrier" the third place it appears; and

(2) by adding at the end the following:

"(17)(A) An assurance that, in the case of an accident that results in significant damage to a manmade structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

"(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

"(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.".

(b) Foreign Air Transportation.—Section 41313(c) is amended by adding at the end the following:

"(17) Notice concerning liability for manmade structures.—

"(A) In general.—An assurance that, in the case of an accident that results in significant damage to a manmade structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

"(B) Minimum contents.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

"(18) Simultaneous electronic transmission of NTSB hearing.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.".

(c) Update Plans.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

SEC. 810. NOTICE CONCERNING AIRCRAFT ASSEMBLY.

(a) In General.—Subchapter I of chapter 417 is amended by adding at the end the following:

"§41723. Notice concerning aircraft assembly

"The Secretary of Transportation shall require, beginning after the last day of the 18-month period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.".

(b) Conforming Amendment.—The analysis for chapter 417 is amended by inserting after the item relating to section 41722 the following:

"41723. Notice concerning aircraft assembly.".

SEC. 811. TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

"(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. Such other person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if such other person is the holder of the type certificate or has permission from the holder.".

SEC. 812. RECIPROCAL AIRWORTHINESS CERTIFICATION.

(a) In General.—As part of their bilateral negotiations with foreign nations and their civil aviation counterparts, the Secretary of State and the Administrator of the Federal Aviation Administration shall facilitate the reciprocal airworthiness certification of aviation products.

(b) Reciprocal Airworthiness Defined.—In this section, the term "reciprocal airworthiness certification of aviation products" means that the regulatory authorities of each nation perform a similar review in certifying or validating the certification of aircraft and aircraft components of other nations.

SEC. 813. INTERNATIONAL ROLE OF THE FAA.

Section 40104(b) is amended to read as follows:

"(b) International Role of the FAA.—The Administrator shall promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel by exercising leadership with the Administrator's foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector.".

SEC. 814. FLIGHT ATTENDANT CERTIFICATION.

(a) In General.—Chapter 447 is further amended by adding at the end the following:

"§44728. Flight attendant certification

"(a) Certificate Required.—

"(1) In general.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

"(2) Special rule for current flight attendants.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

"(3) Treatment of flight attendant after notification.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

"(b) Issuance of Certificate.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

"(c) Designation of Person To Determine Successful Completion of Training.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

"(d) Specifications Relating to Certificates.—Each certificate issued under this section shall—

"(1) be numbered and recorded by the Administrator;

"(2) contain the name, address, and description of the individual to whom the certificate is issued;

"(3) is similar in size and appearance to certificates issued to airmen;

"(4) contain the airplane group for which the certificate is issued; and

"(5) be issued not later than 120 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

"(e) Approval of Training Programs.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

"(f) Flight Attendant Defined.—In this section, the term 'flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.".

(b) Conforming Amendment.—The analysis for chapter 447 is further amended by adding at the end the following:

"44728. Flight attendant certification.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

SEC. 815. AIR QUALITY IN AIRCRAFT CABINS.

(a) In General.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled "The Airliner Cabin Environment and the Health of Passengers and Crew".

(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew;

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the contaminants to which passengers and crew were exposed;

(4) analyze and study cabin air pressure and altitude; and

(5) establish an air quality incident reporting system.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 816. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 817. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(4) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/1099 and 3/1862 or section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (Public Law 108–7, division I), or both.

(5) Sightseeing operations that were not authorized to resume in enhanced class B air space under Federal Aviation Administration notice to airmen 1/1225.

(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term "general aviation entity" means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and entling January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 818. INTERNATIONAL AIR SHOW.

If the Secretary of Defense conducts activities necessary to enable the United States to host a major international air show in the United States, the Secretary of Defense shall coordinate such activities with the Secretary of Transportation and the Secretary of Commerce.

SEC. 819. REPORT ON CERTAIN MARKET DEVELOPMENTS AND GOVERNMENT POLICIES.

Within 6 months after the date of enactment of this Act, the Department of Commerce, in consultation with the Department of Transportation and other appropriate Federal agencies, shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, dnd the House of Representatives Committee on Transportation and Infrastructure a report about market developments and government policies influencing the competitiveness of the United States jet transport aircraft industry that—

(1) describes the structural characteristics of the United States and the European Union jet transport industries, and the markets for these industries;

(2) examines the global market factors affecting the jet transport industries in the United States and the European Union, such as passenger and freight airline purchasing patterns, the rise of low-cost carriers and point-to-point service, the evolution of new market niches, and direct and indirect operating cost trends;

(3) reviews government regulations in the United States and the European Union that have altered the competitive landscape for jet transport aircraft, such as airline deregulation, certification and safety regulations, noise and emissions regulations, government research and development programs, advances in air traffic control and other infrastructure issues, corporate and air travel tax issues, and industry consolidation strategies;

(4) analyzes how changes in the global market and government regulations have affected the competitive position of the United States aerospace and aviation industry vis-a-vis the European Union aerospace and aviation industry; and

(5) describes any other significant developments that affect the market for jet transport aircraft.

SEC. 820. INTERNATIONAL AIR TRANSPORTATION.

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define "Fifth Freedom" and "Seventh Freedom" consistently for both scheduled and charter passenger and cargo traffic.

SEC. 821. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Homeland Security, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for—

(1) the screening of catering supplies; and

(2) checking documents at security checkpoints.

SEC. 822. CHARTER AIRLINES.

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking "paragraph (3)" and inserting "paragraphs (3) and (4)";

(2) by inserting a comma after "regularly scheduled charter air transportation"; and

(3) by striking "flight unless such air transportation" and all that follows through the period at the end and inserting the following: "flight, to or from an airport that—

"(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

"(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

"(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

"(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that each annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.".

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

"(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.".

SEC. 823. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) SECURITY PLAN.—The Secretary of Homeland Security shall develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport.

(b) LANDINGS AND TAKEOFFS.—The Administrator of the Federal Aviation Administration shall allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed under subsection (a) due to national security concerns.

(c) REPORT.—If the President suspends the security plan developed under subsection (a), the President shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the reasons for the suspension not later than 30 days following the first day of the suspension. The report may be submitted in classified form.

SEC. 824. REVIEW OF AIR CARRIER COMPENSATION.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the criteria and procedures used by the Secretary of Transportation under the Air Transportation Safety and System Stabilization Act (Public Law 107–42) to compensate air carriers after the terrorist *attack of September 11, 2001, with a particular focus on whether it is appropriate—*

(1) to compensate air carriers for the decrease in value of their aircraft after September 11, 2001; and

(2) to ensure that comparable air carriers receive comparable percentages of the maximum compensation payable under section 103(b)(2) of such Act (49 U.S.C. 40101 note).

SEC. 825. NOISE CONTROL PLAN FOR CERTAIN AIRPORTS.

(a) IN GENERAL.—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law or regulation, a sponsor of a commercial service airport that does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, in order to help meet the noise control plan contained within the lease agreement. A use restriction imposed pursuant to this section must contain reasonable exemptions for public health and safety.

(b) PUBLIC NOTICE AND COMMENT.—Prior to imposing restrictions on, or prohibiting, the operation of Stage 2 aircraft weighing less than 75,000 pounds, the airport sponsor must provide reasonable notice and the opportunity to comment on the proposed airport use restriction limited to no more than 90 days.

(c) DEFINITIONS.—In this section, the terms "Stage 2 aircraft" and "Stage 3 aircraft" have the same meaning as those terms have in chapter 475 of title 49, United States Code.

SEC. 826. GAO REPORT ON AIRLINES' ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.

(a) FINDING.—Congress finds that the United States Government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) GAO REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall prepare a report for Congress analyzing the financial condition of the United States airline industry in its efforts to reduce the costs, improve the earnings and profits and balances of each individual air carrier. The report shall recommend steps that the industry should take to become financially self-sufficient.

(c) GAO AUTHORITY.—In order to compile the report required by subsection (b), the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the report. The Comptroller General shall submit with the report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) REPORTS TO CONGRESS.—The Comptroller General shall transmit the report required by subsection (b) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 827. PRIVATE AIR CARRIAGE IN ALASKA.

(a) IN GENERAL.—Due to the demands of conducting business within and from the State of Alaska, the Secretary of Transportation shall permit, under the operating rules of part 91 of title 14 of the Code of Federal Regulations where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide air carriage of officials, employees, guests, and property of the company or its affiliate, when the carriage—

(1) originates or terminates in the State of Alaska;

(2) is by an aircraft with no more than 20 seats;

(3) is within the scope of, and incidental to, the business of the company or its affiliate; and

(4) no charge, assessment, or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a company from making intermediate stops in providing air carriage under this section.

SEC. 828. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section during the 2-year period ending on the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

SEC. 829. NAVIGATION FEES.

(a) IN GENERAL.—Section 4(b) of the Rivers and Harbors Appropriation Act of July 5, 1884 (33 U.S.C. 5(b); 116 Stat. 2133), is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following:

"(3) property taxes on vessels or watercraft, other than vessels or watercraft that are primarily engaged in foreign commerce if those taxes are permissible under the United States Constitution.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective on and after November 25, 2002.

TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 901. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 2003" and inserting "October 1, 2007", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the Vision 100—Century of Aviation Reauthorization Act".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking "October 1, 2003" and inserting "October 1, 2007".

SEC. 902. TECHNICAL CORRECTION TO FLIGHT SEGMENT.

(a) SPECIAL RULE.—Section 4261(e)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR AMOUNTS PAID FOR DOMESTIC SEGMENTS BEGINNING AFTER 2002.—If an amount is paid during a calendar year for a domestic segment beginning in a later calendar year, then the rate of tax under subsection (b) on such amount shall be the rate in effect for the calendar year in which such amount is paid.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN MICA,
VERNON J. EHLERS,
ROBIN HAYES,
DENNY REHBERG,
JOHNNY ISAKSON,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,
JOE BARTON,

From the Committee on Government Reform, for consideration of secs 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,
CHRISTOPHER SHAYS,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

JAMES SENSENBRENNER, JR.,
HOWARD COBLE,

From the Committee on Resources, for consideration of secs. 204, and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,
JIM GIBBONS,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of section 409 of the House bill, and modifications committed to conference:

RICK RENZI,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
DANA ROHRABACHER,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

BILL THOMAS,
DAVE CAMP,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
CONRAD BURNS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115), to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. SHORT TITLE

House bill

"Flight 100—Century of Aviation Reauthorization Act".

Senate amendment

"Aviation Investment and Revitalization Vision Act".

Conference substitute

"Vision 100—Century of Aviation Reauthorization Act".

2. LENGTH OF AUTHORIZATION

House bill

4 years.

Senate amendment

3 years.

Conference substitute

House bill.

3. FINDINGS

House bill

No provision.

Senate amendment

Contains findings about the importance of aviation and the need to invest more into it.

Conference substitute

Contains some of the findings in the Senate amendment.

4. FAA OPERATIONS

House bill

Authorizes $7.591 billion in 2004, $7.732 billion in 2005, $7.889 billion in 2006, and $8.064 billion in 2007 for the operating costs of the FAA.

Senate amendment

Authorizes same amount for first 3 years. No authorization for 2007.

Conference substitute

House bill.

5. FAA TRAINING FACILITY

House bill

Authorizes some of this money to be used to fully utilize the FAA's Palm Coast management training facility.

Senate amendment

No provision.

Conference substitute

House bill funded out of the Operations account. Authorize funding for the FAA Center for Management Development to operate training courses and to support associated student travel for both residential and field courses.

6. AEROSPACE AND AVIATION LIAISON

House bill

Directs the President to establish a task force to look for ways to ensure that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

Senate amendment

Section 621. Establishes an office in DOT to coordinate research, development of new technologies, transfer of technology from research done by NASA and DOD to the private sector, review activities related to noise and emissions. One time and annual report required. $2 million is authorized over 2 years.

Conference substitute

Assigns the newly established Air Transportation System Joint Planning and Development Office responsibility to facilitate the transfer of technology from research programs such as those managed by the National Aeronautics and Space Administration and the Department of Defense Advanced Research Projects Agency to Federal agencies with operational responsibilities, and to the private sector.

7. COMPETITIVENESS OF U.S. JET TRANSPORTATION INDUSTRY

House bill

No provision.

Senate amendment

Section 623. Within 6 months the office established above shall report on the market developments and government policies influencing U.S. competitiveness.

Conference substitute

Section 819. Senate Amendment with modifications.

8. NEXT GENERATION AIR TRAFFIC CONTROL OFFICE

House bill

Authorizes funds to be used to establish an office in the FAA to develop and plan for the implementation of the next generation air traffic control system.

Senate amendment

Similar provision but sets forth in greater detail the duties of the office. Authorizes $300 million over 7 years. Head of office reports directly to the Administrator.

Conference substitute

Establishes a Next Generation Air Transportation System Joint Planning and Development Office. Requires the office to produce an integrated research and development plan to meet air transportation needs in the year 2025. Requires the plan to be transmitted to Congress within one year after the date of enactment, and an annual update describing the progress in carrying out the plan. Authorizes $50 million a year through FY 2010.

9. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM

House bill

Implements the recommendation of the National Commission on the Future of the Aerospace Industry and requires the President to establish a Task Force to develop an integrated plan to transform the Nation's air traffic control and air transportation system to meet its future needs.

Senate amendment

No provision.

Conference substitute

Requires the Secretary of Transportation to establish a Next Generation Air Transportation Senior Policy Committee to work with the Joint Planning and Development Office. Members shall be the Administrator or designee from NASA and FAA, the Secretary of Defense, Secretary of Homeland Security, Secretary of Commerce, Director of the Office of Science and Technology Policy, and designees from Federal agencies determined by the Secretary of Transportation to have an important role. The Senior Policy Committee shall advise the Secretary and provide policy guidance on the integrated plan for the air transportation system to be developed by the Next Generation Air Transportation System Joint Planning and Development Office.

10. APPROACH PROCEDURES

House bill

Section 101, (a) authorizes use of some of the FAA operations money to establish approach and departure procedures using GPS and ADS–B in order to meet the needs of air ambulance services.

Senate amendment

No provision.

Conference substitute

In lieu of the House provision, section 103(b) changes the expiration date of the current authorizations in paragraphs (C), (D), and (E) of section 106(k)(2) to conform to the 4-year authorization in this bill. These authorizations encourage the Federal Aviation Administration to establish helicopter and tiltrotor approach and departure procedures using advanced technologies, such as the Global Positioning System and automated dependent surveillance, to permit operations in adverse weather conditions to meet the needs of general aviation, new tiltrotor technology, and air ambulance services.

11. AIR TRAFFIC CONTROLLERS

House bill

Paragraph (k)(5) in section 101 authorizes some of this money to be used to hire additional air traffic controllers in order to accommodate the growth in air traffic and address the expected increase in retirement of experienced controllers. Subsection (c) of section 101 directs the FAA to develop a human capital workforce strategy to address the need for more air traffic controllers as called for by the General Accounting Office.

Senate amendment

Section 103(b). Requires FAA beginning in FY 2004 budget submission and thereafter to include description of controller staffing plan including strategies for addressing anticipated retirements.

Conference substitute

Section 221 (a) includes Senate section 103(b) but starts with 2005 budget submission.

Section 221(b) adopts subsection (c) of House bill.

12. ALASKAN AVIATION CORRIDORS

House bill

Authorizes funds to be used to complete the mapping of Alaska's main aviation corridors.

Senate amendment

No provision.

Conference substitute

House bill.

13. AVIATION SAFETY REPORTING SYSTEM

House bill

Authorizes $3.4 million to be used for the Aviation Safety Reporting System. Calls for a report on the Aviation Safety Reporting System.

Senate amendment

No provision.

Conference substitute

House bill.

14. BUREAU OF TRANSPORTATION STATISTICS

House bill

Authorizes $3.971 million in 04, $4.045 million in 05, $4.127 million in 06, and $4.219 million in 05 from the Trust Fund for the Bureau of Transportation Statistics' activities collecting and analyzing aviation data.

Senate amendment

No provision.

Conference substitute

House bill.

15. AIR NAVIGATION FACILITIES AND EQUIPMENT (F&E)

House bill

Authorizes $3.138 billion in 2004, $2.993 billion in 2005, $3.053 billion in 2006, and $3.110 billion in 2007.

Senate amendment

Authorizes $2.196 billion in 2004, $2.971 in 2005, and $3.030 billion for 2006. No authorization for 2007. Requires biannual reports on the changes in budget and schedule, and technical risks, of 10 largest F&E programs.

Conference substitute

House bill with Senate report. The Managers expect that no research and development activities will be funded from the facilities and equipment account.

16. GULF OF MEXICO

House bill

Money is authorized from the F&E account to improve the safety and efficiency of air operations in the Gulf of Mexico.

Senate amendment

Similar provision but worded differently. Money is authorized from general fund.

Conference substitute

House bill.

17. WAKE TURBULENCE

House bill

$20 million per year for 4 years is authorized from F&E for FAA to demonstrate the benefits of a wake vortex advisory system.

Senate amendment

$500,000 is authorized for 1 year from RED for FAA to contract with the National Research Council for an assessment of FAA's wake vortex research program. Report required in 1 year.

Conference substitute

House provision for the life of bill, except the Managers agreed to delete a specific dollar amount and change the wording to allow development and analysis of multiple systems.

18. PRECISION APPROACH LANDING SYSTEMS

House bill

$20 million per year is authorized per year from F&E for precision approach landing systems in mountainous areas contingent on FAA certifying or approving these systems. Maintenance of equipment not included.

Senate amendment

Similar provision but no requirement for FAA approval and no specific sum is authorized. Money comes from general fund. Maintenance of equipment is included.

Conference substitute

House bill but without specifying a dollar amount.

19. STANDBY POWER EFFICIENCY PROGRAM

House bill

No provision.

Senate amendment

Authorizes funding for a program to improve power stations at FAA sites.

Conference substitute

Senate amendment.

20. ANCHORAGE AIR TRAFFIC CONTROL FACILITIES

House bill

No provision.

Senate amendment

Requires a report from FAA on the feasibility of consolidating air traffic control facilities.

Conference substitute

Senate amendment.

21. AIR TRAFFIC CONTROL COLLEGIATE TRAINING INITIATIVE

House bill

No provision.

Senate amendment

Authorizes DOT to expend funds on this initiative.

Conference substitute

Senate amendment but funded from the FAA's operating account (49 U.S.C. 106(k)).

22. RESEARCH

House bill

No provision.

Senate amendment

Authorizes funding for FAA research and development.

Conference substitute

Authorizes all research and development activities for the agency within the R&D section of Title 49. The Managers expect these research and development activities to be funded from the FAA's R,E&D account.

23. AVIATION SAFETY WORKFORCE INITIATIVE

House bill

No provision.

Senate amendment

NASA and FAA shall establish a joint program to make grants to students in aviation fields. Such sums are authorized to NASA and FAA to carry out this program. Report required in 180 days.

Conference substitute

Senate amendment.

24. SCHOLARSHIPS

House bill

No provision.

Senate amendment

NASA and FAA shall develop a student loan program for those studying in an aviation field. Money is authorized and a report is required.

Conference substitute

Establishes a scholarship and internship program for those studying in an aviation field.

25. AIRFIELD PAVEMENT

House bill

No provision.

Senate amendment

Requires FAA to continue the program of awarding grants to foundations to do research on airfield pavement. But this should not get higher priority than other research programs.

FAA shall review its standards for airfield pavement thickness and revise them if needed to meet the 20-year life requirement for such pavement. Report required in 1 year.

Conference substitute

Senate amendment, except Conferees agreed to strike any reference to "rigid concrete" and to amend 47102(3)(H) to make nonhubs eligible for AIP grants for pavement maintenance.

26. CERTIFICATION METHODS

House bill

No provision.

Senate amendment

FAA shall conduct research to develop analytical tools to improve existing certification methods and reduce the cost for certification of new products.

Conference substitute

Senate amendment.

27. NEW TECHNOLOGIES

House bill

No provision.

Senate amendment

FAA may conduct a limited pilot program to provide incentives to airlines to use new technologies. $500,000 is authorized from the general fund in 2004 for this program.

Conference substitute

Senate amendment except authorized from Facilities and Equipment.

28. FAA CENTER FOR EXCELLENCE

House bill

No provision.

Senate amendment

FAA shall develop a Center for Excellence focused on research and training on composite materials.

Conference substitute

Senate amendment.

29. REPORT ON ENVIRONMENTAL IMPROVEMENTS

House bill

No provision.

Senate amendment

Requires a study on ways to reduce aircraft noise and emissions. Report required in 1 year. $500,000 is authorized.

Conference substitute

Authorizes $20 million a year for research on enabling technologies to reduce noise and emissions pollution.

30. AIRPORT IMPROVEMENT PROGRAM (AIP)

House bill

$3.4 billion in 2004, increasing by $200 million each of 3 years thereafter. No AIP money for administrative expenses.

Senate amendment

$3.4 billion in 2004, increasing by $100 million in each of 2 years thereafter. Authorizes use of AIP for administrative expenses.

Conference substitute

Senate amendment for the length of the bill (4 years). However, the substitute does not authorize use of AIP for administrative expenses. The Managers believe that AIP money should not be used for research, as that should be done in the research account.

31. CONTRACT TOWER PROGRAM

House bill

Authorizes funding for the contract tower program for 4 years increasing funding by 500,000 each year. Updates the section on the FAA's contract tower program by deleting the 1987 date and increases the maximum Federal share (from $1.1 million to $1.5 million) for the construction of a tower under this program.

Senate amendment

Same provision with respect to funding but for only 3 years. Allows qualified entities to contract for towers. Same provision with respect to the Federal share.

Conference substitute

Senate amendment, but for 4 years.

32. UNDERSERVED AIRPORTS

House bill

Subsection (b) of section 104 authorizes funding for 5 years at $35 million per year for the program established in AIR 21 to improve service at underserved airports.

Subsection (b) of section 415 revises this program by eliminating the per-State limit on the number of communities that can participate and by giving priority to those communities that can use the money in the fiscal year that they receive it.

Senate amendment

Section 302, subsection (a) authorizes funding for 3 years at $27.5 million per year for this program. $275,000 may be used for administrative costs.

Subsection (b) allows communities to participate more than once but not for the same project. Section 354(c) amends section 41734(h) by striking "an airport" and inserting "each airport".

Conference substitute

House section 104 (b) and Senate section 302 (b). House section 415 (b) but retain per-State limit on a per year basis.

The Managers continue to be concerned about air service to small and medium sized airports. Section 203 of AIR 21 (114 Stat. 92), codified at section 41743 of title 49, included a pilot program to make grants to small communities to help them bolster their air service. This program is only now beginning to get underway. The Managers believe this program will lead to the desired air service improvements and the reported bill reauthorizes it for another 5 years at $35 million per year. In selecting communities for participation in this program, the Managers encourage the Secretary of Transportation to give preference to airports that have demonstrated the ability to sustain service and that have strong support from the local community.

33. REGIONAL JET LOAN GUARANTEES

House bill

Reauthorizes the program to permit loan guarantees to be offered for the purchase of regional jets to serve small airports.

Senate amendment

No provision.

Conference substitute

No provision.

34. TRUST FUND GUARANTEE

House bill

Reauthorizes for 4 years the procedural protections in AIR 21 that ensure that all Trust Fund revenue and interest is fully spent and that the AIP and F&E programs are fully funded at their authorized levels.

Senate amendment

Same provision, worded differently, for 3 years.

Conference substitute

House bill.

35. DESIGN-BUILD

House bill

Continues for another 4 years the provision in existing law permitting contractors to both design and build 7 airport improvement projects.

Senate amendment

Makes existing law permanent and removes the 7-airport project limit.

Conference substitute

Senate amendment. The Committee understands that other alternative qualifications-based methods exist such as job order contracting and construction manager at risk. These alternative qualifications-based methods are acceptable under existing regulations and statute. The term "job order contracting" means an agreement that provides for the purchase of indefinite and limited quantities of construction pursuant to specific work orders issued to the contractor. The term "construction manager at risk" means an agreement that provides for preconstruction services by a contractor during or after design. Section 181 is intended to cover traditional design-build techniques that are not otherwise permitted.

36. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

House bill

Reauthorizes MWAA's ability to receive AIP grants until 2007. Section 412(g) repeals the provision requiring this periodic reauthorization.

Senate amendment

Requires MWAA, with DOT, to study the feasibility of housing gates of the two air shuttles in one terminal.

Conference substitute

House bill, however the Managers agreed not to repeal the provision requiring periodic reauthorization and to require MWAA to seek reauthorization in 2008.

37. WAR RISK INSURANCE

House bill

Makes permanent war risk insurance for international flights and for non-premium insurance. War risk insurance for domestic flights would continue to be subject to periodic reauthorizations. Permits DOT to keep in effect after August 31, 2004 the war risk insurance policies that must be in effect until that date. Permits DOT to extend the $100 million cap on liability for third party damages to U.S. aircraft manufacturers until the end of next year. Allows DOT to provide war risk insurance coverage to U.S. aircraft manufacturers and to vendors, agents, and subcontractors of airlines but only to the extent that the loss involved aircraft of a U.S. airline. Makes technical corrections.

Senate amendment

Reauthorizes the program for 3 years. Allows DOT to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of $50,000,000 or in excess of manufacturer's primary insurance. Includes conforming amendments.

Conference substitute

Amends Section 44310 to extend the effective date of the program to March 30, 2008. DOT is allowed to provide war risk insurance to a U.S. aircraft manufacturer for loss of an aircraft of a U.S. airline in excess of $50,000,000 or in excess of the manufacturer's primary insurance.

38. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS

House bill

Authorizes FAA to conduct a pilot program to test the cost-effectiveness and feasibility of innovative financing techniques to purchase and install terminal automation replacement systems. This proposal is designed to replace existing obsolete air traffic control equipment at FAA TRACONS. This section provides $200,000,000 in FY 2004 from the Facilities and Equipment Account for this pilot program and allows the FAA to make multi-year advance contract provisions to achieve economic-lot purchases and more efficient production rates.

Senate amendment

No provision.

Conference substitute

House bill, however the pilot program is not limited to any particular technology or system.

39. COST SHARING OF ATC MODERNIZATION PROJECTS

House bill

No provision.

Senate amendment

DOT may make 10 grants per year for ATC projects that are certified or approved by FAA and that promote safety, efficiency or mobility. The money shall come from the F&E account. It shall be limited to $5 million per project. The Federal share of the project shall be limited to 33%. The local share shall come from non-Federal sources including PFCs. Facilities and equipment obtained through this program may be transferred to FAA. FAA shall issue guidelines for this program without being subject to the APA.

Conference substitute

Senate amendment but limited to the purchase of equipment and software.

40. PROJECT STREAMLINING

House bill

Provides that the Title may be cited as the "Airport Streamlining Approval Process Act of 2003". Makes a number of findings regarding our Nation's major airports and the environmental review process for airport capacity projects at congested airports.

Senate amendment

No provision.

Conference substitute

Subtitle renamed "Aviation Development Streamlining." Provides that the Title may be cited as the "Aviation Streamlining Approval Process Act of 2003". Findings are the same as the House bill.

41. PROMOTION OF NEW RUNWAYS—AIRPORT CAPACITY PROJECTS

House bill

Provides that the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports. This is designed to encourage the FAA to take a more proactive approach in encouraging the construction of new runways when it determines that it would be in the national interest.

Senate amendment

Section 47701, takes a different approach by requiring the Secretary to identify airports, among FAA's Airport Capacity Benchmark Report 2001, with delays significantly affecting the national system. This section also requires the Secretary to set up a task force and conduct a capacity enhancement study (CES) from which identified airports would be directed to engage in runway expansion processes. Based on the CES, an airport would be required to complete the planning and environmental review process within 5 years after CES is submitted to DOT. If an identified airport declines to undertake expansion projects, they will be ineligible for planning and other expansion funding and cannot issue passenger facility fees. The Secretary must make every attempt to expedite funding for airports that do comply.

Section 47702, provides for designation of airport development projects as national capacity projects if they will significantly enhance the capacity of the national air transportation system. The designation is effective for 5 years.

Conference substitute

Adopted the Senate title "Airport Capacity Enhancement" and the provisions of the House bill.

42. DOT AS LEAD AGENCY

House bill

Section 47171, subsection (a) requires the Secretary to develop and implement a coordinated airport project review process for airport capacity enhancement projects at congested airports.

Subsection (b) provides for a coordinated review process for all environmental reviews, analyses, opinions, permits, licenses, and approvals to be conducted concurrently and completed within a time period established by the Secretary in cooperation with the agencies involved.

Subsection (c) requires that for each airport capacity enhancement project at a congested airport, the Secretary shall identify all Federal and State agencies that may have jurisdiction over environmental-related matters, may be required by law to conduct an environment review, or may have jurisdiction to determine whether to issue an environmental-related permit, license, or approval for the project.

Subsection (d) allows a State and its associated agencies, consistent with State law, to choose to participate in the coordinated review process for a project at an airport within that State.

Subsection (e) allows the coordinated review process for a project to be incorporated into a Memorandum of Understanding between the Secretary and the heads of other Federal and State agencies identified in subsection (c), and the airport involved.

Subsection (f) sets forth the notification and reporting requirements should the Secretary determine that a Federal agency, State agency, or airport sponsor participating in the coordinated review process has not met a deadline established under subsection (b).

Subsection (g) provides that for any environmental review process or approval issued or made by a Federal or State agency participating in a coordinated review process requiring an analysis of the purpose and need for a project, the agency is bound by the project's purpose and need as defined by the Secretary.

Subsection (h) provides that the Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport and any other Federal or state agency participating in a coordinated review process shall consider only those alternatives to the project that the Secretary has determined are reasonable.

Senate amendment

Section 47703, subsection (a) similarly requires the Secretary to implement an expedited coordinated environmental review process for national capacity projects. Includes a date certain deadline for completing all reviews.

Subsection (b) requires each Federal agency/deptartment to accord the national capacity project environmental review the highest possible priority and to conduct the review expeditiously. If not complying then the Secretary shall notify Congress immediately.

Subsection (c) requires the designation of a Project Coordinator who shall, among other things, coordinate all activities of Federal, State and local agencies involved in the project.

Subsection (c)(1) requires Secretary to designate a project coordinator and establish an environmental impact team for each national capacity project. Subsection (c)(2) sets forth what the project coordinator and the EIS team shall do. Adds 180 days extra time and it is not part of the NEPA process.

Subsection (a) requires FAA to publish an additional notice in the FR for each airport capacity enhancement project at a congested airport requesting comments on reasonable alternatives. Subsection (b) provides, outside of NEPA, that an alternative shall be considered reasonable if certain listed criteria are met.

Subsection (d) provides that the Secretary's determination, not later than 90-days after last day of comment period, is binding on "all persons, including Federal and State agencies, acting under or applying Federal laws when considering the availability of alternatives to the project."

Subsection (e) states that the section does not apply to alternatives analysis under NEPA and does not apply if an airport opts out in writing.

Subsections (a) and (c) require comment periods in addition to NEPA. Subsection (a), as indicated above, requires FAA to publish an additional notice requesting comments on reasonable alternatives.

Subsection (c), requires an additional 60-day comment period.

Conference substitute

House bill with Senate Amendment. The Managers intend that the procedures set forth in this section will allow DOT to cut through red tape and eliminate duplication without diminishing existing environmental laws or limiting local input into these critical projects. The Managers believe that the expedited, coordinated environmental review process will ensure that once a community reaches consensus on a critical project, the review process will not unnecessarily delay action. The Department of Transportation is designated as the lead agency for the project review process and the Secretary of Transportation is directed to develop a coordinated review process for major airport capacity projects that will ensure that all environmental reviews by government agencies will be conducted at the same time, whenever possible.

The Managers agreed to combine the streamlined environmental review processes and procedures for airport capacity enhancement projects at congested airports, aviation safety projects, and aviation security projects into one section. Therefore, House bill section 47177 is folded into House bill section 47171. The Managers also adopted the Senate amendment regarding environmental impact statement teams as a way to streamline the environmental review process and achieve a coordinated, expedited environmental review. After proper scoping and public comment processes, the determinations of the Secretary with regard to a proposed project's purpose and need and reasonable alternatives shall be binding on any other Federal or state agency that is participating in a coordinated environmental review process under this section. Participation in a coordinated environmental review process includes the review of environmental analyses, consultation and coordination, and the issuance of environmental opinions, licenses, permits, and approvals.

The Managers recognize that the Department of Transportation and the Federal Aviation Administration have significant expertise and experience on transportation-related matters. Therefore, in conducting environmental reviews within the jurisdiction of the DOT, the Secretary should play a lead role in determining which analytical methods are reasonable for use in determining the transportation impacts and benefits of project alternatives, particularly in the area of noise impacts. Other agencies should give substantial deference to the aviation expertise of the Federal Aviation Administration with respect to determinations of relevant aviation factors including aircraft and airport operations, airport capacity, and future national air space capacity forecasts. Other agencies have expertise in determining the environmental impacts of transportation projects, and the Secretary should rely on the expertise of these agencies in analyzing these impacts. To the maximum extent possible, all Federal and State agencies participating in the coordinated review process should use a common set of data for their analyses in carrying out their responsibilities to conduct environmental reviews under Federal law.

43. CATEGORICAL EXCLUSIONS

House bill

Section 47172, states that not later than 120 days after the date of enactment of this section, the Secretary shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environment impact statement be prepared for projects at airports.

Senate amendment

Requires FAA to report to Senate, within 30 days, on current CATEXs and on proposed additional CATEXs. Directs Secretary to consider other things outside of NEPA, when determining list of proposed CATEXs.

Conference substitute

In lieu of either the House bill or Senate amendment, the Managers agree that the requirement to develop and publish a list of categorical exclusions is unnecessary given that the FAA already published a list of new categorical exclusions as part of their proposed FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." It would therefore be most helpful if the FAA finalized this Order. The Managers have set a 180-day deadline for the FAA to publish their final FAA Order 1050.1E. In addition, with regard to airport projects, the Managers have set a deadline for the FAA to publish, for public comment, the revised FAA Order 5050.4B, "Airport Environmental Handbook," and urge the FAA to finalize this Order as soon as practicable.

44. ACCESS RESTRICTIONS TO EASE CONSTRUCTION—AIR TRAFFIC PROCEDURES

House bill

Section 47173, provides that at the request of a congested airport, the Secretary may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that the imposition of the restriction (1) is necessary to mitigate significant noise impacts and expedite construction of the runway; (2) is the most appropriate and cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs; and (3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

Senate amendment

Section 47705 is a similar provision for national capacity projects that involve construction of new runway or reconfiguration of runway. If the Secretary determines consistent with safe and efficient use of airspace, and consistent with applicable Federal law, then commit to such procedure in ROD for project.

Conference substitute

Senate amendment with minor changes to conform to the use of the terms “airport capacity enhancement projects at congested airports” in lieu of the term “national capacity projects.”

45. AIRPORT REVENUE TO PAY FOR MITIGATION

House bill

Section 47174, subsection (a) states, that the Secretary may allow an airport carrying out a capacity enhancement project at a congested airport to make payments out of revenues generated at the airport for measures to mitigate the environmental impacts of the project if the Secretary finds that (1) the mitigation measures are included as part of, or are consistent with, the preferred alternative for the project in the documentation prepared for NEPA; (2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and (3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

Subsection (b) describes what the mitigation measures described in Subsection (a) may include.

Senate amendment

No provision.

Conference substitute

No provision.

46. AIRPORT FUNDING OF FAA STAFF

House bill

Section 47175, subsection (a) provides that FAA may accept funds from an airport to hire additional staff or obtain the services of consultants to facilitate the timely processing, review, and completion of environmental documents associated with an airport development project.

Subsection (b) allows the Administrator, with agreement of the airport, to transfer its entitlement funds to the account used by FAA for activities described in subsection (a).

Subsection (c) states that, notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b) shall (1) be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted; (2) be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and (3) remain available until expended.

Subsection (d) provides that no funds may be accepted pursuant to subsection (a), or transferred under subsection (b), ensures that airport or AIP money is utilized only to provide additional funds for environmental staff, not merely replace funds from the FAA's operating account that would have been provided for this purpose in any event.

Senate amendment

Section 47706, similar provision but provides for a pilot program and establishes a process with much more specific requirements. Also, does not allow airports to use AIP for this purpose.

Conference substitute

House bill and Senate Amendment. This program should be a permanent program and airports should be allowed to use AIP entitlement funds to fund environmental staff. However, this provision is designed to ensure that airport or AIP money is utilized only to provide additional funds for environmental staff, and not merely to replace funds in the FAA's operating account that would have been provided for this purpose in any event.

47. AUTHORIZATION FOR ENVIRONMENTAL REVIEWS

House bill

Section 47176, authorizes funds to be appropriated to the Secretary out of the Airport and Airway Trust Fund, in the amount of $4,200,000 for fiscal year 2004 and for each fiscal year thereafter for the timely processing, review and completion of environmental review activities associated with airport capacity enhancement projects at congested airports

Senate amendment

No provision.

Conference substitute

House bill.

48. STREAMLINING OF SAFETY AND SECURITY PROJECTS

House bill

Section 47177, allows, in subsection (a), the Administrator of the Federal Aviation Administration to designate an aviation safety or aviation security project for priority environmental review. The Administrator is not allowed to delegate this designation authority.

Subsection (b) directs the Administrator to establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. The guidelines must include consideration of, (1) the importance or urgency of the project; (2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act; (3) the need for cooperation and concurrent reviews by other Federal or State agencies; and (4) the prospect for undue delay if the project is not designated for priority review.

Subsection (c) sets forth the procedures for coordinated environmental reviews. Paragraph (1) directs the Administrator, in consultation with the heads of affected agencies, to establish specific timelines for coordinated environmental reviews of an aviation safety or aviation security projects. The timelines shall be consistent with timelines established in existing laws and regulations. Also, this subsection directs each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals to accord any such review a high priority and to conduct the review expeditiously and, to the maximum extent possible, concurrently with other such 'reviews. Paragraph (2) directs each Federal agency identified under subsection (c) to formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, in a timely and environmentally responsible manner.

Subsection (d) provides for State participation. Paragraph (1) states that if a priority environmental review process is being implemented with respect to a project within the boundaries of a State with State environmental requirements and approvals, the Administrator must invite the State to participate in the process. Paragraph (2) allows that a State invited to participate in a priority environmental review process, consistent with State law, may choose to participate and may direct that all State agencies, which have jurisdiction to conduct an environmental review or analysis of the project, be subject to the coordinated review process.

Subsection (e) sets forth the procedures for when a Federal agency or participating State fail to give priority review. Paragraph (1) provides that if the Secretary of Transportation determines that a Federal agency or a participating State is not complying with the requirements of this section and that the noncompliance is undermining the environmental review process, the Secretary must notify, within 30 days the head of the Federal agency or, with respect to a State agency, the Governor of the State. Paragraph (2) states that when a Federal agency receives such a notification, the Agency must submit a written report to the Secretary within 30 days explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take. Paragraph (3) states that if the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time allowed under this subsection, the Secretary shall notify the Council on Environmental Quality, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate. Subparagraph (f) cross-references the procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 and directs that they shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

Subsection (g) provides a list of definitions of terms used in the section. Section 47178, provides a list of definitions of terms used in the subchapter, including terms “congested airport” and “Airport Capacity Enhancement Project.”

Senate amendment

Section 47707, provides definition of National Capacity Project.

Conference substitute

House bill. The Managers combined House bill section 47177, which includes the procedures for an expedited, coordinated environmental review process for aviation safety and aviation security projects, with House bill section 47171, the procedures for airport capacity enhancement projects at congested airports. The Managers believe that environmental reviews for these types of projects should be streamlined in the same way that airport capacity enhancement projects at congested airports are streamlined. Therefore, all processes and procedures applicable to airport capacity enhancement projects at congested airports apply to designated aviation safety or aviation security projects. The Managers adopted the House bill definitions of terms in both Sections 47177(g) and 47178.

49. GOVERNOR'S CERTIFICATE

House bill

Repeals the requirement in section 47106(c)(1)(B) that the Governor of the state in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be in compliance with applicable air and water quality standards.

Senate amendment

Same as House bill except the Senate strikes “(1)(c)” in newly designated 47106(c)(4) and inserts “(1)(B)”, and does not strike “Stage 2” and insert “Stage 3” in 7106(c)(2)(A).

Conference substitute

Senate amendment with minor technical changes to reflect revisions contained in House bill. Conference substitute repeals the governor's certificate requirement regarding compliance with applicable air and water quality standards.

50. NOISE MITIGATION NEAR A CONGESTED AIRPORT

House bill

Authorizes the issuance of a grant to an airport operator of a congested airport and a unit of local government to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the FAA for an airport capacity enhancement project.

Senate amendment

No provision.

Conference substitute

House bill.

51. STREAMLINING LIMITATIONS AND RELATIONSHIP TO OTHER REQUIREMENTS

House bill

Section 207 states that nothing in the Act shall preempt or interfere with any practice of seeking public comment; any power, jurisdiction, or authority that a state agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and any obligation under the National Environmental Policy Act and Council on Environmental Quality regulations.

Section 208 provides that the coordinated review process required under this Title for airport capacity enhancement projects at congested airports shall apply whether or not the project is a high-priority transportation infrastructure project under Executive Order 13274.

Senate amendment

No provision.

Conference substitute

House bill.

52. ILLINOIS

House bill

No provision.

Senate amendment

Makes clear that nothing in Title II of the Senate amendment precludes the application of this Act to Illinois or preempts the Illinois Governor from approving or disapproving an airport project.

Conference substitute

Senate amendment.

53. MANAGEMENT ADVISORY COMMITTEE MEMBERS

House bill

This section reduces the FAA's Management Advisory Council (MAC) to 13 members to reflect the removal the Air Traffic Services Subcommittee from the MAC. The DOT Secretary rather than the President would fill any remaining vacancies in the MAC.

Senate amendment

Similar provision.

Conference substitute

House bill, but name changed to Management Advisory Committee.

54. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE

House bill

Establishes the Air Traffic Services Board and moves the members of the Air Traffic Services Subcommittee to this new Board. The FAA Administrator would be the Chairman of this Board. Members are appointed by the President and confirmed by the Senate. Compensation of the Board Members is eliminated. Board makes recommendations on the FAA budget rather than approve it.

Senate amendment

Similar provision but it is called a Committee rather than a Board and members are appointed by the Secretary. Retains $25,000 compensation for members. Continues to require approval of FAA budget. Requires President to submit FAA budget request to Congress without revision.

Conference substitute

House bill and Senate amendment, but without the provision on the budget. The new organization is a committee.

55. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER

House bill

Revises the functions of the FAA's Chief Operating Officer (COO) to more closely reflect the duties of such a position. The current statutory functions have been criticized for being more appropriate for a CEO than a COO. The COO is given the added responsibility of developing a comprehensive plan with specific performance goals for managing cost-reimbursable contracts as called for in the report of the Inspector General (Report F1-2202-092, May 8, 2002).

Senate amendment

Similar, except there is no provision on cost-reimbursable contracts.

Conference substitute

House bill.

56. SECTION WHISTLEBLOWER PROTECTION

House bill

No provision.

Senate amendment

Provides whistleblower protection for employees of FAA contractors.

Conference substitute

Senate amendment.

57. SMALL BUSINESS OMBUDSMAN

House bill

This section establishes the position of small business ombudsman within FAA to serve as a liaison with small business and provide assistance to those businesses.

Senate amendment

No provision.

Conference substitute

No provision.

58. FAA PURCHASE CARDS

House bill

This section requires FAA to take appropriate actions to implement General Accounting Office recommendations made in a report (GAO-03-405, March 2003) that uncovered abuses of FAA purchase cards. Similar concerns had been raised earlier about practices in Alaska (GAO-02-606, May 2002).

Senate amendment

No provision.

Conference substitute

House bill.

59. IMPROVEMENT OF AVIATION INFORMATION COLLECTION

House bill

This section would repeal the prohibition on collecting information by specific flight effective on the date of issuance of a final rule that reduces the reporting burden for air carriers through electronic filing of the Origin & Destination Survey data.

Senate amendment

No provision.

Conference substitute

House bill with additional language to ensure that data cannot be used for anticompetitive purposes. The additional language requires that, if the Secretary requires air carriers to provide flight-specific information, (1) the Secretary shall not disseminate fare information for a specific flight to the general public for a period of at least nine months following the date of the flight; and (2) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare.

60. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING

House bill

This section requires DOT to publish passenger complaints about screening problems in the same way that it publishes complaints about delays, lost baggage, etc.

Senate amendment

No provision.

Conference substitute

House bill.

61. DEFINITIONS

House bill

This section places the various definitions of "hub" in one place in Title 49 rather than scattered throughout the code as they are now. This section includes the various hub definitions in Chapter 471 of title 49. Also defines "amount made available" and "passenger boardings".

Senate amendment

Adds definitions of "amount newly made available" and "amount subject to apportionment" in chapter 471. Makes necessary conforming changes. Subsection (b) revises when AIP grants may be made.

Conference substitute

House bill and Senate amendment.

62. CLARIFICATIONS TO PROCUREMENT AUTHORITY

House bill

Subsection (a) deletes paragraph (c)(1) and (c)(2)(D) that no longer apply to the FAA as a result of the procurement reform contained in section 40110(d) of title 49.

Subsection (b) deletes the reference to the deadline for implementing procurement reform and allows bid protests to be resolved by alternate dispute resolution techniques.

Subsection (c) adds the procurement of "services" to the list of actions to which the FAA's procurement system applies.

Senate amendment

Subsection (a) is the same provision but it also deletes paragraphs (2)(C) and (E) that require authorization from GSA and limit sole source contracts.

Also deletes the reference to the deadline for implementing procurement reform. Subsection (b) is the same as subsection (c) of the House bill.

Conference substitute

House bill and Senate amendment with additional language at the end of new paragraph (d)(4) stating "and shall be subject to judicial review under section 46110 of this title, and to the provisions of the Equal Access to Justice Act (5 U.S.C. 504)."

63. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT UNDER THE PFC PROGRAM

House bill

Subsection (a) allows passenger facility charge (PFC) revenue to be used to purchase low-emission vehicles or to convert existing equipment.

Subsection (b) makes clear that PFC revenue can be used only to pay the difference in cost between the low-emission vehicle and a regular vehicle. PFCs can also be used to pay the cost of converting an existing vehicle to a low emission vehicle.

Subsection (c) defines the type of equipment that is eligible.

Senate amendment

Similar provision, but adds requirement that DOT, in consultation with EPA, shall issue guidance.

Conference substitute

House bill and Senate amendment. The Managers adopted the House provision with the Senate requirement that the EPA, in consultation with DOT, shall issue guidance.

64. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM

House bill

Subsection (a) is designed to streamline the PFC approval process by requiring that notice and comment is provided before the airport submits its PFC application to FAA and all the certifications are included in that application. The subsection also states that an airport is required to consult with only those airlines operating there that provide scheduled air service or major charter operations.

Subsection (b) provides a 3-year test of expedited procedures for approval of PFC applications at small airports. Such an airport that notifies FAA of its intention to impose a PFC shall be allowed to do so unless FAA objects within 30 days of receiving the notice.

Senate amendment

This is the same provision with some different wording. Also eliminates the requirement that large airports seeking a PFC of more than $3 show that the project will make a significant contribution to safety, security, increased competition, or reducing congestion or noise.

Conference substitute

House bill.

65. PFCs AND MILITARY CHARTERS

House bill

Makes clear that passengers on a military charter are not required to pay a PFC since payment for the flight is made by the Department of Defense rather than by the individual passengers.

Makes technical amendments.

Senate amendment

Subsection (g) of section 507 is the same provision.

Conference substitute

House bill and Senate amendment.

66. USING PFC REVENUE FOR GROUND ACCESS PROJECTS

House bill

Requires FAA to publish in 60 days its current policy for allowing PFCs to be used to pay for ground access projects.

Senate amendment

No provision.

Conference substitute

House bill but add "consistent with current law."

67. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES

House bill

This section requires airlines to place PFC revenue that they collect in a separate account so that the airport for which the PFC was collected will be assured of receiving its money should the airline go out of business during the interim period between the time that the PFC was collected and the time it is remitted to the airport.

Senate amendment

No provision.

Conference substitute

Section 124. House bill, but limited to air carriers filing for bankruptcy after the date of enactment. These air carriers would only have to segregate PFC money, and would not be required to put that money in an escrow account. This provision is in addition to the requirements already in 49 U.S.C. 40117(g)(4).

68. MAJOR RUNWAY PROJECTS

House bill

No provision.

Senate amendment

Requires quarterly reports on the status of major runway projects undertaken at 40 largest airports.

Conference substitute

No provision.

69. NOISE DISCLOSURE TO HOME BUYERS

House bill

No provision.

Senate amendment

Requires FAA to study the feasibility of developing a program to notify homebuyers of information on noise disclosure maps. Requires FAA to make noise exposure maps available on its Web site.

Conference substitute

Senate amendment. One change was made requiring the Federal Aviation Administration to make noise exposure and land use information from noise exposure maps available to the public via the Internet on its Web site in an appropriate format. The approach was adopted instead of requiring the FAA to publish noise exposure maps on the FAA's Web site alone. It is very important that potential homebuyers should be notified of the likelihood that they would be exposed to aircraft noise.

70. CLARIFICATION OF FLY AMERICA ACT

House bill

Makes clear that the term "commercial item" does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

Makes clear that a person that has contracted with the military has the same obligation under 49 U.S.C. 41106 to employ U.S. airlines for airlift services as the military.

Senate amendment

No provision.

Conference substitute

The Substitute includes only the House provision that the term "commercial item" does not include the transportation of people by air. Such transportation must be on U.S. airlines to the extent required by the other provisions of 49 U.S.C. 40118.

71. AIRLINE CITIZENSHIP

House bill

No provision.

Senate amendment

To qualify as a U.S. airline, it must be under the actual control of citizens of the U.S.

Conference substitute

Senate amendment.

72. AIR CARGO IN ALASKA

House bill

No provision.

Senate amendment

Permits cargo to or from a foreign country to be transferred to another airline in Alaska without being considered to have broken its international journey.

Conference substitute

Senate amendment. This subsection does not apply to transportation of passengers and does not permit the Secretary to authorize a foreign air carrier either to take on for compensation at a place in the United States cargo having both first origin and ultimate destination in the United States, or to engage in service that contravenes any bilateral or multilateral agreement between the United States and any foreign state. Alaska's geographic location and distance from the contiguous 48 States creates special needs, challenges and opportunities. Alaska has a unique geographic location as a technical and refueling stop for all cargo services between Asia, on the one hand, and Europe and North America on the other. A "term arrangement" is a cargo relationship between air carrier(s) and foreign air carrier(s) on an ongoing basis, including, for example, preferential rates or joint marketing up to and including a full cargo alliance.

73. OVERFLIGHTS OF NATIONAL PARKS

House bill

States that the requirements and restrictions governing commercial air tour operations, as defined in the Air Tour Management Act of 2000, of national parks apply only to those flights that are over the park, or over an area within 1/2 mile outside the boundary of a national park, and not to those flights that may be near the park, even if they have some impact on the park.

Overrules an FAA regulation that establishes specific times that are considered daylight hours and instead uses the more common approach of defining daylight as the hours between 1 hour after sunrise and 1 hour before sunset.

Senate amendment

No provision.

Conference substitute

Adopts only House bill, subsection (a) regarding the application of the Air Tour Management Act of 2000. The Managers also agreed to add a provision regarding the utilization of quiet technology at Grand Canyon National Park and establish a mediation process if necessary.

The Managers are greatly disappointed with the lack of progress that has been made by the National Park Service (NPS) and the Federal Aviation Administration (FAA) with regard to managing air tour noise impacts in national parks. It is our understanding that the two agencies have not been able to reach agreement on how to set noise standards for national parks, how to measure and model noise impacts in national parks, and how to appropriately regulate air tours over national parks.

In no less than eight places in the Air Tour Management Act of 2000 (ATMA), Congress used the words "in cooperation" to describe how the FAA and NPS should work together to develop air tour management plans (ATMPs) for national parks. Congress' intent is clear. The agencies should work collaboratively, cooperatively and in coordination with one another. Neither is in the position to dictate an approach. The Managers expect the two agencies to come to an agreement on a common approach to develop ATMP's, as well as to determine environmental impacts in national parks, including noise impacts. The approach and procedures should be developed expeditiously and in a coordinated and collaborative fashion.

Finally, it is our understanding that the National Park Service has not sought funding authorization or appropriation for the

ATMP process. Both agencies should be funding this effort.

74. DELAY REDUCTION MEETINGS

House bill

No provision.

Senate amendment

DOT may ask U.S. airlines to meet with FAA to discuss flight reductions at severely congested airports to reduce over scheduling and flight delays during peak hours if FAA and DOT determine it is necessary. Meetings shall be chaired by FAA, open to all scheduled U.S. airlines, and limited to the airports and time period determined by FAA. FAA shall set flight reduction targets for the meeting. Airlines shall make flight reduction offers to FAA rather than to other airlines. Transcripts of the meetings shall be made available. Includes an additional provision dealing with delays caused by stormy weather.

Conference substitute

Senate amendment without the "Stormy Weather" provisions which are covered by the collaborative decision making pilot program described below.

75. COLLABORATIVE DECISION MAKING PILOT PROGRAM

House bill

Requires a pilot program to be established within 90 days that would authorize airlines to discuss changes in flight schedules in the event of a capacity reduction event.

States that the pilot program will last for 2 years after it is established.

Subsection (c) directs FAA to issue guidelines for the program that, at least, define when a capacity reduction event exists that would warrant the use of collaborative decision making among airlines.

States that when the FAA determines that a capacity reduction event exists at an airport, it may permit airlines to meet and discuss their schedules for up to 24 hours in order to use the available air traffic capacity most effectively. The FAA shall monitor these discussions.

Directs the FAA to choose 3 airports to participate in the program within 30 days after establishing the program. The airports chosen should be those with the most delays where collaborative decision-making could help reduce delays there and throughout the nation.

States which airlines are eligible to participate.

Permits the FAA to modify or cancel the program or prevent an airline from participating if it finds that the purposes of the program are not being furthered or there is an adverse impact on competition.

Requires FAA and DOT to evaluate the impact of the pilot program on the use of air traffic capacity, competition, the amount of air service to communities, and the impact of delays at other airports. Subsection (i) allows the program to be extended for an additional 2 years and expanded to 7 more airports if warranted by the evaluation in subsection (h).

Senate amendment

Requires a program to be established to authorize airlines to discuss changes in schedules in the event of bad weather.

Within 30 days of enactment, DOT shall establish procedures governing airline requests for authorization, participation by DOT, and the determination by FAA about the impact of bad weather.

When FAA determines that bad weather is likely to adversely and directly affect capacity at an airport for at least 3 hours, airlines may discuss flights directly affected by the bad weather for up to 24 hours. DOT shall be represented at the meetings.

Allows DOT to exempt airlines from the antitrust laws in order to participate in the discussions.

This provision expires 2 years and 45 days after enactment but may be extended for another 2 years. DOT shall notify Congress of any such extension.

Conference substitute

House bill but reduced the number of initial participating airports from 3 to 2. The substitute also includes requirements that the Attorney General concur with certain actions and determinations of the Secretary of DOT. The Attorney General may monitor the communications between air carriers operating at a participating airport. Also includes the authority to grant antitrust immunity. The substitute directs the FAA to define and establish limited criteria for a "capacity reduction event". The FAA should work closely with the Department of Justice and the Department of Transportation.

76. COMPETITION AND ACCESS

House bill

No provision.

Senate amendment

Directs DOT to study and report within 6 months on competition, access problems, gate usage, pricing and availability at large airports.

Conference substitute

No provision.

77. COMPETITION DISCLOSURE

House bill

No provision.

Senate amendment

Requires large airports to file a report with DOT within 30 days of denying an airline a gate or other facilities. Report shall provide reason for the denial and time frame for granting the request.

Conference substitute

Instead of requiring a report from an airport each time it is unable to accommodate an airline request for gates, the conference substitute requires an airport to file a report with DOT during each 6 month period that it was unable to accommodate a request for gates. The airport could aggregate several incidents into one report. This provision sunsets in 5 years.

78. AVAILIBILITY OF AIRCRAFT ACCIDENT SITE INFORMATION

House bill

This section adds two provisions to the family assistance plans that airlines are required to follow in the event of a plane crash. The first requires information to homeowners whose houses are damaged about liability and compensation. Typically, this information should direct homeowners to their insurance companies to obtain information on compensation for damages. The second requires the airline to provide closed circuit television or a similar method for families to view NTSB proceedings concerning the accident. This would apply only if the NTSB proceedings were more than 80 miles from the accident site. In such cases, the proceedings would have to be able to be viewed in the cities where the flight originated and where it was scheduled to land. This applies only to cities in the United States.

Senate amendment

No provision.

Conference substitute

House bill.

79. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

House bill

Increases the number of slot exemptions to be granted outside the 1,250-mile perimeter from 12 to 24. Increases the number of slot exemptions to be granted inside the perimeter from 12 to 20.

Accommodates the above additional exemptions by increasing the number that can be granted during each one-hour period from 2 to 3. It also distributes the 20 inside-the-perimeter exemptions as follows—6 for air service from Reagan National to small airports without regard to the new entrant criteria, 10 to medium size or smaller airports, and 4 to any airport. Directs DOT to establish procedures for the grant of these slot exemptions.

Senate amendment

No provision.

Conference substitute

House bill. In order to enhance competition, DOT is encouraged to, among others, consider the competitive importance of service to cities that can serve as gateways to additional western states that currently have only limited service to Reagan National Airport. This language is not intended to favor or prejudice an application from a carrier under this section.

80. PERIMETER RULES

House bill

Requires DOT to study the impact of locally imposed perimeter rules on competition and air service to communities outside that perimeter.

Senate amendment

No provision.

Conference substitute

No provision.

81. COMMUTER AIRCRAFT DEFINITION

House bill

Changes the definition of commuter to allow up to 76 seat regional jets to use commuter slots at Reagan National Airport.

Senate amendment

No provision.

Conference substitute

House bill.

82. NOTICE CONCERNING AIRCRAFT WHERE AN AIRCRAFT IS ASSEMBLED

House bill

This section requires, within 1 year, U.S. airlines to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was built.

Senate amendment

No provision.

Conference substitute

House bill, but airlines have 18 months to include on the placard in the seat back pocket a notice informing the passenger of where the aircraft was finally assembled.

83. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES

House bill

In order to promote air service to small communities, this section directs FAA to permit small turbine powered or multi-engine aircraft to carry passengers between a small airport and another airport and to accept payment from those passengers if the aircraft is otherwise operated in accordance with FAA rules in Parts 119 and 135 and DOT rules in Part 298 of 14 CFR.

Senate amendment

No provision.

Conference substitute

No provision.

84. ESSENTIAL AIR SERVICE (EAS) MARKETING

House bill

Allows the portion of the essential air service (EAS) subsidy paid to an airline to promote its service to be paid to the community instead so that the community can promote that service.

Senate amendment

Airports may receive up to $50,000 for a marketing plan to increase usage at an EAS community. A local share, not including federal sources but including bond proceeds or in-kind contributions, is required unless passenger usage increases by a specified amount. Authorizes $50,000 to a State with an EAS community to assist the State in developing methods to increase passengers at the community. A 10% local share, including in-kind contributions, is required.

$12 million per year for 3 years is authorized for this program of which $200,000 may be used for administrative costs.

Conference substitute

Senate amendment.

85. EAS SUBSIDY ADJUSTMENT

House bill

Allows adjustments to a carrier's subsidy rate at any time if average monthly costs have increased by 10% or more without regard to requirements relating to renegotiation or termination notice.

Senate amendment

Allows adjustments to a carrier's subsidy rate within 30 days of enactment if average annual unit costs have increased by 10% or more without regard to renegotiation requirements.

Conference substitute

House bill section 415 (a)(3), but does not go into effect until 30 days after enactment. Senate amendment definition of "significantly increased costs," with revisions to clarify calculation. Includes a new provision authorizing the Secretary to reverse the upward adjustment in the subsidy rate if costs subsequently decline. It is the Managers' intent that the authority provided in this section be used to cover an industry-wide cost increase, such as increased fuel or insurance costs, and not one unique to a particular carrier.

86. RETURNED EAS FUNDS

House bill

No provision.

Senate amendment

Any EAS subsidy returned to DOT by an airport shall remain available to DOT and used to increase flights to that airport.

Conference substitute

No provision.

87. EAS AUTHORIZATION

House bill

Authorizes $65 million, in addition to the $50 million already required to be provided, for the EAS program and for the alternative program established by subsection (f) below. It also authorizes the hiring of additional employees in DOT to manage the program.

Senate amendment

Authorizes $113 million including the $50 million already required.

Conference substitute

Section 404. House bill, with an additional authorization for marketing from the Senate bill. Section 408 authorizes DOT to designate 10 communities within 100 miles of a hub to pay a 10% local share. Only one could be designated per State. Before being designated under this section, communities should first be given an opportunity to participate in the alternative program established by section 405 as that could lead to both better service for the community and lower subsidy costs.

88. SUBSIDY TERMINATION

House bill

Requires DOT to give a community 90 days notice before it discontinues subsidies to a community as a result of that community's failure to meet mileage or per passenger subsidy targets established in Appropriations Acts.

Senate amendment

Notwithstanding the subsidy per passenger limitation in the 2000 appropriations act, DOT may not terminate a subsidy to a community before the end of 2004, if 2000 ridership at the community was sufficient and it received notice in 2003 that its ridership is no longer sufficient.

Conference substitute

No provision.

89. RESUMING SERVICE AT FORMER EAS COMMUNITIES

House bill

Allows an airline to begin service after the date of enactment to a community that has been eliminated from the EAS program without being subject to the hold-in requirements of that program if it should decide to terminate service to that community.

Senate amendment

No provision.

Conference substitute

House bill. The purpose of this provision is to remove a requirement that might prove to be a disincentive to a carrier resuming service to a community without any service.

90. JOINT FARES

House bill

Directs DOT to encourage the submission of joint fare proposals to benefit service to small communities.

Senate amendment

No provision.

Conference substitute

House bill.

91. ALTERNATIVE EAS

House bill

Establishes an alternative to the EAS program. Under this alternative, rather than receiving service from an airline subsidized by DOT, the community could receive a grant from DOT to establish and pay for its own service. This could include scheduled air service, air taxi service, fractional ownership where passengers pay for the service, surface transportation, or some other approach approved by DOT. Communities choosing to participate in this alternative program could not receive service under the established EAS program in the fiscal year in which they participated in the alternate program.

Senate amendment

If money authorized for the marketing program is fully appropriated, DOT shall establish a pilot program for no more than 10 communities under which the airport may forgo EAS subsidies for 10 years in exchange for a grant of double the EAS subsidy for airport development. DOT may require major airlines serving one of these 10 communities to participate in multiple code shares if that would improve air service.

DOT shall establish a pilot program for no more than 10 communities to authorize more flights with smaller aircraft if safety will not be compromised. For 3 of these airports, DOT may establish a pilot program where the subsidy pays for alternate transportation and improvement to airport facilities if the airport agrees to terminate its participation in this program pilot program after 1 year.

DOT may establish a pilot program where airports share the cost of providing service over and above the required essential air service.

Conference substitute

Section 405. Substitute is House section 415 (g), with alternatives and pilot programs in the Senate bill. The fractional ownership provision cannot be used until the FAA rule on fractional ownership takes effect. There is no provision for a local cost share for those communities participating in one of the alternatives or pilot programs authorized by this section.

92. TRACKING EAS SERVICE CHANGES

House bill

No provision.

Senate amendment

Requires semi-annual report from airlines providing EAS on on-time performance and other service changes.

Conference substitute

Senate amendment with revisions.

93. MILEAGE REQUIREMENTS FOR EAS PROGRAM

House bill

Establishes mileage requirements for participation in the EAS program and directs DOT to calculate the mileage by the most commonly used route. DOT should consult with the Governor in determining the most commonly used route. Any community previously eliminated from the EAS program by the distance criteria may appeal that decision to DOT in light of the changes made by this subsection.

Senate amendment

Similar provision but the method for determining mileage applies only to Lancaster, PA while the appeal rights apply to any community.

Conference substitute

House bill but limited to only 2 years prior to date of enactment and order to be issued is limited to 2007.

94. SMALL COMMUNITY OMBUDSMAN

House bill

No provision.

Senate amendment

Establishes ombudsman in DOT to develop strategies for improving air service to small communities.

Conference substitute

No provision.

95. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE

House bill

No provision.

Senate amendment

Establishes 9-member Commission to study challenges facing small communities and whether existing Federal programs are helping.

Conference substitute

Senate amendment.

96. REFUNDED SECURITY FEES

House bill

No provision.

Senate amendment

Requires flag airlines, within 30 days, to remit to their code share partners any security fees that they paid but that were refunded to the flag airline. IG reviews compliance. Airline CEO certifies compliance.

Conference substitute

No provision.

97. TYPE CERTIFICATES

House bill

Requires anyone building a new aircraft based on a type certificate to have the permission of the holder of that type certificate.

Senate amendment

No provision.

Conference substitute

House bill.

98. CERTIFICATION OF FOREIGN AVIATION PRODUCTS

House bill

Requires the FAA to spend the same amount of time and perform a similarly thorough review when certifying or validating a foreign aviation product as the foreign nation spends in certifying or validating U.S. aviation products.

Senate amendment

No provision.

Conference substitute

The House bill is revised to direct U.S. negotiators to ensure that American products are treated fairly in the certification process.

99. INTERNATIONAL ROLE OF FAA

House bill

No provision.

Senate amendment

Amends section 40101(d) by requiring FAA to exercise leadership with foreign counterparts, in ICAO, and other organizations to promote safety, efficiency, and environmental improvements in air travel.

Conference substitute

Senate amendment.

100. REPORT ON OTHER NATIONS' ADVANCEMENTS

House bill

No provision.

Senate amendment

FAA shall review other countries' aviation safety, research funding, and technological actions and report with recommendations on how those activities might be used in the U.S.

Conference substitute

No provision, however the report requirement in the Senate amendment is included in section 819 of the bill.

101. DESIGN ORGANIZATION CERTIFICATES

House bill

This section directs FAA to develop, within 4 years, a plan for certification of design organizations and allows the FAA to implement within 7 years a system for certifying design organizations if it so chooses.

Senate amendment

Similar provision but plan is to be submitted in 3 years and implemented in 5 years. Nothing in this section prevents FAA from revoking a certificate. Makes conforming change to subsection on type certificates.

Conference substitute

House timelines with Senate provision on FAA authority to revoke certificates. Replace (f)(3) from House bill with "The FAA may rely on certifications of compliance by a Design Organization when making a finding under subsection (a)."

102. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS

House bill

This section would direct the FAA to deny a certificate to a person whose certificate was previously revoked for involvement in an activity relating to counterfeit or fraudulent aviation parts.

Senate amendment

Same provision, but would also deny a certificate to a person who carried out an activity related to counterfeit or fraudulent aviation parts for which he could have been convicted.

Conference substitute

House bill.

103. RUNWAY SAFETY AREAS

House bill

Section 419 states that an airport shall not be required to reduce the length of a runway or declare the length of the runway to be less than the actual pavement length in order to meet FAA requirements for runway safety areas.

Section 505 requires airports to undertake, to the maximum extent practical, improvements to the runway safety overrun area to meet FAA standards when they receive grants to construct, reconstruct, repair, or improve that runway. This does not require that airport to build a shorter runway, reduce the length of that runway or similar actions that are prohibited by section 419 of this bill.

Senate amendment

No provision.

Conference substitute

House bill. The substitute limits this provision to airports located in the State of Alaska, as that is apparently where the FAA's actions with regard to runway safety areas have become a problem. The Managers also agreed to require the DOT to conduct a study and submit a report on this issue for airports located in the remaining states.

104. AVAILABILITY OF MAINTENANCE INFORMATION

House bill

Requires manufacturers of aircraft and aircraft parts to provide maintenance manuals at a reasonable cost to repair stations that are authorized to work on those aircraft or aircraft parts.

Senate amendment

No provision.

Conference substitute

No provision.

105. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT

House bill

Requires FAA to revoke a pilot's certificate if the Department of Homeland Security notifies the FAA that the pilot is a security risk.

Gives a pilot who is a U.S. citizen the right to a hearing before an administrative law judge (ALJ). Others have the right to the appeal procedures that the Transportation Security Administration (TSA) has already provided for them.

States that the ALJ is not bound by the FAA's or TSA's findings of fact or law. Allows either party to appeal an ALJ decision to a special panel created by the Transportation Security Oversight Board.

Allows either party to appeal the panel's decision to the U.S. Court of Appeals. Requires TSA to give a person appealing under this section an explanation of the reason for the revocation and all supporting documents to the extent that national security permits.

Sets forth the procedures for handling classified evidence This section makes clears that appeals under Subtitle VII of title 49 are handled by the Federal Court of Appeals rather than the District Court.

Contains a conforming amendment.

Senate amendment

No provision.

Conference substitute

House bill with technical clarifications to address how FAA, TSA, DHS, CIA, and the parties shall handle classified information in the hearing and appeal processes.

106. JUDICIAL REVIEW

House bill

Amends 46110(a) by striking "part" and inserting "subtitle" in the first sentence. Judicial review of TSA actions is covered by section 1710 of H.R. 2144.

Senate amendment

References 46110(c) instead of 46110(a). Uses Administration's proposed language, including sections for TSA.

Conference substitute

Amends section 46110(a) of Title 49, United States Code to clarify that the judicial review procedures set forth in section 46110 apply to persons disclosing a substantial interest in orders issued by the Secretary of Transportation in whole or in part under part A and under part B of Subtitle VII of Chapter 49 of the U.S. Code. The intent is to clarify that decisions to take actions authorizing airport development projects are reviewable in the circuit courts of appeals under section 46110, notwithstanding the nature of the petitioner's objections to the decision. In addition, the Committee believes that FAA orders pertaining to airport compliance are exclusively reviewable in the circuit courts of appeals, like other orders issued under similar provisions in part B of subtitle VII of title 49. The Committee notes that the amendment to section 46110 would resolve the jurisdictional issue raised in *City of Alameda* v. *FAA*, 285 F.3d 1143 (9th Cir. 2002). The Managers agreed to strike "part" and insert "Subparts A and B" and strike the reference to "safety" in order to clarify that the provision is not limited to safety orders of the FAA. Similar changes are made with respect to the Transportation Security Administration.

107. CIVIL PENALTIES

House bill

No provision.

Senate amendment

Sets all civil penalties at $25,000. Increases the limit for the administrative imposition of civil penalties to $1 million.

Conference substitute

Senate amendment on civil penalties with an exemption for individuals and small businesses. They will not be subject to the penalty increase but will be subject to the penalty they were subject to prior to the enactment of this Act. Also, sets the limit for the administrative imposition of civil penalties at $400,000.

108. FLIGHT ATTENDANT CERTIFICATION

House bill

Prohibits a person from serving as a flight attendant on an aircraft of a U.S. airline unless that person holds a certificate from the FAA. That person must present that certificate, upon request, to an authorized Federal official within a reasonable time. People currently serving as flight attendants can continue to do so pending their certification. After the airline notifies the FAA that a person has met the qualifications for certification, that person may serve as a flight attendant even if that person does not have the certificate in hand. Requires the FAA to issue a certificate to a person after the airline notifies the FAA that the person has completed all FAA approved training. Designates the appropriate airline official to determine whether a person has successfully completed the training. Requires the certificate to be numbered and recorded by the FAA, contain the name, address, and description of the flight attendant, contain the name of the airline that the flight attendant works for, be similar to airmen certificates, contain the airplane group (jet or prop) for which the certificate is issued, and be issued by the FAA within 30 days of notification by the airline or within 1 year of the effective date of this section. Subsection (e) states that all flight attendant training programs, other than those involving security, are subject to FAA approval. Training programs approved within one year prior to the date of enactment may be used as the basis for certifying flight attendants. Defines "flight attendant". This section takes effect one year after the date of enactment.

Senate amendment

Requires FAA to establish standards for flight attendant training. FAA shall require flight attendants to complete training courses approved by FAA and TSA. FAA shall issue a certificate to each person that completes the course. Has a similar requirement for the certificate. Similar definition of "flight attendant".

Conference substitute

House bill, however the substitute allows the Administrator 120 days to issue the certificate after receiving notification from the air carrier.

109. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE

House bill

Requires the government agency that owns or controls an airport to provide 30 days notice before that airport is closed. Imposes a $10,000 penalty for each day that the airport remains closed without having given the proper notice.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment. This provision applies only to airport closures that are permanent, not to temporary closures for emergency or operational reasons.

110. NOISE EXPOSURE MAPS

House bill

This section replaces an obsolete date reference and directs airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

Senate amendment

Similar provision with exception that does not direct airports to update their noise exposure maps if there is a change in the operations at the airport that would lead to a significant increase or decrease in noise.

Conference substitute

House bill.

111. OVERFLIGHT FEES

House bill

This section makes clear that the changes to the method for calculating overflight fees in the Aviation and Transportation Security Act were not nullified by the savings provision in that Act.

Senate amendment

The provision has a similar goal but accomplishes it differently.

Conference substitute

Ratifies the interim final rule and final rule issued by the FAA on May 30, 2000, and August 13, 2001, respectively. This ratification applies to fees collected after the date of enactment of the Aviation and Transportation Security Act (ATSA) and before the court decision striking down those fees. It also applies to the fees that FAA collects in the future after it undertakes the actions required by this provision. Fees collected after the ATSA fix and before the court decision could be retained by FAA. The FAA may not resume collecting fees until after the Administrator reports to Congress in response to the issues raised in the April 8, 2003 court decision; and after the FAA consults with users and other interested parties to ensure the fees established are consistent with the international obligations of the United States. The Managers intend that consultations before the date of enactment shall satisfy this requirement.

In 1996, Congress directed the FAA Administrator to set and collect fees for the provision of air traffic control and related services for flights that fly over but do not land in the United States. This was done to recover a portion of the costs of these services from those who receive the benefit of the services but who would otherwise pay nothing. Although the FAA Administrator has diligently proceeded to recover such costs through the imposition of overflight fees, a group of foreign airlines has challenged the fees in the United States Court of Appeals for the District of Columbia Circuit.

On April 8, 2003, when the United States Court of Appeals for the District of Columbia Circuit issued an opinion in the case of *Air Transport Association of Canada et al* v. *FAA*, No. 01–1446, setting aside and remanding to the FAA the Final Rule issued on August 13, 2001 under Section 45301 (b) (1) (B) because the Court concluded that, as a result of the generic savings provision set forth in Section 141 of the ATSA, Section 119(d) of ATSA did not apply to this Final Rule since it was the subject of the foreign air carriers' pending challenge at the time the ATSA was enacted. It was never the intention of Congress that the savings provision set forth in Section 141 was to have this effect, and this amendment clarifies that fact by retroactively applying Section 119(d) to both the Interim Final Rule issued on May 30, 2000 as well as the Final Rule issued on August 13, 2001.

Also, to clarify that the FAA has complied with its statutory mandate regarding overflight fees in the Interim Final Rule and Final Rule and to ensure the fees can be collected in the future, the language and authority approved by the Court of Appeals for the District of Columbia Circuit in *Thomas* v. *Network Solutions, Inc.*, 176 F. 3d 500 (D. C. Cir 1999) is adopted hereto retroactively, as well as prospectively, to legalize and ratify both the Interim Final Rule and the Final Rule, effective as of the dates those rules were originally issued by the FAA.

Although the Court of Appeals has never found a violation of international law in the overflight fee rulemakings, there have been complaints that international law has not been complied with by the FAA. To ensure compliance, the Administrator is directed to consult and confer on the concerns of foreign governments and users that the fees established by this section conform to the international obligations of the United States and the Administrator is authorized to adjust the fees, if necessary, to conform to the obligations of the United States under international law.

112. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS

House bill

This section requires FAA to update the curriculum for training aircraft mechanics to reflect current technology and maintenance practices. Maintains requirement for 1900 hours of training

Senate amendment

No provision.

Conference substitute

House bill without specifically mentioning the 1900-hour minimum requirement.

113. AIR QUALITY IN AIRCRAFT CABINS

House bill

This section directs the FAA to undertake the studies and analysis called for in the National Academy of Sciences study on airline cabin air quality.

Senate amendment

Similar provision, but adds two requirements, to study air pressure and altitude and to establish an incident reporting system.

Conference substitute

Senate amendment.

114. RECOMMENDATIONS CONCERNING TRAVEL AGENTS

House bill

This section requires DOT to consider the recommendations of the National Commission to Ensure Consumer Information and Choice in the Airline Industry and to report to Congress on any actions that it believes should be taken.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

115. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES

House bill

This section authorizes $100 million to reimburse general aviation businesses that have incurred costs or lost money as a result of security restrictions. The businesses eligible for this reimbursement are the fixed based operator and any other general aviation businesses at Reagan National Airport that has been largely closed to general aviation since September 11, 2001, the 3 general aviation airports in the Washington, D.C. area that were closed after September 11th and are now operating under security restrictions, banner towers who have been prohibited from flying over stadiums, flight schools that have been unable to train foreign students, and any other general aviation business that is prohibited from operating due to similar restrictions.

Senate amendment

Similar provision but does not explicitly include banner towers or flight schools in each coverage. Definition of general aviation entity is slightly different.

Conference substitute

House bill, but narrows reimbursement eligibility to general aviation businesses that are specifically identified as having incurred costs or lost money as a result of the events of September 11, 2001.

116. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS

House bill

This section requires the wage dispute between the FAA and the National Association of Air Traffic Specialists to be submitted to the Federal Services Impasse Panel if it has not been resolved within 30 days of enactment of this Act.

Senate amendment

No provision.

Conference substitute

No provision.

117. FAA INSPECTOR TRAINING

House bill

Directs GAO to undertake a study of the training of FAA's safety inspectors. Sense of the House that FAA safety inspectors should take the most up-to-date training at a location convenient to the inspector and that the training should have a direct relation to the inspector's job requirements. Directs the FAA to arrange for the National Academy of Sciences to study the staffing standards the FAA uses for its inspector workforce.

Senate amendment

No provision.

Conference substitute

House bill.

118. AIR TRAFFIC OVERSIGHT SYSTEM (ATOS)

House bill

No provision.

Senate amendment

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones, and addressing problems with ATOS identified by GAO and the IG. Sets forth the requirements for the action plan including extending ATOS beyond the 10 largest airlines.

Conference substitute

Senate amendment that within 90 days, the FAA shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a plan containing an implementation schedule to strengthen oversight of domestic and foreign repair stations and ensure that FAA-approved foreign repair stations are subject to an equivalent level of safety, oversight, and quality control as those located in the United States. This does not require, nor does it prevent, the FAA to perform the same number of inspections on foreign repair stations as domestic ones.

119. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION

House bill

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft. States that this prohibition does not apply to the functions performed at air traffic control towers that are operated by private entities under the FAA's contract tower program. This exemption covers the current air traffic control towers that are part of the FAA contract tower program and to non-towered airports and non-federal towers that would qualify for participation in this program.

Senate amendment

Prohibits DOT from privatizing the functions performed by its air traffic controllers who separate and control aircraft and the functions of those who maintain and certify those systems. Section shall not apply to an FAA tower operated under the contract tower program as of the date of enactment.

Conference substitute

No provision.

120. AIRFARES FOR MEMBERS OF THE ARMED FORCES

House bill

This is a sense of Congress urging airlines to provide low fares for Members of the Armed Forces of the United States. Also includes findings.

Senate amendment

Similar provision. No findings. Refers only to standby tickets.

Conference substitute

House bill.

121. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE

House bill

This section extends for 9 more months the requirement that airlines accommodate passengers whose flight is cancelled due to the bankruptcy of the carrier on which that passenger was ticketed.

Senate amendment

Same provision. Also requires DOT to consider waiving this requirement where other airlines operate flights over routes operated in isolated areas dependent on air transportation.

Conference substitute

House bill and Senate amendment but without the waiver in the Senate amendment.

122. INTERNATIONAL AIR SHOW

House bill

This section directs DOT, in consultation with the Secretary of Defense, to study the feasibility of the United States hosting an international air show. A report is required by September 30, 2004.

Senate amendment

No provision.

Conference substitute

House bill to the extent that it directs DOT to work with DOD on an international air show.

123. RETIREMENT BENEFITS OF AIR TRAFFIC CONTROLLERS

House bill

This section allows an air traffic controller who is promoted to a supervisory or managerial position to retain the same retirement benefits as one who was not so promoted. Amends the definition of an "air traffic controller" within the Civil Service Retirement System (CSRS) and Federal Employee Retirement System (FERS) to include second level air traffic controller supervisors. Clarifies that CSRS and FERS mandatory retirement provisions that apply to line air traffic controllers do not apply to second level supervisors. Specifies that this section shall take effect on the 60th day after the date of enactment. Allow current second level supervisors who have been promoted prior to enactment to retroactively pay into the higher CSRS accrual rate.

Senate amendment

No provision.

Conference substitute

The provision would ensure that former controllers could keep the retirement benefits they accrued as controllers. Also controllers who were promoted to first line supervisors as well as the supervisors of those first line supervisors would continue to accrue the retirement benefit of controllers. Others who are promoted to higher supervisory positions or who move out of the controller ranks would get controller retirement benefits only for the time they spent as controllers.

124. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE

House bill

If the FAA imposes flight restrictions in the Washington D.C. area, this section requires FAA to submit a report to Congress within 60 days explaining the need for such restrictions. If such restrictions are in effect on the date of enactment, this report must be filed within 30 days of the date of enactment.

Senate amendment

Same provision with some different wording.

Conference substitute

House bill.

125. INTERNATIONAL AIR TRANSPORTATION

House bill

This is a sense of Congress urging DOT to define "fifth freedom" and "seventh freedom" consistently for both scheduled and charter passenger and cargo traffic.

Senate amendment

No provision.

Conference substitute

House bill.

126. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES

House bill

This section directs DOT, subject to the availability of funds, to reimburse U.S. airlines and airports for the security activities that they are still being required to perform. It also directs DOT to reimburse airports for the space being used to screen passengers if that space was being used or would have been used by concessionaires or other revenue producing activities.

Senate amendment

No provision.

Conference substitute

House bill, but limited to reimbursement for the screening of catering supplies and checking documents at security checkpoints. The Department of Homeland Security, rather than DOT, would be responsible for implementing this provision to the extent funds are made available to them.

127. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

House bill

This is a sense of Congress that Reagan National Airport should be opened to general aviation flights as soon as possible.

Senate amendment

No provision.

Conference substitute

Requires the Secretary of Homeland Security to develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport. The Administrator of the Federal Aviation Administration is required to allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the airport except during any period that the President suspends the plan developed by DHS due to national security concerns. Also requires a Report to Congress if a plan is suspended by the President.

128. CHARTER AIRLINES

House bill

This section prohibits scheduled charter airlines from operating at Teterboro unless the Secretary finds that it is in the public interest.

Senate amendment

No provision.

Conference substitute

House bill.

129. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS

House bill

This section requires DOT to issue rule to implement Chapter 4 noise standards by July 1, 2004.

Senate amendment

No provision.

Conference substitute

House bill but the deadline for the final rule is April 1, 2005.

130. JACKSON HOLE

House bill

No provision.

Senate amendment

Permits Jackson Hole to prohibit operations by small stage 2 aircraft.

Conference substitute

Senate amendment, but only permits a sponsor of a commercial service airport who does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) to impose restrictions on, or prohibit, the operation of small Stage 2 aircraft, in order to help meet the noise control plan contained within the lease agreement. The airport sponsor must give public notice and allow for public comment before imposing a restriction or prohibition.

131. CREW SECURITY TRAINING

House bill

Requires airlines to provide basic security training for flight attendants and sets forth the elements of that training. TSA shall establish minimum standards for that training within one year. Requires TSA to develop and provide advanced self-defense training for flight attendants and sets forth the elements of that training. This training is voluntary and flight attendants are not compensated for taking that training. They cannot be charged a fee. Exempts flight attendants from liability for using self-defense techniques in an actual terrorist situation.

Senate amendment

No provision.

Conference substitute

House bill. The provision authorizes the TSA to set the minimum standards to be included in the basic security training provided by each carrier to train flight and cabin crewmembers to prepare the crew members for potential threat conditions. This could help ensure that each carrier's training program includes the minimum elements that have been outlined by Congress and the TSA. The programs will be subject to approval of the TSA, who will also monitor and periodically review those programs to assure that the programs are adequately preparing crew members for potential threat situations.

132. STUDY OF TRANSPORTATION SECURITY

House bill

No provision.

Senate amendment

Requires DHS to report in 6 months on the effectiveness of aviation security.

Conference substitute

Senate amendment, but this report may be submitted in lieu of TSA's annual report required by section 44938 of current law.

133. LETTERS OF INTENT TO PAY FOR AIRPORT SECURITY PROJECTS

House bill

No provision, but section 1525 of H.R. 2144 establishes a grant program to airport sponsors for (1) projects to replace conveyers related to security, (2) projects to reconfigure baggage areas, (3) projects that enable EDS installation behind the ticket counters, in baggage sorting areas or as part of an in-line systems, and (4) other security improvement projects determined appropriate. Authorizes Under Secretary to issue letters of intent. Established the Federal share of projects to be 90% for large and medium hubs and 95% for smaller airports. Authorized $500M to be appropriated in each of FY04, FY05, FY06 and FY07 to be available until expended. Prohibits the collection of the security fees unless appropriations cover all outstanding LOI commitments in a given Fiscal year.

Senate amendment

Establishes Aviation Security Capital Fund to provide financial assistance to airport sponsors to defray capital investment in transportation security. Authorizes $500M for each of FY04, FY05, FY06, and FY07 to be derived from the passenger and air carrier security fees. Allocates funds 40% large hub, 20% medium hub, 15% small hub, and 25% discretionary. Amounts allocated to airports are apportioned based on passenger enplanements. Authorizes letters of intent. No provision on Federal share.

Conference substitute

Establishes within the Department of Homeland Security a grant program to airport sponsors for (1) projects to replace baggage conveyer systems related to aviation security; (2) projects to reconfigure terminal baggage areas as needed to install explosive detection systems; (3) projects to enable the Under Secretary for Border and Transportation Security to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or inline with the baggage handling system; and (4) other airport security capital improvement projects. Authorizes Under Secretary to issue letters of intent. Establishes the Federal share of projects to be 90% for large and medium hubs and 95% for smaller projects. This applies to all grants made under letters of intent beginning in fiscal year 2004 even if the letter was issued in fiscal year 2003. The Under Secretary shall revise letters of intent issued before the date of enactment to reflect this cost share with respect to projects carried out after September 30, 2003. Requires $250 million annually from the existing aviation security fee that is paid by airline passengers to be deposited in an Aviation Security Capital Fund, and made available to finance this grant program. Of this $250 million, $125 million shall be allocated based on the following set-asides: 40% to large hub airports, 20% to medium hub airports, 15% to small and non-hub airports, and 25% to any size airport based on aviation security risks. The remaining $125 million shall be used to make discretionary grants, with priority given to fulfilling letters of intent. In addition to the amounts made available to the Aviation Security Capital Fund, there is authorized to be appropriated an additional $250 million to carry out this program. If additional amounts are appropriated pursuant to this authorization, 50% shall be used for discretionary grants, and 50% in accordance with the set-asides discussed above.

134. CHARTER SECURITY

House bill

No provision, but section 1503(1) of H.R. 2144 moves the provisions governing charters into title 49 and exempts military charters from the requirements that would otherwise apply. Also makes a technical change in the size of charter aircraft covered.

Senate amendment

Maintains as a freestanding provision but otherwise virtually the same. Section 406 makes the same technical change.

Conference substitute

Senate amendment, but includes the provision in U.S. Code, title 49.

135. COMPUTER ASSISTED PASSENGER PRESCREENING SYSTEM (CAPPS2)

House bill

No provision, but section 208 of H.R. 2144 requires TSA to certify that civil liberty and privacy issues have been addressed before implementing CAPPS 2 and requires GAO to assess TSA compliance one year after TSA makes the required certification.

Senate amendment

Requires DHS report in 90 days on privacy and civil liberties issues.

Conference substitute

House bill and Senate amendment, but requires the GAO report in the House bill to be submitted 3 months after TSA certification.

136. ARMING CARGO PILOTS

House bill

No provision but section 1521 of H.R. 2144 allows cargo pilots to carry guns under the same program for pilots of passenger airlines. In addition, this provision revises the armed pilots program to do the following—

Make clear that pilot requalification to carry a gun can be done at either Federal or non-Federal facility;

Establish a pilot program to provide firearms requalification training at various non-Federal facilities;

Permit an off-duty pilot to transport the gun in a lockbox in the passenger cabin rather than in the baggage hold; and

Permit flight engineers to participate in the Federal flight deck officer program.

Senate amendment

Similar provision but includes findings and sense of Congress and requires training of cargo pilots to begin in 90 days.

Conference substitute

Senate amendment, but instead of 90-day provision on training cargo pilots, the substitute includes a provision that both passenger and cargo pilots should be treated equitably in their access to training.

137. TSA STAFFING LEVELS

House bill

No provision but section 206 of H.R. 2144 requires TSA to report to Congress in 30 days on its methodology for allocating screeners and equipment among airports.

Senate amendment

Section 409, eliminates the cap in the FY 03 Appropriations Act on the number of TSA screeners.

Conference substitute

Senate amendment.

138. FOREIGN REPAIR STATION SECURITY

House bill

No provision but section 1526 of H.R. 2144 requires security audits of all foreign repair stations within 1 year after TSA issues rules governing the audits. The rules must be issued within 180 days of enactment. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. TSA shall establish procedures for appealing such revocations. If the security audits are not completed within the required 1-year, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk.

Senate amendment

Defines domestic and foreign repair station. Within 180 days, FAA must issue rules to require foreign repair stations to meet the same level of safety as domestic repair stations. These rules shall require drug and alcohol testing and the same type and level of inspection as domestic repair stations.

Requires security audit within 180 days. If a problem is found, the repair station must address it in 90 days or its certificate will be suspended until it complies. If there is an immediate security risk, the certificate can be revoked immediately. If the security audits are not completed within the required 180 days, no new foreign repair station can be certified and no existing one can have their certificate renewed. Priority shall be given to auditing stations in countries that pose the most significant security risk. Rules for security audits must be issued within 180 days. If they are not, no new foreign repair station can be certified and no existing one can have their certificate renewed until the rules are issued.

Requires FAA, within 90 days, to transmit an action plan for overseeing repair stations, ensuring foreign repair stations are subject to the same level of oversight as domestic ones.

Conference substitute

House bill with modifications. Lengthened time to issue rule from 6 to 8 months. If TSA fails to meet this deadline, requires a report within 30 days of the deadline explaining the reasons for failing to meet the deadline and the schedule for issuing the rule. Lengthened time for security audits from 12 to 18 months. Eliminated the provision that prohibits renewal of foreign repair station certificates if TSA has not met this 18-month deadline but kept provision that no new stations can be certificated.

139. FLIGHT TRAINING

House bill

No provision, but section 1539 of H.R. 2144 requires background checks on aliens seeking flight training in aircraft with more than 12,500 pounds. Makes TSA responsible for the background check. Specifies the information that can be collected from the alien. Continues the 45-day waiting period. Continues to require security awareness training for employees. Requires, within 90 days, TSA to establish an expedited process that limits the waiting period to 48 hours for individuals who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training. Exempts from the waiting period those seeking recurrent training or ground training. Doesn't provide for fees.

Senate amendment

Requires background checks on aliens seeking flight training in any sized aircraft. Makes TSA responsible for the background check. Doesn't specify the info that can be collected. Reduces the waiting period to 30 days. Continues to require security awareness training for employees. Establishes a notification process for aliens who holds a visa and holds a pilot license from a foreign country or has previously undergone a background check. Exempts from the waiting period classroom instruction. Allows fees to be assessed for the background check. Fee cannot be more than $100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall provide fingerprint services to aliens. Report is required within 1 year.

Conference substitute

For all training on small aircraft, includes a notification requirement but no waiting period. For training on larger aircraft, adopts the expedited procedure similar to the House bill if the alien already has training, a license, or a background check and adopts the 30-day waiting period as in the Senate bill for first-time training on large aircraft. Makes TSA responsible for the background check. The managers are disappointed in the amount of time that the Justice Department took to implement this program and on the burdensome requirements it has imposed. Therefore, the substitute specifies the information that can be collected from the alien. Reduces the waiting period to 30 days. Establishes a notification process for all aliens, even if they hold a visa, who seek training on aircraft of 12,500 pounds or less. Requires, within 60 days, that TSA establish an expedited process that limits the waiting period to 5 days for aliens seeking training on aircraft of more than 12,500 pounds who hold a pilot license from a foreign country, have previously undergone a background check, or who have already had pilot training. Requires all others to go through the background check under the 30-day waiting period. Exempts from the process those seeking recurrent training or ground training or demonstration flights or classroom instruction as well as military trainees of the armed forces, including their contractors. Allows fees to be assessed for the background check. Fee cannot be more than $100 in FY 2003 and 2004. Fees are credited to TSA's account. Requires interagency cooperation. Requires TSA to issue an interim final rule in 60 days to implement this section. This section takes effect when that rule becomes effective. U.S. embassies and consulates shall provide fingerprint services to aliens. A report is required within 1 year. Continues to require security awareness training for employees.

140. REVIEW OF COMPENSATION CRITERIA UNDER STABILIZATION ACT

House bill

This section requires GAO to review the way airlines were compensated after 9/11 to determine whether they should be compensated for the devaluation of their aircraft.

Senate amendment

No provision.

Conference substitute

House bill, however study is on DOT criteria and procedures used to compensate airlines.

141. AIRLINE FINANCIAL CONDITION AND EXECUTIVE COMPENSATION

House bill

No provision.

Senate amendment

Requires semiannual GAO report on measures being taken by airlines to reduce costs and improve earnings and on total compensation, including stock options paid to airline executives.

Conference substitute

Requires a report.

142. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA

House bill

This section requires FAA to report to Congress on whether flights in Alaska can be operated under Part 91 of FAA rules even if passengers pay for some of the costs of operating the aircraft.

Senate amendment

No provision.

Conference substitute

Due to the demands of conducting business within and from the State of Alaska, the FAA shall permit, where common carriage is not involved, a company, located in the State of Alaska, to organize a subsidiary where the only enterprise of the subsidiary is to provide carriage of officials, employees, guests, and property of the company, or its affiliate. The substitute sets forth specific limitations on the carriage that is allowed.

143. USING AIP FOR REPLACEMENT OF BAGGAGE CONVEYER SYSTEMS

House bill

This section states that an airport can only use its AIP entitlement funds for airport terminal modifications to accommodate explosive detection systems. AIP discretionary funds will not be available for this purpose.

Senate amendment

Prohibits the use of AIP for this purpose.

Conference substitute

House bill.

144. USING AIP OR PFC FOR SECURITY

House bill

No provision, but section 44901(d)(2)(D)(ii) of H.R. 2144 deletes the requirement that airports unable to make the checked baggage screening deadline give priority to using AIP and PFCs for security projects.

Senate amendment

Amends section 308 of the Federal Aviation Reauthorization Act of 1996 to allow AIP and PFCs to be used for safety and security only if the improvement or equipment will be owned by the airport.

Conference substitute

Repeals section 308 of the Federal Aviation Reauthorization Act of 1996.

145. SECURITY OPERATING COSTS AT SMALL AIRPORTS

House bill

This section allows small airports to use their AIP entitlement funds in fiscal year 2004 to pay the operating costs required to meet new security requirements.

Senate amendment

No provision.

Conference substitute

No provision.

146. WITHHOLDING OF DISCRETIONARY GRANTS

House bill

If an AIP discretionary grant is withheld from an airport on the grounds that the airport has violated a grant assurance, this section requires that the airport be given the same right to a hearing that it would have if the FAA had withheld an entitlement grant. This section does not require the FAA to give a discretionary grant to any particular airport.

Senate amendment

No provision.

Conference substitute

No provision.

147. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES

House bill

Rather than depositing into the aviation trust fund the proceeds from the sale of land acquired as part of a noise compatibility program, this section allows an airport to retain those proceeds and use them to purchase non-residential property near residential property that was purchased as part of a noise compatibility program.

Senate amendment

No provision.

Conference substitute

House bill.

148. GRANT ASSURANCES

House bill

If an airport owner and an aircraft owner agree that an aircraft hangar can be constructed at the airport at the aircraft owner's expense, subsection (a) requires the airport owner to grant a long-term lease, or at least 50 years, to the aircraft owner for that hangar. The lease may be subject to such terms and conditions on the hangar as the airport may impose.

Senate amendment

No provision.

Conference substitute

House bill but does not specify 50 years.

149. STATUTE OF LIMITATION ON REIMBURSEMENT REQUEST

House bill

Makes a governmental entity subject to the 6-year statute of limitations on making requests for reimbursement from an airport. Currently, only the airport sponsor is subject to this statute of limitations.

Senate amendment

Subsection (d) of section 507 is the same provision.

Conference substitute

House bill and Senate amendment.

150. SINGLE AUDIT ACT

House bill

Clarifies the review of revenue use through the annual audit activities under the Single Audit Act of Title 31.

Senate amendment

Subsection (e) of section 507 is the same provision.

Conference substitute

House bill and Senate amendment.

151. AIP FOR PARKING LOTS

House bill

Permits AIP grants to be used to build or modify a revenue generating parking facility at an airport if it is needed to comply with a security directive.

Senate amendment

No provision.

Conference substitute

No provision.

152. ALLOWING AIP TO PAY INTEREST

House bill

Permits AIP grants to be used at small airports to pay the interest on a bond used to finance an airport project.

Senate amendment

No provision.

Conference substitute

House bill but included as one of the innovative financing techniques already in existing law.

153. ALLOWING AIP TO PAY TO MOVE BUILDINGS

House bill

Permits AIP grants to be used to pay the cost of moving a Federal building that is impeding an airport project to the extent the new building is similar to the old one.

Senate amendment

No provision.

Conference substitute

House bill.

154. APPORTIONMENTS TO PRIMARY AIRPORTS

House bill

Lowers the entitlement for the largest airports by 5 cents for each passenger at that airport over 3.5 million in a year.

Senate amendment

No provision.

Conference substitute

No provision.

155. ENTITLEMENT FOR FORMER PRIMARY AIRPORTS

House bill

Allows airports that fell below the 10,000 passenger threshold in 2002 or 2003 to continue to receive their primary airport entitlement for two years if the reason for the passenger decrease was the terrorist attacks of 9/11.

Senate amendment

Allows airports that fell below 10,000 passengers in 2002 to continue to receive their primary airport entitlement for one more year without regard to the reason for the decrease.

Conference substitute

House bill.

156. CARGO AIRPORTS

House bill

This section increases the entitlement for airports with air cargo service from 3% of total AIP to 3.5%.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

157. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS

House bill

This section restates the first five factors that FAA must consider in deciding whether to make a discretionary grant for a project to enhance capacity at an airport. The sixth consideration in current law is eliminated. This section also adds two additional factors for FAA to consider when making discretionary grants for all projects. One is where the project stands in the FAA's priority system. The second is whether work can begin on the project soon after the grant is made.

Senate amendment

Adds an additional consideration for cargo operations.

Conference substitute

House bill and Senate amendment.

158. FLEXIBLE FUNDING FOR AIP ENTITLEMENTS

House bill

Permits an airport sponsor to make AIP entitlement grants for one of its airports available to another one of its airports if that other airport is eligible to receive AIP grants. It also permits an airport to make an agreement with FAA to forego its entitlement if the FAA agrees to make the money foregone available for a grant to another airport in the same State or to an airport that the FAA determines is in the same geographical area.

Senate amendment

Same with respect to the second waiver dealing with the same State or geographical area.

Conference substitute

Senate amendment.

159. FLEXIBILITY FOR GENERAL AVIATION ENTITLEMENTS

House bill

Permits multiyear grants using the general aviation entitlement to the same extent that they are permitted using the primary airport entitlement. Permits retroactive use of the general aviation entitlement in the same way that the primary airport entitlement can be used. It also permits a general aviation airport to use its AIP entitlement for revenue producing facilities, such as building fuel farms and hangars, if the airport certifies that its airside needs are being met. Permits a general aviation airport to use its AIP entitlement for terminal development. Section 513, use of apportioned amounts, subsection (a) allows general aviation airports to carry over their entitlements for 3 years rather than two.

Senate amendment

Same provision.

Conference substitute

House bill and Senate amendment.

160. NOISE SET-ASIDE

House bill

Broadens the purposes for which noise set-aside funds may be used to include projects approved in an environmental Record of Decision and projects to reduce air emissions.

Senate amendment

Increases the percent for grants to 35%. Only allows for funding for noise mitigation committed to in ROD for National Capacity Projects, versus House that allows funding for mitigation in any ROD. Also, does not have funding for new land compatibility and CAA initiatives.

Conference substitute

House bill and Senate amendment with minor technical corrections.

161. PURCHASE OF AIRPORT DEVELOPMENT RIGHTS

House bill

No provision.

Senate amendment

Establishes a pilot program at 10 privately owned public use airports permitting the use of their entitlement to purchase development rights to ensure that the property will continue to be used as an airport.

Conference substitute

Senate amendment.

162. GARY, INDIANA

House bill

No provision.

Senate amendment

Requires FAA to give priority to request for a letter of intent for Gary.

Conference substitute

No provision. The Managers are aware that there are numerous requests for LOI's and urge the FAA to respond as expeditiously as possible to such applications.

163. RELIEVER AIRPORTS SET-ASIDE

House bill

Eliminates the special set-aside for reliever airports.

Senate amendment

No provision.

Conference substitute

No provision.

164. UNUSED AIP FUNDS

House bill

Allows AIP grant funds that are not spent by an airport to be recovered by the FAA and used for a grant to another airport notwithstanding any obligation limitation in an appropriations act.

Senate amendment

Subsection (b) of section 507 is the same provision worded somewhat differently.

Conference substitute

Senate amendment.

165. MILITARY AIRPORT PROGRAM

House bill

Increases from $7 million to $10 million the amount that an airport designated under the military airport program can use for terminal development, parking lots, fuel farms, or hangar construction. Allows an airport designated under the military airport program to use money it receives under that program or from its entitlement for reimbursement for construction of a terminal, parking lot, hangar, or fuel farm.

Senate amendment

No provision.

Conference substitute

House bill, but the allowable amount is increased to $10 million for only 2 years.

166. TERMINAL DEVELOPMENT COSTS

House bill

This section restates two provisions in current law that permit reimbursement for terminal development costs and adds a third provision. The third provision allows a small airport that is designated under the military airport program at which terminal development is carried out between January 2003 and August 2004 to use AIP money to repay money borrowed to build that terminal.

Senate amendment

Reduces the waiting period for an airport that has used AIP to repay the cost of terminal development from 3 years to 1 year before they can use AIP again for terminal development.

Conference substitute

House bill and Senate amendment.

167. AIRPORT SAFETY DATA COLLECTION

House bill

This section allows FAA to use AIP money to enter into a sole source contract with a private entity to collect airport safety data.

Senate amendment

Same provision.

Conference substitute

House bill.

168. AIRPORT PRIVATIZATION PILOT PROGRAM

House bill

Allows a proposed airport privatization to proceed if it is approved by 65% of the scheduled U.S. airlines serving the airport rather than by 65% of all scheduled and charter airlines serving the airport. With respect to a general aviation airport, approval must be by 65% of the owners of aircraft based at the airport, as determined by the Secretary. If an airline has not filed an objection within 60 days, it will be considered to have approved the proposed privatization.

Senate amendment

No provision.

Conference substitute

House bill, but applied only prospectively.

169. FEDERAL SHARE

House bill

Eliminates the provision that limits the Federal share of a discretionary grant for a privatized airport to 40%.

Senate amendment

Increases Federal share to 95% for AIP grants in 2004 to small airports. Allows a different Federal share for projects in State with a significant amount of public land.

Conference substitute

Senate amendment, but for 4 years. Increases the Federal share of a discretionary grant for a privatized airport to 70%.

170. INNOVATIVE FINANCING TECHNIQUES

House bill

This section allows 12 more grants for innovative financing techniques to be issued but eliminates payment of interest and commercial bond insurance as permitted techniques since those are now covered by section 508(b). It adds payment of interest for large airports as a permitted technique.

Senate amendment

No provision.

Conference substitute

Payment of interest for small airports is put back into the innovative financing section. Instead of allowing AIP to be used by large airports for payment of interest, the substitute allows PFCs to be used for this purpose.

171. AIRPORT SECURITY PROGRAM

House bill

This section directs the FAA to continue to administer the program to test and evaluate innovate aviation security systems and technologies at airports even though most security responsibilities have been transferred to the Department of Homeland Security.

Senate amendment

No provision.

Conference substitute

House bill.

172. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE

House bill

Requires DOT and EPA to ensure that an airport will receive appropriate emission credits for carrying out a project that will reduce emissions at that airport. Directs DOT to carry out a pilot program at no more than 10 airports under which an airport may use AIP grants of not more than $500 thousand to retrofit equipment used at the airport so that they produce lower emissions. Makes projects that will reduce emissions at airports eligible for AIP grants. States that with respect to low-emission equipment that is not already eligible to be purchased with AIP funds, the only portion of the cost that is eligible to be paid for with AIP funds is the portion that the FAA determines represents the increase in the cost of the low-emission equipment over a similar piece of equipment that is not low-emission. Defines low-emission equipment.

Senate amendment

Adds that the DOT and EPA shall issue guidance on eligible low-emission modifications and improvements and how sponsors will demonstrate benefits.

Conference substitute

House bill and Senate amendment.

173. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS

House bill

This section would allow the FAA to use AIP funds to make grants to States and localities for land use planning near airports so that the communities may make the use of land in their jurisdictions more compatible with aircraft operations. Conditions are imposed to avoid undermining the efforts of the airport. This provision expires in 4 years.

Senate amendment

Ties funding for land use planning to national capacity projects only, as opposed to a broader universe of large and medium hubs in House bill. No sunset provision. Would apply to airports even if they have a current Part 150 program.

Conference substitute

House provision with changes to ensure that an airport sponsor is involved in the compatible land use planning and compatible land use project process. The Managers believe that it is essential that the airport sponsor have the ability to enter into an agreement with the State or local government to develop a land use compatibility plan and that the parties should jointly approve the compatible land use plan.

174. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION

House bill

This section requires FAA to pay rent for the space that it uses at airports. Exceptions are provided for agreements that might be negotiated with the airport and for land and facilities needed to house air traffic controllers. TSA covered by section 1527 of H.R. 2144.

Senate amendment

Similar provision but it also covers TSA use of airport space.

Conference substitute

No provision.

175. MIDWAY ISLAND AIRPORT

House bill

Finds that the airport on Midway Island is critical to the safety of flights over the Pacific Ocean. Directs DOT to enter into an MOU with other government agencies to facilitate the sale of fuel at the airport to help it become self-sufficient. Allows the airport to transfer its navigation aids to the FAA and requires the FAA to operate and maintain them. Makes aviation trust fund money available to the Interior Department for capital projects at the airport.

Senate amendment

Allows the Department of Interior to act as a public agency for the purposes of sponsoring grants for an airport that is required to be maintained for safety at a remote location. Section 510(a) is similar to subsection (b) of the House bill. Section 510(b) is similar to subsection (c) of the House bill.

Conference substitute

House bill, with changes to how funding will be made available to the Secretary of Interior. It will be done by a reimbursable agreement rather than a grant. The Managers feel strongly that all of the Federal agencies involved in the administration of Midway Island should work cooperatively to ensure there is a working airfield there.

176. INTERMODAL PLANNING

House bill

Requires medium and large hub airports building a new airport, new runway, or runway extension to make available to any metropolitan planning organization (MPO) in the area a copy of the airport layout plan and airport master plan.

Senate amendment

No provision.

Conference substitute

House bill.

177. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT

House bill

Requires DOT to report within 6 months on whether the airport at the Marshall Islands should get a grant under the AIP.

Senate amendment

No provision.

Conference substitute

Makes the sponsors of airports located in the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau eligible for grants from the Airport Improvement Program Discretionary Fund and Small Airport Fund for fiscal years 2004 through 2007. The Managers have made the entities listed in section 188 eligible for AIP funding. The FAA should strongly consider an application for AIP funds by any one of the entities.

178. REPORT ON WAIVER OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES

House bill

Requires DOT, within 90 days, to list all waivers granted from the Buy America Act since the date of enactment of that Act and the authority and rationale for that waiver.

Senate amendment

No provision.

Conference substitute

House bill but limited to waiver granted during the previous 2 years.

179. EXTENSION OF EXPENDITURE AUTHORITY

House bill

Allows grants to be made from the aviation trust fund for the purposes specified in this Act.

Senate amendment

Similar provision but adds a conforming amendment to section 9502(f).

Conference substitute

Senate amendment plus additional language making a technical correction to the domestic flight segment portion of the airline ticket tax. Beginning with calendar year 2003, the domestic flight segment portion of the airline ticket tax is adjusted for inflation annually. The technical correction clarifies that, in the case of amounts paid for transportation before the beginning of the year in which the transportation is to occur, the rate of tax is the rate in effect for the calendar year in which the amount is paid. The provision is effective for flight segments beginning after December 31, 2002.

180. ADDITIONAL MATTERS

The Managers strongly encourage the FAA and the Occupational Safety and Health Administration to continue to work under the framework established in the August 2000 Memorandum of Understanding and establish a coordination mechanism to determine which existing and future OSHA regulations can be applied to an aircraft in operation without compromising aviation safety.

The Managers are aware of concerns about the impact of aircraft noise on residential areas, including those surrounding the communities of the four airports of the Port Authority of New York and New Jersey (PANYNJ). Although the FAA determined that aircraft noise pollution was the strongest and most widespread concern raised by the public at its twenty-eight public scoping meetings in five states in 2001, the PANYNJ has not undertaken action to mitigating residential complaints in the neighborhoods surrounding its airports. Therefore, it is the hope of the Conference Committee that the PANYNJ will work in good faith with the New York and New Jersey Congressional delegations to address these issues, including undertaking a part 150 study to qualify for Federal residential soundproofing dollars or to begin undertaking residential soundproofing in the most affected areas in the footprint with particular focus on the neighborhoods surrounding LaGuardia Airport.

The Managers strongly encourage the FAA to work with state aviation agencies and universities to develop a national, innovative program that would offer practical training and information resources for those who operate, maintain, and administer public use airports across the nation on topics such as pavement maintenance, snow and ice control, project development and funding, wildlife control and safety and operations. To further this program, the Committee recommends that FAA consult with state aviation agencies and universities that have created similar programs for general aviation airports in their State.

The legislation includes a section that amends section 4(b) of the Rivers and Harbors Appropriations Act of 1884 to clarify that the restriction in that section with respect to taxes on vessels or other water craft does not apply to property taxes on vessels or water craft, other than vessels or water craft that are primarily engaged in foreign commerce, so long as those taxes are constitutionally permissible under long-standing judicial interpretations of the Commerce Clause. To assure the consistent application of legal principles concerning non-Federal taxation of interstate transportation equipment, the amendment in this section is effective as of November 25, 2002. Over the years, the U.S. Supreme Court has ruled on the constitutionality of property taxes on various forms of interstate and international transportation equipment in a number of cases, including but not limited to *Pullman's Palace Car Co.* v. *Pennsylvania*, 141 U.S. 18 (1891) (railroad rolling stock); *Ott* v. *Mississippi Valley Barge Line Co.*, 336 U.S. 169 (1949) (barges on inland waterways); and *Braniff Airways, Inc.* v. *Nebraska State Board of Equalization*, 347 U.S. 590 (1954) (domestic aircraft); *Complete Auto Transit, Inc.* v. *Brady*, 430 U.S. 274 (1977); and *Japan Line* v. *County of Los Angeles*, 441 U.S. 434 (1979). This line of decisions has sustained property taxes in interstate transportation cases when the tax is applied to an activity with a substantial nexus with the taxing entity, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the taxing entity. The exception for state and local taxes on vessels or watercraft that are primarily engaged in foreign commerce implements the holding of the Japan Line case. The committee notes that section 4(b) does not affect whether sales or income taxes are applicable with respect to vessels. The purpose of section 4(b) was to clarify existing law with respect to Constitutionally permitted fees and taxes on a vessel, but also to prohibit fees and taxes imposed on a vessel simply because that vessel sails through a given jurisdiction.

The Managers are aware of the concerns raised about the recent increase in shipment interruptions during the transportation of essential radiopharmaceuticals due to new air transportation security mandates. The Committee recommends that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, review current procedures for shipment of radiopharmaceuticals and recommend actions to ensure the timely delivery of them. If the Secretary of DHS undertakes this study, the Secretary shall also submit recommendations to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the actions taken to ensure that timely delivery of these medical products by commercial aircraft no later than 180 days after the enactment of the Act.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN MICA,
VERNON J. EHLERS,
ROBIN HAYES,
DENNY REHBERG,
JOHNNY ISAKSON,

From the Committee on Energy and Commerce, for consideration of sec. 521 of the House bill and sec. 508 of the Senate amendment, and modifications committed to conference:

BILLY TAUZIN,
JOE BARTON,

From the Committee on Government Reform, for consideration of secs 404 and 438 of the House bill and sec. 108 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,
CHRISTOPHER SHAYS,

From the Committee on the Judiciary, for consideration of secs. 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference:

JAMES SENSENBRENNER, Jr.,
HOWARD COBLE,

From the Committee on Resources, for consideration of secs. 204 and 409 of the House bill and sec. 201 of the Senate amendment, and modifications committed to conference:

RICHARD POMBO,
JIM GIBBONS,

Provided that Mr. Renzi is appointed in lieu of Mr. Pombo for consideration of section 409 of the House bill, and modifications committed to conference:

RICK RENZI,

From the Committee on Science, for consideration of sec. 102 of the House bill and secs. 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
DANA ROHRABACHER,

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

BILL THOMAS,
DAVE CAMP,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
CONRAD BURNS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
Managers on the Part of the Senate.

NATIONAL CEMETERY EXPANSION ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1516) to provide for the

establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.

The Clerk read as follows:

Senate amendments:

Page 2, line 8, strike out "five" and insert "six."

Page 2, after line 18, insert: (6) The Sarasota County, Florida, area.

Page 3, line 17, strike out "five" and insert "six".

Amend the title so as to read: "An Act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the other body acted upon H.R. 1516 as amended in such a timely manner. Our action today will clear this measure for the President's signature. I am hopeful that we will have the opportunity to clear most, if not all, of our veterans measures which the House has acted upon before we adjourn next week.

The VA adopted a goal, Mr. Speaker, of providing the option of burial in a national or State veterans cemetery to 90 percent of the veterans within 75 miles of their homes. H.R. 1516, as amended, would help the VA meet that goal in six additional locations. It reflects the findings of a recently-completed VA study which determined the areas in the country most in need of a new national cemetery.

H.R. 1516, as amended, would direct the Secretary of Veterans Affairs to establish a new national cemetery not later than 4 years after the date of enactment in six areas determined to be most in need of such a cemetery. Those locations include the areas of southern Pennsylvania, which will serve 170,000 veterans; Birmingham, Alabama, which will serve 212,000 veterans; Jacksonville, Florida, which will serve 189,000 veterans; Bakersfield, California, which will serve 184,000 veterans; Greenville/Columbia, South Carolina, which will serve 169,000 veterans; and, Sarasota County, Florida, which will serve 406,000 veterans.

The Senate amendments to the House bill add the Sarasota County location to the other five. I want to thank especially the gentlewoman from Florida (Ms. HARRIS) for her timely intervention in ensuring that we included that in our legislation and adopted this Senate amendment to our house bill.

All told, Mr. Speaker, more than 1.3 million veterans and their survivors will benefit from these additional cemeteries. The Secretary would be required to use the advanced planning funds to begin the work necessary for establishment of each cemetery.

Additionally, in determining the specific cemetery locations, the bill would require that the Secretary solicit the advice and views of the State and local veterans organizations representatives and other individuals as the Secretary deems appropriate.

I would especially like to thank the gentleman from Pennsylvania (Mr. GERLACH) who is the prime sponsor of the bill and his staff for his work on the bill, as well as the gentlewoman from Florida (Ms. HARRIS) and her staff, the gentleman from South Carolina (Mr. BROWN), our very distinguished chairman of the subcommittee, and the gentleman from Maine (Mr. MICHAUD) who worked very hard in ensuring that this legislation was properly crafted and met the needs of our veterans. As always, I want to thank my good friend and colleague, the gentleman from Illinois (Mr. EVANS), and his staff for their good work on this bill as well.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1516, the National Cemetery Expansion Act of 2003, as amended, by the Senate. I want to thank the chairman and ranking member of the full committee, the gentleman from New Jersey (Mr. SMITH), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership on the committee. I also want to extend a personal thanks to the gentleman from South Carolina (Mr. BROWN), the chairman of the Subcommittee on Benefits for his work in helping craft this legislation.

H.R. 1516 provided for the authorization and establishment of six new national cemeteries in accordance with the VA's most current burial needs assessment report.

□ 1330

The Senate amended this bill to include a sixth national cemetery to be located in Sarasota County, Florida.

Adding this sixth national cemetery is necessary so that we may provide much-needed burial services to an area of the country with a high and increasing veterans population.

I know how important burial in a veterans cemetery is to our national veterans. Many brave men and women who put on a uniform to protect us during World War II and the Korean War pass from us every day. The veterans of this Nation deserve nothing less than an honored and dignified final resting place.

Mr. Speaker, H.R. 1516 is a good bill, an important bill; and I urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in support of H.R. 1516, as amended, and reiterate the comments of our chairman in commending the other body for acting so quickly.

In December of 2001, the Logistics Management Institute recorded their finding on the current and future burial needs for veterans. Their findings were based on VA providing a burial option for 90 percent of the veterans residing within a 75-mile service area of an open national or State cemetery.

LMI concluded that 31 additional veterans cemeteries will be needed over the next 20 years in increments of 5 years. H.R. 1516, as amended, will require the Secretary of Veterans Affairs to establish a new national cemetery in the top six areas of need within 4 years of the date of enactment of this act.

The six cemeteries identified in today's bill would serve over 1 million veterans. Among the six is a new cemetery in the Greenville/Columbia, South Carolina, area. Since I served for 16 years in the State House in Columbia, I understand firsthand how important this is to the veterans in that area. This cemetery would serve more than 169,000 veterans and their survivors, and I am pleased it is included in this bill.

I want to thank the ranking member of the Subcommittee on Benefits, the gentleman from Maine (Mr. MICHAUD), as well as the chairman and ranking member of the full committee, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS). Time and time again these folks showed their commitment to our veterans and their families.

Mr. Speaker, with this bill we expand the opportunities for burial in the national veterans cemetery, which is no less than our final show of gratitude to our servicemembers. I urge my colleagues to support H.R. 1516, as amended.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 1516, the National Cemetery Expansion Act of 2003, as amended by the Senate.

We all know the men and women of the Greatest Generation who have served this country so grandly in World War II and Korea have reached their senior years. Approximately 1,500 veterans from all eras pass each day from this planet, and the rate is projected to increase in years to come. It is our responsibility to provide proper final resting places for all these heroes.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I enthusiastically rise in support of H.R. 1516, and I am especially pleased we are going to have a national cemetery finally in Jacksonville, Florida. This is in the northeast central Florida corridor where we have a high military presence. We had this area represented by the gentleman from Florida (Mr. CRENSHAW) and, of course, the gentlewoman from Florida (Ms. CORRINE BROWN) and recently by Representative JOHN MICA. All four of us serve Jacksonville and north central Florida. All of us are very pleased that this cemetery is coming. I am proud that the Jacksonville cemetery has been the intent of my bill, H.R. 197, and others that I have offered during the last 6 years of Congress.

I thought I would just briefly in the time I have also talk about Jacksonville, as why it is such a strategic place for a national VA cemetery. Even before the United States was even a country, there have been veterans fighting in Jacksonville, so it is altogether fitting to establish a national VA cemetery here. Its very name was initially, and is presently, chosen in honor of war heroes. It has a strategic location. It is prominent on the Atlantic Ocean. It has a port, and it has been in many conflicts since its founding.

It was caught in the crossfires of war with Spain, France, the Revolutionary War, and the Seminole Indian War. It was occupied numerous times during the Civil War. And during World War I, 25 steamers were launched from Jacksonville ports. In late February 1942, German spies made it on the shore of Ponte Vedra, but fortunately they were captured before they could blow up Florida's railroad lines and stop the shipment of war supplies.

Mr. Speaker, during the 1991 Persian Gulf War, this port was active again. Jacksonville moved supplies and personnel more than any other port in the country. Nearby Blount Island has a command on the St. John's River in Jacksonville. It is the site of the Marine Corps' Maritime Prepositioning Ships, MPS. Employment of MPS assets during Desert Storm and Desert Shield, Restore Hope, Continued Hope in Somalia, and the present Operation Restore Freedom and Operation Iraqi Freedom decisively demonstrate the utility of these expeditionary forces.

We have also the Mayport Naval Air Station with an aircraft carrier station there. We have the naval air station and depot there also.

Mr. Speaker, there are a lot of veterans, a lot of military history and presence in Jacksonville; and I just want to remind my colleagues that it is a very, very good place, a resting place for our veterans.

Of course, like others who will speak on behalf of their cemetery, the 2000 U.S. Census shows the revised projections forecasting a population of just under 200,000 by the year 2005. I think that demonstrates what we all know, that a lot of veterans are moving into Florida, a lot of them are moving into northeast Florida to retire. They deserve a resting place with dignity and beauty. I think this cemetery will add a lot to that promise.

Mr. Speaker, I will conclude by also mentioning our Nation's second largest veteran population and number one in age in terms of just who they are. Nearly 325,000 veterans call home somewhere in this area of northeast central Florida. It is interesting, a number of current active duty and armed servicemembers are calling Florida and Jacksonville their home. So they might retire in Texas or California or somewhere in the United States, and they will come back to Florida.

We have a close proximity to our veterans hospital in Alachua County and Duval County, which have sent a lot of Reservists and National Guard to Iraq. So this whole area, Mr. Speaker, is demonstrating the importance of this cemetery. Of course, the next closest proximity is in Marietta, Georgia, which is just north of Atlanta. So a new national VA cemetery in Jacksonville will answer this unmet need not only for northern Floridians but also for southern Georgians.

I appreciate the support of the chairman and subcommittee chairman. We are now providing a dignified, hallowed ground for our veterans. They deserve it.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), a gentleman who has fought so diligently to make sure that the southeastern Pennsylvania cemetery was included in the bill.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Maine (Mr. MICHAUD) for yielding me time and for his leadership on the subcommittee that has brought this bill forward. I want to also thank the Chair of the subcommittee, the gentleman from South Carolina (Mr. BROWN), and also the Chair and ranking member of the full committee, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS).

This bill, H.R. 1516, is very good legislation that will create new cemeteries across this country of ours, particularly in southeastern Pennsylvania where a tremendous need for a new veterans cemetery has been demonstrated throughout the years.

In southeastern Pennsylvania, nearly 300,000 veterans live over 65 miles from the closest veterans cemetery. And in that congested part of the State, the travel time to that open cemetery is long and arduous. And this veterans cemetery located somewhere in southeastern Pennsylvania will be a tremendous service to the families of veterans and a great way of honoring the service of those who have given so much to this country.

Mr. Speaker, I really stood up to, in addition to indicating my support for the bill, my second purpose was to compliment the gentleman from Pennsylvania (Mr. GERLACH) for the great job he did in breaking the logjam that existed over this issue.

My predecessor, Jon Fox, and then I, introduced legislation in prior Congresses to establish a new veterans cemetery at Valley Forge National Historic Park, which is still a site that I would love to see chosen for this cemetery. But there are some legitimate objections to that park, and the dispute that we got into was sidetracking this proposal.

The gentleman from Pennsylvania (Mr. GERLACH) was able to figure out a way to break that logjam by creating a commission and giving the veterans commission some leeway to pick the appropriate site in consultation with veterans organizations back home. As we have moved forward, other areas of the country have decided this is also the right way to go, and so we have before us today a very sound bill that will establish new cemeteries. And that is what we are trying to do, not fight over locations and get hung up on various procedures, but to actually get the job done. So I thank the gentleman from Pennsylvania (Mr. GERLACH). It was a pleasure to work with him. I was proud to be the leading Democratic cosponsor of H.R. 1516 when the gentleman brought it forward.

I have spoken with our former colleague, Mr. Jon Fox. He is thrilled with the progress on this; and, frankly, Senator SPECTER in the other body has greatly helped move this forward. So it has been a good bipartisan approach.

Again, I thank the Chair, the gentleman from New Jersey (Mr. SMITH), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their great work. And we will be able to provide wonderful service now, hopefully in the next 4 years, in these new locations to create new veterans cemeteries to honor the veterans that have served this country and to remember the need to help their family members and their friends have the convenience of a veterans cemetery that is local to them and easy for them to get to to continue to honor these veterans for years to come.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. HOEFFEL) for his good work on this bill as well. This is a bipartisan bill, and he certainly did his part in making sure this legislation went forward, so I do want to thank him.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GERLACH), the prime sponsor of this bill, who has broken a logjam; and now we will soon have a bill signing in this important legislation, not just for Pennsylvania but for other regions as well; it will go forward to the President and will become law.

Mr. GERLACH. Mr. Speaker, I first would like to thank the gentleman from New Jersey (Mr. SMITH) and the ranking member from Illinois (Mr. EVANS) for their great work and their staffs' great work in bringing H.R. 1516 to the floor today. Special thanks to the lead Democrat sponsor of the legislation, the gentleman from Montgomery County, Pennsylvania (Mr. HOEFFEL), for his persistence, not only in this session but in prior sessions to bring this to a conclusion today legislatively.

I also would like to thank the Senator from Pennsylvania, Senator SPECTER, and his staff and ranking member, Senator GRAHAM, for their work also over on the Senate in allowing us to move this forward.

Most importantly, I would like to thank the veterans of southeastern Pennsylvania for their great service and sacrifice to our country over the years.

This legislation was introduced last March to establish a new national veterans cemetery in southeastern Pennsylvania; and as that bill moved through the Committee on Veterans' Affairs, I am very pleased to see that the additional sites were added for other areas of the country that likewise have the need to have veterans cemeteries for their veterans.

The need for a cemetery in our area is well-documented and long overdue. The Philadelphia national cemetery is virtually closed with the exception of cremated remains to nearly 400,000 veterans that reside in the five counties and make up the metropolitan Philadelphia area.

While cremation may be alternative to some, it is certainly not the preference to most; but unfortunately it is the only option for Philadelphia-area veterans currently if they want to have their remains reposed at a veterans cemetery close to home.

The only other national cemetery in our region is the Indiantown Gap Cemetery, which is a long drive from Philadelphia and can be very difficult for widows, widowers, and other family members who want to visit the graves of their loved ones. I would note that more than 290,000 area veterans live more than 65 miles from Indiantown Gap National Cemetery.

The Secretary of Veterans Affairs has expressed his support for the establishment of a new cemetery in southeastern Pennsylvania after analyzing two factors not taken into account in the previous veterans affairs department study. First, the Beverly National Cemetery in nearby Burlington County, New Jersey, is filling up faster than expected and is only available to New Jersey veterans. Additionally, the department recently added Monroe County, Pennsylvania, to the greater Philadelphia service area, thereby increasing the number of the veterans in need to over 175,000, the statistical benchmark for the establishment of a new cemetery.

□ 1345

The Secretary also acknowledged that the Indiantown Gap National Cemetery in Lebanon County, Pennsylvania, is at least 80 miles from Philadelphia, which contrasts with the Department's guidelines of having a veterans cemetery within 75 miles of a veteran's home.

Consequently, the Secretary has expressed his support for a new cemetery in our area to honor those who would be laid to rest there. This legislation would provide for its establishment within a 4-year time period and allow for the input of local officials and veterans in determining its specific site.

The importance of a veterans cemetery from our part of Pennsylvania has already been recognized for a long period of time. In 1862, the 37th Congress created the National Cemetery of Philadelphia when they initially established what has become a large network of national cemeteries across the United States. Southeastern Pennsylvania veterans and the veterans living in the other areas included in the bill today should, like those in the past, have the opportunity to be buried close to home after providing the same level of heroic service and sacrifice to our Nation.

I urge the support of the Members when we vote on this legislation and, again, thank the chairman of the committee for his support.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA), my good friend and colleague.

Mr. MICA. Mr. Speaker, first I wish to thank the gentleman from New Jersey (Mr. SMITH), the chair of the committee, and also the gentleman from South Carolina (Mr. BROWN), the subcommittee chair, and also the gentleman from Pennsylvania (Mr. GERLACH) for their leadership and the bipartisan support on both sides of the aisle for this much-needed legislation. I think that it is very appropriate that we follow the legislation that was just handled to take care of the medical concerns and need of our veterans by also taking care of their last wishes.

Florida is so privileged to have two of the six new cemeteries that will be dedicated as national veterans cemeteries under this legislation, and what I was told by staff is that the basis of the designations is not done just by political power, but by actual need. And certainly Florida, whether it is south, central or northeast, is the recipient of so many of those men and women who served our Nation and have chosen to retire, to work and to live out their final days in our great State.

So this is the very least that we can do. We have over 1,000 veterans dying across the land every day, World War II veterans and others, and again, many of them coming to Florida. As we adjust our medical needs and health care services to our veterans, it is also appropriate that we make this final adjustment that they have a decent burial place in our State where they have chosen to live, work and also to retire.

I thank my colleagues for their leadership, and I urge the passage of this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 10 seconds.

I thank the gentleman from Florida (Mr. MICA) for his contribution, and just remind him that his brother, Dan Mica, used to be on the House Committee on Veterans Affairs and never lost an opportunity to remind us how everyone, everybody ultimately moved to Florida from the northeast and everywhere else. So his point about need was very well-taken.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. HARRIS) who, again, worked very hard to ensure that the Sarasota provision was included in our bill.

Ms. HARRIS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise and urge my colleagues to support H.R. 1516, the National Cemetery Expansion Act of 2003, as amended by the Senate. On July 21, this House passed the original 1516 by unanimous consent. The bill directs the Secretary or Veterans Affairs to establish five additional cemeteries within the national cemetery system.

Although the original version that we passed 3 months ago addresses the needs of hundreds of thousands of veterans across our Nation, that original version did not acknowledge the men and women of southwest Florida who comprise one of the Nation's largest population of veterans. Currently, Bay Pines National Cemetery in St. Petersburg, Florida, constitutes the closest national cemetery that serves southwest Florida's veterans. For many families, visiting this location involves a strenuous drive. Moreover, Bay Pines, which encompasses a mere 27.3 acres, accepts only cremated remains.

I strongly believe that we should not impose this hardship of travel upon our veterans' families. Moreover, forcing a potentially objectionable method of entombment upon veterans, as a condition of receiving the final tribute they earned, is patently wrong.

The Department of Veterans Affairs regards Bay Pines as an open cemetery for the 13th District's veterans until the year 2016. This designation means that the Department regards that cemetery as sufficient to serve their needs until that year. These brave men and women require a new national cemetery long before then.

Thanks to the chairman of the Senate Committee on Veterans' Affairs, Senator ARLEN SPECTER, and to our own extraordinary Committee on Veterans' Affairs chairman, the gentleman from New Jersey (Mr. SMITH), and to my friend and colleague, the gentleman from Pennsylvania (Mr. GERLACH), we have an opportunity to correct this oversight today.

I respectfully urge my colleagues to accede to the amended version of H.R. 1516 that the Senate passed on October 17 which specifies the Department of Veterans Affairs shall establish a new national cemetery in the Sarasota, Florida, area. Upon the passage of H.R. 1516, approximately 406,000 veterans who live in my District finally have the opportunity to receive the internment, according to their wishes, in a place of honor, closer to their home.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. CRENSHAW), another friend and great advocate for this issue.

Mr. CRENSHAW. Mr. Speaker, I thank the chairman for the time.

I rise in support of House bill 1516 because it keeps a commitment, a sacred commitment to the men and women of our military. Our country has chosen to honor our veterans because of their sacrifice and because of their service. Our veterans did not serve to become heroes. They did not fight because they loved battle. Our veterans went to war because our country asked them to go to war. They fought to defend our freedom.

Such supreme dedication demands supreme recognition, and that is what this bill does. In Florida, we have over 2 million veterans, but only four veterans cemeteries. One is completely full, one accepts only cremated remains, and two are over half a State away from my district in northeast Florida.

This bill provides that a veterans cemetery will be built in northeast Florida. Our veterans want the cemetery. Our veterans need the cemetery, and most of all, our veterans deserve a cemetery.

I urge the passage of this legislation.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like to urge my colleagues to support this legislation, and I also want to once again thank the gentleman from New Jersey (Mr. SMITH), the chairman of the committee, for his working extremely hard with the gentleman from Illinois (Mr. EVANS), the ranking member, to make sure that we pass bipartisan legislation because veterans are from both political parties, and I think they deserve the very best, and I appreciate the excellent leadership from both the gentleman from New Jersey (Mr. SMITH), the chairman, and the gentleman from Illinois (Mr. EVANS), the ranking member.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I, too, want to thank my friends and colleagues on the other side, the gentleman from Maine (Mr. MICHAUD) and, of course, our distinguished chairman of the subcommittee who spoke earlier, and the gentleman from Illinois (Mr. EVANS), the ranking member, just thank them for their good work on this, and the gentleman from Pennsylvania (Mr. GERLACH), of course the prime sponsor.

I also want to thank Senator SPECTER who is the chairman of the Senate Veterans Committee with whom we worked on all of these issues, but he got this back very, very quickly in a way that actually improved it. So I want to thank him for that, and Senator GRAHAM.

Ms. CORRINE BROWN of Florida. Mr. Speaker, today I ask for support of H.R. 1516, which will establish national cemeteries in parts of the country where they are needed the most, in—Southeastern Pennsylvania; Birmingham, Alabama; Bakersfield, California; Greenville/Columbia, South Carolina; Sarasota County, Florida; and my own Jacksonville, Florida.

Florida has the second largest population of veterans in the Nation—totaling almost two million. There are more than 325,000 veterans in the Northeast Florida/Southeast Georgia area alone. One out of every ten deaths nationally is a resident of Florida at the time of interment. And, veterans' deaths are increasing each year as World War II and Korean War-era veterans advance in age. Soon, we will be unable to meet the burial needs of our veterans. Northeast Florida is in dire need of a new cemetery to accommodate veterans and their families. We owe it to our veterans to make certain that they have an appropriate final resting place.

The nearest "open" cemetery serving Northeast Florida is in Bushnell, Florida, which is 150 miles from Jacksonville—a three-hour drive. Florida's two smaller national cemeteries in Pensacola and St. Augustine are closed due to full capacity. The situation for Jacksonville-area veterans is almost desperate.

The National Cemetery Administration's intent is to make veterans' burial needs available in a state or national cemetery within 75 miles of the veteran's home. Veterans in the Jacksonville area are twice the distance from an open national cemetery than the National Cemetery Administration's goal. This is unacceptable. People need to be able to visit their loved one's final resting place without being burdened with a six-hour round trip from Jacksonville. We need to show veterans the respect that they have earned.

I ask that my colleagues support this important legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1516.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1516, as amended.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FALLEN PATRIOTS TAX RELIEF ACT

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3365) to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income.

The Clerk read as follows:

H.R. 3365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Patriots Tax Relief Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The tragic events of September 11, 2001, and subsequent worldwide combat operations in the Global War on Terrorism and in Operation Iraqi Freedom have highlighted the significant contributions of members of the Armed Forces in support of the national security of the United States and the sacrifices made by those members in the defense of freedom.

(2) The sacrifices made by the members of the Armed Forces are significant and are worthy of meaningful expressions of gratitude by the Government of the United States, especially in the case of sacrifice through loss of life.

(3) The death gratuity payment made by the United States Government for deaths while in military service has historically been tax exempt.

(4) The military death gratuity payment should remain tax exempt in order to assist families of fallen patriots to continue their quality of life during their greatest time of need.

(5) The Congress should periodically increase the amount of the military death gratuity payment to ensure that its value is not diminished.

SEC. 3. INCREASE IN DEATH GRATUITY PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) AMOUNT OF DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking "$6,000" and inserting "$12,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

SEC. 4. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) IN GENERAL.—Paragraph (3) of section 134(b) of the Internal Revenue Code of 1986 (relating to qualified military benefit) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted on or before the date of the enactment of this subparagraph.".

(b) CONFORMING AMENDMENT.—Section 134(b)(3)(A) of such Code is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this bill, the Fallen Patriots Tax Relief Act. It is important to me, and I think to the whole Congress, that we get this enacted right away. It is unconscionable to me that a knock at the door by a military chaplain is followed by a knock on the door from the tax man.

Sadly, this is the case. I had the distinct honor of serving my country in the Air Force for about 29 years. So my family and I know something about this part of military life, and I will never forget, after I got home from being a prisoner of war, that my wife said that one of her worst moments was when the military chaplain pulled up in front of the house after I was shot down and her heart just stopped. She did not know what they were going to say, but she knew it was not going to be good, and I cannot imagine today the unspeakable despair of a family who just lost the loved one in service of their country only to be followed up by the horror of a visit from the tax man. That is just wrong. This bill fixes that. We need to change that law today.

This bill permits the entire amount of the death benefit gratuity to be tax free. It also increases the amount of the death benefit to $12,000, which is more in line with the value of these benefits when they were initially created.

This is a clean bill. There is absolutely no good reason for it to get fouled up in the same legislative back water that stalled three previous provisions of this bill.

Sadly, every day we hear of deaths in Iraq and other military hot spots around the globe. In the 2 years since 9/11, it has been increasingly important that we eliminate the unfair, immoral tax on the death benefit of a servicemember's loved ones who receive that from the Armed Forces.

Mr. Speaker, I reserve the balance of my time.

Mr. MCNULTY. Mr. Speaker, I yield myself such time as I may consume.

There is no need for me to reiterate the details of this bill. The gentleman from Texas has outlined them. I strongly support the bill, and I agree with him wholeheartedly, that its passage is long overdue.

I will also say that it is one of my great honors to serve in the United States Congress with my friend SAM JOHNSON. He rendered outstanding service as a member of our Armed Forces over a very long period of time. He was also, as my colleagues all know, a prisoner of war for 7 years and endured torture during his service on behalf of our country. Thankfully, he came back home and has rendered outstanding service to his community, to his State, and his Nation ever since.

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I am grateful to him, and I am grateful to all of those who served in our Armed Forces through the years.

As I get older, I work more at keeping my priorities straight. Part of that for me is to remember that had it not been for all of the men and women who served in the United States military through the years, the rest of us would not have the privilege of going around bragging, as I often do, about how we live in the freest and most open democracy on the face of the Earth.

Freedom is not free. We have paid a tremendous price for it. Part of that price is visible in this Chamber. And today we are talking about those who made the supreme sacrifice. The gentleman from Texas (Mr. SAM JOHNSON) was a prisoner of war in the same war that took the life of my brother, HM3 Bill McNulty; and I think that is why I feel especially close to SAM.

Mr. Speaker, this is a very, very minor benefit to the families of those who made the supreme sacrifice, and we ought to pass it with dispatch. I strongly support this bill, and I urge all of my colleagues to vote for it.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for yielding me this time and for his long leadership on tax fairness and support for our men and women in uniform. I also want to publicly express my appreciation for the leadership and the service of the gentleman from Texas (Mr. SAM JOHNSON).

Mr. Speaker, I rise in strong support of H.R. 3365. I had the opportunity last night to speak about the need to change the current military death gratuity, so I simply want to thank my colleague from Arizona (Mr. RENZI) for making sure that the House delays no longer in acting on this urgent issue. I also want to commend the tireless work of the gentleman from Texas (Mr. EDWARDS) and the gentleman from North Carolina (Mr. JONES), who were pioneers on this issue and so many others that benefit our military and their families.

I want to thank my good friend and colleague, and the ranking minority member of the House Committee on Armed Services, the gentleman from Missouri (Mr. SKELETON), for ensuring that language to increase the death gratuity and to make it retroactive to September 11, 2001, will be included in the defense authorization conference report.

Mr. Speaker, I heard from many military veterans in my district about this issue. In April, Mr. Philip Kurdulis of Worcester, Massachusetts, in particular, motivated me to fix the problems with the death gratuity. He wrote: "Dear Representative McGovern: I was shocked to find out that the death benefit for our servicemen and women is only $6,000, and that $3,000 of that is taxed. We need to do the right thing as a country for the brave men and women who have made the ultimate sacrifice for their country. The Congress had no problem coming up with $1.6 million each for the families and survivors of the World Trade Tower victims. I do not begrudge this money; however we should do much more for the brave men and women we sent to avenge them. Deaths in our current war in Iraq and the conflict in Afghanistan have been relatively few in number. I believe it should be affordable, therefore, to increase the death benefit. I propose legislation to correct this grossly inadequate compensation. As a 10-year veteran of the Army Reserve, I ask you to 'Achieve the Honorable' in this matter."

Mr. Speaker, I also want to thank Mr. Gary Brown, who is the director of the VA office in Marlborough, Massachusetts, who encouraged me to introduce legislation to remedy the problems with the current death gratuity, which I did on September 5 when I introduced H.R. 3019, a bill that is basically identical to the one we are considering today.

Mr. Speaker, as of this morning, 352 American military personnel have lost their lives in Iraq. At least 67 others have perished in Operation Enduring Freedom, mainly in Afghanistan. Among the fallen, nine are from Massachusetts. In the face of such loss, Members of Congress stand united in our need to express our condolences and respect to the families who have lost a loved one and to ensure that their most immediate needs are provided for. Today, the House will do the right thing by our military families and pass H.R. 3365; but, Mr. Speaker, we cannot stop there. We must make sure that this bill reaches the President's desk before we adjourn. Only then can we be sure that grieving military families will not be burdened with an unexpected tax bill.

We must also move now to complete our work on the Armed Forces Tax Fairness Act, which provides additional assistance to our uniformed men and women, especially our overstressed Guard and Reserves.

It is more than a bit ironic, Mr. Speaker, that yesterday the majority in the Committee on Ways and Means approved legislation to provide $140 billion in corporate tax breaks but cannot seem to find the time to send this very modest bill of tax relief for our military to the President of the United States.

Mr. Speaker, I would urge my colleagues to vote "yes" on H.R. 3365, and I call upon the House leadership to send the Armed Forces Tax Fairness Act to the President.

Mr. Speaker, I submit for the RECORD the names of the servicemen from Massachusetts who have been killed in combat.

MEMBERS OF U.S. ARMED FORCES FROM MASSACHUSETTS KILLED IN ACTION OR DIED WHILE ON ACTIVE DUTY SEPTEMBER 11, 2001–CURENT DATE

(Information may be partial or incomplete; sources: CNN "Forces: U.S. and Coalition Casualities" and Central Command Public Affairs Office/U.S. Department of Defense)

Staff Sergeant Joseph P. Bellavia; Age: 28; Unit: 716th Military Police Battalion, 16th Military Police Brigade, XVIII Airborne Corps, U.S. Army; Hometown: Wakefield, MA; Date and Place of Death: October 16, 2003 in Karbala, Iraq.

Specialist Matthew G. Boule; Age: 22; Unit: 2nd Battalion, 3rd Aviation Regiment, 3rd Infantry Division, U.S. Army; Hometown: Dracut, MA; Date and Place of Death: April 2, 2003 in central Iraq.

Staff Sergeant Joseph Camara; Age: 40; Unit: 115th Military Police Company, Army National Guard; Hometown: New Bedford, MA; Date and Place of Death: May 21, 2003 in an area south of Baghdad, Iraq.

Sergeant Justin W. Garvey; Age: 21; Unit: 1st Battalion, 187th Infantry Regiment, 3rd Brigade, 101st Airborne Division, U.S. Army; Hometown: Townsend, MA; Date and Place of Death: July 20, 2003 in Tallifar, Iraq.

Private First Class John D. Hart; Age: 20; Unit: 1st Battalion, 508th Infantry Regiment, 173rd Airborne Brigade, U.S. Army; Hometown: Bedford, MA; Date and Place of Death: October 18, 2003 in Taza, Iraq.

1st Lieutenant Brian M. McPhillips; Age: 25; Unit: 2nd Tank Battalion, 2nd Marine Division, U.S. Marines; Hometown: Pembroke, MA; Date and Place of Death: July 27, 2003 in central Iraq.

Captain Benjamin W. Sammis; Age: 29; Unit: Marine Aircraft Group 39, 3rd Marine Aircraft Wing, U.S. Marines; Hometown: Rehobeth, MA; Date and Place of Death: April 4, 2003 in Ali Aziziyal, Iraq.

Sergeant First Class Daniel H. Petithory; Age: 32; Unit: U.S. Army; Hometown: Cheshire, MA; Date and Place of Death: December 5, 2001 in Afghanistan.

Staff Sergeant Bruce A. Rushforth, Jr.; Age: 35; Unit: U.S. Army; Hometown: Middleboro, MA; Date and Place of Death: February 21, 2002 in the Philippines.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), my former colleague on the Committee on Armed Services and the ranking minority member of the Committee on Armed Services of the House of Representatives.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for his leadership on this, and my friend, the gentleman from Massachusetts (Mr. McGOVERN), for his hard work in seeing to it this bill gets here; and I thank as well our friend, the gentleman from Texas (Mr. SAM JOHNSON).

Mr. Speaker, I rise in support of this bill, and I thank those who have offered it and have cosponsored it. The bill before us increases the death gratuity from $6,000 to $12,000; but more important, it would provide that the entire payment be tax free.

Congress first established the benefit for death back in 1908, and there is a long history of this. As a result of increasing the benefit from $3,000 to $6,000, and the way the law was written at the time, part of that remained taxable. We are now increasing this to $12,000 and making it all nontaxable.

About a month ago, I went to Iraq. I had the opportunity to see some young men and young women in uniform doing their duty. It is arduous and difficult, and I felt very proud of them. Whether they had a star on their shoulder or whether they be buck privates, they were doing masterful jobs, for which they were well trained. They are the cream of the crop of our youth in this country. We thank them for that.

Three days our group spent in Iraq, flying in and out of Baghdad from Kuwait. We had to spend the night in Kuwait, for security reasons, we were told. The second night, Sunday night, we flew from Baghdad back to Iraq, and in the C–130 airplane there was with us a body bag carrying the body of a young soldier. It caused me to stop and think that these young Americans are literally putting their lives on the line, and the best thing we can do is to show gratitude and appreciation.

Cicero once said that gratitude was the greatest of all virtues, and I think that he was right. So how do we do that today? We do it with this bill, introduced by the gentleman from Massachusetts (Mr. McGOVERN), the gentleman from Arizona (Mr. RENZI), the gentleman from New York (Mr. McNULTY), and the gentleman from Texas (Mr. SAM JOHNSON). This shows gratitude to those unfortunate families that lose a loved one, and it is a good thing that we can do.

I wholeheartedly support it, both the increase and the tax benefit therefrom, because gratitude is the greatest of all virtues and this is one small way we can express it.

Mr. Speaker, I rise to support my colleagues, Mr. RENZI and Mr. McGOVERN, in their efforts to provide a tax-free, increased death gratuity payment to survivors of deceased service members. The bill before us would increase the death gratuity payment from $6,000 to $12,000, but more importantly, it would provide that the entire payment be tax free.

Congress first established the death gratuity payment in 1908. At the time, it provided six months pay to the survivors of deceased service members. The death gratuity was necessary because there was no government life insurance program and career personnel often could not obtain or afford adequate commercial life insurance. The death gratuity payment was used to provide immediate financial assistance to families of deceased military members to meet immediate expenses.

The death gratuity program was repealed in 1917 when Congress established the predecessor to the current Dependency and Indemnity Compensation Program. However, only two years later, Congress would restore this important benefit. Over time as inflation and pay increases eroded the principle of a six-month pay payment, all survivors regardless of rank began to receive the higher payment of $3,000.

The maximum $3,000 tax-free benefit would not see a notable increase until 1991, as our Nation sent its sons and daughters in uniform to war in the Persian Gulf conflict. Congress, recognizing the sacrifices that our military families were experiencing, doubled the death gratuity payment from $3,000 to $6,000. Unfortunately, the additional increase of $3,000 was determined to be a taxable benefit.

Today, over 120,000 American troops are back in the Persian Gulf to help liberate the Iraqi people. Since the start of the Iraq conflict, over 229 service members have given their lives in combat and another 127 have been killed in the line of duty. In addition, 31 service members have lost their lives in combat in Afghanistan in Operation Enduring Freedom, and 58 Armed Forces personnel have been killed in service to their Nation.

We have a moral obligation to provide assistance to these families and help them through this difficult time. Increasing the death gratuity to $12,000 for these military families, and those who may lose their service member in the war against terrorism, will provide immediate financial assistance to families in those first turbulent and stressful weeks.

As my colleagues are aware, the conferees to the defense authorization bill are also considering a conference provision that would increase the death gratuity to $12,000 for survivors of deceased service members.

While I am relatively confident that provision will be accepted by the conferees, what is really needed is to make this payment tax-free. Which is why I am pleased that my colleagues from the Ways and Means Committee are here today to help ensure that the death gratuity payments paid to military families are tax-free. These families should not have to worry that this additional money, provided to them in a time of need, may end up being a financial hardship at the end of the year.

I urge my colleagues to recognize the sacrifices and dedication of those who serve in uniform, and support this effort to provide these families the additional financial resources to help them during a heartbreaking and distressing time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Missouri for his comments.

Mr. Speaker, I reserve the balance of my time.

Mr. MCNULTY. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), my friend and colleague.

Ms. WOOLSEY. Mr. Speaker, yesterday the 352nd and 353rd American servicemembers were killed since the start of the war in Iraq. That means almost twice as many soldiers have died since the President declared an end to major fighting operations than during the 2 months of actual war. Something is drastically wrong here.

We are not adequately showing our gratitude to those who have sacrificed for us. As a result, 353 of our soldiers have lost their lives, which speaks to the administration's haphazard planning for the postconflict phase in Iraq, costing those 353 Americans their lives and thousands who have been wounded.

We must support our brave men and women stationed in Iraq and Afghanistan, and we must also make a commitment to support the widows and widowers of those soldiers who are killed halfway around the world. And we can do that by passing H.R. 3365, doubling the amount paid to survivors of service men and women killed on the battlefield from $6,000 to $12,000, at the same time making this benefit completely tax free. After all, taxing families of patriots does not seem very patriotic to me.

It appears this bill has strong bipartisan support, and yet we have not always been so dedicated to our soldiers. On October 20, here in this House, less than 2 weeks ago, this body voted on an amendment to the $87 billion supplemental bill that would have added $1,500 as a bonus for troops serving in Iraq and Afghanistan. Unfortunately, this amendment failed by a vote of 213 to 213, with most Democrats voting in favor of the bonus and most Republicans voting against the bonus.

The Republican administration thrust upon us this budget-busting $87 billion supplemental spending bill for Iraq and Afghanistan, and then the House had the audacity to vote against the bonus for our troops; our troops who are in harm's way; our troops who have been wounded, and whose lives will be changed and altered forever; and our troops who have given up their lives for this country.

We must support our troops. We must compensate them for their service to this country should disaster strike. As any pundit would have predicted, and which has happened 353 times to date in Iraq in the last 7 months, we must support the families of those who make the ultimate sacrifice. Mr. Speaker, this is the very least we can do. To that end, I am proud to support H.R. 3365.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. MCNULTY. Mr. Speaker, I yield myself such time as I may consume. I join with the others in commending the gentleman from Arizona and the gentleman from Massachusetts for their sponsorship of this bill. I thank the ranking minority member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), for designating me to manage the bill on the Democratic side.

As I said in the beginning, this is a minor tax benefit that we are giving to those who have made the supreme sacrifice. I wish we were doing more, but I strongly agree with my friend and colleague, the gentleman from Texas, that this is long overdue. We need to do this with dispatch, and we need to do it for the families of those who have lost their loved ones.

One of the fundamental principles is that "life is to give, not to take." Sitting across from me in this Chamber is a gentleman who has given a great deal throughout his life, and especially during his military service. Veterans of this country and the families of those who have lost loved ones could have no better friend than the gentleman from Texas (Mr. SAM JOHNSON). He is one of the reasons why, when I get up in the morning, the first two things I do are to thank God for my life and veterans, like the gentleman from Texas, for my way of life.

I urge all of my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York for his kind words and support, and the support of all the Democrats, which has happened in this House previously.

Mr. Speaker, the House has acted repeatedly on this issue. The Committee on Ways and Means marked up a similar bill in the committee on February 27. That has been a long time ago.

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In the full House we passed a similar bill on March 20 by a vote of 422–0. An amended version of this bill then passed the Senate by a vote of 97–0, but it did not get out of conference. The House passed the concept again on April 9 by voice vote, so I guess we are just having a hard time keeping this bill narrow enough to get it enacted. It is so narrow now, I do not think we could squeeze it any tighter.

I do not believe the problems with this bill rest on this side of the Capitol. Unfortunately, House rules do not allow me to talk about where the roadblocks are to enactment, but it is not on this side of the Capitol.

I have a provision regarding military academy scholarships and college savings plans that I would like to get enacted this year, but if it would mean holding up, for even one more day, the elimination of this immoral tax on military death benefits, I would forgo having any other provisions added.

Frankly, I do not care what the reasons are for not having this concept enacted into law, it is just wrong to tax military death benefits. And as the gentleman from New York (Mr. MCNULTY) pointed out, it is a minor tax bill. Let us pass this bill today with another strong vote and get the job done before the end of this year. It is the least we can do for the families who have lost a loved one in service to their country. It is for America. We need to do it for America.

Mr. RENZI. Mr. Speaker, today the House is considering H.R. 3365, the Fallen Patriots Tax Relief Act. I am moved by the bipartisanship that has carried this bill through the House. The outstanding leadership of my colleagues, Mr. JONES of South Carolina and Mr. MCGOVERN of Massachusetts, illustrates the dedication of this Congress to support service members and their families who have sacrificed so much for this great country. In addition, I want to thank the gentlemen for their guidance on this bill and for their eager cooperation in drafting H.R. 3365.

This legislation will increase the death gratuity payment to $12,000 and will return the payment to its historical tax-exempt status. This payment must remain a gift to surviving families as a gesture of a grateful nation that dignifies their ultimate sacrifice of their loved ones. At a time when our nation is sending its sons and daughters to war, it is unconscionable to ask their families to shoulder a tax burden on a gift of thanks intended to be free from taxation. It is because of three of my constituents who gave their lives to defend our freedom that I became involved with this legislation.

Spencer Karol, from Holbrook, Arizona, was a 20-year-old Army Specialist with the 165th Military Intelligence Battalion. He enlisted in the Army with two friends and was sent to Iraq. Specialist Karol died when his vehicle was hit by an explosive device on patrol at Ar Ramadi looking for enemy combatants on October 6, 2003. This legislation would give Specialist Karol's mother the ability to meet the funeral expenses of burying her eldest son.

Specialist Lori Piestewa, was assigned to the 507th Maintenance Division, and was the first Native American woman killed in action. Under current law, Lori's family must pay taxes on the death benefit they have received. This legislation will correct this injustice.

Alyssa Peterson, a 27-year-old Army Specialist, was an athlete and graduated at the top of her class. She was fluent in several languages and gracious to her family and friends. I would like to share with you an essay that this precocious young woman wrote when she was a fifth grade student at Sechrist Middle School, in Flagstaff Arizona. She wrote:

> What is an American Patriot?
>
> I believe that an American Patriot can be anyone who lives in America. I think that no matter what anyone does with their time, they can be a patriot each day. To be a patriot you need to be a loyal American. You need to stand up for what is right. You need to be the best person you can be.
>
> A patriot needs to help America be a better place to live. Cleaning up litter is being patriotic. Obeying traffic rules is being patriotic. Helping our neighbors and giving of ourselves is being patriotic. Participating in your school activities is being patriotic, just like adults participating in voting for our government leaders and laws is patriotic. A patriot obeys all the laws of the land.
>
> Patriotism is an attitude which shows up in our everyday actions. No one needs to wait to be a patriot.

I commend Alyssa's words to your attention. It is now time to pass this necessary legislation and pay proper tribute to those who have served our nation.

Mr. SOUDER. Mr. Speaker, I come before you today in support of H.R. 3365, the Fallen Patriots Tax Relief Act. While there has been debate over how strong our national defense should be in order to preserve the freedom of others, I think you will find that everyone in this chamber is in agreement when it comes to the treatment of our fallen soldiers and their families. This bill would be an invaluable way of expressing our country's gratitude to the brave men and women who have died giving their last full measure of devotion.

In March of this year, Marine Lance Corporal David K. Fribley, from Atwood, Indiana, and seven of his fellow Marines, were killed in the opening march of Operation Iraqi Freedom. While the gratuity that is owed to the Fribley family has historically been exempt from taxation, an oversight in the tax code after 1991 left half of the $6,000 gratuity subject to taxation. Families who have had to suffer because of the loss of a loved one are now being asked to pay taxes on what was set up to be a one time, tax-free gift. It is for this reason and for families like the Fribley's that I pledge my full support to this bill. If adopted, this legislation would increase the gratuity payable to survivors of deceased members of the armed forces to $12,000 retroactive to September 11, 2001, and would make the payment fully tax-exempt.

As we carry on this struggle against evil, it is a most tragic fact of war that we are sure to lose more young people like Lance Corporal David Fribley. As they courageously make the sacrifice for our liberty and the safety of our world, we must never fail to honor their memory and see that their loss has not been in vain.

Mr. ORTIZ. Mr. Speaker, the bill we pass today is indeed the least we could possibly do for the young men and women who have carried our battle to the enemy in the global war in which we are engaged. We should be ashamed that the Congress is only now providing enhanced civil and economic protections for military personnel on active duty.

At a time when we are asking our military to carry an incredibly heavy burden, the Congress is deeply concerned about making life as easy as possible for our servicemembers and their families, and this bill is the way to begin.

While our troops are on duty overseas and elsewhere, separated from their families and—in the case of Guard and Reserve troops called up—struggling on less salary than they make in the civilian world, we are hopeful this legislation will help those military families better cope with economic challenges.

This bill would increase the death gratuity payable to the families of deceased members of the Armed Forces and to exclude such gratuity from gross income. The intent is to assist surviving family of active duty service members with immediate expenses following notification of the death of a loved one.

This bill would double the death gratuity from $6,000 to $12,000 and apply it retroactively to all deaths after September 10, 2001. The bill would also exempt from taxation the full $12,000 payment. Currently, only $3,000 of the current payment of $6,000 is exempt from taxation.

Given our experience here in South Texas in helping families who have lost loved ones, I can tell you that this Congress can do much more financially to ease their suffering, but I'm pleased that at least we are no longer taxing their death benefits.

Mr. ALEXANDER. Mr. Speaker, I rise today in support of H.R. 3365/H.R. 3019 (Renzi/McGovern), the Fallen Patriots Tax Relief Act. I am a proud cosponsor of both of these bills because they honor our fallen service men and women. This bill doubles the military death benefit paid to survivors of military personnel killed in the line of duty from $6,000 to $12,000. It also makes the $12,000 death benefit tax-free. The change would be effective retroactive to deaths occurring on or after September 11, 2001. (Under current law, the military death benefit is $6,000, of which $3,000 is subject to federal tax). As a nation and as Members of Congress, we need to do the best we can for the families of the brave men and women who have made the ultimate sacrifice for our country's freedom.

For the last several months, I have supported measures that give our armed forces the resources necessary to provide our soldiers and their families with a better quality of life. I have supported restoring the child tax credit for the families of 260,000 children of active duty military personnel. I also supported a provision on the house floor to add a $1,500 bonus for troops serving in Iraq and Afghanistan. Unfortunately, this provision failed on a tie vote. When Democrats offered to transfer $3.6 billion from Iraqi reconstruction to providing more support for our troops—including important quality-of-life measures such as improved health care benefits I voted yes because I believe that we should do all we can to protect and care for our men and women in uniform. H.R. 3566/H.R. 3019 (Renzi/McGovern) is no different. Support for our troops is a priority for me and I am proud to support this benefit for their families.

I am glad that the Renzi/McGovern bill makes the military death benefit tax-exempt. It is wrong that one-half of the military death benefit is currently subject to taxation. Families of patriots should not be penalized on a benefit meant to show the nation's gratitude for their sacrifice. We must restore the original intent of this benefit and not unduly burden families with an unexpected tax bill. The death benefit paid to the survivor of a military member has historically been exempt from taxation. An oversight in the tax code after the gratuity was increased to $6,000 in 1991 left half of this payment subject to taxation. Only the passage of H.R. 3566/H.R. 3019 (Renzi/McGovern) will remedy this unfair taxation problem for our military families.

I commend my colleagues Representatives MCGOVERN and RENZI for sponsoring this important measure, and I look forward to supporting this bill and supporting our troops.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 3365, the Fallen Patriots Tax Relief Act. It is important that we get this bill enacted into law right away. It is unconscionable that a knock at the door by a military chaplain is followed by a knock on the door from the tax man. But sadly, this is the case.

I had the distinct honor of serving my country in the Air Force for about 29 years. So my family and I know something about military life. And my wife, Shirley, has said that one of her worst moments was when the military chaplain pulled up in front of the house after I was shot down in Vietnam, and her heart just stopped. She didn't know what they were going to say, but she knew it was not going to be good.

I can't imagine the unspeakable despair of a family who just lost a loved one in service of their country, only to be followed up by the horror of a visit from the taxman. That is just wrong. So this bill fixes that. Let us change this law today.

This bill permits the entire amount of the death benefit gratuity to be tax free. It also increases the amount of the death benefit to $12,000, which is more in line with the value of these benefits when they were initially created. This is a clean bill. There is absolutely no good reason for it to get fouled up in the same legislative backwater that has stalled three previous versions of this bill.

You know, there a lot of good stories out there that don't get reported. For example, I've heard of a company of marines that left Iraq this summer without one casualty. That's great news. But, more common is the news we see on T.V. As President Bush says, "Iraq is still a dangerous place."

Sadly, nearly every day we hear of deaths in Iraq and other military hot spots around the globe. In the two years since 9/11 it has been increasingly important that we eliminate the unfair, immoral tax on the death benefit a service member's loved ones receive from the Armed Forces. In fact, this bill reaches back to that terrible day and also applies to families who will be receiving a visit from a chaplain in the future. I find it shameful that we continue to tax one-half of the death benefits paid to families.

This must change before the end of the year. It is the least we can do. These families have given the ultimate sacrifice for our country. We must not take any more from them.

Ms. SOLIS. Mr. Speaker, I rise in strong support of H.R. 3365, the Fallen Patriots Tax Relief Act.

The Fallen Patriots Tax Relief Act is a positive step in honoring the men and women of the Armed Services, who have made the ultimate sacrifice and given their lives while serving our country.

Unfortunately, the current death gratuity paid to the survivors of a military member is not adequate to cover funeral expenses, leaving them with the extra burden of covering these unexpected costs. The vast majority of the men and women in uniform come from hard working low-income backgrounds, whose families should not be expected to cover these costs.

On October 13, 2003, Private Jose Casanova, Jr. became the second constituent of mine to lose his life in Iraq.

The financial assistance provided to the Casanova family for burial expenses was not sufficient. The family still had to pay money from their own funds despite having the funeral home and the local police department waive numerous fees and provide some services for free.

This situation is not acceptable. Military families, like the Casanova family, deserve to be relieved of unnecessary financial costs associated with their fallen family members' deaths. This is the least we can do as a country.

In honor and in memory of our fallen patriots, I strongly urge my colleagues to support this bill.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 3365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SAM JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3365.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENCOURAGING PEOPLE'S REPUBLIC OF CHINA TO FULFILL COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS, SUPPORT UNITED STATES MANUFACTURING SECTOR, AND ESTABLISH MONETARY AND FINANCIAL MARKET REFORMS

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 414) to encourage the People's Republic of China to fulfill its commitments under international trade agreements, support the United States manufacturing sector, and establish monetary and financial market reforms.

The Clerk read as follows:

H. RES. 414

Whereas United States investors and exporters to the People's Republic of China recognize the opportunity of doing business with China but have raised serious concerns that many of the commitments China made upon joining the World Trade Organization have not yet been implemented or implementation has been inadequate;

Whereas market barriers and unfair trade practices continue to exist, including high tariffs, subsidies, technical trade restrictions, counterfeiting, tied trade, violations of intellectual property rights, and non-market-based industrial policies that limit United States exports;

Whereas increases in global trade will lead to faster growth of the United States economy and an improved quality of life for workers in the People's Republic of China;

Whereas China is one of the fastest-growing economies in the world and an important expanding market for United States exports;

Whereas China has made progress in implementing the commitments that it made upon joining the World Trade Organization, including the required reduction of its tariffs on many industrial goods of importance to United States manufacturers;

Whereas China must move more quickly to implement its World Trade Organization commitments fully and to remove many market access barriers;

Whereas the currency of the People's Republic of China, the renminbi, has been fixed relative to the United States dollar since 1994;

Whereas a systemically misvalued currency by any large country can have damaging trade-distorting effects on both that country and its trading partners by decreasing the price of exports of products of that country and increasing the price of imports to that country;

Whereas China's trade liberalization will cause economic imbalances in its market and world markets unless China also implements capital account liberalization;

Whereas the market-based valuation of currencies is a key component to resilient global trading systems by enabling smoother transitions to reflect underlying economic fundamentals in a country;

Whereas China's substantial foreign reserves reduce China's susceptibility to currency crises and, therefore, the need for continued use of a fixed currency;

Whereas the International Monetary Fund (IMF) has advised China to adopt a more flexible exchange rate policy, and has indicated that such a change would not have serious adverse consequences for that country, although IMF officials have expressed concern about the weakness of China's banking system and that it may not have the ability to move quickly towards a floating rate;

Whereas the Joint Ministerial Statement in September 2003 of the Asia-Pacific Economic Cooperation Finance Ministerial Meeting "emphasized the importance of accelerating structural reform, adopting macroeconomic policies that promote sustainable growth, supported by appropriate exchange rate policies that facilitate orderly and balanced external adjustment . . . [and] noted a view expressed at the meeting that more flexible exchange rate management, in some cases, would promote this objective";

Whereas the Group of Seven Finance Ministers and Central Bank Governors in their September 2003 Communique have emphasized that "more flexibility in exchange rates is desirable for major countries or economic areas to promote smooth and widespread adjustments in the international financial system, based on market mechanisms";

Whereas China's central bank governor has stated that the value of the renminbi will eventually be determined by market forces rather than be fixed to the dollar but has not given any indication of when this change in policy will occur;

Whereas China recognizes that it is in its own interest to reform its exchange rate regime and its banking system in order to establish a resilient economy and control its rate of economic expansion;

Whereas China is taking concrete steps to move to a more flexible exchange rate regime by increasing private ownership of its banking system and by establishing a technical working group on a range of financial sector issues, including exchange rate policy;

Whereas manufacturing is important to the health of the United States economy, generating high quality products, personal opportunity, productive careers, wealth, high standards of living, and economic growth;

Whereas the manufacturing sector is the leading source of new patents and innovation in the United States economy, which helps drive economic growth at home and abroad;

Whereas the manufacturing sector faces the most intense global competition in United States history, making it difficult for many firms to operate profitably and earn a sufficient return on capital invested, and manufacturing costs continue to increase for many reasons, including governmental actions; and

Whereas the manufacturing sector in the United States seeks a global level playing field for competition and markets: Now, therefore, be it

Resolved, That—

(1) the House of Representatives commends the President and his Administration for

continued efforts to engage the Government of the People's Republic of China directly and to encourage China to fulfill its commitments as a member of the World Trade Organization;

(2) the House of Representatives encourages the People's Republic of China to meet its commitments to the trade rules and principles of the international community of which it is now a member;

(3) the Chinese economy would benefit from an exchange rate determined by the market in order to avoid artificial rates that can lead to market and trade distortions;

(4) the House of Representatives will continue to monitor closely and work with the Administration to encourage China's efforts to modernize its financial system, establish a more flexible exchange rate, and comply with its trade agreement obligations;

(5) the House of Representatives urges the Administration to continue its intensive discussions with officials from the Government of the People's Republic of China to facilitate moves towards a market-based valuation of the renminbi, relaxation of capital controls, and reform of its banking sector; and

(6) manufacturing is an important sector to the United States economy and, therefore, the United States Government should intensify efforts to promote innovation, reduce costs, and level the international playing field for this sector.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, currently before the House is House Resolution 414, to urge China to live up to its international obligations which it has agreed to undertake upon joining the World Trade Organization in 2001. We consider this with a sense of urgency as we are running an historically large trade deficit and an enormous bilateral trade deficit with China.

Mr. Speaker, our trade deficit with China has doubled since 1998, and is likely to exceed $120 billion this year. It has become the single largest bilateral trade deficit in the world. And the most conspicuous feature of our lopsided trade partnership with China is China's state-sponsored mercantilism which has cost this country millions of manufacturing jobs.

When the Clinton administration embraced China's entry into the WTO, many of us hoped that China would adopt the disciplines of the global rules-based trading system. Unfortunately, we have been sorely disappointed. China continues to flout global trade rules at the expense of our manufacturers and workers. This cannot be allowed to stand. Americans can compete with any economic power in the world, provided there is a level playing field.

Mr. Speaker, our resolution would: One, show broad support for the administration's efforts to get China to abide by its international trade obligations; two, put Congress on record urging China to follow global trade rules; three, commit to working with the administration to encourage China to modernize its financial system and allow a flexible exchange rate; four, urge the administration to continue intensive discussions with Chinese leaders towards establishing a market-based valuation of their currency; and, five, state that the United States Government should intensify efforts to promote innovation, reduce costs, and level the playing field for the manufacturing sector.

Mr. Speaker, here are the facts, the IMF, APEC, and the group of seven finance ministers all have stressed the importance of allowing for greater flexibility in exchange rates. In the last month, every top official in the administration's economic and trade team, including President Bush himself, has visited China and implored its leaders to bring its trading practices up to global standards and allow their currency value to be dictated by the market.

Still, China's leaders have continued to stall. Our message today is the same as the administration's. They have told China time and time again if they want to have a healthy trade relationship with the United States, then they must be prepared to follow the rules. The message we are carrying today is among the most important that Congress will communicate this year. It is essential for the economic future of the next generation, for the future of good paying jobs in places like my home in northwestern Pennsylvania where we make things for a living, that we get this right.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is a weak resolution. It does not suggest any specific actions, and this is consistent with the way that this administration, the Bush administration, has approached trade issues with China.

It is not as if these issues suddenly appeared. They have existed, they have persisted for several years. And there have been some specific tools available for the administration to use. They have not used some of these tools, and others they have not used well.

These are the tools. First, the annual review process within WTO, this annual review process was called for in the U.S. PNTR resolution. It was specifically called for. It was worked for within the WTO, and it was in the final agreement with China when they acceded to the WTO. But the U.S., in this process, did not press China to act on major issues. China said that they did not need to respond in writing to the issues that were raised in the annual WTO review. This has diminished the importance of this significant mechanism.

Secondly, the PNTR legislation that we passed also required an annual report by the administration on China's compliance with its WTO commitments. That report was weak, and it did not press China on the key issues of trade.

Third, the USTR has not used, at any point, formal consultations in any of the sectors or on any outstanding problem, either through use of section 301 or directly in the WTO, whether the outstanding issues related to agriculture, for example, corn or cotton or fertilizers; in the manufacturing sector, whether it was semiconductors, heating and air conditioning, auto or auto parts; or whether it was services, including financial services. There was really little effort, in fact none, in formal consultations relating to the distribution requirements that were clearly laid out in China's WTO accession. And there has not been use of the formal consultation process relating to China's undervalued currency, and there has been none relating to intellectual property.

This administration has not used the specific China safeguard that we worked so hard to place in the China PNTR legislation. Instead, the administration turned down the first two cases that were brought before it. So in a word, instead of taking the lead, getting out in front of the rising concern about China, the Bush administration left a vacuum, and this vacuum has been filled by rhetoric, including that coming from the administration.

Mr. Speaker, this resolution is essentially rhetorical. It does not call for any specific action. It talks instead about commending the administration when I think that there were serious omissions of opportunity, and then it says it encourages in the second paragraph. And then as to currency, it says the Chinese economy would benefit. In the fourth, it says the House of Representatives will continue to monitor. In the fifth it says the House of Representatives urges the administration to continue intensive discussions. So as I said, this resolution does not call for special or specific action.

Mr. Speaker, I just want to say to the gentleman from Pennsylvania (Mr. ENGLISH), and especially to the administration, that no one should interpret a vote for this resolution as an endorsement of the way this administration has handled the growing issues with China.

I hope there will be other resolutions. We are going to have a hearing in the Committee on Ways and Means beginning tomorrow on China, and I guess it will continue over to Friday. This will be an opportunity for us to probe the places where there have been missed opportunities, the places where there need to be specific actions, the place where we can substitute, for rhetoric, something very specific which will lead, I hope, to actions relating to the trade relationships between our two large and important economies.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield myself 15 seconds.

First, to respond to the gentleman, I point out that this administration has been willing to take on China on these issues, particularly on the currency manipulation, in a way that the last administration certainly did not. At a time like this, when the administration is directly involved with negotiations with the Chinese, this is precisely the kind of resolution that is not only appropriate, but is important to provide to show support.

Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. BALLENGER) who has been a leader in the fight on Chinese trade issues.

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Mr. BALLENGER. I thank the gentleman for yielding me this time.

Mr. Speaker, I believe that the Chinese currency is undervalued by some 40 to 50 percent and has been for years. A 40 percent discount for China is unacceptable. American companies deserve a chance to fairly compete on a level playing field. Chinese companies do not have governmental regulations like EPA or OSHA, they do not have minimum wage laws or workplace safety mandates, and they do not have to make a profit.

It goes without saying that China has emerged as the biggest threat to our manufacturing base, and it is not because they make things better than we can, because they cannot. It is because China is cheating the system. China ships textile and apparel goods through Vietnam to avoid textile quotas. That is cheating. China's cheating is scaring all textile producing countries. In 2005, textile quotas disappear. Central American nations are worried. The South Korean hosiery industry is worried. Everybody is worried because we all know about China's cheating and predatory pricing practices.

This cannot continue. That is why we are standing up for our textile workers against China. The Chinese are ignoring international rules and putting millions of hardworking Americans out of jobs. We are standing up for U.S. workers by calling on China to fulfill its commitments under international trade agreements and to establish monetary and financial market reforms. Other countries and international institutions are calling on China to adopt a more flexible exchange rate policy. The market-based valuation of currencies is a key component in the global trading system.

As Secretary Evans said earlier this week on his travels in China, "We expect the markets to reflect the true value of currency." I applaud the administration for their efforts to help U.S. companies better compete, for calling on China to quicken the relatively slow pace of reforms thus far. Further action must follow.

In closing, I urge my colleagues to support H. Res. 414 as a means of putting the Chinese on notice that the Congress is tired of the $103 billion trade surplus. We will expect them to live up to their commitments and to open their markets to U.S. goods and services.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, working families in my home State of Michigan and our Nation continue to face mounting job losses and a sagging economy. Our international trade deals have left our workers behind. Nowhere is this more obvious than with China. Since March of 2000, we have lost 2.6 million manufacturing jobs while at the same time our trade deficit with China has ballooned.

While House Resolution 414 is a step, we need real action from Congress and this administration. We need to revoke PNTR with China and start over. We need legislation encouraging American companies to keep jobs here rather than sending them overseas. We are at the crossroads to determine our Nation's place in the world. Do we stand by and watch while our jobs go overseas, while our families suffer at home and while our trade deficits rise? Or do we support our working families' needs, keep good manufacturing jobs in our industrial heartland, and get our economy back on its feet? I think the answer is very clear, Mr. Speaker.

Mr. ENGLISH. Mr. Speaker, I yield 1¼ minutes to the gentleman from Georgia (Mr. GINGREY), a distinguished advocate of the interest of American workers.

Mr. GINGREY. Mr. Speaker, I want to thank my colleague from Pennsylvania for introducing H. Res. 414. I think it is a positive step in addressing our trade discrepancies with the People's Republic of China.

My district of western Georgia has a rich history of manufacturing textiles, from Milliken and Company, Incorporated, and Bon L. Manufacturing in LaGrange, Georgia, to Mount Vernon Mills in Trion, Georgia, which has been in business since the 1840s. The textile industry has provided good-quality jobs for the citizens of Georgia's 11th Congressional District, with good health care benefits and good retirement. I make this point because people in my district have established a culture and a community around the textile industry.

I am deeply concerned that our country is not properly enforcing our trade policies which are slowly eliminating an entire way of life. When ratifying trade agreements, it is important to encourage both free and fair trade. China is not playing fair because they are manipulating their currency in order to gain an unfair advantage. This currency manipulation is costing people jobs. Between March 2002 and March 2003, 50 textile plants have closed and 40,000 people have lost their jobs, including 100 jobs just last week in Trion, Georgia.

We cannot afford to lose jobs, especially due to the unfair practices of currency manipulation by the Chinese Government. Mr. Speaker, I encourage the passage of House Resolution 414 to encourage China to comply with their trade obligations.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. I thank my friend from Michigan for yielding me this time.

Mr. Speaker, I rise in support of this legislation, but I have to say that I think it will not do much good and that I think in many ways it deflects attention from the most important issue, which is not asking the Chinese to make changes in their currency but in fact asking the United States Congress and the President of the United States to make changes in our disastrous trade policies.

The bottom line is that right now in America, manufacturing is in a state of collapse. We have lost almost 3 million manufacturing jobs in the last 3 years. We are seeing our economy move from a General Motors economy to a Wal-Mart economy where workers are now earning poverty wages with minimal benefits. There are a number of reasons for that, but one of the reasons is that our trade policy with China, with Mexico and other countries has failed. It is time to understand that and it is time to redo that.

The bottom line is that American workers should not and cannot be asked to compete against desperate people in China who work for pennies an hour. Does anyone here think that it makes sense to tell a manufacturing worker in America who earns $16 an hour, who has decent benefits, that he has got to compete against someone in China who makes 30 or 40 cents an hour, who if that person stands up and tries to form a union might get thrown in jail?

Is it fair to ask American manufacturers to compete against companies in China where there are virtually no environmental regulations and in a country which is becoming one of the most polluted countries in the world?

The reality now is that in the midst of a $435 billion overall trade deficit, we have a $120 billion trade deficit with China alone. The National Association of Manufacturers tells us that in the next 5 years that trade deficit could well grow to over $300 billion. Yes, we make exports to China but for every $1 that we export, we import $6.

The reality now is that we are hemorrhaging decent-paying jobs because, to a large degree, of a failed trade policy. The Republican leadership and many Democrats are going to have to own up to it. You have got to come forward and say to the American people, yeah, you think it is great for American workers to compete against people who make 30 cents an hour. You are going to have to tell small American manufacturers who want to do business in this country, who are patriotic, who want to employ American workers, that they are no longer going to have to compete against those companies who sell their products back in this country for a fraction of the price that American manufacturers can produce that product for.

So I say to my friend from Pennsylvania, your idea has some merit, but you are not getting to the root of the problem. The root of the problem is that one of the reasons that we are hemorrhaging decent-paying jobs is because of a failed trade policy, and that is why I have introduced legislation, H.R. 3228, which is winning bipartisan support, which says once and for all let us repeal permanent normal trade relations with China, let us develop a new trade relationship with that country which works not just for the large multinationals but works for the average American workers.

I very well remember the debate, as many of you do, about all of the advantages that PNTR with China would bring. We are going to bring some of those quotes back onto the floor of the House, because they were wrong. All of those people who told us about the jobs that were created were wrong. We are losing jobs. We have got to repeal PNTR with China.

Mr. ENGLISH. Mr. Speaker, it is a privilege for me to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for his efforts on this.

Coming from a State that depends on manufacturing, and we have lots of small manufacturing in our great State, this is one hurdle that they cannot get over. They are frequently talkers. When I get these small manufacturers, 50, 75, 100 folks in these small manufacturing facilities who talk about and embrace the ideas of free trade, they do not want to back away from that. They think it is good and it is helpful and it will produce jobs in America. But it has to be fair.

One of the things that we have seen is that China is not willing to embrace the tenets of fair trade. Currency manipulation is the greatest of all of its evils standing up front. What it does is it artificially leaches off the value of the dollar, automatically making any deal put together by an American manufacturer uncompetitive. That is unfair. What they are saying is, hey, don't do away with free trade, but let's embrace the tenets of fair trade and help us eliminate those artificial barriers, and we will compete with our great labor force.

Mr. SANDERS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Michigan. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, the gentleman talks about the advantages of free trade. Does he think American workers can and should compete against people who make 40 cents an hour and go to jail when they try to form a union?

Mr. ROGERS of Michigan. As the gentleman may understand, there is a greater circumference of competition in every business and it means more than just labor costs. It is all of the costs that go in, including the quality of the production. When you talk to American manufacturers, they will tell you they can compete if these artificial barriers are gone. We ought to stand tall. I appreciate the administration's efforts to this point. We appreciate the things that they are doing. This resolution is an important step, by saying, we are going to give you every tool in the tool box. We are not going to tell you which one, but we are going to give you all of the tools to go after unfair barriers, just like currency manipulation.

Let us stand tall for what the administration is doing and what we can do when we stand together for embracing jobs and competitiveness in American manufacturing.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HAYES), a distinguished advocate of fair trade.

Mr. HAYES. I thank the gentleman from Pennsylvania for his excellent leadership and guidance here.

Mr. Speaker, today I rise in strong support of this resolution. This legislation is going to send a much-needed and unmistakable signal to China that we expect to see trade and monetary reforms and that we expect them now. This will make it clear that there will be retribution and retaliation if China does not abide by the rules. We have lost too many jobs and too many companies have been hurt because of unfair Chinese trade practices and China's fixed currency structure.

Since 1994, China has devalued its currency 30 percent despite enormous economic growth. It is clear they continue to peg their currency to the U.S. dollar to create an unfair advantage for China at the expense of our American manufacturers and our own workforce. This Congress and the administration must continue to stress to China that their economy will benefit from a market-based exchange rate. It is in China's best interest to create a more flexible currency in order to create a strong and stable economy for the future.

Specifically, this resolution states that this body urges the administration to require that China honor the commitments they made upon joining the WTO, move toward a more flexible rate of exchange, and the U.S. Government should focus on efforts to create fairness and equity in the manufacturing sector. Manufacturing and textile jobs specifically have taken a massive hit in both loss of jobs and businesses due to unfair trade practices by China and their fixed currency. In fact, during the past decade, the U.S. textile sector has been particularly hard hit, losing 700,000 jobs. Without fairness for our workers, businesses, textiles and manufacturing, the demise of our manufacturing sector will continue to take place all over the country.

I am pleased to see that Secretary Snow has brought up the issue during his recent visit to China. I am also encouraged by reading that Secretary Evans has gone to China and made a speech there saying the American market will not remain open to Chinese exports unless China's markets are equally open to our markets.

Mr. Speaker, I urge the passage of the resolution.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BECERRA), a gentleman who is very active on these issues as a member of the Committee on Ways and Means and its Subcommittee on Trade.

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Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, House Resolution 414 sends a message to China. But if this is as strong a message that we can send to China, we are in trouble. We could do much better than this. We can send a message that is very clear and very responsible about what we would expect of any trading partner, of anyone who wishes to be treated with dignity when it comes to trade with us as well.

In the last 3 years, Mr. Speaker, Americans have lost 3.2 million jobs; 2.5 million of those 3.2 million jobs have come from the manufacturing sector.

Now, if it does not hurt enough, let me just give you some numbers. California, almost 300,000 Americans without jobs as a result of the manufacturing sector losing them; Illinois, 125,800 jobs lost in the last 3 years, according to the September 2003 job numbers; Indiana, 67,000; Michigan, 127,000 Americans who have lost their jobs; New York, 132,000; North Carolina, 145,000 Americans without jobs in the manufacturing sector; Ohio, 151,000 jobs lost for Americans; Pennsylvania, 132,000 jobs lost; Wisconsin, 73,000 jobs lost to Americans in the manufacturing area, many of these going to countries like China.

On top of that, today we are saddled with a national debt of more than $3.3 trillion. This year's budget deficit alone, $370 billion. Next year, we are told our budget deficit will probably reach $500 billion. In each case, these are record deficits for this country.

Our trade deficit, just in what we do globally in trade with other countries, $482 billion in 2002. That is how much we were spending more by buying goods from other countries than they were buying from us. And if we keep on that same pace in 2003, we are going to have an even larger trade deficit with the world.

How much of that comes from China? Well, this past year alone, $103 billion in deficit trading with China, and at the end of this year it will probably be at about $115 billion that we will have spent more in purchasing goods from them than they will have spent in purchasing goods from us.

This week Warren Buffet, one of the wealthiest men in America, said our country is like a rich family that possesses an immense farm. "In order to consume 4 percent more than we produce," which is in essence what our trade deficit means, we are consuming more than we are producing, "we have been both selling pieces of the farm and increasing the mortgage on what we still own."

Mr. Buffet said that our trade deficit has worsened to the point that our country's net worth is being transferred abroad at an alarming rate. He predicts that foreign ownership of America's assets will grow by about $500 billion a year. That translates to about 1 percent annually of our wealth being placed in foreign hands.

Mr. Speaker, something needs to be done, and H. Res. 414 is not enough. It is time for us to investigate what the Chinese are doing, it is time for us to take safeguards to protect American industries and American jobs, and it is time for us to use the powers that we have under the Trade Act to investigate whether China is complying with its obligations under the World Trade Organization's regime. It is time to do it. Just talking about it will not make it happen. Let us take some action. House Resolution 414 may be a start, but it certainly is not enough.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and one of the most distinguished advocates of free trade in the Chamber.

Mr. LEVIN. Mr. Speaker, I yield 1 minutes to the gentleman from California.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from California (Mr. DREIER) is recognized for 4 minutes.

Mr. DREIER. Mr. Speaker, I rise in strong support of H. Res. 414. I want to congratulate my good friend, the gentleman from Pennsylvania (Mr. ENGLISH), with whom I have had the privilege of working for nearly a decade on the very important relationship between the United States and the People's Republic of China.

Now, I have heard a lot of things said, and my friend from Vermont says that he is going to take the opportunity to bring back some comments about our debate on PNTR. You do not have to do it, because I am going to talk about them right now and the benefits that has created, Mr. Speaker.

I believe that it is very important for us to realize again that the single most powerful force for positive change in the 5,000 year history of Chinese civilization has been economic reform, and I believe that we need to do everything that we possibly can to continue to encourage that kind of economic reform, and this resolution does help us down that road.

Passage of permanent normal trade relations did, in fact, allow the People's Republic of China to move into a rules-based trading system by becoming a member of the World Trade Organization. It is obvious we still have very serious challenges as we continue down that road. But, Mr. Speaker, I am a glass-half-full sort of guy, and I happen to believe that what we need to do is realize that encouraging these reforms, as this resolution offered by my friend from Pennsylvania will do, is the right thing for us to do.

We also need, Mr. Speaker, to realize the benefits of imports. We obviously can talk about stuffed animals and furniture, and we are on the verge of Halloween, Halloween costumes, a wide range of very important consumer products that are available to children in this country.

The fact that products come from China in fact play a role in enhancing the economic standing of the 1.3 billion people of China. And what does that create? It creates for them an opportunity to become consumers of U.S. goods and services.

Mr. Speaker, I think it is very important for us to note that as we look at the challenges that exist for us today, anything that would undermine that route that is being taken toward greater economic reform would be wrong. That is why, Mr. Speaker, I encourage my colleagues to support this resolution, and to do everything that we possibly can to make sure that even greater reform does take place in the future.

Mr. SANDERS. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend, the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, I thank my friend very much.

My friend talks about the importance of economic reform in China, and I agree with him. But do you not think we also should be talking about the loss of millions of decent paying jobs?

Mr. DREIER. Mr. Speaker, if I might reclaim my time, I will answer by saying yes, I do believe it is very important for us to focus on the manufacturing base in this country, and that is why with the tax and regulatory legislation that we are looking at here, we will play a role in encouraging that.

My view, Mr. Speaker, is that rather than simply pointing the finger at economies that are growing to the point where they can consume U.S. goods and services, we need to encourage reform right here at home, as well as encouraging reform there.

Mr. SANDERS. Mr. Speaker, if the gentleman will yield further, my friend ignores the fact that all of the projections are that the trade deficit with China is going to grow wider and wider, which means more and more job loss in the United States.

I ask my friend, what do you say to your corporate buddies, who throw American workers out on the street, move to China and hire people there, for 30 cents an hour?

Mr. DREIER. Mr. Speaker, reclaiming my time, that kind of hyperbole, "corporate buddies," that is absolutely ridiculous. I am as concerned about American workers as anyone, and I know the corporate leaders in this country are concerned about American workers.

Mr. Speaker, let me say in response to my friend that we need to do everything that we can to realize that we are in a global economy. If we, as the United States of America, do not shape the global economy, we will be shaped by the global economy. That is why it is correct for us to pursue these reforms, do everything that we possibly can to make sure that it happens, and, at the same time, to look at policies which can encourage the expansion of our manufacturing base right here at home.

Mr. ENGLISH. Mr. Speaker, it is a great privilege for me to yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a distinguished member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Pennsylvania for his leadership on this issue and for bringing this resolution, to which I am a cosponsor, to the floor.

Mr. Speaker, this is a dire issue for America. I come from Wisconsin, which arguably has the most manufacturing jobs lost per capita to any other State in the country.

There is a fact that the economic recovery that is under way in America is not necessarily going through manufacturing. We have bled manufacturing jobs, especially over the last couple of years. And when you boil it down and look at what is going on in manufacturing, there are two areas we have to focus on.

Number one, we have to stop pushing jobs overseas. We have to lower health care costs, lower the tax rates on American manufacturers, cut down the regulatory and lawsuit costs, make energy costs cheaper and more affordable and more reliable. But we also have to work at stopping countries from unfairly taking jobs overseas. That is what this resolution is all about.

What this resolution does is express what we in Congress think needs to happen, and what we believe needs to happen is, number one, I am glad that China is in the WTO, because before a year-and-a-half ago, we did not have China signing up to a treaty to play by fair trade rules, we did not have the means to hold China accountable.

Now that China is in the WTO, they have signed on the dotted line, they have said they would play fairly, they would obey international fair trade standards, and they are not doing that. What this resolution does is it says enough. Congress is serious. China needs to obey and play by the rules that they themselves signed up to play by just a year-and-a-half ago.

Now, in Congress, we cannot change China's laws; only they can do that. But we can speak with unity here in this body, Republicans and Democrats, saying that we need to make sure that China upholds their commitments, that they need to play by the rules they themselves signed up to, that we urge and encourage our administration to hold them accountable with our trading partners who are similarly affected by devaluing their currency, pegging their currency at a discount, stealing our intellectual property rights, subsidizing their business sectors.

This is an opportunity for Congress to speak with one voice against these abuses that need to change, and change today.

Mr. Speaker, I thank the gentleman from Pennsylvania for his leadership on this issue.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN), a very distinguished advocate of American workers.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time.

I stand in strong support of this resolution, H.R. 414 and urge its immediate passage.

The previous speaker, my good friend and colleague the gentleman from Wisconsin (Mr. RYAN), said in Wisconsin we have lost over 77,000 manufacturing jobs in just the last 3 years. We have suffered the loss of some of our most distinguished, some of our oldest companies. We have thrown small communities into turmoil. We have created an uncertain future for too many families. I think it is time for us to fight back.

There are a lot of factors that have led to the loss of manufacturing jobs, anticompetitive tax policies, burden of regulation. We have to address all of those. But better trade policies, more fair trade policies, are clearly something we need to do.

Let us make no mistake, the passage of this resolution is not a substitute for taking definitive steps to level the playing field on trade. However, this resolution is a growing sign, a growing recognition, that there is a problem. I think it does create a higher profile for this issue. I think it lets the Chinese know that we are serious in protecting our economy and protecting manufacturing jobs; that we will not sit by as they ignore their long-term obligations. It is long past time, long past time, for China to follow through on its commitments.

Getting China to reform its currency and trade policies is going to require a full court press that includes more than just Congress. That is why I want to commend the Bush administration for the efforts they have made recently. I know that President Bush has taken this message to China. I know that Secretary Evans is currently in China further driving home this point. I hope the Secretary will use this vote today as leverage in his negotiations. It shows that our Congress is unified in saying that we will take steps to protect our economy.

□ 1500

This is only a first step, though. If China does not comply with its WTO obligations, we need to do much more. I will call on this body, if they do not follow through, I will call on this body to consider legislative efforts like those that I have authored with my good friend and colleague, the gentleman from Pennsylvania (Mr. ENGLISH), called the China Act. We do need to take steps. Today is a good start.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. I think we have to make sure we clarify a couple of things.

First, I do not think anyone would propose that our country become China when it comes to its manufacturing base and how we treat our workers and the type of product we put out. Certainly we have to do a number of things to continue our competitiveness with countries abroad, but there is no way that America will ever get to compete with countries that are paying 50 cents an hour for wages. And I hope that no one is recommending here that we spiral downward to try to compete; in other words, this become a race to the bottom in order to be able to compete and manufacture products abroad.

My good friend, the gentleman from California (Mr. DREIER), mentioned that we are about to celebrate Halloween and all of those costumes that our kids are going to be wearing, if you take a look at the label, most have been made in places like China. They were made in America before. But I do not believe anyone is suggesting that we now pay Americans 50 cents an hour to manufacture and fabricate garments like that in order to be able to compete with China.

At the same time, look at the bill. The only thing it calls for, well, first it commends the President and his administration for continued efforts to engage the government of the People's Republic of China and to encourage China to fulfill its commitments. Encourage. And then it continues to say the House of Representatives encourages the People's Republic of China to meet its commitments. We encourage. We encourage. We closely monitor. There is nothing this does.

We should investigate. We have the power under statute to investigate the trade violations committed by countries like China. That is what this bill should say, not that just we encourage the Chinese to do something better.

Mr. ENGLISH. Mr. Speaker, I have no further speakers beyond reserving the right to close.

Mr. LEVIN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, it is interesting. I listened to the two gentlemen from Wisconsin, and one said it is a dire situation, and the other said that rhetoric is not a substitute for specific steps. And that is the shortcoming in this resolution. It is a weak one.

I want to emphasize, there are specific steps that the administration should have taken and some that it can still take. I want to be very clear about that. First, the annual review, WTO, I believe it is now going on. The administration should use that as an opportunity to press China on its shortcomings as to its commitments when it went into the WTO. It did not press last time. It needs to this time.

Secondly, the annual report. It was weak. It should have been much stronger.

And there are also specific steps under our statutes that can be taken and under WTO regulations when China does not live up to its obligations. We can use section 301 to start an inquiry, or we can go directly into the WTO.

So there are these specific steps and they have not been taken, for example, article 15 of WTO relating to currency. So what I am saying is, and I hope this message also goes out in addition to the message in the English resolution. His message is essentially more rhetoric, more jaw-boning. The message I hope that also goes when we vote for this is, go beyond this. Use the specific provisions in our law and in the WTO regulations and in those provisions. We need to press China to live up to its obligations that were so clearly laid out, and we have to do more than send a Secretary over to China to give speeches. We need to use the mechanisms that exist so that we have a certainty that as we trade with China, and it is more than Halloween costumes, it is increasingly in electronics, that they live up to the obligations they promised to abide by when they joined the WTO.

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been an edifying debate. I particularly want to salute my colleague, the gentleman from Michigan on the other side of the aisle, who has been attentive to the issue of China trade for a long time and has been an example to many of us, including many of us on my side of the aisle.

I must say, though, I think the record needs to be made clear and this resolution needs to be put in context. It is more than a weak exhortation; it is an expression of support for the administration's efforts at a very critical time to challenge China and encourage them to float their currency and liberalize their trading regime. We sent Secretaries over to China to do more than give speeches. They have delivered a very powerful message, and it appears that the Chinese are beginning to listen. But I agree with the people on the other side: more needs to be done.

Our message today, Mr. Speaker, is that Congress will not stand on the sidelines while our industrial base is eroded and manufacturing jobs are lost forever.

Some adopt the rhetorical convention that criticism of China's trade policies amounts to protectionism. But Adam Smith himself would not have recognized China as a free market bulwark. The term that he would have used to describe China's economic policies is mercantilistic, and mercantilism has no place in today's global marketplace which is guided by a rules-based system where "beggar thy neighbor" is not part of the equation.

The goal of this resolution today is to encourage the leveling of the playing field in our trade relationship and create fair opportunities for both our employers and our employees.

This is a resolution that should ultimately unite Members with diverse districts and diverse philosophical backgrounds. It has drawn support from the National Association of Manufacturers, the U.S. Chamber of Commerce, the United Steelworkers of America, and the American Iron and Steel Institute.

Mr. Speaker, this is precisely why I strongly encourage all of my colleagues to send a message to the administration, send a message to China, and send a message to the world that we are watching and we are proceeding from here, starting with this resolution, proceeding with hearings in the Committee on Ways and Means later this week, and proceeding from here with a much stronger trade policy that is determined to fight for our industrial base.

Mr. THOMAS. Mr. Speaker, China is now a member of the World Trade Organization (WTO). The WTO is not a club that just anyone can join—a country must be deemed ready and economically mature. China's accession signifies that it is expected to meet the obligations that come with its stronger presence within the global economy. It is our role, as one of China's major trading partners, to make sure that China fulfills its WTO commitments. However, I am concerned that many of China's commitments have not yet been implemented or implementation has been inadequate. I join the many cosponsors of this resolution in urging the Administration to continue to engage China on compliance, as well as use the dispute settlement mechanism where necessary to enforce our rights.

In addition to seeking WTO compliance, I support the Administration's efforts to encourage China to establish a more flexible exchange rate. At the same time, China's financial system is in desperate need of modernization. I urge the Administration to continue to work with China to modernize its fiscal structure and relax its capital controls.

On Thursday and Friday of this week, the Committee on Ways and Means is holding a hearing to explore China's expanding role in the global economy, its currency management and its progress in meeting its new trade commitments. The insights we will gain in this hearing will give us more guidance as we develop a tough policy to promote a healthy and strong trade relationship with China.

Finally, today's resolution is yet another foray in the battle to support U.S. manufacturers. We must create more jobs at home and preserve existing jobs by promoting innovation, reducing costs and making U.S. companies more competitive. Yesterday, the Ways and Means Committee approved the American Jobs Creation Act, legislation to foster job creation through comprehensive tax relief for domestic manufacturers, small businesses and other employers. It is my hope that the House will take swift action on this legislation. American workers need help now.

Mr. SMITH of Michigan. Mr. Speaker, I rise to support H. Res. 414. Recently, I met with a delegation of Chinese parliamentarians. China is undergoing huge changes that will alter relations between the United States and the People's Republic of China for decades to come.

Trade was high on our agenda. Total U.S.-China trade rose from $5 billion in 1980 to $147 billion in 2002. China is a huge potential market for U.S. goods and services. However, last year China sold us $103 billion more in goods than we sold to them. This trade deficit is caused by the political and social difficulties of doing business in China, by China's restrictive trade and investment practices and by the enormous American appetite for low-priced Chinese goods. In seemingly good news for farmers, China has been dramatically increasing its protein consumption, which means our agricultural trade should improve.

Many, including Treasury Secretary John Snow, contend that China also tilts the playing field by manipulating the value of its currency to keep it low. This lowers the price of Chinese goods in the United States and raises the price of our exports to China. Depending on whether you buy or sell, this makes Americans better or worse off in the short run. For the long run, such a large trade deficit makes America vulnerable. We presented our concerns to the parliamentarians about agricultural and industrial quotas and arbitrary Chinese biotechnology standards. We will press for a market in China that is fair.

China's large potential market should not blind us to the oppressive and aggressive nature of the regime. It remains a Communist system with dictatorial control over politics and business. Communist party leadership fills the top positions, but the military, with the world's largest standing army, also wields great influence in state industries and politics. China still represses Tibetan and Muslim minorities, and has been working to reduce free political expression in Hong Kong, sparking huge rallies in defiance of proposed anti-sedition laws. While enterprise flourishes in certain zones, it is a privileged capitalism operating under government favor. China still tries to dictate the terms of Taiwan's existence and has traditionally backed North Korea's reprehensible regime.

Yet, China is changing. Economic growth and competition in the free world economy will tend to bring social and political change, though probably not as quickly as we would like. Experts on China like Ross Terrill (author of The New Chinese Empire—and What it Means for the United States) predict that the Communist party-state will crumble under the pressures of foreign trade and international obligations for transparent trade laws. Encouraging this transparency will be to our advantage.

We need to welcome Chinese participation in the society of nations when it chooses to play a constructive role. However, we must be firm when we disagree. We should not soft-pedal our commitment to fundamental human rights or our demands for trade agreements that don't put us at a disadvantage. We must recognize China's ambitions to challenge U.S. interests at the United Nations, in Asia and around the world. We have to be aware of and resist Chinese encroachments on our national security and that of our allies. Firm discussions of differences, like those we had with the parliamentarians, are one way to push forward U.S. engagement with this great nation in pursuit of interests we have in common. I commend the gentleman from Pennsylvania, Mr. ENGLISH, for his leadership.

Mr. MANZULLO. Mr. Speaker, our manufacturing base is slowly evaporating before our very eyes. Just last week, Rockford, Illinois—the main city I represent—lost 3 facilities. Over 1,200 workers in a town of 150,000 lost their job last week. Over 2.8 million manufacturing jobs have been lost since July 2000. Manufacturing now just makes up 14 percent of our Gross Domestic Product. Yet, few people in

Washington, D.C. are truly aware of this problem because this town doesn't produce much except paper.

There are many causes to the problems facing manufacturing: high health care and energy costs; legal liabilities; a staggering tax and regulatory burden; an outdated export control system; a government procurement system that thinks that it is OK to buy abroad; and an unfair global trading system.

I am proud to stand with Representative PHIL ENGLISH today in trying to bring about some relief in the trade area. The United States faces huge challenges with China. We all recognize and appreciate the difficulties the Chinese face as they integrate into the world economy. China is to be commended for going down a path towards more free markets and away from a planned economy. They have over 1.2 billion people and tens of millions of people enter their workforce each year. China must grow about eight percent a year just to keep even as they try to integrate new workers into the economy and also provide real employment for former workers at failed state-owned enterprises.

However, while acknowledging these challenges, we also must not allow the nations of the world to expect the United States to be the only global economic growth engine. It is in China's long-term best interest to address the real problems contained in this resolution. It is time for China to promote economic growth within their country mainly by selling the products made in their nation to their own people—not using the United States as a pressure relief valve.

Plus, China should take a cue from one of our great industrialists—Henry Ford—and pay their workers sufficient wages so that they can afford the products they are making for U.S. consumers.

Yes, China has honored many of its WTO commitments. But it has also not lived up to all of its commitments to the WTO. We have given China the benefit of the doubt for too long. While we are grateful for China's willingness to buy more U.S. products, this is not enough. Now is the time to ratchet up the pressures and if necessary bring a trade case through the WTO process to force full compliance of China's commitments. Our manufacturers have taken it on the chin for too long now.

For example, having very low taxes imposed on Chinese semi-conductor manufactures but taxing imported semi-conductors at a much higher rate is outrageous. We're struggling to replace our Foreign Sales Corporation/Extraterritorial Income tax regime due to a WTO challenge from Europe; however, this Chinese tax discrimination policy hasn't been challenged in the WTO system yet. Does that make any sense? The National Association of Manufacturers has many more examples, which I ask unanimous consent to include in the RECORD.

I'm also grateful to Representative ENGLISH for including a good deal of the language in H. Res. 414 dealing with Chinese currency manipulation from the legislation I authored along with my good friends and colleagues Representatives MIKE ROGERS, of Michigan, CHARLIE STENHOLM of Texas, and BARON HILL of Indiana. I am especially pleased that the House of Representatives will go on record today in opposition to these policies that place up to a 40 percent tax on U.S. exports to China and up to a 40 percent discount on Chinese imports into the United States. Is it any wonder why our manufacturers are crying out for relief? This resolution is a good first step towards final action on H. Con. Res. 285, which, if diplomacy fails, calls for initiating a Section 301 trade case to impose trade sanctions against nations that manipulate their currencies for a trade advantage.

Let me also remind my colleagues that China is not the only nation that deliberately undervalues its currency. Japan, Korea, and Taiwan also vigorously intervene in currency markets to prevent their currency from strengthening against the U.S. dollar. Passage of this resolution today should not undermine our resolve to combat the problem of unfair foreign currency manipulation of other nations.

Prior to his departure for the Asia Pacific, Economic Council conference, President Bush said we must make sure that "currency policies of a government don't disadvantage America. Fair trade means currency policies [are] fair." We should strongly support passage of H. Res. 414 today. But we should also work towards ensuring passage of H. Con. Res. 285 if timely progress is not made towards accomplishing the goals set out in this resolution and if countries including Japan, Korea, and Taiwan do not halt the practice of undermining the value of their currency to boost their export potential.

Again, Mr. Speaker, I urge my colleagues to support H. Res. 414.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
September 10, 2003.

REVIEW OF CHINA'S COMPLIANCE WITH ITS WTO ACCESSION COMMITMENTS

AREAS OF CONCERN

Currency undervaluation;
Subsidized exports;
Counterfeiting and IPR violations;
Discriminatory VAT taxes;
Unjustified product labeling requirements;
Inappropriate standards and concerns about CCC mark procedures;
Restrictions on trading rights;
Lack of action on auto financing regulations;
Problems with Tariff Rate Quotas; and
Slow progress on transparency.

OVERVIEW

The National Association of Manufacturers (NAM) welcomes the opportunity to comment on China's compliance with obligations accepted as a WTO member and commitments made in conjunction with accession to open its internal market to foreign products and services. The NAM supported China's membership on the condition that it would take meaningful steps to adhere to these obligations and commitments and become a responsible participant in the international trading system.

Trade with China is of immense importance to many U.S. manufacturers. The Chinese market is set to become one of the largest in the world within the next several years. Chinese imports are expected to exceed $380 billion in 2003, making China the world's third largest importer after the United States and Germany. At the same time, China is rapidly becoming a major exporter of industrial goods, and the range of industrial products exported has continued to grow at a rapid pace. China's expanded participation in the global marketplace, then, offers both important new commercial opportunities as well as challenges resulting from increased competition in the U.S. and foreign markets.

NAM members want the United States to have a positive trade relationship with China. However, they also want a level playing field for competition. In that regard, we are hearing increasing concerns about unfair Chinese trade and currency practices and China's failure to provide the same kind of access to U.S. goods and services in the Chinese market that Chinese goods and services enjoy in the U.S. market.

As China concludes its second year as a WTO member, its compliance record is decidedly mixed. While U.S. exports to China continue to increase (by 24 percent in the Jan.–June 2003) and a growing number of U.S. companies are trading and investing there, the NAM has also received far more complaints about unfair Chinese practices than in the previous year.

NAM members recognize that China is still in transition to a market economy and in the process of phasing in certain WTO market-opening commitments. However, because China has quickly becomes such an important global importer and exporter, it is vital that the United States work to ensure that China complies as fully as possible with all WTO obligations and particularly those that have a significant impact on U.S. economic interests.

NAM member companies and affiliated organizations have reported the following concerns regarding China's WTO compliance.

CURRENCY MANIPULATION

By far, the NAM has received the greater number of complaints about China's deliberate policy of undervaluing its currency to gain unfair competitive advantage over U.S. producers and those of other WTO member countries. Economists have estimated that China's currency could be undervalued by 40 percent or more. The Chinese yuan has remained pegged to the dollar at 8.28 for the past eight years despite an extended period of robust economic growth, continuing trade surpluses and a large build-up in foreign exchange reserves, which exceeded $350 billion in July 2003.

Chinese officials have acknowledged that the pegging of the yuan to the dollar is part of a deliberate strategy to support Chinese industry and boost exports. This kind of currency undervaluation for commercial gain goes against the intent of the General Agreement on Tariffs and Trade (GATT), which seeks to remove trade barriers and allow markets to determine trade flows. Article IV, for examples, states that "Contracting Parties shall not, by exchange action, frustrate the intent of the provisions of this Agreement . . ." China's undervalued currency, in effect, acts as an additional trade barrier to U.S. exports and an unfair subsidy for all Chinese exports. We believe that Chinese exchange rate policies do not comply with WTO obligations.

SUBSIDIZED EXPORTS

We continue to receive reports from different industries (e.g., tool-and-die, metal forming, steel and chlorinated isocyanurates) that Chinese products are being sold in the United States at prices so low that they could not even cover the cost of raw materials and shipping much less full production and marketing costs. A tool-and-dye company, for example, reports that a Chinese competitor was selling a product similar to one made in the United States for $40,000, compared to the U.S. producer's price of $100,000. The U.S. company maintains that the cost of the raw materials alone would amount to $40,000, not including shipping, duties and other costs. A U.S. producer of chlorinated isocyanuratrs, which is used as a cleaning agent in swimming pools, reports a similar situation. As a result of pricing which appears to be below cost, Chinese exporters are expected to increase exports of this product by 400 percent in 2003 over 2002 levels.

These reports suggest the likelihood of widespread use of subsidies, either direct or indirect, to help Chinese exporters gain unfair competitive advantage in the U.S. market. They merit further investigation by USTR and the Department of Commerce. One source of indirect subsidy is continued bank leading to money-losing and insolvent Chinese manufacturers, often state-owned or state-controlled enterprises. Since the Chinese banks providing these loans are either state-owned or state-controlled, the Chinese government bears responsibility for their lending practices. U.S. steel producers note that the Chinese steel industry is the largest-recipient of interest-rate subsidies authorized by the national government. Since many of the companies that benefit from either directed bank lending or subsidized interest rates are engaged in international trade, they have an unfair competitive advantage vis-à-vis U.S. based companies, which must rely on private financing at market rates.

COUNTERFEITING AND INEFFECTIVE ENFORCEMENT OF IPR PROTECTION

While Chinese laws on intellectual property rights (IPR) have improved considerably, the lack of effective enforcement of the IPR protection remains a serious problem. Violations of trademarks through product counterfeiting is rampant and on a massive scale. The violations involve a wide range of products, including consumer hygiene and health care products, athletic footwear, pharmaceuticals, food and beverages, motorized vehicles and even entire automobiles. Pharmaceutical counterfeiting is now, according to U.S. industry representatives, a serious public health concern in China. We believe that the lack of criminal penalties for counterfeiting, including jailing, prevents effective enforcement of trademark and labeling violations.

We are also concerned about reports that local government authorities are actually promoting the expansion of local industry dedicated principally to counterfeiting. At a minimum, local authorities are knowledgeable of counterfeit production and taking no action to halt it. There appears to be no mechanism for the national government to prevent local governments from aiding and abetting counterfeiting by local industry. In addition, the Chinese customs service has not cooperated in blocking exports of counterfeit products even when solid evidence of counterfeiting was provided. It is claimed that, since the "exporting" of counterfeit products does not constitute a "sale" of the products, the relevant Chinese law did not apply.

Other IPR violations are also common. They include unauthorized duplication of computer software, music films; copying of designs; unauthorized use of patented technology; and unauthorized use of U.S. product certification logos. The makers of air conditioning and refrigeration equipment note that the ARI (Air-Conditioning and Refrigeration Institute) certification symbol was being used without authorization by a Chines company. Efforts to have the Chinese government stop this unauthorized use proved ineffective.

The pharmaceutical industry does, however, also report improvements in intellectual property protection, notably by the promulgation of a new regulation on data exclusivity for clinical trials, as required in TRIPS and committed in China's accession package.

MANIPULATION OF VAT AND OTHER TAXES

We have reports that China is manipulating the application of taxes, notably the Value-Added Tax (VAT), to both restrict imports and indirectly subsidize exports. For example, the scrap recycling industry has told us that Chinese users of imported copper and other scrap metals are deliberating undervaluing their invoices to pay less VAT on the imported metal. When the finished metal products are exported, however, Chinese producers claim a rebate of the VAT based on the metals' real import price. This results in a substantial subsidy for the exported product that translates into lower prices in the U.S. market. It also enables Chinese scrap metal users to pay higher prices for scrap metal than their U.S. competitors. Chinese customs and tax authorities have not taken action to investigate these practices.

A major U.S. producer of semiconductors has also expressed concern about continuing Chinese discrimination in the application of the VAT on imported and domestically produced semiconductors. China levies a 17 percent VAT on imported integrated circuits. Domestically designed and produced integrated circuits are taxed at VAT rates ranging from 3–6 percent. Integrated circuits produced in China but designed abroad are taxed at 11 percent. This discriminatory treatment of domestic and foreign "like" products violates Article 3 of the GATT.

UNJUSTIFIED LABELING REQUIREMENTS

In 2002 the Chinese Ministry of Health promulgated a new regulation mandating the labeling of all genetically modified (GM) food products. While the implementation of the regulation was subsequently suspended indefinitely, the fact that it remains on the books is already having significant adverse economic effects and creating barriers to trade. Some producers have ceased shipping these products in anticipation of the regulation going into effect.

U.S. food producers have questioned whether the Health Ministry's action was in conformity with China's WTO obligations. The ministry did not provide a justification for the labeling requirement based on an assessment of health risks, which is a requirement of the Agreement on Sanitary and Phytosanitary Measures. The Technical Barriers to Trade Agreement (TBT) also suggests inadequate attention to the treatment of "like products," the question of whether the labeling requirement addresses a "legitimate objective" and the requirement to base technical regulations on "performance" rather than "design" characteristics.

INAPPROPRIATE STANDARDS AND CONCERNS ABOUT CCC MARK SYSTEM

Several NAM members have raised concerns about application of technical standards and the CCC Mark system. With regard to standards, China is requiring that certain products (e.g., electrical products) be manufactured only to "international standards" as determined in the ISO or IEC. Other "international standards," notably those developed in the United States and widely used in the global marketplace, are not allowed. This does not conform with the WTO TBT Committee interpretation that "international standards" need not be limited to ISO or IEC standards.

A second set of standards concerns relates to the CCC mark system. China introduced the CCC mark system to comply with WTO requirements for a single mark for like domestic and imported products. It is, in that sense, a step forward on standards and mark requirements. However, the inconsistent, non-transparent and inflexible application of the CCC Mark on a variety of products (e.g., electrical products, air conditioning and refigeration equipment, and tires) has created market access barriers and needlessly raised the cost of importing products into China.

Generic problems include: the high cost of having Chinese inspectors audit factories in the United States and other foreign countries on compliance with the standards; continued delays in allowing U.S. testing and certifying bodies to certify compliance for the CCC mark; and lengthy delays and relatively high cost of obtaining testing and certification for the CCC mark in China.

Several other specific problems were noted. A major tire company reported that several types of its bus tires that are standard sizes in countries around the world cannot obtain the required CCC mark because these sizes are not listed in the Chinese National Standards. Another type of tire widely on Chinese trucks is also not on the list and thus cannot be sold by the U.S. company in China. Efforts to resolve this problem with Chinese standards authorities and Chinese customs have thus far been unsuccessful. In addition, the company reports that local inspection offices appear to be abusing their authority by requiring the re-inspection of the company's Chinese-produced tires and confiscating tires which they determine to be "non-complaint" with the CCC mark standards.

RESTRICTIONS ON TRADE RIGHTS OF JOINT VENTURES

China is not fulfilling its commitment to allow foreign joint ventures to import and sell products (e.g., tires, automobiles, auto parts and industrial equipment) in China, which was to have gone into effect on Dec. 10, 2002. A major tire company, for example, reports that the Chinese government has imposed additional restrictions on its trading rights that were not anticipated when this concession was negotiated. They include allowing only new joint ventures to have this right and requiring the Chinese and foreign partners to have separately done U.S. $30 million in trade with China over each of the three preceding years.

LACK OF ACTION ON AUTO FINANCING REGULATIONS

The Chinese government has committed to publish new regulations governing the financing of automobile purchases. Several NAM member companies have expressed concern about slow progress on the regulations that were explicitly promised in China's accession agreement. The U.S. government should press for their prompt issuance to comply with WTO obligations.

PROBLEMS WITH TARIFF RATE QUOTAS AND IMPORT CERTIFICATES

Complications in implementing tariff rate quotas (TRQs) are creating non-tariff trade barriers to U.S. feed products, notably corn and wheat. Chinese authorities have delayed issuance of regulations on the administration of the TRQ system and introduced unreasonable licensing procedures. There has also been a lack of transparency in the process which makes it difficult to know which companies are granted quotas. China has also violated its accession agreement by redirecting quotas reserved for non-state companies to state-owned companies.

A related problem that has affected soybean exporters is the narrow window for using import permits under the AQSIQ permit system. U.S. exporters have only 90 days to purchase, transport and unload their products in China. These restrictions are not only limiting U.S. commodity exports sales but also restricting the operation of soybean processing plants in China.

LACK OF TRANSPARENCY IN TRADE REGULATORY PROCESS

Many companies complain about the lack of transparency in the trade regulatory process and the difficulty in obtaining current laws and regulations governing trade and business operations. This is a continuing problem that should lend itself to solutions in a relatively short time frame. The U.S. government should press for concrete steps that improve transparency at all levels.

WILLIAM PRIMOSCH,
Director, International Business Policy, National Association of Manufacturers.

Mr. OXLEY. Mr. Speaker, I am pleased to rise today in support of H. Res. 414, a resolution which I am co-sponsoring and which encourages China to move to a more flexible exchange rate. As Chairman of the Financial Services Committee, which has jurisdiction over domestic and international monetary policy as well as economic growth and stabilization, I believe that this is an important measure which deserves the support of the House.

I commend Mr. ENGLISH for his leadership in introducing this important resolution, which seeks to encourage China to continue taking concrete steps to reform its economy and move towards a more flexible exchange rate mechanism. I note that the U.S. Chamber of Commerce, the National Association of Manufacturers, the United Steelworkers of America, and the American Iron and Steel Institute all support this resolution.

I also want to commend the gentleman from New York (Mr. KING) who chairs the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, which held the first House hearing on this subject.

I support this resolution because it helps signal to the Chinese government that this House is monitoring closely the efforts of both the Chinese and U.S. governments to position China to develop a more appropriate exchange rate and infrastructure to support that exchange rate. The goal is to ensure that serious progress continues to be made.

For some time now, our own dynamic economy has been undergoing a dramatic shift towards services sector jobs. It is unclear how the Chinese exchange rate regime contributes to, or accelerates, this trend. However, the trend should not be confused with the notion that the U.S. economy will someday outsource all production of physical goods.

The manufacturing sector in this country is a significant source of innovation, patent development and, therefore, economic growth. We cannot permit potentially unfair competition to undercut this important activity. We should not accept that possibly unfair competition will require hard-working Americans doing a good job to be unemployed.

China is the world's most populous country. It is becoming one of the United States' most important trading partners. It has recently served as a source of strength in Asia, as well as an engine of economic growth globally. U.S. companies and consumers benefit from a strong and growing China, but only if that growth is based on a fair system.

China's economic growth and potential should lead it to adopt 21st Century exchange rate policies as well. If China is going to be serious about its WTO commitments, it must also recognize that fair competition requires market-determined exchange rates in addition to opening its markets to foreign companies.

It is true that such large changes cannot occur overnight, especially in a command economy. It is also true that a financial system must be strong and resilient in order to absorb the kind of capital market volatility that accompanies floating exchange rates. Finally, it is true that China's fragile banking system needs to be strengthened if a floating rate system is to be launched successfully. Change is needed for the good of China's own economy.

Mr. Speaker, these facts should underscore the importance of China moving clearly and unambiguously towards banking sector reform. They cannot serve as an excuse for delaying these necessary reforms.

I urge all of my colleagues to support the resolution.

Mr. ENGLISH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the resolution, H. Res. 414.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ENGLISH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Res. 414, the resolution just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONGRATULATING THE FLORIDA MARLINS FOR WINNING THE 2003 WORLD SERIES

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 415) congratulating the Florida Marlins for winning the 2003 World Series.

The Clerk read as follows:

H. RES. 415

Whereas Pro Player Stadium, located in the City of Miami Gardens and Miami-Dade County, is the home field for the Florida Marlins;

Whereas Major League Baseball is celebrating the 100th anniversary of the World Series this year;

Whereas on October 25, 2003, the Florida Marlins won the 2003 World Series in a six game series;

Whereas by defeating an excellent New York Yankees team—the American League Champions and the latest team in a storied franchise which, with 26 World Series victories, dominated professional baseball's first 100 years—the Florida Marlins have captured their second World Series title in the brief ten year history of the team;

Whereas, during the World Series, Marlins pitcher Josh Beckett struck out 19 Yankee batters in two games, maintained a 1.10 earned run average, including a 2–0 shutout during the crucial 6th game, and was named the 2003 World Series Most Valuable Player;

Whereas the Marlins won 91 games during the regular season to earn a playoff berth by clinching the National League Wild Card slot;

Whereas the Marlins have never lost a post-season series;

Whereas the Marlins defeated the Western Division Champion and defending National League Champion San Francisco Giants in the National League Divisional Series;

Whereas the Marlins defeated the Central Division Champion Chicago Cubs in the National League Championship Series;

Whereas, during the National League Championship Series, Marlins catcher Ivan Rodriguez batted .321 with 2 home runs and ten runs batted in while playing stellar defense, and was named the 2003 National League Championship Series Most Valuable Player;

Whereas the Marlins team of skilled players, including Josh Beckett, Ivan Rodriguez, Juan Pierre, Jeff Conine, Mike Lowell, Luis Castillo, Alex Gonzalez, Miguel Cabrera, Derek Lee, Juan Encarnacion, Brad Penny, Carl Pavano, Mark Redman, Dontrelle Willis, Ugueth Urbina, Braden Looper, Chad Fox, Michael Tejera, Nate Bump, Rick Helling, Mike Redmond, Brian Banks, Lenny Harris, Mike Mordecai, Todd Hollandsworth, Armando Almanza, Toby Borland, Blaine Neal, Kevin Olsen, Tommy Phelps, Tim Spooneybarger, Justin Wayne, Ramon Castro, Josh Willingham, Andy Fox, Kevin Hooper, Jesus Medrano, Wilson Valdez, Josh Wilson, Chad Allen, Chip Ambres, Abraham Nunez, Gerald Williams, and A.J. Burnett, contributed extraordinary performances during the regular season, the playoffs, and the World Series;

Whereas Manager Jack McKeon, who was hired on May 11, 2003, provided strong and wise leadership and bold strategy for a young and resilient baseball team during the regular season and in the postseason and, in the words of one columnist, ". . . recapture[d] much of what baseball once was, how tangy it tasted, what a field of honor it celebrated and how its central emotion should be joy";

Whereas the Marlins coaching and support staff, which included Pitching Coach Wayne Rosenthal, Bench Coach Doug Davis, Hitting Coach Bill Robinson, First Base and Infield Coach Perry Hill, Third Base Coach Ozzie Guillen, Bullpen Coaches Pierre Arsenault and Jeff Cox, Team Physician Dr. Daniel

Kanell, Trainer Sean Cunningham, Assistant Trainer Mike Kozak, Equipment Manager John Silverman, Assistant Equipment Manager Mark Brown, Visiting Clubhouse Manager Bryan Greenberg, Clubhouse Attendant and Umpire's Room Assistant Michael Hughes, and Visiting Clubhouse Assistant Michael King, exhibited exemplary leadership and guidance to the team;

Whereas Jeffrey Loria purchased the Florida Marlins franchise on February 12, 2002, and stated: "Our goal is to restore the organization to championship form.";

Whereas Jeffrey Loria, Chairman, CEO, and Managing General Partner of the Florida Marlins, David Samson, President of the Florida Marlins, and Larry Beinfest, Senior Vice President and General Manager of the Florida Marlins, have shown a positive commitment to the Marlins franchise by successfully acquiring, assembling, and maintaining a team of high-quality, winning players;

Whereas the dedicated Marlins fans supported their team with joy and enthusiasm; and

Whereas the Marlins captivated the United States with their "never-say-die" playing style during this historic performance: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates—

(A) the Florida Marlins for winning the 2003 Major League Baseball World Series championship and for their outstanding performance during the 2003 Major League Baseball season; and

(B) Florida Marlins pitcher Josh Beckett for winning the 2003 World Series Most Valuable Player Award;

(2) recognizes and praises the achievements of the Marlins players, coaches, management, and support staff whose hard work, dedication, and resiliency proved instrumental throughout their World Series Championship Season;

(3) commends the Florida community and the Marlins fans for their dedication; and

(4) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) the Marlins players;

(B) Marlins Manager Jack McKeon;

(C) Marlins Chairman, CEO, and Managing General Partner Jeffrey Loria;

(D) Marlins President David Samson;

(E) Marlins Senior Vice President and General Manager Larry Beinfest;

(F) the Marlins Coaches;

(G) The Honorable Shirley Gibson, Mayor of the City of Miami Gardens, Florida;

(H) The Honorable Manny Diaz, Mayor of the City of Miami, Florida;

(I) The Honorable Alex Penelas, Mayor of Miami-Dade County, Florida; and

(J) The Honorable Jeb Bush, Governor of the State of Florida.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Florida Marlins are World Series champions, again. "The Fish," as they are affectionately known in our hometown, this low-budget baseball team that plays in a football stadium, amazed the sports world by defeating the New York Yankees in the World Series on Saturday night.

Who would have expected the Marlins, in only their 11th year of existence, after starting the year with only 19 wins in their first 48 games, after firing their manager in May, that they would rebound to win their second World Series in the last 7 years. But it was not easy. The Marlins' road to the championship was nearly as bumpy as it was unexpected.

When the Marlins struggled early in the season, many commentators speculated that the season was hopeless and that the team would soon unload many of their veteran players to save money for the future. Instead, the Marlins did the opposite, aggressively acquiring key players midway through the summer who proved integral to their eventual championship run. Under the direction of new manager Jack McKeon, the Marlins turned it around and began winning. The Marlins finished the season with a relatively astonishing record of 91 wins and 71 losses, and earned the wild card berth in the National League.

In the first round of the playoffs, the Marlins were slated to take on the most feared slugger in baseball, Barry Bonds, and the defending National League champions, the San Francisco Giants. After dropping game one, the Marlins defeated the Giants in three straight games to win the series. Who could forget Jeff Conine's clutch throw from left field to catcher Ivan Rodriguez for the final out in game 4 that clinched the series.

In the League Championship Series, fate seemed to challenge the Marlins as much as their opponents, as the Marlins squared off against the Chicago Cubs. The red-hot Cubs, who had not even advanced to the World Series since 1945, seemed to have a date with destiny as they took a 3-games-to-1 lead on the Marlins in the best-of-7 series. Incredibly, the Marlins again bounced back to win three straight games and the last two in Chicago to defeat the Cubs in this unforgettable classic.

The unlikely Marlins advanced to the World Series to play the giants of baseball, the New York Yankees. Just like during the regular season, and the two previous playoff series as well, no one besides the Marlins themselves and their fans believed they had a chance. Once more, the Marlins fell behind in the series; this time the Yankees captured a 2-games-to-1 advantage. But remarkably, the Marlins were not to be denied. Paced by their pitching ace, World Series Most Valuable Player Josh Beckett, they triumphed in three consecutive games to win a series for the third time. The entire baseball world was stunned as the Florida Marlins became the World Series champions.

The standouts on this Marlins team were many during the season and through the playoffs, and it seemed like a different player excelled each game. Catcher Ivan Rodriguez seemed to always deliver timely hits and great defense. Pitchers Josh Beckett, Mark Redman, Dontrelle Willis, Carl Pavano, and Brad Penny provided underrated performances all year long, and 20-year-old Miguel Cabrera was called up from the minor leagues in mid-June and was one of the most valuable hitters down the stretch; and their double-play combination of Alex Gonzalez and Luis Castillo was perhaps the league's best.

And we must certainly recognize the manager, Jack McKeon, a man who took over the struggling team midway through the year and led them all the way to a World Series crown. Jack kept the Marlins from unraveling early and motivated them to reach unthinkable heights.

Mr. Speaker, this was the Marlins' second world championship in their short history. It is important to note that the Marlins have never lost a playoff series, winning all six in which they have played.

Mr. Speaker, I am proud to be a cosponsor of House Resolution 415, and I strongly support its speedy adoption. I commend both of my colleagues, the gentleman from Miami, Florida (Mr. MEEK), as well as the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), for introducing this timely measure. I congratulate the Florida Marlins for their unforgettable season.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Chicago Bears, Bulls, White Sox and Black Hawks are all in my congressional district; but today, they take a back seat to the Marlins.

Inspiration is what we call this. That is the best way to describe the Florida Marlins, who rose from the ashes, going from 10 games under 500 on May 22 to winning the 2003 World Series.

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The road to the World Series title was grueling and draining. The Marlins had to get by Barry Bonds and Company, the Giants, in the division series.

Then after trailing 3–1 to the Cubs, again the Marlins came through, beating Mark Prior and Kerry Wood in back-to-back victories at Wrigley Field, sending Dusty Baker and the Cubs back into hibernation, saying wait until next year.

Then the Marlins, who captured the World Series in 1997, won the final three games against the Yankees. They kept their streak intact of never losing a series in the postseason with the help of a 23-year-old right-hander who dominated the playoffs. Josh Beckett threw a five-hit shutout, with nine strikeouts, to clench the World Series with a 2–0 victory over the Yankees in Game 6. Beckett was subsequently named the series Most Valuable Player.

Marlin's manager Jack McKeon said of Beckett, "Whether it is 3 days or 4 days, guys have a tendency to lose a little, but this guy is special. This guy has got the guts of a burglar. He is mentally tough. I was not about to take him out. It is a spectacular job for a 23-year-old kid that has come on and matured in the postseason. And you are looking at a possible All-Star next year and a 20-game winner. This guy is going to be something special," end of quote.

In the 100th World Series game played at Yankee Stadium on the 100th anniversary of the first World Series, another team got to celebrate on the field other than the 26-time champions. I am sure that that was not only an inspiration for all of the Marlins, but that was an inspiration to baseball lovers all over the country. That was a kind of rejuvenation, if you will, in many instances of the love of the game of baseball.

So we congratulate the Marlins.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), lead cosponsor of this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I join my colleagues in celebrating the Marlins' win of the World Series. I think we have to recognize that Major League Baseball has perhaps provided the country and the world with the best postseason ever in this month that has just ended. It was an extraordinary series of games, series of series topped off by a wonderful and extraordinary World Series, won by a young and dynamic team that has earned the admiration of the entire world.

Obviously, in south Florida we are extremely proud of our Florida Marlins. They embody in many ways south Florida, from Jack McKeon, the manager, who at age 72 became the oldest manager to lead a team to the World Series, after being called just a few months earlier when he was, in fact, out of a job and many thought that he would never again manage in the Major Leagues, was asked by the front office of the Marlins to come and turn the team around, that they needed someone at the helm with the experience and leadership qualities of Jack McKeon. And what a job he did.

And I think for that job, he needs to be commended. And the front office starting with Jeffrey Loria, the chairman and CEO and managing general partner of the Marlins, and David Samson, the president of the Marlins, and Larry Beinfest, the senior vice president and general manager, what a job they did putting together this young team that faced and defeated a New York Yankees team with over three times the payroll. And, yet, because of the young talent in the Florida Marlins, the Marlins were able to prevail.

What can we say? We can pick example after example that really leaves us in awe. That cleanup hitter, 20-year-old cleanup hitter who just a few months earlier was in AA baseball, in the Minors, and he was called up because he showed such extraordinary talent and Miguel Cabrera became the first 20-year-old since Ty Cobb to bat in the cleanup position in the World Series. What a future he has.

As with so many others in the Florida Marlins, we can go down the roster and analyze and really celebrate the excitement that all of the players represent, from Juan Pierre, that dynamic and really exciting, extraordinarily exciting center fielder, to obviously Ivan Rodriguez, the catcher, who electrified us all with his plays and his hitting day after day, what a World Series it was. So I am glad that the gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) have come forth with this resolution which I have joined.

And I think we not only should commend the Marlins for their extraordinary victory and share, obviously, in the celebration that all of south Florida is engaged in, but also remember that this is an opportunity for some tasks that remain undone to be finished.

First I think it is important, and I have full faith and confidence that the front office, the leadership of the Marlins, is not going to do what the ownership did after the last World Series, and that is to basically eliminate that great team, but rather it is our hope, and I am sure that we will see that the nucleus of this team will remain together so that the community can see that team again playing next year and winning, as I am sure that it will.

And we also have in south Florida a great task, which my brother, the gentleman from Florida (Mr. MARIO DIAZ-BALART), was heavily involved in just a few years ago when he was in the State legislature in attempting to put together all the pieces that are required for a new stadium. And south Florida needs a new baseball stadium. And I hope that this impetus now that has been gained by this marvelous victory can serve for the community to come together and perhaps dust off the plan that almost succeeded just a few years ago that was a very good and interesting plan, and that a baseball stadium can be built because this team, this dynamic, wonderful team deserves it, and the community deserves it.

And so congratulations to that wonderful team, the Florida Marlins.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MEEK), who himself was an outstanding athlete at Florida A&M, playing outside linebacker before he became an outstanding elected official.

Mr. MEEK of Florida. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS) for his very kind remarks as it relates to not only good sportsmanship but recognizing an outstanding team in the Florida Marlins.

We have had many conversations during the series of the Cubs and the Marlins, and he was quite honorable. He was a man of faith in his own team, but not only perseverance but a little magic moved the Marlins along.

I want to thank my colleagues, the gentlewoman from Florida (Ms. ROS-LEHTINEN), also the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who are very fine friends of mine, who are all Marlin fans in Miami-Dade County, including my colleague the gentleman from Florida (Mr. MARIO DIAZ-BALART.)

Mr. Speaker, I rise today to not only congratulate the Marlins, but congratulate those individuals that live in south Florida and throughout the world that are fans of the Marlins, some old and some new. I think the Marlins' victory in the World Series was very good for the country, taking the lead from my good friend, the gentleman from Georgia (Mr. LEWIS), when he was sharing with me that it would be good for the country if the Cubs in Boston would be able to make it to the World Series.

But watching those games, which I had the opportunity to witness some personally in south Florida, I cannot forget the experience not only that the Marlins experienced when we went to Yankee Stadium during the Series, not on Saturday night but the night before that, and we were there, and I ran into my good friend Armando Cadina and his wife Margerete and also his daughter Ann Marie, it was quite an experience because we seemed to be the only Marlins fans in the whole stadium.

Yankees fans, my hats are off to you. You are my future constituents in Florida, so I have to be nice to you. But I just want to say that it was quite an experience for the Marlins to actually win a victory, a 0–2 victory, an outstanding series, an outstanding game in New York on Saturday that I witnessed on television in low temperatures. We are used to 80-plus in south Florida. It was just outstanding.

Mr. Speaker, I brought the Miami Herald that was thrown on my lawn on Sunday morning that just simply said "Amazing." And I must say that the Marlins' season was amazing.

Both of my colleagues referenced the manager of the Marlins. I must say that it is a story that I believe that Americans can buy into, that older Americans and wiser Americans still have a lot of contribute to this country. And I think it was his leadership that led this very young team to their second world championship.

And I must say being a young person myself and having great respect for wiser and older individuals, I think that we need to understand in this country, even through the love of baseball, that we need to put that love in our own life practices, making sure that we give those that have contributed in the past an opportunity to contribute again.

And I want to commend not only the Marlins leadership, the president, but also the vice president and managers that they hired Jack McKeon to be the manager of the Marlins once again.

Mr. Speaker, I also would like to add that it is important that we continue to not only honor those individuals that won the World Series but also that they put it on behalf of Americans, at a time of war and a time of conflict overseas. It is always good for us to come together as Americans. It is always good for colleagues to come together in such a resolution as this.

This Resolution 415 is a resolution sponsored by every member of the Florida delegation, all 25 members. I would like to commend them for doing so.

Once again, to the Florida Marlins, we appreciate you, we commend you. We like our New York fans, we like our Cubs fans, we like our Giants fans, but we love our Marlins fans. And the people of Miami had three celebrations, Mr. Speaker, for the Marlins yesterday, one down Flagler Street where they had an outstanding ceremony at the end of that, one in Little Havana, and another one in Ft. Lauderdale with a boat parade.

Marlins, you deserved what you received. I want to thank Mr. Beckett for being the MVP of the World Series. I wish him many, many more seasons.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to a very frustrated Cubs fan, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I want to commend the resolution. I also want to commend the Florida Marlins. They are a terrific team. Their outfield speed, their pitching, their fans, their coach, is really outstanding. I think it is a pretty good deal.

I saw in the paper the other day that they are only a 15 to 1 team to repeat next year. I think that is a pretty good deal, by the way, particularly now that they signed, resigned Jack McKeon.

I just have one question, though, for the gentlewoman from Florida (Ms. ROS-LEHTINEN). And I was a good loser. I helped participate with the Chicago folks in providing Chicago pizza and a few other things for the delegation. I want to ask if there is anything in this resolution, and I admit that I have not read it yet, that either praises that right fielder for the Giants that dropped that ball at the critical point in the play-offs, or Steve Bartman?

Ms. ROS-LEHTINEN. Mr. Speaker, would the gentleman yield?

I am sure that we will be glad to consider any further resolutions in the future, but right now we are just so very proud of the Fish. And I am sure that you would agree that there is always next year.

Mr. UPTON. Mr. Speaker, there is always next year. We have been saying that for a lot of years, though.

Mr. DAVIS of Illinois. Mr. Speaker, I do not have any additional requests for time, but just simply the words of the Cubs: Wait until next year. And we congratulate the Marlins for an exciting year. We will see what happens in the future.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no other speakers. I want to congratulate again the Marlins manager Mr. McKeon, the Florida Marlins team, all the administrators, and everyone involved, including the fans, for the remarkable World Series championship.

I also want to congratulate my colleagues from Florida once again, the gentleman from Florida (Mr. MEEK) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for giving their support to this resolution being considered by the House today. I urge its adoption. Go Fish.

Mr. SHAW. Mr. Speaker, I rise today in recognition of the 2003 World Series Champions, the Florida Marlins. Earning the reputation of a team that does not quit or tire, the Marlins defeated the famed New York Yankees in a thrilling 6-game series. Having never lost a post season series, the Marlins defeated the San Francisco Giants in four games and the Chicago Cubs in an exciting seven game series.

The National League Championship Series garnered the excitement and thrill. baseball fans have not witnessed in some time. Playing in famed Wrigley Field, the Marlins took Game 1 and headed home to the friendly confines of Pro Player Stadium with a split in the series. Games 3 and 4 went the way of the Cubs resulting in a 3 to 1 deficit that looked monumental to overcome. However, under the leadership of Manager Jack McKeon and behind the arm of pitcher Josh Beckett, the Marlins and Beckett gave baseball fans across the country an exciting two-hit, complete game shutout sending the series back to Chicago. Down 3 games to 2, the Marlins players were never swayed from their sheer competitive spirit and gamesmanship. With the undaunting task of facing Cubs' ace Mark Prior, the Marlins battled the Cubs the entire game. However, with one out in the top of the eighth inning, a World Series berth seemed out of reach. In a span of 10 minutes, the Marlins had turned Game 6 from being down 3–0, to leading 8–3 due to the solid hitting of men like Juan Pierre, Pudge Rodriquez, Miguel Cabrera, Jeff Conine, Derek Lee, and utility fielder Mike Mordecai. The thrilling series was now deadlocked 3 games apiece.

Game 7 is every fan's postseason dream. Two teams tied and playing with everything on the line with the chance of being crowned National League Champions and a trip to the fall classic. As we all know, the Marlins came out swinging against Cubs star pitcher Kerry Wood. Despite losing a lead, the Marlins continued their case of consistent and timely hitting. In the end, the Marlins once again shocked the baseball world. In just 10 short years, the Marlins were headed back to their second World Series—participating in Major League Baseball's 100th World Series.

Behind the outstanding leadership of Jack McKeon, the Marlins stole the show in Yankee stadium by defeating the Yankees in Game 1. Heading back to South Florida, Marlins fans packed Pro Player Stadium cheering this exciting young team on the home field. Battling past the hype of Roger Clemens' final start, the Marlins battled the Yankees winning Game 4 and in a thrilling 12 innings thanks to the game ending heroics of shortstop Alex Gonzalez. Last Thursday, the Marlins, behind stellar pitching by Carl Pavano, sent the Series back to Yankee Stadium leading 3 games to 2. With the stage set for Game 6, Jack McKeon decided on the arm of Josh Beckett to deliver the championship to South Florida. Beckett pitched a gem. A nine-inning complete game, shut out by holding Yankee hitters to five hits in a 2–0 win. What a performance!

Mr. Speaker, this Marlins fan congratulates Chairman and CEO Jeffrey Loria, Skipper Jack McKeon, the Marlins coaching staff, MVP Josh Beckett, each player and the entire Marlins organization and fans on an exciting 2003 World Series.

Mr. STEARNS. Mr. Speaker, I wanted to rise today and join my colleagues from the Florida Delegation in commending the World Champion Florida Marlins. It was your classic Cinderella story in which the Marlins knocked out the heavily favored Yankees in a comeback season not soon to be forgotten. Led by skipper Jack McKeon, the Marlins, dealing with the adversity of a coaching change, rebounded from a 16–22 record to finish 91–71, making them only the ninth team in Major League history to rally from at least 10 games under .500 to reach the playoffs. In Game 6 in front of a hostile crowd, McKeon's Marlins, aided by the stout pitching of Josh Beckett, took the World Series title, four games to two. With their second title in the franchise's 11 years, I believe the Marlins are in good hands. Jack McKeon who turns 73 next month, is the oldest coach in any major U.S. professional sport to lead his team to a championship, and I surely hope that he will agree to return for a run at it again in 2004.

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate the Florida Marlins on winning the 2003 World Series. The team is a great source of pride for my home state and proved, against the odds, exactly what it was capable of.

The Marlins certainly had to work hard for their second championship. Their opponent, the New York Yankees, had won four of the last eight World Series. This Florida team surprised many with its victory, but they deserve every bit of praise. Even changing the team's management, mid-season, did not keep them from obtaining baseball's top award.

I urge my colleagues to join me in recognizing the 2003 World Series Champions, and I congratulate the Florida Marlins on a fantastic season. Your Congress is proud of what you have accomplished.

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Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 415.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO UNITED STATES

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 302) expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003.

The Clerk read as follows:

H. CON. RES. 302

Whereas for more than 50 years an ironclad relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations;

Whereas the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

Whereas Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule of law, and free and fair elections routinely held in a multiparty system;

Whereas the upcoming October 31, 2003, visit to the United States of Taiwan's President Chen Shui-bian is another significant step in broadening and deepening the friendship and cooperation between the United States and Taiwan;

Whereas on October 31, 2003, Taiwan's President Chen Shui-bian will be presented an award by the International League for Human Rights for his efforts in promoting tolerance, democracy, and human rights; and

Whereas Taiwan's President Chen Shui-bian will bring a strong message from the Taiwanese people that Taiwan will cooperate and support the United States campaign against international terrorism and efforts to rebuild and bring democracy and stability to Afghanistan and Iraq: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on October 31, 2003;

(2) asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;

(3) recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;

(4) congratulates President Chen Shui-bian on his receiving the Human Rights Award from the International League for Human Rights; and

(5) thanks President Chen Shui-bian and the government and people of Taiwan for their humanitarian and medical assistance in Afghanistan and post-war Iraq as well as for their willingness to contribute to the peace, stability, and prosperity of the Middle East.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 302.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first of all want to thank the distinguished gentleman from California (Mr. LANTOS) for his leadership on this issue. And I might add that I had the opportunity just to get back last night from a trip to Baghdad and Turkey and Jordan as well, and traveling with the gentleman from California (Mr. LANTOS) is like travel basically in a seminar and listening to him talk about the situation. One learns a great deal, not only in committee but traveling with the gentleman from California (Mr. LANTOS); and I want to thank him for his leadership and for educating many of us who were with him.

I also wanted to commend my colleague, the gentleman from Florida (Mr. WEXLER), who is also a fellow co-chair of the Congressional Taiwan Caucus, for offering this resolution, as well as my colleagues, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Ohio (Mr. BROWN), who are also founding co-chairs of the caucus.

Mr. Speaker, I rise today to express my enthusiastic support for H. Con. Res. 302, a resolution warmly welcoming the visit to the United States of Taiwan President Chen Shui-bian. I call upon all Members to join in supporting a resolution which affirms the American values of democracy and human rights, for there is no place in the world providing a clearer example of respect for these values than that of Taiwan.

President Chen was inaugurated after fair and free elections where the people of Taiwan, despite high-handed pressure from the outside, exercised their free choice in selecting their leadership. Taiwan stands out as a shining example, a beacon of these democratic values which reaches across the strait to the people of mainland China.

It is also fitting and proper that the Congress should welcome the visit of the leader of this flourishing democracy, a testament to the fact that Chinese culture is not inherently inconsistent with democratic values. The International League of Human Rights, which will present President Chen a human rights awards for its efforts in promoting tolerance, democracy and human rights, fully recognizes the fact that Taiwan and its democratically elected leader are sterling examples for not only Asia but for the entire world.

I note that despite his busy New York schedule, President Chen will take time to visit a memorial to mourn the passing of the former first lady of China and Taiwan, Madam Chiang Kai-shek, who died in Manhattan last week at the venerable age of 105 years old.

Madam Chiang's passing reminds us again of the long and enduring ties between the freedom-loving people of the United States and the freedom-loving people of Taiwan. Madam Chiang was the first Asian woman to address a joint session of this Congress during the World War II era when we were united in the ultimately successful struggle against international fascism during that war. She returned to the Congress in 1995 to commemorate the 50th anniversary of the conclusion of that historic conflict. We in the Congress join President Chen and the people of Taiwan in mourning Madam Chiang's passing.

Finally, I do not want to miss the opportunity provided by President Chen's visit to thank him and the people of Taiwan for their steadfast support for the campaign against international terrorism, the prevention of the spread of weapons of mass destruction, and the reconstruction of both Iraq and Afghanistan.

The recent interdiction by Taiwan port authorities of chemical cargo bound for North Korea is but one example of their continued support in the war against international terrorism.

With the passage of this resolution, the House warmly welcomes President

Chen Shui-bian and congratulates him on receiving the Human Rights Award.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. At the outset, let me thank my good friend, the gentleman from Ohio (Mr. CHABOT), for his undeserved and very generous comments for which I am very deeply grateful.

Mr. Speaker, I want to commend my friend and distinguished colleague, the gentleman from Florida (Mr. WEXLER), for introducing this significant resolution.

When I first visited Taiwan decades ago, it was a destitute dictatorship. It is now a thriving and prosperous free and democratic society. The political landscape in Taiwan has fundamentally changed over the past 2 decades. Authoritarian rule has been tossed aside, and Taiwan's leaders are now chosen by free and fair elections. Taiwan has become a vibrant democracy, serving as a beacon to those across the entire Asia Pacific region who yearn for freedom, showing that democracy can and does thrive in a Chinese context.

The resolution before us, Mr. Speaker, welcomes the elected President of Taiwan, Chen Shui-bian to the United States during a so-called transit visit.

Mr. Speaker, we are, of course, pleased that President Chen is transiting the United States and he will have the opportunity to meet with Members of Congress and other American leaders over the next few days. But if Taiwan were any other nation, Mr. Speaker, President Chen would be welcomed with a Rose Garden ceremony, a state dinner, and the opportunity to address a joint session of Congress. These honors, Mr. Speaker, would be commensurate with the increasingly close and mutually beneficial relationship between our two countries. Not only is Taiwan a bulwark of democracy in the Asia Pacific region, it is our eighth largest trading partner. We have an extremely close security relationship, and Taiwan has stepped up to provide humanitarian and medical assistance in both postconflict Afghanistan and postconflict Iraq.

In short, Mr. Speaker, Taiwan is one of our closest allies in the Asia Pacific region. Yet, due to the sensitivities of the People's Republic of China, the executive branch refuses to give Taiwan the status and recognition it deserves.

Mr. Speaker, I support a strong and vibrant relationship between the PRC and the United States. Provocative steps which upset the peace across the Taiwan straits should be avoided; but we must find new ways to show the people of Taiwan that the United States recognize Taiwan's profound economic and Democratic transformation and that our Nation will work energetically to promote a greater role for Taiwan in the community.

Mr. Speaker, I look forward to meeting with President Chen this weekend and discussing with him ways in which we can strengthen the political, economic, and security ties between our two nations. I will tell President Chen that this Congress will not stop fighting until Taiwan can participate in the World Health Organization and many other international organizations in which Taiwan can and will make a significant contribution. I strongly urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, in the world today, few men live their lives as a model of courage and freedom with as much vigor as Chen Shui-bian.

As President of Taiwan, Chen has been a stalwart champion of human rights and an ally of the United States in the war on terror. And during his visit to New York this week, President Chen will be recognized by the International League of Human Rights promoting and defending the inalienable rights of all men to life, liberty, and the pursuit of happiness.

With this resolution, the American people will welcome President Chen to our Nation and send a message with him back across the Pacific that the United States stands in solidarity with the people of Taiwan. And during his time in office, President Chen has revealed himself to be a true friend of the American people, and a vital ally in pursuit of our common interests around the world.

I was honored to host President Chen myself in Houston in 2001, his first such visit to the United States, during which we took in an Astros game and had the chance to introduce him to Texas cuisine. And I know it did not compare with shark fin soup, but I think he liked it nonetheless.

Mr. Speaker, Taiwan is an indisputable success as an ally and as a nation. America's solidarity with Taiwan and her people, the solidarity of freedom, will not be served by convenience nor threatened by bullying.

Our brave friend President Chen leads an island of hope, Mr. Speaker, a light shining out from dark shadows of an oppressive tyranny. With this resolution we will tell the citizens of that shining island that we see their light on the horizon and know the sun of freedom is rising over the Pacific.

I urge my colleagues to send that message of hope and solidarity to the people of Taiwan and vote for this resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WEXLER), the distinguished author of this resolution.

Mr. WEXLER. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me time.

Mr. Speaker, as co-chair of the Taiwan Caucus, I join my colleagues, the gentleman from California (Mr. ROHRABACHER), the gentleman from Ohio (Mr. CHABOT), and the gentleman from Ohio (Mr. BROWN), in strongly supporting this resolution welcoming the President of Taiwan, President Chen, to the United States.

Since assuming office in May 2000, President Chen has demonstrated his steadfast commitment to the ironclad relationship between the United States and Taiwan and the shared principles upon which our partnership has been formed, that of democracy, freedom, and the defense of human rights. In fact, during his visit to America, President Chen will be presented an award by the International League for Human Rights in recognition of his efforts to promote tolerance and freedom amongst the people of Taiwan. And I would like to express my most sincere congratulations to President Chen for receiving this highly esteemed award.

Mr. Speaker, in the past decades, Taiwan has blossomed into a strong and dynamic democracy. It has experienced unprecedented economic, political and social growth, culminating with its entry into the World Trade Organization in 2002.

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Taiwan has demonstrated its unequivocal support for freedom of speech, freedom of the press and the rule of law and a commitment to democracy and its multifaceted alliance with the United States. In fact, under President Chen's leadership, Taiwan has joined the war against terror and contributed humanitarian and medical assistance to American-led peacekeeping efforts in Afghanistan and Iraq.

On behalf of the Congressional Taiwan Caucus, I wish to express our appreciation to President Chen and the Taiwanese people for this invaluable assistance and pledge America's continued commitment to the security and prosperity of Taiwan.

President Chen's visit to America serves as a reminder that Taiwan is one of America's most important allies in East Asia and a model of democracy and progress in the region. I applaud President Chen for his bold leadership, resolve, and vision and urge my colleagues to join me, to join us in welcoming him to the United States and thanking him for the deepening and historic, mutually beneficial relationship between America and Taiwan.

Finally, I would like to reiterate the comments by the gentleman from California (Mr. LANTOS) suggesting in the most critical of terms that Taiwan be given the opportunity to enter the World Health Organization. The experience with respect to SARS this past year points out how important it is that Taiwan be given that opportunity, and the people of Taiwan should always know that the people of America will stand with them in their fight and defense of freedom.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I also want to take this opportunity to express our warm welcome to President Chen and his delegation from Taiwan to New York City and obviously to support this legislation.

Taiwan and the United States have enjoyed a very close relationship with each other for more than 50 years. It is political, it is economic, it is cultural. It has been a rich association for both of us. In fact, Mr. Speaker, despite its size, it is our 8th largest trading partner, and we are Taiwan's largest trading partner.

For this and for many other reasons, the United States must unabashedly, unabashedly stand behind the Taiwan Relations Act which will communicate our resolve, our intention, our commitment for a peaceful resolution in Taiwan.

Mr. Speaker, it has always been that Taiwan has been a reliable ally to the United States. They stood with us, shoulder to shoulder, right after 9/11, and Taiwan has given us its support of our war with Iraq and, as a Nation, has promised humanitarian assistance into postwar Iraq. So I look forward to meeting with him in New York and hearing his vision and commitment to the continued democratization of Taiwan.

Just as a footnote, I might point out he is coming up for reelection. Just like all of us come up every 2 years, he comes up for reelection in March of 2004. He is going to be involved with a free, open election process, and with the free election process in Taiwan, they have a very active campaign structure, and so I look forward to that just as he does.

I might also point out that he is the first opposition candidate to ever be elected in Taiwan. So, again, I think today we can look at that country and say democracy is not only working, it is working uniquely, and we want to commend him and stand behind that wonderful country of Taiwan.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Ohio (Mr. BROWN), a distinguished member of the Committee on International Relations.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for his work and his managing of this bill and his incredible support for human rights around the world, for his entire service in Congress.

I also want to thank the sponsors of this resolution and the cochairs and founders of the Taiwan Caucus, the gentleman from Ohio (Mr. CHABOT), my friend, the gentleman from California (Mr. ROHRABACHER), and the gentleman from Florida (Mr. WEXLER), and I join all of them in urging my colleagues to join me in welcoming President Chen Shui-bian as he visits the United States this weekend.

The United States and Taiwan are true democracies that share common ideals and share a clear vision for the future. Taiwan is a country where freedom and democracy have become the foundation for peace, for prosperity, for progress.

Taiwan shares common goals with the United States in supporting human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press and free and fair elections that are the strength of any democracy, but with Taiwan, it has not always been that way.

My first trip to Taiwan was many years ago when Taiwan was still under marshall law. It was not anything close to a democracy. It was a country with one-party rule. Some used the word "fascist." Others used other words to describe Taiwan, but one of the real miracles of the world in the last 2½ decades is what has happened to that country, a country that went from one-party totalitarian rule to a country that is democratic; that is prosperous, that shares the ideals of our country.

That miracle, that road to progress, that road to democracy was in large part because of the courage and the fervor for human rights exerted by people like Chen Shui-bian who sacrificed a great deal of his life, his family's life and much of his time on this earth to sacrifice that to bring Taiwan forward.

The move towards democracy, the miracle of Taiwan is partly because of Chen Shui-bian, partly because of his political party of the DPP and largely because of the commitment of Taiwanese in Taiwan and Taiwanese overseas in this country who have been a major part of that.

The effort for Taiwan to get into the World Health Organization, as the gentleman from Florida (Mr. WEXLER) mentioned, as the gentleman from California (Mr. LANTOS) mentioned has not yet reached fruition. That is so very very important.

On a personal level, I have met President Chen Shui-bian when he was mayor and when he was a candidate for the presidency of his country. He has done a terrific job in dealing with issues like SARS. He has done a terrific job in beginning to rebuild the economy in his country. He and his political party, the DPP, have done a miraculous job in helping to create the miracle that we know as Taiwan. It is a country that we should look to as a model for much of the rest of the world, for a developing country, that did not enjoy the fruits of democracy and has moved towards that and puts them in the community of nations. We owe it to that nation, that country to embrace them in the community of nations.

I think President Chen Shui-bian's visit to the United States will help do that this weekend.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who has been a tireless leader for speaking out on behalf of the people of Cuba.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend from Ohio for yielding me the time.

For me, I consider it a privilege and an honor to be able to speak on behalf of the resolution welcoming to the United States the elected President of the Republic of China of Taiwan. I have always had admiration for the Republic of China of Taiwan.

I believe that first they demonstrated an extraordinary, an extraordinary and commendable and admirable will and devotion to work and to sacrifice that permitted them to achieve economic prosperity which is the envy of the world, and then they have made, as our distinguished colleagues have mentioned today, also extraordinary and admirable progress in democratization and have, in fact, established a representative democracy that is to be admired by all of the world.

So I join my colleagues in welcoming President Chen Shui-bian to the United States. The entire Congress and the American people welcome him and say to him that we consider it a great privilege to be able to be an ally and a friend of Taiwan, that that will always be reality, and here in Congress I think it is important, Mr. Speaker, that we reiterate our support for Taiwan, for the Taiwan Relations Act and that we never falter, never falter in support and in reminding the world that the safety and security of Taiwan is a matter of extreme importance to this Congress, to the American Government and to the American people.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

We are all looking forward to the distinguished President's visit. It will further strengthen U.S.-Taiwan relations, and on behalf of all of us in Congress, we are honored to have him come again to the United States.

Mr. BALLANCE. Mr. Speaker, as many Chinese-Americans and American friends of Taiwan prepare to welcome Taiwan President Chen Shui-bian to New York on October 31, I wish to pay tribute to this impressive Taiwan leader.

At the age of 49, Mr. Chen Shui-bian was elected the tenth president of the Republic of

China on Taiwan in March 2000. Mr. Speaker, I have learned that his political success came only after a series of personal tragedies. As active political opponents of the government in the 1970's and 1980's, Mr. Chen and his wife were often targets of attack by the government. In November 1985, Mr. Chen's wife was hit by a tractor-truck speeding out of a narrow lane. Although Mrs. Chen's life was spared, the lower half of her body was paralyzed. Mr. Speaker, In 1986, Mr. Chen was sentenced to eight months in prison for libel for criticizing the government. At the end of 1986, campaigning in her wheelchair Mrs. Chen was elected to the Legislative Yuan (Parliament). After Mr. Chen was released from prison in 1987, he served as Mrs. Chen's assistant and joined the Democratic Progressive Party, the opposition party.

Subsequently, Mr. Chen became a member of the Legislative Yuan, chairman of the Formosa Foundation and Mayor of Taipei, prior to his election as president in 2000. President Chen undoubtedly is a fighter for his people and his country. He has instilled confidence in his people, making them feel that they are important, that they matter in the world, and that they must choose their own future, without interference from outside sources. Mr. Speaker, there are many who believe that President Chen speaks for his people; the world should listen carefully to what he has to say; and only he and his people can help maintain peace and stability in the Taiwan Strait. Mr. Speaker, President Chen needs our help to make the right decisions that are good for Taiwan.

I ask my colleagues to join me in supporting President Chen's efforts.

Mr. KIRK. Mr. Speaker, I join my colleagues in welcoming our distinguished guest, President Chen Shui-bian of Taiwan, to the United States.

Mr. Chen Shui-bian was elected president of the Republic of China on Taiwan on March 20, 2000. Since his election, he has shown true leadership in improving Taiwan's economy, instituting further democratic reform, and strengthening Taiwan's role in the international community.

I am confident that President Chen will further strengthen Taiwan's strong ties with the United States. Taiwan has been a key ally in our efforts against global terrorism, and has pledged assistance to the rebuilding of Afghanistan and Iraq.

I also trust that President Chen will soon begin a dialogue with the leaders of the People's Republic of China with the interests of the 23 million people of Taiwan in mind. Taiwan is a sovereign nation and must make its own decisions about its future without coercion from the People's Republic.

I applaud President Chen's insistence on his people "walking their own road, their own Taiwan road." President Chen is a dynamic leader with a vision for Taiwan's future, and I join my colleagues in wholeheartedly welcoming him from one democracy to another.

Mr. CARDOZA. Mr. Speaker, I rise today to welcome Taiwan's President, Chen Shui-bian as he travels through the United States later this month. President Chen recently celebrated his third anniversary in office; a term of service which has been marked by Taiwan's strong support and friendship with the United States.

During his time in office, President Chen has shown that he is a thoughtful, responsible leader, which has been evident in his handling of cross-strait relations with the People's Republic of China. President Chen has consistently stated that both sides of Taiwan Strait have an obligation to uphold the principles of "goodwill reconciliation, active cooperation and permanent peace." Regrettably, despite his many calls for dialogue and cooperation, the Chinese government has insisted on the dated "one country, two systems" formula as the solution to the Taiwan issue.

President Chen's has asserted that "Taiwan is not a province of one country" but a sovereign nation. I strongly agree with his assertion and believe that President Chen is right to guide his country and his people toward a brighter, more prosperous future.

As a strong supporter of Taiwan and its people, I believe the widespread praise President Chen has received is well earned. He has proven to be an effective leader for all of his people, with an unswerving dedication to continued democratization, economic reform and basic recognition of human rights.

I believe President Chen's U.S. visit will further enhance U.S.-Taiwan relations and friendship. The Untied States and Taiwan have been allies, partners and friends and this unique relationship will continue to grow stronger in the future.

Mr. Speaker, America welcomes President Chen and salutes him upon the many successes and achievements of his administration.

Mr. TANCREDO. Mr. Speaker, I rise today to welcome President Chen Shui-bian of Taiwan to the United States, and to wish him a pleasant visit to New York City at the end of this month. I am pleased that he will have an opportunity to visit with many Members of this Congress, and I am confident that his visit will be productive for our two countries.

During this time of uncertainty and regional instability in many areas around the world Americans appreciate President Chen's continued efforts and dedication to winning the war on terror, his pledge to provide humanitarian assistance in Afghanistan and Iraq, and his support for the United States as President Bush and regional leaders work to diffuse tension on the Korean peninsula.

Taiwan has been a reliable friend of the United States for many decades, and I hope that his visit will provide an occasion for our two nations to further strengthen our positive and mutually beneficial relationship.

I also want to assure President Chen and the people of Taiwan that they have many friends in the United States, and to reiterate America's support and commitment to the security of Taiwan embodied by the Taiwan Relations Act, and President Bush's statement last spring that, "Our nation will help Taiwan defend itself," should that need ever arise. I also want to again state my unequivocal support for Taiwan's participation in international organizations like the World Health Organization and the United Nations.

Mr. Speaker, I applaud President Chen's insistence on pursuing a higher standard of human rights for people in Taiwan and across the globe, his commitment to individual liberty and democracy, and would like to again thank him for the stabilizing influence that his democratically elected government brings to the entire region.

I welcome President Chen to America, and I hope that many of my colleagues have the chance—as I have—to meet and visit with him when he arrives later this month.

Mr. LANTOS. Mr. Speaker, we have no further speakers, and I yield back the balance of our time.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 416 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 416

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the distinguished gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

□ 1600

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 416 is an open rule providing for the consideration of H.R. 2443, the Coast Guard Maritime and Transportation Act of 2003. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, the legislation before us authorizes over $7 billion for the Coast Guard and $18.74 million for the Federal Maritime Commission in fiscal year 2004. The legislation is essential in the effort to strengthen the Coast Guard in its ever-increasing role to defend the homeland.

In this bill we face a turning point in the effectiveness of the Coast Guard. The Department of Homeland Security has called on it to be the defender of American coasts while, at the same time, sending needed resources, soldiers, and vessels to the battle against terrorism in the Middle East.

I am pleased to highlight the Integrated Deepwater System acquisition program. The Deepwater System provides the needed capital to institute effective acquisition of the cutters, computer equipment, and other resources that the Coast Guard so desperately needs. The Deepwater System has not received the funding that was outlined in 1998, but this bill makes up for the years of acquisition lost. H.R. 2443 authorizes $702 million for fiscal year 2004 to ensure that this acquisition remains on pace, allowing the Coast Guard to remain effective both at home and abroad.

The Coast Guard is particularly important to my district and constituents in south Florida, Mr. Speaker. The Coast Guard Integrated Support Command in Miami is essential to the safety and security of the area. The Coast Guard in south Florida coordinates integrated plans aimed at hurricane safety, recreational boater safety, and, most important, protection of our coastline from terrorism and drug trafficking.

H.R. 2443 was reported out of the Committee on Transportation and Infrastructure by a voice vote. This is very good legislation, it is essential to our continued commitment to the security and safety of all citizens and residents of the United States, and we have brought it forth, Mr. Speaker, under a fair and, in fact, open rule.

I would like to thank the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their important work on this legislation; and I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend and colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), for yielding me this time; and I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this rule and the underlying legislation. I believe I speak for every Member of this side of the aisle when I say that I appreciate the efforts of the majority to bring this bill to the floor today under an open rule and in a bipartisan manner. I only wish that more bills of significant importance in this body and to the country were considered in a similar fashion. Today's rule is an open rule, and Members are permitted to offer germane amendments to the Coast Guard and Maritime Transportation Act.

As my colleague previously mentioned, the underlying legislation authorizes $7.1 billion in fiscal year 2004 for activities of the United States Coast Guard and $18 million for the Federal Maritime Commission. The level of funding that the House is providing to the Coast Guard is a 4 percent increase over the amount that was appropriated for the agency under the Homeland Security Appropriations Act for fiscal year 2004. The bill also provides the Maritime Commission with an 11 percent increase over last year's funding.

In addition to funding these two important Federal agencies, this bill amends current law affecting the Coast Guard's requirement to fire warning shots, inspect foreign vessels, and collect user fees. The legislation increases the number of commissioned officers in the Coast Guard as well as the number of active duty officers. The bill also improves our ability to respond to oil spills by requiring that oil-carrying vessels develop oil spill response plans. And my goodness gracious is that too long overdue for our Nation and, indeed, the world?

Mr. Speaker, the Coast Guard is charged with the responsibility of patrolling the 12,452 miles of coastline in the United States. Nearly 2,000 of these miles are located in Florida, in my district, as well as that of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), and the Speaker pro tempore's, the gentleman from Florida (Mr. FOLEY), where the Coast Guard plays, as we so well know, an integral role in patrolling our shores and protecting our citizens. The increase in funding provided in the underlying legislation for this important branch of the United States Armed Services serves as a statement about the role of the Coast Guard in our global war on terrorism.

Reports have shown that America's ports remain susceptible to attack and infiltration by America's enemies. And it does not go insignificantly or symbolically mentioned that I, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), and the present Speaker pro tempore, the gentleman from Florida (Mr. FOLEY), all three of us on the floor at this time, represent three major ports: Port Everglades, the Port of Palm Beach, and the Port of Miami. Those three ports alone handle more than 13.2 million tons of cargo. In all, well over 1.5 million shipping containers were processed by South Florida longshoremen during the last year.

Certainly these statistics highlight the pressing need to increase the number of customs agents working in America's ports, but they also suggest that the roles of the Coast Guard and the Federal Maritime Commission in protecting our ports are greater than ever.

Mr. Speaker, when Congress created the Department of Homeland Security, it not only reorganized the Federal Government, but it also recommitted itself to the security of America. The underlying legislation, which the House will consider later today, is an extension of that commitment.

Mr. Speaker, I urge all of our colleagues to support the rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:45 p.m.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess until approximately 4:45 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BEREUTER) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1720, by the yeas and nays;

Senate amendments to H.R. 1516, by the yeas and nays;

H.R. 3365, by the yeas and nays, and House Resolution 414, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining votes in this series will be 5-minute votes.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1720, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1720, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 576]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
  (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
  McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda
  T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Bell
Case
Castle
Dooley (CA)
Fletcher
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hinojosa
Lampson
Miller (NC)
Ortiz
Pombo
Rodriguez
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1725

Mr. RENZI changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers, to provide by law for the establishment and functions of the Office of Research Oversight in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

NATIONAL CEMETERY EXPANSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 1516.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1516, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 577]

YEAS—412

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Akin
Bell
Bradley (NH)
Case
Castle
Dooley (CA)
Farr
Fletcher
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hinojosa
Lampson
McCotter
Miller (NC)
Ortiz
Pearce
Rodriguez
Stupak
Velázquez

□ 1734

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FALLEN PATRIOTS TAX RELIEF ACT

The SPEAKER pro tempore (Mr. BEREUTER). The pending business is the question of suspending the rules and passing the bill, H.R. 3365.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 3365, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 578]

YEAS—413

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud

Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Akin
Bell
Bradley (NH)
Case
Castle
Dooley (CA)
Fletcher
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hinojosa
Lampson
McCotter
Miller (NC)
Ortiz
Pearce
Peterson (PA)
Rodriguez
Stupak

☐ 1741

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 578, I was unavoidably detained. Had I been present, I would have voted "yea."

ENCOURAGING PEOPLE'S REPUBLIC OF CHINA TO FULFILL COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS, SUPPORT UNITED STATES MANUFACTURING SECTOR, AND ESTABLISH MONETARY AND FINANCIAL MARKET REFORMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 414.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the resolution, H. Res. 414, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 22, as follows:

[Roll No. 579]

YEAS—411

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—22

Akin
Bell
Bradley (NH)
Case
Dooley (CA)
Fletcher
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hinojosa
Holden
Jenkins
Lampson
McCotter
Miller (NC)
Ortiz
Pearce
Rodriguez
Stupak
Woolsey

☐ 1748

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "yes" on rollcall Nos. 576, 577, 578 and 579.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, earlier this evening, I regret I was called away on urgent business and missed the vote on rollcall 576, 577, 578 and 579. I would like the RECORD to reflect that had I been present, I would have voted in the following manner:

On rollcall 567, I would have voted "aye".

On rollcall 577, I would have voted "aye".

On rollcall 578, I would have voted "aye".

On rollcall 579, I would have voted "aye".

MESSAGE FROM THE PRESIDENT

Message writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BECERRA. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House and the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel in Iraq, Afghanistan and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three, the House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four, to the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and families of the astronauts who died in the *Columbia* disaster.

Five, the House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1626

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1626.

The SPEAKER pro tempore (Mr. BEREUTER). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Ms. KAPTUR. Mr. Speaker, due to my attending the funeral of a member of our family on Wednesday, October 8, 2003, a day for which I requested and was granted leave of absence, I missed five recorded votes.

I would like the RECORD to reflect that had I been here for these votes, on rollcall 535, final passage of H.R. 3108, Pension Funding Equity Act of 2003, I would have voted "yea."

On rollcall 536, H.R. 2297, Veteran Benefits Act of 2003, I would have voted "yea."

On rollcall 537, H.R. 2998, to amend title 10, U.S. Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized, I strongly support this bill and have been complaining to the Secretary of Defense regarding unconscionable charging of $1 per minute for men and women on duty in Iraq who want to call home, and would have voted "yea."

On rollcall 538, H. Res. 355, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria, I would have voted "yea."

On rollcall 539, expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh, I would have voted "yea."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. FILNER. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the Energy Policy Act.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to reject section 12403 of the House bill, relating to the definition of oil and gas exploration and production in the Federal Water Pollution Control Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mrs. CAPPS. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act.

The form of the motion is as follows:

Mrs. CAPPS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

One, to reject the provision of subtitle C of title II of the House bill.

Two, to reject the provisions of section 231 of the Senate amendment.

Three, within the scope of the conference, to increase payments for physician services by an amount equal to the amount of savings attributable to the rejection of aforementioned provisions.

Four, to insist upon section 601 of the House bill.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Ms. DELAURO. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 2660, the fiscal year 2004 Labor, Health and Human Services, Education and Related Agencies Appropriations Act.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2660 be instructed to insist on the Senate level for part B of the Individuals with Disabilities Education Act.

MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2660, be instructed to insist on the highest funding levels possible for programs authorized by the No Child Left Behind Act.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time. I thank him for presenting this motion to instruct, and I thank him for his extraordinary leadership on behalf of America's children. His lifelong service in the Congress and commitment to America's children is an example to all of us. He knows the education issue chapter and verse, and he gives us a very important motion to vote on this evening.

Mr. Chairman, agreeing to the highest level in a conference, as the gentleman from Wisconsin's (Mr. OBEY) motion to instruct calls for, is the very least that we can do for the children of America. As my colleagues know, earlier, not in this Congress but a Congress before, we authorized the No Child Left Behind legislation. It was groundbreaking. It called for standards in the schools, and it was controversial. It received bipartisan support. It was the President's initiative, and it received bipartisan support in the House, in the Congress.

It was never imagined, I do not think, that when we would go forward with these mandates on public schools in our country that we would give them the mandates and withhold the money. That this bill falls $8 billion short on funding for Leave No Child Behind is appalling, and it is impossible for the schools to meet the mandate.

President Bush and the Republicans have made a great show in supporting education, and they have promised with great fanfare Leave No Child Behind, but when they cut billions of dollars from the bill, they are leaving millions of children behind. When it comes time to keep the promises, President Bush and the Republicans in Congress take a recess from responsibility and again leave millions of children behind.

No matter what else students have learned in school this year, students and their parents across the country have learned a valuable lesson about the Republicans. They do not keep their promises on education. The appropriation bill the Republicans passed this summer falls a staggering $8 billion below the funding level promised in the Leave No Child Behind bill. It only funds a small portion of what was promised for Title I, the program that helps at-risk students master the basics.

It falls more than $1 billion short of the special education funding promised in the recently passed Individuals With Disabilities Education Act reauthorization bill, a 55 percent gap between what the Republicans promised and what they delivered.

The vote on this appropriations bill clearly defined the differences between the parties. Not one single Democrat voted to support this affront to America's education needs and with good reason. I will just take my own State of California for example. It underfunds our needs in California by $1.3 billion for our children. In Georgia, it underfunds by $280 million. When my Republican colleagues voted for this bill, if they were from Georgia, they voted to shortchange the children of Georgia by $280 million; in Arizona, $168 million. The list goes on and on.

By voting for this bill, Republicans showed that all of their rhetoric supporting education is just that, empty rhetoric. It is yet another example of the credibility gap between the rhetoric around here and the harsh realities of the budget priorities the Republicans have. It is more important for them to give tax breaks to corporations, moving manufacturing jobs offshore. It is more important for them to give tax breaks that are even described by the CATO Institute in a negative way to the energy sector.

□ 1800

Everything seems to be more important to the Republicans than the education of America's children.

Today, Members have the opportunity, thanks to the gentleman from Wisconsin (Mr. OBEY), to close the gap between the rhetoric of that education and funding for education. His motion calls for keeping our promises. This is not to restore the full funding. We do not have that opportunity. Republicans will not give us that chance. But at least it tells us to go to the highest funding between the two Houses. As I said, it is the least we can do for America's children.

With that, Mr. Speaker, I once again commend the gentleman from Wisconsin for his great leadership on behalf of educating America's children.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

I find it fascinating, Mr. Speaker, that my colleagues on the other side of the aisle today seek to instruct conferees to adopt certain higher funding levels for education when less than 3 months ago they stood on this very floor and voted against providing the funding for many of these same programs.

The Labor, Health and Human Services and Education appropriation bill that this body approved in July was a fair and balanced bill. In the area of Federal education spending, we provided increases in education totaling $2.2 billion, or 4.5 percent. Further, within these increases are the highest levels of spending for both title I programs and special education, IDEA programs, today. Finally, let me remind my colleagues that not only did the bill include increases in both those highly visible education programs, but it also included increases in other numerous important education programs as well.

Mr. Speaker, I just want to run through the list of education programs that were increased in funding in this bill over last year: title I grants to school districts, Even Start, Reading First, Early Reading First, literacy through school libraries, migrant education programs, programs for neglected and delinquent youth, comprehensive school reform, Impact Aid payments for children of military families, mathematics and science partnerships, after-school centers, State assessments, education for homeless children, education programs for rural school districts, teacher enhancement programs, charter school grants, credit enhancement for charter schools, mentoring programs, physical education programs, special education programs, preschool programs for disabled children, grants for special needs infants and their families, vocational rehabilitation grants for adults with disabilities, independent-living grants for adults with disabilities, services for older blind individuals, National Institute on Disability and Rehabilitation Research, American Printing House for the Blind, National Technical Institute for the Deaf, Gallaudet University for the Deaf, vocational education State grants, adult education State grants, smaller high schools, Pell grants, Hispanic Serving Institutions, Historically Black Colleges and Universities, TRIO programs for first-generation college students, GEAR UP programs to encourage minority students to attend college, Teacher Quality Enhancement Grants, Howard University, education research, education statistics, national assessment of educational progress, and national assessment governing board.

Every one of those education programs had an increase in our bill over last year.

Mr. Speaker, this body passed a responsible Labor, Health and Human Services and Education appropriation bill in July. The bill was within the subcommittee's allocation and the budget resolution. Let us work to finish our conference with the other body so that we can complete the people's work for the year and fund these important programs that give hope to the children of the families of our Nation.

I would like to point out that a previous speaker mentioned the fact that the President has not supported the programs in the No Child Left Behind bill. Since No Child Left Behind was signed into law, Federal spending for major elementary and secondary education, including funding for children with disabilities, has increased by approximately 34 percent, from $24.5 billion in fiscal year 2001 to $32.8 billion in fiscal year 2003. So I think that this clearly says that the President and the majority party have supported responsible increases to fund the No Child Left Behind programs.

Mr. Speaker, I urge adoption of this motion to instruct because we want to provide the most money possible for education, too. And I agree with the gentleman from Wisconsin that we should do as much as possible, and the gentlewoman from California, the minority leader; but we have to live within the budget constraints. We do not do the budget in our committee; we live with the money that has been provided by the Committee on the Budget. And I think we did a very responsible job given the constraints of the amount that was budgeted for Labor, HHS and Education by a vote of this House when they approved the budget.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the previous speaker, my friend, the gentleman from Ohio (Mr. REGULA), has talked about all of the vaunted increases in the Labor, HHS appropriation bill. But the fact is that if we take into account inflation, and if we take into account increases in student population, what we are talking about for most programs in real terms is a freeze, and in per capita student terms what we are talking about in many of these programs is, in fact, a per-child cut. And that comes at the same time that States are experiencing excruciating budget problems, which ought to require the Federal Government to provide more help, not less, and yet that is not what we are getting.

Now, the gentleman can talk all he wants about the increases we have had over the past few years in education funding. The fact is that over the last 9 years, $20 billion in additional funding was put into education above and beyond the amount that would have been provided by Republican bills in this House because of the negotiating insistence of Members on this side of the aisle, and in some of those years the Clinton administration.

Now we have a different picture. This fall, some 22,000 students in 44 States and the District of Columbia have been notified that they failed to meet their academic targets set by States under the No Child Left Behind Act, that is, they have failed to make adequate yearly progress under the terms of that act. That is nearly one in four public schools across the country that will need additional teachers, tutors, books and curricula, and up-to-date technology to improve their academic performance and to meet the No Child Left Behind mandates. They include 576 schools in Illinois, 1,000 in Texas, 1,033 in Missouri, 2,770 schools in Florida, and 829 schools in Ohio, according to their State education departments. And some of these States are in the midst of a huge financial crisis.

This motion to instruct is, at best, a modest effort to prevent some of these 22,000 schools from being left behind. It is a modest instruction because the procedural constraints facing us limit us in what we can ask. We instruct the House conferees to go to the highest possible funding levels for No Child Left Behind programs that would roughly double the modest increase in the House bill if each program were funded at the higher of the House or Senate level. We should be doing much more.

Mr. Speaker, when the President came to office, he said that education would be a top priority, but that there would be no new money until we reformed the programs. So we took a flyer. We took the President at his word. We gave him the benefit of the doubt, and a lot of us voted for No Child Left Behind. That act imposed all kinds of accountability measures and mandates. Now, 2 years after the enactment of that legislation, we have the smallest new Federal investment in education in almost a decade under both the House and the Senate bills. The Labor, HHS bill adopted by the majority barely provides an inflation increase for No Child Left Behind, a freeze in real terms. It falls a whopping $8 billion short of the funding schedule that was promised in No Child Left Behind.

Because the majority has chosen to put so much of its money in super-sized tax cuts, there is very little money left to fulfill the majority's own promises made in their own budget resolution. Let us inventory those promises:

It was the Republican budget resolution that promised to provide $3 billion more for education compared to last year; yet the Republican Labor, HHS bill falls $700 million short of their own promise. It was the Republican budget resolution that promised to provide a $1 billion increase for title I grants to low-income schools; yet the Republican bill falls $334 million short of their own promises. And it is the majority Labor, HHS bill that falls short in other areas as well.

The No Child Left Behind Act mandates that every school in America have a highly qualified teacher in the subjects of english, reading, math, science, foreign language, civics, government, economics, art, history, and geography. Yet the Republican Labor, HHS freezes funding for teacher training at $2.9 billion, $244 million short of the $3.2 billion promised 2 years ago. There is no more money for teacher quality at a time when the Department of Education says that 46 percent of the Nation's secondary schoolteachers do not meet the No Child Left Behind highly qualified criteria.

More than one million disadvantaged children could be helped if the afterschool program was fully funded at the No Child Left Behind level of $1.75 billion; yet the Republican Labor, HHS bill freezes funding for after-school centers when communities across the country are struggling to provide safe places where kids can learn and play between the hours of 3 and 6 p.m. One million at-risk children will be left behind.

Recently, I received a letter from a dedicated school principal at the Colwyn Elementary School in Pennsylvania who wrote this: "I am left wondering how is it that schools can be labeled as failures when so many of our children enter schools already left behind. And if schools are to fix all the societal ills that haunt our students, why is the funding not there for our schools, especially the urban schools, where our most needy students are?"

Mr. Speaker, unfortunately, we are at a place where we will not be able to answer that dedicated school principal's call for more funding because of the policies of the majority party. These policies say that we can afford super-sized tax cuts for the wealthiest Americans, but cannot afford $3 billion more to educate America's children. Faced with the choice between tax breaks for millionaires and making sure that all children have an opportunity for a quality education, the majority has made it clear where it stands. As a result, millions of children will be left behind.

Now, I know the gentleman from Ohio does not like the fact that we do not buy into his bill. We have never criticized the gentleman or the committee for the priority choices they have made. What we have said is that the limitations imposed on the gentleman are unacceptable to us, and we have a right, and indeed an obligation, to follow our consciences to try to get more money in this bill, just as we did every year for the last 9 years.

If we had rolled over the last 9 years to the argument that, oh, this is all the budget allocation will allow us, we would not have that $19 billion that the gentleman so anxiously voted for after we leveraged it into the bills over the objection of the gentleman's own party leadership in this House.

So I think the gentleman needs to recognize that, and the House needs not only to pass this motion, which does not begin to cover the need; the House needs to provide substantially more resources for this bill if we are to meet the needs and to meet the promise that so many of us signed on to when we voted for No Child Left Behind just a few months ago.

Mr. Speaker, I reserve the balance of my time.

□ 1815

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out that the gentleman's party had control of the Presidency, the House, and the Senate in fiscal years 1994 and 1995. During this time, Congressional Democrats voted to cut the Department of Education by over $3 billion below levels recommended by their President, President Clinton. The final 1994 increase was only 3.6 percent; the final increase in 1995 was only 2.4 percent. And remember, they controlled everything; and we propose in this bill to increase it by 4.5 percent.

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank the gentleman for yielding me this time.

Before we vote on this rather meaningless motion which I will probably support, I think it is important that we try to frame it in a proper context. I think what we have tonight is a vote that is politics, pure and simple. Virtually every Member supports providing the highest possible funding for the key programs in No Child Left Behind, and I fully expect whatever agreement we are able to reach with our colleagues on the other side of the Capitol will meet this goal. We will, once again, provide another major increase in funding for Federal education programs, the third major increase since No Child Left Behind was enacted into law.

We have heard all year about this so-called under funding of education programs. I would point out that we have a dual process in this Chamber of authorizing and appropriating. The authorized level is the cap, the maximum amount that can be spent. At no time during my experience, the 13 years that I have been here, have we ever fully funded, as Members would describe it, these education programs.

As a matter of fact, in fiscal year 1995, the last year that Democrats ran the Congress and had the White House, the authorization for title I was $13 billion, and yet the actual funding for that program came in at $10.3 billion. I do not recall any Member of the House, Republican or Democrat, or the Senate, claiming we were underfunding our education commitment.

Now, when it comes to the issue of whether we have kept our promise under No Child Left Behind, let us recall what the promise was. The promise was to have a significant increase in spending to help support the goals of No Child Left Behind. So what did we do? Fiscal year 2001, $24.5 billion. What happened when we passed No Child Left Behind, an increase of $5.4 billion to $29.9 billion. That is a real increase.

Then we went to $32.8 billion, and this year we are at $34.6 billion. Now, these are the numbers. They are real. No one can say we have not kept our promise because we have had a significant increase in Federal education spending.

Let us look at the largest of these programs where a lot of the money is, and that would be in title I, the money that goes to poor students and poor schools across the country. These bars here in yellow are the years when the Clinton administration was in office, and the red years are the Bush years. What do we see, significant increases since No Child Left Behind was put in place.

As a matter of fact, to put it in even better perspective, during the 8 years that President Clinton was President, half of the time Democrats controlled one or both Chambers, the increase during those 8 years under President Clinton, $2.4 billion in title I funding over 8 years. That was the increase. What has been the increase over the first 3 years of the Bush administration, $2.9 billion.

Now, to say we have not dramatically increased our commitment to education is just not true. But as I said before, all of us in this Chamber support trying to fund these programs at the maximum allowable level to get as much money as we can out there to help poor children have a chance at a good education.

But as the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce and others sitting here would attest to, if money were to have solved all of the problems in K–12 education, we would have solved them long ago. Some of the biggest spending levels in our country are in urban centers which happen to have the worst schools.

One only needs to look in Washington, D.C., the third highest level of spending in any urban district in America, and without a doubt, the worst schools in America. Money will not solve the education woes in our country. It is attitudes. It is attitudes and a commitment and a discussion about whether we, as a Nation, are willing to educate all of our children.

We have had this discussion for a long time, and we all talk about public education and how important it is, but our Nation has never attempted to educate all of our people. We have never had a real commitment to educate all of our children. We have embarked on an effort to try to get to that goal. It is not going to be easy, and I am not sure we even know what the answers are in terms of how we educate all of our children. But I think we are going to learn those answers.

Again, I am not sure that money is going to solve those problems. We need to have real changes of attitudes in our schools, in our communities, about really helping poor children have the same chance in life that all of us have had. They deserve that chance, just like our children deserve that chance, to get a good education. It is not happening today. I do think with the passage of No Child Left Behind, one of the most bipartisan bills of this session of Congress, we can begin to move toward that goal. We are meeting our commitment on the Federal end, and I know the States are having problems meeting their commitments to their local schools. We wish they would do more; but please, do not come here and say we are not meeting our commitment to helping every child get a chance at a good education.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY), a member of the Committee on Appropriations.

Mrs. LOWEY. Mr. Speaker, we are on the cusp of implementing a bill that will fall at least $8 billion below the levels authorized in the No Child Left Behind Act. Our failure to uphold the promises made just 2 years ago will be felt in classrooms throughout America by every school-aged kid. I agree that we have to deal with attitudes. There are a lot of problems, and all of the problems of a community converge on our school systems.

But, Mr. Speaker, I visit our schools which have to face the mandates included in No Child Left Behind. They are facing massive teacher shortages, and that has to be resolved by money and training. We have to ensure that every teacher of an academic subject be highly-qualified by 2006 and administering annual assessments in reading and math by 2006. America's schools should not have to choose between the need to recruit and train new teachers, implement antidrug programs, and pay for urgent school renovations. I would like my colleagues to visit some of these schools that are trying to educate these kids without enough books, without enough dollars, without enough teachers with adequate training.

If we do not retool our efforts during the Labor-HHS conference, we will impose a great burden on our school administrators, board members and parents. For example, the NCLB Act promised to provide school districts with 40 percent of the Nation's average per pupil expenditure for each low-income student. The title I program already does not meet the overwhelming needs across the country, but NCLB was a step in the right direction. Many of us voted for it. There was broad bipartisan support.

However, in this Labor-HHS bill it is $6 billion below the authorized amount. What does that mean for needy children? In New York State alone, almost

460,000 eligible children would not be fully served by the program. This morning, the Afterschool Alliance released a poll demonstrating the public's broad, unwavering support for after-school programs. And, quite frankly, the numbers leapt off the page. They made clear that Americans, not just parents of school-age children, but all Americans, across the board, believe that after-school programs are a sound investment. Eighty percent said after-school is nothing short of an absolute necessity. That is not just support, that is extraordinary support.

After-school programs keep kids safe, help them learn, help working families. No Child Left Behind set out a prudent road map for growing the 21st Century Community Learning Centers Initiative, but since the moment the law was enacted, we have gotten off course. Not only did the administration's fiscal year 2004 budget propose a cut of $400 million, or 40 percent to the 21st Century After-School Program, but both the House and the Senate Labor-HHS bills fall 40 percent short on funding for the 21st Century Initiative, providing just $1 billion of the authorized $1.75 billion for the current fiscal year. That funding gap translates into more than 1 million children being left behind after school.

I want to say in closing, sometimes we look at these numbers, it sounds great, a billion here, a billion there, but when we are cutting a million dollars or a billion dollars from a key program such as that, that is reflected in real children and real lives. I urge Members to try and get these dollars up so we can be educating all of our children. These programs are critical. I thank the chairman for all of the good work he has done, and I hope we can work together to truly get these numbers up so we can satisfy the tremendous needs out there.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. WICKER), a distinguished member of the subcommittee.

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding me this time.

The chairman of the full authorizing committee just made a statement that I think is very instructive. He called this motion rather meaningless. If our colleagues do not know by now, they should certainly be apprised that all of these motions to instruct that are being brought during the waning days of this session of Congress are nonbinding. They offer us an opportunity to have an hour of debate on a particular issue, and that is instructive; but even if this motion were completely binding, I do not know how we could enforce it, because it simply says that the conferees be instructed to insist on the highest funding levels possible for programs authorized by No Child Left Behind.

Now, if that means the sky is the limit, then I might have to disagree with my chairman and the chairman of the authorizing committee. We may not want to do that because I do think we should exercise some discretion in the amount of funding. But if it means we are going to do the very best we can, within the confines of the budget resolution, as our chairman has done, then I do support that concept. So I am a little torn, Mr. Speaker. On principle, should I just vote no because it is a meaningless exercise, or should I go along with my chairman and the chairman of the authorizing committee?

This, I think, is an opportunity for my friends on the other side of the aisle to try to point out to anyone who is watching that they would spend more money on education if they were in charge and that they would spend a lot more money if they possibly could. They will make that case, but I am not so sure about that contention.

The fact of the matter is when the Democrats had control of the Presidency, the House and the Senate, fiscal years 1994 and 1995, they did not fully fund their education bill. As a matter of fact, President Clinton proposed a figure for the Department of Education, and the Democrats and the Congress cut that figure by some $3 billion below the level recommended by their own President, failing to "fully fund" the request of their President.

□ 1830

During the time of Democratic control of Congress, Mr. Speaker, they funded only 20 percent of the IDEA program for fiscal year 1994.

By contrast, in the last 8 years of Republican control in the House of Representatives, Federal funds for education have more than doubled. So I think we can be proud of our record on education, Mr. Speaker, as compared to the prior 6 years under Democrat leadership where they funded Federal education programs by an increase of only 47 percent. Republicans doubled education funding. The Democrats increased funding by only 47 percent. So when it comes to numbers, we really do not have anything to be ashamed of on this side of the aisle.

I would point out to my colleagues that during these past years of Republican control, this House of Representatives and this Congress has increased title I aid to disadvantaged students by 84 percent; increased special education grants to States—that IDEA program that I mentioned—by some 330 percent for IDEA programs; and tripled funding for reading programs during Republican rule, Mr. Speaker. We have increased Federal teacher quality funds. We have increased the maximum Pell grant by some 64 percent. We have increased Head Start funding by 91 percent under Republican control. And we have increased Federal aid to America's Historically Black Colleges and Universities.

I am proud of what we have done. Of course, raw numbers are not the only answer. The problem with much of American education is the accountability and results, and that is what we think No Child Left Behind is changing. I want to commend Chairman REGULA for working across the aisle for a balanced bill that funds many competing programs. He has produced a good result. I believe the conference will do so, too. I just want to congratulate my chairman for funding education as best as we possibly can.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY), a member of the subcommittee.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank my colleague, the gentleman from Wisconsin (Mr. OBEY), for his long leadership on the issue of education and his offering his motion to us today on the floor.

In response to my colleague from Mississippi who said all we need to do is look at the numbers, I think that would be interesting. I think if this Republican administration ran on us just looking at the numbers, they would be thrown out of office quicker than we can look at the door. We have gone from nearly a $5 trillion surplus to a $5 trillion deficit. The very children they claim to support are children that are going to be saddled with nearly a $600 billion deficit, deficit, this year because this President has chosen to cut the taxes of the wealthiest 1 percent of our population.

Two-thirds of the tax cut goes to the wealthiest 1 percent in the form of capital gains dividends and estate taxes. Who is going to pay for these taxes? It is going to be the children of today's generation and our children's children that are going to be saddled with this debt. So I do not want to hear from Members of the other side of the aisle about how Democrats underfunded education. At least we left the children of this country a $5 trillion surplus on which to build a future.

When it comes to Leave No Child Behind, the fact is the numbers do tell the truth. The numbers tell us that when it comes to the President's commitment to making sure we leave no child behind, the commitment is nothing but words. Mr. President, we want action, not rhetoric. We want you to put your money where your mouth is. You have not done it. By refusing to provide the promised funding, the Leave No Child Behind Act has become an albatross around the necks of school committees around our country. The people who are watching this who can listen to the gentleman from Mississippi say that all of this is worthless debate, I will just tell you this. Go talk to your local school committee. Go talk to your local city council person and have them tell you how much property taxes are going up in order to make up the difference in the requirements that the Leave No Child Behind Act have put forward. Requirements for new systems of assessment for children, not funded in the bill. Requirements for new enrollment status and graduation records so that we can track these students and thereby be able to measure their progress, no funding under the bill. Funding for massive databases and new standards, inadequate funding under the bill.

The fact is if you look at the bill itself and you look at what this Congress is doing, it is sending the bill for this Leave No Child Behind Act to our property taxes. Make no mistake about it, it is cutting Bill Gates's taxes, but it is sending the taxes back to our local property taxes in order to fund the deficit in this Leave No Child Behind Act.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a very valued member of our subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, the gentleman who just spoke said that they left this House with $5 trillion. Well, in 1993 the rhetoric that they said, let us give tax breaks to the middle class, they raised the tax on the middle class. You increased the Social Security tax. You cut veterans COLAs. You cut military COLAs. You spent every dime out of the Social Security trust fund. And where you promised tax relief for the middle class, you increased it. And guess what? Republicans took the majority. And we reduced Social Security increases. We gave money back to the middle class so that they would have money to spend on their education systems. Not a single Democrat budget or economic policy has passed since. Not one. Not even the Blue Dogs. And so for you to take credit for the surplus is ridiculous.

Unfortunately, it is an election year. I am going to vote for this motion. But what it is, as you can see from my colleagues on the other side, it is election year partisanship Republican bashing. That is all it is. They know that this is meaningless. But all they want to do is sit up here and bash Republicans.

I am going to give you a couple of issues. You know that when we talk about how we finance education, my friends on the other side, anything to do with unions, they will not cut. Davis-Bacon for school construction, the right-to-work States save up to 30 percent on school construction, but do you think my colleagues on the other side would support a reduction in Davis-Bacon just for building schools? Absolutely not. That is where they get their campaign dollars. When you start caring about education more than you do the unions, come talk to me.

Alan Bersin, Democrat under Bill Clinton, is the superintendent of San Diego city schools. His number one problem in the State of California, it was Gray Davis, it is not now, his number one problem is trial lawyers who are ripping off the schools for special education. In the D.C. bill at least we capped trial lawyers' fees. In 1 year we are giving $12 million for special education students, for special education programs, for special education activities, not to the trial lawyers. But do you think my friends on the other side would do that? No way. If you want to increase money, take a look at your own rhetoric.

I am going to vote for this motion, but I want to tell the gentleman, when the gentleman from Wisconsin (Mr. OBEY) said that he drug Republicans for educational spending, the only thing the Democrats are doing right now is dragging their anchor. They are going to vote against the bill, and they do not want people to know that they are going to vote against education; and that is exactly what they are doing. This is another reason for them saying, all the mean Republicans. If you vote against this bill, you are voting to cut education, the very thing that you are bashing Republicans for. I resent the implication. You know how hard most of us work, on both sides of the aisle. My wife was chief of staff for the assistant Secretary of Education. I was a teacher and a coach in high school and college and dean of a college. My sister-in-law is in charge of special education in San Diego city schools. I stayed on the D.C. committee to improve education. And for your leadership to sit up here and say Republicans do not care about education, I resent it. I wish I could say more, but my words would be taken down.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, Republicans on the other side of the aisle keep saying it is not about the numbers, and then they want to argue the numbers. Let me agree with them: this is not about the numbers. This is simply a question of values and ethics. This is whether or not this President and this Republican Party that controls the Congress of the United States will keep their word to America's children and to their parents and to the school districts and the teachers across this Nation.

It is all interesting what you want to talk about before No Child Left Behind passed. But No Child Left Behind is the most significant reforms we have made to American education in 35 years. And we did it with full knowledge of how much money we were spending, and we did it with full negotiations with this President about the reforms and the significance of these reforms; and this President said, if you can get these reforms, I will get you the resources. We now find out he just simply was not telling the truth. He told the truth for 1 year. He just could not tell the truth for both years, because the resources are not there. We told schools that this Nation wants you to have 100 percent of our children proficient at grade level in 12 years. Schools are working hard to do this. And there are mixed results. But they are doing it. They are working at it. And now we have identified each and every child that is not meeting that standard. Those are called schools in need of improvement.

What do we say in the Federal law for schools in need of improvement? We said we will give you additional money in the second and third year to turn those schools around, to reconfigure those schools to get different results. Those are the exact schools that need the money this year, and it is not there because this Congress and this President refuse to provide it. So what do those poor children do? They have been told that they need improvement. Later there could be sanctions against these schools at the State level, and we have pulled back the money that they were going to use to improve those schools. The Governors have taken the heat for identifying those schools. The school superintendents have taken the heat for identifying these schools. Parents are upset. But the whole idea was that we would help you turn those schools around because it is important to our country, it is important to these children, it is important to their families. But on the eve of the moment that that is supposed to happen, this President reneged on his promise. He got the reforms on a big bipartisan basis, and school districts all across the country are trying to make them work, and he walks out on them because he did not put the money in his budget, and he is encouraging the Congress not to go forward with these kinds of increases.

This motion to instruct is not meaningless. It is important. It is about values. It is about truthfulness. It is about the ethics of our profession when we promise the American people we will do something and then we fail to do it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The Chair will remind Members that it is not in order to refer to the President in personal terms. Although remarks in debate may include criticism of the President's official actions or policies, they may not include criticism on a personal level such as accusing him of not telling the truth.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP), a very productive member of our subcommittee.

Mrs. NORTHUP. Mr. Speaker, I rise to add my voice to others' about the importance of education and making sure that quality education is available to every child. As the mother of six children, when I have students that visit Washington, they often ask me, where did you learn what you needed to know to be a Member of Congress? Of course, they expect me to talk about my years in the State legislature or what I studied in college. But I tell them the answer and I tell them that the truth is I learned most of what I needed to know as the mother of these six children, all of whom had different talents and different challenges, all of whom went through school needing the advice and the special programs that would be available to them so that they could succeed.

□ 1845

That is what is so important for all the children in this country, and that is what we are struggling with.

I believe my colleagues on the other side of the aisle also want every child to have an opportunity for a quality education, and they have always focused on input, asking for more programs and more dollars. In fact, my experience in Washington, compared to my experience in the State legislature, has been a take-your-breath-away experience over the last 7 years, as every single appropriation meeting is about more, more, more; more dollars, more programs. No matter how much more is proposed, there are always amendments to spend even more than that.

In every single markup of education bills and other bills, there are proposals for $1 billion here and $1 billion there. I will never forget sitting in one markup for one education appropriation bill, and there was over $10 billion proposed for new spending, something that the Democrats voted for almost en masse in that markup of that bill. Every program, more money, more money, more money.

On the other hand, as a mother, what I found is that I needed to be able to go to school and talk to my children's teachers and ask, what can we do to help this child with their math? What can we do to help this child with reading? I needed to know that for the children that were disorganized, that the teacher would help me in formulating a program to help them become more organized; that for the child that struggled in writing, we could address those challenges.

And what teachers tell me in my district is nothing about more money, more money, more money. That is not what parents talk about. They talk about red tape; they talk about their hands tied; they talk about Federal limitations.

When No Child Left Behind was passed, overwhelmingly I heard thank you for rolling so many of these different programs together, giving teachers and schools the ability to address the challenges that were unique to their school. Did they need more computers? They could spend the dollars there. Did they need more remedial reading programs? They could spend the dollars there. Did they need more flexibility, so that the challenges of other children could be met? They could do that. Instead of having every single dollar sort of outlined for them, they could address the unique challenges that their students, in their schools, had.

What our side of the aisle has focused on is not only investing more money in education, but in the outcome, how do we make sure that those dollars help children achieve at a higher level? And why is that important? Because, after all these years of Federal investments, what were we looking at when we passed No Child Left Behind? Sixty-eight percent of our fourth graders could not read at grade level. We knew, that minority children and children from disadvantaged families were falling behind at even a faster and greater rate than any time in our past, so we knew that we had more money, and more programs were not the answer.

Many of the objections that my colleagues on the other side of the aisle refer to are actually talking about programs that have been wrapped together so that a school that needs more after-school programs can spend the dollars in a way that meets those needs; schools that need more tutoring or more intervention for kids that have learning disabilities can use the dollars there. What we are talking about is not only the investment, but making sure we get the benefits of those investments.

I want to thank our chairman. He has done a wonderful job of making sure that with No Child Left Behind, that we invested 18 percent additional dollars into our school systems. There are those that think that before those dollars are even out the door, that that is not enough. They almost imply that that 18 percent is not carried over to the next year and the next year. But, of course, we have built on that each year since then. I thank the chairman for the balance and the investment for our children.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from Wisconsin for yielding me time.

Mr. Speaker, the gentlewoman from Kentucky just said the majority is interested in outcomes. Well, let me tell you what the outcome of the No Child Left Behind Act has been for thousands of schools across America. This law, which has had great potential to create learning opportunities for children, is creating great havoc for the schools of America.

Public educators across the country, who were told that they would receive more help if they needed it, are receiving lectures from the Department of Education about how to run their schools, mandates from the United States Congress telling them what they must do in their schools, and money that falls $8 billion short of the job that we say needs to be done. We said to these public educators, you must test and evaluate every child, every year, between the third grade and the eighth grade, and you, local taxpayers, should pay for it. That was not the commitment of the No Child Left Behind Act.

They have been told that if your school falls into the category of a school that needs improvement, a definition that has been tortured beyond recognition by the Department of Education in its interpretation of this law, if you fall into such a category, you will get the money for the tutoring programs and the after-school programs and the parent academies that work to improve learning. But the money is not here, because we are $8 billion short.

Governing is choosing, and I would suggest to the majority, here is your choice: You can let the No Child Left Behind Act with all of its flaws stay in place and force upon your constituents and mine local tax increases; or you can find the funds to meet the promise this Congress made to those local school districts and pay for the tests and pay for the mandates and pay for the services that are required.

It is the great dilemma of the majority. The budget resolution it passed does not permit them to do so, because this country's educational future, as is the case with so many other priorities in this country, was squandered on the majority's tax cut so we can have a tax cut tilted toward the very wealthy in Washington. We will see increases on everyone else across the country to pay for the mandates of the No Child Left Behind Act.

The right thing to do is to suspend the mandates of the No Child Left Behind Act until the money is there to pay for those mandates. Otherwise, when the gentlewoman talks about local flexibility and local educators being able to buy computers and do tutoring programs, the money they would like to have for those computers and those tutoring programs is being spent on the No Child Left Behind Act.

Support the resolution. Enforce the act properly.

Mr. REGULA. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON), a member of our subcommittee who works diligently on these tough problems.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise in opposition to this motion. The Obey motion to instruct insists on the highest funding levels possible for implementation of the No Child Left Behind Act. The motion to instruct says that unlimited funding is the answer. But higher funding is not an end in itself. In fact, it often represents a failure of government.

What kind of responsibility, what kind of governance, is provided by simply spending more money? None. Instead, we have a system already in place to determine educational spending that provides accountability and results. It consists of local school boards and parents. It consists of State initiatives, like charter schools and vouchers, to enhance academic choice and school accountability.

The President's No Child Left Behind initiative attempts to build accountability and results into what States are doing. When we have no other alternative but to increase funding levels, we say increased funding is all we can do and the system is broken.

If higher funding levels were the answer, the District of Columbia would have some of the highest academic scores in the Nation. But, unfortunately, the opposite is true. Higher funding does not guarantee results. The District of Columbia's school system spends more per student than Fairfax County, just across the river. The academic performance could not be more different.

The answer, I believe, is local control and decision making. In Brevard County, Florida, where I live, a local sales tax initiative is being considered by local officials to support increased educational funding. The same thing is going on in Fairfax County as well. This is what should be done; local control, the decisions of local voters.

I believe the Federal Government needs to get out of the way of local action. We are not local school boards, and we should not pretend to be them either. Let us allow greater discretion at the local school board level and local government level, and let us let them set the majority of the policies. Oppose the Obey motion.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are going to support this motion because we share with the gentleman from Wisconsin (Mr. OBEY) the desire to have the highest funding levels possible for programs on No Child Left Behind. We did that in the bill. Obviously, there is never enough, but we did as much as we could under the constraints of the budget.

I would point out again and reiterate that we increased the funding for 43 programs in education, including title I, including IDEA and a whole host of others. Of course, the motion is simply saying do the best possible job we can.

I know that the gentleman from Wisconsin (Mr. OBEY) and I both share the desire to do as much as we can for education, but we are constrained by the amount of money that is available to us under the budget resolution. Within that, and in the priorities within our bill, we have done every bit possible. Hopefully, in conference, we can reach an agreement with the other body that will even increase some by taking it from other areas. I support the resolution.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will include at the end of my remarks two chronologies.

Mr. Speaker, the gentleman from Ohio has just said that we did the best job that we could in funding these education programs within the context of the budget resolution. I do not deny that. The important part of that sentence, however, is "within the confines of the budget resolution."

Our target has never been this bill; our target has been the constraints on our committee imposed by the budget that mean that we will be providing an ever-smaller increase in funding for education at a time when we need to be providing more.

I must say, I am a little bit confused by some of the rhetoric I have heard today. We heard three Republican speakers in a row try to suggest that it was the Republican Party that in fact had done a better job than Democrats in terms of funding education. Then we heard the gentlewoman from Kentucky get up and take the opposite end of the same argument and bemoan and decry the fact that we had the temerity on one occasion to ask for a $10 billion increase in investments in our children.

That is absolutely right. We did, and I make no apology for it. I think we should have done more.

The gentlewoman from Kentucky mentioned people's concern about red tape. The mother-of-all-red-tape programs in the education area is No Child Left Behind.

We gave the President the benefit of the doubt, because he said he wanted the programs reformed before we put more money in. They have been reformed. Now the question is, where is the money?

The fact is that what is happening is that, whether it is denied or not, this Congress, under the policies dictated by the Republican budget resolution, this Congress is walking away from the policies of No Child Left Behind.

For 1 year after that program passed, this Congress had a bipartisan position in support of meeting the goals of that act. But now we see that it was evidently a 1-year promise. We are $8 billion short of where we promised the country we would be if we passed those reforms. In education, we are $3 billion short of where the budget resolution, the Republican budget resolution, promised we would be.

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We are, for title I, $131 million short of where the Republican budget resolution promised we would be. We are $1.2 billion short of where the Republican budget resolution promised us we would be for special education. Those numbers are undeniable.

I would like to close by reading a greater portion of the letter that I received from a Michelle Cinciripino, a principal in Philadelphia. In part, here is what her letter reads: "On September 2 we opened a new school year in a brand-new school building and we were off and running, despite the lack of books and other needed supplies. And then Friday came. A second grader ran screaming from her classroom and had to be restrained until she finally broke down in tears and told us she was worried about her mom, a known drug dealer in trouble again with the law. I assured her we loved her and that she was safe at school, and off she went for the weekend. Monday came and this time she came screaming from the building. Several hours and a sound breakfast later, we finally got her back to class. Tuesday and Wednesday followed the same pattern, until Thursday when she came in having been beaten with a belt. I spent Thursday with the police and Child Protective Services. She is now safe with her dad. But I am left wondering, how is it that schools can be labeled as failures when so many of our children enter school already left behind? And if schools are to fix all of the societal ills that haunt our students, why is the funding not there for our schools, especially our urban schools where our most needy students are?"

Then she goes on to say, "The second grader I mentioned is but one of many hurting, angry children who enter my school on a daily basis. They lack what we take for granted: a safe, loving, nurturing home where their basic needs are met. For these students, my staff and I provide the only consistent safe place these kids know. We want desperately to teach them; but before we can do that, we must feed them and love them. We must gain their trust and we must teach them the social skills that no one has ever shared with them or modeled for them. I hope you will share my story with your colleagues who say that educators 'just don't want to be accountable.' I would be happy to share my story with them in person and can be reached at the above address and phone number."

I think we ought to take the concerns of that principal to heart.

This motion in and of itself is not the issue. The amount of money that we can provide through this motion in added funding for education is small indeed.

The real issue is whether or not the House, having had an opportunity to once again hear concerns expressed about the problem, whether the House, in fact, will find a way to do more for education than we have done in this bill.

One of the previous speakers said that he resented it because we said that Republicans do not love education. I do not believe that. I think Republicans like education. I just do not think, based on their records, that they happen to like it as much as they like preserving $88,000 tax cuts for millionaires. That is our only objection. And when we have a change in those priorities, we will, once again, have a bill we can both agree on.

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of Mr. OBEY's motion to instruct conferees on H.R. 2660 to increase funding for the No Child Left Behind Act to the highest possible amount.

As we near the end of the second year since No Child Left Behind became law, schools all over America are crying out for more funding in order to meet the new accountability benchmarks.

When I voted for the No Child Left Behind Act almost 2 years ago, I did so with reservations about the new testing requirements. But, I and all of the Members, were assured that while we were going to be asking much more of our schools, we would also be giving our schools increased support. But that is not what happened.

H.R. 2660 underfunds the No Child Left behind Act by $8 billion.

It falls $244 million short of the $3.2 billion that was promised to the States to make sure that there would be a highly qualified teacher in every classroom.

It underfunds after school programs by $750 million, serving one million children less than was promised in No Child Left Behind.

It denies eligible children the title I supplemental education services that they need to succeed in school.

States and schools all across America are doing their part to raise test scores and improve teacher quality. Congress needs to do its part by providing the promised funding. We need to fund programs under the No Child Left Behind Act at the very highest level possible.

Mr. CASTLE. Mr. Speaker, we all have heard the impressive statistics regarding the education funding increases that this Congress and Administration have provided over the past two years. No one can legitimately refute the fact that each year we provide historic increases that are necessary for states and schools across the country.

As someone who worked closely with the Administration and the Committee when Congress passed the No Child Left Behind Act, I have remained committed to following its implementation as well as the funding levels. I have always argued that we should make fundamental reforms to our federal programs before throwing money at them. No Child Left Behind is inciting those reforms and states, school districts, teachers, students and parents across the country are answering the call.

I think we all can agree that change is difficult and that No Child Left Behind reflects that. It is forcing all of us, as a nation, to have an important dialogue about education. A discussion that is being followed by action and dedication to success. It is for these reasons that I believe we are justified in continuing to push for and appropriate increased funding for our education programs. The people on the ground deserve it.

I have always prioritized adequate funding for education programs as well as fiscal conservatism. Given other expenses we have across the country and the world, I believe the House Labor, Health and Human Services and Education Appropriations Act represents a delicate balance between increased funding for federal education programs and fiscal restraint. I support the motion to instruct, however, because all of these education programs deserve to have the highest funding levels possible. Any additional available funding should go to our students.

The SPEAKER pro tempore (Mr. BASS). The time of the gentleman has expired. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINCOLN DIAZ-BALART of Florida (during debate on motion to instruct on H.R. 2660), from the Committee on Rules, submitted a privileged report (Rept. No. 108–335) on the resolution (H. Res. 421) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida (during debate on motion to instruct on H.R. 2660), from the Committee on Rules, submitted a privileged report (Rept. No. 108–336) on the resolution (H. Res. 422) waiving points of order against the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> (1) The House conferees shall be instructed to include in the conference report the provisions of section 837 of the Senate Amendment that concern reformulated gasoline in ozone nonattainment areas and ozone transport regions under the Clean Air Act.
>
> (2) The House conferees shall be instructed to confine themselves to matters committed to conference in accordance with clause 9 of rule XXII of the House of Representatives with regard to any matters relating to ozone nonattainment and ozone transport.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

My motion to instruct the energy conferees is very, very simple. There is no provision in the House or Senate energy bills that allow ozone nonattainment areas to extend, or "bump up," deadlines to comply with the Clean Air Act.

Now, House GOP energy conferees, including my respected colleague, the gentleman from Texas (Mr. BARTON), want to include a rider in the energy conference report to overturn four Federal court rulings and amend the Clean Air Act to allow polluted areas to have more time to clean up, but without having to implement air pollution controls. Every time one looks up, it is another extension. This would delay the adoption of urgently needed antipollution measures in communities throughout the country.

Industry officials, environmentalists, local elected officials, the Texas Commission on Environmental Quality, and the Environmental Protection Agency have been working hard in recent months to find a way of complying with the ozone standards in north Texas. The Barton provision destroys that process.

This special interest rider also shows reckless disregard for the health consequences that dirty air has on my constituents and others that live in smoggy cities across the country.

To further delay necessary emissions reductions in ozone nonattainment areas is unacceptable and a betrayal of the public's trust. It is unacceptable, most of all, because it is based on false information that ozone transport jeopardizes attainment for smoggy cities.

An article in my hometown newspaper, the Dallas Morning News, states today that documents and interviews from the Bush administration's EPA show little or no evidence to support claims that Houston's smog is harming the Dallas-Fort Worth attainment of clean air goals.

This is not about jobs versus clean air; this is about a small set of areas seeking to avoid their responsibility under the Clean Air Act, thereby gaining a competitive advantage over other industries in other areas that have complied. The disadvantaged area is quite likely to be in your district.

This provision is blatantly unfair to my constituents and the gentleman from Texas's (Mr. BARTON) constituents who write me all the time and live down wind from the smokestacks in my colleague's district. Under this provision, dirty, unhealthy air will continue to blow downward on to my constituents, possibly until the year 2012.

I am a nurse by profession. The health effects of air pollution imperil human lives. Ozone pollution burns cell walls in the lungs and air passages, causing tissues to swell, chest pain, coughing, irritation, and congestion. Ozone pollution decreases the ability of lungs to function properly. Air pollution aggravates asthma and increases susceptibility to bacterial infection. Long-term exposure to ozone in otherwise healthy individuals could set the stage for more serious illnesses. The cost for asthma, estimated at $11 billion annually, is only part of the total cost of the health care necessitated by exposure to harmful levels of ozone.

The American Lung Association reports that exposure to high levels of ozone air pollution appears to be responsible for up to 50,000 emergency room visits and up to 15,000 hospitalizations for respiratory problems each year. I had a dear friend lose her life this year from this very ailment, a 51-year-old M.D. who had never smoked a cigarette.

In my district, the effects of air pollution are especially compelling. The American Lung Association reports that nearly a half million people in the Dallas-Fort Worth area live with diseases that are aggravated by air pollution. EPA's own consultants found that each year almost 370 residents of the Dallas-Fort Worth area died just because of pollution from the oldest and dirtiest unregulated power plants, and 10,500 asthma attacks are triggered.

To further delay compliance and cleanup will increase health care costs for my constituents at a time when the health care system is broken. Clean air is crucial to the health of north Texans and the future economic well-being of our region.

The Barton "bump-up" provision has no business in the energy bill.

I suggest that if my colleague from Texas (Mr. BARTON) and my colleague from Louisiana (Mr. TAUZIN), gentlemen I respect, wish to amend the Clean Air Act, they should do so by showing respect for our legislative process and by using a more appropriate legislative vehicle. But instead, they have language they are not even sharing with people to do it.

Enough is enough. Hard deadlines are necessary to get the job done and clean up our air. This time has been lengthened and lengthened and lengthened and, each time, what is the answer? Another lengthened time.

Our Republican colleagues cannot continue to delay and stall. We have a greater obligation to protect public health than polluters' profits and campaign contributions.

I am disappointed that many Republicans will frame this debate as a tradeoff between jobs and the environment. They are dead wrong. I urge my colleagues to vote against giving a clean air holiday to a few areas with the right political connections. I ask my colleagues to put the public health ahead of polluters' profits. Please vote for the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, I want to say I have nothing but the highest personal regard for the gentlewoman from Texas who is offering this motion to instruct conferees. She and I have served together in this body for, I think, approximately 11 years; and we have worked together on many, many issues and spent many, many moments together in very positive dialogue, and I appreciate her bringing this issue to the floor. My objection to the resolution is based on the policy, not on the person who is bringing the resolution.

I do rise in opposition, respectfully, to the Johnson motion to instruct. To put it in the simplest terms, the issue before us today is not whether any Member of this body does not want the cleanest air possible for our citizens; the issue is whether we want to apply common sense to the Clean Air Act and to codify Clinton administration policy that was explicitly designed to avoid what the EPA, under the Clinton administration back in 1994, called an odd or even absurd result that penalizes an area for pollution that is beyond their ability to control.

Let me put this in language that everybody can understand. The Clean Air Act amendments of 1990 categorized in a more definitive way ozone as a pollutant that needed to be regulated, and it set standards. It is the only pollutant in the act that has gradations of standards. For the other controlled pollutants, it is kind of an in or out, yes or no, pass or fail. But for ozone, it has different levels, from very moderate to very severe; and each of the levels has a different standard and a different timeline for compliance.

I am an author of the Clean Air Act amendments. I spoke for them on the floor. I helped to work to put the bill together in the committee. So I have some personal history in this issue.

As the Clean Air Act amendments of 1990 were being implemented, it became apparent that there were many regions of this country that were trying to comply; but because there were other areas down wind from them that had a different timetable and a different compliance criteria, it was making it difficult for some of these regions to comply in the technical sense with the act. So the Clinton administration came up with a proposal that said, we will show some flexibility. If, in fact, you have a State implementation plan that has been approved or is in the process of being approved and if, in fact, it looks like you are making a good-faith effort to come into compliance, we will give you an extension if we think it is meritorious and the reason that you need the extension is because there is another region that is not in compliance that is transporting their ozone pollution to you. That is common sense. There is nothing wrong with that.

I want to put into the RECORD at this point in time, Mr. Speaker, the 1994 Clinton administration policy that was contained in a memorandum signed by then-Assistant Administrator for Air and Radiation, Mary Nichols. This memorandum attempted to reconcile the conflicting provisions of the Clean Air Act and to give effect to as much of Congress' manifest intent as possible. I also want to put into the RECORD the 1998 Clinton administration policy on this issue that was actually published in the Federal Register.

ENVIRONMENTAL PROTECTION AGENCY

EXTENSION OF ATTAINMENT DATES FOR DOWNWIND TRANSPORT AREAS

Agency: Environmental Protection Agency (EPA).

Action: Proposed interpretation; request for comments.

Summary: Today's notice announces EPA's interpretation of the Clean Air Act (Act) regarding the possibility of extending attainment dates for ozone nonattainment areas that have been classified as moderate or serious for the 1-hour standard and which are downwind of areas that have interfered with their ability to demonstrate attainment by dates prescribed in the Act. The guidance memorandum that is being printed in today's notice is entitled "Extension of Attainment Dates for Downwind Transport Areas" and was signed by Richard D. Wilson, Acting Assistant Administrator for Air and Radiation, on July 16, 1998. This notice follows up on the statement made in the guidance memorandum that EPA would request comments on its interpretation.

A number of areas may find themselves facing the prospect of being reclassified or "bumped up" to a higher classification in spite of the fact that pollution beyond their control contributes to the levels of ozone they experience. The notice addresses the problem by providing an avenue to extend the attainment dates for areas affected by transported pollution. The EPA intends to finalize the interpretation in this guidance only when it applies in the appropriate context of individual rulemakings addressing specific attainment demonstrations and requests for attainment date extensions. If EPA approves an area's attainment demonstration and attainment date extension request, the area would no longer be subject to bump up for failure to attain by its original attainment date.

Dates: The EPA is establishing an informal 30-day comment period for today's notice, ending on [insert date 30 days after date of publication in the Federal Register].

Addresses: Documents relevant to this action are available for inspection at the Air and Radiation Docket and Information Center (6101), Attention: Docket No. A–98–47, US Environmental Protection Agency, 401 M Street, SW, Room M–1500, Washington, DC 20460, telephone (202) 260–7548, between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Written comments should be submitted to this address.

For Further Information Contact: Denise Gerth, Air Quality Strategies and Standards Division, Office of Air Quality Planning and Standards, US Environmental Protection Agency, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5550.

Supplementary Information: On July 16, 1998, the following guidance was issued by Richard Wilson, Acting Assistant Administrator for Air and Radiation. It should be noted that the July 16, 1998 memorandum reprinted in this notice refers to EPA's proposed NO_X SIP call. After the memorandum was signed, EPA took final action on the SIP call and promulgated a final rule. See 63 FR 57356 (October 27, 1998).

Guidance on extension of attainment dates for downwind transport areas

Preface

The purpose of this guidance is to set forth EPA's current views on the issues discussed herein. EPA intends soon to set out its interpretation in an advance notice of proposed rulemaking on which the Agency will take comment.

While EPA intends to proceed under the guidance that it is setting out today, the Agency will finalize this interpretation only when it applies in the appropriate context of individual rulemakings addressing specific attainment demonstrations. At that time and in that context, judicial review of EPA's interpretation would be available.

Introductory Summary

A number of areas in the country that have been classified as moderate or serious nonattainment areas for the 1-hour ozone standard are affected by pollution transported from upwind areas. For these downwind areas, transport from upwind areas has interfered with their ability to demonstrate attainment by the dates prescribed in the Clean Air Act (Act). As a result, many of these areas find themselves facing the prospect of being reclassified, or "bumped up," to a higher nonattainment classification in spite of the fact that pollution that is beyond their control contributes to the levels of ozone they experience. In the policy being issued today, EPA is addressing this problem by planning to extend the attainment date for an area that is affected by transport from either an upwind area with a later attainment date or an upwind area in another State that significantly contributes to downwind nonattainment, as long as the downwind area has adopted all necessary local measures, and has submitted an approvable attainment plan to EPA which includes those local measures. (By "affected by transport," EPA means an area whose air quality is affected by transport from an upwind area to a degree that affects the area's ability to attain.) EPA intends to initiate rulemaking for each area seeking such relief and contemplates providing such relief to those who qualify. If after consideration of public comments EPA acts to approve an area's attainment demonstration and extend its attainment date, the area will no longer be subject to reclassification or "bump-up" for failure to attain by its otherwise applicable attainment date.

Background

The Act may be interpreted to allow a later attainment date than generally applicable to a particular ozone nonattainment area if transport of ozone or its precursors (nitrogen oxides (NO_X) and volatile organic compounds (VOCs)) prevents timely attainment. This principle has already been advanced in EPA's Overwhelming Transport Policy, which allowed a downwind area to assume the later attainment date if it could meet certain criteria, including a demonstration that it would have attained "but for" transport from an upwind nonattainment area with a later attainment date. See Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, entitled, "Ozone Attainment Dates for Areas Affected by Overwhelming Transport," September 1, 1994. In the four years since the issuance of that memorandum, the history of the efforts to analyze and control ozone transport has led EPA to believe that it should expand the policy's reach to ensure that downwind areas are not unjustly penalized as a result of transport.

In March 1995, EPA called for a collaborative, Federal-State process for assessing the regional ozone transport problem and developing solutions, and the Ozone Transport Assessment Group (OTAG) was subsequently formed. See Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, entitled "Ozone Attainment Demonstrations," March 2, 1995. The OTAG was an informal advisory committee with representatives from EPA, thirty-seven states in the Midwestern and eastern portions of the country, and industry and environmental groups. OTAG's major functions included developing computerized modeling analyses of the impact of various control measures on air quality levels throughout the region and making recommendations as to the appropriate ozone control strategy. Based on OTAG's modeling analyses, it developed recommendations concerning control strategies. These recommendations, issued in mid-1997, called upon EPA to calculate the specific reductions needed from upwind areas.

In November 1997, using OTAG's technical work, EPA issued a proposed NO_X State implementation plan (SIP) call, directing certain States to revise their SIPs in order to satisfy section 110(a)(2)(D) by reducing emissions of NO_X to specified levels, which in turn will reduce the amounts of ozone being transported into nonattainment areas from upwind areas. 62 FR 60318 (November 7, 1997). In July 1997, the EPA promulgated a revised 8-hour ozone NAAQS. 62 FR 38856 (July 18, 1997). That promulgation included regulations providing that the 1-hour NAAQS would be phased out, and would not longer apply to an area once EPA determined that the area had air quality meeting the 1-hour standard. 40 CFR section 50.9(b). Until the 1-hour standard is revoked for a particular area, the area must continue to implement the requirements aimed at attaining that standard.

The Current Problem

The Act called on areas classified as moderate ozone nonattainment areas to submit SIPs that demonstrate attainment by 1996 (unless they receive an extension), and called on serious nonattainment areas to demonstrate attainment by November 1999 (unless they receive an extension). Section 181 and 182(b) and (c). For many of these areas, EPA has preliminary determined in the proposed SIP call that transport from upwind areas is contributing to their nonattainment problems. Such transport also appears to be interfering with their ability to demonstrate attainment by the statutory attainment dates.

The graduated control scheme in sections 181 and 182 of the Act expressed Congress's intent that areas be assigned varying attainment dates, depending upon the severity of the air quality problem they confront. Sections 181 and 182 provide for attainment "as expeditiously as practicable," but establish later deadlines for attainment in more polluted areas, and additional control measures that the more polluted areas must accomplish over the longer time frame. Thus, many of the upwind areas have later attainment dates than the downwind areas which are affected by emissions from the upwind States. On the other hand, section 110(a)(2)(D)(i)(I) of the Act requires SIPs to prohibit "consistent with the other provisions of [title I]," emissions which will "contribute significantly to nonattainment in . . . any other State." The EPA interprets section 110(a)(2)(A) to incorporate the same requirement in the case of intrastate transport. Sections 176A and 184 provide for regional ozone transport commissions that may recommend that EPA mandate additional regional control measures to allow areas to reach timely attainment in accordance with section 110(a)(2)(D)(i)(I).

These provisions demonstrate Congressional intent that upwind areas be responsible for preventing interference with timely downwind attainment. They must be reconciled with express Congressional intent that more polluted areas be allotted additional time to attain. As EPA pointed out in its overwhelming transport policy, Congress does not explicitly address how these provisions are to be read together to resolve the circumstances where more polluted upwind areas interfere with timely attainment downwind, during the time provided for those upwind areas to reduce their own emissions.

In the 1994 overwhelming transport policy, EPA stated that it would harmonize these provisions to avoid arguably absurd or odd results and to give effect to as much of Congress' manifest intent as possible. The EPA struck a balance in the overwhelming transport policy by requiring that the upwind and downwind areas reduce their contribution to the nonattainment problem while avoiding penalizing the downwind areas for failure to do the impossible.

In the 1994 policy, EPA reasoned that Congress did not intend the section 110(a)(2)(D)(i)(I) obligation to supersede the practicable attainment deadlines and graduated control scheme in sections 181 and 182, especially since section 110(a)(2)(D)(i)(I) specifically applies only "to the extent consistent with the provisions of (title I)." The same rationale applies in the intrastate context under section 110(a)(2)(A).

Developments since the issuance of the overwhelming transport policy in 1994 have prompted EPA once again to interpret these provisions so that they can be reconciled in light of existing circumstances. Since the issuance of that policy, EPA and the States, through OTAG, have made significant progress in addressing interstate transport in the eastern United States, and have worked to analyze the flow of transport and to allocate among the States their respective responsibilities for control. During the period required for this effort, which took longer than was anticipated, the resolution of the regional transport issue was held in abeyance. The effort to address regional transport recently resulted in EPA's proposed NO_X SIP call, expected to be finalized in the next few months. For areas in the OTAG region affected by transport, the conclusion of the OTAG and SIP call processes in September 1998 will result in assignments of responsibility that will assist in the design of SIPs and the formation and implementation of attainment demonstrations.

Because EPA had not previously determined how much to require upwind States in the OTAG region to reduce transport, downwind areas were handicapped in their ability to determine the amounts of emissions reductions needed to bring about attainment. While operating in this environment of uncertainty, many of these downwind areas confronted near-term attainment dates. Moreover, as described in the NO_X SIP call proposal, the reductions from the proposed NO_X SIP call will not likely be achieved until at least 2002, well after the attainment dates for many of the downwind nonattainment areas that depend on those reductions to help reach attainment.

The Solution

The EPA believes that a fair reading of the Act would allow it to take these circumstances into account to harmonize the attainment demonstration and attainment date requirements for downwind areas affected by transport both with the graduated attainment date scheme and the schedule for achieving reductions in emissions from upwind areas. Thus, EPA will consider extending the attainment date for an area that:

(1) has been identified as a downwind area affected by transport from either an upwind area in the same State with a later attainment date or an upwind area in another State that significantly contributes to downwind nonattainment. (By "affected by transport," EPA means an area whose air quality is affected by transport from an upwind area to a degree that affects the area's ability to attain);

(2) has submitted an approvable attainment demonstration with any necessary, adopted local measures and with an attainment date that shows that it will attain the 1-hour standard no later than the date that the reductions are expected from upwind areas under the final NO_X SIP call and/or the statutory attainment date for upwind nonattainment areas, i.e., assuming the boundary conditions reflecting those upwind reductions;

(3) has adopted all applicable local measures required under the area's current classification and any additional measures necessary to demonstrate attainment, assuming the reductions occur as required in the upwind areas. (To meet section 182(c)(2)(B), serious areas would only need to achieve progress requirements until their original attainment date of November 15, 1999);

(4) has provided that it will implement all adopted measures as expeditiously as practicable, but no later than the date by which the upwind reductions needed for attainment will be achieved.

EPA contemplates that when it acts to approve such an area's attainment demonstration, it will, as necessary, extend that area's attainment date to a date appropriate for that area in light of the schedule for achieving the necessary upwind reductions. The area would no longer be subject to reclassification or "bump-up" for failure to attain by its original attainment date under section 181(b)(2).

Legal Rationale

The legal basis for EPA's interpretation of the attainment date requirements employs and updates the rationale invoked in the Agency's overwhelming transport policy. By filling a gap in the statutory framework, EPA's interpretation harmonizes the requirements of sections 181 and 182 with the Act's requirements (sections 110(a)(2)(D)(i)(I), 110(a)(2)(A), 176A and 184) on inter-area transport. It reconciles the principle that upwind areas are responsible for preventing interference with downwind attainment with the Congressional intent to provide longer attainment periods for areas with more intractable air pollution problems. It also takes into account the amount of time it will take to achieve emission reductions in upwind areas under the NO_X SIP call, which EPA expects to finalize in September 1998.

The EPA's resolution respects the intent of sections 181 and 182 to provide longer attainment dates for areas burdened with more onerous air pollution problems, while allowing reductions from upwind areas to benefit the downwind areas. Under EPA's interpretation, upwind areas will be required to reduce emissions to control transport, but should not find that the requirements imposed upon them amount to an acceleration of the time frames Congress envisioned for these areas in sections 181 and 182. Downwind areas will be provided additional time to accommodate the delayed control contributions from upwind areas, while at the same time being held accountable for all measures required to control local sources of pollution.

The EPA's interpretation of the Act allows it to extend attainment dates only for those areas which are prevented from achieving timely attainment due to a demonstrated transport problem from upwind areas, and which submit attainment demonstrations and adopt local measures to address the pollution that is within local control. The EPA believes that Congress, had it addressed this issue, would not have intended downwind areas to be penalized by being forced to compensate for transported pollution by adopting measures that are more costly and onerous and/or which will become superfluous once upwind areas reduce their contribution to the pollution problem.

This interpretation also recognizes that downwind areas in the OTAG region have been operating in a climate of uncertainty as to the allocation of responsibility for controlling transported pollution. Section 110(a)(2)(D) is not self-executing and, until the NO_X SIP call rulemaking, downwind areas in the OTAG region could not determine what boundary conditions they should assume in preparing attainment demonstrations and determining the sufficiency of local controls to bring about attainment. By allowing these areas to assume the boundary conditions reflecting reductions set forth in the NO_X SIP call and/or reductions from the requirements prescribed for upwind nonattainment areas under the Act, EPA will hold upwind areas responsible for reducing emissions of transported pollution, and downwind areas will be obligated to adopt and implement local controls that would bring about attainment but for the transported pollution.

The EPA's interpretation harmonizes the disparate provisions of the Act. It avoids accelerating the obligations of the upwind States so that downwind States can meet earlier attainment dates, which would subvert Congressional intent to allow upwind areas with more severe pollution longer attainment time frames to attain the ozone standards. In addition, EPA's interpretation of the Act takes into account the fact that, under the SIP call, upwind area reductions will not be achieved until after the attainment dates for moderate and serious ozone nonattainment areas. To refuse to interpret the Act to accomplish this would unduly penalize downwind areas by requiring them to compensate for the transported pollution that will be dealt with by controls adopted in response to the requirements of the NO_X SIP call or to achieve attainment in an upwind area. The EPA is thus interpreting the requirements to allow the Agency to grant an attainment date extension to areas that submit their attainment demonstrations and all adopted measures necessary locally to show attainment. This solution preserves the responsibility of these downwind areas to prepare attainment demonstrations and adopt measures, but does not penalize them for failing to achieve timely attainment by reclassifying them upwards, since such attainment was foreclosed by transport beyond their control.

Under this policy, once EPA has acted to approve the attainment demonstration and extend the area's attainment date, the area would no longer be subject to reclassification or "bump-up" for failure to attain by its original attainment date under section 181(b)(2).

The EPA requests comment on the interpretation in the guidance memorandum reprinted above.

ROBERT PERCIASEPE,
Assistant Administrator
for Air and Radiation.

MEMORANDUM

Subject: Ozone Attainment Dates for Areas Affected by Overwhelming Transport.

From: Mary D. Nichols, Assistant Administrator for Air and Radiation (6101).

To: Director, Air, Pesticides and Toxics Management Division, Regions I and IV; Director, Air and Waste Management Division, Region II; Director, Air, Radiation and Toxics Division, Region III; Director, Air and Radiation Division, Region V; Director, Air, Pesticides and Toxics Division, Region VI; and Director, Air and Toxics Division, Regions VII, VIII, IX, and X.

The purpose of this memorandum is to provide guidance on attainment dates for ozone nonattainment areas affected by overwhelming transport. In particular, a number of States have expressed concern that it may be difficult or impossible for some areas to demonstrate attainment by the statutory attainment date because they are affected by overwhelming transport or pollutants and precursors from an upwind area with higher classifications (and later attainment dates). (Reference to upwind area in this memorandum and the attachment may imply that there is more than one area involved.) States containing such areas face difficulty in complying with two specific requirements:

1. Submitting an attainment demonstration by November 15, 1994 that includes measures for specific reductions in ozone precursors, as necessary, to attain by the statutory attainment date.
2. Actually demonstrating attainment through monitoring data by the statutory attainment date.

We believe that, due to conflicting provisions of the Act, it is reasonable to temporarily suspend the attainment date for these areas without bumping them up to a higher classification for the purpose of the two requirements listed above. A revised attainment date will be determined based on the analyses described in the attachment to this memorandum. The attachment also provides the legal rationale for this approach, along with specific criteria that States must meet. This policy does not relieve any State of the obligation to meet any other requirement of the Act. This memorandum describes current policy and does not constitute final action. Final action will be taken in the context of notice-and-comment rulemaking on the relevant SIP submittals.

This approach is premised on the requirement that the area in question clearly demonstrates through modeling that transport from an area with a later attainment date makes it practicably impossible to attain the standard by its own attainment date. This modeling is expected to be submitted on the same schedule as the required modeled attainment demonstration due November 15, 1994. The modeling must support the new attainment date which should be as expeditious as practicable, but no later than the attainment date in its SIP.

The EPA encourages upwind and downwind areas to consult with one another and the EPA Regional Offices to coordinate on this issue. Immediately after the downwind area determines that it plans to request an attainment date extension, it should notify the appropriate Regional Office. The Regional Office should then notify any affected upwind area of the intentions of the downwind area and its obligations under this policy. The EPA may use its authority under sections 110(a)(2)(D)(i)(I) and 110(k)(5) to issue a call for a SIP revision for the upwind area to ensure that it provides the necessary analyses and control measures needed to prevent significant contribution to the downwind area's nonattainment problem.

The attachment does not specifically address all of the modeling issues related to this demonstration. We recommend that Regions work with our Technical Support Division to determine what is appropriate for each area.

The EPA is also developing a general transport policy that will address situations where areas have difficulties reaching or maintaining attainment because of large-scale transport.

Please share this information with your States and appropriate local air pollution control agencies. Any general questions about this approach may be addressed to Kimber Scavo at (919) 541-3354, or Laurel Schultz at (919) 541-5511. Specific questions concerning modeling should be addressed to Ellen Baldridge at (919) 541-5684.

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Mr. BARTON of Texas. Mr. Speaker, this policy built upon the 1994 statutory interpretation memorandum that we have just put into the RECORD. And it indicated that the EPA considered its bump-up policy to be a fair reading of the act.

Now, what happened after this 1994 memorandum and the 1998 Federal Register, no Member of Congress complained about that. There was no group of citizens that came to the Congress and complained about the Clinton administration proposal. But what did happen was that in 2002, the Sierra Club filed three different lawsuits in three different regions, one of them here in the D.C. Circuit, one in the 5th Circuit, and one in the 7th Circuit, and they really did not argue against the policy of flexibility. They simply said the Clean Air Act did not give the EPA that authority. It was a very technical argument. And, to their credit, the Sierra Club's argument was upheld by the courts. The courts said, "We have read the Clean Air Act and it is ambiguous. And since it is ambiguous, we have to say no to flexibility because it does not explicitly state there can be flexibility." That was in 2002. Those were lawsuits filed by the Sierra Club that went to court.

So we now fast forward to 2003. The gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the full committee, and the gentleman from Michigan (Mr. UPTON), a member of the Committee on Energy and Commerce, all worked with me and other members of the committee on a bipartisan basis. We passed the most comprehensive energy legislation this Congress has seen back in April, April 11, I believe, on the floor of the House.

We, at that time, had not had time to study the effect of the court ruling. We had not had time to put together a hearing on this issue. But we did in July. In July we had a hearing in my subcommittee. We had a number of witnesses testify, and, with one or two exceptions, everybody who testified said this policy of flexibility is a good idea. We should allow it.

Democrats, my good friend from Houston, the gentleman from Texas (Mr. GREEN), my friend from Beaumont, the gentleman from Texas (Mr. LAMPSON), my friend from Crockett, the gentleman from Texas (Mr. TURNER), they all came and brought some of their constituents who testify or put testimony into the RECORD that said flexibility is good.

So as we went to conference with the other body, after consultation with the minority leadership of the Committee on Energy and Commerce, we put this in.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this really is not a partisan issue. It is a matter of clean air that people breathe. I am certain there are people on that side of the aisle that will stand with the gentlemen, who I consider both my good friends. But there will be some probably who will not because they want to breathe some clean air. That is all this is about. It has nothing to do with partisanship. It has nothing to do with the Clinton administration. They have been given time. That is all this indicates. They have already had time to clean the air.

Mr. BARTON of Texas. Mr. Speaker, I thank my good friend, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and I will continue to yield to her because I think we should have a dialogue, but what I am trying to point out is this is a commonsense policy that we have put in or are attempting to put into the energy conference with the other body. Because there is a lot of support for it and it gives the flexibility, if the local region needs it. Everything in it is based on a transport issue, and if the EPA says that it will help. That is all it does.

Mr. TAUZIN. Mr. Speaker, would the gentleman yield?

Mr. BARTON of Texas. Mr. Speaker, I will be happy to yield.

Mr. TAUZIN. Mr. Speaker, let me make the most important point here. Environmentalists for years have argued that we ought to have environmental laws that require the polluter to pay, that the polluter ought to be responsible for cleaning up his act and that the victims ought not be responsible for the actions of polluters. That is essentially what the EPA tried to do but was not allowed to do by the court and what we are trying to let the EPA do today.

The polluter in this case is the upwind polluter, the victim is the downwind community. What the Clinton administration and Carol Browner tried to do was to create flexibility in the EPA so that the downwind community did not have to pay to clean up the pollution in the upwind community. In other words, to make sure that the upwind community cleaned up its act so that it did not dump pollution on an innocent victim community who might end up having to pay for it.

So the idea was not to diminish the cleanliness of the air, it was not to exonerate anyone from their obligations to clean their air. It was certainly not to allow the air to stay dirty. It was all about requiring the upwind polluter to get their act together, to clean up their act, and then to be able to count that together with the work done by the downwind community to reach clean air attainment. Now, that is fair.

Now, we have criticized the Clinton administration on this side many times for its action. In this case they were right. The EPA was right. The court, unfortunately, correctly, I think, said the EPA did not have the authority to do the right thing here.

What we are trying to do in the conference is make sure EPA has the authority to do the right thing and to make sure that the polluter does pay, that the innocent community downwind does not have to sacrifice because they are being dumped on by some upwind community.

Mr. Speaker, I urge this motion be defeated.

Mr. Speaker, let me make one last point. I respect the gentlewoman from

Texas (Ms. EDDIE BERNICE JOHNSON) so much. I hope she knows that. We are in a conference right now with the Senate. We are trying to fix this. This would be a terrible instruction. This would be a terrible instruction to every community in America that suffers because someone upwind of them is polluting their community. It would be a terrible instruction.

What we want to do in the conference committee with the Senate, and I hope we finish that bill soon, is bring Members back a chance to pass an energy policy that does enforce the idea that the polluter should be responsible to clean up their act first. We are going to try to bring that back to Members.

This instruction hurts us, even though it is nonbinding, and I would urge that we reject it.

Mr. Speaker, I rise in strong opposition to the Johnson motion and urge my colleagues to vote against it.

I don't think any Member would disagree that the Clean Air Act has been extremely beneficial to America's environment over the last three decades. But as with any complex regulatory statute of its kind, there are times when the letter of the law either leads to unintended consequences or can give rise to conflicting interpretations.

This is precisely the situation that confronted the Clinton administration nearly a decade ago. In 1994, under the leadership of then-Administrator Carol Browner, the Environmental Protection Agency adopted a regulatory interpretation of the Air Act that allowed for some flexibility in applying ozone nonattainment dates. EPA issued additional guidance several years later, under which, in limited circumstances, the Agency would extend dates for downwind areas that suffered from pollution transport. The EPA then applied this guidance on a discretionary basis through approval of various state implementation plans.

Unfortunately, the courts threw out EPA's interpretations of the Air Act last year. So for the EPA's common-sense, flexible approach to nonattainment is to prevail across the country, Congress must codify it as part of the Clean Air Act.

As we debate this motion tonight, it is by no means clear when we will be able to get an energy conference report to the House floor. And that's largely because conferees are continuing to negotiate a number of key provisions, including whether we should include the "bump up" codification.

The motion before us is non-binding, Mr. Speaker. But I would not want for the House to be even symbolically constrained in its ability to negotiate with the other body, particularly when it comes to doing something like including a common-sense Clinton-era environmental regulation.

I want to make clear to my colleagues that the Clinton-era policy on bump up does not let downwind areas off the hook. In order to qualify: (1) An area must be the victim of pollution transported from another area that significantly contributes to nonattainment in the downwind area; (2) EPA must approve a plan that complies with all requirements of the Clean Air Act that are currently applicable to the area—as well as includes any additional measures needed to reach attainment by the date for the upwind area; and (3) the extension of any date must provide for attainment of Clean Air Act standards "as expeditiously as practicable," but in no case later than the time in which upwind controls are in place.

The codification measure is fair and balanced. It prevents an unjust result—that a downwind area suffering from transported pollution is penalized for pollution that it does not generate. Many areas have made progress and are close to attaining—it makes no sense at this stage to impose additional penalties that will not advance attainment. In some cases, areas risk being classified as "severe" nonattainment even though they violated the 1 hour standard just a few times over 3 years and would otherwise be considered to be in "marginal" nonattainment.

At the end of the day, the codification of the Clinton bump up policy may actually be the most pro-environment thing we can do because it provides for the best possible course to reach attainment. The sooner we have it in place—regardless of how it gets to the President's desk—the better for our constituents living in these areas.

Again, Mr. Speaker, I urge opposition to the motion.

Mr. BARTON of Texas. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, what I need to ask is that at what point will these polluters be responsible for cleaning up? If we stand here and change the goal post one time after another, the time never comes.

The Clinton administration, which you love to refer to on this, gave leeway, but it is time now to clean the air. People are dying from this dirty air.

Mr. BARTON of Texas. Mr. Speaker, if I may reclaim my time to respond briefly. This is not about changing the goal post at all. The same standard is in effect. We are not changing the standard. We are simply saying if they are trying to comply, and one of the reasons they are not in technical compliance is because of an ozone transport issue outside of their control area, they have the flexibility to ask for an extension. And the EPA has the right to grant that extension. But if the EPA does, it cannot grant an extension that is any longer than in the noncompliant area that is causing the transport issue.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I want to piggyback on to the comments of the gentleman from Louisiana (Mr. TAUZIN). I can remember when Carol Browner, the then administrator of EPA, came and testified before the subcommittee. I was one that supported the Clean Air Act as well as the Clean Water Act. I can remember when we debated the Clean Air Act, the delegation at that time included important language, and I am not a lawyer but we thought it was sufficient, that gave the EPA the administrative authority when downwind communities were impacted by what came from the polluter itself.

My district, southwestern Michigan, I have air that comes from Gary, Indiana, from Chicago, Illinois, and Milwaukee, Wisconsin, across Lake Michigan. Some of my counties have reported that they could actually remove all human activity in some of my counties, and we would still not be in compliance with the new 8-hour standard because of what is coming across the lake.

When Carol Browner came and heard that at the subcommittee, she helped us with this language and the administrative relief that they put into effect for other areas around the country. What the gentleman from Texas (Mr. BARTON) is doing, and the gentleman from Louisiana (Mr. TAUZIN) as part of the conference, is to revert back to what the Clinton administration said then: We still want to help the polluters clean up their air, but we also recognize that the victims. For me, my area of southwest Michigan, can do absolutely nothing about it. In fact, they can have some relief if these new penalties are assessed, collecting millions of dollars which, at the end of the day, will not provide one iota of cleaner air. Because, again, we could remove everything, every road, every lawn mower, every small business, every large business, at the end of the day there is nothing we can do without some type of relief.

And that is why it is important, I think, that we defeat the motion to instruct of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) because we are left with no choice. And that is why the Clinton administration agreed with us when they came and testified before our subcommittee.

Mr. BARTON of Texas. Mr. Speaker, I will reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Mrs. CAPPS.)

Mrs. CAPPS. Mr. Speaker, I thank my colleague and fellow nurse for yielding and also for her motion to instruct conferees on the Energy Policy Act.

Mr. Speaker, I rise in strong support of this motion. It is a real shame that at the 11th hour the Republican conferees have added a new provision to this energy bill which weakens the Clean Air Act and harms public health. This new provision will allow polluted cities to avoid having to clean up their dirty air.

Right now cities can get extended deadlines to meet their requirements under the Clean Air Act, but in exchange for the time extension, within the Clean Air Act, cities with dirty air have to meet specific goals and specific timetables. This is EPA's bump-up policy that is supposed to ensure that dirty air is cleaned up. And the policy is designed to work with cities, to make sure that this can happen in a timely fashion. But under the new energy provisions being proposed, cities that have not met their clean air requirements will just be given a pass. That means that cities with dirty air will not have to institute stronger pollution controls to clean up their act for a much longer time.

People living in these cities and people living downwind will suffer longer from dirty air and its damaging health effects. We cannot afford this, not in our health care and not in our economy.

As a public health nurse, I am so concerned with this very provision and its impact on the state of our air quality. The argument is that it is hard for these polluted areas to clean up due to dirty air blown in from elsewhere. That case has been made. But in many of these areas it is been demonstrated that these areas that would be exempted, transported pollution is only a small part of the problem.

Now, what about continued local clean-up efforts which are demonstrated to be necessary? And, in addition, this new provision provides a special break for certain areas of Texas and Louisiana. That is blatantly unfair to all the cities and their businesses that have worked so hard to meet pollution control deadlines, to provide healthy air for their citizens.

This added change also harms all the areas downwind of those that get the extension as more air pollution will continue to blow downwind for so many years longer.

The truth is this last minute change was never approved by either the House or the Senate. In fact, this provision, and I was at the hearing that we held in July, but it has never been debated upon. Alternatives have never been able to be proposed in a committee setting.

This change weakens the Clean Air Act and overturns three appellate court rulings upholding current law. This is an end run around the courts which have repeatedly held that the EPA does not have the authority to extend air quality deadlines without following the Clean Air Act requirements.

Mr. Speaker, EPA reports that 133 million Americans in our country live where air is unhealthy to breathe because of ozone pollution. The provisions in this bill are denying these Americans their right to breathe clean air.

The provision in this bill is going to be denying these Americans their right to breathe clean air. The provision in the energy bill is a bad idea. The end result will be a delay in cleanup, continued unhealthy air, and more asthma attacks, respiratory illnesses and other health problems. It is going to affect health and productivity of American companies and American workers. Our children and our families have waited too long for clean air.

So I urge my colleagues to support this motion and oppose any energy bill that contains this shameful provision.

Mr. BARTON of Texas. Mr. Speaker, could I inquire of the time on each side right now?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Texas (Mr. BARTON) has 16 minutes remaining. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has 20½ minutes.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Houston, Texas, (Mr. GREEN), a member of the committee and the subcommittee.

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON), my colleague and the chairman of our subcommittee on the Committee on Energy and Commerce.

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It is with reluctance I rise in opposition to the motion to instruct offered by my colleague and longtime and respected friend, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). We have served together now for 30 years, and every once in a while we do find ourselves on opposite sides. Since I represent Houston, and I will deny under oath if necessary that we caused Dallas' pollution problems, but be that as it may, I understand the gentlewoman's passion to improve the air quality for her constituents. That is impressive and she is doing great work to raise the public profile of a difficult issue. But I find myself in a difficult situation myself today. A bipartisan group of my colleagues from north Texas and east Texas are blaming my area of Houston for increasing smog levels in their area.

First, let me say that the Houston area is doing everything in our power to reach compliance with the Clean Air Act. Our deadline is 2007. We have a tremendous amount of manufacturing facilities and jobs in our area. And re-engineering these facilities without causing a regional recession is a challenge, but we are making progress.

The EPA has given areas with imported air emissions extra time to meet the deadlines, but the courts have ruled that they do not have that authority. A provision is in the draft conference report, which is what the gentleman from Texas (Mr. BARTON) talks about that allows the EPA the authority to extend the deadline for two years with areas with imported emissions.

Now, in the Houston area we do have some problem in imported emissions from if they have fires in Mexico, we receive it. But Houston would not come under this. But if the EPA decides that Houston's air quality significantly impacts Beaumont, for example, to the east and Dallas' air quality, then maybe they should also have the same deadline in Houston in 2007 instead of 2005. That is basically all this provision in the conference committee would do. We are not reopening the Clean Air Act. It is just allowing Dallas or Beaumont to ask for that extension.

I understand there are similar situations in areas all over the country. And I also understand the concern of my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), that the deadline be moved back, because often we relax if it is not pressing.

Mr. Speaker, I strongly believe Dallas and Beaumont should not use an extension as an excuse to avoid local control and delay cleaner air for their citizens. But I do believe the EPA should be able to grant them an extension and give them as much time as my own area with the Clean Air Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership on this motion to instruct.

Mr. Speaker, when it comes to air quality, Maine is America's tailpipe. We are downwind of industrialized areas to our south and west. Southern Maine endures unhealthy air days during most summers.

According to the EPA's analysis, 98 percent of the emissions leading to unhealthy air days in Maine originate outside of our borders. And so as a result of our experience, I sympathize with those areas which also have pollution coming in, blowing into their areas from other parts of the country; but I do not believe this provision is the right answer.

I rise today to oppose addressing the transport problem by rewriting the Clean Air Act within the energy bill conference. The Clean Air Act should not, in my opinion, be amended in secret meetings of the energy bill conference committee. If we look back at the secret meetings of the Cheney task force, they were linked to the administration's new source review rule changes, the clearest weakening of the Clean Air Act ever approved, and we do not need to weaken the Clean Air Act and threaten the health of our people.

Portland, Maine, could not have attained healthy air by its 1996 deadline if the whole city had packed its bags and moved to Quebec. We have suffered from such a severe transport problem, more severe in percentage terms than Dallas, Texas, that local efforts could not possibly have brought the city into attainment.

Like my colleagues who have added this provision to the energy bill, Maine's former Governor complained that the Clean Air Act was flawed back in 1996, some State policymakers even advocating changing the act to alleviate our burden. The same arguments are being made here today, but I do not buy it. No matter how many times flexibility is mentioned or the Clinton administration proposals, the real risk here is that we will weaken the Clean Air Act in a fundamental way.

The transport problem is real, but the Clean Air Act gives States the tools to go after upwind sources that risk the health of our citizens. In the mid-1990s, for example, Maine's policymakers used the Clean Air Act by filing a section 126 petition against upwind sources, and other northeastern States did the same. In short, we pushed for a more comprehensive solution to the transport problem; and as a direct result of the section 126 petitions, EPA initiated the NOX SIP Call, which when this administration finally implemented it in 2004, will help us to attain healthy air.

The Committee on Energy and Commerce can take appropriate action to address the needs of certain areas, such as Atlanta, without endangering public health. If this provision were reasonable and environmentally benign, the authors, I believe, would show us the text, mark it up in regular order, and place it on the suspension calendar.

As I say, I am from an area that suffers from transport; but I do not believe this provision, whatever its exact language, will help the people of my State. We need to stop this effort to help polluters at the expense of children with asthma and grandparents with emphysema. So I want to encourage Members to support the motion to instruct.

But I would like to yield the balance of my time to the gentleman from Texas (Mr. BARTON) if he can answer a simple question.

Would the gentleman agree to provide the text of this provision? We are in an odd position here, debating a provision that has been reported, but that we do not have a text of. Would the gentleman agree to provide the provision?

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Texas.

Mr. BARTON of Texas. If we had a finalized version of the text, I would certainly share it with the gentleman. We do not yet have a finalized version. I can tell the gentleman the substance of it and would be happy to do that; but I myself do not have a hard copy of it because we have not finalized the negotiations with the other body.

Mr. ALLEN. Mr. Speaker, I would be happy to settle for the substance.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to try to answer my good friend's question. Before I do that, I want to put into the RECORD the witness list for the subcommittee hearing on July 22, 2003, that I believe the gentleman from Maine (Mr. ALLEN) attended, if I am not mistaken. My recollection is that he was there.

We had 10 witnesses headed by the Honorable Jeffrey Holmstead, who is the assistant administrator for the air and radiation office of the Environmental Protection Agency.

We had nine witnesses that were State and local witnesses. We had a fair panel. Of the nine State and local witnesses, my recollection is that five or six supported this proposal and that three did not. There may be one of the six that I count as a supporter that was kind of 50/50 on it.

The material referred to is as follows:

PANEL I

The Honorable Jeffrey Holmstead, Assistant Administrator for Air and Radiation, Environmental Protection Agency, 6101A USEPA Headquarters, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

PANEL II

The Honorable Bobby Simpson, Mayor-President, Baton Rouge/Parish of East Baton Rouge, 222 St. Louis Street, 3rd Floor, Baton Rouge, LA 7802.

The Honorable Carl K. Thibodeaux, County Judge, Orange County Courthouse, 123 South 6th Street, Orange, TX 77630.

The Honorable Carl R. Griffith Jr., County Judge, Jefferson County Courthouse, 1149 Pearl Street; Beaumont, TX 77704.

The Honorable R.B. "Ralph" Marquez, Commissioner, Texas Natural Resource Conservation Commission, P.O. Box 13087, Mail Code 100, Austin, TX 78711.

Dr. Ramon Alvarez, Scientist, Environmental Defense, 44 East Avenue, Suite 304, Austin, TX 78701.

Mr. David Farren, Attorney, Southern Environmental Law Center, 200 West Franklin Street, Suite 330, Chapel Hill, NC 27516.

Mr. Ronald Methier, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, GA 30354.

Mr. David Baron, Staff Attorney, Earthjustice, 1625 Massachusetts Avenue, NW., Washington, DC 20036.

Mr. Samuel Wolfe, Assistant Commissioner for Environmental, Regulation, New Jersey Department of Environmental Protection, P.O. Box 423, Trenton, NJ 08625–0423.

Mr. BARTON of Texas. What the pending proposal with the other body would do is simply and very narrowly in the States that are part of the agreement with the EPA on NO_x, and there are 17 States, most of them east of the Mississippi, if those States have a State implementation plan approved or in the process of being approved and they can show that one of the reasons they may not be in compliance is because of ozone transport, they can ask for an extension. The EPA has the discretion to grant the extension; but if the EPA does grant the extension, it can only grant it forward to the compliant date where the ozone transport is originating from, if that makes sense. It is purely discretionary on asking for the extension. It is purely discretionary on granting the extension.

The extension can only be granted for ozone transport. It is an attempt to codify the Clinton administration's proposal that was put in the Federal Register in 1998.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Maine.

Mr. ALLEN. My understanding of the current law is that if extensions are granted for any purpose, there is a requirement that stiffer pollution control requirements be implemented in the area. Does the gentleman's provision do away with that requirement for stiffer pollution requirements?

Mr. BARTON of Texas. Let me call a time out if that is possible.

It does not require additional implementation control measures, but it would require that they could file an addendum to the SIP that would do that.

Mr. ALLEN. I thank the gentleman.

Mr. BARTON of Texas. Reclaiming my time, Mr. Speaker, I want to comment on what might happen if a region is not granted an extension.

The courts have ruled in these court cases that if the EPA is not allowed to give some discretion in terms of meeting the timeline and if that region does not look like it is going to be in compliance, it is automatically bumped up to the next highest attainment, nonattainment category.

There are five nonattainment categories in the Clean Air Act. The least nonattainment is called marginal. Their design parameter is between 121 parts per billion for ozone and 138 parts per billion. You go to moderate which is 138 parts per billion to 160. You go to serious .160 to .180. And you go to severe which is 180 parts per billion to 190 parts per billion, and anything above that is extreme. And if you do not have the flexibility to give an extension, and if the region cannot show that it will be in compliance by that specific deadline, EPA has to bump them up in the next higher nonattainment area.

And we might ask ourselves, well, so what? So we are bumped up from serious to severe, from moderate to serious. No big deal. Well, it actually is a big deal because as we go into the more severe nonattainment criteria, the things that have to be done, there is no discretion on that. For example, if you apply for a permit to perhaps build a new factory to provide new jobs, you have to show that there is a two to one offset.

In other words, you have to shut down two tons of pollution for each new ton that the new factory would provide. You almost bring to a halt any highway funding in the area. And in the DFW area that the gentlewoman and I share representation with, those highway funds on an annual basis or order of magnitude are around $600 million just in Dallas and Tarrant County.

Any new source that is over 25 tons per year has to get a special permit, and 25 tons per year is not a large amount of emissions. And it is possible that the Federal Government can come in and just take over the entire State implementation.

Now, there are some that may think that those are all well and good; but most of this body I would postulate would say, would it not be better to give the region some flexibility to ask for an extension and would it not be better to give the EPA the authority if they felt it was in order to give the extension. That is the question. And again, we are not changing the standards; we are not changing the 125 part per billion standard for ozone. We are not maintaining that at all. We are not changing the criteria for being classified from marginal to extreme. We are not changing that at all. We are not changing the general attainment dates that go back in the statute to 1990. We are simply saying flexibility and discretion are a good thing, not a bad thing.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I believe I have the right to close.

The SPEAKER pro tempore (Mr. KLINE). The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has the right to close.

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Mr. BARTON of Texas. Mr. Speaker, if she is about to close, I have some more comments, and she does have the right to close. Would she allow me to speak and then she could close the debate?

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Texas (Mr. BARTON) is recognized.

Mr. BARTON of Texas. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Texas has 8½ minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I do not want to belabor the debate. Let me just in summary, before the gentlewoman closes, point out that while the gentlewoman is from the Dallas-Fort Worth area, and I am also, this is not a local Dallas-Fort Worth issue. These court cases were brought in three different circuit courts, one of which is the District of Columbia here in Washington, D.C., the 5th circuit and the 7th circuit. So this is a national issue.

Regions that are affected immediately by these court cases do include the Beaumont-Port Arthur area, Dallas-Fort Worth area. So there are two areas in Texas but we also have St. Louis, Missouri; Atlanta, Georgia; Washington, D.C.; greater Connecticut; and Baton Rouge, Louisiana. Those are the cases that we know of, the State implementation plans that were pending that have been stayed by these are affected by these court rulings. So this is not just a Texas issue or just a Dallas-Fort Worth issue. This is a national issue.

The second thing that I would point out is that we are not affecting the standard, the national standard of 120 parts per billion, but let me say on that, when the gentlewoman from Dallas indicates that she has constituents that are affected by ozone and, as she called it, by the dirty area, so do I.

I am slightly asthmatic. My son is, I would say, moderately to severely asthmatic. I have done a lot on the floor of this body to try to help asthmatics. I am the cofounder, along with Senator KENNEDY in the other body and the gentlewoman from New York (Mrs. LOWEY), of Asthma Awareness Day. Back before it was politically correct to be talking about asthma, in some earlier Congresses, I was one of the handful of sponsors of the Asthma Act back in the 105th Congress. I was one of only three sponsors of H.R. 4654. In the 106th Congress, I was one of only four sponsors of H.R. 1965. I am still a leader of the Asthma Awareness Day that we have had every year in the Congress for the last 8 years I think.

So we are not trying to say it is not a problem, but there are some people in our society, when they set these standards for ozone, that we could take ozone to background levels, five parts per billion, six parts per billion like we have in Atlanta, Georgia, and there would still be some asthmatics that were negatively affected.

The other pollutants that are regulated under the Clean Air Act, in every case there was some sort of a bright line test, and again, it is not the different categories. It is yes or no. For lead, yes or no. For SO2, yes or no. For NOx, yes or no. But for ozone, it is not a yes or no, and there is wide scientific debate about where to set the standard.

Having said that, we could set the standard at a level that only the Supreme Being of the universe could meet, and we would still have some people that would be negatively affected. So when we get into the debate about parts per billion and number of days they are out of compliance, 3 days in a 3-year period is okay, but 4 days in a 3-year period is not if they exceed it by one part per billion, then I think discretion is advisable, and I think flexibility is advisable. And I think the pending House position with the other body on the energy conference report is a very defensible, not only defensible, it is a very useful provision, and I would hope, if the gentlewoman insists on a record vote, that we would vote against her motion to instruct, not because it is not well-intentioned, not because she is not well-meaning, but because it actually would, in many ways, I think, hurt the effort to clean the air because of the arbitrariness of the way the courts have ruled under the current Clean Air Act.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself the balance of my time.

There are lots of areas in the country that have already implemented the controls that the gentleman from Texas (Mr. BARTON) speaks about and had worse transport problems and are not seeking extensions. It is a matter of whether these companies want to do it and have the encouragement to come into compliance rather than to help to stay out of compliance.

I would also like to note that the gentleman from Michigan (Mr. UPTON) was here speaking, and I do not know about his application for an extension, but all the areas in Michigan have attained the 1-hour standard. So I do not know why the EPA policy would even apply to Michigan.

The only transport occurring in my area is from the gentleman from Texas' (Mr. BARTON) district to mine. It is not from Houston to Dallas, and in today's article that was well-researched in the Dallas Morning News, it states that the region missed Federal deadlines in 1996 and 1999 to clean up its air. The last missed date made the region, now classified as a serious ozone violator, eligible to move to the next worse category, as severe. That would impose the new deadline set by a Federal law for 2005 and new orders for pollution cuts.

Mr. BARTON of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I know she has the right to close, but she made a characterization about my district, and at the appropriate time, I would like to respond to that. I do not mean to interrupt her, but if she would yield to me some time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I will put into the RECORD data by the Texas Environmental Air Quality Commission that shows the monitoring in Ellis County has not exceeded one time the standard, not one time. Now, there are monitors in Arlington, Texas, that have, and that is also in my district, but if a reference is to Ellis County, the data shows that there have not been any exceedences. I do not know which part of my district she was referring to, but if it is Ellis County, we are okay in Ellis County. If it is part of Arlington that I represent, then we have had an exceedence.

The data is for ozone exceedences in Dallas/Fort Worth area in 2002 and 2003 (through 10/28/2003).

Measured values for Midlothian Tower C94/C158/C160 show 91 ppb on 15 May 2002, 86 ppb on 22 June 2002, 90 ppb on 23 June 2002, 85 ppb on 24 June 2002, 87 ppb on 8 July 2002, 88 ppb on 7 August 2002, 87 ppb on 8 August 2002, 99 ppb on 9 August 2002, 94 ppb on 11 September 2002, 86 ppb on 13 September 2002, 89 ppb on 28 May 2003, 86 ppb on 9 June 2003, and 89 ppb on 6 August 2003.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Wherever we are dirtying this air, it is dangerous to the lungs, and it is dangerous to the health.

According to the Environmental Protection Agency, 127 million Americans breathe the air that violates Federal standards for smog and soot pollutions. EPA's own consultants found that each year almost 370 residents of the Dallas-Fort Worth area died just because of pollution from the oldest and dirtiest unregulated power plants in the country, and 10,500 asthma attacks are triggered.

During the past several years, EPA gave several metropolitan areas a free pass, extending air deadlines for dirty areas without bumping them up to the higher pollution categories that would require more protective standards. Four separate Federal appellate courts all ruled that EPA's extension policy violated the language and purpose of the Clean Air Act. Appropriately, that led the agency to abandon the policy.

With so many Americans breathing in dirty air, it should be obvious that air quality standards are already not being enforced enough. Why would we make them weaker? But rather than accepting the judgment of the EPA and the courts, the gentleman from Texas (Mr. BARTON) and his allies are seeking to amend the Clean Air Act. His changes would turn the clock back, extend the air time frames once again, without raising the bar for air quality. What this means in real terms for real people is simple: Dirtier air for longer.

In their desire to pass any comprehensive energy bill, some of my colleagues may be willing to overlook the massive damage this bill would do to our existing clean air policies. Including the Barton dirty air rider, which I do not even know what it says because he will not let us see it, but it means ignoring overwhelming scientific evidence on the serious health effects of ozone pollution. It will mean that pollution in these areas will go unchecked for longer and longer in the future.

Asthma attacks, respiratory problems and pulmonary disease will go up, while the amount of time children can spend playing outside will go down. Developing lungs process 50 percent more air, pound for pound, than those of adults.

Children suffer most from the current air quality shortfalls. Letting the situation worsen for years and even decades does nothing for a child unable to go outside today.

It is true that we must secure our energy future, and this is why a comprehensive energy bill is attempting to move forward, but we must not roll back critical safeguards. We must not pass a bill with great shortfalls simply because we need to pass a bill. We must instead work toward a fair bill that protects us all and does not endanger ourselves and our children.

This is not an attack upon my colleague and nor is it Democrats versus Republicans. We see Democrats sitting over here that are for this, too. He is for dirty air, but while we agree that emissions from vehicles are significant contributors to ozone formation in north Texas, we also want to highlight the fact that the volume of the emissions coming from sources in Ellis County equals that of 2.5 million vehicles annually. These emission figures do not account for the two power plants that have sited their plants in Ellis County. Many of them have moved from Dallas County to Ellis County to avoid compliance with better emission controls because they knew they would find the gentleman from Texas (Mr. BARTON) there to protect them, which is not a part of this quote, with better pollution controls nor do these emission figures account for the three permit amendments that are pending at the Texas Commission of Environmental Quality to increase emissions.

Are we going to forget about the people and the health of the people altogether and not care what happens to the people's lungs, including those of us who are here, or are we going to say to the companies, get serious, comply with the standards?

Mr. Speaker, I also have testimony from that hearing from four witnesses in July, as well as other material that I have referred to, to place in the RECORD at this point.

[From the Dallas Morning News, Oct. 28, 2003]

HOUSTON LINK TO D-FW SMOG DOUBTED

(By Randy Lee Loftis)

Internal reviews at the Environmental Protection Agency found little or no evidence to support Texas' contention that Houston's smog was harming Dallas-Fort Worth's attainment of clean-air goals, documents and interviews show.

Nonetheless, EPA officials publicly used much different language—asserting that Houston's smog "jeopardized" Dallas' attainment—and proposed giving urban North Texas two more years to clean up its smog than federal law allowed. The move postponed a tougher smog crackdown.

Current and former EPA officials this week defended their decisions and said there was no attempt to alter scientific findings to justify their January 2001 proposal to extend North Texas' smog deadline.

"I don't recollect anybody trying to hide a shell game on Dallas-Forth Worth," said Tom Diggs, the EPA's chief air planner for Texas. He said the agency's actions were in line with national policy.

But a scientist at a major environmental group called the discrepancy between the EPA's internal reviews and its public statements "damning" evidence of collusion to avoid statutory deadlines, at a cost to public health.

"It is shameful that the EPA was more worried about appearing inflexible than upholding the law," said Dr. Ramon Alvarez of Environmental Defense's Texas office.

TIME TO CLEAN UP

North Urban Texas is under pressure to resolve one of the nation's most stubborn smog problems. Emissions from vehicles and industries combine to create hazy skies and health risks, especially for children, the elderly and people with lung ailments.

The region missed federal deadlines in 1996 and 1999 to clean up its air. The last missed date made the region, now classified as a serious ozone violator, eligible to move to the next-worse category, severe. That would have imposed a new deadline, set by federal law for 2005, and new orders for pollution cuts.

When the EPA proposed postponing the deadline to 2007, it also put off the area's designation as severe. That decision two years ago has surged back into the headlines in recent days as part of a bitter fight in Congress.

The agency gave such extensions to several metropolitan areas, in each case saying scientific evidence supported them. Federal courts have struck down the extensions as illegal.

An effort by U.S. Rep. Joe Barton, R-Enis, to legalize them has helped to stall a major energy bill.

Some Senate Republican leaders and Democrats in both chambers oppose Mr. Barton's attempt. "We did some research on the issue," Mr. Barton said Tuesday in Washington. "We had a hearing in the committee. And all but some of the more radical environmentalists said we ought to give the EPA this discretion."

The EPA's policy on "transport" of smog, or ozone, between cities was supposedly meant to keep a downwind area from paying a price for an upwind area's pollution.

Starting with the Clinton administration, the EPA offered to extend deadlines for any urban area that could demonstrate that another area's smog was significantly affecting its clean-air attainment.

Atlanta, Washington, D.C., St. Louis and Beaumont-Port Arthur were among the takers.

So was Dallas-Fort Worth. The Texas Natural Resource Conservation Commission, now the Texas Commission on Environmental Quality, submitted technical findings in September 1999 that it said showed Houston's effect on Dallas-Fort Worth.

The EPA's Dallas office formally accepted the state's evidence Jan. 4, 2001. The EPA cited the evidence in proposing to postpone Dallas-Fort Worth's deadline to 2007 from 2005, the date set by law.

"We are proposing that this transported pollution affects DFW's ability to attain by the current attainment date," the EPA announced in the Federal Register.

"Thus, the DFW and HGA [Houston-Galveston] areas are inextricably linked," the agency wrote. "Without controls in the HGA, the DFW area's ability to attain is jeopardized."

Environmentalists questioned that assertion at the time, saying the EPA was using transport as an excuse to give states more time for cleanups. The federal court rulings kept the EPA from finalizing the North Texas extension. Future smog plans are being negotiated.

Mr. Diggs, the EPA's chief regional planner, said Tuesday that the state's submittal met the EPA national policy for such claims. He acknowledged, however, that the EPA set the scientific hurdle so low that it was easy for states to get the deadlines extended.

"Whether [making the extensions easy] was a good decision or not, it was out there for every state," he said.

"SIGNIFICANT" IMPACT

Elsewhere in that Federal Register document, Mr. Diggs noted, the EPA said Houston's impact on North Texas was small and limited to some days, but met the agency's definition of "significant." However, EPA technical reviews in 1999 had found that Texas' scientific case was "weak" and that Houston actually had "minimal, if any" effect on Dallas-Fort Worth's attainment, documents and interviews show.

One former EPA staff expert who reviewed the evidence concluded then: "Thus, there is not much of an impact of HG [Houston-Galveston] on the DFW [area] that would interfere with DFW's ability to achieve attainment."

Dick Karp said in an interview that he was given no new information later that would change that conclusion.

TOO RIGOROUS REVIEW

The problem, he said, was that supervisors told him his review was "more rigorous" than the agency wanted.

"There was a lot of passing back and forth," Mr. Karp said. "I know in the beginning I was probably a bit more of a stickler for them being able to prove it—show me that there's a real impact from Houston.

"And I kind of got taken aside and told, 'Well, that's not exactly what this policy is about.' "

EPA executives wanted to grant the extensions, but making the states prove their claims would go against that goal, Mr. Karp said.

So he was told that the burden was on the EPA to disprove the states' claims, not on the states to prove them, he said.

"I wasn't real comfortable with that, but I don't get to make the rules," said Mr. Karp, who has left the EPA.

Former EPA regional administrator Gregg Cooke, who made the decision to delay Dallas-Fort Worth's deadline, said he was never told that there were questions about the state's evidence.

"The staff document that was sent to me [said that] we think we should give the extension, "he said. "And I approved that based upon whatever was given to me at the time. . . . I thought the analysis from staff was that the technical argument was well-taken."

Asked whether knowing of lower-level staff concerns about the state's case might have changed his decision, Mr. Cooke said, "It might have been germane."

Mr. Cooke, who has since left the EPA, is an attorney representing the governments of Dallas-Fort Worth-area counties on clean-air planning.

Mr. Diggs said the EPA's final technical documents, published along with the proposal to extend North Texas' deadline, laid out the agency's policy requirements and showed that Texas had met them. The documents did not claim, he said, that Houston's smog was keeping Dallas-Fort Worth out of clean-air attainment. That was clear in an Oct. 22, 1999, letter to Texas officials, he said.

"We would never say that Houston is the reason for Dallas-Fort Worth's nonattainment," Mr. Diggs said, "Houston coming into attainment does not solve Dallas-Fort Worth."

Even the Texas officials who assembled the state's evidence knew that they couldn't prove that Houston was a big factor for North Texas, said Brian Foster, an air planner with the Texas Commission on Environmental Quality.

'MINIMAL IMPACT'

"We did show that there was a minimal impact. We admit that it wasn't the greatest amount there was," Mr. Foster said.

But the state agency, hoping that new federal and state measures would help ease Texas smog, readily took advantage of the delays that the transport policy offered, he said.

"We felt that we needed more time," Mr. Foster said. The key to getting it was EPA's low standard for showing "significant" impacts. "Once again, it goes back to the EPA policy," Mr. Foster said.

Dr. Alvarez, the Environmental Defense scientist, said the EPA oversold Houston's impact to the public to justify the extension. Added together, he said, such seemingly small steps backward help explain why decades of efforts have failed to clean up North Texas' air.

"It seems like sophomoric high school decision-making," he said. "Unfortunately, the stakes are much higher: It is the asthmatic children in the metroplex that pay the price of yet another delay in the fight for clean air."

U.S. SENATE,
Washington, DC, October 27, 2003.

Hon. PETE DOMENICI,
Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Clean Air Act has reduced pollution from many different sources, but there is still much more work to be done. Nearly 150 million Americans are living in areas that currently do not meet the nation's air quality standards. As you know, in the Senate, the Environment and Public Works Committee has the responsibility for reviewing and revising that Act in a manner that will help us achieve the unanimous goal of improved air quality for all our citizens.

We understand that members of the energy bill Conference Committee from the House of Representatives have proposed an amendment to Title I of the Clean Air Act. That amendment, to codify a policy with respect to ozone nonattainment designations, is not relevant to energy issues, has been overturned by the courts, and has not been the subject of consultation with or legislative action by the Environment and Public Works Committee or the Senate. Therefore, we believe it is inappropriate to include such provisions as part of the energy bill.

The effect of the proposed amendment would be to disregard the compelling scientific evidence on the serious health effects of ozone pollution and delay necessary emissions reductions. This will increase pollution in those areas and in downwind areas, increasing asthma attacks, the number of hospital admissions for respiratory and pulmonary problems, and reducing the number of days that children can play outside safely. This would be contrary to the system established by the Clean Air Act and unsound policy.

In addition, the precedent of bypassing the Committee on Environment and Public Works would be unfortunate. Disregard for the views of the committee of jurisdiction would be compounded by incorporating a new matter such as the proposed amendment, which is not in either Houses' version of H.R. 6, into the conference report. Inclusion of the amendment in the conference report on H.R. 6 will delay Senate consideration and any final action on H.R. 6.

Finally, we clearly understand that this proposal is not emanating from the Senate conferees and urge you to oppose it. Energy Committee majority staff has indicated publicly that you do not think that the energy bill is the appropriate vehicle for amending the Clean Air Act.

We hope that you will maintain that position with respect to this proposed amendment and any such proposals outside the scope of what has already passed the Senate when the conferees meet again.

Sincerely,
Jim Jeffords, Jack Reed, Patrick Leahy, Barbara Boxer, Joe Biden, Ron Wyden, Dianne Feinstein, John F. Kerry, Hillary Rodham Clinton.

TESTIMONY BY SAMUEL A. WOLFE, ASSISTANT COMMISSIONER FOR ENVIRONMENTAL REGULATION, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, ON USEPA'S BUMP-UP POLICY UNDER TITLE I OF THE CLEAN AIR ACT BEFORE THE HOUSE ENERGY AND COMMERCE COMMITTEE SUBCOMMITTEE ON ENERGY AND AIR QUALITY, JULY 22, 2003

Good morning, Mr. Chairman and members of the Subcommittee. My name is Samuel Wolfe. I am Assistant Commissioner for Environmental Regulation for the New Jersey Department of Environmental Protection. Thank you for the opportunity to testify before you today regarding the Environmental Protection Agency's bump-up policy under Title I of the Clean Air Act.

Even though the EPA created the bump-up policy in an effort to help areas affected by ozone transport, New Jersey cannot support revising the Clean Air Act to accommodate the EPA policy. The policy does nothing to address transport. It simply rewards an area's failure to attain air quality standards by extending deadlines beyond the two years that the law allowed without requiring any additional action to address air pollution.

The 1990 Clean Air Act Amendments created five classes of ozone nonattainment areas to reflect the severity of each area's ozone problem, ranging from marginal to extreme. The classification system followed the principle that a more severe problem would require more work and more time to correct. For that reason, the law requires areas with more severe problems to take more actions to reduce air pollution, and allows those areas more time to attain the Federal air quality standard.

Under the law, areas that fail to attain the standard by the statutory deadline could get the deadline extended for up to two years. If they still failed after that extension, they would be "bumped up" to a higher classification, giving them more time but also requiring that they do more to control air pollution.

The EPA's 1998 "bump-up" policy extended the attainment deadlines for moderate or serious nonattainment areas when pollution transported from outside the area interfered with its ability to demonstrate attainment by the deadline. More than many States, New Jersey appreciates the need to address transport. Over a third of the air pollution in our State is transported from outside our borders. However, we cannot support codifying into law a policy that simply provides extensions and does nothing to address transport.

Granting these cost-free extensions would be easier to justify if a bump-up forced an area to impose costly or onerous requirements to control air pollution. This is not the case. From the beginning, the EPA classified most of New Jersey as severe nonattainment areas. As a result, New Jersey has had to implement almost all of the ozone pollution control measures required under Title I of the Clean Air Act. We required our major sources of ozone precursors to install reasonably available control technology. We required vapor recovery at gas stations. We run an enhanced program for motor vehicle inspection and maintenance, which is much easier to create now than it was when we started.

The truth is that these types of Title I measures are now the "low hanging fruit" of emission reductions. Areas that fail to meet their attainment deadlines can put these measures in place without difficulty or great expense.

It would also be easier to justify these extensions if the areas that received them were merely passive victims of transport from upwind. Unfortunately, many of these areas themselves contribute to poor air quality downwind. Extending attainment deadlines, without requiring additional action, means that these areas by transport will continue to receive unabated air pollution from outside their borders. This air pollution will harm the health of the area's own residents, as well as the health of people who live and work downwind.

New Jersey itself provides a good example of the problem. Again, more than a third of our air pollution comes from outside our borders. At the same time, air pollution from inside New Jersey affects other States downwind. For that reason, we have filed a petition with the EPA to restrict emissions from facilities upwind of us, while States downwind of us have filed similar petitions targeting facilities in New Jersey. We participated in the research that made it clear that ozone transport is a significant issue in the United States, especially in the eastern half of the country. We have also worked actively with other Northeastern and Mid-Atlantic States and with the EPA to develop regulatory programs and legal actions that would address transport.

At the same time, it was never an option to do nothing while we wait for the transport problem to be solved. For that reason, we continued to pursue sources of air pollution that affected our own residents as well as people downwind. Among other things, we reached an agreement with the operator of the three largest coal-fired electric generating units in the State, which will bring advanced air pollution controls to those units.

Givinig a free pass to areas affected by transport does not solve the problem of transport. What will solve the problem of transport is a strong national effort to reduce the formation of ozone air pollution throughout the country, complemented by continuing State and local efforts to find and implement cost-effective ways to reduce air pollution within our borders.

We therefore ask that the existing bump-up provisions of the Clean Air Act be left in place.

Thank you for this opportunity to testify. I am happy to answer any questions you may have.

TESTIMONY OF RAMON ALVAREZ, PH.D., SCIENTIST, ENVIRONMENTAL DEFENSE, BEFORE THE SUBCOMMITTEE ON ENERGY AND AIR QUALITY OF THE COMMITTEE ON ENERGY AND COMMERCE OF THE U.S. HOUSE OF REPRESENTATIVES, JULY 22, 2003

Good morning. My name is Ramon Alvarez and I am an atmospheric scientist in the Austin, Texas office of Environmental Defense, a non-profit, non-partisan, non-governmental environmental organization representing approximately 300,000 members nationally. Thank you for the invitation to share with you the experience of the Dallas/Fort Worth ozone nonattainment area with EPA's attainment date extension policy.

SUMMARY

Achieving the ozone standard in the Dallas/Fort Worth (DFW) area and other U.S. communities is of vital importance of public health. Ozone impairs the body's respiratory system, aggravates existing respiratory diseases, and has been associated as a causative factor in the development of asthma in children. Unfortunately, the DFW area has made little progress in reducing ozone pollution since the passage of the 1990 Clean Air Act Amendments.

The DFW region twice failed to meet the ozone standard, in 1996 (due to a scientifically flawed plan) and in 1999 (after failing to develop a plan prior to the clean air deadline). After EPA threatened sanctions, a new clean air was developed in April 2000. In 2001, EPA proposed to approve this plan, including the request from Texas to extend the attainment date to 2007 without reclassifying the area to severe nonattainment. EPA has indicated that it will not finalize this approval in light of the appellate court decisions on the attainment date extension policy.

As discussed below, transported pollution from Houston has only a minor and infrequent impact on the DFW area. EPA's transport policy, even if legal, was thus erroneously applied in the DFW area, since the evidence shows DFW could attain the ozone standard even if Houston were to do nothing to clean up its air pollution.

As public concern about local air pollution has increased, stakeholders in the DFW area are now more actively working together to agree on a path forward to clean up the region's air. Legislative proposals to extend attainment deadlines pose a serious risk of disrupting these ongoing negotiations that have a good likelihood of reaching a solution that meets the needs of all the parties involved. Moreover, any further delay in deadlines for the DFW area would mean that thousands of children and other sensitive individuals will continue to suffer the adverse health effects associated with ozone pollution.

FAILURE TO REDUCE HIGH OZONE LEVELS SERIOUSLY THREATENS PUBLIC HEALTH

Inhaling ozone significantly harms human health: ozone can burn cell walls in the lungs and air passages, causing tissues to swell, chest pain, coughing, irritation and congestion. Other effects include decreased lung function, aggravation of asthma, increased susceptibility to bacterial infection, and generation of scar tissue and lesions in the respiratory system.

In reviewing recent evidence of the harm caused by ozone, EPA reached an ominous conclusion on the effects of repeated and long-term exposure to ozone: "EPA has concluded that repeated occurrences of moderate responses, even in otherwise healthy individuals, may be considered to be adverse since they could well set the stage for more serious illnesses."

EPA's conclusion was confirmed by new evidence showing that children who participate in high activity, outdoor sports in portions of the Los Angeles air basin are 3.3 times more likely to develop childhood asthma than children who play equally active sports in communities with low ozone environments. For most children who develop asthma, it is an incurable lifetime affliction. EPA recognizes that whatever the effect of ozone inhalation on average adults, the impact on those who suffer from asthma, the elderly, outdoor workers, and active children are far more severe.

A lifetime of asthma is a high price to exact from our children for failing to reduce ozone to safer levels. Any further delay in deadlines to meet the ozone standard would mean that hundreds of thousands of American children and other sensitive individuals will suffer the adverse health effects associated with ozone pollution.

HOW DID DALLAS/FORT WORTH COME TO RELY ON THE ATTAINMENT DATE EXTENSION POLICY?

The Dallas/Fort Worth area has had little success in curbing ozone air pollution since the passage of the 1990 Clean Air Act Amendments. Both the frequency of ozone exceedances and the peak levels monitored each year have remained largely unchanged since the late 1980s. (See Exhibit 1). The Dallas/Fort Worth area continues to routinely record 1-hour ozone exceedances, including this year's high value to date of 161 parts per billion.

Under the 1990 Clean Air Act Amendments, the 4-county Dallas/Fort Worth area was classified as a moderate nonattainment area and required to meet the health standard for ozone by 1996. The State Implementation Plan (SIP) submitted to EPA in 1994 contained only the Act's minimum mandatory reduction (15% of the emissions of volatile organic compounds). Notably, this plan lacked any measures to reduce nitrogen oxides, significant reductions of which are now accepted to be essential to achieving the ozone standard. Not surprisingly, the minimalist VOC-only plan of 1994 failed to bring the region into attainment by the 1996 deadline. EPA reclassified ("bumped up") the Dallas/Fort Worth nonattainment area from moderate to serious in March 1998.

The bump-up to serious required Texas to prepare a new SIP by March 1999. The SIP Texas submitted was, by its own admission, inadequate. Accordingly, EPA found the SIP incomplete and started the sanctions and Federal Implementation Plan clocks.

The looming threat of sanctions spurred the development and submission in April 2000 of a new SIP. This plan relies on EPA's 1998 attainment date extension policy, which is the subject of today's hearing. In January 2001, EPA proposed to approve the April 2000 SIP and extend the attainment date to November 2007 while retaining the area's serious classification.

TRANSPORATION FROM HOUSTON DOES NOT PREVENT THE DALLAS/FORT WORTH AREA FROM ATTAINING

EPA's proposed extension of the DFW area's attainment date is based on a claim that transported pollution from Houston jeopardized the DFW area's ability to attain the ozone standard. The evidence, however, does not support that claim. We accept the notion that emissions from the Houston/Galveston nonattainment area can contribute to observed ozone levels in the DFW area on some days. Since 1996 we have argued that the control strategy for the DFW area must address ozone transport. However, we do not believe that ozone transported from Houston/Galveston would alone prevent the DFW area from attaining the ozone standard.

EPA justified its proposed extension of the DFW area's attainment date largely on two analyses performed by Texas:

Ozone source apportionment analysis. On the day with the highest modeled zone, 2 to 4 ppb of ozone in some portion of the DFW area cam from Houston sources.

Back trajectory analysis. Air masses entering the DFW area had trajectories going back to the Houston area on approximately 10 percent of the days when ozone exceedances were recorded in DFW between 1993 to 1998.

The only conclusion that can be reached from the analyses contained in the administrative record is that on a small number of days, there may be a small amount of additional ozone in the DFW area that came from Houston. Such a result is not surprising—ozone air pollution is known to travel over even longer distances such as from the Midwest to the Northeast. However, the fundamental question that was never answered by Texas or EPA is whether the small amount of ozone originating in Houston that might occasionally arrive in the DFW area is enough to prevent DFW from attaining the ozone standard before Houston's attainment date.

A fair evaluation of the evidence would lead to the conclusion that the Dallas/Fort Area could still attain the ozone standard even if Houston did nothing to clean up its air pollution. For example, Houston's emissions could be expected to impact the DFW area less than one time per year. Even if all of the monitored ozone on those relatively rare days came from Houston, the DFW area could still comply with the 1-hour standard, which allows for 1 exceedance per year. Thus, EPA's transport policy, even if it were legal, was erroneously applied in the DFW area.

Because transport from Houston is only a minor component of Dallas/Fort Worth's ozone air pollution, attainment of the 1-hour ozone standard will only be achieved after sufficient local controls are in place to eliminate the vast majority of exceedances that are the result of ozone precursor emissions generated within the DFW area itself. It is misguided to blame the small amount of transport from an upwind area as the reason to once again extend a deadline established to ensure the DFW area's more than 4 million residents can breathe healthier air.

LEGISLATION THREATENS LOCALLY-DRIVEN, WIN-WIN SOLUTIONS

In both the Dallas/Fort Worth and Beaumont/Port Arthur areas, legislative proposals at this time pose a serious risk of disrupting ongoing negotiations that have a good likelihood of reaching a solution that meets the needs of all the parties involved.

In the Dallas/Fort Worth area, local government officials, business leaders, EPA, the Texas Commission on Environmental Quality and environmental groups are working in a cooperative spirit to agree on a path forward to cleaning up the region's air. One outcome might be expeditious attainment of the 1-hour standard and early compliance with the 8-hour ozone standard now being implemented by EPA. I and other DFW area stakeholders feel that the current air quality challenges facing the region can best be handled at the local level and that Federal legislation on the attainment data extension policy is not needed. (See for example Exhibit 2, e-mail from Ron Harris, Collin County Judge)

In Beaumont/Port Arthur (BPA), discussions are actively taking place between all the parties (including the environmental plaintiffs, regulated industry, Texas and EPA) to respond to the 5th Circuit Court decision on EPA's use of the attainment date extension policy for the BPA area. These discussions could lead to a negotiated agreement whereby the area would not be bumped up to severe. EPA has already demonstrated the Act's potential flexibility by proposing, in the alternative, a single or double bump up for BPA.

EXHIBIT 2, R. ALVAREZ—TEXT OF E-MAIL FROM RON HARRIS DATED 7/19/2003

To: Ramon Alvarez

From: Ron Harris, Collin County Judge, Co-Chair, North Texas Clean Air Steering Committee

As we discussed yesterday, please relay to the House Committee hearings on delay of attainment dates the following:

The North Texas Area is currently working closely with both local government, business, EPA, Texas Commission on Environmental Quality and specifically Environmental Defense along with Public Citizen to continue efforts at cleaning up the air in North Texas.

The efforts include working with the Texas Clean Air Working Group and the Texas Legislature. In my opinion, we are making progress toward attainment of the National Clean Air Standard.

At this juncture, I think it would be better left to local partnerships to work and not change the rules again, until such partnerships become unsuccessful and mistrust from those involved results in a slowing down of the clean air goals.

Written Testimony of J. David Farren, Southern Environmental Law Center Before the U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, Honorable Joe Barton, Texas, Chairman: Hearing on Bump Up Policy Under Title I of the Clean Air Act, July 22, 2003

INTRODUCTION AND SUMMARY

Mr. Chairman and Members of the Subcommittee: Thank you for the opportunity to provide information on the application of EPA's Downwind Extension Policy as an alternative to reclassification, or "bump up" as the appropriate mechanism to extend the attainment date under Section 181 of the Clean Air Act (the "Act"). As an attorney with the Southern Environmental Law Center, which has an office in Atlanta, I have worked closely over the past decade with conservation groups, other citizen organizations, and health professionals in Georgia on issues related to air quality.

The Atlanta area has never achieved the "one-hour" National Ambient Air Quality Standard (NAAQS) for ground level ozone, an important step in the effort to protect the health and quality of life of the Atlanta area's four million residents. The Eleventh Circuit Court of Appeals ruled last month that the Downwind Extension Policy is illegal as applied to the Atlanta area. For the following reasons, I urge this Subcommittee not to recommend changes to the Act that would undermine its carefully crafted deadline-driven scheme:

The failure to achieve attainment of the one-hour ozone NAAQS in Atlanta has very little to do with pollution transport and, instead, results overwhelmingly from the failure timely to institute available controls on local sources of pollution. In fact, only 9% of the violation days in Atlanta are contributed to by transport.

Georgia officials project that Atlanta will achieve the "one-hour" ozone standard by 2004, which will avoid any additional consequences under the Act that would result from the failure to meet the 2005 deadline applicable to "severe" nonattainment Areas.

Reclassification creates a planning opportunity to ensure that the "one-hour" standard is attained no later than 2005. In addition to the mandatory measures specified in the Act for "severe" areas, Atlanta can choose to implement other measures of its choosing to attain the "one-hour" standard and also to make progress toward meeting the new "eight-hour" standard which EPA has determined to be necessary to protect public health.

The prompt reduction of ozone pollution in Atlanta will result in significant public health benefits, increased productivity and reduced health care costs. A study published in the Journal of the American Medical Association co-authored by an Atlanta pediatric pulmonologist found that reducing ozone precursors during the 1996 Olympics led to a significant decline in acute respiratory illness.

HISTORY OF DELAY IN ATLANTA

Ground-level ozone, one of the main harmful ingredients in smog, is produced when its precursors, volatile organic compounds ("VOCs") and nitrogen oxides ("NO_X") from motor vehicles, smokestacks, and other sources, react in the presence of sunlight. In the thirty years since EPA established the first national ozone standard in 1971, Georgia has never adopted an effective strategy for achieving the pollution reductions necessary to bring the Atlanta area into attainment with the "one-hour" ozone standard. Under the 1990 Amendments to the Clean Air Act, the Atlanta area was designated a "serious" ozone nonattainment area and was given almost a decade, until November 15, 1999, to develop and implement a plan to control air pollution to attain the NAAQS for ground-level ozone. Unfortunately, the history in Atlanta has been to delay the adoption and enforcement of readily available local controls on ozone precursors. As a result of this failure, hundreds of thousands of Atlantans continue to suffer the adverse health effects associated with ozone, despite the passage of the 1999 deadline for Georgia to implement the emissions reductions required for attainment of the NAAQS.

The 1990 Amendments established a 1994 deadline for Georgia and other states to submit to EPA a plan that would provide for attainment of the NAAQS by the 1999 deadline. *See* 42 U.S.C. §7511a(c)(2)(A). It was not until five years after this submittal deadline, October 28, 1999, that Georgia finally submitted for approval its proposed State Implementation Plan (SIP). Even then, EPA proposed to disapprove the SIP unless Georgia included additional pollution control measures to achieve further emissions reductions. *See* 64 Fed. Reg. 70,478 (Dec. 16, 1999).

A revised SIP with various modifications was not submitted until July 17, 2001, six years after the submittal deadline and almost two years after the deadline for actual attainment. Rather than demonstrating timely attainment of the NAAQS by 1999, this SIP purports to demonstrate attainment by the year 2004 based on EPA's 1998 "Guidance on Extension of Attainment Dates for Downwind Transport Areas" (the "Downwind Extension Policy"). Thus, the delay in attaining the ozone NAAQS in Atlanta is the result of Georgia's delay in developing and implementing a plan to address the longstanding local air pollution problem in Atlanta.

TRANSPORT IS A VERY SMALL FACTOR IN ATLANTA'S OZONE POLLUTION

Never formally adopted as a rule by EPA, the Extension Policy permits the extension of the attainment date without "bump up" for some "moderate" and "serious" nonattainment areas based on EPA's belief that certain of these areas have been hindered in their attempts to meet air quality standards by pollution transported from other states. The Extension Policy, however, does not require a showing of "but, for" causation. To be eligible for a waiver of the attainment deadline, the 1999 Federal Register notice announcing the policy explains that downwind areas only need show that transport "significantly contributes to downwind nonattainment," not that transport has rendered attainment by the deadline impossible or even impracticable. 64 Fed. Reg. 14,441 (March 25, 1999).

For Georgia, by example, to be eligible for the policy, it was not required to demonstrate that it was unable to attain the NAAQS in Atlanta by 1999 through more aggressive control of local pollution. In addition, EPA was exceedingly liberal in its interpretation of the "significantly affected" standard for application of the policy. In fact, EPA found that "upwind controls are predicted to reduce the number of exceedances in Atlanta by 9 percent." 63 Fed. Reg. 57,446 (Oct. 27, 1998). This means that over 90% of violation days in Atlanta result from local emissions. If Congress were to change the Act to allow extensions based on small amounts of transport, as occurred with Atlanta, almost any area could claim that it is somewhat affected, delaying public health protections for many millions of American families.

As Georgia acknowledges in its most recent SIP revision, the "worst ozone episodes" occur during "multiple day stagnation and recirculation events." In other words, the smog days result from extended periods of calm weather where local pollutants hover in the air, not on days where the wind is bringing in emissions from out of state. Thus, it is clear that the most effective way to achieve the public health protections of ozone pollution reduction is to focus on local controls, which Georgia has been reluctant to do.

According to Georgia's submitted SIP, the majority of the emissions that cause ozone in Atlanta come from motor vehicles rather than from transport or stationary sources. The nature of the transportation network, the resulting number of vehicle miles traveled in the nonattainment area and the failure to address this issue are directly related to the severity of the ozone pollution problem. As Georgia acknowledges in its SIP, smog in the area "is spreading outward in the shape of a giant doughnut," and is greatly exacerbated by the fact that Atlantans drive about 35 miles per day for every man, woman and child—more miles per capita than in any other major city in the United States.

Unfortunately, Georgia has been extremely reluctant to address transportation emissions. For example, just this spring it further delayed the implementation of a new low-sulfur fuel rule in the Atlanta nonattainment area at the request of interest groups within the oil industry. In addition, Georgia has repeatedly fallen through on promises to provide funding for transportation options to single occupant vehicle driving, such as commuter rail, HOV lanes and other air-quality beneficial transportation investments. Further, the Atlanta transit system languishes with the highest fare in the country, service cutbacks and no support from the State or suburban counties. Georgia has not attempted to develop and implement timely strategies and programs that have been shown to effectively reduce vehicle travel and motor vehicle emissions. Many such strategies are identified in the Act itself, 42 U.S.C. §7408(f)(1)(A), and even are illustrated in Georgia's SIP as capable of achieving prompt reductions in summer ozone levels in Atlanta.

GEORGIA CAN READILY ACHIEVE THE "ONE HOUR" STANDARD IN ATLANTA WITH LOCAL CONTROLS

The proposed SIP for Atlanta based on the extension policy, recently struck down by the Eleventh Circuit, projected that air quality will be improved sufficiently to meet the one hour standard by 2004, after out of state power plants institute required controls under the national NO_X SIP call agreement. Thus, the strategy chosen by Georgia for Atlanta was to sit back and do less to control pollution locally, based on the extension policy, rather than institute more strategies to achieve the NAAQS by 1999.

While this choice for Atlanta is now a fait accompli, it has consequences for the area, the primary one being the delay in public health benefits. The failure to attain also means that Atlanta must be reclassified to "severe" status and prepare a new SIP, which contains certain additional control measures. Because Atlanta had projected that it could attain the "one-hour" standard even under the prior SIP by 2004, Georgia faces little danger of not meeting the 2005 deadline for "severe" areas. These additional control measures, however, should in no sense be considered superfluous, as they are required under the Act to ensure attainment by the new deadline. In addition, the additional measures will be necessary to meet EPA's new "eight-hour" ozone standard beginning next year.

Further, to the extent that transport is a small contributor to nonattainment in Atlanta, many of the appropriate controls are in the process of being implemented. For example, Alabama, the largest source of transport that affects Atlanta, has begun this year to implement NO_X controls for most of its power plants. Of course, the most effective way to reduce stationary source pollution in Georgia would be to require further reductions from in-state stationary sources, which are second only to transportation emissions as a source of ozone precursors in Atlanta. For example, two of the older power plants in Georgia, McDonough and Yates, lack the post-combustion NO_X controls of modern facilities.

SUBSTANTIAL PUBLIC HEALTH BENEFITS CAN BE ACHIEVED THROUGH PROMPT OZONE REDUCTION

Ozone is a lung-scarring irritant that affects everyone in the Atlanta region and which can cause or exacerbate serious health problems. For example, people with asthma and others who experience breathing difficulties must limit outdoor activities on days with high ozone levels. Frequently during the spring and summer months, air quality in Atlanta fails to meet the ozone NAAQS established by EPA for the protection of public health.

According to EPA, in 1999, the year established under the Act for attainment, Atlanta violated the existing "one-hour" ozone standard on 23 days and exceeded the "eight-hour" standard on 69 days. See Georgia Environmental Protection Division air quality data posted at http://www.air.dnr.state.ga.us/tmp/99exceedences/old/index.html. (Due to more favorable weather conditions in the last couple of years, the number of violation days has been lower, as has occurred during previous periods of especially favorable weather patterns.) This means that on many summer days in Atlanta it is not safe for kids to go outside for recess, for the elderly to be working in their gardens and walking in the neighborhood or for healthy adults to exercise outdoors.

Evidence regarding the adverse health effects attributable to ozone pollution strongly influenced the adoption of the 1990 Amendments to the Act. Expert testimony presented to Congress included evidence that: "Ninety percent of the ozone breathed into the lung is never exhaled. Instead, the ozone molecules react with sensitive lung tissues, irritating and inflaming the lungs. This can cause a host of negative health consequences, including chest pains, shortness of breath, coughing, nausea, throat irritation, and increased susceptibility to respiratory infections. . . . Some scientific evidence indicates that over the long term, repeated exposure to ozone pollution may scar lung tissue permanently. . . . Ultimately, emphysema or lung cancer may result. . . . Young children may be especially vulnerable to both the acute and permanent effects of ozone pollution."

H.R. Rep. No. 101–490 (1990), reprinted in Environment and Natural Resources Policy Division of the Congressional Research Service, Legislative History of the Clean Air Act Amendments of 1990 3021, 3223 (1993).

The frequent, dangerously high ozone levels in Atlanta during warmer months affect not only children and persons with impaired respiratory systems, but also healthy adults. As the former EPA Administrator concluded: "Exposure to ozone for six to seven hours at relatively low concentrations has been found to reduce lung function significantly in normal, healthy people during periods of moderate exercise. This decrease in lung function is accompanied by such symptoms as chest pain, coughing, nausea, and pulmonary congestion." 60 Fed. Reg. 4712, 4712 (Jan. 24, 1995). In reviewing more recent evidence of the harm caused by ozone, EPA published a lengthy notice summarizing the adverse health effects of both short-term and long-term ozone exposure. According to the Agency, the effects of short-term exposure on healthy individuals include reduced lung function, chest pain, reduced productivity, increased susceptibility to respiratory infection, and pulmonary inflammation. 66 Fed. Reg. 57,268, 57,274–75 (Nov. 14, 2001). With respect to repeated and long-term exposure, the finding is ominous: "EPA has concluded that repeated occurrences of moderate responses, even in otherwise healthy individuals, may be considered to be adverse since they could well set the stage for more serious illness." Id. at 57,275.

These general findings by EPA have been underscored by additional research conducted in many cities, including Atlanta. One recent study published in the prestigious peer-reviewed Journal of the American Medical Association on February 21, 2001 demonstrates that when ozone was reduced in

Atlanta by encouraging alternatives to motor vehicle travel during the 1996 Olympic Games, the number of children requiring emergency or urgent care for asthma decreased dramatically. There was a 41.6% decline in visits for Medicaid claimants, a 44.1% decline for HMO enrollees and a 19.1% decline in overall hospital asthma admissions. A copy of this study is appended to this testimony, which is entitled "Impact of Changes in Transportation and Commuting Behaviors During the 1995 Summer Olympic Games in Atlanta on Air Quality and Childhood Asthma."

The study specifically tied the positive public health results to the lower ozone concentrations due to a reduction in vehicle emissions. Overall, during the Olympics there was a 27.9% decrease in ozone and no violations of the "one-hour" standard. In contrast, the standard was violated on five days immediately before and after the games. While favorable weather conditions contributed somewhat to the lower pollution levels, this dramatic percentage decrease in ozone pollution and emergency care was substantially contributed to by the 22.5% decrease in peak morning traffic counts resulting from travel demand strategies, increased transit service and other programs encouraged in the Act to reduce transportation emissions.

CONCLUSION

"Bump up" of Atlanta to "severe" is an example of the Act working as Congress intended: If a deadline is not met, a new SIP with additional controls is required to ensure that a new deadline is met. The most recent Supreme Court case addressing the Clean Air Act statutory scheme noted that the NAAQS is the "engine that drives nearly all of Title I of the CAA," id. at 468, and characterized the attainment deadline provisions as the "backbone" of the ozone control requirements for nonattainment areas. Whitman v. Am. Trucking Ass'ns, Inc, 531 U.S. 457 (2001). Codification of EPA's extension policy would fundamentally weaken the deadline and incentive structure in the Act carefully crafted by Congress in 1990. Instead, it would reward officials, at the expense of many citizens—including the four million residents of Atlanta, who fail to take all appropriate steps to address local ozone pollution. This would set a dangerous precedent that would undermine the Act at a time when the scientific consensus is that more, rather than less, must be done to protect the public from ozone pollution.

TESTIMONY OF DAVID S. BARON, ATTORNEY, EARTHJUSTICE, BEFORE THE SUBCOMMITTEE ON ENERGY AND AIR QUALITY OF THE COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, JULY 22, 2003

INTRODUCTION AND SUMMARY

Mr. Chairman and members of the Subcommittee, my name is David S. Baron. I am an attorney with the Washington, D.C., office of Earthjustice, a nonprofit law firm that represents conservation and community groups on a wide range of environmental and public health issues, including air quality. Our clients on clean air matters include the American Lung Association, Sierra Club, Environmental defense, and others. I am very familiar with the Clean Air Act, having specialized in enforcement of that statute for more than twenty years at the local, state, and national levels. In 1996–97, I served on the Subcommittee for Development of Ozone, Particulate Matter and Regional Haze Implementation Programs, a Federal Advisory Committee to the U.S. Environmental Protection Agency (EPA). I have also taught environmental law courses as an adjunct professor at the University of Arizona College of Law and Tulane Law School.

I appreciate your invitation to discuss the Clean Air Act's requirements for reclassification (or "bump up") of areas that fail to timely meet clean air standards, and EPA's prior attempts to waive bump up for cities affected somewhat by air pollution transported from other areas. I strongly believe that EPA's waiver of bump ups via its "downwind extension policy" not only violated the Clean Air Act, but also wrongly delayed measures that are sorely needed to protect public health in these and other communities.

BACKGROUND

In the late 1990's, EPA announced an "Attainment Date Extension Policy" (sometimes called the "downwind extension" policy) that was not authorized by the Clean Air Act. This unfounded policy allowed industries to pollute at higher levels for longer than the Clean Air act authorized merely because they were located in cities, affected somewhat by pollution transported from other areas. EPA applied the policy to unlawfully extend clean air deadlines for a number of cities without requiring them to be reclassified into more protective pollution categories with stronger pollution controls. The courts invalidated this policy as being completely contrary to both the language and purpose of the Clean Air Act.

The 1990 Clean Air Act, signed by the first President Bush, classified cities as marginal, moderate, serious or severe based on the severity of their ozone pollution problem. Areas with higher classifications were given more time to meet clean air standards, but also had to adopt stronger anti-pollution measures. The clean air deadline for moderate areas was 1996, for serious areas 1999 and for severe areas 2005 or 2007.

When a city missed its clean air deadline, the Act required that it be reclassified ("bumped up") to the next highest classification. For example, if a serious area failed to meet standards by 1999, it was to be reclassified to severe. It would then be given until 2005 to meet standards, but would also have to adopt the stronger pollution controls required for severe areas.

Reclassification triggers stronger pollution control requirements for industry as well as additional measures to reduce pollution from car and truck exhaust. These stronger measures are already required in numerous communities throughout the nation, including Chicago, Milwaukee, Baltimore, Philadelphia, New York, Los Angeles, Wilmington, Trenton, Sacramento, Ventura County (CA), Riverside County (CA), and San Bernardino County (CA).

Relying on its unfounded extension policy, EPA extended the clear air deadlines for a number of cities without bumping them up to the higher pollution categories that would require the adoption of more protective ozone control measures to help address the adverse public health impacts resulting from the additional delay. EPA also allowed these areas to postpone the adoption and implementation of local measures that were necessary for each area to attain the ozone health standard on the original schedule, thereby postponing a large portion of the public health benefits from reduced ozone that these measures would have achieved. In addition, EPA waived the statutory requirement that each area continue to reduce emissions by 3% annually until the area attains the standard. Three separate federal appellate courts have all ruled that EPA's policy violates the language and purpose of the Clean Air Act. In voiding the extension policy as applied to the Washington, D.C. area, Chief Judge David Ginsberg of the U.S. Court of Appeals for the D.C. Circuit, wrote that "to permit an extension of the sort urged by the EPA would subvert the purposes of the Act." Sierra Club v. EPA, 294 F.3d 155, 161 (D.C. Cir. 2002) (emphasis added).

HARM TO PUBLIC HEALTH FROM EPA'S DOWNWIND EXTENSION POLICY

EPA's application of this discredited policy has delayed adoption of additional pollution controls that are badly needed to meet clean air standards in Atlanta, Washington, DC, Baton Rouge, and Beaumont Texas. The illegal extensions have burdened the public in those areas with dirty air until at least 2005 without the additional pollution controls already required in other cities. As a result of EPA's illegal deadline extensions, the air in these cities is substantially dirtier than it should be.

If the Clean Air Act were weakened in an attempt to legalize EPA's extension policy, this would delay the adoption of badly needed antipollution measures in the affected communities. Last summer, the Washington, DC area, for example, suffered from the worst ozone pollution in more than a decade, exceeding the 1-hour standard on nine days, and recording another 19 days when the air was deemed unhealthful for children and persons with lung ailments. On all of these days, children were warned to limit outdoor play. By some estimates, breathing difficulties during a typical smoggy summer in the DC area send 2,400 people to the hospital, and cause 130,000 asthma attacks.

Last year alone, the Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston regions exceeded the one-hour ozone standard on three, seven, and 26 days respectively. Atlanta exceeded the one-hour ozone standard seven times and the 8-hour ozone standard 38 times. Ultimately, delay of stronger pollution controls has left the air in these cities more unhealthful than it would have been had the law been followed.

Adoption of the EPA policy would also make it harder for other communities to meet clean air standards. Pollution from cities like Washington, Atlanta, Beaumont, and Baton Rouge can be transported elsewhere, where it contributes to ozone violations. Cities like Baltimore, Philadelphia, and New York that have already adopted more protective "severe" area measures should not have to suffer pollution from upwind cities that have failed to adopt the same level of control.

EPA'S DOWNWIND EXTENSION POLICY IS UNFAIR TO STATES THAT DID THE RIGHT THING

As noted above, many states and cities have already adopted the more protective control measures associated with higher pollution classifications. These areas are also affected by transported pollution, a situation understood by Congress at the time that the 1990 amendments placed them in these higher classifications. Adoption of EPA's policy, accordingly, would have an inequitable impact on areas that are already doing the right thing without resorting to delays that imperil the health of their citizens.

EPA's extension policy has been opposed by Republicans as well as Democrats. In 1999, the State of New York under a Republican administration, criticized EPA's extension policy. The State noted the inequity of allowing some states to avoid achieving timely clean air while other states—also affected by transported pollution like New York—were already undertaking necessary, effective control steps: "[T]hese more effective control steps [required for higher nonattainment classifications] already have been implemented in many areas of the country and have been proven to reduce the emissions of ozone precursors. Implementation of these measures would help level the playing field among the states, provide some localized relief of ozone levels, and help the affected areas in their efforts to achieve the revised eight-hour ozone standard."

In 1999, the State of Ohio, also under a Republican administration, criticized this same attainment date extension policy and approach: "U.S. EPA is rewriting one of the most important and substantive measures placed in the 1990 CAA. . . .

"Ohio EPA does not believe that the CAA intended that extensions be granted to areas which have not demonstrated attainment. In some cases, these areas have not implemented current CAA requirements and would not achieve the 1-hour ozone standard even after transport had been addressed. These areas need an additional level of local controls, which is the precise purpose of the bump-up provisions of the CAA."

Thus, a roll back of pollution control requirements under a policy will harm the public health of citizens locally and regionally by delaying more rigorous ozone pollution abatement measures needed to meet clean air standards.

In its unsuccessful defense of its extension policy, EPA claimed that deadline extensions and bump-up waivers for some areas are justified because those areas are impacted somewhat by pollution transported from other areas (generally within the same state). But other cities with higher classifications—and therefore stronger local pollution control requirements—are also impacted by transported pollution—in some cases to a much greater extent. For example, transported emissions account for a smaller percentage (24%) of the ozone problem in the Washington, D.C. area than in areas that were previously classified as severe, such as Baltimore (56%), Philadelphia (32%), or New York (45%). Conversely, EPA's data for Atlanta shows that implementation of the NO_X SIP call controls would eliminate only 9% of the days with expected ozone violations. For Baton Rouge, EPA has found that only 7% of ozone exceedance days between 1996 and 2000 were potentially associated with transported pollution from Houston.

This situation was also true when Congress adopted the 1990 amendments and established the classifications system with its consequences for failure to attain air quality standards. Indeed, Congress was aware of EPA's assessment of the ozone transport problem in its post-1987 attainment date analysis of he reasons why ozone areas failed to attain, and adopted into law EPA's decision "not to allow a delay in submittal of the post-1987 ozone attainment demonstrations and revised SIPs for areas affected by [regional transport]." 52 Fed. Reg. 45,874.

CURRENT CIRCUMSTANCES MAKE EPA'S EXTENSION POLICY EVEN LESS DEFENSIBLE

EPA's policy was ill-advised when it was adopted in 1999, for many of the same reasons given by Ohio and New York above. But whether or not the policy was a good idea then, circumstances have changed in such a way that its codification now would be a terrible idea. Technical advances reflected in EPA's new MOBILE VI emissions estimation model are showing that many areas have much larger local emissions problems than were previously thought, and greater local emission reductions will therefore be needed. Moreover, with the upcoming implementation of EPA's more protective 8-hour ozone standard, the areas affected by EPA's policy, and many other areas as well, will need to implement the suite of protective control measures required in the 1990 Clean Air Act Amendments, in addition to reductions in transported pollution. Many of the areas for which EPA has sought to avoid the stronger pollution control measures associated with reclassification are already exceeding the 8-hour ozone standard repeatedly each year. It is insupportable to delay local control measures needed to reduce these annual exceedances, thereby exacerbating local air quality and public health problems, and forestalling the meaningful steps that will be necessary to attain the 1-hour and 8-hour ozone standards.

Mr. HOLT. Mr. Speaker, I rise in support of the motion to instruct offered by my colleague from Texas, EDDIE BERNICE JOHNSON.

Ms. JOHNSON is understandably upset about the provision she is trying to remove from the energy conference report. Under a shroud of secrecy, the way virtually all of the energy negotiations have happened so far, a provision was slipped in that will extend deadlines for cities to clean up their dirty air. This will have dramatic effects on the health of Ms. JOHNSON's constituents.

I'm not here because of any city in my district that isn't complying with clean air regulations. I'm here because New Jersey has the unfortunate distinction of being number one in worst smog pollution for 2002, according to a recent New Jersey Public Interest Research Group Report. Even by the EPA's 8-hour standard, New Jersey has the second-worst pollution in the country.

New Jersey's efforts to clean up our air are laudable. The state has implemented a large number of ozone control measures and even negotiated a deal to close two coal-fired power plants in a neighboring state. But there is simply no way that the state can adequately tackle this problem—New Jersey can't control the jet stream. Because prevailing winds carry pollution from plants in the Midwest to the East Coast, much of the smog, soot, and fine particulates that endanger the health of state residents do not come from in-state sources.

That's why the federal government needs to take an active role. This was the motivation behind the 1970 Clean Air Act and the New Source Review rules. The Clean Air Act has helped the country take major steps towards making the air we breathe better for our health.

So just like Ms. JOHNSON, I am dismayed to see that members of the energy conference committee have slipped in this provision that will undermine the spirit and the letter of the Clean Air Act.

It seems that some of the conferees are working in concert with the Bush Administration to conduct a frontal assault on clean air protections and to let polluters get out of making necessary environmental upgrades.

Take New Source Review, for example. NSR is an important part of the Clean Air Act that requires power plants, chemical factories, and other large industrial facilities to adopt effective emission controls when expansions or upgrades lead to increased pollution. According to the EPA, this has meant keeping 300 million tons of pollution out of the atmosphere in areas that meet national air quality standards.

The Administration has proposed changes to the New Source Review program that will create gaping loopholes in clean air protections. Facilities would be allowed to increase the amount of pollution they emit if the cost of making a change is less than a certain percentage of the cost of the entire facility. Thus companies can easily make incremental changes to renovate a facility without triggering NSR. And even if the cost of the upgrade does exceed the percentage trigger, plants will still not need to implement pollution controls if the upgrade consists of replacing existing equipment with new equipment performing the same function, regardless of cost.

These are changes that have been clearly demonstrated by numerous experts—including Abt Associates, who has done research for the EPA—that will result in more premature deaths and more cases of asthma and other respiratory illnesses.

I came to Congress five years ago to represent the people of the 12th District of New Jersey. It's pretty obvious that among the more important responsibilities I have in representing my constituents is standing up for them when someone is making them sick or killing them—the way air pollution is now.

That is why I urge all of my colleagues to support the Johnson motion to instruct.

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentlewoman from Texas for offering this Motion to Instruct Energy Bill Conferees.

Instead of working on an Energy Bill that will work to solve our nation's energy crisis, the Republicans are holding a conference without any Democrats and now they are trying to add in riders to weaken the Clean Air Act. What will they think of next?

This rider allows polluters to further delay establishing clean air controls—contributing to air pollution that bellows out of giant smokestacks and puffs out of tailpipes. This air pollution has led to a record number of people with asthma, particularly in our cities. By trying to attach this rider to the Energy Bill, the Republicans are showing once again that they do not value clean air or the health of Americans.

And the sad fact is that children are the most vulnerable to air pollution. They spend more time outdoors, they inhale more pollutant per body weight, and their bodies, lungs and immune systems are still developing. Children are particularly vulnerable to smog and soot—continued exposure can scar and severely damage children's lungs.

Instead of weakening the Clean Air Act, the Republicans should be using this opportunity to develop and use new technologies and to cut our reliance on dirty energy fuels. Unfortunately, in the Energy Conference, the Republicans have chosen the interests of big business over the health of the American people.

Mr. Speaker, I ask my colleagues to join me in supporting this motion to instruct.

Mr. BURGESS. Mr. Speaker, I rise to speak against the Motion to Instruct Conferees on the H.R. 6, The Energy Policy Act.

As discussed thus far, under the Clean Air Act of 1990, areas designated as "severe" nonattainment areas, such as Houston, must meet the 1-hour standard by 2007, and Dallas, classified as "serious" areas was required to meet the 1-hour standard by 2005.

Wind currents can transport ozone and its chemical components over long distances, which can have an adverse affect on the air quality of areas that are downwind of more severe nonattainment areas. For example, Houston's air quality can impact Dallas's air quality.

In 1998, under the direction of President Clinton's EPA Administrator Carol Browner, the EPA promulgated transport policy rules that allowed the EPA to allow affected "moderate" and "serious" areas until 2007 to meet the 1-hour standard. This common sense rule simply allows cities to take into account the ozone that is transported from other cities.

Strict judicial interpretation of the Clean Air Act of 1990 said that the EPA did not have statutory authority to promulgate this rule. As a strict constitutionalist, I was glad to see the judicial restraint exhibited by these decisions.

However, I think it is important to note that Congress did not give the EPA this authority under the Clean Air Act of 1990 because Congress was not aware of the impact of ozone transport on air quality at that time. Since 1990, the science has improved to the point that we are aware of and better able to determine the impact of the transport of ground level ozone.

That is why there is a provision in this year's energy bill to give EPA that authority, if they so choose.

Some have claimed that this will "roll back" the Clean Air Act, and that is just not true. The State of Texas and other affected States and the cities of Dallas and Fort Worth are not going to stop working toward clear air. In fact, as recently as reported last Friday in the Fort Worth Star-Telegram, the North Texas Clean Air Steering Committee said that they will not slow down efforts to clean the air if Congress pushes back the deadline.

As a member of the Transportation and Infrastructure Committee, I do not support tying the issue of ozone transport to my district's transportation funding. I do not believe that taking away transportation funding from the Dallas-Fort Worth region will result in improved air quality.

In fact, I believe eroding our transportation funding would adversely affect air quality because studies have shown that automobiles operate more efficiently at around 60 miles per hour than at lower speeds such as those cars idling during bumper-to-bumper traffic in bottleneck areas, such as on Interstate 35 East in my district. A more efficient motor decreases the amount of ozone-creating pollutants that are released into the air. This is especially important to the Dallas-Fort Worth region because EPA studies have shown that our region's air quality is especially affected by mobile-source (automobile) pollution.

If my colleagues disagree with me and believe that we should decrease transportation funding in order to improve air quality, I am more than happy to accept their piece of the transportation funding pie. I know we all agree—we need to keep our cash on the dash!

Clean air is one of the most important legacies that we can leave our children. If we are going to preserve this world for future generations, we must take steps that will protect our natural resources, but we must also not harm our economy.

If you cannot identify the source, and control the source, you cannot effectively reduce ozone. I will vote against the Motion to Instruct Conferees on H.R. 6.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

□ 2000

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. DAVIS of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. NUNES). The Clerk will report the motion.

The Clerk read as follows:

> Mr. DAVIS of Florida, moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Florida (Mr. DAVIS) and the gentleman from Virginia (Mr. CANTOR) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the House medicare conferees to reject the provision in the House Medicare bill that I believe can be fairly characterized as leading to the privatization of Medicare. The House leadership has cleverly described this provision by calling it premium support. But how much support this premium support provision truly provides beneficiaries should be the subject of an open, honest and detailed debate tonight out of respect for the Nation's seniors who simply want to see us get something done.

I also want to pause to point out that there are a number of Republicans and Democrats here in Congress who truly do want to find a middle ground, a compromise between the House and the Senate, between Democrats and Republicans, to achieve a long overdue Medicare prescription drug bill. Many of us have been very consistent in arguing that that is not achievable as long as the premium support issue, which is the subject of this motion, is part of a final bill. So the motion tonight is an attempt to remove a provision which many of us believe represents an obstacle to a compromise to a truly practical long overdue prescription drug benefit for our Nation's seniors.

Now, what the premium support provision does is to allow seniors in the year 2010 to have what is being described as a meaningful choice as to how to obtain their Medicare coverage. Not just for the drug benefit. This is for the entire Medicare program. And the concern I wish to express tonight on behalf of seniors throughout the United States, Democrats, Republicans, independents, seniors who really are not interested in politics but are simply interested in seeing a drug benefit that they can use, is that the premium support provision in the year 2010 forces seniors throughout the United States to make a choice as to how they are going to receive health care, and that this is going to be a problem for those seniors who have health issues.

I think one of the many things that we can agree upon tonight on the floor of the House of Representatives is that there are a number of seniors who have health issues as they approach the age of 65, or long before then; and that is what this debate is about.

I met with the incoming president of one of the major private insurance companies in Florida a few weeks ago, and it could have been any insurance company or any CO of an insurance company; and I said to him, if this were to become law in 2010 and my mom had some health issues and she went to you and tried to get insurance, would you offer her insurance? What he told me, and I respect his candor, is we really do not want people that have health issues in our policies. We are looking for healthy people. They are easier to insure, the risk is more certain, it is more affordable, it is easier to earn a reasonable profit; and so that is the type of beneficiary we are looking for.

And if somebody is in the private sector, I understand his point of view. He is trying to earn a profit on behalf of his company. And if the government does not force him to choose to accept people like my mom or somebody else's mom with some health problems, he is not going to do it. So what this debate is about tonight is what happens to that individual, somebody over 65 who has some health problems or develops health problems.

Now, Mr. Skully, who is the administrator of the Federal agency, the Center for Medicare and Medicaid Services, which has a slightly different name now, said in 2001, in the fullest candor, which I respect, that there was a problem with private plans charging higher copayments for those people with health risks that they did not want to accept, and that we who are entrusted in the Federal Government to provide a Medicare program that truly works should be concerned that private plans will use higher copayments and other devices to discourage people from signing up for their plans.

And that is exactly what I am talking about here tonight. Because under this premium support provision, which I would also refer to as a voucher, but it is whatever you choose to call it, in 2010 an individual with a health problem is going to have one of two choices: they can either try to get into a private plan, which again I would submit is not going to want them and is going to discourage them and is going to have the full ability under this bill to do that, and if that person with some health issues who is over 65, that Medicare beneficiary cannot get into the private plan, they are left with the crux, I would say the cruel result of the premium support plan.

I will attempt to explain that. And in the debate tonight, I hope we can reach some agreement as to what the facts are, and then we can debate the differences as to how we interpret those facts and where the values of our country lie in terms of how we treat this beneficiary and in terms of how Congress designs this plan.

The second choice that is available to that Medicare beneficiary, if the private plan rejects him, is they receive a voucher. Now, what that voucher represents in terms of value is a dollar figure that is based on the average cost of insuring a person who is in a private plan. Because in a private plan I think we can safely say those beneficiaries are going to be healthy, their health care bill, of course, is going to be less. It is going to be less expensive to insure them. So that individual who receives the voucher is going to receive a voucher that is equal in value to the average cost of a healthy beneficiary whose costs are lower.

Now, what does that all translate into? What that means is that with this voucher, if you have some health issues and therefore your health care bills are higher, that voucher is not going to provide to you enough money to get you through the month or to get you through the year. I believe it is fair to say that we face a situation where these Medicare beneficiaries with health problems that have been rejected by these private plans are going to get enough money to almost get them through the month or to almost get them through the year.

Matter of fact, the chief actuary who works for the CMS, the Federal health care agency, said in a piece of paper that under this premium support or voucher plan, that premiums could go up as much as 25 percent for this individual I am describing who could not get into a private plan and has to find another way to cover their health care costs. Twenty-five percent, that is a lot of money.

And remember, when we are talking about a Medicare beneficiary who has some health problems, we are talking about somebody who probably is having difficulty paying their other bills. They are fighting for their health, and they are probably getting into some serious financial duress. And under this premium support voucher plan, we are going to add to that duress. Because what you are left with is a Medicare beneficiary with health problems who at the end of the month or the end of the year their Medicare runs out.

And that is what we are debating tonight: Do we believe as a Congress that Medicare should ultimately leave that individual without the support they have always had when it gets to the end of the month or the end of the week? And I think the answer is clearly no.

The basis for the premium support, and I salute my colleagues on the Republican side who have been very clear in explaining what the purpose of this premium support provision is, is to reduce the cost of Medicare. You can call that reducing the rate of growth in Medicare, you can call it cutting Medicare, but what you can fairly say is this is about reducing the cost of Medicare.

And my colleagues, this is what it boils down to: Are we as a Congress going to reduce the cost of Medicare by saying to that Medicare beneficiary who is struggling to recover their health, that at the end of the week, at the end of the month, you are on your own? You are on your own; we wish you well. Medicare as we know it is no longer there to get you through the week. It is no longer there to get you through the month. We wish you well, and it is on your back that we are reducing the cost of Medicare.

I would suggest that that is an indefensible proposition: that there are seniors throughout the United States, Democrats, Republicans, independents, people who simply want the drug benefit, want the Medicare program they have come to know and trust who think it is fundamentally unfair that the growing number of seniors in this country who struggle with health issues after the age of 65 are forced to try to find the funds at the end of the week or the end of the month to meet the health care bills that we will no longer be able to meet for them through the Medicare program.

Mr. Speaker, I reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume, and I too am delighted to be here to debate with the gentleman from Florida the motion to instruct which he offered.

Mr. Speaker, I think there is a consensus in this body that we do something to save the Medicare program. All of us know the demographics, all of us know the health of the system itself is in jeopardy, and we must do something to reform the program to ensure its financial health and longevity.

It is interesting, Mr. Speaker, the gentleman from Florida insisted that we ought not go the route of market-based competition and we ought not allow the competition of private sector plans to come into play to give seniors a choice of how they want their health care delivered. But I heard no ideas come forth from the gentleman. Where is his solution?

I think it is fairly indicative that there is no solution coming from the other side, and that they probably, I do not want to put words in the gentleman's mouth, are satisfied with the status quo. But we cannot be satisfied with the status quo. We must reform the system. We must modernize it; and we must update it so that seniors can have a choice and seniors can have access to a prescription drug benefit.

So if we call premium support, as the gentleman said, a voucher, I think it is a characterization that perhaps may not adequately or accurately reflect what the House bill does. And let us start back from the very beginning when a bipartisan commission on the future of Medicare studied this. It concluded that the best way to reform Medicare was to provide beneficiaries with a choice of plans similar to the choice available to Members of Congress, the FEHBP plan, which we all have access to. And certainly I would think we would want to share that same type of health care with the millions of seniors out there who may not currently enjoy the same type of options under the plan.

But to talk to the gentleman's allegations that the House bill would only squeeze out the unhealthy seniors and would deny them access is simply not true. Absolutely not true. At 2010, when competition sets in, the rates that are set at that point are not just the average rates.

And since we are talking about the facts, and the gentleman says he hopes we can agree on the facts, the facts are that in the House bill the average rates are a blended rate, a blended rate of the then-private plan rates as well as the government rate that was used as a benchmark up until that point. And at that point we will then have market forces coming to bear, and we will enable plans to compete for business. And if plans can come in under that benchmark or that blended rate, then there will be a benefit for seniors to choose those plans because they, as well as the government, will be able to share in the savings in the costs of those premiums.

But to speak to the gentleman's conclusion, that if we have competition we will ultimately deny seniors health care, that is just preposterous. There are provisions, if he would look at the facts in the House bill, there are provisions which allow for an adjustment in premiums of the government program. No one ever said that there would not be an option in the government program. Nothing changes a senior's entitlement to Medicare. There is no change in entitlement.

And if, as the gentleman suggests, that perhaps there is a disproportionate number of the population of ill or more sick seniors that are in the government program, there is a provision in the bill which allows there to be an adjustment in the premium so as to avoid the exact problem the gentleman points out. Those are the facts.

And to conclude, Mr. Speaker, again, we have got to do something about Medicare. Medicare and the demographics supporting that program do not bode well given the current state of affairs. I do not hear a single solution coming from the other side, which seems to suggest that there perhaps may be an obstructionist plan not to allow Congress to pass a prescription drug benefit plan this year, but that is what America's seniors wants and that is what we must do.

The bill that passed the House offers us a way to reform the system, to achieve savings, to allow seniors to have choice in their health care, and choice just as we here in Congress enjoy in the FEHBP program.

Mr. Speaker, I reserve the balance of my time.

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Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I have great respect for my colleague, the gentleman from Virginia (Mr. CANTOR), but when I listen to the arguments being made, I have to reject them outright. The gentleman talked about how Medicare is going broke and the gentleman said, What is the solution? Well, the solution is for the Republican leadership in the House and the Republican President to abandon their failed economic plan, which essentially over the last 2 years has been to create more and more tax cuts, drive the Federal Government into deficit, the biggest debt we have had in anybody's memory, and borrow all of the money from the Medicare trust fund so it goes broke.

Mr. Speaker, if we keep borrowing from the trust fund in order to pay for tax cuts for the wealthy, of course there is not going to be money in Medicare. The solution is easy, get rid of the tax cuts that are primarily favoring the well-to-do and corporate interests, and then Medicare and the trust fund will have money and there is a solution to the problem.

That is what we were doing when President Clinton was in office, we were getting out of debt, and we had a balanced budget. The other side of the aisle created the problem, the economic downturn, and the situation where the trust fund does not have the money; so do not talk to me about solutions, they are easy: Get rid of the failed Republican economic plan.

I listened to what the gentleman said, and he was honest about the facts. He said in 2010 there is going to be a blended rate of the government plan and private plans, but what the gentleman fails to tell us is this blended rate is less than what traditional Medicare costs at that point. Because there is a voucher system in place, the senior who wants to stay in traditional Medicare is going to pay more. There is a blended rate with the traditional Medicare and the private plan. If the traditional Medicare costs more, seniors will have to pay out of pocket, and most seniors who want to stay in traditional Medicare will not have enough money to pay out of pocket. It could cost them $500 more a year, $1,000 more a year, $4,000 more a year, the sky is the limit. Increasingly, a lot of seniors will drop out and not be able to have traditional Medicare. That is why we say essentially what they are doing is trying to save money, and they are saving money by keeping money from access to traditional Medicare.

The gentleman talks about choice of plans. How is there a choice of a plan if you cannot afford to pay for the plan you want, which is traditional Medicare. And meanwhile, you lose your choice of doctor and your choice of hospital because the only way you can get your health care is by joining an HMO, a private plan. So you do not have a choice of plan because you cannot afford to stay in traditional Medicare. You do not have a choice of hospital or doctor because you have to go into an HMO to get your health care.

The facts are simple. The other side of the aisle is setting up a voucher. They do not care about the traditional Medicare program. They say it costs too much when, in reality, they have created the situation that is making it go broke, and it is not really broke, but certainly it will be if we continue with this economic policy.

I have to look at it from the point of view as a senior citizen. They want to privatize. So you have to say, we will give you a drug benefit, but you have to join an HMO to get the drug benefit. And you are sort of dangling the opportunity for a drug benefit out there, but in the course of getting that drug benefit you are setting up a program with this premium support or voucher which essentially privatizes Medicare and forces people out of the traditional Medicare program.

So it is really an effort to sort of "behind the scenes" get the seniors out of traditional Medicare and force them into HMOs by suggesting somehow we cannot afford traditional Medicare and that this is the only way to get a drug benefit.

I think they have to be honest about what they are doing. I support the motion of the gentleman from Florida (Mr. DAVIS) because it makes quite clear that on the Democratic side of the aisle, we do not want seniors forced into vouchers or forced into HMOs. We do not want them losing their choice of doctors or choice of hospitals, and we do not want to set up a situation where essentially we kill traditional Medicare. That is what the Republicans are all about, and that is why we need to support this motion to instruct.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

Just to respond to the gentleman from New Jersey's statements, first of all about the need for us to reverse the trend toward giving people and businesses back more of their hard-earned money, so they can invest that money creating opportunity, so we can actually grow this economy the way we are seeing it grow as a result of the Bush tax cuts that we have passed in this Congress. And setting that aside, Part A is funded by the trust fund, and Part A has a surplus in it. But Members know the demographics. Just like the Social Security situation, the demographics in this country are betting against us because as more and more people retire, less money will be paid into the program and more people will be on the back side benefiting from the program. That is the problem with Part A.

Part B is funded by general revenues. As we continue to put money into Part B, and we continue to see rising health care costs, estimates are that a third of people's income will be used in the next 20 or 30 years to fund the Medicare program. I do not think any of us want to see our children and grandchildren saddled with that kind of debt off into the future. That is why we have to act now. That is why we have to reform this program, we have to afford ourselves efficiencies, we have to save money, and we have at the end to provide seniors with a health care plan that affords them choices.

I will also tell the gentleman, I am having difficulty following the argument about the blended rate and about the fact that we are going to have a blended rate that reflects both private rates, as well as the rate in the government program. That is the beginning. That is the transition into the formula which after 5 years will then reflect basically the rates that are out there in the marketplace for the predominance of the public, the seniors who are in the private plans. And the gentleman just said the private plans will be cheaper, so if the private plans are cheaper, then the government plan and the fee to get into the government plan will reflect the costs offered by the private plan. I am having trouble with the sort of circular argument that you cannot have these private plans succeed because only the nonsick will enter them and will leave all of the sick people in the government-run program which we already said there are provisions in the bill to address that.

Also, we are talking about doing something to reform and better the program. We are talking about updating and modernizing the program. I hear nothing from the other side of the aisle which even suggests that we should go forward to offer seniors a real choice in health care just as we have as Members of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN), the ranking member on the Subcommittee on Health.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman yielding me this time, and thank the gentleman for the good work he does on health care on the Committee on Energy and Commerce.

Mr. Speaker, I rise in support of the Davis motion. Under H.R. 1, Medicare, pure and simple, ends as we know it, as the gentleman from California (Mr. THOMAS) the chairman of the Committee on Ways and Means has predicted and has worked towards, it ends in 7 years. In 7 years, regardless of what Republicans tell us, Medicare will be replaced by a voucher to cover part of the premium for health insurance. As the voucher goes into effect, seniors out-of-pocket costs increase. Medicare no longer, under the plan of the gentleman from California (Mr. THOMAS), under H.R. 1, under the Republican plan, it no longer guarantees seniors and disabled Americans access to the health care that is deemed medically necessary for them. The government would contribute a set number of dollars to an HMO or some other health insurance; beneficiaries foot the rest of the bill. The government may, although they have not under HMOs so far, may save money; but every dollar the government saves comes out of middle-class and lower-income seniors' pockets.

So much for the Medicare entitlement, so much for guaranteed benefits, so much for choices that matter: Choice of hospital, choice of doctor. I love it when Members on the other side of the aisle say seniors want more choice. They want choice of hospital and doctor. That is what Medicare gives them. They are not asking for choice of insurance agent or insurance company or maybe even choice of glossy HMOs brochure, they want choice of hospital and choice of doctor. That is what Medicare has given seniors for 38 years.

I hear my friends on the other side of the aisle say Democrats do not have a solution. First of all, you have to tell me what the problem is before we offer the solution because Medicare clearly, except it does not have a prescription drug benefit and it is too expensive for some seniors, and we need to fix that, but other than that, seniors are happy with the way Medicare works. They have full physician choice, and they have full hospital choice. I love how the other side of the aisle argues for market-based competition. That has certainly worked to keep the price of prescription drugs down. It is good for going to the grocery store and buying a new stereo, but it does not seem to be working for prescription drugs or HMOs.

Seniors would choose an HMO over traditional Medicare if traditional Medicare were funded as well as it should be, I do not think so. But what I think about this, Mr. Speaker, what I think about the Republican efforts to privatize Medicare and turn it into a voucher system to change, as the gentleman from California (Mr. THOMAS), the leading Republican expert in this Congress on Medicare says, to change, to end Medicare as we know it.

When I think about that, it dawns on me what the Republicans want to do. They have never, Republicans have never really appreciated and liked Medicare. In 1965 when Medicare was passed, only 11 Republicans in this whole body and the other body voted for it: Then-Congressman Bob Dole voted no, then-Congressman Gerald Ford voted no, then-Senator Strom Thurmond voted no, then-Congressman Donald Rumsfeld voted no. Republicans did not want to create Medicare.

Then many years later, the first time Republicans were in control of this body, the first thing Speaker Gingrich did, the first time they were in the majority, the first thing he tried to do was cut $270 million from Medicare. Why, to give a tax cut to the most privileged people in society, wealthy Americans. They do not like this program. They want to privatize this program. They want to turn Medicare over to private insurance companies, private HMOs, so instead of choice of physician and hospital, you will have choice of glossy insurance company brochure, you will have choice of insurance agent, choice of insurance company. That is not the kind of choice senior citizens want.

Mr. Speaker, every time since Mr. Gingrich in 1995 tried to cut Medicare, every other time Republicans have had an ability to do something to try and weaken Medicare, they have tried to do it. President Bush said in a State of the Union speech, he said if you want to get prescription drug coverage, you have to get out of Medicare and go into a private HMO to get it.

The Democrats simply want Medicare prescription drug coverage to be done through traditional Medicare, not turned over to insurance companies. When you look at what Republicans think about Medicare, the lack of support in 1965, the lack of support in 1993, the lack of support in 1999, the lack of support in 2003, you know the system works, you know the Republicans do not like a government program like that.

Mr. Speaker, I ask for support for the Davis motion to instruct. It makes sense. We want to preserve and protect Medicare, not privatize this system and turn it over to the insurance industry which just happens to give millions and millions of dollars to President Bush and to Republican candidates.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to call to the attention of the other side of the aisle, in H.R. 1 on page 260, line 18, in very bold print it says, "No change in Medicare's defined benefit package. Nothing in this part or the amendments made by this part shall be construed as changing the entitlement to defined benefits under parts A and B of the act."

□ 2030

Again, nothing is going to change the entitlement for seniors to these benefits, as we said earlier in the House bill.

I would also, Mr. Speaker, at this time like to point out, the gentleman from Ohio says that Republicans do not like Medicare. It is interesting that we on the Republican side are the only ones, once we took majority in this House, who put preventive benefits into the Medicare package. We now have as current law colorectal cancer screening which seniors are entitled to, mammograms, pap smears, prostate screening. In the current bill that we have before us that is in the conference committee, there is an initial physical that will be offered to seniors. There is screening for diabetes, screening for cardiovascular disease provided to all seniors. All seniors. That is what the bill provides for.

As the gentleman also knows, there has been much discussion and much work on the part of the gentlewoman from Connecticut (Mrs. JOHNSON) in the area of chronic disease management. Together with these screening provisions and these benefits that are going to be offered to seniors, we will be able to address some of the potential for these diseases early on, thus saving an awful lot of money and lengthening seniors' lives. I find it hard to even digest the gentleman's suggestion that Republicans do not like Medicare.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I listened to what the gentleman said about the benefits. Surely we have all worked on a bipartisan basis to increase the benefit package. But the bottom line is it is the quality of care that suffers. We know that our seniors, many of them do not like to have to join an HMO where they are not necessarily provided with certain procedures. HMOs routinely deny seniors certain procedures, certain operations.

Clearly they are forced to have certain doctors and are limited in terms of their choice of doctors and hospitals. So when the gentleman says they are going to have a benefit package, sure they have the same benefit package, but that does not mean they have the same quality of care, it does not mean they can choose their doctor or choose their hospital. They may be denied an operation. They may be denied certain equipment. So do not tell me that just because you are guaranteed a certain benefit package that it does not make a difference when you want to stay in traditional Medicare as opposed to having to join an HMO. There is a big difference.

I just wanted to point out one thing, and I was going to ask my colleague from Ohio about this because he has been a leader on this issue. The gentleman from Virginia talked a lot about saving money, but the one big way that you could save money is if you had some kind of cost controls and you negotiated the prices of prescription drugs. The one thing that Republicans have refused to do as part of this package is to in any way control or limit costs in terms of the price of prescription drugs. I would venture to say to you that if you did not have this clause, you have a noninterference clause that says the Secretary of Health and Human Services or the Medicare administrator cannot negotiate price. We do it with the VA, we do it with the Defense Department, we do it with the military. That is one way of saving on cost. You absolutely refuse to do it. You prohibit it.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. BROWN) because I know that he has often talked about this issue. It is clearly a way to save money.

Mr. BROWN of Ohio. I thank the gentleman from New Jersey for yielding. When you talk about cost savings, you can talk about a lot of things but the greatest opportunity we have to save money for the Medicare program is to put the prescription drug benefit inside Medicare and then use the buying power of 39 million Medicare beneficiaries to bring the price down. That is what the Canadians do. That is what the French and the Germans and the Japanese and the Israelis and the Brits do. They use the buying power of millions of seniors, of millions of citizens in their country to get the price down.

That is why Americans pay two and three and four times the price of prescription drugs that anybody else in the world pays. But probably the reason for that is, again, as the insurance industry, it goes back to who is helping the Republican Party. The drug industry has already given $60 or $70 million to President Bush's campaign and to House Republicans and Senate Republicans. That is why this prescription drug benefit, H.R. 1, and every other House bill that comes to this floor sponsored by the Republican leadership will never deal with the high cost of prescription drugs simply because the drug industry, who frankly is way, way too influential in this body, the drug industry simply will not let my Republican friends bring a bill to floor that will cost them a lot of money.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

I would just like to respond, number one, the gentleman from New Jersey suggests that the best way that we can control the escalation in cost in health care is essentially for the government to fix the price and for the government to be the player. That is essentially what we have got now in Medicare. We have got a one-size-fits-all government plan determining benchmarks, government determining reimbursement rates. I would just ask the gentleman whether he really believes that we have done anything to really control costs. I am not yielding to him right now. He can respond on his own time. Does he really believe that the costs have come under control and that we are facing a deflationary trend in the cost of health care?

Then I would like to also say that in terms of the accusations that we in some way through passing the House bill are forcing people into HMOs, there is no provision which forces anyone into an HMO. In fact, the bill takes great strides toward creating regional provider networks, so that individual Medicare beneficiaries will have the ability to go and seek care within the network. They can go outside the network. No one is forcing anyone into an HMO, which again goes back to the central point of what we are trying to do and that is to afford seniors a choice. Not everyone wants the same type of health care. And certainly I would suggest that no one wants a Canadian-style health care. No one wants to see a nationalized health care. It is almost like the other side calls for Hillary-care. No one wants that.

As far as the gentleman from Ohio in his discussion on the pharmaceutical end, I thought that the motion to instruct on the part of the gentleman from Florida related to part C, not part D.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself 4 minutes.

I would like to briefly point out some of the things that clearly are not a part of this debate and then focus on some of the things on which there is some agreement here. This is not about nationalizing the health care system. The statement was made earlier that I am against market-based competition. Speaking simply for myself, I am not. That is not the issue here tonight. The issue is how do we answer the question to a Medicare beneficiary who has some health issues, who has been rejected by a private plan, how is she or he going to find a way to pay their bills at the end of the week, at the end of the month when the Medicare dollars that they receive now run out. That is the question.

The issue has been presented tonight as to whether we are against choice. I do not think it is whether we are against choice; it is whether what is being presented here is a false choice. I think we can agree that if you are a perfectly healthy Medicare beneficiary, this private plan may work for you. But if you are not, if you have reached 65 and you have had a history of some health problems or you are going to be experiencing them, I believe, as I stated earlier, that the insurance companies across this country will say that we do not choose to insure you; and this bill, and this point has not been refuted by the other side, does not force a private insurance company to accept somebody with health issues who is more expensive who they do not choose to insure because they do not think that person is sufficiently profitable. That private insurance company has a choice. They have a choice to say to that Medicare beneficiary, We do not want you. Instead, you take your voucher and you go off and you take care of your own health care.

It is also important to point out, there has been no disagreement on the other side, no even attempted disagreement as to the fact that the chief actuarial for Medicare has stated that under this premium support provision, that a Medicare beneficiary's premium could increase by as much as 25 percent. This is a fact. This is not in dispute. So notwithstanding these arguments about risk adjusters and blended rates and the bill saying whether it is defined benefit or defined contribution, the fact remains at the end of the day that when a private insurance company turns away somebody with health issues and their premium goes up by as much as 25 percent, that person is left in the cold, that person is left in the dark at the end of the week or at the end of the month when their voucher runs out.

The question remains whether we believe as a Congress, as Democrats, Republicans, as independents, as United States citizens, that it is humane to change Medicare as we know it and leave that person in the cold, in the dark when their voucher runs out. We can look at examples around the country of the Medicare+Choice plan that has been in effect, in my State, Florida, in many States where people who had no health problems enjoyed the benefits of the Medicare+Choice plan. But when as they got older they started to develop health problems and they were turned away by their private plan, thank goodness traditional Medicare was there as a fallback to provide to them the coverage that they had earned through paying a payroll tax, through the copayments and the premiums they paid. Thank goodness traditional Medicare was there. But if this premium support plan is adopted, that person will no longer have that benefit. They will have the voucher instead.

Finally, the gentleman, I think, credibly points out, where is the alternative? I wish I was in a position tonight to offer the alternative. I am forced only to offer a motion to instruct to remove parts of the bill, not to add them. This motion is offered in an attempt to take this very destructive issue off the table so we can get to what we are here today which is to create a reliable, affordable Medicare prescription drug benefit.

Mr. Speaker, I reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume. I just want to respond to the gentleman's remarks about discriminating against seniors and thereby denying them access. I think the gentleman will agree, again we are talking about facts, that current law already provides that under Medicare there can be no discrimination based upon age or based upon one's health. And in this bill there is a requirement that the plans that participate and opt to participate in the Medicare program must have uniform pricing and uniform premiums. There are safeguards. And so all this doomsday prediction that the gentleman offers is not going to occur because there are safeguards provided in the bill for that.

I would also like to point out to the gentleman that studies have shown that the poor that are existing now under the Medicare program, they by far are opting for the Medicare+Choice plans versus the standard Medicare program because they are, frankly, more affordable. Again, this is the marketplace at work. I think it brings us back full circle to the fundamental difference between the parties here. We believe that seniors are individuals and they deserve to have a choice and we should bring in the same type of choice that we all have as Members of Congress in the FEHBP, that seniors should also have that and with the safeguards that we have spoken about, seniors can have that choice just as we do, and not be suffering under a one-size-fits-all government-run program that, frankly, is going to run out of money. So we have got to do something.

The gentleman says he is only in a position to offer a motion to instruct. I have heard no solutions being offered by the gentleman or any of the speakers on the other side of the aisle other than some notion of recreating Hillary-care.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I think we are getting closer to the facts here. This is about choice. This is about whether the beneficiary under current law can fall back on the traditional Medicare program. There has been no dispute that under this bill as the chief actuarial, the President's chief actuarial, has said, the premiums can increase by up to 25 percent. Nobody is disputing that. And nobody is trying to answer the question, what happens to that Medicare beneficiary whose premium increases by up to 25 percent who runs out of money under the voucher at the end of the week or at the end of the month.

With respect to solutions, which are not within the scope of the motion to instruct tonight, I think the gentleman should respond to the point that has been made a couple of times here, which is one of the ways to develop a more affordable prescription drug benefit is to give to the Federal Government the authority to negotiate a discount. Just as Secretary Rumsfeld, the Secretary of Defense, negotiates a discount when he buys a helmet or a hammer, just as Sam's Club negotiates discounts for the benefit of all the people we represent, why should the Federal Government not have the ability to negotiate a discount when it purchases prescription drugs for the benefit of our Medicare beneficiaries?

□ 2045

The answer in this bill is that this bill specifically prohibits the Secretary of HHS from negotiating any discount in the price of prescription drugs, and that is an unforgivable travesty in terms of our obligations to defend the taxpayers and the Medicare beneficiaries of this country who are paying horrific prices.

I would be happy to yield to the gentleman if he would care to defend the provision in this bill that specifically prohibits the Federal Government from negotiating any discount whatsoever in the price of prescription drugs.

Mr. CANTOR. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I will be glad to respond to the question, because, again, we are talking about the philosophy. Do you want the government out there fixing prices? Do you want the government out there coming up with the formulary? That is what you are talking about. Many States across the country do that, they come up with a formulary, and we all know how difficult it is to get anything through this Congress.

So as the drug industry comes up with more and more miraculous life-saving and life-lengthening drugs, we will be stuck and mired in the bureaucratic process of approving a change in the formulary, so it will almost be impossible for that to happen.

Mr. DAVIS of Florida. Mr. Speaker, reclaiming my time, does the gentleman further believe the Secretary of Defense should not have the authority to negotiate any discounts when he is buying a helmet or a hammer, or is that a price control also?

I am happy to yield further to the gentleman to respond to that.

Mr. CANTOR. Again, I think that the Secretary of Defense and any other agency that negotiates on behalf of its agencies, its employees, has a mission. But we are talking about negotiating on behalf of the public and people out there that have different needs.

We are a market-based country. We are a country where people have the option to choose for themselves. We are not living in a country where I think, one would think, the government can decide which medicine, which prescription drugs you ought to have and which you ought not to have.

Mr. DAVIS of Florida. Mr. Speaker, reclaiming my time, I find it incredulous that the gentleman believes that the Federal Government should not take advantage of negotiating some discount, just as Sam's Club does to buy discounts on behalf of its customers, or just as the Secretary of Defense does. This is a disservice to the taxpayers of this country and the Medicare beneficiaries.

This is the type of debate we should be having in this body, as to how to develop an affordable Medicare benefit.

Mr. Speaker, I reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to follow up on that, again, it goes to the fundamental difference between the two parties here, whether you think the government ought to be in there for you negotiating prices, or whether you ought to let the private sector and the plans that have an incentive to attract customers and attract seniors into the plan to make their formularies more attractive, if we are talking about prescription drugs, to give the market the incentive to do that for seniors. Let the seniors choose which plan is better for them, because if you have got the government doing it, there will be no choice. There will be a one-size-fits-all, government-run plan.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. NUNES). The gentleman from Florida (Mr. DAVIS) has the right to close and has 1½ minutes remaining, and the gentleman from Virginia (Mr. CANTOR) has 15 minutes remaining.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman and the Members on the other side, I have enjoyed the debate. I think it is always a healthy experience for this body and the country to have an active discussion on very important issues.

I happen to think that the Medicare reform bill that we hopefully will be voting on soon is probably one of the most important things we will do in our careers in this body, because it does affect so many people. It impacts them in an area of their lives in which everybody is concerned, and that is health care. So I appreciate the debate.

I would just like to underscore, once again, the bill that we have in place and that we have passed out of this body is a bill designed to shore up the failing actuarial numbers in Medicare and the fact that we are on a road to ultimate bankruptcy of the system if we do not do something to reform it and if we do not do something to allow seniors to continue to enjoy that benefit.

The way that this House has spoken, the way we will do that, hopefully, is through inviting in competition from the private sector, allowing seniors to choose health plans that best fit their own family and their own health care needs.

We also, as we have discussed, have in this H.R. 1 provisions which protect seniors and which ensure that they will have access to quality health care, and, at the same time, protection that there is never going to be any denying of the entitlement of Medicare to seniors.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think this has been a civil, productive debate as well. The purpose of the premium support provision is to try to reduce the cost of the Medicare program to the benefit of Medicare beneficiaries and the taxpayers, and that goal is a worthy goal.

We have heard debate tonight about one of the ways that can be achieved, by trying to negotiate discounts in terms of the price of prescription drugs. I think the argument on the other side is a philosophical argument, that somehow the government should not be involved in that, even though it works for the Secretary of Defense, it works for the VA, in a fashion that no one is questioning.

So where the debate ultimately ends up tonight is should we reduce the cost of Medicare on the back of that Medicare beneficiary who has been rejected by a private health care plan, by giving them a voucher that will not get them through the end of the week or the end of the month?

I think the answer is clearly no, and there has yet to be a single Member of Congress who has stood on the floor of this House and tried to squarely confront that question. And to say to that Medicare beneficiary, this is why you are on your own, this is why, as the chief actuarial of the Federal Government has said, your premium is going up 25 percent, you are on your own, there is not a humane acceptable answer to that.

This is not a Democrat or Republican proposition. This is about humanity. This is about whether Medicare as we know it is going to continue to address that person at a very difficult time in their life. We owe our seniors a choice, but not a false choice. We should respect them by being honest about what this bill does.

Mr. Speaker, I would urge adoption of the motion to instruct to reject the premium support provision of this bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida (Mr. DAVIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONTINUATION OF EMERGENCY POSED BY PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–138)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency posed by the proliferation of weapons of mass destruction and their delivery systems declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2003. The most recent notice continuing this emergency was signed on November 6, 2002, and published in the *Federal Register* on November 12, 2002 (67 Fed. Reg. 68493).

Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have determined the national emergency previously declared must continue in effect beyond November 14, 2003.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 29, 2003.*

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–139)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating the Sudan emergency is to continue in effect beyond November 3, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on October 31, 2002 (67 Fed. Reg. 66525).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 29, 2003.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LETTERS FROM CONSTITUENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 1838, former President, then-Congressman, John Quincy Adams came to the House floor because he was prohibited, as were the other Members of Congress, from debating the most important issue of the day.

Conservative leadership in the House of Representatives between 1838 and 1842 had passed a rule prohibiting and banning the discussion of slavery on the floor of the House of Representatives. Then-Congressman John Quincy Adams came to the floor, day after day, week after week, sharing letters from his constituents, many of them from women who could not vote in those days, sharing letters from his constituents asking, pleading with the House, that they debate the issue of slavery and that they ban and wipe away that blot on American history.

In some ways similarly today, Members of this House have not had the opportunity to debate the issues of Iraq, of keeping our troops safe in Iraq, of providing and supplying our troops, of the corruption and the incompetence in the Pentagon and in the Bush administration in supplying the troops and turning over so many public dollars to private contractors.

As a result, I would like to share some of those concerns. Since we are not debating the issues on the House floor, I would like share some of the concerns with letters from my constituents.

Sabba, from Richfield, Ohio, writes, "The Bush administration had no concrete evidence confirming the weapons of mass destruction in Iraq. Bush completely disregarded the United Nations' dissenting opinion."

You can see in letter after letter I am receiving in Ohio, and my colleagues, the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Ohio (Mr. RYAN), the gentleman from Ohio (Mr. KUCINICH), the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from Ohio (Ms. JONES) and Members from both parties in Ohio are receiving from all over the country, people's concerns that the President and the administration may not have leveled with the American people about all of these issues.

□ 2100

Margaret of Strongsville writes, "Please don't throw money into a vast pit which will affect us all for another several generations."

Margaret is referring to the $1 billion a week that the President is already spending in Iraq, a third of that money unaccounted for, going to private contractors, many of them the President's friends, and that is where she and so many others believe there is so much waste and so much pork.

Marvin of Akron, Ohio, says, "The request must be carefully scrutinized and unnecessary expenditures removed."

Thomas of Akron, Ohio, writes, "How much debt is acceptable?"

What he is writing about is he understands, as most Members of this House do, I think, on both sides of the aisle, that the $87 billion is put on a government credit card. We are going to spend our children's and our grandchildren's money, in large part, because Congress has voted a tax cut for the wealthiest Americans. The average millionaire in this country, as Thomas knows from his letter, the average millionaire in this country gets a $93,000 tax cut. Half of Ohioans get no tax cut at all. Yet, we are not going to rescind that tax cut for the richest of Americans, for the American millionaires that get $93,000; we are going to put this war on a credit card so that that $87 billion plus the $80 billion that Congress has already spent, plus the tens of billions more that we know President Bush will ask for, will be paid for by our children and our grandchildren.

Crystal of Akron writes, "Please think long and hard before you spend $87 billion. To what end?" We hear that over and over and over.

When I read these letters, Mr. Speaker, one thing also that comes out is people understand that of this $1 billion a week we are spending in Iraq, one-third of it goes to private contractors. Most of those private contracts are unbid contracts, and most of that money is going to friends of the President. Halliburton, Bechtel, corporation after corporation, if you look at FEC reports, you see those corporations, the employees of those corporations are giving hundreds of thousands and, in some cases, millions of dollars to the President's campaign. And to make that even worse, Mr. Speaker, Halliburton, the company where the former CEO is now the Vice President of the United States, DICK CHENEY, Halliburton has received over $2 billion in government contracts, over $1 billion in unbid, unaccounted for contracts; and Halliburton is still paying Vice President CHENEY, still paying Vice President CHENEY $13,400 a month. Vice President CHENEY is receiving $13,000, more than $13,000 a month, $160,000 a year, from this company that gets unbid contracts of taxpayer dollars to fix Iraq, to supply the troops, to do whatever that Halliburton is supposedly doing.

Halliburton's profits have gone sky high while they have the go on these contracts, while they have paid the Vice President of the United States. It is just amazing to me. All of us in this body should be incredulous that we are spending this kind of money, giving this money to a company like Halliburton, with unbid contracts, literally hundreds of millions of dollars a week, and then this company turns around and pays Vice President CHENEY $13,000 a month.

Mr. Speaker, I close with the last letter, Anthony from Akron, Ohio: "Bush needs to face up to these facts. I am 16 years old. I myself feel that growing up in America will now be tougher because of all of these things that are going on."

Mr. Speaker, end the corruption, end the incompetence of the Bush administration in Iraq, do it right. Fix Iraq the right way. Stop the corruption. Stop the incompetence.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again this week as cofounder of the Washington Waste Watchers, a Republican effort designed to bring the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy.

Last week, the Treasury Department reported the current fiscal year deficit, excluding Social Security receipts, closed at $535 billion, one of the largest deficits ever. Faced with this growing budget deficit and obvious unparalleled homeland security needs, surely we must do something.

Now, Democrats say the only way to cut the deficit is to yet again raise taxes on the American family. I disagree. We do have a historically large deficit, but not because the American people are taxed too little. It is because Washington spends too much.

Since 1998, just 5 years ago, Federal spending has increased 22 percent and the amount the Federal Government spends per household has increased from $16,000 to $21,000 per household. This is a 5-year spending binge, the likes of which we have not seen since World War II. But the binge did not start just yesterday. The Federal budget has been growing seven times faster than the family budget for the last 2 generations. This assault on the family budget is unfair, unsustainable, and unconscionable.

Mr. Speaker, much of the spending in Washington is also pure waste, fraud, and abuse. And by attacking it every day, we can begin to reduce this deficit. That is why the Washington Waste Watchers are here.

Mr. Speaker, tonight, let us just look at a few questionable examples of spending in one Federal agency, the National Institutes of Health, or NIH. NIH is funding a 6-year grant to study American Indian and native Alaskan lesbian-gay, bisexual, transgender, and "two-spirited" individuals. This study is estimated to cost the American taxpayer over $3 million. Part of the purpose of this study is to "facilitate future goals of designing and evaluating interventions to address the urgent needs of two spirits."

We are fighting a war on terrorism and this is urgent? And, even worse, Democrats want to raise our taxes to pay for more of this?

NIH is also paying approximately $276,000 for a 4-year study on the sexual behavior of 80- and 90-year-old men. What are we supposed to do with this information? NIH has also handed out over $107,000 to fund a research on mediums or, in their words, "individuals who regularly enter altered states of consciousness as part of a religious ritual." Combined, that is $383,000 of the American people's hard-earned tax dollars. And Democrats want to raise our taxes to pay for more of this?

NIH is also funding studies on reactions to pornography, sexual risk-taking, and they also chipped in for a conference on sexual arousal, all of which will end up costing the American taxpayer an estimated $650,000 over 2 years. Mr. Speaker, $650,000, and Democrats want to raise our taxes to pay for more of this?

They are spending an estimated $1.2 million over 6 years on Chinese panda research, and we have no native pandas in America. They are also spending $4.6 million on sexologists.

Mr. Speaker, the few items I just mentioned are from just one government agency, and it will waste over $10 million of the American taxpayers' money.

Now, tonight I wish I could say these were unique examples but, unfortunately, this type of waste has been going on in this city for years and years. Now, Mr. Speaker, I certainly support scientific research, and NIH has done some very great work, especially in the area of cancer research. But where are our priorities? Where is our common sense? Where is the accountability? Does anybody really believe at a time of historically large deficits, with enormous homeland security needs, that we need to be spending over $10 million of hard-earned American family money on sexologists and Chinese panda research? If these are the grants that are approved by NIH, I would hate to see the ones they turn down.

Mr. Speaker, there are so many different ways that we can save money in Washington without cutting any needed services and without raising taxes on hard-working Americans. Because when it comes to funding programs in Washington, it is not how much money Washington spends; it is how Washington spends the money.

PASS ENERGY BILL NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. TERRY) is recognized for 5 minutes.

Mr. TERRY. Mr. Speaker, I think back, somewhat romantically, to when I turned 16, got my driver's license, and my dad let me drive that 1970 rusted-out brown station wagon to Northwest High School in Omaha, Nebraska. I have a not-so-romantic memory of that 1970 station wagon, waiting in line on Fort Street in a line about two blocks long to get gas, and wondering if those who remember that second oil crisis in the late 1970s, around 1977, if you share this memory too of waiting in lines blocks long to pull up to the gas pump, wondering if when you get up there, there is not going to be that white piece of notebook paper up there saying "out of gas." And gas prices doubled and tripled.

Well, since those days in the 1970s, we were about 35 percent dependent on foreign oil; and as we stand here tonight in this Chamber, we are about 58 percent dependent on foreign oil for our energy needs in this country. When we look at those last 20 and 30 years and we see how our economy is growing and has grown, mirrored to that is our energy needs and use in this country. Our energy sector represents 300 billion, a 300 billion piece of the American economy, and it is that that powers America and powers our economy.

Now, I remembered or thought back to that oil crisis in the late 1970s, but there are a lot of people that just have to remember back to last year when oil prices reached record highs of $40 per barrel. In Omaha, Nebraska, we were seeing gas stations with $2-plus per gallon cost for gasoline.

Now, a lot of people that rely on natural gas to heat their homes in the winter saw a nearly 60 percent increase in natural gas. For electrical generation, most peaking plants and a lot of new generation plants rely on natural gas, so that 60 percent increase in natural gas is certainly passed on to the consumers.

Here is just a couple of interesting facts about what our future holds in America and how we are going to power ourselves and our economy. The U.S. energy use has increased by 33 percent over those last 30 years that I mentioned, while domestic energy production has increased 12 percent. America now imports, as I said, 58 percent, and that is expected to grow as high as 75 percent by 2010 to 2015. The Department of Energy expects that by the year 2020, the U.S. energy consumption will increase 50 percent for natural gas, 45 percent for electricity, 35 percent for petroleum, and 22 percent for coal.

Mr. Speaker, we face an incredibly important issue for this country. There is not a person listening here that does not understand the impact of energy on how we do business in America, how we work with our families in our homes, but also how it impacts foreign policy decisions. I think there is probably a lot of us in this House that would love to diminish our dependence on Saudi Arabian oil. Just our imaginations can run wild with how that may free a great deal of our foreign policy. But yet, as I stand here tonight, we have a problem in the United States Congress between two chairmen whose bickering refuses to pass out of conference an energy bill.

See, back in June and July, this House did its business and passed a very comprehensive energy bill that I thought dealt appropriately with our current needs and future demands. Likewise, the Senate had difficulty passing their bill and took up last session's bill, put it on the floor to get it to conference. And I am very disturbed that we cannot get that bill accomplished. I certainly encourage our House leadership to take control of that conference, the Senate leadership to take control of that conference and get it done. This is too important for our Nation to allow pettiness to deteriorate progress to this point so that we cannot pass a bill.

□ 2115

THE DISMANTLEMENT OF OUR MANUFACTURING AND ECONOMIC BASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 30 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, this evening I would like to address the issue of the economy in our country and the dismantling of our manufacturing and economic base.

President Bush owns the worst record of job creation since the Presidency of Herbert Hoover. More than 3.2 million Americans have lost their jobs since this President was installed in office.

The Bush administration's destruction of jobs across our country indeed has spread like wildfire. From Massachusetts to the Carolinas, from the Midwest to California. Now, they have even tried to take away our overtime pay. Isn't enough enough?

Accelerating job loss under this administration is the norm, not the exception. Indeed, in less than 3 years the Republicans have lost 3.2 million jobs and at the same time added $3.3 trillion to our national debt. Today 9 million of our citizens are out of work and cannot find a job.

The gentlewoman from Oregon (Ms. HOOLEY) has a discharge petition in this House, so that we can extend unemployment benefits to those who simply cannot find work inside the boundaries of this country. That bill should not require a discharge petition. It should come to this floor immediately because it is necessary for those who will lose their benefits by the end of this year.

President Bush has the worst record of job creation, actually he has created no new net jobs, of any President since Herbert Hoover during the great depression. Every President since World War II has created jobs but for this President.

This year, the United States is going to lose more manufacturing jobs. It will mark job loss in the manufacturing sector every single year of his Presidency. And if you look at the accelerating loss of manufacturing jobs, this has never happened since World War II in our country. We have lost 2.5 million manufacturing jobs.

The Great Lakes States are being hollowed out in the steel industry, in the machine tool industry, in the automotive parts industry. The Carolinas are being hollowed out in furniture, in textiles. Massachusetts has suffered enormously, as much as any other State in our Union.

There seems to be no end to the job killing across our country. More bad news on job losses hit California today. And more people are looking longer to find work. Mr. Speaker, 5 million people are working part time because they cannot find a full-time job.

So the Bush administration's record on jobs is abysmal. But the rich are getting richer thanks to President Bush's massive tax breaks for millionaires. But half of America's families get nothing from his tax package.

And the middle class is getting squeezed as usual. In return for meager tax cuts, they are facing enormous increases in local and State property taxes, gas taxes, special levies. And tuition rate increases for college students are going up across our country and going off the charts. In Ohio, for instance, our State has raised tuition 40 percent. It has recently suspended new entrants into what is called the Ohio Tuition Tax Authority, the 529 program, that allows parents to save for their children's college education. They do not want any more people in the program because there is not any money for it.

Our State is closing libraries on Sundays and forcing the burden of paying for libraries not on the general tax duplicate for the whole State, but they are pushing it down on property taxes.

So the middle class has had a net increase in taxes since this President took office. The middle class is getting squeezed as State and local governments rack up record levels of debt, cut important services, and raise taxes and user fees.

This Congress just approved an enormous amount of money for Iraq and yet not a single dime was approved for our States and localities that are running record deficits and are being forced to cut services. More pressure on our families, more pressure on our workers.

Listen to these numbers. Nine million Americans out of work, the most in a decade. Almost 4 million Americans, 4 million, out of unemployment compensation. That is 13 million Americans right there. 151,800 manufacturing jobs lost in Ohio under this President's watch. 145,300 manufacturing jobs lost in North Carolina. 297,700 manufacturing jobs lost in California. 215,300 more unemployed people in New York since Bush took office.

We witness daily the real and deepening crisis in manufacturing. Between January 1998 and August of 2003, U.S. manufacturing employment dropped by 3 million persons. During the Bush years, the pace of job washout has accelerated dramatically. In fact, manufacturing share of our Gross Domestic Product fell below 14 percent last year. As the Economic Policy Institute notes, the manufacturing sector occupies a special place in U.S. economy because productivity growth in manufacturing has historically outpaced the rest of our economy, driving real increases in our standard of living. We know that well in our part of the country, the Midwest.

Good paying jobs in factories with good benefits are the key to our great middle class, the key to achieving the American dream, to buying a home, to putting your kids through college. Manufacturing fosters supply and demand growth, providing the basis for durable economic growth for the wider economy. But total employment in manufacturing in the United States used to be about 18 million workers, ranging between 16.5 and 19.5 million. However, that has plummeted to 14.6 million workers as of August of this year.

This record low level of manufacturing employment in our country coincides with the largest trade deficits our country has ever recorded. For the first time in almost 40 years, despite an increasing population, we have record low employment in manufacturing. The net result is a lower standard of living, greater economic pressure on our families, a fracturing of communities, a diminished tax base for schools, local governments and angry citizens, among other things.

The jobs did not just disappear like the horse and buggy. They have gone to other countries. Americans are still driving cars, but American workers enjoy less of a market share compared to foreign companies. Americans still use refrigerators, but they are more often made in Mexico or China, rather than Iowa.

I present this particular chart this evening on the U.S. trade deficit, the balance, because every single year it has gotten worse and worse and worse until this past year of 2002 and this year of 2003 we are hovering at half a trillion dollars in more imports coming into our country than exports going out.

And just in that one year alone, that level of trade deficit translates into an additional 1 million lost jobs. Because for every billion dollars of trade deficit, of more imports coming in here than exports going out, you lose 20,000 jobs. So multiply $500 billion by 20,000 and what do you come out with? An additional million lost jobs.

We have never hemorrhaged jobs and income to this extent. Americans still use steel for bridges and buildings and vehicles and appliances, but our steel industry is under siege from dumped steel and foreign competition.

Americans still eat food, but more and more of our food is coming from foreign countries as farmers across this country bite the dust. And the average age of farmers in our Nation is now 58 years of age. Americans still use telephones and electronic equipment. They still watch television, but those products are now made in Mexico or Asia. Our demand has not changed, in fact, it is greater than ever, but the problem is on the supply side. Our factories have lost market share, which translates into fewer orders, which translates into fewer jobs, which translates into greater unemployment and the dismantling of our mighty industrial and agriculture economy.

How long can this go on? Can America regain its competitive edge? The staggering rise in this U.S. trade deficit, particularly with China, claims millions and millions of more jobs. And these are the figures for China. The U.S. trade deficit with China alone this year will rise to over $103 billion. That means 2 million lost jobs just related to China. And it is no surprise if you think about your own experience when you go to the store, look at the tag. Where is it from? That job is being created somewhere else at slave-level wages, but it certainly is not being created in this country. And that creates a siphoning off of income by our citizens somewhere else.

The staggering rise in the U.S. trade deficit with China, I mean look at this, it is absolutely gigantic, never experienced before in our Nation's history, is claiming millions and millions of more jobs every year. It is a product of bad deals, bad deals, bad trade deals such as NAFTA and the World Trade Organization and most favored nation status for China, giveaways on the part of the U.S. Congress, and the Bush and Clinton administrations.

Selling American workers and our companies down the river has been a bipartisan effort by some here in Washington, but the bill is coming due. Between the first quarter of 1995 and the second quarter of 2003, the overall trade deficit skyrocketed to over $411 billion, dominated by over $408 billion in the deficit in manufactured goods.

Since 2000, the year Congress approved permanent normal trade relations with China, a communist country, the largest U.S. trade deficit in American history has been amassed with China. The deficit with China exceeded $100 billion last year alone, and this year shows no sign of slowing.

The manufacturing trade deficit, according to the Economic Policy Institute, alone for all of the nations from which we are importing goods reached $491 billion by the end of 2002. The Bush administration says it wants to solve the problem with China alone by manipulating currency rates, and I can tell them it will not work. Because it never worked with Japan.

I can remember back in the 1980s when they patted me on the head in a very patronizing way as a young Member of Congress and they said, Marcy, do not worry about the trade deficit with Japan. When the yen-dollar relationship reaches maybe 90 yen to the dollar, everything will work out. You know what? It never did. It did not matter whether the yen was 90 to the dollar or 230 to the dollar. When you have a controlled economy and you prohibit imports, and you have Keiretsu supplier chains into which other country's companies cannot bid, you will never balance the trade accounts of this country because other nations do not play by the same rules.

And so Americans still buy cars and trucks, and still drive cars and trucks, and still buy refrigerators and stoves, and televisions and computers and DVD players, and still consume vastly more than any other people in the world, but we are losing manufacturing jobs at a record pace. And it is dragging down our entire economy. Have you noticed?

Mr. Speaker, this is not just a regional issue. It is not just about the Midwest, although we in the Midwest understand the importance of manufacturing to our economy. Earlier this week on Capitol Hill, a Republican polster told a briefing that the jobs in the Midwest are going and they are not coming back, and he explicitly mentioned Ohio. I refuse to accept that. And I know my dear colleague, the gentleman from Ohio (Mr. BROWN) refuses to accept that because we know we cannot withstand the loss of millions more of our manufacturing jobs and this type of hemorrhage, and turn this republic over to our children and grandchildren in better condition that we found it.

Mr. Speaker, I have some comments I want to make about when these countries get these dollars from the United States, what they end up doing with our dollars, but I would be very happy to yield to my colleague, the gentleman from Ohio (Mr. BROWN) who fought with us so valiantly in our efforts to amend NAFTA before its passage and to deny this kind of trade access to China without getting something on the other end.

☐ 2130

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman, my fellow Ohioan, with whom I share one county, Lorraine County. I appreciate the good work the gentlewoman does there and throughout our State and especially the leadership that the gentlewoman from Ohio (Ms. KAPTUR) has shown. People that watch C–SPAN and people who have followed these issues know that the gentlewoman from Toledo has done more for justice and trade agreements than perhaps any Member of this body. Way before my time when we started working together against NAFTA in 1993, she was doing this for the decade before that also. So I thank her for that.

The gentlewoman has done a particularly good job in talking about the big picture. I want to talk a bit about Ohio and what it means in a State of our size, the seventh biggest State in the country, I believe, and a State that has been hit, not quite the hardest but darn near the hardest of any State in the country in terms of lost manufacturing jobs. One out of six manufacturing jobs in Ohio is gone. That means for every six people in manufacturing, the day that George Bush put up his right hand and took the oath of office, one out of those six people across my State, our State, has lost his or her job in manufacturing.

Those are the best-paying industrial jobs. They are the jobs that send kids to college. They are the jobs that buy homes. They are the jobs that buy cars. They are the jobs that put food on the table.

At the same time, we have seen this economy managed by President Bush go from a major budget surplus to now a $500 billion budget deficit. And that is not counting the $87 billion that the President is pushing through the Congress to spend on Iraq, where one-third of that money goes to private contractors and much of that money goes to unbid contracts to the President's friends. Halliburton, the largest contractor in Iraq, is still paying Vice President CHENEY $13,000 a month. It boggles the mind. While Americans are suffering, jobs are lost, the manufacturing basis is worst than decimated, literally, that we are helping to enrich a company with private contracts where it is still paying the Vice President of the United States $13,000 a month.

When you talk about the trade deficit the gentlewoman mentioned, we now have a $450 billion-a-year trade deficit. The trade deficit for August of this year was greater than the trade deficit for the entire year of 1992. In 1992 we had a trade deficit, if I recall, of about $39 billion. The trade deficit of a couple of months ago, 1 month was $42 billion.

As the gentlewoman said, every billion dollars in a trade deficit translates into 20,000 lost jobs. So when we are talking about a trade deficit of $40 billion, $45 billion a month, you are talking about hundreds of thousands, millions of jobs certainly in the course of a year, we are losing in manufacturing; $100 million trade deficit with China in about a decade ago. Now we have a $100 billion trade deficit with China, a thousand times greater than just about a decade ago.

President Bush's answer is always more tax cuts for the most privileged. The average millionaire in this country gets a $90,000 tax cut. Half of Ohioans got zero dollars in tax cuts; $90,000 for millionaires, zero for half of Ohioans, and only a few dollars for most of the rest of Ohioans, while one out of six Ohioans who worked in manufacturing has lost his or her job.

The President's answer, tax breaks for the most privileged and more trade agreements. The President is now in the middle, as the gentlewoman knows, working to negotiate an expansion of NAFTA. He wants to expand NAFTA to Central America, something called CAFTA, the Central America Free

Trade Agreement. He then wants to expands CAFTA and NAFTA to the FTAA, Free Trade Act of the Americas. That will double the size of NAFTA. It will quadruple the number of low-income workers in the free trade area, the Western Hemisphere area.

What does that mean? That means a continued hemorrhaging of jobs. We know we have lost in our State, I believe the gentlewoman said, 150,000 manufacturing jobs. We have lost 150,000 manufacturing jobs in Ohio. It is not like a normal recession that this President helped to cause. It is not a normal recession where people get their jobs back after 6 months or a year. These jobs are lost. They are in Mexico. They are in China. They are in these places that the gentlewoman was pointing out.

When the President's answer to every economic problem is more tax cuts to the most privileged on the one hand, and more trade agreements that hemorrhage jobs to Mexico and China on the other, it troubles me to think what our future is.

It is so clear what we need to do in terms of restoring American manufacturing, but it is so wrong what the President has decided to do. More tax cuts for millionaires, $90,000 on the average; more trade agreements, expanding NAFTA to Latin America and continuing to hemorrhage thousands, hundreds of thousands in the case of our State, manufacturing jobs south of the border, east of the border, across the ocean or wherever.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman for raising several critical issues this evening, including the disparity between those Americans who are losing their jobs and certainly very privileged people in this country including the Vice President of this Nation.

Mr. Speaker, I want to follow up on what the gentleman was saying about the compensation that the Vice President receives from his former corporation, Halliburton Corporation. The gentleman is absolutely correct in what he says; and in addition to the figures he has placed on the record, the Congressional Research Service issued a report that the other body requested, including not just the funds that the gentleman mentioned for the Vice President, but also deferred salary and stock options, 433,333 of them to be exact, and Halliburton stock owned by the Vice President. And here is what these benefits pay him.

In deferred salary, according to this report, in 2001 Vice President CHENEY received $205,298 from Halliburton while he is serving as Vice President and permitting no-bid contracts to go from the Department of Defense to this Vice President. In 2002 he received $162,392; and similar payments are to be made in 2003, 2004, and 2005. So there is an ongoing corporate obligation paid to him in company funds.

In addition, he has these stock options, 433,333 of them in three different traunches. The value of those stock options today alone are valued at over $26,674,990. It is not as though he does not have an interest in what happens to that company. And this is in addition to a $20 million retirement package paid to him by Halliburton after only 5 years of employment that he held with that company and a $1.4 million cash bonus paid to him in Halliburton in 2001, and additional millions of dollars of compensation paid to him while he was employed by the company.

Now, compare that to the people in our country who are losing their jobs and those we are having to fight for here on this floor to get extensions of unemployment benefits. One of the aspects of the job loss in our country and related to the trade deficit with China and with all of the nations is the fact that when these countries, the people in these countries sell us goods, financially our dollars go back to that country and the companies in that country. And it is very interesting what they do with their dollars. First of all, they purchase pieces of us so that the brain of the corporation is no longer located in this country, but rather wherever those companies are located which means that we become a derivative economy.

Secondly, those dollars that end up in the hands of foreign interests are being used to purchase our public debt. And one of the hidden aspects of this horrendous trade deficit that we are racking up is that countries like Japan and China and the Middle Eastern oil kingdoms are buying larger and larger pieces of us. In fact, they now own well over a trillion dollars of our debt on which we are paying them interest.

Is that not a fine how do you do?

According to the latest year for which I have figures, we paid over $85 billion in interest to these foreign creditors to the United States, the largest being Japan. In 2001, we paid her $26.1 billion of our tax money. Those are dollars we did not pay to our citizens. We did not sell savings bonds to our citizens and ask them to pay the interest to them. We paid the interest to Japan, which will not open our markets to their products and continues to exclude our suppliers in their automotive supply chain, but we paid them $26.1 billion.

We paid China and Hong Kong, this was back in 2001, before this deficit was going up as much as it is now. It was horrendous back then, but it is getting worse. We paid China back then over $10 billion, $10 billion. So just China and Japan alone we had over $36.5 billion in interest. That is more money than we put into NASA. In one year NASA's budget is about $14.5 billion. We could run three NASAs for what we are paying just in interest to Japan and China.

Now, to the oil kingdoms we paid over $6.7 billion, $6.7 billion. Could that not put a lot of our young people through college? Could that not educate new doctors for the future for free, for free? We could pay for their tuition and ask them to serve in the underserved areas of this country.

We paid Korea and Taiwan $5.6 billion. So if you total everything up, $85 billion in interest as of 2 years ago to these foreign creditors, people who are buying our debt because we cannot self-finance anymore. The hole of the debt is getting bigger and bigger. We cannot even buy it ourselves. We are pawning it off to foreign interests. Literally, it has gotten so bad that nearly half of the Treasury securities that are sold every year in our country are being purchased by foreign interests.

So the share of foreign ownership of our debt is growing every year. Because when these countries that are responsible for our trade deficit end up getting our dollars, they buy a piece of us. Think about that; $85 billion dollars, we could take care of all the disability compensation for our veterans. We could increase hazard pay for our young men and women in the Armed Forces who are giving their lives every day. We had a measure on the floor last week for $1,500 which was defeated despite our objections. We could triple it.

We could take care of TRICARE for our Guard and Reserve and the families who are part of that system. The Republican leadership will not allow that bill on the floor. We could create a real whole health care system for not just active duty but for our Guard and Reserve across this country.

We could build new water systems all over this country for $85 billion. Only a portion of that would it take to modernize water systems under every city in this country. So the cost of this kind of trade deficit with China, with all of the other countries, the lost jobs here at home, and then the insidious erosion of our own financial independence, because of the transfer of those dollars to others would then essentially weaken us because we end up owing them rather than paying bills when they come due.

Mr. Speaker, in closing this evening I think it is important to place on the record our deep concerns about the Bush administration wanting to expand NAFTA to include all of Latin America. As the gentleman from Ohio (Mr. BROWN) has indicated, if we had a balanced trade account with Mexico and with Canada as a result of NAFTA, would it not make sense to do that? But, in fact, after NAFTA's passage, we went into a gigantic deficit with Mexico, the largest in our history, the same with Canada, which means that we are sucking in imports with these countries when, in fact, they promised us with NAFTA that we would be creating jobs in our country by exporting to those countries. That is not happening. It is working exactly the reverse, both in industry and in agriculture.

Now the Bush administration wants to use that flawed template in order to expand to a larger portion of the hemisphere. In whose interest is that? When the original NAFTA is not working, why would you want to expand it? Why do you not fix it so that we do not continue to hemorrhage more jobs and continue to fritter away our financial independence as a Nation?

CAFTA will be considered here before the end of the year or perhaps before next June, we are not sure; but we ought to think hard about not making the same mistake again and think about how we are go to repair these big holes of deficit that we are building both on the trade front and on the deficit front for our Treasury accounts.

Mr. Speaker, we will have more to say on the condition of the economy of the United States in the days and months ahead; but surely the Bush administration cannot be proud of its record, and surely we need leadership, new leadership here in Washington, to help us get our Nation in a stronger situation for the future generations than we have found it.

MANUFACTURING JOBS LOST: STATE-BY-STATE, SEPTEMBER 2003

State	Manufacturing jobs lost in September	Jobs lost since Jan. 2001
Alabama		39,500
Alaska	3,500	
Arizona		35,700
Arkansas		29,500
California		297,700
Colorado	1,700	38,900
Connecticut	900	33,500
Delaware		3,700
D.C		700
Florida	900	59,200
Georgia	1,100	66,100
Hawaii		1,600
Idaho		6,400
Illinois	1,800	125,800
Indiana	2,200	67,200
Iowa		26,600
Kansas	300	22,000
Kentucky		33,600
Louisiana		21,600
Maine		15,500
Maryland	1,000	20,500
Massachusetts		78,500
Michigan	8,200	127,000
Minnesota		48,100
Mississippi		35,500
Missouri	600	40,900
Montana	100	3,900
Nebraska		9,600
Nevada		400
New Hampshire	500	21,700
New Jersey		63,500
New Mexico	100	6,400
New York	4.000	132,700
North Carolina	3,800	145,300
North Dakota	1,200	1,300
Ohio	5,800	151,800
Oklahoma		25,900
Oregon		28,900
Pennsylvania	2,200	132,500
Puerto Rico		17,700
Rhode Island	200	12,000
South Carolina	1,400	55,200
South Dakota	1.600	6.400
Tennessee	200	57,700
Texas	900	156,200
Utah		15,000
Vermont	700	9,500
Virginia	2,200	51,400
Washington	900	65,100
West Virginia	400	9,000
Wisconsin	3,200	73,100
Wyoming	100	1,200
Virgin Islands		300

☐ 2145

HOW WILL YOU KNOW YOUR VOTE COUNTED ON ELECTION DAY?

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. HOLT) is recognized for 30 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Mr. Speaker, I am pleased to be joined this evening by my colleague the gentlewoman from Ohio (Ms. KAPTUR) and my colleague the gentleman from Ohio (Mr. BROWN).

Let me begin with a question. On Election Day, how will you know if your vote is properly counted? In many precincts, in many States around this country, the answer is you will not. Imagine, it is election day and you enter your polling place to cast your vote on a brand new electronic touchscreen voting machine. The screen is large; it is well lit; it is accessible if you have physical disabilities. Your choices are clearly spelled out before you. In fact, it looks as easy to use as the ATM at your bank. You breathe a sigh of relief that you no longer have to figure out a complicated butterfly ballot. It seems more modern than the old lever machines.

So you make your choice and you touch the submit button and cast your vote. The screen says your vote has been counted. You exit the polling place with a sense of satisfaction, and then you begin to wonder. How do I know if the machine actually recorded my vote the way I intended? The fact is you do not. You have to trust the software in the machine to be error free.

After the 2000 election, we in Congress recognized that we had to act to restore the integrity and reliability of our electoral system by making dimpled chads and other voting irregularities things of the past. Last October, we passed the Help America Vote Act, known as HAVA. It is groundbreaking election reform legislation that is currently helping States throughout the country replace antiquated and unreliable punch cards and other machines.

However, HAVA is having an unintended consequence. HAVA has done some good things. It is giving people with disabilities access, access that they have been denied for years. In fact, they have always been denied. HAVA is doing some great things, but it is leading a headlong rush by States and localities to purchase computer voting systems that suffer from a serious flaw. All models, even the most convenient and accessible, have the problem that once the voter touches the button, the voter has no way of knowing whether the vote has been counted as the voter intended. No one will ever know. It is a secret ballot and must be secret.

This uncertainty, this lack of confidence can be disastrous to voter confidence and can prevent an accurate recount and can be a step on the way to the undoing of our democracy. I am not an anti-technology Luddite. I am a physicist. I am something of a techie. I see real advantages in these electronic machines.

There are several important advantages such as their accessibility if you have physical disabilities. Their speed and efficiency, so that the results will be communicated to the county clerk quickly. They are probably more reliable than the county clerk. I certainly had an experience with the clerk in my county when she awarded one precinct to my opponent by a margin of 9,000 votes when there were not 9,000 people who lived in that precinct. It was a simple pencil and paper clerical area. The electronic machines will do away with that, but there is one fundamental problem. They are inherently unverifiable.

To again make the point that this is not the concern of an anti-technology Luddite, I would say that hundreds of nationally renowned computer scientists have raised a cry of alarm, saying that unless there is an independent verification method to safeguard the accuracy and the integrity of the voting process there will be, might not might be, these computer scientists say there will be problems. There might be accidental software errors. There might be, God forbid, malicious hacking, and if there are concerns, if the voter is uncertain, if the candidate is uncertain whether the votes have been recorded the way they were cast, a recount is meaningless. The computer that has a faulty tally 2 minutes after the polls closed will have the same faulty tally a day later when the recount is held or the next month when the judge opens it up. If there are errors, they will go unnoticed and unknown.

The history of progress in our system of self-government here in America is in many ways a history of increasing the franchise, extending the right to vote and the ability to vote, increasing accessibility and reliability of the process of voting, but we still have some problems. We see declining voter turnout, and we have all heard, my colleagues here from Ohio I am sure have heard, constituents say, well, my vote does not count. Some people when they say that mean that special interests dominate the process and overwhelm my vote in secret back room deals. And we all work hard to see that that concern is removed, but they often mean something else when they say my vote does not count. They mean, literally, my vote does not count, my vote will not be counted.

The level of concern around the country is astounding. The Internet is burning up with back and forth chat of concerns about our voting process, and the loss of confidence in the process leads to a loss of failure to vote, leads to a cheapening and eventual breakdown of our democracy.

Every voter who stays home, whether it is because the voting places are physically inaccessible to them or because of a lack of trust in the voting process is a loss to democracy. We must find, we must find a way to keep the voter directly connected to the verification process so the voter knows that her vote or his vote is the vote that is counted.

It is not good enough to give them reassurance that the manufacturer says the machine works fine. Without taking steps to return the verification to the voter and to restore trust in the process, we face a crisis, pure and simple.

I have with me someone who has paid close attention to the electoral process. My colleague, the gentleman from Ohio (Mr. BROWN), was the Secretary of State of Ohio, and one of his responsibilities, as I believe, was to ensure the accuracy and the reliability of the voting system. And I think he understands, as well as anyone, the potential crisis we face or maybe it is not even potential anymore. I would be pleased to yield to my friend from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from New Jersey. I do not have the technical expertise that the gentleman, the physicist, has.

I, for 8 years, ran Ohio's election system, then the sixth largest election system in the country, an election system where we saw in Presidential elections 4.6 million Ohioans go to the polls. In gubernatorial years, we might see 3.2, 3.3 million people go to the polls. In primary and special elections, elections in odd number, mayoral years, township trustee year, we would see fewer people, but what underlined all of that, and I think my friend from New Jersey (Mr. HOLT) spoke this very well, was how important confidence in the system is and whether it is everyone for everyone, confidence in an accurate count is paramount.

The confidence as far as the voter is concerned that my vote will be counted is paramount. Confidence that the candidates running for office or the advocates for the issues on the ballot or the opponents to the issues on the ballot, but all of the stakeholders, the players, the candidates, the participants they must be confident that the elections are held fairly and honestly. The media which cover the elections, which write about the elections, which analyze the elections, it is equally as important that the media have full confidence in the electoral process, that every vote is counted.

While the technology is different from my career in the 1980s, from 1983 up through 1990, certainly the technology is different, I also saw technology evolve during those 8 years I was Secretary of State. In some counties, when I began, they used a simple paper ballot. Some counties used a machine. Some counties used that punch card. We began to see new technologies, counties using different methods of casting votes and counting votes, but in every one of those cases, in every one of those counties, what stayed paramount was the confidence that the votes would be counted properly so that the voter had confidence, the candidates had confidence and the media had confidence that this was a fair operation.

They were confident because we, as election officials, there were people that ran the State election system, that ran each local precinct, each polling place, each local board of election, we could show to them that votes, in fact, were counted fairly. We had paper trails. No matter how they were voting we were able to show that, yes, the votes were counted correctly.

We had plenty of people protest. We would have recounts, but during the recounts, people would be able to watch representatives of both sides to make sure the votes were counted fairly, and they always were in the end, and this is what my concern is.

I am not a Luddite anymore than my physicist friend from New Jersey is. I am not against progress. I do not have any of those fears, but I am concerned as I hear people in my District in both parties express those concerns that we are voting on computers, and we do not have paper trails in some of this equipment.

Then I hear some sort of irresponsible statements made by some executives from some companies who are active participants in these elections, and I hear comments from people I know around my State that that scares a little bit, and I do not think this is a question of fear, but it is a question of concern, and I am just asking this Congress to pay special attention to this whole process so that people can continue to have confidence in the election system.

Every election is a big election. This election next year, I think we will see the highest voter turnout we have had in decades because I think people have such strong feelings on all sides about the way the country is being run today, and I want to be able to say in good conscience, say next October as we lead into the November election, that I have full confidence in the way that votes will be cast and full confidence in the way that votes will be counted. It is what we owe the people. It is what our republic is based on, one person, one vote, and one person, one vote only works if every one of those one voters have the confidence in the election that they need to have.

So I thank my friend from New Jersey for his yeoman's work and leadership on this.

Mr. HOLT. Mr. Speaker, I thank my colleague for his insight, and he makes this important distinction about having confidence in the way the votes are cast and having confidence in the way the votes are counted, and it is not necessarily the same thing. It is the electronics inside the machine that connects those two, and it is that gap which makes them inherently unverifiable.

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I have legislation that would, I believe, overcome this shortcoming. But before I talk about the details, and I will not go through all the details, but before I outline that legislation, I would be pleased to yield to my friend, the gentlewoman from Ohio (Ms. KAPTUR), who has deep and strong concerns about this.

Ms. KAPTUR. I want to thank the gentleman from New Jersey (Mr. HOLT) for his extraordinary leadership on this very, very important piece of legislation that he has introduced, H.R. 2239, taking his great intelligence and experience as a physicist and wedding it to his legislative experience here in the Congress and trying to help our Nation improve on the voting systems that we have, but to do so in a way that every voter will be confident that when they cast their ballot that their vote is really in there, in that machine.

In fact, I begin with that statement because one of the leading election officials in my own district said to me, Congresswoman, I do not have confidence that in what is being done right now that I can answer to the citizens of this county that their vote will be in there. How do they know it's in there? Give me the confidence that I know it's in there. I said, I am supporting Congressman HOLT's bill so that we get an auditable paper trail at every precinct.

I would say that in addition to being a U.S. Representative, which I was elected to rather later in life, the very first office I was ever elected to and still hold is precinct committeewoman in my own home precinct. Ohio is unlike some of the other States in the Union, but we value every vote at the precinct level. We count the votes at the precinct level. Under Ohio law when you cast your vote and there is a paper trail currently in every precinct in our county, over 500 of these precincts, the votes in that precinct are counted right there. They are not taken to another location. Both Democrats and Republicans count these votes together, and there are actual documents that they have to handle, physically handle and then tally and then those votes are both sent to the board of elections in a central location, but also posted on the door outside that precinct. Any voter can go and take that tally at the end of the day. We have a very transparent system, one in which our major parties have confidence. Every tally that is done in the voting logs that are assembled in every precinct, they are added up. Sometimes mistakes are made in the precincts in terms of the tallies but then those are caught at the central board of elections, and we try to really assure that the count is as fair as possible. If it is not, if people have any concern, if there is a one-vote margin in an election, you can go back to the paper trail and you can go back and see what was done in every single precinct in the county.

I wanted to say to the gentleman, I think that this verification is so extraordinarily important. What happened in Florida at the moment could not happen in Ohio because in Florida they move their ballots to a counting station. They do not count in every precinct. Speaking as a Buckeye, speaking as an Ohioan, I do not want our rights taken away from us at the precinct level. I also would, if the gentleman will allow me, wish to place in the RECORD this evening for every election official in this country, at every county in the country, at every precinct, at every board of election, I have found great confusion as to what the Help America Vote Act actually requires and the Federal Election Commission on its Web site has what is required by the Federal law, every single year.

And indeed it is not until January 1, 2006, that every State and jurisdiction is required to comply with the voting systems requirements of the Help America Vote Act that we passed last year. Some people are under the impression that they have to have everything done by next year. They do not. They can get a waiver that they have to file with the Federal Election Commission this coming January. The secretaries of state of our country should have notified counties of this. But I can tell you, as I go out into my Ohio counties, the local boards of election simply do not know this. There is great concern and there is great consternation. I will place this in the RECORD.

I would also like to say to the gentleman from New Jersey, in addition to his bill which I hope we can pass expeditiously, I would urge our State legislatures to adopt no-fault absentee voting, that if there is any concern next year at any precinct or a doubt about the integrity of that machine, that voters can have an alternate way of casting a vote in that county through no-fault absentee voting or indeed even paper ballots at the same precincts, so that people have confidence that their vote will be counted.

Mr. HOLT. So that the voter can vote. If there is any question about eligibility or other questions about the vote, those will be settled later and the voter will be able to cast the vote on election day. That is what the gentlewoman means, I believe, by no-fault voting.

Ms. KAPTUR. That is what I mean. If I might just take one additional moment of the gentleman and then complete my remarks. One of the reasons I think this is important is when we passed the Help America Vote Act, the Bush administration was to have appointed an election commission that would set Federal standards for the development of the technologies that you know are so critical. They have not done that. In fact, the commission does not even exist, so there are no Federal regulations.

Mr. HOLT. The appointments have been made, but the other body has not acted and the commission does not yet exist.

Ms. KAPTUR. So there are no Federal standards. I can tell the gentleman that in Ohio our secretary of state displayed five different technologies in our State House. I sent down a computer security team from our region in the State from all of our major universities and said, please assess the machines. These were all people involved in computer security. They came back and reported to me that of the five systems under review in Ohio, not a single one they would rate either excellent or very good in terms of both ease of use to the voter and security. That was a devastating finding to me.

Even though I voted for HAVA, I went back to the drawing boards and looked at what was going on in my State. My State at this point has received the $41 million to buy machines, to buy technology which is probably not enough money to get an optical scanner and a paper trail, but it has not received the larger amount of money it should have received, $117 million, to do the voter education and all of the work that is necessary to bring up these new systems. So even though we voted for this law, just Ohio is $66 million short in trying to bring these technologies up by next year. I wanted to place this on the RECORD.

Timing is vital.

While communities are waiting to find out exactly how much money they may be getting, and some others do not want to move on acquiring equipment until they are sure of how much money they will be receiving, it is important to keep in mind:

While HAVA does state that new election machines should be in place for 2004; it is possible to get an extension until the first federal election held after January 1, 2006;

But in order to get this extension, an application must be submitted no later than January 1, 2004, at this point, to the General Services Administration, providing good cause for why the exemption should be granted;

GSA did send a letter to every governor and state election director when the initial Title I money was provided last year. However, they have not yet sent out a reminder of the impending deadline.

So far, only Illinois has applied for the extension, and this request was approved last week.

Other reasons why the extension should be requested:

Gives more time to make sure that the right machines are acquired, if new machines are acquired;

Gives more time to test and verify the machines;

More importantly, it gives more time for the vote verification provisions of the Holt bill to be implemented in a fashion that will be the most efficient with respect to any new voting machine system.

And it gives more time for people to decide whether or not they actually want to buy new machines, because while HAVA provides for new machines, it does not mandate them if current voting systems can demonstrate that they meet the integrity requirements of HAVA.

HELP AMERICA VOTE ACT TIMELINE

Days/months after enactment	Date	Activity
45 days	December 13, 2002	Section 101: GSA establish grant program for payments to States to improve election administration.
45 days	December 13, 2003	Section 102: GSA establish grant program for payments to States to replace punch card or lever voting machines.
	January 1, 2003	States must be ready to accept materials from individuals who register by mail. Section 303(b).
90 days	January 27, 2003	Chief State election officials transmit notice to FEC Chair (and/or EAC) containing name of State election official and local election official selected to serve on Standards Board.
120 days	February 26, 2003	Appointment of 4 EAC Commissioners.
	March 31, 2003	State NVRA Reports for 2001–2002 due to FEC.
6 months	April 29, 2003	Last date on which States may submit certification to GSA for Section 101 payments.
6 months	April 29, 2003	Last date on which States may submit certification to GSA for Section 102 payments.
	June 30, 2003	2001–2002 NVRA report submitted to Congress.
	October 1, 2003	EAC adopts recommendations and voluntary guidance on Section 302 Provisional Voting Requirements.

HELP AMERICA VOTE ACT TIMELINE—Continued

Days/months after enactment	Date	Activity
	October 1, 2003	EAC adopts recommendations and voluntary guidance on Section 303 provisions on computerized statewide voter registration list requirements and mail registration requirements.
12 months	October 29, 2003	EAC submits Human Factors Report to the President and Congress. (Section 243).
12 months	October 29, 2003	EAC submits to Congress report on free absentee ballot postage. (Section 246).
	January 1, 2004	Deadline for States to qualify for waiver of computerized statewide voter registration databases.
	January 1, 2004	Last date for States applying for waiver of deadline for replacement of punchcard or lever voting machines using Section 102 payments.
	January 1, 2004	States not participating in the grant programs shall certify to the EAC that the State has established an administrative complaint procedures (Section 402), or has submitted a compliance plan to the U.S. Attorney General.
	January 1, 2004	Effective date for Section 302 provisional voting and voting information requirements.
	January 1, 2004	States and jurisdictions required to comply with Section 303 requirements pertaining to computerized statewide voter registration lists (unless qualified for a waiver) and 1st time voters who register by mail.
	January 1, 2004	EAC adopts voluntary guidance recommendations relating to Section 301 Voting Systems Standards requirements.
	January 1, 2004	Effective date of new Section 706 UOCAVA amendments prohibiting States from refusing to accept registration and absentee ballot applications on grounds of early submission.
	January 1, 2004	EAC submits first Annual Report to Congress.
18 months	March 29, 2004	EAC (in conjunction with FVAP) submits to the President and Congress a report and recommendations for facilitating military and overseas voting. (Section 242).
20 months	May 29, 2004	EAC submits to House and Senate a report on the issues and challenges presented by incorporating communication and internet technology into the election process. (Section 245).
	November 2, 2004	All punchcard and lever machines replaced in States accepting Section 102 payments, unless qualified for waiver.
	March 31, 2005	State NVRA Reports for 2003–2004 due to EAC.
	June 1, 2005	EAC submits report to President and Congress on voters who register by mail. (Section 244).
	June 1, 2005	EAC (in conjunction with SSA) reports to Congress on the feasibility and advisability of using SSN or other such information to establish registration or other election eligibility and ID requirements. (Section 244).
	June 30, 2005	2003–2004 NVRA report submitted to Congress.
	January 1, 2006	Each State and jurisdiction required to comply with the voting systems requirements in Section 301.
	January 1, 2006	Deadline for States to implement computerized Statewide voter registration database if qualified for waiver.
	First election for Federal office after January 1, 2006.	All punchcard and lever machines replaced in States accepting Section 102 payments who qualified for a waiver of the original deadline.
	January 1, 2007	Voting systems purchased with Title II requirements payments must meet disability access standards in section 201.

[From the Washington Times, Oct. 29, 2003]

TOUCH-SCREEN VOTING READY, OFFICIALS SAY

(By Arlo Wagner)

Officials overseeing four of the five municipal elections Tuesday in Montgomery and Prince George's counties said yesterday they are confident that their electronic touch-screen voting machines are secure, despite lingering concerns that the machines are vulnerable to hackers and tampering.

"It's actually more secure than it was before," said Barry Smith, manager of election technology for Gaithersburg, one of the cities that used the Diebold AccuVote-TS in its elections two years ago.

Voters in Gaithersburg had an opportunity to try out the machines yesterday at three of the city's five polling places. Few voters, however, came out to the Asbury Methodist Village polling place, where, historically, the highest percentage of voters cast paper ballots.

Election officials said the low turnout could indicate that voters in that precinct were satisfied with the touch-screen machines last time.

"This is better than the old system," said Sarah Paxton, administrative secretary to Gaithersburg's city manager. "It may take a voter only 30 seconds to vote."

Registered voters must show identification to get a computerized card, which they then insert into the base of the machine. Once the card is in the machine, the names of all candidates are displayed on the screen.

Voters touch the names they are selecting. If they touch too many names, the screen will go blank and voters will have to start over. Once the preferred candidates are chosen, the machine will eject the card. The voters then must turn the card over to one of the judges who is overseeing the process.

Montgomery was one of three counties in Maryland to use the computerized voting machines in 2001. In July, a team of researchers at Johns Hopkins University in Baltimore found that the underlying computer code in the machines was vulnerable to outside parties.

After the Hopkins analysis, Gov. Robert L. Ehrlich Jr., a Republican, ordered San Diego-based Science Application International Corp. (SAIC) to review the system. Last month, SAIC reported that the system, "as implemented in policy, procedure and technology, is at high risk of compromise."

Mr. Ehrlich and state election officials decided the flaws identified by SAIC could be corrected before the presidential primary election in March. Maryland agreed to purchase $55.6 million worth of machines just days before SAIC released its findings this summer. The machines are expected to be installed in 19 of Maryland's 23 counties.

Last week, several members of the Maryland's General Assembly asked for its own "independent" analysis that would, among other things, examine issues about the electronic voting machines. That report is scheduled to be concluded before the General Assembly convenes in January.

Despite prior reviews of the system, officials in the four of the five cities that will be using the machines Tuesday say they had no problems with them last Election Day. Those cities holding elections are Takoma Park, Rockville, Gaithersburg, Greenbelt and College Park.

"We had no problems in the last election," said Catherine Waters, city clerk of Takoma Park, where voters next week will use the touch-screen machines to select a mayor and six city Council members.

Voters in Greenbelt will use a different computerized voting machine when they elect all five members to the City Council.

"I don't think anyone is batting an eye," Greenbelt City Clerk Kathleen Gallagher said.

However, voters in College Park will not use the touch-screen machines when they go to the polls to choose a mayor and four council members.

"We will be using paper ballots," which might be old-fashioned but are familiar to about 10,000 registered voters, said Yvette Allen, of the City Clerk's Office.

The municipal elections in Montgomery and Prince George's counties are dominated by unopposed incumbents.

In Rockville, voters will decide whether to elect a mayor and City Council every four years, instead of two. This will be the 59th city election in the city's 116-year history, said Neil Greenberger, the city's public information officer.

Voters in Gaithersburg will be electing three of the five council members.

Mr. HOLT. I thank the gentlewoman, and I think her insertions in the RECORD will be very useful to people. I thank her for her insightful comments.

I would make the point that even though HAVA does not require action immediately, the sooner we implement HAVA, the better. There are many people with physical disabilities who have been denied the privilege and the satisfaction of voting in person and in private. HAVA would correct that. But we must not let HAVA lead us to unverifiable voting. That is why I am proposing legislation that would, I think, correct this problem. It would require that all voting systems produce a paper record, an audit trail that is verified by the voter. In other words, each voter will see and verify a paper record of the vote. That will allow manual audits. It will mean that recounts actually mean something. This would be the vote of record. It would be kept safely with the election records for recounts.

My legislation would do some other things such as banning undisclosed software and would accelerate the date by which the provisions for people with disabilities would have to be met. But the fundamental point I wanted to make is that voting should not be an act of faith as my colleagues have said. It should be an act of record. It is also important to make the point that what I am talking about here is nonpartisan. It is preserving the sanctity of the ballot. This is not a Republican matter or a Democratic matter. It is fundamental to the American system.

I am sorry to say that the Internet is buzzing with conspiracy theories. In other words, voters are afraid that something is afoot. It was reported in this week's Newsweek by Steven Levy that suspicions, as he says, run even higher when people learn that some of those in charge of the voting technology, the manufacturers of the voting machines, are themselves partisan. The CEO of a major company is a major fund-raiser for the Presidential reelection campaign. He recently said that he was "committed to helping

Ohio deliver its electoral votes for the President next year." According to this article, he later clarified that he was not talking about rigging the machines.

Whew. That is actually Mr. Levy's expression. Whew.

By the proposal that I have, the legislative proposal I have, the printout would be at the voting machine at the time that the voter votes, available for the voter's inspection and verification. And it would go into a secure lockbox. If there is a need for a recount, the paper ballots would be tallied. It may not be a perfect system, but it is a way to assure the voters that the process is honest.

It is troubling that this is not getting as much attention here in this body as it should. An article appeared in the New Zealand Herald a few days ago. The article begins, "The possibility of flaws in the electoral process is not something that gets discussed much in the United States Congress. The attitude seems to be, we are the greatest democracy in the world, so the system must be fair."

That is not good enough. We are a great country because we constantly try to do better, because we constantly try to increase the franchise, increase accessibility to democracy, increase the reliability of the process. That is what we need to do. Yet from all over the country, I get e-mails. For instance, from Georgia: "If we can't verify our elections, then we can't verify our freedom."

From Idaho someone writes: "Those who cast the votes decide nothing. Those who count the votes decide everything."

From Michigan: "The act of voting is the most essential issue. This issue is the most essential issue our representatives will vote on and they should be judged accordingly."

From North Carolina: "A paper trail is the only reasonable solution to any computer-mediated transaction. As a corporate system security analyst, I find the electronic devices as they now stand without this verifiable backup simply irresponsible."

From North Dakota: "There is no confidence nor integrity without it."

From Ohio: "I work with computers every day. We need to check that what goes in is what comes out."

From Oregon: "Without this, I will no longer view this country as a democracy."

From Tennessee: "If there is no accountability in election, there is no reason to vote and we descend into anarchy."

From Wisconsin: "If voters perceive," the key word here is perceive, "that their votes are being miscounted and are meaningless, they will simply stop voting."

That gives you some sense of the seriousness that voters assign to this issue. It is very important. This body should turn its attention to restoring the voters' trust in every way we can. One important way we can do that is by making sure that they have confidence in the process that makes this democracy work, the process of voting and then, of course, the process by which we fulfill the trust that they place in us.

As I have talked about this with people, I have run into a number of opinions. I was talking with an election official from another State who said, Well, we've had these electronic machines for several years now and we've had no problems. To which I said, How do you know?

☐ 2215

He did not have an answer. We have to help him get that answer.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of every American's basic right to vote and to have that voted counted.

As it stands, voters have no way of knowing what is actually recorded, once they vote. H.R. 2239, the bill introduced by my colleague from New Jersey, would make certain the process of voting is not in any way a leap of faith.

This act would ensure our constituents see a record of verification for the votes they cast. When Americans go to the bank, they receive some manner of documented record, ensuring that their money is going where they intended. Likewise, Americans who use voting machines deserve a documented record confirming their vote was recorded correctly.

Nine percent of the U.S. population records their votes electronically. These numbers greatly vary from State to State. Twelve percent of Ohio votes are recorded electronically. Eighty percent of Kentucky voters use electronic ballots. Without an adequate confirmation method, mechanical misvotes could have a drastic impact on close elections. The problem would go unnoticed.

H.R. 2239 would also accelerate the deadline for compliance with voting systems standards from January 1, 2006 to the regularly scheduled November 2004 general Federal election. In order to guarantee accurately recorded votes for next year's election cycle, Congress must act now. We cannot put the basic rights of our constituents on hold.

The right to vote is a right every citizen of this country deserves. As Members of Congress, we all have an obligation to make sure all of our constituents' votes are counted through the most fair and accurate means available. Not just the blacks. Not just the whites. Not just the browns. Not just the yellows. Not just the Christians. Not just the Jews. Not just the Muslims. Not just the Atheists. Not just the Republicans. Not just the Democrats. The right to vote should not be reserved for just most of our constituents, but for all of our constituents.

WAR PROFITEERING IN IRAQ

The SPEAKER pro tempore (Mr. GARRETT). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, earlier this month Congress approved an $87 billion supplemental for the war and reconstruction efforts in Iraq. While I believe it is critically important that we get our military troops all the resources they need to safely complete their mission in Iraq, I do not support rubber-stamping this legislation so the Bush administration gets a free ride from Congress.

The Bush administration must account for its war strategy. The Bush administration must also answer the tough questions regarding questionable no-bid contracts, contracts that benefit Vice President DICK CHENEY's former employer, an employer that continues to pay CHENEY hundreds of thousands of dollars each year in deferred salary, contracts that are free of any oversight from Congress.

Mr. Speaker, right now Halliburton holds a monopoly on Iraq. The company's no-bid contract was first negotiated in secret and originally intended for the sole purpose of extinguishing oil fires that could result from the war. Once again in secret last spring, that contract was extended with the Army to include the reconstruction and repair of Iraq's oil infrastructure. The administration did not allow other companies an opportunity to bid on this reconstruction.

Now, today, Mr. Speaker, just today, Halliburton faces no competition and no oversight. And today also the Bush administration announced the contract would be extended longer than expected, blaming sabotage of oil facilities for delays in replacement contracts.

Up to this point, Halliburton has been free to spend the American taxpayer's money at will and Congressional Republicans who, night-in-and-night-out, come to this House floor to complain about waste in the Federal Government, have been silent. I think that is outrageous.

In fact, many of my colleagues on the other side of the aisle try to compare our reconstruction efforts in Iraq to those efforts included in the Marshall Plan at the end of World War II. But what my Republican colleagues neglect to say is that President Franklin Roosevelt stood up against war profiteers when he said, "I don't want to see a single war millionaire created in the United States as a result of this world disaster."

President Bush and House Republicans, who have never been shy about their efforts to help the wealthy expand their wealth, certainly do not share Franklin Roosevelt's sentiment.

After World War II, Congress also refused to neglect its role in overseeing taxpayer money when the Senate unanimously created a special committee headed by then Senator Harry Truman to root out waste, corruption, inside trading and mismanagement in the Nation's defense industries. But, today, the Senate and the House, both controlled by Republicans, have turned a blind eye to possible waste and mismanagement. Congressional Republicans refuse to even question the Bush administration on the billions of dollars of taxpayer money now going to Halliburton, much less create a special committee to oversee these funds.

I ask you, Mr. Speaker, what are my Republican colleagues afraid of? Why do they refuse to hold Halliburton accountable for the billions it now spends in Iraq? Could it be Congressional Republicans do not want to draw much attention to the fact that the company profiting from the reconstruction of Iraq, Halliburton, continues to pay Vice President CHENEY hundreds of thousands of dollars each year?

The Vice President tried to squash such a story when he appeared on Meet the Press on September 14. The Vice President stated, "And since I left Halliburton to become George Bush's Vice President, I have severed all my ties with the company, gotten rid of all my financial interests. I have no financial interest in Halliburton of any kind, and haven't had now for over 3 years."

Well, despite the Vice President's claims, the Congressional Research Service issued a report several weeks later concluding that because CHENEY receives a deferred salary and continues to hold stock interests, he still has a financial interest in Halliburton. In fact, if the company were to go under, the Vice President could lose the deferred salary, a salary he is expected to continue to receive this year, next year and on into 2005. While losing around $200,000 a year would not put a big dent in the Vice President's wallet, he clearly still has a stake in the success of Halliburton.

It is possible that Halliburton is the right company to do this work in Iraq, but how then does the Bush administration and the Republican Congress explain why there is so much secrecy surrounding the whole deal? Could it be that the Republican Congress and the Bush administration are concerned that the more light that is shed on Halliburton's use of taxpayer money would be more examples of waste and mismanagement that would likely be exposed?

Despite the fact that Halliburton now goes about its business in Iraq without any Federal oversight, my colleagues on the Democratic side, the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN), exposed the outrageous fact that Halliburton seems to be inflating gasoline prices at a great cost to American taxpayers.

In a letter to OMB Director Joshua Bolton, the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN) wrote that the independent experts they consulted have been appalled to learn that the U.S. Government has paid Halliburton $1.62 to $1.70 to import gasoline into Iraq. According to these experts, the price that Halliburton is charging for gasoline is outrageously high, potentially a huge rip-off and a highway robbery. During the relative period, the average wholesale cost of gasoline in the Mideast was around 71 cents per gallon, meaning that Halliburton was charging 90 cents per gallon just to transport the fuel into Iraq. According to the experts, such an exorbitant transportation charge is inflated many times over. Compounding the cost to the taxpayers, this expensive gasoline is then sold to Iraqis at a price of just 4 to 15 cents per gallon; 4 to 15 cents per gallon.

Now, Iraq has the second largest oil reserves in the world, but the U.S. taxpayers are, in effect, subsidizing over 90 percent of the cost of gasoline sold in Iraq.

In light of this new information, the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN) requested that OMB Director Bolton provide copies of all contracts, task orders, invoices and related documents issued to date regarding Halliburton's work in Iraq so Congress can conduct its own independent investigation of these issues on behalf of the U.S. taxpayer.

This request from my Democratic colleagues seems reasonable. After all, if Halliburton is grossly overcharging the American taxpayer for the transportation of oil, what else might the company be overcharging the Federal Government for?

Once again, my Republican colleagues are silent on the issue. Those waste-watchers that come down here periodically and talk about waste in the Federal Government, those Republicans who come down to the floor periodically to rail against waste, a government they currently control, I might add, you do not see them coming down to the floor to rail about Halliburton's gauging of the Federal purse. They are silent. You do not see any Republicans expressing the need for more Congressional oversight of the current contracts going to Halliburton and others.

It appears to be another example of how the House Republicans have taken this House away from the people and handed it over to an elite few, the corporate executives and other special interests.

Mr. Speaker, I could go on, but I see that many of my colleagues on the Democratic side have joined me here. So I would like to yield at this time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I want to thank the gentleman from New Jersey (Mr. PALLONE) for putting this special order together this evening so we can place on the record a number of our deepest concerns about the way in which contracting is being handled relative to the war in Iraq, and particularly some of what appears to be war profiteering by some of the highest officials in our government and some of the private firms with which they have had association.

I came down here this evening because as a member of the Committee on Appropriations, when funds were being debated for Iraq and Afghanistan, I was denied the opportunity, and I emphasize, denied the opportunity to even offer an amendment to require competitive bidding in any contract associated with this war effort. I could not believe that I was not even allowed to offer the amendment. I remember I was told, "Well, you know, Congresswoman, they are going to take care of that over on the Senate side," I mean, "in the other body."

I said, "Oh, are they?"

Then I found out the way they are going to take care of it is only to allow a provision to be offered for reporting back. That means once the horse was out of the gate, maybe some contracts would be reported back, but there would be no competitive bidding. Then I learned this last month that only the contracts after March 1 might be reported back.

I said, "No, no, no, what about the contracts for Halliburton and Bechtel that preceded March 1? That is what is at issue in the current supplemental that is working its way through this Congress."

I thought, oh, that is very interesting.

So I cannot get competitive bidding considered as a real amendment. Even in the reporting-back amendments it is everything that comes after March of this year, maybe, and we closed the door on what happened before March 31 of this year.

So my question is, who is trying to hide what? Who is trying to hide what?

So I come down here as a disgruntled Member tonight, because I should have been allowed the opportunity. We are not talking about tiddly-winks here. We are talking about the largest supplemental in American history. $87 billion was just voted out of this House, and yet there were no requirements for competitive bidding, and the reporting-back requirements are flawed. We need to know who got how much money and we need to understand who is benefiting from the taxpayers' largess and who is profiteering.

The gentleman from New Jersey (Mr. PALLONE) has put on the record some very important information, and it has to do with the amount of money that Halliburton is being paid to move petroleum and gasoline from Kuwait to Iraq. Now, remember, Iraq has the second-largest oil reserves in the world, and it is estimated that it would normally cost 70 to 98 cents for a gallon of gasoline to move from Kuwait to Iraq.

Well, how come Halliburton is charging upwards of $1.78, anywhere from $1.48 to $1.78 a gallon, and the American people then are paying for that differential? How is that happening in all of this?

There is an estimate that Halliburton is actually making from this anywhere between $300 million and $900 million, because about a third of the dollars they are getting relate to the transport of fuel from Kuwait to Iraq. So this is not something small. This is not a little asterisk or a little tiddlywink or whatever. This is a huge amount of the additional funds that we were requested to spend as a Congress.

The U.S. Army Corps of Engineers reported that as of September 18, last month, the United States had paid Halliburton over $300 million to import approximately 190 million gallons of gasoline into Iraq, and that meant that on a per-gallon basis for that tranche of shipment of fuel, Halliburton charged the United States an average price of $1.59 a gallon to import gasoline into Iraq. And that did not include Halliburton's additional fee of 2 percent to 7 percent, which increases the cost to our taxpayers to $1.62 to $1.70 per gallon for fuel that should move at a rate in that region of anywhere between 73 cents, as I said, and 98 cents a gallon.

Somebody is making an awful lot of money. Halliburton has received over $3 billion in task orders relating to the war and reconstruction in Iraq, and most of that is not competitively bid. When did we ever have contracts of that magnitude not competitively bid?

I would just like to place on the record, if I might this evening, information on the amount of compensation that Vice President CHENEY, who had been the chief executive officer of Halliburton, is receiving.

Vice President CHENEY made a statement on national television that he was not receiving any compensation, had no financial interest in Halliburton, and I would beg to say I think he has forgotten some pretty important facts, even that his own financial disclosure forms reveal. For example, a special report done for the Congressional Research Service indicates that he is in fact receiving deferred salary and holding 433,333 Halliburton stock options. I wish to place on the record tonight what he is receiving in deferred salary and what he is receiving in stock options and other benefits.

Let me start with deferred salary. Deferred salary paid by Halliburton to Vice President CHENEY in 2001 equalled $205,298. I think when you have that much money and you are getting your salary as Vice President, my question is, why do you not donate it? Why do you even take this money?

In 2002, his deferred salary from Halliburton was $162,392. Halliburton is scheduled to make similar payments to him in 2003, 2004, and 2005, and he has an ongoing corporate relationship from company funds that are being paid.

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In terms of stock options, his financial disclosure form stated he continued to hold these stock options, and they are in three categories. There are 100,000 shares valued at $54.50 a share, so for that tranche of shares, that value is $5,450,000. He then has 333,333 shares, and I wonder how that number was picked, valued at $28.12, and then he has 300,000 shares. Imagine. I mean, I do not know how many people here own stock, but 300,000 shares valued at $39.50 is a huge amount of money. The total value of these shares right now is over $26,674,990.

So to say that the Vice President has no interest in Halliburton's future, one would have to be a fool, or not be able to read, even to hold that position. He absolutely has a financial interest in this company. His family has a huge financial interest, and it is a gross interest. It is not some side issue. The Vice President's deferred compensation and stock option benefits are in addition to a $20 million retirement package paid to him by Halliburton after only 5 years of employment. I would like to know how many Americans listening tonight have a $20 million retirement package for only working 5 years.

I think of how many of our people have lost their retirement packages. I have people in my district struggling to hold on to benefits and are paying more for health insurance from the retirement programs they had been promised. A third of the private sector plants in this country have gone belly up or have been cut. I can see why this Vice President cannot identify with the pain of unemployment or the pain of 45 million Americans without health insurance, or the pain of Americans who cannot afford prescription drugs. He is not even living in the same world. Halliburton paid him $1.4 million in cash bonus in 2001, and that does not include the millions of dollars of compensation paid to him while he was employed by the company.

So I wanted to thank the gentleman from New Jersey (Mr. PALLONE) for putting this Special Order together tonight. What was interesting about the no-bid contracts that Halliburton received when we had Hurricane Isabel and that made the front pages all over the country, including here in Washington, the Bush-Cheney administration slipped in an additional $300 million in no-bid contracts to Halliburton, and it was placed, I do not know, on page 27 or 35; it was buried somewhere in the paper that weekend. But, literally, that brought the total amount of taxpayer dollars paid to Halliburton to over $2.25 billion, of which $1.25 billion, and this is not million, even million would be a lot, but this is $1.25 billion from the no-bid exclusive contract given to Halliburton.

Mr. Speaker, I am really pleased tonight to be down here to help place this on the record as one Member who was denied the ability in her own committee and on this floor to offer a competitive bidding amendment for all contracts related to the war effort.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. I appreciate the detail that she went into there with respect to the Vice President's compensation and his interest in Halliburton. I was frankly not aware of the level or the magnitude of the stocks and the pension plan and all of the other details. It is incredible what it adds up to. I mean, if I had to add that all up, it comes to maybe $50 million, between the deferred compensation, the stocks and the retirement plan, over $50 million. It is outrageous to think that with that kind of compensation and interest, that the government where he is the Vice President would give out these no-bid contracts. I thank the gentlewoman.

I yield to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank my colleague and good friend, the gentleman from New Jersey, and I appreciate the participation in this effort tonight.

Mr. Speaker, it is a good thing that our government is handing out no-bid contracts for minor purposes such as rebuilding the country of Iraq, because if the government was giving out no-bid contracts for important things like buying stationery at the county courthouse through a no-bid contract, somebody would be going to jail.

Now, like many of us serving in the United States Congress today, I began my career as a local government official. I was a county judge in Texas in charge of the budget and the finances of the county. In Harrison County, Texas, if we needed a piece of equipment for the road and bridge department or fuel for the county, or if we needed any kind of equipment for the county; if we even needed a case of stationery, Mr. Speaker, do my colleagues know how we got that property for the government? We got it through a competitive bid process. That is the law.

Now, in examining competitive bids in Texas, the law says to consider several factors, among them the vendor's price, the quality of goods and services, and past performance of contracts. Mr. Speaker, we considered those things in Texas because it was and is the law. But more than that, requiring bids is fiscally responsible and guarantees that we get the best deal for the taxpayer dollar. Additionally, it guarantees that we get the best service and the best quality product.

Mr. Speaker, in all of my years in local government, I never had one constituent or one company complain about the bid process. It was the law, it was expected, it was proper, it was good business. It is good for government. It is good for the taxpayers, and it is good for American business. That is why, Mr. Speaker, I was shocked and my constituents who I have heard from have been appalled to learn that our Federal Government is awarding no-bid contracts. Now, this is no-bid contracts, not for stationery, no, not for stationery or a few thousand dollars, but no-bid contracts for billions of dollars to rebuild Iraq. No bid, no competition, no oversight, no nothing, Mr. Speaker.

Mr. Speaker, the United States has the finest construction experts in the world. We have the best education, the best technology, the best expertise, the best equipment and workers that the world has ever seen. Products made in America are the finest quality products made anywhere. Our workers, our products can stand any test, can stand any bid. That is why we do not need no-bid contracts. We do not need these secret deals. We do not need smoky back-room politics for billions of dollars.

Now, we do need transparency. According to the Associated Press today, the government issued a noncompetition, no-bid contract to Halliburton for $1.59 billion to help rebuild Iraq. Now, why was there no bid? Why these secret deals, Mr. Speaker? Why are there back-room politics for billions of dollars? Also today, the AP announced that the contract was extended at a cost of $400 million. Again, why no bid? Why secret deals? Why do we have these back-room politics?

Mr. Speaker, Halliburton and its subsidiaries are some of the top construction companies in the world. They can clearly compete for these contracts on their own merits, on their own past. They do not need no-bid contracts. They do not need back-room deals. They can do it on their own. And the same could be said of Bechtel, which has been granted a multibillion dollar monopoly franchise on infrastructure reconstruction contracts. Bechtel too is a top-rate company with top-rate abilities and top-rate employees. They can make it on their own and they want to, and they have. So this is not really a criticism of Halliburton and Bechtel. No-bid contracts, Mr. Speaker, are really good work if you can get them. That is some good work. No, this is a criticism of an administration which makes billions of no-competition, no-bid contracts available. It is a criticism of an administration that has a personal financial interest in government contracts.

Mr. Speaker, it has been reported extensively in the press that the Vice President currently receives compensation from Halliburton. The Vice President has said that not all of those reports are true, and he said that he has no financial interest in Halliburton. We have heard our colleague, the gentlewoman from Ohio (Ms. KAPTUR), read into the RECORD information concerning compensation to the Vice President and, importantly, the amount of stock and options he owns.

Now, there is an easy way to put this to rest. The Vice President should state unequivocally that he receives no compensation from Halliburton, no deferred compensation from Halliburton, he owns no stock, receives no dividends, owns no options, has absolutely no financial interest of any sort which would include both him and his family. That would put an end to this issue permanently. That would be the end of it. I think everyone in this House and everyone in the American public would agree that the administration and members of the administration should not have any personal interest whatsoever in government contracts, period. And we have to abide by those rules in the House.

Next, we should establish a policy to bid out these contracts and award the bids to the best bidder, taking into account cost, quality, and past performance. I am sure Halliburton and Bechtel would get some of these contracts. I am sure they can. But that is the process we go through. In other words, let us take a business-like approach. I believe that is what Halliburton and Bechtel and the others really want. They want contracts. They do not want politics. They do not want criticism. That is our obligation to the American taxpayer. Because do we know who is paying these exorbitant prices for these no-bid contracts? It is you and me. It is the American taxpayer. Many of us in this body support making at least some of the rebuilding funds to Iraq as a loan to be repaid. Many of us believe that Iraq should at least use some of its own oil to rebuild its own country. But this administration says no. They say we have to give the money away, and, on top of that, waste it with no-bid contracts, the money that we are giving away.

Now, Mr. Speaker, we all agree that the United States has a part to play in rebuilding Iraq, and that is a laudable goal. Of course, many of us also believe that we have a part to play in rebuilding America, and we should pay just as much attention to rebuilding American schools and American roads and American infrastructure; that is our first obligation. Let us get started on that today.

But, Mr. Speaker, we can bet that the contracts in America will be done by bid. That is the proper way to do business, and everybody in this House on both sides of the aisle knows it. It is the proper way to do business. It saves money. It is good for us all. We should expect no less than that in Iraq, and we should expect no less than that of our current administration.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. Again, I just think it is incredible to think that as the gentleman said on a local level or a county level, even down to the stationery that is purchased, you have to have competitive bidding. Yet, here at this level, with billions of dollars at stake, it is not happening. I think most Americans would probably be shocked to find out that that is true, but it is.

I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from New Jersey, my friend, and I appreciate hearing the comments from the gentleman from Texas (Mr. SANDLIN) and the gentlewoman from Ohio (Ms. KAPTUR), and I thank the gentleman from New Jersey (Mr. PALLONE) for his night after night work on exposing the kinds of corruption that we have seen in this whole process.

We all know about this corruption. We know that we are spending $1 billion a week in Iraq. We know that $300 million, 30 percent of that $1 billion a week is going to private contractors, most of them friends of the President, most of them major contributors to the President. One of them, Halliburton, used to be the company where the Vice President was CEO and a company that still pays the Vice President $13,000 a month. We know all of that. We know about the corruption. We know about the waste. We know it continues. But what bothers me, what bothers me probably the most about that is what Halliburton and these private contractors are not doing.

Last month, early this month, I had a meeting with 25 families in Akron, Ohio, in my district on a Saturday morning. It was going to be about an hour and a half meeting and ended up being over 3 hours, with 25 families who had loved ones in Iraq. What I heard was how our government, and our government, unfortunately, now includes a privatized military worth $300 million out of $1 billion that goes to Halliburton, and our government has simply failed these service men and women. The stories are legion; we are all hearing them in our districts. I heard them for 3 hours that day. We do not have safe drinking water for our troops. Hundreds, thousands of our troops are getting, have gotten dysentery. We do not have sufficient antibiotics in many cases. We do not have, and this is the most shocking and the most troubling, we do not have enough body armor for our men and women in uniform. One-fourth of servicemen and -women lack the body armor they need; and that body armor will not be available until December, we are told by Mr. Bremer, the person the White House has hired, that President Bush has hired to oversee the rebuilding of Iraq, and by Mr. Rumsfeld.

Mr. Speaker, I am incredulous that we are spending $1 billion a week, 30 percent of that money going to the President's friends, and many of it, much of it in an unbid contract, as the gentlewoman from Ohio (Ms. KAPTUR) has shown us; yet we cannot find enough money to provide safe drinking water for our troops. We cannot supply and protect our troops sufficiently. We do not have enough money, or the wherewithal to get the antibiotics to them that they need, and we do not have sufficient body armor when President Bush knew we were going to war at least a year ago, and still cannot have enough body armor for our men and women there.

So I do not get it. We have seen this kind of corruption and incompetence on the part of the President, the White House, the military, the civil authority, the military leaders. We are seeing brave men and women over there. But the people who are running this operation, we are seeing corruption and we are seeing incompetence, and we are seeing a small number of companies get incredibly rich. We are seeing the President's campaign chest fatten every day.

Tomorrow the President is going to be in Columbus, Ohio, in my State, raising several hundred thousand dollars, maybe $1 million. We are hearing that every week he is going out on a funding trip. Vice President CHENEY, about the only time he is in public is for a fund-raising trip. They always raise money from Halliburton and Bechtel and these contractors.

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So, I mean, think of this circle. We are spending $87 billion this Congress is about to appropriate. We are already spending a billion dollars a week. A third of that money goes to private contractors who are friends of the President, who give money to the President's campaign. Yet where is the focus on protecting and supplying our troops? I guess it is not criminal, but it is just incredible to me that the President of the United States is so intent on fundraising and so intent on feeding his political friends and getting these political contributions in return, that this White House, and this administration, and the military brass and the civilian leaders that the President has appointed to run Iraq have taken their eye off the ball. They have lost focus on the most important thing over there and that is the supplying and protecting of our troops.

I would like to see some answers. We apparently are not getting them. I hope tonight, if some people from some of the top brass of the Pentagon are watching, some people at the White House, maybe they can give us answers. I asked Mr. Bremer at committee questions about this. We do not seem to be getting any answers there.

I am nonplussed by it all, Mr. Speaker. I hope that this administration can do better so that our troops have safe drinking water, our troops have the body armor they need, our troops have the antibiotics they need.

We can simplify this reconstruction of Iraq so we are not wasting huge amounts of money, so we are not doing it through unbid private contracts, so that we are doing it through a competitive bid process so Americans can feel more comfortable that our troops can be safer so that this operation will work better.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Before you continue, taking all comments into consideration, the Chair will remind all Members that it is not in order to accuse the Vice President or President of unethical behavior or corruption either directly or by innuendo.

Mr. BROWN of Ohio. Mr. Speaker, if I may, may I say the actions of the administration are corrupt and incompetent?

The SPEAKER pro tempore. A Member may criticize the administration, but may not personally accuse the President or Vice President of corruption.

Mr. BROWN of Ohio. Mr. Speaker, I mean, it is not the Clinton administration, although we still seem to hear that from time to time. It is the Bush administration. May I say that?

The SPEAKER pro tempore. It is appropriate to discuss "the administration" but Members may not make personal accusations against the President or Vice President.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate that.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN) for his comments. I know we want to emphasize these no-bid contracts, but you are bringing up the fact that this money that is being spent on these no-bid contracts, at the same time is depriving money that could be spent for the troops, I think is very well-placed.

Many of my constituents talk about how so much of this reconstruction effort goes to Iraq and so little of the same type of thing is being done here in the United States.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for gathering us here tonight to talk about an issue that is very much in the minds of the American people. Where is our $87 billion going?

And I do not know if the gentleman has seen Newsweek this week. The cover story is "Bush's $87 Billion Mess. Special Investigation. Waste, Chaos and Cronyism: The Real Cost of Rebuilding Iraq." And I thought I would just refer to some of this.

Now, I know that the President has cautioned us not to believe what we read and that we should not emphasize the negative, but we should look for the positive and that you cannot believe all these negative news reports. And I do not know if he is necessarily questioning this Newsweek investigative report, but I thought, in any case, that because it is a reputable magazine that I might refer to some of the findings here.

The headline of the story is "The $87 Billion Money Pit. It is the boldest reconstruction project since the Marshall Plan. And we cannot afford to fail. But where are the billions really going," is the question that it asks.

So let me just read a little bit of this. This says, "No doubt, reconstructing postwar Iraq is a brutally hard and hazardous task. Sabotage has already destroyed some 700 power transmission towers. But George W. Bush, who has staked his Nation's credibility and perhaps his Presidency on success in Iraq, has no choice but to set things right.

"Iraqis like to point out that after the 1991 war, Saddam restored the badly destroyed electricity grid in only 3 months. Some 6 months after Bush declared an end to major hostilities, a much more ambitious and costly American effort has yet to get to that point. It is only in recent weeks that the coalition amped up the power generation level that Saddam achieved last March; 4400 megawatts for the country, though it has since dropped back."

I just wanted to emphasize that point because we are told now that electricity is at the level that Saddam had but, in fact, it has dropped back.

"True, Saddam did not have a guerilla war to contend with, and his power infrastructure was in much better shape than the Americans found it, but he also had fewer resources.

"Six months ago the administration decided to cut corners on normal bidding procedures and hand over large contracts to defense contractors like Bechtel and Halliburton on a limited bid or no-bid basis. It bypassed the Iraqis and didn't worry much about accountability to Congress. The plan was for 'blitzkrieg' reconstruction. But by sacrificing accountability for speed," Newsweek says, "America is not achieving either very well right now. For months no one has seemed to be fully in charge of postwar planning. There has been so little transparency that even at the White House, 'it was almost impossible to get a sense of what was happening,' on the power problems, says one official privy to the discussions.

"Numerous allegations of overspending, favoritism and corruption have surfaced. Halliburton, a major defense contractor once run by Vice President Dick Cheney," as earlier statements indicated, he still is benefiting from his relationship to Halliburton. "Halliburton has been accused of gouging prices on imported fuel, charging $1.59 a gallon while the Iraqis 'get up to speed,' when the Iraqi national oil company says it can now buy it at no more than 98 cents a gallon. The difference is about $300 million. Cronies of Iraqi exile leader Ahmad Chalabi, Newsweek has learned, were recently awarded a large chunk of a major contract for mobile telecommunications networks."

So it is a really interesting article. There is a lot in here. But one of the other things that it has is some charts. "What critics say. Waste not." This is in a chart. It says, "Congressional Democrats are raising eyebrows at price tags." Some examples: Repair. U.S. engineers estimated $15 million for repairs on a cement plant in northern Iraq. The project was given to local Iraqis instead. Remember it was $15 million was the estimate from the U.S. contractors. It was done by local Iraqis for $80,000. $15 million; $80,000.

Rebuild. Big business contractors refurbished 20 police stations in Basra for $25 million. An Iraqi official contends locals could have done it for $5 million.

Also talks about Iraqis versus U.S. jobs, local labor. It is cheaper to hire Iraqis for reconstruction projects. Unequal pay. Non-Iraqi security guards make $1,200 a day working for U.S. companies in Iraq, 144 times that of Iraqi guards who make $250 a month. So for a British or U.S. security guard, $1,200 per day, an Iraqi security guard, $8.33 a day.

Then it talks about the Iraq's luxury items. These are some of the expenditures. I think we actually may have cut some of them out, but these were the proposals. They are talking about a kind of feeding frenzy going on for contractors in Iraq. At the same time, and I am glad that the gentleman from Ohio pointed out a number of things that are being shortchanged, like body armor for our soldiers, but a proposal that we may be still going through in our $87 billion, I am not sure, $33,000 per pickup truck, or $2.64 million for 80 vehicles, $9 million to create zip codes, a numbered postal system throughout the country. $6,000 per radio or phone. That added up to $3.6 million. $50,000 per prison bed, way more than we spend here in the United States. $400 million for two new 4,000-bed prisons. And it goes on and on.

A couple more things I just wanted to point out, if I could, there is a section called waste, fraud, and abuse. It says American companies are barred by law from paying bribes or taking kickbacks abroad, but Iraq is still largely a lawless place. And one company director for a British firm doing business in Baghdad said that makes all the difference. Quote, "I have never seen corruption like this by expatriate businessmen. It is like a feeding frenzy," he says. One prominent Iraqi businessman said he was told he had to raise his bid by $750,000 to get a major contract so long as he kicked back that amount to the contractors rep. The businessman refused to identify the contractor, but did say, quote, "No Iraqi would ask for a bribe that big," unquote.

At the very least, Americans have a right to know exactly what is going on, how is our money being spent, a completely transparent process. Because if we are going to send our young men and women over there who put their lives at risk every day without the proper equipment that could save their lives, and all of these billions and billions of dollars are going to private contractors who are responsible for taking care of them and providing what is needed in Iraq in some cases, that is part of what we hire some contractors for, then for heaven's sakes, we want accounting of that.

If it is too much, then we have got to cut that price. I mean, $87 billion, no wonder the American people had sticker shock and no wonder when they read stories like this they are saying why should we be handing this check to this administration when they cannot even be trusted to take care of our young men and women in uniform but they are more than taking care of and padding the pockets of their good friends at Halliburton and Bechtel and still not getting the job done and still not providing the electricity and still not making Iraq more safe for the Iraqi people yet.

Now that may be happening but at what cost to the American people. We just want to know. And I thank the gentleman from New Jersey (Mr. PALLONE) for letting us ask that question.

Mr. PALLONE. Well, again, I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) but I just think most Americans will be shocked to find out that there is no accountability, that there is all these no-bid contracts. The kinds of things that you are asking for would seem to be basic. It is essentially the right to know what we are spending our money on.

And, again, I just think it is outrageous that we do not have the accountability, that we have the no-bid contracts. Every effort, as the gentlewoman from Ohio (Ms. KAPTUR) said, to try to include that in this supplemental was basically rejected by the Republican leadership.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK.)

□ 2300

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE). I want to commend the gentleman and all of the other Members who have taken time from their schedule, their late evening schedule, to be here to share with the American people about what is going on in this government.

We are not being here tonight to be accusatory and say, well, since we are Monday morning quarterbacks, the administration likes to call any Member of Congress that questions their activities critics. I think it is important that the administration understands that this is a democracy. This is not kingdom politics. We want to come together as a people's government to be able to bring about the questions that need to be answered; and, hopefully, some outcome measures will happen.

I will state that what is very disturbing is national publications that are out saying, "$87 Billion Mess." Other publications, newspapers are talking about the waste in Iraq. Meanwhile, on the other side of the aisle, we have individuals that are trying to find other ways to be deficit hawks but not really paying attention to what the President and others are doing as it relates to this administration's mishandling of these dollars.

We talk about troop protection. We cannot even do that correctly. And I am not talking about individuals in uniform. I am talking about individuals in shirts and ties that are making bad decisions here today.

Halliburton. We can go into tomorrow morning if the rules would allow us to be able to do so talking about the mismanagement and the no-bid contracts that have been given.

I watch some of the Sunday shows, and I cannot believe the Secretary of State. I cannot believe the Vice President of the United States. I cannot believe Condoleezza Rice. I cannot believe what the President is saying at the press conference as though he says, well, we are going to bid. Well, they are not bidding now. They have not bid in the past, and in my opinion we are not going to have good bidding and good competition in the future. I do not care what the administration may say. I believe that this will continue.

I know the gentleman's kids are asleep right now. My kids are asleep. They have to go to school tomorrow, but we need to go in their bedroom and take a real good look at them like we usually do before we go to bed. I think any parent or grandparent can really appreciate what I am talking about.

I think we need to understand this $87 billion and then seeing the waste and seeing the loose contracting requirement that this administration has allowed to go on in Iraq. This $87 billion on top of the billions of dollars that we gave earlier this year comes out to about $166 billion, which feeds not only into the deficit beyond $400 trillion, but I think also it is important that we remember that it is $28 million dollars a week in interest.

Now, I have said that before on the floor and I think it is important while you are looking at your children and grandchildren, looking at this deficit. I do not know, maybe the gentleman can share. I believe the Democrats have come to the floor to just get a child tax credit for individuals that work every day that make under $26,000 a year, and we cannot get the other side to allow those individuals to receive their child tax credit.

Mr. PALLONE. Mr. Speaker, we have brought up a motion on a weekly bases to instruct the conferees to bring up that child tax credit for the lower-income Americans, and the conference has not even met. They have not even had a meeting to discuss trying to bring the two Houses together. They have no intention, Republicans have no intention of doing anything on the issue.

Mr. MEEK of Florida. Can I also say that the gentleman from Texas (Mr. DELAY) has said that it is not going to happen, the majority leader of this House.

Mr. PALLONE. Absolutely that is what he said.

Mr. MEEK of Florida. That is quite disturbing. We see some of the cost overruns that have been pointed out here tonight and this is factual. This is not fiction. This is not something that one may say, well, they are just Democrats that are upset. There are Republicans that are upset, but they are not going to say anything about it because they fear the administration and that is going to happen. And I think it is important that we raise these questions.

I think it is important on behalf of the children of this country, on behalf of veterans, on behalf of those individuals that stood in the line of fire for us to be able to have the freedom to speak here tonight on this floor and this free country. We cannot allow this to continue to happen, and I believe that the American people are going to understand this sooner rather than later.

I want to also say that I think it is important, Mr. Speaker, it is important that we continue to share these facts with the American people. And I want the American people to ask their Members of Congress, Democrat and Republican, Members of the other body also, ask them about the accountability of the $87 billion, ask them about the fact that we are not loaning dollars, but we are granting dollars.

I am from south Florida, and I have a city in my district, North Miami Beach, a well-run, well-operated city; but they are having budget problems. They are having to cut programs on behalf of homeland security, doing what this government asked them to do, protect the power plant, protect the water plant; but meanwhile, they are looking for some help from this Federal Government. And they are not receiving it. And we are giving, not loaning, giving dollars.

There are students right now that are studying at many of our institutions of higher learning right now, not only studying to try to pass the exam at the end of the week or at the beginning of next week; they are also trying to figure out how they are going to pay back their student loans with interest. And they are giving these dollars away to companies that are watching the New York Stock Exchange and NASDAQ for their numbers for their investors. I will not call it criminal, but it is close to it to even look at this.

I think it is important that we continue to take time out, and I want to commend the gentleman from New Jersey (Mr. PALLONE) and the other Members that have joined us here tonight in bringing this to the attention of the American people. Think about it, $128 million a week in interest, and then on top of that, mismanagement and no bid contracts.

I join with my other colleagues saying, if this is progress, I do not even know if we can take any more of it, financially, fiscally, and also on behalf of protecting our troops.

Mr. PALLONE. Mr. Speaker, I think it is very important, as the gentleman brought out and others have tonight, what the consequences are of these actions of these no-bid contracts and driving up costs. It means that we do not have money for other programs, whether it is for the troops as the gentleman from Ohio (Mr. BROWN) mentioned, or it is for other domestic concerns here at home. There is no question about it, the deficit is, what, 4 or $500 billion now? A few years ago we had no deficit in the last few years of the Clinton administration. So there is a huge cost for taxpayers and to the future of the country that is being incurred here in order to pad these contracts.

I just wanted to end tonight by pointing out that although we are concentrating on Halliburton and the no-bid contracts this evening, there are a lot of other ways that Republicans are making profits on the reconstruction effort in Iraq. Last month the New York Times had a front page story entitled "Washington Insiders, New Firm Consults on Contracts in Iraq." And according to this September 30 article, a group of businessmen linked by their close ties to President Bush, his family and his administration has set up a consulting firm to advise companies that want to do business in Iraq, including those who are seeking pieces of taxpayer-financed reconstruction projects. This firm, called New Bridge Strategies, is headed by Joe Albaugh, President Bush's campaign manager in 2000 and director of the Federal Emergency Management Agency until last March.

The article states that other directors included Edward Rogers, Jr., and Lanny Griffith, who were both assistants to the first President George Bush and now have close ties to the White House.

The company's Web site. Which you can look up yourself says, "The opportunities evolving in Iraq today are of such an unprecedented nature and scope that no other existing firm has the necessary skills and experience to be effective both in Washington, D.C. and on the ground in Iraq."

So not only is this administration helping CHENEY'S friends at Halliburton, the administration is also helping some of its own, giving them a leg up, working with other future contractors in Iraq.

If you are a contractor, think about it, why would you not want to go to these guys? They can probably tell you who you can get a contract from where you do not have to disclose where you are spending the money. It has got to be music to the President's corporate friends' ears. Unfortunately, it is also another major hit to American taxpayers. This is another way of padding the bills.

You do not hear the Republican Waste Watchers that come here frequently and talk about the waste of the Federal Government, they do not talk about this.

Mr. Speaker, throughout the debate on the Iraq supplemental, Democrats have attempted to shed some light on these issues by offering a substitute that required a detailed report from the President describing how funds in the previous war supplemental have been spent. It also required the notification of noncompetitive contracting and tightened public disclosure requirements.

So we have been out there actually offering the substitute to the supplemental that would get rid of these no-bid contracts; but, of course, it did not pass. The Republicans voted against it.

So I think the only thing we can do is do what we are doing tonight. Ask the tough questions. With the extension of this Halliburton contract today, I do not think we can wait any longer to see how this company is spending the taxpayers' money.

I naively thought that the contract was going to end today and it would not be extended; and when I read that it was going to be extended, I just could not believe it. The process continues. And I think we just have to be here every night or as often as we can to point out how outrageous this is and what the administration is doing.

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Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, just really when we think about it, we are making millionaires basically. We are making millionaires out of Iraq, not only out of the supplemental but out of the Iraq appropriations as it relates to private contracting. That is what is happening.

So we hear speeches from the administration how we want to empower Iraqis and how we want them to take control of their own government and their own economy, and the reality is it is not happening. I do not care if an individual is an Independent, a Republican, a Democrat. I am talking about an American voter. That is very simple. Individuals who have set up shop, not only here in the Beltway with higher connections in the administration, to be able to say I will give you the edge, I do not think there is a lobbying firm set up to help Iraqis get the edge.

So I cannot help but question that, and I think that as we continue to talk about this and as the media continues to reveal what we are talking about here tonight, once again, I just want to clarify. These are not just proud, card-carrying Democrats who say, hey, let us take a shot at the Republicans. We are not talking about that. We are talking about facts, not fiction. We are talking about kids and our grandchildren having to pay for what we are doing here today.

This Congress did not even have the gumption to say, okay, if we believe that we have to send an additional $87 billion in a supplemental of borrowed money, that we will find a way to be able to pay for today, that it will not be on the backs of our grandchildren and our children. That did not happen, and right now, the House and the other body will come together in some sort of conference committee, and I am not a betting person, but I can pretty much guess that we are going to end up giving Iraq the money, and we are going to have shortfalls.

Every Member of this body will end up having fewer dollars to be able to take back to their Districts to be able to build our economy, to build an economy that will create jobs, not an economy that individuals will just say, okay, I need to tuck this away and put it away, but individuals will actually be hired, that jobs will be looking for people and people will not have to look for jobs.

Mr. PALLONE. Mr. Speaker, I just hope that somehow our bringing this to light will make a difference. I know it will not in that $87 billion supplemental because they are going to bring that back tomorrow or the next day, and all these no-bid contracts and the other things we are talking about are going to continue, but I think if we continue to bring it to light, ultimately there will be some changes.

So I want to thank the gentleman again and all my colleagues for being here tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Case (at the request of Ms. Pelosi) for today after 5:00 p.m. and the balance of the week on account of official business in the Middle East with a congressional delegation.

Mr. Ortiz (at the request of Ms. Pelosi) for today after 4:00 p.m. on account of official business.

Mr. Akin (at the request of Mr. DeLay) for today after 5:00 p.m. and the balance of the week on account of leading a congressional delegation to Iraq.

Mr. McCotter (at the request of Mr. DeLay) for today after 5:00 p.m. and the balance of the week on account of traveling with an official delegation to inspect reconstruction efforts in Iraq.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Pallone) to revise and extend their remarks and include extraneous material:)

Mr. DeFazio, for 5 minutes, today.

Mr. Brown of Ohio, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Mr. Ross, for 5 minutes, today.

Mr. Davis of Illinois, for 5 minutes, today.

Ms. Millender-McDonald, for 5 minutes, today.

Mr. McDermott, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Ms. Corrine Brown of Florida, for 5 minutes, today.

Mrs. Maloney, for 5 minutes, today.

Mr. Strickland, for 5 minutes, today.

(The following Members (at the request of Mr. Terry) to revise and extend their remarks and include extraneous material:)

Mr. Pence, for 5 minutes, today.

Mr. Burton of Indiana, for 5 minutes, November 5.

Mr. Terry, for 5 minutes, today.

Mr. Shuster, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, October 30, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4973. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Additional Registration and Other Regulatory Relief for Commodity Pool Operators and Commodity Trading Advisors; Past Performance Issues (RIN: 3038-AB97) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4974. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Denomination of Customer Funds and Location of Depositories (RIN: 3038-AB31) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4975. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Non-Discretionary Quality Control Provisions of Title IV of Public Law 107-171 (RIN: 0584-AD31) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4976. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 02-037-2] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4977. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegatable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate [Docket No. FV03-945-1 FR] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4978. A letter from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting the Administration's final rule—Business Loans and Development Company Loans (RIN: 3245-AE68) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4979. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

4980. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4981. A letter from the Director, Office of Human Resources Mangement, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4982. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Exclusions from Income and Net Worth Computations (RIN: 2900-AJ52) received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4983. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Co-payments for Inpatient Hospital Care Provided to Veterans Enrolled in Priority Category 7 (RIN: 2900–AL35) received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4984. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Independent Study Approved for Certificate Programs and Other Miscellaneous Issues (RIN: 2900–AL34) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4985. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Disease Associated with Exposure to Certain Herbicide Agents: Chronic Lymphocytic Leukemia (RIN: 2900–AL55) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–334). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 421. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–335). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 422. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–336). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KELLER (for himself, Mr. Miller of Florida, Mr. Putnam, Mr. Wilson of South Carolina, and Mr. Crenshaw):

H.R. 3385. A bill to amend the Higher Education Act of 1965 to prevent sex offenders subject to involuntary civil commitments from receiving Federal student financial aid; to the Committee on Education and the Workforce.

By Ms. LEE (for herself, Mrs. Christensen, Mr. Wynn, Mr. Payne, Mr. Thompson of Mississippi, Ms. Jackson-Lee of Texas, Mr. Cummings, Ms. Millender-McDonald, Mr. Wexler, Mr. Conyers, Mr. Owens, and Ms. Corrine Brown of Florida):

H.R. 3386. A bill to provide assistance to combat infectious diseases in Haiti and to establish a comprehensive health infrastructure in Haiti, and for other purposes; to the Committee on International Relations.

By Mr. EVANS (for himself and Mr. Rodriguez):

H.R. 3387. A bill to amend title 38, United States Code, to improve health care programs of the Department of Veterans Affairs and to extend certain expiring authorities; to the Committee on Veterans' Affairs.

By Mr. TANCREDO (for himself, Mr. Moore, and Mr. Moran of Virginia):

H.R. 3388. A bill to amend title 10, United States Code, to provide for the issuance of a military service medal to each member of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Mr. MILLER of North Carolina (for himself and Ms. Hart):

H.R. 3389. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations; to the Committee on Science.

By Mr. SCHROCK (for himself, Ms. Ginny Brown-Waite of Florida, Mr. Simmons, Mrs. Capito, Mr. Forbes, Mr. Miller of Florida, Mr. Hayes, Mrs. Jo Ann Davis of Virginia, and Mrs. Wilson of New Mexico):

H.R. 3390. A bill to amend title 10, United States Code, relating to prescription drug benefits for Medicare-eligible enrollees under defense health care plans; to the Committee on Armed Services.

By Mr. CANNON (for himself, Mr. Bishop of Utah, and Mr. Matheson):

H.R. 3391. A bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project; to the Committee on Resources.

By Mr. EVANS (for himself and Mr. Michaud):

H.R. 3392. A bill to amend title 38, United States Code, to make certain improvements in the procedures for adjudication of claims for benefits under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BALLENGER:

H.R. 3393. A bill to amend title 40, United States Code, to add Catawba and Cleveland Counties, North Carolina to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Mr. Houghton, Mr. Johnson of Illinois, Mr. Blunt, Mrs. Kelly, and Mr. Sweeney):

H.R. 3394. A bill to clarify the lands over which Indian tribes shall have jurisdiction or exercise governmental power; to the Committee on Resources.

By Mr. HERGER (for himself and Mr. Matsui):

H.R. 3395. A bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction; to the Committee on Ways and Means.

By Mr. KING of Iowa:

H.R. 3396. A bill to direct the Secretary of Health and Human Services to establish a process under which a provider of services or other health care provider under the Medicare Program may petition the Secretary for an adjustment of the rate of payment made to that provider under the Medicare Program based on a significant inequity between the rate of payment applicable to that provider, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCRERY:

H.R. 3397. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 3398. A bill to amend title 23, United States Code, to establish a goods movement program to improve the productivity, security, and safety of freight transportation gateways; to the Committee on Transportation and Infrastructure.

By Mr. MURTHA:

H.R. 3399. A bill to suspend temporarily the duty on electron guns for certain cathode ray tubes, liquid crystal display panel assemblies for use in liquid crystal display projection type televisions, and plasma display panel assemblies for use in plasma flat panel screen televisions; to the Committee on Ways and Means.

By Mr. OTTER (for himself, Mr. Cannon, Mr. Simpson, Mr. Nunes, Mr. Ose, and Mr. Pearce):

H.R. 3400. A bill to amend the reclamation laws to clarify that certain man-made facilities that receive water from a Bureau of Reclamation Project are not navigable waters; to the Committee on Resources.

By Mr. PALLONE:

H.R. 3401. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish therapeutic equivalence requirements for generic drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. Janklow, and Mr. McIntyre):

H.R. 3402. A bill to establish permanent authority for the Secretary of Agriculture to quickly assist agricultural producers who incur crop losses as a result of damaging weather or related condition in federally declared disaster areas, to provide emergency disaster assistance to agricultural producers for qualifying crop losses for the 2001, 2002, or 2003 crops, to continue the livestock assistance program, and for other purposes; to the Committee on Agriculture.

By Mr. RADANOVICH (for himself, Mr. Blunt, Mr. Cantor, Mr. Cardoza, Mrs. Bono, Mr. Doolittle, Mrs. Emerson, Mr. Gallegly, Mr. Herger, Mr. Hunter, Mr. Issa, Mr. Kingston, Mr. Lewis of Kentucky, Mr. McCotter, Mr. Ose, Mr. Otter, Mr. Pombo, Mr. Putnam, Mr. Shimkus, Mr. Stearns, Mr. Upton, and Mr. Whitfield):

H.R. 3403. A bill to amend the Clean Air Act to modify certain provisions regarding methyl bromide, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REGULA:

H.R. 3404. A bill to authorize the conveyance of the former Army Reserve Training Center in Wooster, Ohio; to the Committee on Armed Services.

By Mr. WEINER (for himself and Mr. King of New York):

H.R. 3405. A bill to amend section 4002 of the Emergency Wartime Supplemental Appropriations Act, 2003 to provide that the same temporary extended unemployment benefits which are available to certain former employees of domestic air carriers be extended to former employees of foreign air carriers who are similarly situated, and for other purposes; to the Committee on Ways and Means.

By Mrs. McCARTHY of New York (for herself; Ms. Norton, Ms. Carson of

Indiana, Ms. MILLENDER-MCDONALD, Ms. MCCARTHY of Missouri, Ms. LEE, and Mrs. CHRISTENSEN):

H. Con. Res. 314. Concurrent resolution expressing the sense of Congress regarding women with bleeding disorders; to the Committee on Energy and Commerce.

By Mr. WELDON of Pennsylvania:

H. Con. Res. 315. Concurrent resolution expressing the sense of Congress that construction by the Russian Federation of a dam in the Kerch Strait region raises major concerns for the territorial integrity of Ukraine, and for other purposes; to the Committee on International Relations.

By Mr. WOLF (for himself, Mr. DELAY, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. LANTOS, Mr. GREEN of Wisconsin, Mr. PITTS, Mr. KIRK, Mr. FRANKS of Arizona, Ms. ROS-LEHTINEN, Mr. BARTLETT of Maryland, Mr. TOWNS, Mr. BELL, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. FOLEY, Mr. ADERHOLT, Mr. BAKER, Mr. KENNEDY of Rhode Island, Mr. JONES of North Carolina, Mr. TERRY, Mr. MCGOVERN, and Mr. DEMINT):

H. Res. 423. A resolution recognizing the 5th anniversary of the signing of the International Religious Freedom Act of 1998 and urging a renewed commitment to eliminating violations of the internationally recognized right to freedom of religion and protecting fundamental human rights; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. NEUGEBAUER.

H.R. 111: Mr. MORAN of Virginia.

H.R. 251: Mr. OWENS.

H.R. 333: Mr. FARR, Mr. WEINER, and Mr. CLYBURN.

H.R. 375: Mr. NETHERCUTT.

H.R. 442: Mr. BISHOP of Georgia.

H.R. 490: Mr. HOLT.

H.R. 570: Mr. PORTER.

H.R. 594: Mr. SCHROCK, Mr. BERRY, and Mr. RENZI.

H.R. 661: Mr. JANKLOW.

H.R. 687: Mr. DEFAZIO.

H.R. 709: Mr. HOLT.

H.R. 713: Mr. LANTOS, Mr. TURNER of Ohio, Mr. BERRY, Mr. HASTINGS of Washington, Ms. KILPATRICK, and Mr. KILDEE.

H.R. 791: Ms. DELAURO, and Mr. GREEN of Texas.

H.R. 806: Mrs. KELLY, Mrs. BLACKBURN, and Mr. HOYER.

H.R. 834: Ms. DUNN.

H.R. 852: Ms. JACKSON-LEE of Texas and Mr. BAIRD.

H.R. 857: Mr. DAVIS of Illinois, Mr. WAXMAN, and Ms. SOLIS.

H.R. 885: Mr. SHADEGG.

H.R. 898: Mr. LINDER.

H.R. 942: Mr. FRANK of Massachusetts, Mr. PETRI, and Mr. FILNER.

H.R. 1117: Mr. ISSA and Mr. GINGREY.

H.R. 1229: Mr. WELDON of Pennsylvania.

H.R. 1245: Mr. LANTOS.

H.R. 1258: Mr. EMANUEL.

H.R. 1301: Mrs. CAPPS.

H.R. 1336: Ms. HART, Mr. FOSSELLA, Mr. GRAVES, Mr. BRADY of Texas, Mr. HILL, Mr. BAKER, and Mr. BURTON of Indiana.

H.R. 1502: Ms. MCCARTHY of Missouri.

H.R. 1513: Mrs. JONES of Ohio and Mr. MCINNIS.

H.R. 1532: Mr. GREENWOOD and Mr. MILLER of North Carolina.

H.R. 1582: Mr. LARSEN of Washington and Ms. DUNN.

H.R. 1671: Mr. KING of Iowa.

H.R. 1710: Mr. BOSWELL.

H.R. 1735: Mr. CLAY.

H.R. 1738: Mr. CONYERS.

H.R. 1824: Mr. ROGERS of Michigan.

H.R. 1873: Mr. DEMINT and Mr. GARY G. MILLER of California.

H.R. 1943: Mr. BOOZMAN.

H.R. 2032: Mr. ABERCROMBIE, Ms. WOOLSEY, Mrs. MCCARTHY of New York, and Mr. RAHALL.

H.R. 2045: Mr. STEARNS, Mr. HULSHOF, and Mr. GINGREY.

H.R. 2094: Mr. BARTLETT of Maryland.

H.R. 2127: Mr. ISRAEL.

H.R. 2131: Mr. DELAY, Mr. OSBORNE, Mr. BAKER, and Mr. TERRY.

H.R. 2133: Mr. MORAN of Virginia.

H.R. 2203: Mr. HONDA.

H.R. 2214: Mr. SHAW.

H.R. 2216: Mr. LIPINSKI and Mr. BISHOP of Georgia.

H.R. 2239: Ms. JACKSON-LEE of Texas and Mr. BRADY of Pennsylvania.

H.R. 2262: Ms. MCCARTHY of Missouri and Ms. BERKLEY.

H.R. 2314: Mr. ALLEN and Mr. DAVIS of Illinois.

H.R. 2405: Mr. GOODE.

H.R. 2426: Mr. PASTOR.

H.R. 2455: Mr. GONZALEZ.

H.R. 2494: Mr. MCGOVERN.

H.R. 2615: Ms. LEE and Mrs. CAPPS.

H.R. 2626: Ms. SLAUGHTER.

H.R. 2705: Mr. MCNULTY.

H.R. 2720: Mr. OWENS, Mr. GUTKNECHT, Mr. SENSENBRENNER, Mr. BLUMENAUER, Mr. BURTON of Indiana, Mr. HOLDEN, Mr. WEINER, Mr. NADLER, Mr. FATTAH, Mr. MURPHY, Mr. DOYLE, and Mrs. ENGEL.

H.R. 2735: Mr. KING of Iowa.

H.R. 2764: Mr. MCDERMOTT and Mr. BAIRD.

H.R. 2771: Mr. MCNULTY.

H.R. 2821: Mr. WOLF, Mr. GRIJALVA, Mr. RYAN of Ohio, and Mr. DEAL of Georgia.

H.R. 2839: Mr. DINGELL, Mr. DAVIS of Tennessee, Mr. MILLER of Florida, and Mr. RYAN of Wisconsin.

H.R. 2849: Mr. GARRETT of New Jersey.

H.R. 2863: Mr. BISHOP of Georgia, Mr. MCDERMOTT, Mr. DEMINT, Mr. BACA, Ms. LINDA T. SÁNCHEZ of California, Mr. STARK, Ms. LEE, Mr. GEORGE MILLER of California, Ms. HARMAN, Mr. BARRETT of South Carolina, Mr. BAIRD, Mr. GREENWOOD, and Mr. DEUTSCH.

H.R. 2866: Mr. KINGSTON.

H.R. 2897: Mr. WYNN, Mr. DEUTSCH, and Mr. JEFFERSON.

H.R. 2900: Mr. HERGER, Mr. WILSON of South Carolina, and Mr. CARSON of Oklahoma.

H.R. 2916: Ms. ESHOO, Mr. DOYLE, and Ms. SCHAKOWSKY.

H.R. 2928: Ms. CARSON of Indiana, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, and Mr. HOLDEN.

H.R. 2945: Mr. BOSWELL.

H.R. 2959: Mr. QUINN, Mr. GRIJALVA, and Mr. DAVIS of Tennessee.

H.R. 2967: Mr. TOM DAVIS of Virginia.

H.R. 2972: Mr. BRADY of Texas.

H.R. 3002: Mr. SAXTON and Mr. MILLER of Florida.

H.R. 3019: Ms. LINDA T. SÁNCHEZ of California, Mr. STRICKLAND, and Mr. FRANK of Massachusetts.

H.R. 3035: Mr. QUINN and Ms. ROYBAL-ALLARD.

H.R. 3058: Mr. MCCOTTER.

H.R. 3103: Mr. RAMSTAD.

H.R. 3124: Mr. SIMPSON.

H.R. 3125: Mr. SHUSTER, Mr. GINGREY, and Mr. EVERETT.

H.R. 3154: Mr. MCINTYRE.

H.R. 3180: Ms. ESHOO.

H.R. 3190: Mr. KING of Iowa, Mrs. JO ANN DAVIS of Virginia, Mrs. MUSGRAVE, and Mr. KINGSTON.

H.R. 3194: Mr. GONZALEZ.

H.R. 3195: Mr. CASE.

H.R. 3228: Mr. STUPAK.

H.R. 3237: Ms. WATSON, Mr. CUMMINGS, Mr. EVANS, Mr. FILNER, Mr. ABERCROMBIE, Mr. OWENS, Mr. WAXMAN, and Mr. MARKEY.

H.R. 3242: Mrs. CAPPS, Mr. UPTON, Mr. DINGELL, Ms. HARRIS, Mr. CAMP, Mr. RODRIGUEZ, Mr. LUCAS of Kentucky, and Mr. POMBO.

H.R. 3243: Ms. ROS-LEHTINEN.

H.R. 3244: Mr. OWENS, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. WAXMAN, and Mr. SPRATT.

H.R. 3246: Mr. LEWIS of Kentucky, Mr. GARY G. MILLER of California, and Mr. BALLENGER.

H.R. 3257: Mr. STRICKLAND.

H.R. 3263: Mr. BEAUPREZ, Mrs. BLACKBURN, Mr. BOEHLERT, Mr. BRADLEY of New Hampshire, Mr. BURGESS, Mr. BURNS, Mr. CAMP, Mr. CARTER, Mr. CHABOT, Mr. COLE, Mr. CRENSHAW, Mr. ENGLISH, Mr. GILCHREST, Mr. GOODE, Mr. HOBSON, Mr. HOUGHTON, Mr. KING of Iowa, Mr. KLINE, Mrs. MILLER of Michigan, Mr. OSBORNE, Mr. PEARCE, Mr. REYNOLDS, Mr. SCHROCK, Mr. TIAHRT, Mr. WICKER, Mr. WILSON of South Carolina, Ms. DUNN, and Mr. TERRY.

H.R. 3266: Mrs. MILLER of Michigan.

H.R. 3276: Mr. GREEN of Texas, Mr. BROWN of Ohio, and Mr. MCINTYRE.

H.R. 3277: Ms. ROYBAL-ALLARD.

H.R. 3281: Mr. MEEHAN and Mrs. JOHNSON of Connecticut.

H.R. 3294: Mr. REYNOLDS.

H.R. 3318: Mr. MCKEON.

H.R. 3323: Mr. CARDOZA.

H.R. 3329: Mr. DEMINT and Mr. TERRY.

H.R. 3334: Mr. LEWIS of California and Mr. ISSA.

H.R. 3344: Mr. MARKEY, Mr. GRIJALVA, and Ms. BORDALLO.

H.R. 3350: Mr. FORD.

H.R. 3352: Mr. MEEHAN.

H.R. 3353: Mr. DAVIS of Alabama, Mr. MCNULTY, Mr. OWENS, Mr. TOWNS, and Mr. CLYBURN.

H.R. 3365: Mr. KLINE, Mr. BISHOP of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. STRICKLAND, and Mr. PORTER.

H.R. 3369: Mr. RAMSTAD.

H.R. 3371: Mr. KILDEE.

H. Con. Res. 87: Mrs. CAPPS.

H. Con. Res. 126: Mr. REHBERG.

H. Con. Res. 213: Mr. BRADY of Pennsylvania.

H. Con. Res. 240: Mr. MCGOVERN.

H. Con. Res. 247: Mr. SNYDER and Ms. ESHOO.

H. Con. Res. 276: Ms. SLAUGHTER.

H. Con. Res. 285: Mr. MARSHALL, Mr. MCINTYRE, Mr. LOBIONDO, and Mr. CAMP.

H. Con. Res. 302: Mr. STARK, Mr. HOEFFEL, Mr. DAVIS of Illinois, Mr. CARDOZA, and Mr. KING of New York.

H. Con. Res. 307: Mr. FEENEY.

H. Con. Res. 310: Mr. FORBES and Mr. KINGSTON.

H. Res. 38: Mr. SANDERS and Mr. FRANK of Massachusetts.

H. Res. 42: Mr. CHOCOLA.

H. Res. 320: Mrs. CAPPS, Mrs. KELLY, Ms. LEE, and Mr. FILNER.

H. Res. 348: Mr. Payne.

H. Res. 373: Mr. Gutierrez.

H. Res. 390: Mr. McCotter, Mr. Hoeffel, Mr. Delahunt, and Mr. Janklow.

H. Res. 393: Mr. Michaud, Mr. Leach, Mr. Burton of Indiana, Mr. Rohrabacher, Mr. Smith of Michigan, Mr. Weller, Ms. Harris, Mr. Berman, Mr. Blumenauer, Mr. Osborne, Mr. Radanovich, Mr. Brown of Ohio, Mr. Gallegly, Mr. McHugh, Mr. Tancredo, Mr. Menendez, Mr. Wamp, and Mrs. Jo Ann Davis of Virginia.

H. Res. 412: Mr. Baird, Mr. Ballenger, Mr. Boozman, Mr. Cannon, Mr. Herger, Mr. Larsen of Washington, Mr. McInnis, Mr. Portman, Mr. Rogers of Kentucky, and Mr. Walden of Oregon.

H. Res. 414: Mr. Wicker, Mr. Chocola, Mr. Terry, Mrs. Johnson of Connecticut, Mr. Gingrey, Mr. Hoekstra, and Mr. McCotter.

DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1626: Mr. Carson of Oklahoma.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2443

Offered By: Mr. Engel

Amendment No. 10: Page 43, after line 2, insert the following:

SEC. . SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) conduct a vulnerability assessment under section 70102(b) of title 46, United States Code, of the navigable waters adjacent to Indian Point Energy Center, located in Westchester County, New York; and

(2) submit a report on that assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.

H.R. 2443

Offered By: Mr. Hostettler

Amendment No. 11: At the end of title II (page 22, after line 5) insert the following:

SEC. . ASSIGNMENT OF OFFICER TO NATIONAL WAR COLLEGE.

(a) In General.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"§ 152. Assignment of officer to National War College

"The Commandant shall assign an officer in the grade of captain to serve as the Coast Guard's Service Chair at the National War College.".

(b) Clerical Amendment.—The table of contents at the beginning of chapter 7 of title 14, United States Code, is amended by adding at the end the following:

"152. Assignment of officer to National War College.".

H.R. 2443

Offered By: Mr. DeFazio

Amendment No. 12: Page 21, line 9, strike the close quotation marks and the following period.

Page 21, after line 9, insert the following:

"(e) Restriction on Location.—The museum established under this section may not be located on any property that has been condemned or taken by eminent domain by the Federal Government, by a State or local government, or by any other person acting under a delegation of authority from a State or local government.".

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 30, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 3

10:30 a.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the extent and impact of alleged trading abuses in the mutual fund industry and regulatory reforms necessary to mitigate such practices in the future.
SD–342

NOVEMBER 4

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine report from the President's New Freedom Commission on mental health relating to recommendations to improve mental health care in America.
SD–430

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine database security.
SD–226

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine the current situation in North Korea.
SD–419

Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine state and local authority to enforce immigration law relating to terrorism.
SD–226

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To resume hearings to examine financial reconstruction in Iraq.
SD–538

NOVEMBER 5

9:30 a.m.
Joint Economic Committee
To hold hearings relating to rethinking the tax code.
SD–628

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the banking industry.
SD–538

2 p.m.
Governmental Affairs
To hold hearings to examine the report of the Presidential Commission on the U.S. Postal Service.
SD–342

NOVEMBER 6

2 p.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine Department of Defense's improper use of first and business class airline travel.
SD–342

NOVEMBER 7

9:30 a.m.
Joint Economic Committee
To hold joint hearings to examine the current employment situation.
SD–628

NOVEMBER 12

9:30 a.m.
Environment and Public Works
Business meeting to consider S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.
SD–406

HOUSE OF REPRESENTATIVES—*Thursday, October 30, 2003*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Because You are the Lord God, all relate to You, each in his or her own way. Because You are the Creator of the heavens and all on Earth, from the beginning, even until now everything and everyone is interrelated and held by You. Teach us, Lord, how to relate to one another.

Guide all in this Nation, especially the Members of this Chamber, how to relate to the problems and the human concerns that confront the family of nations. Your word tells us, Lord: "In Your relations with one another, clothe yourself with humility because I, Your Lord God, am stern with the arrogant but to the humble I show kindness."

Let us bow humbly under Your hand, O Lord, that in due time You may lift our heads high with joy. Humbly let us cast all our cares on You because You care for us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building".

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office".

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building".

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building".

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office".

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".

H.R. 2746. An act to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennedy Post Office Building".

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1405. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building".

S. 1590. An act to redesignate the facility of the United States Postal Service located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building".

S. 1659. An act to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G. Dow Post Office Building".

S. 1718. An act to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office".

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes on each sides.

BREAST CANCER AWARENESS MONTH

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as we come to the close of October, I wanted to remind Members that October is designated as Breast Cancer Awareness Month. Each year in the United States, breast cancer is diagnosed in more than 170,000 women. Several recent critical advances, sequencing of the human genome and the development of high throughput techniques for identifying DNA-sequence variants, have accelerated the pace of research aimed at preventing and curing breast cancer.

Drugs such as Tamoxifen have helped to successfully treat thousands of women with breast cancer. Even more advanced, third-generation aromatase inhibitors are challenging Tamoxifen, the current gold standard of care, and providing more satisfying results in this field.

Groundbreaking research is yielding important findings on reducing the recurrence of breast cancer in women who have previously been treated. This is all the more important, because with breast cancer, unlike other malignancies, the symptom-free intervals in some women may be decades.

With these great advances in science and medicine, the medical community is more able to accurately diagnose and treat women with breast cancer. But with over 40,000 women who will die of this disease this year, our work is clearly not done. This month we are reminded of how far we have come, but how far we have to go in fighting in this deadly disease.

BREAST CANCER AWARENESS MONTH

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, October is National Breast Cancer Awareness Month, and I rise to address the issue of the early detection and prevention of breast cancer.

Breast cancer is the most common form of cancer in women in the United States, aside from cancers of the skin. Both its cause and cure remain undiscovered.

In my home State of Indiana, the American Cancer Society estimates that 5,000 new cases of breast cancer will be diagnosed and approximately 900 women will die of breast cancer in 2003.

With early detection, breast cancer can be treated effectively with surgery that preserves the breast, followed by radiation therapy. Local therapy is often accompanied by chemotherapy and/or hormonal therapy.

Raising awareness and promoting the continuation of breast cancer research has contributed to more than 2 million breast cancer survivors in the United States today.

In Indianapolis, we have benefited by the 2003 Komen Indianapolis Race for the Cure that registered 37,000 individuals and the BMW Ultimate Drive to donate one dollar on each mile driven during BMW test-drives.

We must continue to raise awareness and support legislation that will aid in the prevention and eventual development of a cure for breast cancer.

ECONOMIC GROWTH

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, tomorrow is Halloween, which means tricks and treats for every American. Today, our economy received a treat of its own, thanks to President Bush's pro-jobs agenda and economic growth tax cuts. For instance, the economy grew at a staggering 7.2 percent in the third quarter, the fastest pace since 1984. In addition, consumer confidence is on the rise, thanks in large part to a more favorable job market and a belief that this trend will continue.

These are some pretty good treats for the American people and for our economy. But the Democratic candidates for President are offering some pretty frightening tricks. For example, every one of them wants to repeal some or all of the Bush tax cuts. That trick on our people will take the steam out of our robust recovery and kill new job growth.

To the American people I say, be very careful when you are examining who should lead our Nation, because the tricks being offered up are downright scary. Happy Halloween.

DOMESTIC VIOLENCE BILLS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today to recognize two pieces of important legislation that I would like to reintroduce today regarding Domestic Violence Awareness Month. I believe the two bills will help end violence against women.

In the United States, nearly 2 million women are victims of domestic violence. Every 30 seconds, a woman is beaten by her aggressor. This is why there is a continuing need to address this issue.

The Domestic Violence Court Assistance Act will provide grant money from the Violence Against Women Act to establish specific domestic violence courts and provide for important functions of a domestic violence court, such as translation and interpretation services for women whose first language may not be English.

The Domestic Violence Prevention, Education and Awareness Act would help bring much-needed attention to racial and ethnic minority and immigrant communities that are often overlooked and underserved by providing grants to develop informational media outreach campaigns to address specific communities that currently are underserved.

It is our responsibility to give a voice to those who cannot speak for themselves, and I urge my colleagues to support these two legislative efforts.

TRIBUTE TO POLK COUNTY NATIVE

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, I rise today to pay tribute to a man of honor and a dear friend, a man who touched so many lives and dedicated himself to making Polk County, Florida, a better place.

Charles Richardson rose from humble beginnings in Polk County and helped to integrate what is now Bartow High School. He began his political career on the Winter Haven City Commission, and rose to be, as a Republican, the first African American ever to serve on the Polk County commission.

He was described as a family man and a jovial leader, with a keen intellect and an extraordinary wit and wisdom. He was also known as a strong role model for young people, who encouraged them to get an education and to go to college and achieve the American Dream. He is survived by his wife, Karen; two daughters, Ericka and Janine; and two sons, Charles, Jr., and Elden.

Mr. Speaker, even after being diagnosed with pancreatic and liver cancer, Charles Richardson continued to perform his county commission duties right up to the night he passed. Charles Richardson blessed our community through his hard work and generous nature, and our thoughts and prayers are with his family.

VIETNAM CRACKS DOWN ON UNIFIED BUDDHIST CHURCH OF VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to voice my outrage over the government of Vietnam's recent crackdown on the United Buddhist Church of Vietnam.

I just concluded a telephone conversation with the Venerable Thich Tue Sy, a senior monk in that church, who was just sentenced to 2 years of administrative detention for exercising the basic right of freedom of religion, as were six of his colleagues.

Earlier this month, the United Buddhist Church of Vietnam held a meeting to discuss church affairs, to elect new leadership, and to verify the Vietnamese Prime Minister's promise of a new era of respect and understanding for religious freedom. In stark contrast to the promise of respect and understanding, Vietnamese authorities disrupted the meeting, intimidated and ultimately arrested the UBCV leadership.

The Venerable Thich Huyen Quang and Thich Quang Do, both of whom have been nominated for the Nobel Peace prize, are once again under house arrest. These actions are unconscionable.

Today, I will introduce a resolution regarding the courageous leadership of the UBCV and the urgent need for religious reform in Vietnam.

THE SUPREME COURT CONSIDERS THE PLEDGE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this year, the Supreme Court will take up the case of whether children should be allowed to say the words "under God" in the Pledge of Allegiance. This cartoon captures an important point of this case: Does the first amendment allow porn but not God in public discourse?

The ACLU would like you to think so. Their challenge to our laws, which protect our kids from online porn predators, is ridiculous. They want to be this teacher in the cartoon holding up a computer in front of your child saying, "You cannot pledge allegiance 'under God' but, here, look at some pornography."

The fact that this case even made it so far as the courts is a travesty. Something is very wrong with our courts. They say child pornography on the computer is perfectly legal, but the pledge is so offensive that we have to get rid of the words "under God."

The ACLU is out to sacrifice religion on their own little altar of pornographic speech. This is wrong. The Court should do the right thing for this country, for our children: uphold the pledge and the freedom that is ours to pledge allegiance under God.

BREAST CANCER SURVIVORS AND THEIR FAMILIES

(Mr. SCOTT of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to join with others in expressing my support for breast cancer survivors and their families as we recognize the month of October as Breast Cancer Awareness Month.

As the husband of a breast cancer survivor, my courageous wife, Alfredia Scott, I join with countless others in honoring the courage of other breast cancer patients as they fight to overcome this devastating disease. We honor their families, as they stand with them, hurting just as badly, as they watch over and support their loved ones through their treatment. We honor the doctors, the nurses, and the health care professionals who provide critical help for these patients.

Almost everyone in America has been touched by this disease, which strikes one in nine women; and it is the second leading cause of death for women. As many of my colleagues have already noted, our Nation will lose 40,000 people this year. Almost 212,000 new cases will be diagnosed.

□ 1015

We, as legislators, have a responsibility. We must do whatever we can to stop this disease.

As a Georgia State senator, I fought for funding for breast cancer research, and I authored the law that gives breast cancer patients the right to determine their length of stay in the hospital and the medical treatment they receive rather than the insurance companies.

Our inspiration is great: breast cancer survivors who have won their fight, and the friends and families of those women who did not. I urge us to work harder and make sure that we bring a cure to this deadly disease.

IRAQ SUPPLEMENTAL FUNDING

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise to express my profound disappointment this morning with the news that House and Senate conferees developing the Iraq supplemental bill have apparently removed language which would have made a portion of the reconstruction dollars the American people are sending to Iraq take the form of a loan. I had unsuccessfully offered an amendment in the House which would have made one-half of the reconstruction dollars be repaid to the American taxpayers, and I believe the overwhelming majority of the people of this country believe this oil-rich nation should bear some of the cost of rebuilding its own civil society.

I regret Congress has chosen to reject the counsel of the majority of the American people and the world community. A decent respect for the opinions of mankind should cause Congress to reflect on the fact that at this weekend's donor conference in Madrid, two-thirds of the $13 billion made available for reconstruction by foreign countries in Iraq takes the form of loans and credits.

In the end, regardless of my disagreement with the means, I will support the Iraq supplemental bill which will go far to ensure the safe return of our troops and the triumph of freedom in this tyranny-weary land.

BREAST CANCER AWARENESS MONTH

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, in the San Francisco Bay area, especially in Marin County in my congressional district, we have some of the highest rates of breast cancer in the Nation. While the toll on Bay area residents has been enormous and heart-breaking, community activists and local health officials are meeting this challenge, providing support to patients and survivors and working to find causes of this epidemic.

Women feel powerless when confronted with the increasing likelihood of contracting breast cancer; but as the Marin County breast cancer community has demonstrated through prevention and research, with hard work and dedication, we will beat this disease.

In memory of those who have died of breast cancer and in support of those fighting this terrible disease, and with hope that our daughters and granddaughters will not face this epidemic, I urge all women to acknowledge Breast Cancer Awareness Month by taking care of their own health and joining with others to win the war against breast cancer.

BREAST CANCER AWARENESS MONTH

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, as has been noted earlier, this October we recognize the 19th anniversary of National Breast Cancer Awareness Month. This year alone, more than 200,000 of our mothers, daughters, sisters, and wives will be diagnosed with breast cancer, and close to 40,000 will die from this dreadful disease.

My wife and I first became aware of National Breast Cancer Awareness Month through our volunteer work with the American Cancer Society. We decided to get involved because so many of our friends and families had been impacted by this terrible disease and we wanted to make a difference.

Over its short history, the National Breast Cancer Awareness Month has successfully raised awareness for the early detection and prevention of breast cancer. As a result, mammography screening rates have doubled since 1985, and breast cancer mortality rates have steadily declined.

Mr. Speaker, the best way for all of us to join in the battle against breast cancer is to help spread the word to as many women as possible that early detection saves lives.

BREAST CANCER AWARENESS MONTH

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, almost everyone has a family member, a friend or a co-worker who has been personally affected by breast cancer. This year, 1,400 women will be diagnosed with invasive breast cancer and 300 women will die from this devastating disease in my State of Nevada.

Two of my closest professional associates, two women who I work with every day, won their battle against breast cancer; they are cancer free. Unfortunately, this is not always the case. I lost my own mother this past July after her 14-year battle against breast cancer.

From these battles I have learn the importance of mammography screening and early detection which have led to higher survival rates. Nevada has the lowest percentage of mammograms performed per capita than any other State in the country, only 65 percent of Nevada women age 40 and over have had mammograms within the last 2 years; this leaves 35 percent of the women in Nevada without any necessary information to arm themselves against this disease and the ability to fight it early on. We must continue to get the word out to women that early detection in the fight against breast cancer is critical.

UNITED STATES LEADING WAY TO STABILITY IN IRAQ

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last year Saddam Hussein spent $13 million on health care in Iraq. This year the United States will spend $200 million. Two years ago when Olympic soccer players made a mistake or lost a game, they were tortured and held hostage until they amended their ways and became better soccer players. Now children's soccer teams are springing up all over Iraq.

There has not been much farming going on in Iraq over the last several years; today, farmers are beginning to go back to the fields and replant crops. There has not been much oil production; now we are getting oil back online. Police forces are beginning to form again in Iraqi towns around the nation, and electricity and water is coming back all over the nation, but there is no peace in Iraq. We are not finished with the job. We still need the coalition forces in Iraq. We still need the strong United States presence to lead the way to a stable, growing democracy. We hope this is possible.

Today, this House will pass the Iraqi emergency supplemental bill. It is one more step in our effort to bring peace in that region. I urge my colleagues to support it.

NO DISCUSSION, NO CONFERENCE, NO DEMOCRACY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, sadly, the corruption of democracy continues in this House this day. Almost unanimously, we sent a bill back to conference committee for further consideration to protect the safety of the public.

During the course of that debate, the gentleman from Florida (Mr. MICA), the chairman of the subcommittee, said nothing in response to an assertion made about public safety. Nothing, I say to my colleagues, can be further from the truth.

The gentleman from Florida (Mr. MICA) went on to say, "So we will take this bill back to conference." Nothing, my colleagues, could be further from the truth.

The gentleman from Florida (Mr. MICA) went on to say, "We will revisit this issue." Nothing, my friends, could be further from the truth.

He went on to say, "Anyone who would like, we will make a copy of this report available." Nothing, my friends, could be further from the truth.

There was no conference, there was no discussion, there was no democracy. Shame on the processes undermining democracy in this House.

WHERE ARE THE JOBS?

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, today the American public should ask a simple question, Where are the jobs? We hear the Republicans talk about increases in the gross domestic product, but increases in the GDP do not equal jobs. It does not pay bills or help families.

Since this President came into office, we have lost 3 million jobs in this country, and 2.5 million of those jobs have been in the manufacturing sector. So the American public ought to ask the question, Where are the jobs?

What is the Republican response? They are going to bring to this floor a bill that grants tax credits to American companies that take jobs overseas. That is right, two-thirds of the benefits in the so-called manufacturing jobs bill that the Republicans are introducing would give tax breaks to companies creating jobs in China and other countries.

Today the American public has every right to ask the question, Where are the jobs for Americans? Where are the tax credits for American small businesses to help them expand and grow jobs? Unfortunately, they are going overseas.

Mr. Speaker, where are the jobs?

CELEBRATING RED RIBBON WEEK

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today in celebration of Red Ribbon Week, the annual campaign to prevent illegal drug use and promote drug-free communities. All of our children have so much potential. All of our children deserve a chance at life. But it is so sad when families, friends and communities and faith fail a child and they become addicted to drugs. Caring for our children and making sure they do not get addicted to drugs is all of our responsibility.

Mr. Speaker, 81 percent of teenagers ages 14 to 20 have used drugs. One out of every four high school seniors has used illegal drugs in the past 30 days; almost 30 percent of young adults have used marijuana in the past.

This must change. Our children deserve better. Red Ribbon Week uses community action to educate and help prevent drug abuse. Throughout the United States, many of our schools are participating in this program, informing our children to stay away from drugs. I ask support for Red Ribbon Week in the State of California, and I ask support for Red Ribbon Week throughout our Nation.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will state his inquiry.

Mr. MCGOVERN. Mr. Speaker, under the rules of the House, is it not true that before conference reports can be filed, that conferees must meet in formal session, and I believe this requirement can be found in clause 12 of rule XXII of the House rules?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MCGOVERN. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MCGOVERN. Mr. Speaker, the House voted unanimously on Tuesday to recommit the FAA conference report to the conference committee in order to address essential safety issues relating to the plan to privatize the air traffic control system.

□ 1030

Therefore, Mr. Speaker, is it not the case that the FAA conference report before the House was filed without any formal notice of a conference meeting to the minority and, thus, in violation of clause 12, rule XXII?

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair can only reiterate that under the rules and precedents of the House, a conference report must be the product of an actual meeting of the managers appointed by the two Houses.

MOTION TO ADJOURN

Mr. MCGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on the Journal de novo and on House Concurrent Resolution 291, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 86, nays 317, not voting 31, as follows:

[Roll No. 580]

YEAS—86

Ackerman
Alexander
Allen
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Davis (AL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Emanuel
Etheridge
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hastings (FL)
Hill
Hinchey
Honda
Hoyer
Israel
Jackson (IL)
Jefferson
Kaptur
Kennedy (RI)
Kleczka
Lantos
Lee
Lewis (GA)
Lynch
Majette
Maloney
Markey
Matsui
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Rangel
Ruppersberger
Sabo
Sanchez, Loretta
Scott (VA)
Solis
Thompson (MS)
Towns
Van Hollen
Velázquez
Waters
Watson
Woolsey
Wynn

NAYS—317

Abercrombie
Aderholt
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Eshoo
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
Meehan
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NOT VOTING—31

Akin
Bradley (NH)
Burton (IN)
Case
Cummings
Delahunt
DeLay
Edwards
Fattah
Fletcher
Gephardt
Goss
Gutierrez
Hall
Isakson
Johnson (CT)
Johnson, E. B.
Lampson
McCotter
Miller (NC)
Pearce
Peterson (MN)
Pickering
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Stenholm
Stupak
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1052

Messrs. GUTKNECHT, TERRY, NEUGEBAUER, BEAUPREZ, DAVIS of Tennessee, DAVIS of Florida, WU, and BACA changed their vote from "yea" to "nay."

Mr. HONDA and Ms. DEGETTE changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 345, noes 58, answered "present" 1, not voting 30, as follows:

[Roll No. 581]

AYES—345

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren

Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NOES—58

Andrews
Baird
Baldwin
Berry
Brady (PA)
Brown, Corrine
Capuano
Costello
Crane
DeFazio
English
Filner
Ford
Fossella
Gillmor
Hastings (FL)
Hefley
Honda
Hooley (OR)
Hulshof
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Larson (CT)
Latham
Levin
LoBiondo
Matheson
McDermott
McGovern
McNulty
Meek (FL)
Menendez
Moran (KS)
Neal (MA)
Oberstar
Olver
Otter
Pelosi
Ramstad
Sabo
Schakowsky
Slaughter
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu
Young (FL)

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—30

Akin
Barton (TX)
Blumenauer
Blunt
Bradley (NH)
Burton (IN)
Case
Cummings
DeLay
Edwards
Fattah
Fletcher
Gephardt
Gutierrez
Hunter
Isakson
Johnson, E. B.
Lampson
McCotter
Miller (NC)
Miller, George
Pearce
Peterson (MN)
Pickering
Sánchez, Linda T.
Sandlin
Stenholm
Stupak
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1101

So the Journal was approved.

The result of the vote was announced as above recorded.

EXPRESSING GRATITUDE TO MEMBERS OF UNITED STATES ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

The SPEAKER pro tempore (Mr. THORNBERRY). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 291.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 291, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 32, as follows:

[Roll No. 582]

YEAS—402

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—32

Aderholt
Akin
Bachus
Bradley (NH)
Burton (IN)
Case
Cummings
DeLay
Edwards
Fattah
Fletcher
Ford
Gephardt
Gillmor
Gutierrez
Hobson
Isakson
Johnson, E. B.
Lampson
McCotter
Miller (NC)
Pearce
Peterson (MN)
Pickering
Pomeroy
Sánchez, Linda T.
Sandlin
Slaughter
Stenholm
Stupak
Turner (TX)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 1110

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POMEROY. Mr. Speaker, on October 30, 2003, I missed rollcall vote No. 582. Had I been present, I would have voted "yea" on this vote, expressing my strong support for H. Con. Res. 291.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to a meeting within the Department of Justice, I unfortunately missed three recorded votes on the House floor earlier today.

Had I not been unavoidably detained at this meeting, I would have voted "yes" on rollcall vote No. 580 (On Motion to Adjourn); "yes" on rollcall vote No. 581 (On Approving the Journal); and "yes" on rollcall vote No. 582 (On Motion to Suspend the Rules and Agree on H. Con. Res. 291, expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993.

PERSONAL EXPLANATION

Mr. SANDLIN. Mr. Speaker, on Thursday, October 30, 2003, I was unavoidably detained by official business. Had I been present, I would have voted "yes" on rollcall votes 580, 581, and 582.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained in my district on official business on October 28, 2003. Had I been here, Mr. Speaker, on rollcall vote 569, H. Res. 577, I would have voted "aye"; on rollcall vote 570, H.R. 2359, I would have voted "no"; on rollcall vote 571, motion to instruct, H.R. 6, I would have voted "aye"; on rollcall vote 572, motion to instruct, H.R. 1308, I would have voted "aye"; and on rollcall vote 573, motion to instruct conferees, H.R. 1, I would have voted "aye".

CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–337)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) "making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,858,870,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $816,100,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $753,190,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $3,384,700,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $23,997,064,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $1,956,258,000, of which up to $80,000,000 may be transferred to the Department of Homeland Security for Coast Guard Operations.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,198,981,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,416,368,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $4,355,452,000, of which—

(1) not to exceed $15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan;

(2) $32,000,000 is only for the Family Advocacy Program; and

(3) not to exceed $1,150,000,000, to remain available until expended, may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of these funds.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $16,000,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $53,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $214,000,000.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $35,500,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For "Iraq Freedom Fund", $1,988,600,000, to remain available for transfer until September 30, 2005, for the purposes authorized under this heading in Public Law 108–11: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; military construction; the Defense Health Program; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That not less than $62,100,000 shall be transferred to "Other Procurement, Army" for the procurement of Up-armored High Mobility Multipurpose Wheeled Vehicles and associated equipment: Provided further, That $10,000,000 shall be for the Family Readiness Program of the National Guard.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, *Army", $101,600,000, to remain available until September 30, 2006.*

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,143,687,000, to remain available until September 30, 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $158,600,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $76,357,000, to remain available until September 30, 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $123,397,000, to remain available until September 30, 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $53,972,000, to remain available until September 30, 2006.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $20,450,000, to remain available until September 30, 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,438,006,000, to remain available until September 30, 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $418,635,000, to remain available until September 30, 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $34,000,000, to remain available until September, 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,070,000, to remain available until September 30, 2005.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $260,817,000, to remain available until September 30, 2005.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $600,000,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $24,000,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $658,380,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $73,000,000: Provided, That these funds may be used only for such activities related to Afghanistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Intelligence Community Management Account", $21,500,000, to remain available until September 30, 2005; of which $3,000,000 may be transferred to and merged with the Department of Energy, "Other Defense Activities", and $15,500,000 may be transferred to and merged with the Federal Bureau of Investigation, "Salaries and Expenses".

GENERAL PROVISIONS, THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2004, except for the fourth proviso.

SEC. 1102. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1103. Sections 1318 and 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), shall remain in effect during fiscal year 2004.

SEC. 1104. From October 1, 2003, through September 30, 2004, (a) the rates of pay authorized by section 310(a) of title 37, United States Code, shall be $225; and (b) the rates of pay authorized by section 427(a)(1) of title 37, United States Code, shall be $250.

SEC. 1105. DEFENSE EMERGENCY RESPONSE FUND CLOSE-OUT AUTHORITY.—(a) Section 1313 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 569), is amended by inserting "unobligated" before "balances".

(b) Effective November 1, 2003, adjustments to obligations that before such date would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriations account of the Department of Defense available for the same purpose.

SEC. 1106. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1107. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed $150,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees not less than 15 days before providing assistance under the authority of this section.

SEC. 1108. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 1109. In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $313,000,000, to be used only for recovery and repair of damage due to natural disasters including Hurricane Isabel, to be distributed as follows:

"Operation and Maintenance, Army", $47,100,000;

"Operation and Maintenance, Navy", $87,600,000;

"Operation and Maintenance, Marine Corps", $6,700,000;

"Operation and Maintenance, Air Force", $169,300,000; and

"Other Procurement, Air Force", $2,300,000.

SEC. 1110. During the current fiscal year, from funds made available in this Act to the Department of Defense for operation and maintenance, not to exceed $180,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to establish and fund a similar program to assist the people of Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports, beginning on January 15, 2004, to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.

SEC. 1111. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing an Analysis of Alternatives for replacing the capabilities of the existing Air Force fleet of KC–135 tanker aircraft.

ENHANCEMENTS TO EXEMPTION FOR MEMBERS WITH COMBAT-RELATED INJURIES FROM REQUIREMENT FOR PAYMENT OF SUBSISTENCE CHARGES WHILE HOSPITALIZED

SEC. 1112. (a) EXEMPTION MADE PERMANENT.—Subsection (c) of section 1075 of title 10, United States Code (as added by section 8146(a)(2) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87)), is repealed.

(b) RETROACTIVITY.—Subsection (b) of section 8146 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87), is amended to read as follows:

''(b) EFFECTIVE DATE.—(1) Subsection (b)(2) of section 1075 of title 10, United States Code, as added by subsection (a), shall apply with respect to any period of hospitalization on or after September 11, 2001, because of an injury covered by that subsection that is incurred on or after that date.

''(2) The Secretary concerned (as defined in section 101 of title 37, United States Code) shall take such action as necessary to implement paragraph (1), including—

''(A) refunding any amount previously paid under section 1075 of title 10, United States Code, by a person who, by reason of paragraph (1), is not required to make such payment; and

''(B) waiving recovery of any unpaid amount for which a person has previously been charged under that section and which that person, by reason of paragraph (1), is not required to pay.''.

SEC. 1113. None of the funds available to the Department of Defense may be obligated to implement any action which alters the command responsibility or permanent assignment of forces until 270 days after such plan has been provided to the congressional defense committees.

SEC. 1114. Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

''(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

''(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

''(4) Screening and care may not be provided under this section after September 30, 2004.''.

SEC. 1115. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

''§1076b. TRICARE program: coverage for members of the Ready Reserve

''(a) ELIGIBILITY.—Each member of the Selected Reserve of the Ready Reserve and each member of the Individual Ready Reserve described in section 10144(b) of this title is eligible, subject to subsection (h), to enroll in TRICARE and receive benefits under such enrollment for any period that the member—

''(1) is an eligible unemployment compensation recipient; or

''(2) is not eligible for health care benefits under an employer-sponsored health benefits plan.

''(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

''(A) Self alone coverage.

''(B) Self and family coverage.

''(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(c) OPEN ENROLLMENT PERIODS.—The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subsection (a) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

''(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in the TRICARE program under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

''(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

''(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe for each of the TRICARE program options a premium for self alone coverage and a premium for self and family coverage.

''(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

''(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

''(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

''(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in the TRICARE program under this section may terminate the enrollment only during an open enrollment period provided under subsection (c), except as provided in subsection (h).

''(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

''(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

''(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

''(2) A member who enrolls in the TRICARE program under this section within 90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

''(i) CERTIFICATION OF NONCOVERAGE BY OTHER HEALTH BENEFITS PLAN.—The Secretary of Defense may require a member to submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not covered for health care benefits under any other health benefits plan.

''(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RECIPIENT DEFINED.—In this section, the term 'eligible unemployment compensation recipient' means, with respect to any month, any individual who is determined eligible for any day of such month for unemployment compensation under State law (as defined in section 205(9) of the Federal-State Extended Unemployment Compensation Act of 1970), including Federal unemployment compensation laws administered through the State.

''(k) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(l) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after September 30, 2004.''.

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following new item:

''1076b. TRICARE program: coverage for members of the Ready Reserve.''.

SEC. 1116. Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, shall be treated as being on active duty for a period of more than 30 days beginning on the later of the date that is—

''(A) the date of the issuance of such order; or

''(B) 90 days before date on which the period of active duty is to commence under such order for that member.

''(2) In this subsection, the term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

''(3) This section shall cease to be effective on September 30, 2004.''.

SEC. 1117. (a) Subject to subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 1145(a) of title 10, United States Code, shall be administered by substituting for paragraph (3) the following:

''(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.''.

(b)(1) Subsection (a) shall apply with respect to separations from active duty that take effect on or after the date of the enactment of this Act.

(2) Beginning on October 1, 2004, the period for which a member is provided transitional health care benefits under section 1145(a) of title 10, United States Code, shall be adjusted as necessary to comply with the limits provided under paragraph (3) of such section.

SEC. 1118. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under Section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

SEC. 1119. The authority to utilize funds appropriated for fiscal year 2003 for purposes provided by the first clause of section 1314(1) of Public Law 108–11, shall apply to the utilization of available funds appropriated for fiscal year 2004 for such purposes.

Sec. 1120. (a) Not later than April 30 and October 31 of each year, the Secretary of Defense shall submit to Congress a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan.

(b) Each report shall include the following information:

(1) For each of Iraq and Afghanistan for the half-fiscal year ending during the month preceding the due date of the report, the amount expended for military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations and activities.

(2) An assessment of the progress made toward preventing attacks on United States personnel.

(3) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the readiness of the Armed Forces.

(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment and retention of personnel for the Armed Forces.

(5) For the half-fiscal year ending during the month preceding the due date of the report, the costs incurred for repair of Department of Defense equipment used in the operations and activities in Iraq and Afghanistan.

(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

(7) The extent to which, and the schedule on which, the Selected Reserve of the Ready Reserve of the Armed Forces is being involuntarily ordered to active duty under section 12304 of title 10, United States Code.

(8) For each unit of the National Guard of the United States and the other reserve components of the Armed Forces on active duty pursuant to an order to active duty under section 12304 of title 10, United States Code, the following information:

(A) The unit.

(B) The projected date of return of the unit to its home station.

(C) The extent (by percentage) to which the forces deployed within the United States and outside the United States in support of a contingency operation are composed of reserve component forces.

Sec. 1121. In addition to amounts made available elsewhere in this Act, there is hereby appropriated to the Department of Defense $100,000,000, for "Operation and Maintenance, Army": Provided, That these funds are available only for the purpose of securing and destroying conventional munitions in Iraq, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

United States Coast Guard

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $23,183,000, for costs related to Hurricane Isabel damage.

Emergency Preparedness and Response

DISASTER RELIEF

For an additional amount for "Disaster Relief", $500,000,000, to remain available until expended.

GENERAL PROVISION, THIS CHAPTER

Sec. 1201. Effective upon the enactment of the Project BioShield Act of 2003, the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90) is amended under the heading "Biodefense Countermeasures" by striking "securing medical countermeasures against biological terror attacks" and inserting the following: "procuring security countermeasures under section 319F–2(c) of the Public Health Service Act, as authorized under section 510(a) of the Homeland Security Act of 2002".

CHAPTER 3

MILITARY CONSTRUCTION

Military Construction, Army

For an additional amount for "Military Construction, Army", $162,100,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Military Construction, Navy

For an additional amount for "Military Construction, Navy", $45,530,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force", $292,550,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Family Housing Operation and Maintenance, Army

For an additional amount for "Family Housing Operation and Maintenance, Army", $11,420,000.

Family Housing Operation and Maintenance, Navy and Marine Corps

For an additional amount for "Family Housing Operation and Maintenance, Navy and Marine Corps", $6,280,000.

Family Housing Operation and Maintenance, Air Force

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $6,981,000.

GENERAL PROVISION, THIS CHAPTER

Sec. 1301. (a) Temporary Authority To Use Operation and Maintenance Funds for Military Construction Projects.—During fiscal year 2004, the Secretary of Defense may use this section as authority to obligate appropriated funds available for operation and maintenance to carry out a construction project outside the United States that the Secretary determines meets each of the following conditions:

(1) The construction is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces in support of Operation Iraqi Freedom or the Global War on Terrorism.

(2) The construction is not carried out at a military installation where the United States is reasonably expected to have a long-term presence.

(3) The United States has no intention of using the construction after the operational requirements have been satisfied.

(4) The level of construction is the minimum necessary to meet the temporary operational requirements.

(b) Limitation on Use of Authority.—The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $150,000,000 in fiscal year 2004.

(c) Notifications of Obligations of Funds.—Within fifteen days after the date on which appropriated funds available for operation and maintenance are first obligated for a construction project under subsection (a), the Secretary of Defense shall submit to the Congressional defense committees notice of the obligation of funds and the construction project. The notice shall include the following:

(1) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

(2) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

(3) Relevant documentation detailing the construction project.

(4) The total amount obligated for the construction.

(d) Quarterly Report.—(1) Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2004, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a report on the worldwide obligation and expenditure during that quarter of appropriated funds available for operation and maintenance for construction projects.

(2) The report shall include with regard to each project the following:

(A) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

(B) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

(C) Relevant documentation detailing the construction project.

(D) An estimate of the total cost of the construction project.

(E) The total amount obligated for the construction project as of the date of the submission of the report.

(e) Relation to Other Authorities.—The temporary authority provided by this section, and the limited authority provided by section 2805(c) of title 10, United States Code, to use appropriated funds available for operation and maintenance to carry out a construction project are the only authorities available to the Secretary of Defense and the Secretaries of the military departments to use appropriated funds available for operation and maintenance to carry out construction projects.

(f) Congressional Committees.—The congressional committees referred to in this section are the following:

(1) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Subcommittees on Defense and Military Construction of the Committee on Appropriations of the House of Representatives.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

Legal Activities

GENERAL LEGAL ACTIVITIES

For necessary expenses for "Salaries and Expenses, General Legal Activities", $15,000,000.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

For necessary expenses for "Diplomatic and Consular Programs", $156,300,000, of which

$35,800,000 shall remain available until September 30, 2006.

Of the funds appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act, 2003, $35,800,000 are rescinded.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for "Embassy Security, Construction, and Maintenance", $43,900,000, to remain available until expended: Provided, That funds provided under this heading do not include facilities requirements specific to the United States Agency for International Development, which are provided under the heading "United States Agency for International Development, Operating Expenses of the United States Agency for International Development".

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for "Emergencies in the Diplomatic and Consular Service", $115,500,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for "Diplomatic and Consular Programs": Provided, That of the funds made available under this heading, $65,500,000 may be transferred to, and merged with, the appropriations for "Protection of Foreign Missions and Officials"; of which $32,000,000 is for the reimbursement of the City of New York for costs associated with the protection of foreign missions and officials during the heightened state of alert following the September 11, 2001, terrorist attacks on the United States; of which $8,500,000 is for costs associated with the 2003 Free Trade Area of the Americas Ministerial meeting; and of which $25,000,000 is for costs associated with the 2004 Summit of the Industrialized Nations notwithstanding the limitations of 3 U.S.C. 202(10): Provided further, That of the funds previously appropriated under this heading, $2,000,000 is for rewards for an indictee of the Special Court for Sierra Leone: Provided further, That any transfer of funds provided under this heading shall be treated as a reprogramming of funds under section 605 of Public Law 108–7.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses for "Contributions for International Peacekeeping Activities", $245,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses for "International Broadcasting Operations", for activities related to the Middle East Television Network broadcasting to Iraq, $40,000,000.

GENERAL PROVISION—THIS CHAPTER

SEC. 2101. Funds appropriated under this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $38,100,000, for direct support of operations in Afghanistan, to remain available until September 30, 2005.

In addition, for direct support of operations in Iraq, $1,900,000, which shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq, to remain available until September 30, 2005.

CAPITAL INVESTMENT FUND

For an additional amount for "Capital Investment Fund", $16,600,000, to remain available until expended: Provided, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: Provided further, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961, for security, relief, rehabilitation and reconstruction in Iraq, $18,649,000,000, to remain available until September 30, 2006, to be allocated as follows: $3,243,000,000 for security and law enforcement; $1,318,000,000 for justice, public safety infrastructure, and civil society, of which $100,000,000 shall be made available for democracy building activities, and of which $10,000,000 shall be made available to the United States Institute for Peace for activities supporting peace enforcement, peacekeeping and post-conflict peacebuilding; $5,560,000,000 for the electric sector; $1,890,000,000 for oil infrastructure; $4,332,000,000 for water resources and sanitation; $500,000,000 for transportation and telecommunications; $370,000,000 for roads, bridges, and construction; $793,000,000 for health care; $153,000,000 for private sector development; and $280,000,000 for education, refugees, human rights, and governance: Provided, That the President may reallocate up to 10 percent of any of the preceding allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent: Provided further, That the President may increase one such allocation only by up to an additional 20 percent in the event of unforeseen or emergency circumstances: Provided further, That such reallocations shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be transmitted at least 15 days in advance of the obligation of funds: Provided further, That funds appropriated under this heading shall be apportioned only to the Coalition Provisional Authority in Iraq (in its capacity as an entity of the United States Government), the Department of State, the Department of Health and Human Services, the Department of Treasury, the Department of Defense, and the United States Agency for International Development: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amount appropriated in this paragraph, not less than $6,000,000 shall be made available for administrative expenses of the Department of State Bureau of International Narcotics Control and Law Enforcement Affairs and not less than $29,000,000 shall be made available for administrative expenses of the United States Agency for International Development for support of the reconstruction activities in Iraq: Provided further, That of the funds appropriated under this heading, up to 10 percent of such funds that are obligated, managed, or administered by an agency of the United States Government, other than the Coalition Provisional Authority, shall be made available to such agency to fully pay for its administrative expenses: Provided further, That up to 1 percent of the amount appropriated in this paragraph may be transferred to "Operating Expenses of the Coalition Provisional Authority", and that any such transfer shall be in accordance with the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961: Provided further, That funds appropriated under this heading shall be used to protect and promote public health and safety, including for the arrest, detention and prosecution of criminals and terrorists: Provided further, That of the funds appropriated under this heading, assistance shall be made available for Iraqi civilians who have suffered losses as a result of military operations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization, may be credited to this Fund and used for such purposes: Provided further, That the Administrator of the Coalition Provisional Authority shall seek to ensure that programs, projects and activities funded under this heading, comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: Provided further, That the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom and tolerance of all faiths: Provided further, That of the funds appropriated under this heading, $100,000,000 shall be transferred to and consolidated with funds appropriated by this Act for "Economic Support Fund" for assistance for Jordan, $100,000,000 of such funds shall be transferred to and consolidated with funds appropriated by this Act for "International Disaster and Famine Assistance" for assistance for Liberia, and $10,000,000 of such funds shall be transferred to and consolidated with funds appropriated by this Act for "International Disaster and Famine Assistance" for assistance for Sudan.

OPERATING EXPENSES OF THE COALITION PROVISIONAL AUTHORITY

For necessary expenses of the Coalition Provisional Authority in Iraq, established pursuant to United Nations Security Council resolutions including Resolution 1483, for personnel costs, transportation, supply, equipment, facilities, communications, logistics requirements, studies, physical security, media support, promulgation and enforcement of regulations, and other activities needed to oversee and manage the relief and reconstruction of Iraq and the transition to democracy, $933,000,000, to remain available until September 30, 2005: Provided, That the appropriation of funds under this heading shall not be construed to limit or otherwise affect the ability of the Department of Defense to furnish assistance and services, and any other support, to the Coalition Provisional Authority.

In addition, $50,000,000, to remain available until September 30, 2005, to be used to fulfill the reporting and monitoring requirements of this Act and for the preparation and maintenance of public records required by this Act.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $872,000,000, to remain available until December 31, 2004: Provided, That not less than $672,000,000 is available only for accelerated assistance for Afghanistan: Provided further, That these funds are available notwithstanding section 660 of the Foreign Assistance Act of 1961, and section 620(q) of that Act or any comparable provision of law: Provided further, That these funds may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, including registration of such combatants, notwithstanding section 531(e) of the Foreign Assistance Act of 1961: Provided further, That the obligation of funds made available by this Act or any prior appropriations Act for the purpose of deploying and supporting senior advisors to the United States Chief of Mission in Kabul, Afghanistan, is subject to the regular reprogramming and notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961: Provided further, That $60,000,000 should be made available for assistance for Afghan women and girls and $5,000,000 shall be made available for the Afghan Independent Human Rights Commission: Provided further, That not less than $8,000,000 is available only for the provision of adequate dedicated air transport and support for civilian personnel at provincial reconstruction team sites: Provided further, That upon the receipt by the Speaker of the House of Representatives and the President of the Senate of a determination by the President that the Government of Pakistan is cooperating with the United States in the global war on terrorism, not to exceed $200,000,000 appropriated under this heading may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That amounts that are made available under the previous proviso for the cost of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for International Disaster and Famine Assistance utilizing the general authorities of section 491 of the Foreign Assistance Act of 1961, to respond to or prevent unforeseen complex foreign crises in Liberia and Sudan, $110,000,000, and by transfer not to exceed 0.5 percent of the funds appropriated under any other heading in this chapter, to remain available to the Secretary of State until September 30, 2005: Provided, That funds appropriated under this heading may be made available only pursuant to a determination by the President, after consultation with the appropriate congressional committees, that it is in the national interest and essential to efforts to reduce international terrorism to furnish assistance on such terms and conditions as he may determine for such purposes, including support for peace and humanitarian intervention operations: Provided further, That none of these funds shall be available to respond to natural disasters: Provided further, That funds made available under this heading to respond to or prevent unforeseen complex foreign crises shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That not less than $100,000,000 of the funds appropriated under this heading shall be made available for assistance for Liberia.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $170,000,000, to remain available until December 31, 2004, for accelerated assistance for Afghanistan.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $35,000,000, for accelerated assistance for Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the "Foreign Military Financing Program", $287,000,000, for accelerated assistance for Afghanistan.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $50,000,000, to support the global war on terrorism.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2201. None of the funds appropriated by this Act or any unexpended funds provided in Public Law 108–11 may be used to repay, in whole or in part, principal or interest on any loan or guarantee agreement entered into by the Government of Iraq with any private or public sector entity including with the government of any country (including any agency of such government or any entity owned in whole or in part by the government of such country) or with any international financial institution, prior to May 1, 2003: Provided, That for the purpose of this section, the term "international financial institution" shall mean those institutions contained in section 530(b) of division E of Public Law 108–7.

SEC. 2202 (a) Notwithstanding any other provision of law, none of the funds appropriated by this Act under the heading "Iraq Relief and Reconstruction Fund" and under the same heading in Public Law 108–11 may be used for entering into any Federal contract (including follow-on contract) using other than full and open competition, except in accordance with the Federal Property and Administrative Procedures Act (41 U.S.C. 251 et seq.), and any exception, if deemed necessary, shall be only upon the written approval of the Administrator of the Coalition Provisional Authority and the head of the executive agency of the United States awarding and managing such contract and such authority shall not be delegated.

(b) In any case in which procedures other than full and open competitive procedures are to be used to enter into a contract, the Administrator of the Coalition Provisional Authority or the head of such executive agency of the United States shall submit not later than 7 calendar days before the award of the contract a notification to the Committees on Appropriations, and the Committees on Government Reform and International Relations of the House of Representatives, and the Committees on Governmental Affairs and Foreign Relations of the Senate. Such notification shall provide the justification for use of other than full and open competitive procedures, a brief description of the contract's scope, the amount of the contract, a discussion of how the contracting agency identified and solicited offers from contractors, a list of the contractors solicited, and the justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) on which was based the determination of use of procedures other than full and open competitive procedures.

(c)(1) This section shall not apply to contracts of less than $5,000,000.

(2) This section also shall apply to any extension, amendment or modification of contracts entered into prior to the enactment of this Act using other than full and open competitive procedures using Iraq Relief and Reconstruction Funds in this Act and under Public Law 108–11 or funds made available in prior Foreign Operations, Export Financing and Related Programs Appropriations Acts.

(3) This section shall not apply to contracts authorized by the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 2203. (a) DISCLOSURE REQUIRED.—

(1) PUBLICATION AND PUBLIC AVAILABILITY.—The Administrator of the Coalition Provisional Authority or the head of an executive agency of the United States that enters into a contract for assistance for Iraq, using funds described in paragraph (2), through the use of other than full and open competitive procedures, shall publish in the Federal Register or Federal Business Opportunities, and otherwise make available to the public, including publication on the Coalition Provisional Authority's website, not later than 7 days before the date on which the contract is entered into, the following information:

(A) The amount of the contract.

(B) A brief description of the scope of the contract.

(C) A discussion of how the executive agency and, when applicable, the Coalition Provisional Authority, identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(D) The justification and approval documents (as required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) on which was based the determination to use procedures other than competitive procedures.

(2) FUNDS.—The funds referred to in paragraph (1) are any funds under the heading "Iraq Relief and Reconstruction Fund" in this Act, and under the same heading in Public Law 108–11.

(3) APPLICABILITY.—

(A) This section shall also apply to any extension, amendment or modification of contracts entered into prior to the enactment of this Act using other than full and open competitive procedures using Iraq Relief and Reconstruction Funds in this Act and under Public Law 108–11 or funds made available in prior Foreign Operations, Export Financing and Related Programs Appropriations Acts.

(B) This section shall not apply to contracts of less than $5,000,000.

(C) This section shall not apply to contracts authorized by the Small Business Act (15 U.S.C. 631 et seq.).

(b) CLASSIFIED INFORMATION.—

(1) AUTHORITY TO WITHHOLD.—The head of an executive agency may—

(A) withhold from publication and disclosure under subsection (a) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(B) redact any part so classified that is in a document not so classified before publication and disclosure of the document under subsection (a).

(2) AVAILABILITY TO CONGRESS.—In any case in which the head of an executive agency withholds information under paragraph (1), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(A) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(B) The Committees on Appropriations of the Senate and the House of Representatives.

(C) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information related.

(c) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(d) DEFINITIONS.—In this section and section 2202 of this Act, the terms "full and open competitive procedures" and "executive agency" have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 2204. Section 1503 of Public Law 108–11 is amended—

(1) by striking "equipment" and inserting in lieu thereof "equipment, including equipment"; and

(2) by striking "2004" and inserting in lieu thereof "2005".

SEC. 2205. Section 1504 of Public Law 108–11 is amended by—

(1) in the first proviso, striking the first proviso, and inserting in lieu thereof: "Provided, That, subject to the notification requirements of this section, exports may be authorized of lethal military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force, and of small arms designated by the Secretary of State for use for private security purposes:"; and

(2) in the last proviso, striking "2004" and inserting in lieu thereof "2005".

SEC. 2206. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) is amended by striking "$300,000,000" and inserting in lieu thereof "$450,000,000".

SEC. 2207. (a) The Director of the Office of Management and Budget, in consultation with the Administrator of the Coalition Provisional Authority (CPA) and the Committees on Appropriations, shall submit to the Committees on Appropriations not later than January 5, 2004 and prior to the initial obligation of funds appropriated by this Act under the heading "Iraq Relief and Reconstruction Fund" a report on the proposed uses of all funds under this heading on a project-by-project basis, for which the obligation of funds is anticipated during the 3 month period from such date, including estimates by the CPA of the costs required to complete each such project: Provided, That up to 20 percent of funds appropriated under such heading may be obligated before the submission of the report: Provided further, That in addition such report shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under such heading were obligated prior to the submission of the report, including estimates by the CPA of the costs required to complete each project.

(2) The distribution of duties and responsibilities regarding such projects among the agencies of the United States Government.

(3) Revenues to the CPA attributable to or consisting of funds provided by foreign governments and international organizations, disaggregated by donor, any obligations or expenditures of such revenues, and the purpose of such obligations and expenditures.

(4) Revenues to the CPA attributable to or consisting of foreign assets seized or frozen, any obligations or expenditures of such revenues, and the purpose of such obligations and expenditures.

(b) Any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures.

(c) The report required by subsection (a) shall be updated and submitted to the Committees on Appropriations every 3 months and shall include information on how the estimates and assumptions contained in previous reports have changed.

(d) The requirements of this section shall expire on October 1, 2007.

SEC. 2208. Any reference in this chapter to the "Coalition Provisional Authority in Iraq" or the "Coalition Provisional Authority" shall be deemed to include any successor United States Government entity with the same or substantially the same authorities and responsibilities as the Coalition Provisional Authority in Iraq.

SEC. 2209. Assistance or other financing under chapter 2 of this title may be provided for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961: Provided, That funds made available for Iraq pursuant to the authority of this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation.

SEC. 2210. Funds made available in chapter 2 of this title are made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 2211. Notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided, That funds made available pursuant to the authority of this section shall be subject to the regular reprogramming notification procedures of the Committees on Appropriations.

SEC. 2212. In addition to transfer authority otherwise provided in chapter 2 of this title, any appropriation made available in chapter 2 of this title may be transferred between such appropriations, to be available for the same purposes and the same time as the appropriation to which transferred: Provided, That the total amount transferred pursuant to this section shall not exceed $100,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 10 days in advance of the obligation of funds.

SEC. 2213. Public Law 107–57 is amended—

(1) in section 1(b), by striking "2003" wherever appearing (including in the caption), and inserting in lieu thereof "2004";

(2) in section 3(2), by striking "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, as is" and inserting in lieu thereof "annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are"; and

(3) in section 6, by striking "2003" and inserting in lieu thereof "2004".

SEC. 2214. The Afghanistan Freedom Support Act of 2002 (Public Law 107–327), is amended in section 108(a), by striking "$425,000,000 for each of the fiscal years 2003 through 2006" and inserting in lieu thereof "$1,825,000,000 for fiscal year 2004 and $425,000,000 for each of fiscal years 2005 and 2006".

SEC. 2215. REPORTS ON IRAQ AND AFGHANISTAN. (a)(1) The Coalition Provisional Authority (CPA) shall, on a monthly basis until September 30, 2006, submit a report to the Committees on Appropriations which details, for the preceding month, Iraqi oil production and oil revenues, and uses of such revenues.

(2) The first report required by this subsection shall be submitted not later than 30 days after enactment of this Act.

(3) The reports required by this subsection shall also be made publicly available in both English and Arabic, including through the CPA's Internet website.

(b) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing:

(1) the amount of debt incurred by the Government of Saddam Hussein in Iraq, the impact forgiveness of such debt would have on reconstruction and long-term prosperity in Iraq, and the estimated amount that Iraq will pay, or that will be paid on behalf of Iraq, to a foreign country to service such debt during fiscal year 2004;

(2) the efforts of the Government of the United States to increase resources contributed by foreign countries and international organizations, including the United Nations, to the reconstruction and rehabilitation of Iraq and to increase international participation in peacekeeping and security efforts in Iraq;

(3) the manner in which the needs of people with disabilities are being addressed in the development and implementation of programs, projects and activities funded by the United States Government in Iraq and Afghanistan;

(4) the progress being made toward indicting and trying leaders of the former Iraqi regime for war crimes, genocide, and crimes against humanity; and

(5) the efforts of relevant Iraqi officials and legal advisors to ensure that a new Iraqi constitution preserves religious freedom and tolerance of all faiths.

(c) Title III of Public Law 107–327 is amended as follows by inserting the following new section:

"SEC. 304. REPORTS.

"The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the 'Purposes of Assistance' set forth in section 102 of this Act utilizing assistance provided by the United States for Afghanistan. The first report shall be submitted no later than December 31, 2003, and subsequent reports shall be submitted in conjunction with reports required under section 303 of this title and thereafter through December 31, 2004.".

SEC. 2216. None of the funds appropriated or otherwise made available under chapter 2 of title II of this Act may be obligated or expended for any activity in contravention of Articles 1 and 4 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.

SEC. 2217. PARTICIPATION OF WOMEN IN AFGHANISTAN AND IRAQ RECONSTRUCTION. (a) GOVERNANCE.—Activities carried out by the United States with respect to the civilian governance of Afghanistan and Iraq shall, to the maximum extent practicable—

(1) include the perspectives and advice of women's organizations in Afghanistan and Iraq, respectively;

(2) promote the high level participation of women in future legislative bodies and ministries and ensure that human rights for women are upheld in any constitution or legal institution of Afghanistan and Iraq, respectively.

(b) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—Activities carried out by the United States with respect to post-conflict stability in Afghanistan and Iraq shall, to the maximum extent practicable—

(1) encourage the United States organizations that receive funds made available by this Act to provide significant financial resources, technical assistance and capacity building to counterpart organizations led by Afghans and Iraqis, respectively;

(2) increase the access of women to, or ownership by women of, productive assets such as land, water, agricultural inputs, credit, and property in Afghanistan and Iraq, respectively;

(3) provide long-term financial assistance for education for girls and women in Afghanistan and Iraq, respectively; and

(4) integrate education and training programs for former combatants in Afghanistan and Iraq, respectively, with economic development programs to—

(A) encourage the reintegration of such former combatants into society; and

(B) promote post-conflict stability in Afghanistan and Iraq, respectively.

(c) MILITARY AND POLICE.—Activities carried out by the United States with respect to training for military and police forces in Afghanistan and Iraq shall include training, designed in consultation with women's organizations in Afghanistan and Iraq, respectively, on the protection, rights, and particular needs of women.

TITLE III—INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

SEC. 3001. INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations of the Coalition Provisional Authority (CPA).

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to—

(A) promote economy efficiency, and effectiveness in the administration of such programs and operations; and

(B) prevent and detect fraud and abuse in such programs and operations.

(3) To provide for an independent and objective means of keeping the head of the Coalition Provisional Authority fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress for corrective action.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Inspector General of the Coalition Provisional Authority.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Inspector General of the Coalition Provisional Authority is the Inspector General of the Coalition Provisional Authority, who shall be appointed by the Secretary of Defense, in consultation with the Secretary of State.

(2) The appointment of Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) ASSISTANT INSPECTORS GENERAL.—The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the Coalition Provisional Authority; and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

(e) SUPERVISION.—(1) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the head of the Coalition Provisional Authority.

(2) Neither the head of the Coalition Provisional Authority, any other officer of the Coalition Provisional Authority, nor any other officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(f) DUTIES.—(1) It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the Coalition Provisional Authority in Iraq, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the Coalition Provisional Authority, other departments, agencies, and entities of the Federal Government, and private and nongovernmental entities; and

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

(2) The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(5) In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of the Inspector General of the United States Agency for International Development.

(g) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) The Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General my enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4)(A) Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the Coalition Provisional Authority and to the appropriate committees of Congress without delay.

(5) The head of the Coalition Provisional Authority shall provide the Inspector General with appropriate and adequate office space at the central and field office locations of the Coalition Provisional Authority, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(i) REPORTS.—(1) Not later than March 30, 2004, and every calendar quarter thereafter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Inspector General and the Coalition Provisional Authority during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with reconstruction and rehabilitation activities in Iraq, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Coalition Provisional Authority of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(E) Operating expenses of the Coalition Provisional Authority and of any other agencies or entities receiving appropriated funds.

(F) In the case of any contract described in paragraph (2)—

(i) the amount of the contract or other agreement;

(ii) a brief discussion of the scope of the contract or other agreement;

(iii) a discussion of how the Coalition Provisional Authority identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) A contract described in this paragraph is any major contract or other agreement that is entered into by the Coalition Provisional Authority with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Iraq.

(B) To establish or reestablish a political or societal institution of Iraq.

(C) To provide products or services to the people of Iraq.

(3) Not later than June 30, 2004, and semiannually thereafter, the Inspector General shall submit to the appropriate committees of Congress a report meeting the requirements of section 5 of the Inspector General Act of 1978

(4) The Inspector General shall publish each report under this subsection in both English and Arabic on the Internet website of the Coalition Provisional Authority.

(5) Each report under this subsection may include a classified annex if the Inspector General considers it necessary.

(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—(1) The Inspector General shall also submit each report under subsection (i) to the head of the Coalition Provisional Authority.

(2)(A) Not later than 30 days after receipt of a report under paragraph (1), the head of the Coalition Provisional Authority may submit to the appropriate committees of Congress any comments on the matters covered by the report as the head of the Coalition Provisional Authority considers appropriate.

(B) A report under this paragraph may include a classified annex if the head of the Coalition Provisional Authority considers it necessary.

(k) TRANSPARENCY.—(1) Not later than 60 days after the date of the submittal to Congress of a report under subsection (i), the head of the Coalition Provisional Authority shall make copies of such report available to the public upon request, and at a reasonable cost.

(2) Not later than 60 days after the date of the submittal to Congress under subsection (j)(2) of comments on a report under subsection (i), the head of the Coalition Provisional Authority shall make copies of such comments available to the public upon request, and at a reasonable cost.

(l) WAIVER.—(1) The President may waive the requirement under paragraph (1) or (3) of subsection (i) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which the reports required under paragraph (1) or (3) of subsection (i) are submitted to Congress. The reports required under paragraph (1) or (3) of subsection (i) shall specify whether waivers under this subsection were made and with respect to which elements.

(m) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(n) FUNDING.—(1) Of the amounts appropriated for fiscal year 2004 for the Operating Expenses of the Coalition Provisional Authority in title II of this Act, $75,000,000 shall be available to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

(o) The Office of Inspector General shall terminate 6 months after the authorities and duties of the Coalition Provisional Authority cease to exist.

TITLE IV—GENERAL PROVISIONS, THIS ACT

SEC. 4001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 4002. The amounts provided in this Act are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SEC. 4003. For purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2003–2004, children enrolled in a school of such agency who would otherwise be eligible to be claimed for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004".

And the Senate agree to the same.

BILL YOUNG,
JERRY LEWIS,
HAL ROGERS,
FRANK WOLF,
JIM KOLBE,
JAMES T. WALSH,
JOE KNOLLENBERG,
JOHN P. MURTHA,
NITA M. LOWEY,
CHET EDWARDS,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
DANIEL K. INOUYE,
ERNEST P. HOLLINGS (except title II),
PATRICK J. LEAHY (except title II),
TOM HARKIN (except title II),
BARBARA A. MIKULSKI (except title II),
HARRY REID (except title II),
PATTY MURRAY (except title II),
BYRON L. DORGAN (except title II),
DIANNE FEINSTEIN (except title II),
TIM JOHNSON (except title II),
MARY L. LANDRIEU (except title II),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 3289 (H. Rept. 108–312) and included by the Senate in the report accompanying S. 1689 (S. Rept. 108–160) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Chapter 1 of the conference agreement recommends $64,702,554,000 for the Department of Defense, instead of $64,702,854,000 as proposed by the House and $65,147,554,000 as proposed by the Senate.

The following table provides details of the supplemental appropriations in this chapter.

[In thousands of dollars]

	Request	House	Senate	Conference
Military Personnel:				
Military Personnel, Army	12,858,870	12,188,870	12,858,870	12,858,870
Military Personnel, Navy	816,100	816,100	816,100	816,100

[In thousands of dollars]

	Request	House	Senate	Conference
Military Personnel, Marine Corps	753,190	753,190	753,190	753,190
Military Personnel, Air Force	3,384,700	3,384,700	3,384,700	3,384,700
Total Military Personnel	17,812,860	17,142,860	17,812,860	17,812,860
Operation and Maintenance:				
O&M, Army	24,190,464	24,257,664	24,946,464	23,997,064
O&M, Navy	2,106,258	1,934,058	1,976,258	1,956,258
O&M, Marine Corps	1,198,981	1,198,981	1,198,981	1,198,981
O&M, Air Force	5,948,368	5,598,368	5,516,368	5,416,368
O&M, Defense-Wide	4,618,452	4,485,452	4,218,452	4,355,452
O&M, Marine Corps Reserve	16,000	16,000	16,000	16,000
O&M, Air Force Reserve	53,000	53,000	53,000	53,000
O&M, Air National Guard	214,000	214,000	214,000	214,000
Overseas Humanitarian, Disaster and Civic Aid	35,500	35,500	35,500	35,500
Iraq Freedom Fund	1,988,600	2,086,600	1,988,600	1,988,600
Total Operation and Maintenance	40,369,623	39,879,623	40,163,623	39,231,223
Procurement:				
Missile Procurement, Army	6,200	....	6,200	....
Procurement of WTCV, Army	46,000	101,600	104,000	101,600
Other Procurement, Army	930,687	1,250,287	1,078,687	1,143,687
Aircraft Procurement, Navy	128,600	158,600	128,600	158,600
Other Procurement, Navy	76,357	76,357	76,357	76,357
Procurement, Marine Corps	123,397	123,397	123,397	123,397
Aircraft Procurement, Air Force	40,972	53,972	40,972	53,972
Missile Procurement, Air Force	20,450	20,450	20,450	20,450
Other Procurement, Air Force	3,441,006	3,418,006	3,441,006	3,438,006
Procurement, Defense-Wide	435,635	418,635	435,635	418,635
Total Procurement	5,249,304	5,621,304	5,455,304	5,534,704
Research, Development, Test and Evaluation:				
RDT&E, Navy	34,000	34,000	34,000	34,000
RDT&E, Air Force	39,070	39,070	39,070	39,070
RDT&E, Defense-Wide	265,817	195,817	265,817	260,817
Total RDT&E	338,887	268,887	338,887	333,887
Revolving and Management Funds:				
Defense Working Capital Funds	600,000	600,000	600,000	600,000
National Defense Sealift Fund	24,000	24,000	24,000	24,000
Total Revolving & Management Funds	624,000	624,000	624,000	624,000
Other Department of Defense Programs:				
Defense Health Program	658,380	658,380	658,380	658,380
Drug Interdiction & Counter-Drug Activities, Defense	73,000	73,000	73,000	73,000
Total Other	731,380	731,380	731,380	731,380
Related Agencies:				
Intelligence Community Management Account	21,500	21,500	21,500	21,500
General Provisions:				
Storm Damage (Sec. 1109)	....	413,300	....	313,000
Munitions Security and Destruction (Sec. 1121)	....	....	....	100,000
Grand Total Chapter 1	65,147,554	64,702,854	65,147,554	64,702,554

Fiscal Year 2004 Appropriations Reporting Requirements

The conferees agree with the House report on this subject, except that the comprehensive financial analysis and update for fiscal year 2004 should be submitted to the congressional defense committees once, and no later than April 30, 2004.

Classified Programs

Recommended adjustments to classified programs are addressed in a classified annex accompanying this conference report.

MILITARY PERSONNEL

The conference agreement recommends $17,812,860,000 for the military personnel accounts, the amount proposed by the President's request and the Senate, instead of $17,142,860,000 as proposed by the House. The conferees' recommendation will fund incremental costs of pays and allowances for active duty and Reserve personnel deployed in support of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle through the end of fiscal year 2004.

The conferees do not agree to transfer $670,000,000 from Military Personnel, Army to Operation and Maintenance, Army, as proposed by the House, to support contracting for civilian security guards to replace Reserve component soldiers who are currently performing security duty for Army installations.

OPERATION AND MAINTENANCE

The conference agreement recommends $39,231,223,000 for the Operation and maintenance accounts, instead of $39,879,623,000 as proposed by the House, and $40,163,623,000 as proposed by the Senate. Adjustments to the Operation and maintenance accounts are shown below:

[In thousands of dollars]

	Change from request
Operation and Maintenance, Army:	
Unit Level Maintenance	155,000
SAPI Plates, Rapid Fielding Initiative, UXO/EOD Cleanup	300,000
Depot Maintenance Second Destination Transportation	127,600
Theater Communications	72,000
AAFES Support for Deployed Forces	10,000
CPA Admin and ops costs (transferred to Title II)	−858,000
Operation and Maintenance, Navy: Excess Increased OPTEMPO, Operations Support Costs	−150,000
Operation and Maintenance, Air Force:	
Unjustified Incremental Contingency, Operations Support Costs	−350,000
Excess Inter/Intra-Theater Airlift	−132,000
Excess DPEM	−50,000
Operation and Maintenance, Defense-Wide:	
Counter-Terrorism Train and Equip	−50,000
Reduction to Classified Programs	−28,000
Excess Support to Key Cooperating Nations	−200,000
DLA-DPAO	15,000

AAFES Support for Deployed Forces

The conferees recommend an additional $10,000,000 in Operation and Maintenance, Army only for Army and Air Force Exchange System support to forces deployed for Operations Iraqi Freedom, and Operation Enduring Freedom. The total amount provided in the conference agreement for Army and Air Force Exchange System support to deployed forces is $40,000,000.

Rest and Recuperation Travel

The conferees recommend that of the funds provided in Operation and Maintenance, Army, $55,000,000 be used only for covering the travel costs of troops on rest and recuperation leave. Specifically, these funds shall be used to cover any additional costs incurred by troops returning from the Iraq or Afghanistan theaters to reach their home of record (in the United States, or its territories and commonwealths) from established disembarkation points in the United States. Department officials my use these funds to cover troop travel costs from established disembarkation points to places other than their home of record in a manner consistent with current Department of Defense travel regulations and guidelines. Further, the conferees agree that, to the maximum extent practicable, the commercial airline industry should charge Armed Forces members and their families the lowest available fares for air travel in connection with rest and recuperation leave.

FAMILY ADVOCACY PROGRAM

The conferees recommend that of the funds provided in Operation and Maintenance, Defense-Wide, $32,000,000 be used only for the Family Advocacy Program to address wartime community needs such as family counseling, domestic violence training and prevention programs, and readjustment counseling for military personnel.

NATIONAL GUARD FAMILY READINESS PROGRAM

The conferees recommend that of the funds provided in the Iraq Freedom Fund, $10,000,000 shall be used only for the Family Readiness Program of the National Guard, which provides information, referral and outreach assistance to military families during the deployment process.

PROCUREMENT

The conference agreement recommends $5,534,704,000 for the Procurement accounts, instead of $5,621,304,000 as proposed by the House and $5,455,304,000 as proposed by the Senate.

Recommendations for the Procurement accounts are shown below:

[In thousands of dollars]

	House	Senate	Conference
Missile Procurement, Army	0	6,200	0
Multiple Launch Rocket System	0		0
Weapons, Tracked Combat Vehicles, Army	101,600	104,000	101,600
Paladin	0		0
Rapid Equip Force	6,000		6,000
Rapid Fielding Initiative	26,200		26,200
Enhanced Separate Brigades	11,400		11,400
APS–5 Replenishment	58,000	58,000	58,000
Other Procurement, Army	1,250,287	1,078,687	1,143,687
Logistics Support Equipment	30,500		30,500
C2 Equipment	42,200		42,200
Radio Frequency Identification Tags	3,400		3,400
Technical Collection (Guardrail)	8,000		8,000
Enhanced Separate Brigades	122,500		122,500
Up-armored HMMWVs	177,200		177,200
Rapid Equip Force	47,100		47,100
Rapid Fielding Initiative	76,600		76,600
Base Camp Housing Units	344,687		344,687
Mobile Search Devices	12,600		12,600
Basic Language Translation Service	2,000		2,000
Packbots	5,000		5,000
Joint Tactical Terminals	41,100		41,100
Joint Communications Support Element	7,500		7,500
Classified	10,300		10,300
APS–5 Replenishment	190,600	84,000	84,000
Theater Stabilized Communications	83,000	64,000	83,000
Portable Radio Jammers	46,000		46,000
Aircraft Procurement, Navy	158,600	128,600	158,600
E–2C Outer Wing Panels	1,500		1,500
Aircraft Spares	59,100		59,100
EA–6B Outer Wing Panels	70,000		70,000
EA–6B Wing Center Section	15,000		15,000
F–18 Equipment	13,000		13,000
Other Procurement, Navy	76,357	76,357	76,357
C2 Equipment	5,800		5,800
OPN Spares	27,200		27,200
Explosive Ordnance Disposal Equipment	24,957		24,957
Medical Support Equipment—Fleet Hospitals	13,200		13,200
Global Broadcast Service (Shipboard)	4,500		4,500
Classified Program	700		700
Procurement, Marine Corps	123,397	123,397	123,397
M88A2 Recovery Vehicle	8,300		8,300
MK48 Light Armored Vehicle (LVS) Mod	13,100		13,100
Light Armored Vehicle	23,200		23,200
AAV Reliability, Availability, Maintainability Upgrade	78,797		78,797
Aircraft Procurement, Air Force	53,972	40,972	53,972
War Consumables Recap	35,702		35,702
Technical Collection (RC–135 and U2)	13,000		13,000
Aircraft Common Support Equipment	5,270		5,270
Missile Procurement, Air Force	20,450	20,450	20,450
Predator (Hellfire Missiles)	4,850		4,850
Classified Programs	15,600		15,600
Other Procurement, Air Force	3,418,006	3,441,006	3,438,006
Theater Deployable Communications	38,500		38,500
Other Logistics Equipment	68,700		68,700
Medical/Dental Equipment Losses	13,665		13,665
CPA Counter Intelligence Support	3,810		3,810
Replace Theater Communications	85,000		85,000
Aircraft Refueling Vehicles	25,000		25,000
Support Equipment	20,306		20,306
All-purpose Remote Transport System	1,500		1,500
Technical Collection (RC–135 and U2)	0		0
Red Horse Reconstitution	25,900		25,900
Diego Garcia Vehicles	14,625		14,625
Classified Programs	3,121,000		3,121,000
Classified Adjustment			20,000
Procurement, Defense-Wide	418,635	435,635	418,635
MC–130P Quick Engine Change Kits (SOCOM)	13,800		13,800
MH–53 Gearbox (SOCOM)	7,700		7,700
Critical C4I Equipment (SOCOM)	36,600		36,600
SOF Soldier Systems (SOCOM)	23,800		23,800
SOF Ammunition (SOCOM)	23,900		23,900
SOF Intelligence Systems (SOCOM)	13,100		13,100
Psychological Operations (PSYOP) Equipment (SOCOM)	14,800		14,800
Target Tracking and Locating Devices (SOCOM)	2,700		2,700
Inflatable Antennas	6,500		6,500
CENTRIX	17,700		17,700
Information Assurance	16,200		16,200
Worldwide Base Stations	6,000		6,000
NSC Data Replication (DISA)	3,900		3,900
Iraq Communications Backbone (DISA)	6,100		6,100
CENTCOM Global C2 System (GCCS) Joint Hardware (DISA)	1,500		1,500
Improved Imagery Capability (NIMA)	21,600		21,600
Decontamination Equipment	8,000		8,000
Collective Protection	17,535		17,535
Classified Programs	177,200	194,200	177,200
Total, Procurement	5,621,304	5,455,304	5,534,704

UP-ARMORED HMMWVS

The conferees recommend a total of $239,300,000 for Up-armored HMMWVs and associated equipment to support requirements in Iraq. This amount includes $177,200,000 in "Other Procurement, Army", as proposed in the budget request, and $62,100,000 from amounts made available in the Iraqi Freedom Fund. The conferees agree that this funding will provide for a total of 1,065 Up-armored HMMWVs which is an increase of 318 above the budget request.

EQUIPMENT SHORTAGES

The conferees note that, despite recent efforts by the Department of Defense to address equipment shortages, many individuals and units in the active and reserve forces continue to experience shortages in equipment that would enhance both survivability and mission effectiveness. The conferees believe that it must be the Secretary of Defense's highest priority to eliminate such shortages. Accordingly, the conferees encourage the Secretary of Defense to apply additional funds provided in this Act for the most pressing needs. The conferees also direct the Secretary of Defense to submit quarterly update reports to the congressional defense committees, starting December 31, 2003 through December 31, 2004, that identify significant soldier equipment, weapon system, or spare parts shortages in the Iraq and Afghanistan theaters of operation for all major active and reserve component units. These updates also should present the solutions and timetables for procuring and distributing equipment and parts to address any identified shortages.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement recommends $333,887,000 for the Research, Development, Test and Evaluation accounts, instead of $268,887,000 as proposed by the House and $338,887,000 as proposed by the Senate.

Recommendations for the Research, Development, Test and Evaluation accounts are shown below:

[In thousands of dollars]

	House	Senate	Conference
Research, Development, Test and Evaluation, Navy	34,000	34,000	34,000
Classified Programs	34,000		34,000
Research, Development, Test and Evaluation, Air Force	39,070	39,070	39,070
Classified Programs	39,070		39,070
Research, Development, Test and Evaluation, Defense-Wide	195,817	265,817	260,817
Classified Programs	195,817	.	260,817
Total, Research, Development, Test and Evaluation	268,887	338,887	333,887

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 1101, as proposed by the House, which provides the Secretary of Defense with $3 billion in additional transfer authority, only for funds in this chapter. The Senate included similar language.

The conferees agree to retain section 1102, as proposed by the House, which provides that funds appropriated in this Act are deemed specifically authorized for the purposes of section 504 of the National Security Act of 1947. The Senate included similar language.

The conferees agree to retain section 1103, as proposed by the House, which extends the authorization during fiscal year 2004 of travel and transportation allowances for family members of service members who are ill or injured on active duty in support of Operation Iraqi Freedom, Operation Enduring Freedom or Operation Noble Eagle; and authorizes the Department to provide civilian clothing for wear by the service member during their hospital stay. The Senate included similar language.

The conferees agree to retain section 1104, as proposed by the House, which extends the authorization for the Department to make the higher rates of Imminent Danger Pay and Family Separation Allowance to all eligible service members during fiscal year 2004. The Senate included similar language.

The conferees agree to retain section 1105, as proposed by the House, which provides that adjustments to obligations that would have been properly chargeable to the Defense Emergency Response Fund shall be charged to any current appropriations account of the Department of Defense for the same purpose. The Senate included similar language.

The conferees agree to retain and amend section 1106, as proposed by the House and Senate, which allows the Department to use funds for supplies, services, transportation, and other logistical support of troops to support military and stability operations in Iraq and directs the Secretary of Defense to provide quarterly reports to the congressional defense committees.

The conferees agree to retain and amend section 1107, as proposed by the House, which provides $150,000,000 from funds available in "Operation and Maintenance, Defense-Wide" to provide training and equipment only to the New Iraqi Army and the Afghan National Army to combat terrorism and support U.S. military operations. The Senate included similar language.

The conferees agree to retain section 1108, as proposed by the House, which prohibits funds provided in this Act to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees. The Senate included similar language.

The conferees agree to retain and amend section 1109, as proposed by the House, to provide $313,000,000 in funding for Operation and Maintenance and Procurement accounts, as opposed to $413,300,000 as recommended by the House, only for the military services to accomplish recovery and repair made necessary by recent natural disasters including Hurricane Isabel. These funds are allocated as follows:

Operation and Maintenance, Army	$47,100,000
Operation and Maintenance, Navy	87,600,000
Operation and Maintenance, Marine Corps	6,700,000
Operation and Maintenance, Air Force	169,300,000
Other Procurement, Air Force	2,300,000

Of the amount provided in this section for "Operation and Maintenance, Air Force", $6,500,000 is for repair of facilities at the NASA Langley Research Center, including facilities used for Department of Defense research programs.

The conferees agree to retain section 1110, as proposed by the House, which makes $180,000,000 from funds available in this Act for operation and maintenance for the Commander's Emergency Response Program for military commanders to respond to urgent humanitarian needs in Iraq and Afghanistan.

The conferees agree to retain section 1111, as proposed by the House, which requires the Secretary of Defense to provide a description of an Analysis of Alternatives for replacing Air Force KC-135 aircraft.

The conferees agree to retain section 1112, as proposed by the House, which exempts members of the armed forces from the requirement to pay subsistence charges while hospitalized, makes the exemption permanent, and makes the exemption retroactive to September 11, 2001. The Senate included similar language.

The conferees agree to retain and amend section 1113, as proposed by the Senate, which prohibits use of funds in this Act to alter command responsibility or permanent assignment of forces until 270 days after notification to the congressional defense committees.

The conferees agree to retain and amend section 1114, as proposed by the Senate, which authorizes administering Secretaries to provide medical or dental screening or care at no cost for all members of the Ready Reserve who are ordered to active duty.

The conferees agree to retain and amend section 1115, as proposed by the Senate, which provides the TRICARE benefit to inactive Reservists and their family members, if they are eligible for unemployment compensation or not eligible for health care benefits under an employer-sponsored health benefits plan.

The conferees agree to retain and amend section 1116, as proposed by the Senate, which amends section 1074 of title 10, U.S.C. to expand the time period a Reservist would be considered to be on active duty for the purpose of TRICARE eligibility.

The conferees agree to retain and amend section 1117, as proposed by the Senate, which amends the Transitional Assistance Medical Program (TAMP) benefit program from 60 days to 180 days beginning on the date on which the member is separated from active duty.

These four new provisions (sections 1114, 1115, 1116, and 1117) enhance TRICARE access for members of the National Guard and Reserve Components. It is the conferees' intent that these provisions constitute a one-year demonstration program to determine whether a permanent benefit beyond fiscal year 2004 should be authorized.

The conferees direct the Department of Defense to report to the congressional defense committees no later than May 30, 2004 on the implementation of this demonstration program and its associated impact on recruiting and retaining both active and reserve component personnel.

Based on information provided to the Congress from the Congressional Budget Office, the conferees have been advised that the cost of this demonstration program is approximately $200,000,000. However, the conferees recognize that these are estimates based on projected utilization rates. Accordingly, the conferees assume that not more than $400,000,000 shall be required to implement this demonstration program in fiscal year 2004.

The conferees further direct the Department of Defense, no later than April 15, 2004, to provide the congressional defense committees the cost estimates of this demonstration program based on actual and projected utilization rates.

The conferees agree to retain and amend section 1118, as proposed by the Senate, which requires the Department to notify each Reservist who is ordered to active duty in writing of the expected period during which they will be mobilized.

The conferees agree to retain and amend section 1119, as proposed by the Senate, which provides that authority in section 1314(1) of Public Law 108-11, making funds available to build an Infantry Brigade Rifle Range for the South Carolina National Guard, shall apply to the use of available funds appropriated for fiscal year 2004.

The conferees agree to include a new provision, section 1120, which directs the Secretary of Defense to submit biannual reports on Iraq and Afghanistan to the Congress.

The conferees agree to include a new provision, section 1121, which provides an additional $100,000,000 for securing and destroying conventional munitions in Iraq.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide an additional $23,183,000 for "Operating Expenses" to repair damages the Coast Guard incurred during Hurricane Isabel.

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

The conferees agree to provide an additional $500,000,000 for disaster relief activities associated with recently declared disasters, such as Hurricane Isabel and the California wildfires.

OTHER ACTIVITIES

Within current authorities, the conferees direct the Emergency Preparedness and Response Directorate to work expeditiously with the Borough of Versailles, Pennsylvania, and the National Energy Technology Laboratory to remediate the problem where high gas readings due to the over 600 abandoned gas wells force the evacuation of residents and businesses in Versailles.

SCIENCE AND TECHNOLOGY

The conferees are aware that the Department of Homeland Security has begun research and development on Man-Portable Air Defense Systems (MANPADS) countermeasures for commercial airliners pursuant to the "Program Plan for the Development of an Antimissile Device for Commercial Aircraft" prepared by the Under Secretary for Science and Technology. Upon the completion of research and development, the Department of Homeland Security should consider aircraft enrolled in the Civil Reserve Air Fleet in deployment of countermeasures.

GENERAL PROVISION, THIS CHAPTER

Sec. 1201. The conferees agree to amend the Department of Homeland Security Appropriations Act, 2004 (Public Law 108-90) to make Biodefense Countermeasures funding subject to the authorization of the Project Bioshield Act of 2003, upon the enactment of that Act.

PROVISIONS NOT ADOPTED

The conference agreement deletes section 334 of the Senate bill changing the Federal share of the cost of any disaster relief payment for damage caused by Hurricane Isabel.

The conference agreement deletes section 5008 of the Senate bill on equipping aircraft with countermeasures against the threat of shoulder-fired missiles.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

ITEMS OF GENERAL INTEREST

As a result of the United States' commitment to fighting the Global War on Terrorism, there has been an increase in operational requirements in the Central Command's area of responsibility. The footprint of American military forces has expanded to include the construction and management of military facilities in overseas locations to house service members and to stage operational resources. The conferees direct the Central Command to report to the congressional defense and military construction subcommittees, in both classified and unclassified form, on its master plan for facilities in the Central Command area of responsibility, including the operational requirements and the planned disposition of equipment, aircraft and personnel, no later than December 1, 2003.

MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates $162,100,000 for Military Construction, Army, instead of $185,100,000 as proposed by the House and $119,900,000 as proposed by the Senate. Of the funds appropriated, $119,900,000 is provided to finance projects required to support the Global War on Terrorism and Operation Iraqi Freedom as follows:

Location/facility	Project description	Cost
Iraq: Al Fallujuh (MEK)	Power Plant and Electrical Distribution	$8,000,000
Iraq: Baghdad—Victory Base	Entry Control Points	4,000,000
Iraq: Baghdad FOB Falcon	Power Plant and Electrical Distribution	7,000,000
Iraq: Balad Airfield	Theater-wide Postal Distribution Facility	7,000,000
Iraq: Balad Airfield	Power Plant and Electrical Distribution	16,000,000
Iraq: Balad	Base Camp Water Treatment Plant	9,800,000
Iraq: Balad	Base Camp Wastewater Treatment Plant	10,500,000
Iraq: Baghdad—Victory Base	Power Plant	11,500,000
Iraq: Baghdad—Radwaniya Palace Complex	Sensitive Compartmented Information Facility	6,000,000
Iraq: Baghdad—Radwaniya Palace Complex	Joint Operations Center	3,500,000
Iraq: Baghdad—Radwaniya Palace Complex	Training Facility	2,200,000
Iraq: Taji Military Complex	Power Plant and Electrical Distribution	16,500,000
Iraq: Tikrit—Camp Speicher	Power Plant and Electrical Distribution	15,500,000
Worldwide Various	Planning and Design	2,400,000
Total		119,900,000

An additional $42,200,000 is provided to repair facilities damaged by Hurricane Isabel at Fort Monroe, Virginia. As proposed by the House, the conferees agree to include bill language that authorizes the use of funds for planning and design and for construction. The conferees recommend a reduction of $23,000,000 from the amount proposed by the House for unspecified minor construction funds because the request was not explained in sufficient detail to justify the appropriation.

MILITARY CONSTRUCTION, NAVY

As proposed by the House, the conference agreement appropriates $45,530,000 for Military Construction, Navy, to repair two Naval facilities damaged by Hurricane Isabel. The Senate bill contained no similar provision.

MILITARY CONSTRUCTION, AIR FORCE

As proposed by the House and the Senate, the conference agreement appropriates $292,550,000 for Military Construction, Air Force, to finance various projects around the world in support of the Global War on Terrorism and Operation Iraqi Freedom. As proposed by the House, the conferees agree to include bill language that authorizes the use of funds for planning and design and for construction.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates $11,420,000 for Family Housing Operation and Maintenance, Army, instead of $8,151,000 as proposed by the House. The Senate bill contained no similar provision. These funds are provided for storm related damage caused by Hurricane Isabel at Fort Monroe, Fort Eustis, Fort Story, Fort Lee, and Fort Belvoir in Virginia. The conferees agreed to increase the amount proposed by the House in view of additional information received regarding storm damage.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

As proposed by the House, the conference agreement appropriates $6,280,000 for Family Housing Operation and Maintenance, Navy and Marine Corps. The Senate bill contained no similar provision. These funds are provided for storm related damage caused by Hurricane Isabel at various sites in North Carolina and Virginia.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

As proposed by the House, the conference agreement appropriates $6,981,000 for Family Housing Operation and Maintenance, Air Force. The Senate bill contained no similar provision. These funds are provided for storm related damage caused by Hurricane Isabel at Langley AFB, Virginia.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes one general provision, section 1301, as proposed by the House and modified by the Senate. This provision gives the Secretary of Defense authority to use up to $150,000,000 in operation and maintenance funds for construction projects that support Operation Iraqi Freedom or the Global War on Terrorism. The purpose of the provision is to provide troops in the field flexibility to construct emergency projects using operation and maintenance funds. The provision requires DOD to submit a quarterly report that describes the project, includes supporting documentation, and provides the amount of funds obligated for these purposes. The Senate modification requires DOD to provide Congress with notification of the project 15 days after obligation of funds.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

The conference agreement includes $15,000,000 for "Salaries and Expenses, General Legal Activities," as proposed by the House, instead of no funds as proposed by the Senate. This funding will support additional Civil Division expenses related to the administration of the September 11th Victims Compensation Program.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $156,300,000 under this account as proposed by the House, instead of $35,800,000 as proposed by the Senate. This funding will cover costs related to increased diplomatic and border security and opening a mission in Iraq. The conference agreement includes $109,500,000 for requirements related to the provision of consular services; $11,000,000 for increased security measures in Afghanistan; and $35,800,000, available until September 30, 2006, for costs associated with the re-establishment of a diplomatic mission in Iraq. The conference agreement rescinds $35,800,000 provided under Public Law 108–11, as proposed in both the House and Senate bills.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $43,900,000 under this account as proposed by the House, instead of no funds as proposed by the Senate. The conference agreement includes the costs of establishing a temporary embassy annex compound in Afghanistan to support embassy surge staffing requirements associated with accelerated assistance activities. The conference agreement assumes that the funding provided under this heading, when combined with funding provided elsewhere in this Act for USAID requirements, will support the acquisition and construction of a collocated temporary embassy annex compound in Afghanistan.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $115,500,000 under this heading, instead of $50,000,000 as proposed by the House and $90,500,000 as proposed by the Senate. The conference agreement includes $50,000,000 for anticipated costs of terrorism rewards, and includes language that allows funds under this account to be transferred to, and merged with, the Diplomatic and Consular Programs account to maintain funding levels for the fiscal year 2004 Border Security program. The conference agreement also includes $65,500,000 for costs associated with the protection of foreign missions and officials in New York City, as well as security and protection costs associated with the 2003 Free Trade in the Americas Ministerial and the 2004 Summit of the Industrialized Nations. In addition, the conference agreement includes language allowing the use of prior year funds under this heading for rewards for an indictee of the Special Court in Sierra Leone. The conferees are concerned that an indictee of the Special Court for Sierra Leone, who has been charged by the Special Court with being "most responsible" for the atrocities committed during Sierra Leone's civil war, is not yet in the custody of the Special Court. The conferees direct the Department to use all available means to bring about the handover of this indictee of the Special Court.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $245,000,000 for assessed costs of United Nations peacekeeping in Liberia as proposed in the House bill, instead of no funds as proposed by the Senate.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $40,000,000 under this heading as proposed by the House, instead of no funds as proposed by the Senate. The amount provided in the conference agreement shall be only for the initiation of Middle East Television Network broadcasting to Iraq.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language waiving provisions of existing legislation that require authorizations to be in place prior to the expenditure of any appropriated funds.

FOREIGN OPERATIONS, EXPORT FINANCING, RELATED AGENCIES APPROPRIATIONS

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference report recommends $40,000,000 for "Operating Expenses of the United States Agency for International Development", which includes $1,900,000 for the United States Agency for International Development (USAID), Office of Inspector General. This amount for Operating Expenses is the same as the House and Senate levels. The level for the Office of Inspector General is $2,100,000 less than the Senate bill; the House did not address this matter. The managers have included language reserving these funds for support of relief and reconstruction in Afghanistan, including short-term costs associated with facilities required by the USAID in the existing embassy compound or in Department of Defense facilities elsewhere in Kabul until an interim, secure compound adjacent to the embassy is available. It is the managers' intention that embassy facilities and vehicles funded by USAID be used primarily by USAID personnel, and be available for other agencies only with the prior written concurrence of the USAID mission director in Kabul and, when feasible, on a reimbursable basis.

Should United States military air transport remain scarce or unavailable to support reconstruction in Afghanistan, and to the extent required by security conditions in the field, a portion of this appropriation may be used for dedicated contract air service within Afghanistan and access to neighboring countries. The conferees expect the Department of State Coordinator for Afghan Assistance and USAID to consult with the Committees prior to obligating funds for this purpose.

The conference report provides for operating expenses of USAID in Iraq elsewhere in this chapter.

CAPITAL INVESTMENT FUND

The conference report recommends $16,600,000 for the Capital Investment Fund of the United States Agency for International Development to remain available until expended, instead of $60,000,000 as proposed by the Senate. The House bill did not address this matter.

The conferees have provided full funding for an interim secure facility in Kabul, Afghanistan, primarily for the use of United States Agency for International Development, Department of State, and other federal agencies that are implementing and evaluating United States reconstruction and security assistance for Afghanistan.

The conference agreement includes language requiring the Administrator of the United States Agency for International Development to assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and provides that such rental payments shall be deposited into this account as an offsetting collection. Such rental payments shall be available for obligation only pursuant to the regular reprogramming notification procedures of the Committees on Appropriations.

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

The conference report recommends $18,649,000,000, to remain available until September 30, 2006, for the "Iraq Relief and Reconstruction Fund" (the Fund), the same level as recommended by the House and $200,000,000 above the Senate. This figure represents a reduction of $1,655,000,000 below the request and an increase of $16,174,000,000 above the level provided in the fiscal year 2003 Emergency Wartime Supplemental Appropriations Act when this account was created. The supplemental request proposed an appropriation of $20,304,000,000 to remain available until expended.

The conference report provides $1,890,000,000 for the oil infrastructure function instead of $2,100,000,000 as proposed by the House and $1,900,000,000 as proposed by the Senate.

The following table provides amounts for functional categories and programs within categories. The total amount for these functional categories is reflected in the bill language as proposed by both the House and Senate. The following table provides the baseline for the financial plan required in section 2207 of this Act.

IRAQ RELIEF AND RECONSTRUCTION FUND

(Budget authority, dollars in millions)[1]

Category and description	Supplemental request	Conference agreement
Security and law enforcement:		
Police training and technical assistance	950	950
Traffic police	50	
Border Enforcement	150	150
Facilities Protection Services	67	67
Subtotal, Law enforcement	1,217	1,167
Establishment of the New Iraqi Army (NIA)	2,000	2,000
(NIA Facilities)	(745)	(745)
(NIA Equipment)	(879)	(879)
(NIA Operations and Training)	(375)	(375)
Iraq Civil Defense Corps	76	76
(Operations and Personnel)	(58.4)	(58.4)
(Equipment)	(17.2)	(17.2)
Subtotal, National Security	2,076	2,076
Total, Security and Law Enforcement	3,293	3,243
Justice, Public Safety Infrastructure and Civil Society:		
Witness Protection Program	100	75
Other technical investigative methods	10	10
Penal facilities	400	100
Reconstruction and modernization of detention facilities	109	109
Facilities protection, mine removal, fire service, and public safety facility and equipment repairs	500	400
(Demining)	(61)	(61)
Public safety training and facilities	274	199
National Security Communications Network	150	90
Investigations of crimes against humanity	100	75
Judicial security and facilities	200	150
Democracy building activities		100
United States Institute of Peace		10
Total, Justice, Public Safety Infrastructure and Civil Society	1,843	1,318
Electric Sector:		
Generation	2,900	2,810
Transmission	1,550	1,550
Network infrastructure	1,000	1,000
Automated monitoring and control system	150	150
Institutional strengthening	25	
Security	50	50
Total, Electric Sector	5,675	5,560
Oil Infrastructure:		
Infrastructure	1,200	1,200
Emergency supplies of refined petroleum products	900	690
Total, Oil Infrastructure	2,100	1,890
Water Resources and Sanitation:		
Potable water	2,830	2,830
Water conservation	30	30
Sewerage	697	675
Solid waste management/trash trucks	153	
Other solid waste management		22
Subtotal, Public Works Projects	3,710	3,557
Pumping stations and generators	150	150
Irrigation and drainage systems	130	130
Major irrigation projects	130	130
Dam repair, rehab, and new construction	125	125
Umm Qasr to Basra water pipeline and treatment plant	200	200
Marsh projects	100	
Basra Channel Flushing	40	40
Subtotal, Water Resources projects	875	775
Total, Water Resources and Sanitation	4,585	4,332
Transportation and Telecommunications Projects:		
Airports	165	165
Umm Qasr Port rehab	45	45
Railroad rehab and restoration	303	300
Iraqi Telecom and Postal Corporation	124	100
(Postal IT ZIP Codes)	(9)	(–)
Iraqi Communications systems	109	95
(Business practices for Iraqi TV and radio)	(10)	(–)
(Numbering scheme911 initiative)	(4)	(–)
Iraqi Communications operations	89	75
Undistributed reduction, transportation and telecommunications		–280
Total, Transportation and Telecommunications Projects	835	500
Roads, Bridges, and Construction:		
Housing construction	100	
Public buildings construction and repair	130	130
Roads and bridges	240	240
Total, Roads, Bridges, and Construction	470	370
Health care:		
Nationwide hospital and clinic improvements[2]	393	493
Equipment procurement and modernization	300	300
Initiate 700m Basrah hospital project	150	
Health care partnerships	7	
Total, Health Care	850	793
Private Sector Development:		
American-Iraqi Enterprise Fund	200	

(Budget authority, dollars in millions)[1]

Category and description	Supplemental request	Conference agreement
Expanded network of Employment Centers	8	8
Training	145	100
Micro-Small-Medium Enterprises		45
Total, Private Sector Development	353	153
Education, Refugees, Human Rights, Democracy, and Governance		
Migration and Refugee Assistance	105	105
Local Information Centers	90	
Property Claims Tribunal	30	30
Banking system modernizations	30	30
Business training courses	20	
Human rights	15	15
Education		90
Civic programs	10	10
Total, Education, Refugees, Human Rights, and Governance	300	300
Transferfinancing		210
Total, Iraq Relief and Reconstruction Fund	20,304	18,649

[1] Figures in parenthesis are included in amounts above.
[2] Includes $50 million for pediatric facility in Basra.

The table above indicates programs that were supported in the House and Senate and those that raised questions and concerns and were reduced or eliminated, such as the procurement of trash trucks, development of business courses, zip code and 911 projects, housing projects, and the construction of two prisons for $400,000,000 at $50,000 per bed.

The conferees have included bill language providing that the Iraq Relief and Reconstruction Fund shall be used to protect and promote public health and safety, including the arrest, detention and prosecution of criminals and terrorists.

The conference report includes bill language, as proposed by the House that allows, but limits reallocations between functional categories, so that any category can be reduced by not more than 10 percent or increased by more than 20 percent. Acknowledging the unique circumstances in Iraq, the conferees have included language that the President may increase one such allocation by up to an additional 20 percent in the event of unforeseen or emergency circumstances. Transfers and reallocations between program, project and activities in the table above, if necessary, would be made subject to the standard notification procedures of the Committees on Appropriations. The conferees note that within the functional categories none of the funds provided are available to support any program, project or activity for which funds have been denied or restricted unless the Appropriations Committees are notified 15 days in advance and approve such reprogramming of funds.

Under section 2207 of the general provisions of this chapter, the conference report includes a requirement by the Office of Management and Budget, in consultation with the CPA and the Committees on Appropriations, to submit a financial plan beginning on January 5, 2004 and quarterly thereafter. This financial plan is similar to that proposed by the House under the heading "Iraq Relief and Reconstruction Fund".

The conferees have reinstated bill language, enacted in the fiscal year 2003 Iraq Relief and Reconstruction Fund but not included in the supplemental request, which specifies agencies that may receive apportionment from the Fund. Consistent with previous language, the conference report again lists the Department of Defense, the Department of Health and Human Services, the Department of State, the Department of Treasury and the United States Agency for International Development. The managers have added the Coalition Provisional Authority (CPA) to this list, and allow the CPA to receive direct apportionment of IRRF funds for the first time, with the understanding that the CPA establishes a Chief Financial Officer operating in accordance with the responsibilities and functions specified in the Chief Financial Officer Act.

The conferees have included bill language, similar to that in the Senate bill, that requires the Administrator of the CPA to seek to ensure that programs in Iraq comply with the "Policy Paper: Disability."

The conference agreement includes a provision, similar to one in P.L. 108–11, which requires assistance to be made available to Iraqi civilians who have suffered losses as a result of military operations. The managers support medical, rehabilitation, shelter, microcredit, and other appropriate assistance to these individuals and expect all relevant agencies and organizations to coordinate efforts in providing this assistance.

The conferees have provided $29,000,000 for the ongoing operating costs of USAID and $6,000,000 for the State Department Bureau of International Narcotics Control and Law Enforcement. The managers expect the Office of Management and Budget to ensure that agencies supporting the CPA and the reconstruction effort in Iraq are fully financed for administrative expenses through the funds appropriated in the Iraq Relief and Reconstruction Fund, in an amount equal to up to 10 percent of programs administered. The conference report also includes bill language providing that up to 1 percent of the total appropriated for the Fund may be transferred to "Operating Expenses of the Coalition Provisional Authority."

The conference agreement includes bill language, similar to that included in House and Senate bills that the CPA shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom and tolerance of all faiths. The conferees also expect that the CPA will work with Iraqis to include the guarantee of a number of other fundamental rights and individual freedoms, particularly basic human rights that were violated or denied during the tyrannical regime of Saddam Hussein.

The conference agreement includes language similar to that contained in the Senate bill providing $100,000,000 for democracy building activities in Iraq. The managers endorse Senate report language on the use of these funds, and believe that elections are essential to restoring Iraqi sovereignty. The conferees expect the Committees on Appropriations to be consulted on the use of democracy building and governance funds in Iraq. The conference report also includes bill language providing $10,000,000 for the United States Institute for Peace for activities to support peace enforcement, peacekeeping and post-conflict peacebuilding.

The managers include $70,000,000 for education $10,000,000 to support women's programs, and endorse Senate report language recommending $20,000,000 for media outreach activities in Iraq.

Finally, the managers have provided for the transfer of $210,000,000 to support other high priority foreign assistance programs, including $100,000,000 for Jordan, $100,000,000 for Liberia, and $10,000,000 for Sudan.

OPERATING EXPENSES OF THE COALITION PROVISIONAL AUTHORITY

The conference report recommends $983,000,000 for "Operating Expenses of the Coalition Provisional Authority" under this new heading as proposed by the House, instead of providing for administrative costs of the Coalition Provisional Authority (CPA) in Iraq within the total amount under the heading "Operation and Maintenance, Army" as requested in the supplemental request and included in the Senate bill. The conference agreement provides an amount that is $125,000,000 above the House bill, reflecting $75,000,000 for the expenses of a new CPA Inspector General and office as provided in Title III of this Act, and $50,000,000 for reporting and monitoring requirements and other supporting costs. The conferees have included language to ensure that the Department of Defense is able to continue to furnish assistance and services and any other support to the CPA.

The CPA currently oversees the reconstruction of Iraq, especially the non-military programs described in the Iraq Relief and Reconstruction Fund section of this report, from building waste water treatment systems to renovating health care centers to training law enforcement officials to providing computer training for Iraqi youth.

The conference report acknowledges CPA's leadership and role. The managers expect to be kept updated on the progress of reconstruction efforts, roles and missions of supporting agencies, and implementation of programs funded by this Act.

The managers note that transparency is crucial for ensuring efficient, accountable reconstruction activities in Iraq. Therefore, this recommendation provides for the first time a direct operating appropriation for the CPA, and, under the Iraq Relief and Reconstruction Fund, the organization is given the authority to receive direct apportionment of program/project funds. The conferees expect that the Office of Management and Budget will transmit to the Committees on Appropriations by January 5, 2004, a budget justification for this new Operating Expenses account, including information required by OMB Circular A–11, such as standard financial information, program and financing and object classification schedules, and personnel summary data.

The conference report does not alter the reporting relationship of the Administrator of the CPA to the President through the Secretary of Defense. However, it does further transparency by clarifying the operational cost of United States reconstruction efforts in Iraq as part of United States foreign assistance, and the scope of the non-military reconstruction efforts.

Since the CPA is less than a year old and it is possible that the organization could require additional operational resources during this year, the managers also have included bill language in the Iraq Relief and Reconstruction Fund that provides authority, if needed, to transfer up to 1 percent for CPA's operating expenses.

ECONOMIC SUPPORT FUND

The conference report recommends $872,000,000 for the "Economic Support Fund" as proposed by the House, instead of $422,000,000, as proposed by the Senate, primarily for reconstruction in Afghanistan. These funds would remain available for obligation until December 31, 2004.

The recommendation reserves $672,000,000 for accelerated assistance for Afghanistan. The managers note the increasing terrorist activity against the Government of Afghanistan, international Coalition forces, and private non-governmental organizations providing relief and reconstruction assistance within Afghanistan, and concludes that the pace of reconstruction, as well as that of security assistance provided elsewhere in this chapter, must respond to the tenuous security conditions, especially in the southern and eastern provinces of Afghanistan.

The conferees recognize that further expansion of the mandate of the International Security Assistance Force (ISAF) can help improve the security environment in Afghanistan, and strongly encourage the Administration to support such expansion of ISAF.

The conferees fully support most of the urgent programs included in the budget justification for Afghanistan civil reconstruction, including roads, education, health, power generation/private sector development, and provincial reconstruction teams. The conference agreement provides $60,000,000 for Afghan women and girls to ensure that programs, projects and activities funded in this Act include the participation of women and advance the social, economic, and political rights and opportunities of women in Afghanistan.

The State Department Coordinator of Assistance to Afghanistan and the Administrator of USAID are requested to provide the Committees not later than December 15, 2003, a fiscal year 2004 strategic and financial plan, including projected quarterly obligations by sector and major project (in excess of $250,000), for all reconstruction and related activities in Afghanistan undertaken with funds provided by prior Acts, this Act and the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2004.

The conference report recommends $181,000,000 for major and provincial roads, an endeavor that is critical to both economic development and security in Afghanistan. The conferees commend those engaged in the challenging project to reconstruct and pave the major Kabul-Kandahar road by the end of 2003, recognize the dire security threat from neo-Taliban forces along its route, and urge United States Armed Forces in Afghanistan to increase surveillance of the construction areas and support for the private and Afghan national police security forces protecting the Kandahar road. The additional funding will sustain the momentum of the Kabul-Kandahar project, by financing secondary and tertiary road development, primarily in the previously neglected southern and central regions.

The conference report provides an additional $95,000,000 for schools and education in Afghanistan, $55,000,000 above the request, and $95,000,000 for private sector development and power generation, $50,000,000 above the request. The funds are expected to support market centers-industrial parks, land titling, natural resources assessment and power generation projects. The conference agreement does not include $10,000,000 for a venture capital fund. The conference agreement provides $65,000,000 to repair, rehabilitate and procure electric generation and distribution infrastructure in Afghanistan. In addition to the power requirements of Kabul already requested, the conference report has provided additional funds to rehabilitate and increase power generation from the Kajaki Dam facility that is essential to successful reconstruction in the politically sensitive Kandahar and Helmand provinces.

The conference report recommends an additional $70,000,000 for support to the Government of Afghanistan (GoA). Of the recommended $70,000,000, not less than $25,000,000 will meet key GoA infrastructure needs, especially telecommunications between Kabul and the provinces. The Ministry of Finance will use not less than $10,000,000 to improve customs collections at Afghanistan's 11 official border posts and remitting of customs to the ministry on a timely basis. An indeterminate amount will be needed to augment other donor contributions to an international trust fund to pay government salaries until economic growth increases government revenue sufficiently to meet salary costs.

The conference report recommends $69,000,000 for elections and improved governance in Afghanistan, $12,000,000 above the request. In governance, the conference report recommends that activities be undertaken to promote private investment and trade capacity building. The managers also support Senate report language recommending $15,000,000 for media outreach activities in Afghanistan.

The conferees note that women in Afghanistan continue to struggle to achieve basic rights, which they were denied under the Taliban. Women were severely affected by their inability during those times to participate in local and national governance. The conferees have agreed to provide $60,000,000 for technical and vocational education, programs for women and girls against sexual abuse and trafficking, shelters for women and girls, humanitarian assistance for widows, support of women-led NGOs, programs to disseminate information about the rights of women, and to provide women's rights training to military, police and legal personnel. Significant funding above the Administration's request has been added for Afghanistan to accelerate reconstruction efforts. Funds have been made available for these specific purposes to ensure that programs that address these critical needs are adequately funded.

Where possible, such programs should be implemented by local civil society groups, and especially local women's groups. The managers expect USAID to provide technical and other assistance to strengthen the capacity of these groups and to support their activities. The conferees are concerned that without greater attention to the specific challenges facing women and girls in Afghanistan, the country's prospects for broad-based economic growth and democratic development will be sharply reduced.

The managers have included bill language requiring that obligation of funds made available by this Act or by prior appropriations Acts for senior advisors to the Chief of Mission in Kabul be subject to notification. This provision does not apply to U.S. officials required to design and manage a massive Afghanistan assistance program, the actual number of which is presently insufficient due to a shortage of housing and office space. Ample funds are provided in this Act to construct an interim facility to accommodate additional assistance and security personnel in Kabul. The managers urge the Departments of State and Defense and USAID to immediately accelerate efforts to provide adequate office and housing space required for the effective management and oversight of activities funded in this Act, and keep the Committees fully informed of progress toward deploying an adequately staffed mission in Kabul.

The conference agreement provides $50,000,000, as requested, for projects directly involving requirements identified by provincial reconstruction teams (PRTs) in eight to twelve provinces. In addition, $8,000,000 is provided for dedicated air service, armored vehicles, and other security enhancements for the civilians deployed to the PRTs and other assistance managers in Afghanistan.

The conferees support an additional $49,000,000 for health services in Afghanistan. If a permissive security situation is extended throughout all of Afghanistan during 2004, the additional health and road funds will accelerate achievement of the objective of bringing all Afghans within 4 hours' travel of a health clinic.

The managers expect not less than $10,000,000 in ESF assistance to be made available through appropriate humanitarian organizations for additional food, clothing, heating and cooking fuel, emergency shelter materials, and other basic necessities for displaced Afghans in and around Kabul.

The conference agreement recommends an initial $30,000,000 for disarmament, demobilization and reintegration (DDR) projects, $30,000,000 below the request. The managers note that Japan has already provided full funding for the initial pilot projects in Northern Afghanistan that will help determine the feasibility of DDR projects prior to the training and deployment of a multi-ethnic Afghan National Army that is firmly under civilian Afghan control. The managers believe that Japan and other donors will make additional contributions to DDR projects if the pilot effort is a success and is replicable in other regions.

The managers also recommend that $23,000,000, not included in the request, be provided for water projects in Afghanistan. Because of the essential role of irrigation in agriculture, and the lack of potable water in many urban areas and small towns, the managers request USAID to report not later than January 15, 2004 on the feasibility of expanding rural and urban water projects in Afghanistan.

The managers take note of the outstanding jobs that the men and women of USAID, the

Departments of Defense and State and other federal agencies supporting the Embassy in Kabul and Afghanistan's reconstruction have accomplished under the most difficult of circumstances.

As the cooperation of the Government of Pakistan is vital to United States and Coalition efforts to build a stable Afghanistan, the conference agreement includes language proposed by the President to allow up to $200,000,000 from "Economic Support Fund" to be made available for the subsidy cost of modifying direct loans and guarantees previously issued for Pakistan. The conference report includes the $200,000,000, subject to a determination by the President that the Government of Pakistan is cooperating with the United States in the global war on terrorism.

The conference agreement also provides for the transfer to the Economic Support Fund from the Iraq Relief and Reconstruction Fund of $100,000,000 for assistance for Jordan.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

The conference report recommends $110,000,000 for International Disaster and Famine Assistance for Liberia and Sudan, instead of $100,000,000 as proposed by the House or $200,000,000 under the heading "Emergency Fund for Complex Foreign Crises" as proposed by the Senate.

The managers are very concerned about the humanitarian crisis in Liberia, where approximately 800,000 refugees and internally displaced persons are living in dire conditions. The managers have provided $200,000,000 in "International Disaster and Famine Assistance" to address this situation. Of this amount, $100,000,000 is made available by transfer from the "Iraq Relief and Reconstruction Fund".

The managers are aware of the important developments that have occurred in Sudan in an attempt to end more than 20 years of civil war. The conference agreement provides $20,000,000 in "International Disaster and Famine Assistance" to bolster these efforts. Of this amount, $10,000,000 is made available by transfer from the "Iraq Relief and Reconstruction Fund".

As other funds are available to respond to natural disasters abroad, the conference agreement limits the circumstances under which these funds may be obligated to those where the President determines that the proposed United States response to a complex foreign crisis is in the national interest and essential to efforts to reduce international terrorism.

The conference agreement includes a provision authorizing the transfer of up to one half of one percent of certain other funds to this account. All proposed obligations made available under this heading are made subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference report recommends $170,000,000 for "International Narcotics Control and Law Enforcement", as proposed by the House instead of $120,000,000 as proposed by the Senate, for accelerated assistance for Afghanistan. These funds would remain available for obligation until December 31, 2004.

The conferees are gravely concerned about the increasing terrorist activity against the Government of Afghanistan and private nongovernmental organizations providing relief and reconstruction assistance within Afghanistan. The capacity of Afghan security forces to protect their own government and international reconstruction efforts must be expanded as rapidly as feasible, and the increased funding responds to that urgent requirement.

The conferees note the leadership role of Germany, the United Kingdom and Italy in the police training, counter-narcotics and judicial reform sectors, respectively, and encourage each of these Coalition members to accelerate its assistance efforts in Afghanistan.

In order to respond to this rapidly evolving situation, the conference agreement provides $160,000,000 to accelerate the training and equipping of the Afghan National Police and Border Police and to increase counter-narcotics law enforcement capacity. In addition, $10,000,000 is provided for the training of prosecutors, court officers and the Afghan judiciary. The managers intend that all assistance to Afghanistan be conducted on a basis of non-discrimination among its ethnic groups and include special emphasis on the rights of women and minorities.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The conference report recommends $35,000,000 for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" as proposed by both the Senate and the House. This level would support anti-terrorism training programs and equipment needs in Afghanistan, to continue the work of disarming the staggering number of mines throughout the country, and to provide in-country support for the protection of Afghan President Karzai.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference report includes $287,000,000 for the "Foreign Military Financing Program", instead of $222,000,000 as proposed by the Senate and $297 million as proposed by the House, for accelerated security assistance on a non-repayable basis for Afghanistan. These funds would remain available for obligation until September 30, 2004. The rapid training and deployment of an ethnically balanced, professional national army for Afghanistan is essential to the success of Coalition efforts to promote a stable and peaceful Afghanistan.

The managers encourage the President, the Secretary of State and the Secretary of Defense to continue to remind the Government of Afghanistan that United States military assistance is provided to build a new Afghanistan army that is professional, multi-ethnic, and loyal to the civilian leadership in the central government. Failure of the Government of Afghanistan to continue moving rapidly toward this common objective should not be rewarded with continuing military assistance by any agency of the United States Government to armed militias or army units that do not share these objectives.

To this end, the conferees request the Secretary of State, in consultation with the Secretary of Defense, to provide it with periodic reports on the progress of the new Afghan army, meeting the criteria set forth in House Report 108–312.

PEACEKEEPING OPERATIONS

The conference report recommends $50,000,000 for "Peacekeeping Operations" as proposed by both the Senate and the House. This level would support multilateral peacekeeping needs in Iraq and Afghanistan.

GENERAL PROVISIONS—THIS CHAPTER

The managers recognize that debt incurred under the Saddam Hussein regime presents a potential challenge to the country's development. However, this supplemental appropriations act is intended to meet emergency needs, and the managers are of the opinion that paying foreign debtors out of United States funds is not among those needs. The conference report includes section 2201, a general provision included in the House bill and similar to the Senate bill, that prohibits the use of funds appropriated in this Act, or in the 2003 Iraq Supplemental Appropriations Act (P.L. 108–11), to be used to pay for any debt entered into by the Iraqi government before the defeat and overthrow of Saddam Hussein. Nothing in this provision, however, should be construed as discouraging the Departments of State and Treasury from working with lenders in reducing and restructuring Iraq's debt burden. The House addressed this matter in section 2201 and the Senate in section 2311.

Both the House and Senate bills included a number of provisions intended to require greater adherence to full and open competition. Both the House and Senate bills provide that when other than full and open competition is pursued, if necessary, then the agency using other than full and open competitive procedures must inform the Congress and the American public.

It is in the best interests of most involved, including the United States business sector and the Iraqi people, to use open and full competition for all but a very limited number of contracts. For situations in which ensuring such competition might be inappropriate—such as in cases of an emergency—the managers believe that existing federal regulations allow for adequate flexibility.

Therefore, the conference agreement includes language in sections 2202 and 2203 to limit the use of non-competitive contracts in the "Iraq Relief and Reconstruction Fund" in this Act and Public Law 108–11. This language is in lieu of a number of "competition in contracting" provisions in both the House and Senate bills. This conference agreement preserves the prerogative to waive the requirement for full and open competition in certain circumstances, as outlined in applicable federal procurement regulations. The provisions require that such a waiver be with the written approval of the Administrator of the Coalition Provisional Authority and the head of an agency of the United States Government that awards and manages the contract, and that information on the contract and the justification of the waiver be transmitted to the appropriate committees of Congress and be made available to the public. The certifications cannot be delegated, and must be transmitted to the appropriate congressional committees and made available to the public 7 days before the non-competitive contract is awarded. The provision pertains to the amendment, extension or modification of contracts entered into prior to the enactment of this Act using other than full and open competitive procedures, including so called "limited competition" contracts. This is intended to require notification of significant changes in scope or increased funding above award ceilings for contracts that were previously awarded under "limited competition." Contracts below a value of $5,000,000 are exempted from these requirements as are small businesses as defined in 15 USC 631 et seq. The House addressed contracting issues in sections 2202, 2203, and 3007 and the Senate addressed these issues in section 5003.

In sections 2204 and 2205, the managers recommend language similar to that requested by the President to clarify, extend and broaden authorities provided in Public Law 108–11. These authorities suspend relevant provisions of the Iraq Sanctions Act and make inapplicable to Iraq certain provisions of law that restrict assistance to countries that support terrorism. They also authorize the export of arms to specific Iraqi security forces. Instead of making permanent these authorities as requested by the President, the conference report extends them for another year. The House and Senate bills each provided similar language.

Although the President, on May 7, 2003, exercised his authority under section 1503 in Public Law 108–11 as originally enacted to make permanently inapplicable to Iraq any provisions of law that apply to countries that support terrorism and to suspend relevant provisions of the Iraq Sanctions Act, the amendment in section 2204 extending the expiry date of section 1503 is necessary to ensure that laws referred to in its fourth and fifth provisos, i.e., section 307 of the Foreign Assistance Act requiring withholding of the United States proportionate share of contributions to international organizations that have programs in Iraq and provisions of law directing voting against or opposing programs, shall not apply with respect to Iraq through fiscal year 2005.

In section 2204, the conference report amends section 1504 of Public Law 108–11 to include language specifically authorizing the export of small arms to private security forces and extending the authorities of this section for another year. With regard to the export of lethal military equipment for private security purposes, the managers intend that only small arms may be exported for such purpose. For the purposes of this section, the managers understand small arms to mean all equipment listed in Category I of the International Traffic in Arms Regulations (22 CFR 120–130), and that such exports shall be made for the purposes of providing security for contractor operations during the reconstruction of Iraq. For all equipment exported under this section, the managers expect that the notification contained in this section shall contain specific information with respect to the end user and the purposes for which such equipment has been exported. The conference report does not include language requested by the President that would authorize the export of advanced conventional equipment to Iraq, such as long-range precision guided munitions, fuel air explosives, cruise missiles, laser weapons, and military satellites.

The conference report includes language in section 2206 that increases the cumulative value of military equipment that the Department of Defense may provide to Afghanistan from $300,000,000 to $450,000,000. This provision was in section 2206 of the House bill and section 301 of the Defense chapter of the Senate amendment.

The conference report includes a new general provision, section 2207, that is similar to the House language requiring the Office of Management and Budget to submit to the Committees on Appropriations a financial plan no later than January 5, 2004 and every 3 months thereafter. The managers have restricted the obligation of all but up to 20 percent of funds under the heading "International Relief and Reconstruction Fund" until this plan is submitted, but the managers intend that any funds spent before the plan is submitted also will be detailed in the financial plan. The managers direct that the financial plan be updated quarterly to reflect any prospective changes to estimates of future or ongoing projects, and require that the Administration notify the Committees on Appropriations 15 days prior to obligation of any increases at the project level to the financial plan between quarterly submissions. The table in this conference statement under the heading "Iraq Relief and Reconstruction Fund" provides functional categories as well as program activities. The managers expect the financial plan to correspond with these functional categories but also include more specific project level detail including, but not limited to, specific capital projects including bridges, railroads, training centers, roads, prisons, hospitals, and health clinics, as well as the establishment of training programs, and repatriation of refugees and internally displaced persons by implementer. For capital projects, the managers direct that the OMB include a breakdown of cost estimates that explains the assumptions and data on which the estimates were based. The managers also intend that for each line of project-level activity, the financial plan specify which United States Government agency will be expected to implement the project. The conference report requires that OMB consult with the Committees on Appropriations prior to submitting the plan. The managers view this consultation as an ongoing process, one that should start immediately after enactment of this Act and continue until the first plan is submitted, and every 3 months thereafter. The Senate had similar language in sections 2310 and 2321.

Section 2208 is the same as the general provision in the House bill that deems any successor United States Government entity to the CPA as the CPA for purposes of authorities and responsibilities in this Act. The Senate did not address this matter.

In section 2209, House bill language is included so that funds are made available for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries, and section 660 of the Foreign Assistance Act. Such authority is subject to five days notification. The Senate addressed this matter in section 2302.

In section 2210, the conference agreement includes language that provides that funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956, as proposed by both the Senate and the House.

The conference report includes language in section 2211 that allows the Overseas Private Investment Corporation to operate in Iraq notwithstanding any other provision of law. The managers support OPIC programs in Iraq, and the conference report provides language to permit the President to enter into agreements with an entity other than a host country government. However, the managers do not expect that OPIC's authority will be exercised to waive other existing statutory requirements including longstanding Congressional mandates; therefore, the conference report requires that the exercise of such authority is subject to the regular notification procedures of the Committees on Appropriations. The Senate addressed this matter in section 2307.

The managers direct the Export-Import Bank of the United States and the Trade and Development Agency to report quarterly during fiscal year 2004, beginning 90 days after enactment of this Act, to the Committees on Appropriations regarding each agency's activities in Iraq.

In section 2212, the conference report includes a provision similar to the Senate amendment that allows transfers among international assistance programs in this chapter in an amount not to exceed $100,000,000. The House did not address this matter.

Section 2213 of the conference report reflects the Senate language on extending the waiver on Pakistan sanctions. The House did not address this matter.

Section 2214 amends the authorization levels in the Afghanistan Freedom Support Act to be consistent with the levels of funding provided in this Act and H.R. 2800. The reporting requirements in section 2312 of the Senate bill are addressed in section 2215 of the conference report. The House bill did not address this matter.

Section 2215 is a new section that consolidates many of the reporting requirements of the House and Senate bills under one provision entitled "Reports on Iraq and Afghanistan". This includes issues relating to debts owed by the government of Saddam Hussein in Iraq, efforts of the United States to increase resources contributed by foreign countries and international organizations to the reconstruction of Iraq, the manner in which the needs of people with disabilities are being met in the development and implementation of reconstruction activities in Iraq and Afghanistan, progress made in indicting leaders of the former Iraqi regime for war crimes, and efforts by the Coalition Provisional Authority and relevant Iraqi officials to preserve religious freedoms. In addition, this provision includes a monthly reporting requirement on Iraqi oil production and oil revenues, and the use of such revenues, and progress made in accomplishing United States assistance and development goals in Afghanistan. This section reflects the requirements of House section 2207 and Senate sections 2309 and 2314.

In section 2216, the conference report prohibits funds appropriated or otherwise made available by chapter 2 of title II of this Act from being obligated for any activity in contravention of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. This is similar to Senate section 2318, and the House did not address this matter.

Section 2217 is a new general provision that relates to women's participation in reconstruction in Afghanistan and Iraq.

The conference agreement does not include language from the Senate bill expressing the sense of Congress on certain matters. The managers endorse the intent of this language, specifically that: each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt; arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority, and that transfer of authority should occur only after the ratification of an Iraqi constitution and the establishment of an elected government in Iraq takes place; the United States should make every effort to increase the level of financial commitment from other nations to reconstruction in Iraq, and that the United States contributions to these efforts should be done in a manner that promotes economic growth in Iraq and limits the long-term cost to American taxpayers; and, the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other United States allies.

The managers do not include House sections 2212 and 2213 and Senate sections 2308, 2310, 2313, 2314, 2315, 2316, 2317, 2319, and 2320.

TITLE III—INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY

The conference agreement includes a new title that establishes an Inspector General of the Coalition Provisional Authority (CPA). This title is in lieu of provisions in the Senate version of the bill to establish an Inspector General of the CPA. The House bill did not contain a comparable provision.

The Inspector General will perform oversight and promote transparency on tracking of funds; provide continuing review and accumulation of data concerning both reconstruction activities and contracting; monitor the constant flow of information, particularly the accounting of the use of funds and transfers of funds between agencies and other third parties; and establish controls and a record-keeping system that can accumulate and maintain records for future reviews, investigations, and/or audits.

Funding is provided for the Inspector General within the Operating Expenses of the Coalition Provisional Authority account in Title II of this Act.

TITLE IV—GENERAL PROVISIONS—THIS ACT

The conference agreement includes a provision, as proposed by the House, which limits the availability of funds provided in this Act.

The conference agreement includes a provision, as proposed by the Senate, designating the amounts provided in the Act as emergency requirements. The House did not include a similar provision, but did include individual emergency designations with each appropriation account.

The conference agreement contains modified language proposed by the House which ensures that schools serving the children of military personnel continue to receive Impact Aid funds when their parents are deployed or killed while on active duty and the child continues to attend the same local educational agency. The Senate bill did not include this provision.

The conference agreement does not include additional funds for the Department of Veterans Affairs. The Senate proposal included $1,300,000,000 for medical care. The House proposal did not include supplemental funds.

The conference agreement does not include a provision proposed by the Senate (Sec. 5001) requiring the President to submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The House did not include a similar provision.

The conference agreement does not include a provision proposed by the Senate (Sec. 5006) to permit personal injury claims by United States citizens and their spouses and children against a foreign state relating to such citizens being held hostage between 1979 and 1981. House did not include a similar provision.

The conference report does not include House section 3004, prohibiting funds from being provided to any unit of security forces of a foreign country if these forces credibly have been alleged to have been involved in abuses of human rights. As this is also a general provision in the annual foreign operations appropriations Acts, the managers expect these criteria to apply to all funds provided in fiscal year 2004.

The managers do not include House sections 3002, 3004, 3005, 3006, and 3007 and Senate sections 5003, 5004, 5005, and 5007.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2004	$87,039,804
House bill, fiscal year 2004	86,856,029
Senate bill, fiscal year 2004	86,449,004
Conference agreement, fiscal year 2004	87,442,198
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2004	+402,394
House bill, fiscal year 2004	+586,169
Senate bill, fiscal year 2004	+993,194

BILL YOUNG,
JERRY LEWIS,
HAL ROGERS,
FRANK WOLF,
JIM KOLBE,
JAMES T. WALSH,
JOE KNOLLENBERG,
JOHN P. MURTHA,
NITA M. LOWEY,
CHET EDWARDS,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
CHRISTOPHER BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS (except title II),
PATRICK J. LEAHY (except title II),
TOM HARKIN (except title II),
BARBARA A. MIKULSKI (except title II),
HARRY REID (except title II),
PATTY MURRAY (except title II),
BYRON L. DORGAN (except title II),
DIANNE FEINSTEIN (except title II),
TIM JOHNSON (except title II),
MARY L. LANDRIEU (except title II),
Managers on the Part of the Senate.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 75, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 417, I call up the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 75 is as follows:

H.J. RES. 75

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108–84 is amended by striking the date specified in section 107(c) and inserting "November 7, 2003".

SEC. 2. Public Law 108–84 is further amended as follows:

(1) In section 103, by inserting "(a)" after the section designation and by adding at the end the following new subsection:

"(b) For purposes of section 101, the term 'rate for operations not exceeding the current rate' has the meaning given such term (including supplemental appropriations and rescissions) in the attachments to Office of Management and Budget Bulletin No. 03–05 entitled 'Apportionment of the Continuing Resolution(s) for Fiscal Year 2004'.".

(2) In section 125, by inserting before the period at the end the following:

": *Provided*, That such amounts as may be necessary for administrative expenses of the Grants-in-aid for Airports program shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003".

(3) By striking sections 126 through 130 and by redesignating sections 131 through 135 as sections 126 through 130, respectively.

(4) In section 127, as so redesignated, by striking "through 130, and section 134," and inserting "and 129".

SEC. 3. Section 8144(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), as amended by Public Law 108–84, is further amended by striking "October 31, 2003" and inserting "November 7, 2003".

The SPEAKER pro tempore. Pursuant to House Resolution 417, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to explain the bill before us. It is a continuing resolution to extend the original CR until the 7th of November, 2003. This CR is basically noncontroversial. We need this CR because we have not completed all the appropriations bills in conference, although the House passed all of our appropriations bills in the summer. But we are making progress.

After we do the CR today, we will be dealing with the conference report on the interior appropriations bill. Also, I have just filed the conference report on the Iraqi supplemental, which we expect to get a rule on and we expect to have on the floor some time this evening, and which we hope to conclude by tonight.

The CR does include a few technical corrections to the first CR and adds a provision that codifies the term "rate for operations" under the CR, pursuant to OMB bulletin No. 03-05.

Again, Mr. Speaker, I believe this CR is noncontroversial, and I urge the House to move this legislation to the Senate so that the government can continue to function smoothly and efficiently and so that we can continue to finish our work on the appropriations bills.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as everyone knows, we are supposed to have our appropriation bills done by the beginning of the fiscal year on October 1. Right now, even if we pass the Interior bill today, the bill to which the distinguished gentleman from Florida has just referred, we will still have 9 of 13 appropriation bills that are pending, and only God knows when we are going to finish them.

This continuing resolution keeps the government open until November 7. It is a very short CR, highly unrealistic in my view, if people have any expectation that this is going to be the last CR that we need. That means that the good news is we are going to get to do this all over again next week and the following week and probably the following week. I distinctly hope that we can be finished here by Thanksgiving. I desperately hope that we can, but my experience and my instincts are beginning to tell me that that is not at all likely.

I notice that the reports this morning in the National Journal's Congress Daily, I notice the report there, and in one of the newspapers this morning, I have forgotten if it was Roll Call or The Hill, which indicated that the Speaker himself is contemplating the possibility of our adjourning until January 15 because of the inability of the House and the Senate to get together on a variety of bills, not just appropriation bills, but also bills like the energy bill and the Medicare bill.

If we wind up doing that, it will be in essence a repeat of last year. And it means that we will be still dealing with last year's business midwinter of next year, and that will put the entire system again months behind where it ought to be, and God help us, there is an election year coming up, Presidential election year which is going to chew up a good piece of July and August.

So I see here confusion and chaos. And I would point out that when this happened in the last Congress, the majority party had a convenient target. They tried to blame it all on good old TOM, TOM DASCHLE, the then-majority leader in the Senate. Well, to paraphrase what President Nixon said once, the majority party does not have the Democratic majority to kick around anymore because the party, the Republican Party is in control of both Houses. And the White House. And so any delays that we have in passing appropriation bills or other bills for that matter, any delays we are experiencing come because the Republican majority is having an argument with itself, between its House Members and its Senate Members.

I think one of the reasons that this is dragging everything behind again is because, as we all know, there has been a conscious decision, certainly on the part of the leadership of this House, there has been a conscious decision on the part of the Republican leadership to run this House on the narrowest of partisan majorities, rather than putting together bipartisan compromises on each of the 13 appropriation bills. The most spectacular example of that is the Labor Health appropriation bill. The choice has been made to try to govern with only Republican votes.

Now, if you have 300 people who are in support of a bill, it makes it a whole lot easier to get your work done because you have a much wider margin of error. But if you are only trying to run the House with a narrow margin of 220 or 230 votes, then every time you lose five or six votes, it is a big problem because that slows the train down.

So I think there is a lesson in here somewhere if the Republican Party leadership wants to hear it, and the lesson is, that if you reach out and try to reach bipartisan conclusions, the House runs more smoothly and you have a much better chance of not having every little disagreement within your own party lead to delay, delay and more delay. That is just a pragmatic observation, and I would urge that the House leadership take it to heart. I have no expectation that they will, Mr. Speaker, but I wish they would.

I think the problem that we have is that even within the Republican Party, there are a substantial number of Members, if not in this House then in the other body, who have substantial concerns about some of the appropriation bills. Example: Veterans health care has been a huge issue since the President presented his budget, and veterans groups all over the country are objecting to the inadequate level provided for veterans health care, but the VA HUD bill that left the House did not contain sufficient funding for veterans health care even to satisfy Republican Senators. So we had the Senate adopt, because they could not get the VA HUD bill to the floor, we had the Senate Republicans offer a motion which added $1.3 billion for veterans health care to, of all bills, the Iraqi supplemental.

Last night, the conference jettisoned that $1.3 billion and promised that they would put it on the VA HUD bill, but we have no idea whatsoever of how that will be done, whether it will be done by busting the caps, whether it will be done by providing emergency funding, whether it will be done by an across-the-board cut in other items in that bill. We just do not know.

And in that same bill, we have the problem of inadequate funding for local law enforcement because the White House budget tries to pretend that it is funding homeland security items by reducing funding for the normal aid to local governments, local police departments, in the form of the Byrne Grants and other regular law enforcement programs.

We also have the problem of the Labor Health and Education bill where the education funding falls billions of dollars behind the No Child Left Behind Act which the President trumpeted so loudly just 2 years ago. We have a dispute between Republicans in both Houses over adequate funding levels for NIH, and I think there is considerable discomfort within the Republican Party, and certainly within ours, about the inadequate level of funding for special education for handicapped children.

My point is simply that we are here, late in the year certainly it is not unprecedented. It has happened before under both parties, but I do not recall in quite some time it being this chaotic. And I also believe that it would have been very easy to avoid had we had at least modest efforts at reaching a bipartisan approach to the budget resolution, for instance, which has caused the squeeze on appropriation bills.

So, Mr. Speaker, I think we have no choice but to pass this continuing resolution, but I think it is simply another small bridge to next week when we will have to pass yet another one, and I think the best way to break through this problem is not by exhorting people to reach agreement where there is no agreement. I think the best way to break through this problem is by changing the parameters so that we consider a broader-based compromise on some of these bills than has been considered to date.

That is the only way that I see that we can get out of here before Thanksgiving turkey time with any degree of satisfaction and self-respect. Certainly the gentleman from Florida was able to put his bills through the House in a timely fashion, but when such limitations have been imposed, as is the case in this session, it becomes almost impossible for the House and the Senate to reach agreement on time, even when one party is in control of all the levers of government as the majority party now is.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, and I only have a brief closing statement. I wonder if the gentleman from Wisconsin has any additional speakers.

Mr. OBEY. Mr. Speaker, I think we have two additional speakers at this time. I yield 5 minutes to the gentleman from Arkansas (Mr. BERRY) a distinguished member of the committee.

Mr. BERRY. Mr. Speaker, I think that we have indeed on the Committee on Appropriations had good leadership. I compliment the gentleman from Florida on the great job he has done leading that committee. I compliment my own ranking member the gentleman from Wisconsin (Mr. OBEY) for the wonderful work that he does, but I think, Mr. Speaker, rather than just pass another CR and let us see how long we can stall dealing with the problems of the American people, facing up to the reality that we have got some massive problems in this country, it is time to realize that we have some serious problems, and the way to fix those problems is for us to work together like we have under the leadership of the gentleman from Florida and the gentleman from Wisconsin. Let us face our problems, come to some realistic solutions that do not involve enriching our friends, do not involve enriching large corporations, do not involve further enriching the pharmaceutical industry in this country.

One of the things that is holding up the completion of this year's work is the Medicare reform bill. One of the things that is holding it up is the massive debt that we are creating for our children and grandchildren with absolutely no plan, no plan whatsoever to deal with it. Our seniors do not have the medicine that they need, and we know how to fix this problem. We can actually fix this problem without spending a large amount of government money.

We should not leave this Chamber again until we solve these problems or at least come to some mutual agreement as to how we are going to work to try to get this done. We should stay in this Chamber day and night for as long as it takes to get the job done for the American people.

This is not about Republicans. It is not about Democrats. The senior citizens in the 1st District of Arkansas do not give a hoot whether it is Republicans or Democrats, but they do care about the fact that they get robbed by the prescription drug manufacturers of this country to the point where they cannot buy their own food and they are not going to be able to heat their homes this winter. They care about that, and I care about it for them.

It is time that we face the reality of the problems and quit trying to take care of those that have patronized us and work in a cooperative way between the parties, with the leadership of good men like the gentleman from Florida and the gentleman from Wisconsin, to lead us through these efforts and get the job done for the American people.

Let us work together to do this, but let us not leave this Chamber again until it is done.

□ 1130

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

I do not believe that either the chairman of the committee, and I certainly know that the ranking Democrat on the committee is not comfortable with this process, not comfortable with the allocations that have been put forward for crucial legislation for the American people.

At issue and still hanging out there are everything that goes to Health and Human Services and Education that the government does, things crucial to the health of our people, crucial to the education of many; also the issue of veterans health care, as the gentleman from Wisconsin said. We still have not adequately funded and taken care of identified problems with veterans health care, and yet money to do that in the bill coming up later today was stripped from the legislation late in the night.

We have the issue of homeland security. I serve on the Select Committee on Homeland Security, and we know that we are not meeting the needs adequately of aviation security; of port security; of the other aspects of homeland security; of first responders, those who we are going to call on, our fire, our police, and others in our home States who do not have the tools they need to respond day to day, let alone to potentially catastrophic emergencies and terrorist attacks. Yet here we find ourselves again on the floor of the House, yet again continuing through a temporary measure the operations of the government.

I guess things would not be this way if the Republicans held the White House and controlled both the House and the Senate. Oh, well, actually, they do. That is right, I forgot. So it must be the Democrats that are holding things up. Maybe it is Bill Clinton who is responsible for this. I think maybe it is his fault, actually, because he left us with a surplus and now we have a $500 billion deficit and we do not have the money to adequately fund these programs, so we are hung up and cannot get the votes together to pass anemic bills that will not meet the needs of homeland security, will not meet the needs of America's young people, will not meet the needs of our veterans or our seniors. We just do not have the money to do it. We do not have any money at all. We are just stuck here.

Except, wait a minute, later today we are going to take up a bill to borrow $87 billion to continue the conflict in Iraq and to build Iraq; to build an economy for Iraq, to build an infrastructure that is gold plated, a wonderful gold-plated infrastructure; but we do not have money here in the United States to perform some of the same functions. We are going to put another $50 million into the Port of Umm Qasr. I cannot get $8 million to dredge the ports in my district. The President says we are simply out of money. But we can borrow $50 million for the Port of Umm Qasr, and we will be voting on that later today.

Mr. Bremer, the proconsul in charge of Iraq, is appalled that many people get their water through lines from open canals. He thinks they need a modern water system. The city of Albany in my State is doing a bond measure to meet Federal mandates for water supply because they get their water supply through an open unlined ditch, but they cannot get a penny from the Federal Government to help with that project; but we can borrow the money to do it in Iraq.

How is it we can borrow money for all these projects in Iraq and we cannot find enough money here, under arbitrary limits, to fund education programs for Americans, to fund veterans health care programs, to fund homeland security? What is wrong with this picture? Well, it turns out that the Republicans themselves cannot agree, between the White House and the House and the Senate. So we find week after week we do these temporary bills, temporary bill after temporary bill; and yet they do not deliberate toward any real result.

I am certainly not on this esteemed committee, but I am on another committee that will be the subject of debate later today; and I was just involved in a conference committee, except the conference committee never met. The result was dictated by the White House, something that I believe will jeopardize public health and safety, and it was accepted by the majority party. But then they found they could not get the votes to do what the House was dictating they should do. Same thing is happening here with our education programs, with our veterans health care, with our first responders, with our homeland security. The dictates have come down from above the level of this committee that say this is all the money there is.

We can borrow money for Iraq, but we cannot borrow money to fund these vital programs here in the United States of America; and we put a higher priority on cutting taxes. Therefore, we cannot get the bills passed. The votes are not here. This is a very sad state of affairs.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Speaker, I want to ask the chairman a question. Why are we only doing this for a week? We are going to have to do this whole thing in another week? We get up here with all this debate, but could the gentleman tell me why? He knows we are not going to get done in a week; he knows it will take until Thanksgiving. Why are we only doing this for a week? Can the gentleman tell me?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the answer is that I agree with the gentleman, that we will not conclude our work prior to the 7th and we will need another CR. But that will not be due to any problems in the House. That will be because we are having some very difficult negotiations in the conference on the remaining bills, and also the fact that the other body has not even passed four of the bills in their own House.

So I would suspect that the gentleman is correct, that we will need another CR; and maybe I can have a better explanation at that point.

Mr. MURTHA. Mr. Speaker, reclaiming my time, I just do not understand. We know it is going to take longer. I do not understand why we would be forced to go through this same administrative procedure every week. We know we are going to pass the CR. I just do not understand. Are we controlling this from the appropriation side, or is this above our pay grade?

Mr. YOUNG of Florida. If the gentleman will continue to yield, I would say that the resolution before us today is the resolution that the chairman of the committee has presented, and that was a decision that was made at my level and at other levels.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentleman from Pennsylvania yielding to me.

I might mention, because the chairman certainly would not say this, that we are going through this routine, I know in large part, or maybe in small part, because for 40 years the Democrats ran the place and that gave us time to learn a lot by watching what they did. And from time to time they were even smart enough to understand that there was a need to put pressure on the other body, because that other body operates in a way that is hard for me to imagine.

Mr. MURTHA. Mr. Speaker, reclaiming my time, if the gentleman would not mind, let me just respond that I always went for the longest possible CR. I did not want ever to bring up a CR where we had to go through this every week, every 7 days, every 10 days. It is always easier to get it done in a reasonable time. But I understand what the gentleman is saying.

Mr. LEWIS of California. Mr. Speaker, if my friend from Pennsylvania would continue to yield, I know that he is one of the smartest guys in this place, and the leadership has difficulty getting everybody to be as smart as he is. And I would note, Mr. Speaker, that the gentleman from Pennsylvania is speaking today longer than I have seen him speak in the entire time I have been in the Congress. That is how smart he is. And it is a pleasure doing business with him.

Mr. MURTHA. Mr. Speaker, reclaiming my time once again, I know the chairman wanted to extend this, but I just wanted to needle him a bit about doing this every week.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply say, Mr. Speaker, in response to the gentleman from California, that the last year the Democrats were in control, I was chairman. We finished every appropriation bill before the end of the fiscal year, not because there was anything special about me, but because my party leadership allowed me to walk across the aisle to work out a bipartisan allocation between the 13 subcommittees. Even then, we had two-thirds of the Republicans voting against the final product much of the time. But at least I was allowed to put together a bipartisan allocation of dollars, and that is why we were able to finish it on time.

That is in contrast to the instruction that the gentleman from Florida has unfortunately been given by his leadership, which has led to the fact that the Republicans at this point in the House and the Republicans in the Senate are losing an argument with themselves. That is the problem.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin has 7 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Wisconsin for yielding me this time and acknowledge the fact that the work done by the distinguished chairman of the Committee on Appropriations and the ranking minority member in moving the appropriation bills through this body has been on time. We understand that. And we understand that there is a political process that must go forward in order to reconcile the differences.

I agree completely with the ranking member that the parameters in which we are operating under make it very difficult for us to work this out, and we should acknowledge that sooner rather than later so that we can finish the appropriation bills.

I also understand it is unlikely we will finish all our work by November 7. But, Mr. Speaker, I would think that we would use this time to get our work done, rather than a very short week and not dealing with the business that needs to be done. The committee I serve on, the Committee on Ways and Means, has two very important issues we have to resolve before Congress adjourns, and yet we are not doing any work as a collective body on those two issues.

One of the two issues I refer to is unemployment insurance, which is scheduled to expire at the end of December; and yet our committee has not even held a hearing or done any work at all on extending the unemployment insurance bill. One would think that we would use this time in order to make sure that we do not do what we did last Christmas and adjourn leaving those people who cannot find employment without the help they need and deserve through monies that are held in the Federal unemployment trust account. There is $20 billion there. We should be using this time to extend the unemployment insurance system for people who are going to need that help. Instead, another week goes by with no action at all.

Mr. Speaker, let me mention the second issue which my friend from Arkansas mentioned earlier, and that is the prescription drug issue. Since last week, I have had three or four town hall meetings in my district in which the seniors have asked me what is going on on the prescription drug issue, and I have to tell them I do not know because the conference has not met in the open. The House Democrats have been excluded from the conference. I do not know why that is true. After all, one would think that this is an issue that we would want to get completed this year, where we have a real benefit within the Medicare system for our seniors to cover their prescription drug needs.

In my district, there are literally thousands of seniors who cannot afford their prescription drugs. They are cutting their pills in half. They are taking a pill every other day when they should be taking it every day. We need to get that done before Congress adjourns. But the only way, as my friend from Arkansas pointed out, that that is going to be done is if we have a true, open conference in which Democrats and Republicans can work together to bring out a bill that really provides a real benefit within the Medicare system to get our work done.

So I understand we are going to extend the CR for another 7 days so that Congress can try to work its will on the appropriation bills. I also understand we are nearing the end of the session, whether it is Thanksgiving or Christmas; and one of the, I would hope, must-do bills is the prescription drug bill. But not just any bill; not a bill that will hurt seniors, not a bill that is going to affect those who already have prescription drugs and they are going to find out their employer is going to terminate their prescription drug coverage because of what we are doing here; not a prescription drug bill that has no true benefit our seniors can rely on; not a prescription drug bill that has gaps in coverage where seniors are wondering why they are paying high premiums and not getting any benefits; not a prescription drug bill that does not do something to bring down the cost of prescription drugs in our country. That is not what they want.

The only way we are going to make sure that we carry out our commitment on prescription drugs is we openly meet, with the public looking at what we are doing, and resolve these differences in a way that makes sure that we get our job done well and right.

So, Mr. Speaker, I hope that we use these next 7 days not only to reconcile the differences on the nine remaining appropriation bills that should have been passed by October 1, which we should have done well before this date, but we reconcile our differences on the other mandatory bills before Congress adjourns to provide prescription drug benefits for seniors who desperately need it within the Medicare system, a real benefit, a benefit that they know will help them deal with the ever-increasing costs of prescription medicines, and a bill that will extend the unemployment benefits not just to those 80,000 Americans every week who are exhausting their State benefits, but also the million and a half who already have exhausted their Federal benefits that need extra weeks that are included in the legislation that has been filed by the gentleman from New York (Mr. RANGEL) and me.

□ 1145

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time so we can put this particular legislation in context. It is not just about extending government, it is also giving us an opportunity to get our work done before we adjourn this session of Congress.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since I first came to this body in 1969, we have had divided control of government for all but 6 years. The only time we have had Democratic control of all of the power levels of government was the 4 year period under President Carter and the first 2 years under President Clinton. For the rest of that time, we have had divided government until the Republicans took the whole shebang in the last election.

It is clear that regardless of what we want to talk about in yesterday's chapters, the chapter being written today makes clear that the majority party is in control of all of the power levers of government, and they are in a very big debate with themselves. As a consequence, we again, as was the case last year, do not have the work done. That is not the fault of the gentleman from Florida. I do believe it is the fault of those who have decided that every issue will be decided within the Republican caucus rather than trying to work out more broad-based bipartisan bills.

Nonetheless, that having been said, we have no choice but to pass this resolution. I would hope that we would have a sense of realism about how to get the job done between now and Thanksgiving. I doubt that we are going to, so I am afraid the gentleman from Florida (Mr. YOUNG) and I will be back on the floor next week and the following week pursuing these week-to-week extensions. Sooner or later, we simply have to change the mind-set which has allowed this drift to continue.

Mr. Speaker, I ask for an "aye" vote on the resolution.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

First, I want to needle the gentleman from Pennsylvania (Mr. MURTHA) and then I am going to compliment the gentleman from Wisconsin (Mr. OBEY), and then I am going to have a few comments about the issues on the CR.

When the gentleman from Pennsylvania (Mr. MURTHA) said in a friendly way that he was going to needle me, I want the gentleman to know that I have been needled so many times there is not much room left to put needles in, but I am prepared, willing, and able.

Mr. Speaker, I want to compliment the gentleman from Wisconsin (Mr. OBEY) for several reasons. The truth of the matter is that the House's part of this appropriations process has worked very well. The gentleman from Wisconsin (Mr. OBEY) has been a major player in making this process work. Now, I would say we do not always agree with each other. In fact, we disagree a lot. But occasionally we agree with the gentleman from Wisconsin and we support what he wants to do. But when we do not agree, we do not agree; and we are the majority so we can outvote him.

The year when the gentleman from Wisconsin (Mr. OBEY) was chairman, we did not have any CRs. All 13 appropriations bills were passed by October 1, which is the beginning of the fiscal year, and I compliment the gentleman for that because that does not happen very often. In fact, in the last 16–18 years, it has only happened twice. Once was under the watch of the gentleman from Wisconsin (Mr. OBEY), and he deserves a lot of credit for that. But I would also remind the gentleman that he had 82 more Democrats than Republicans, and that made his life a lot easier.

Mr. Speaker, the House has been very successful this year. Let me just relate quickly what we have done in the House. The gentleman from Wisconsin (Mr. OBEY) said he did not want a repeat of last year, and I say Amen to that. We do not want a repeat of last year when we could not even get our bills brought to the floor, although we had marked them up in committee.

So at the beginning of this year, we completed 11 of last year's 13 appropriations bills. We completed, conferenced, and passed them, and they were signed into law. We have also completed, in the House and conference, one major supplemental. We have passed all 13 of our regular fiscal year 2004 bills. We have also passed a mini-supplemental that has been conferenced and sent to the President which has now been signed. We have filed the major Iraqi supplemental, which we will take up in the House this afternoon. So we have had a very, very busy year on the Committee on Appropriations front, here in the House of Representatives.

Our work is not done yet. When we pass the Department of Interior bill today, that will be only four of the 13 bills completed. There are four more in conference: military construction, energy and water, Labor-HHS and transportation. We expect to send to conference the foreign operations bill next week. There are still four bills in the Senate waiting action by the full Senate, Commerce-State-Justice, the Veterans and HUD appropriation bill, the District of Columbia appropriation bill, and the agriculture appropriation bill. We cannot go to conference until they pass those bills.

But to suggest, as one Member did, that there is hardly any action at all, this Committee on Appropriations has been pretty busy and pretty effectively busy.

Another Member suggested that Democrats are excluded from our conferences. I only go to conferences on appropriations bills, but since I have had the privilege of chairing this committee, no Member of either party has been excluded from the work we are doing or from our conferences.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, what the previous Member said was not in any way directed at the Committee on Appropriations. The Member was pointing out in a number of the authorizing committee conferences, that Members of the minority were excluded; and I might point out in the process, probably the public interest was excluded as well.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's comments, and he is exactly right. On the Committee on Appropriations bills, the gentleman from Wisconsin (Mr. OBEY) and I communicate on a regular basis. I try to make sure that the gentleman and the minority are aware of anything that we are planning. We often consult and ask them how they would deal with issues. On the appropriations process, we have a good arrangement and I think we provide a good product. We do not exclude Members.

I know there are some strong feelings about a 7-day CR or a 15-day CR, and probably it would have been more realistic to go a little later into the month when I think we could conclude our bills. I know Members are anxious to adjourn, but for Members on either side who want to complain about getting done so we can get out of here, I have to remind them, that we get paid 12 months a year, and the people should expect us to work 12 months a year. And if it takes 12 months, we are going to do it. Members sign up to get their paychecks every month, and should be prepared to work. We are still not at the end of the year. We will conclude our business before then, but if someone is really anxious to get out of here, maybe they should look for different employment.

Mr. Speaker, I yield back the balance of my time and ask for a yes vote on the CR.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 417, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 13, not voting 15, as follows:

[Roll No. 583]

YEAS—406

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Capuano
Conyers
DeFazio
Filner
Ford
Jackson-Lee (TX)
Kucinich
Lee
McDermott
Miller, George
Paul
Stark
Waters

NOT VOTING—15

Akin
Bradley (NH)
Carson (OK)
Case
DeLay
Fletcher
Gephardt
Gutierrez
Isakson
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1216

Ms. WATERS and Ms. LEE changed their vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2510

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2510.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO ADJOURN

Mr. BERRY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Arkansas (Mr. BERRY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BERRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 76, noes 328, not voting 30, as follows:

[Roll No. 584]

AYES—76

Ackerman
Alexander
Allen
Baldwin
Bell
Berkley
Berry
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clay
Conyers
Cummings
Davis (IL)
DeFazio
DeLauro
Dingell
Doggett
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Lowey
Maloney
Markey
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Nadler
Neal (MA)
Oberstar
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Rodriguez
Ruppersberger
Sanchez, Loretta
Sanders
Sandlin
Slaughter
Snyder
Solis
Thompson (MS)
Towns
Udall (CO)
Velázquez
Waters
Woolsey

NOES—328

Abercrombie
Aderholt
Andrews
Baca
Bachus
Baird
Baker
Ballance
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Akin
Ballenger
Bartlett (MD)
Bradley (NH)
Case
Crane
DeLay
Fletcher
Foley
Gephardt
Gutierrez
Harris
Hunter
Isakson
Manzullo
Marshall
McCotter
McDermott
Miller (NC)
Moran (VA)
Owens
Pearce
Pickering
Pryce (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Stupak
Tierney
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1234

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 422 is a rule providing for consideration of the conference report accompanying H.R. 2115, the Vision 100—Century of Aviation Reauthorization Act.

Mr. Speaker, I would briefly remind this Congress of the essential authorizations provided through this bill. First and foremost, the legislation reauthorizes the FAA for 4 years and $3.4 billion in fiscal 2004, increasing by $100 million each year thereafter. The FAA is, of course, primarily responsible for the safety of the Nation's skies through activities ranging from the continued monitoring by air traffic controllers to the development of new airspace technologies.

The district that I am honored to represent contains Miami International Airport, consistently one of the Nation's busiest, both for international and domestic travel. I am always impressed by the level of public-private cooperation between such organizations as the FAA and Miami International. This cooperation is evident, as well, through many provisions in this legislation, for example, $500 million for airport security improvements at airports; grants and tax credits for low emissions; compensation to general aviation for losses from security mandates; and war risk insurance to the airlines through March 30, 2008.

This Congress was quick to assist airlines after the tragedy of 9-11, and rightfully so. The economic benefits from the movement of people and goods the airlines provide obviously demanded our attention. However, we must also consider those smaller aircraft which were restricted for months. Accordingly, this Congress will act through the underlying legislation to help general aviation return to financial stability by providing compensation for the hardships on their business. This bill authorizes $100 million for these general aviators that were greatly affected by increased security restrictions.

I would like to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for their extraordinary leadership on this important reauthorization, and I urge my colleagues to support this important rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I thank my friend from Florida for yielding me the customary 30 minutes, and I yield myself 5 minutes.

Mr. Speaker, I rise in strong opposition to this rule, and I urge my colleagues to vote it down. Just when I think I have seen everything, the Republican leadership comes up with a new surprise. We are seeing appropriation bills that no one can amend. We have seen huge multibillion dollar omnibus spending bills being written in secret and shoved through the House. We have seen twisted arms and broken promises. But tomorrow is Halloween and the leadership has come up with a brand-new trick: the invisible conference committee.

As everyone knows, just 2 days ago, the Republican leadership, after nearly 5 weeks of delay, finally brought up a rule to send the seriously flawed FAA conference report back to the conference committee. The House, in a bipartisan way, approved that rule, with the hope that the flaws in this bill could be fixed and we could reauthorize important aviation and safety programs. Instead, the invisible conference committee did not hold a single public meeting, a violation of House rules, and did not give Democratic members any opportunity for input or amendment. In fact, Democratic members of the conference were never even notified that a conference was taking place, and they were never notified that a new report was ready until after this new conference report was filed.

Now, I do not even know if Republican members of the conference committee met, or if some leadership aide or some lobbyist changed the bill himself on the back of a napkin.

Mr. Speaker, this is outrageous.

When we shared our concerns with the chairman of the Committee on Rules last night, he told us that he understood where we were coming from and that he would talk to his leadership about it. With all due respect, Mr. Speaker, it is not enough to feel our pain. What we are looking for is fairness. Last night, the Committee on Rules Republicans could have stood with Democrats and demanded that the House rules and procedures be respected. They had their chance to make their actions match their rhetoric. But sadly, they chose, once again, to follow their leaders, rather than follow the rules.

Again, this is not an isolated incident; this is part of a continuing pattern of disregard for the rules of this House, disregard for other points of view, disregard for open debate, disregard for bipartisanship, and disregard for the American people.

As I have said before, I understand that the majority has the responsibility to manage the House and that the Committee on Rules can be a tool in that effort. But under this Republican leadership, the Committee on Rules has become not a tool, but a weapon, a weapon used to smother, stifle, and suppress; a weapon used to cover up bad behavior and undermine the democratic process.

These matters, Mr. Speaker, are not just "inside baseball." They are matters that directly impact the American people. In this case, the conference report for the FAA bill does not just directly contradict the expressed bipartisan will of both the House and the Senate; it also jeopardizes the safety of the people we represent.

The bill still allows for the privatization of air traffic control, despite the fact that both the House and the Senate voted to prohibit privatization. If this provision becomes law, it will begin the dismantling of the air traffic control system as we know it.

We cannot allow our air traffic control system to be farmed out to the lowest bidder. Safety must come first, and we cannot do it on the cheap.

A while back, some Republican Members claimed that they opposed privatization so strongly that they pledged to vote against the conference report. I hope they follow through with that promise today.

And the bill, Mr. Speaker, still changes antiterrorism training for flight crews from mandatory to discretionary. The Homeland Security Act of 2002 directed the Transportation Security Administration to issue security training guidelines for flight crews. Section 603 of the FAA conference report guts this directive in order to give air carriers the authority to establish those training requirements at their discretion. The TSA has developed the training for Federal flight deck officers and the Federal air marshals. It only makes sense that the TSA should be responsible for developing the antiterrorism training for flight attendants so that there is a coordinated response from the entire flight crew in the event of a terrorist attack. To do anything less, Mr. Speaker, is to place special interests above passenger safety, and that is absolutely unacceptable.

Mr. Speaker, this is not the way the people's House is supposed to run. What has happened with this conference report is an outrage and an insult, not only to Members of both parties, but to the people we represent. I strongly urge my colleagues to defeat the previous question and defeat the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I certainly have not seen it all, but I am learning a lot this morning, hearing the debate. Approximately 150 towers were privatized during the Clinton years. This legislation does not mandate any privatization of towers, and yet trying to reconcile with this reality and these facts, what I am hearing.

Mr. Speaker, at this time, in order to elicit some information and some facts about what the legislation is doing, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation.

Mr. YOUNG of Alaska. Mr. Speaker, again, I would like to thank the gentleman from Florida (Mr. MICA) for carrying this load. I had to come to this floor because there has been a lot of misunderstanding about this legislation.

All the way through this legislation the gentleman from Minnesota (Mr. OBERSTAR) and his staffer, Stacy, were involved in this legislation as it passed from the committee and to this House floor. I was charged as chairman of the committee to meet with the Senate, and it is a two-way street, and the Senate and the House did meet.

By the way, in this bill, for the other side, the Democrat side, the provision included a special rule to maintain the minimum AIP entitlement at small airports that had lost passengers. That was the gentleman from Massachusetts (Mr. McGOVERN) piece of legislation. It included a sense of Congress on fifth freedom and seventh freedom flights. That was the gentleman from Illinois (Mr. LIPINSKI). Increase the Metropolitan Planning Organization, MPO, participation in airport planning process; that was the gentleman from Oregon (Mr. BLUMENAUER). A requirement to provide additional information to families affected by aircraft accidents, that was from the gentleman from New York (Mr. WEINER). Restrictions on flights to Teterboro Airport, that was the gentleman from New Jersey (Mr. ROTHMAN). Flight attendant certification; deadline of issuance of stage 4 noise reduction rule; curriculum standards for maintenance technicians; provision on foreign repair station security. All of these came from the other side, and they are in the bill.

The conference did meet at the request of the Senate side and, at that time, the Democrats offered an amendment to prohibit the FAA from contracting out any more air traffic control towers and it lost.

□ 1245

And it lost. And I have to remind everybody in our bill I protected 95 percent of the control towers. Sixty-nine could have been contracted out; sixty-nine. Under of the Clinton administration 194 were contracted out. And no one said a word, privatized and no one said a word. I protected 95 percent of it. But because of the misinformation, the cry of anguish, now we went back to the old law, existing law, the way it existed for the last 10 years. And that is the law we had that was stripped out of this provision.

And, very frankly, I was disappointed that there was nobody signing the conference report from the other side. We tried to finalize it before it expired, this act itself, and now we are on the floor today. And I ask my colleagues, the good in this bill far outweighs what is said bad about it. It allows our airports to function. It improves our airports, and it improves safety all the way through this legislation.

I know there has been a lot of disinformation, and, unfortunately, I cannot control everything that happens in this House. I wish I could. I would like to be given about 20 minutes as a dictator, I would straighten everything out. But that will not happen. This is a democracy.

But this, overall, is a good piece of legislation. Yes, I even arrived at a solution with the delegation from D.C. and Virginia on the slots, an agreement we made. So there are not that many slots requested from the Senate. And I prevailed on the House side.

So I hope with the information that is given us in the debate on the rule, and the debate itself, you understand that this bill is, overall, a good piece of legislation with the bodies on both sides of the aisle having to work together to arrive at a solution.

Now, we can demagog this more and more; we can rattle on about it more and more. But in reality, the legislation before you today should become law, and I hope it will be passed on.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the committee.

PARLIAMENTARY INQUIRY

Mr. PASCRELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman will state his parliamentary inquiry.

Mr. PASCRELL. Mr. Speaker, has there been a violation of the House rules, the rules of this House and the integrity of this House in convening the conference on the FAA bill? That is my inquiry.

The SPEAKER pro tempore. Under the precedents of the House, a conference report must be the product of an actual meeting of the managers appointed by the two Houses.

Mr. PASCRELL. Mr. Speaker, has that been the case with this bill?

The SPEAKER pro tempore. The pending resolution proposes to waive all points of order against the conference report. Members may debate the necessity or advisability of doing so.

Mr. PASCRELL. Mr. Speaker, so in other words, the Committee on Rules made their statement, therefore, that is the answer to the question, really. Correct, Mr. Speaker?

The SPEAKER pro tempore. The Chair will just reiterate what was just stated.

Mr. PASCRELL. Mr. Speaker, let me say this: That on 9/11, this public system that we have in the United States was able to land 700 planes in a very short period of time. They cleared the air in 2 hours. And as the ranking member of this committee has stated most eloquently, if the control of the national air space and the safety of the traveling public is not a governmental function, one has to question what is. And I think that sums it up in a nutshell.

We have had a failure of privatized baggage screening in this country, and that is why we moved into the public sector. And while those on the opposition would say that this does not, this does not advocate privatization, we know what the agenda is down the street, a part-timing of the workforce in this country, no question about it, and trying to do everything we can to undermine organized labor. My colleagues know it and I know it, regardless of where one stands on this legislation.

If one says this has nothing to do with this legislation, then what are we debating for? Why did this House vote 418 to 8, which is a pretty startling number, 418 to 8, the Committee on Transportation and Infrastructure voted, they made their decision very clear. And it is an absolute abomination that we have taken that vote and tried to strain it, cleanse it, to do everything we possibly could to it, to bring back to this floor legislation that could have had bipartisan support, that did have bipartisan support, in order to divide this Chamber. Division, division, division. Because you have in sight your objective, and your objective is to part-time the workforce in America. You have not gone far enough. And you are afraid to talk head-on to it.

This is not the end of it. There is going to be more than adjournments, it is going to be more than debates. It is a central issue in American politics today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, I am pleased to respond to some of the points that have been raised on this particular rule. Having participated in the development of this legislation on this conference report, I am familiar with some of the details that I think we should, again, separate fact from fiction.

First of all, the conference did meet. I have a copy of the transcript of the conference. Let me say, first of all, in the development of the bill, I have heard comments about this not being a bipartisan effort. I can say that I have been in the Congress for 11 years. And I was in the minority, and I saw how things operated in an oppressed fashion, being part of the minority I said that would never happen when I was given the opportunity to be in a leadership position.

So I conducted more hearings on the reauthorization of AIR-21, FAA reauthorization, than we did on AIR-21's original hearings. And I have a list of all of the hearings that we conducted. I went into the home district of the ranking member and conducted a hearing. I can tell you with every single issue in this piece of legislation, the minority was consulted.

The chairman of the committee, the gentleman from Alaska (Mr. YOUNG), just got up and told you that much of this legislation, in fact, is the work product of the minority. Opportunities I could not have dreamed of when I was in the minority.

So to say that somehow this has been unfairly conducted, or some opportunity not given, is not correct. It is not factual.

Then we get to the point of the conference. A conference was held and the major issue, there has only been one point of contention on this legislation from the beginning. That is the question of the contract towers. We held a hearing and we had an actual vote on the issue.

Here is the vote. Here is the transcript. Let me read: "Mr. OBERSTAR. Mr. Chairman, if I am recognized for the purpose of a motion, I move to adopt the language I have referenced with respect to the language of air traffic control privatization and the air traffic control tower language." There was a vote and they lost.

We put in the provision 69 towers. It was done in an open meeting. They were given an opportunity for a vote. This is the vote.

Mr. Speaker at this point I will insert this into the RECORD.

Mr. OBERSTAR. Mr. Chairman, if I am recognized for the purpose of a motion, I move to adopt the language I have referenced with respect to the language on air traffic control privatization and the air traffic control tower language.

Mr. YOUNG. On the House side, all in favor, signify by saying aye.

All opposed, signify by saying no.

The noes have it.

So this was done in fairness.

Now, I do not remember too many conference reports that have been filed and been out there. We filed this the July 24. The conference has been out there. And we would have taken this up the week that we left, but we did not have time on the floor.

And in the meantime, NATCA has spent, I am told, I do not know if this is accurate, but I am told $6 to $7 million in a campaign of disinformation to take this provision out. Now, what we have done is we won in an open conference, and now we have recommitted the bill and we have agreed to take out the objectionable provision. So we lost. We gave again to the side to take out the provision, and they still are not happy. They say they are not being treated fairly.

We had a vote, we had an open conference, and we have taken out the issue of contention. All the other issues, every issue, was debated, every issue was discussed in hearings. And I have copies of all the hearings. I would be glad to have them made part of the RECORD.

So, again, the question of unfairness is unfair. Let me say to the gentleman from New Jersey (Mr. PASCRELL) who just spoke, and I have the greatest respect for the gentleman, the planes that landed September 11 that the FAA brought down, half the towers in the country, almost half the towers in the country, 219 are contract towers. They are supervised by the Federal Aviation Administration. They are managed by private contractors. So on September 11, those people performed well.

The issue of the 69 towers, the 69 towers we did not pick out of the vacuum, out of the sky to put in the bill to look at for possible conversion to contract towers. Those FAA towers were examined in the year 2000 by the Inspector General. Not by the CBO, not by some partisan group, but by the Inspector General.

The Inspector General looked at those towers. He compared them in 2000 and found that the all FAA towers had 2.5 times more safety errors than their counterparts, the contract towers. And the cost was substantially more.

This did not satisfy the union, so they asked for another restudy. So we asked for a restudy requested by NATCA. They reviewed it in 2002 and 2003. Here is the report. In the report they said you did not do the right comparison. You have to compare the flights, the number of flights, hours of operation. So they did that. And they just completed that. You know what? An even more exact comparison found, that there is five times the error rate in the FAA towers. So they are less safe. And they cost, look at it, the report, an average of 12 of them, $917,000 more to run.

So, we have taken out the provision that was objectionable to the other side, and they still are not happy. This reminds me of that song, the Hokie Pokie: You put your right foot in. What else can we do?

So we are here today, folks, to stop the Hokie Pokie. This is very serious because our aviation system depends on it. Our improvements of our airports depend on it, and that is in this legislation. The security improvements depend on it, and many of our airports are lacking those security improvements. They are being held up because this bill is not passing.

Essential air service to our small and rural communities, never before have we produced a piece of legislation that will do more to expand air service with an aviation system that now has been under such duress that we have nursed it back. This will do more of the job to create employments and opportunities for all Americans.

So the argument that we have not given a fair opportunity to the other side is bogus. The argument that is trying to be posed here today that we somehow did something in the dark, without consultation, here is the record. This is the record. We have been fair. We have been open. We have even acquiesced to their number one demand and to what the union has spent $7 million on in an unprecedented campaign of lies and distortion and misinformation, so we can move this legislation forward, so we can help our ailing aviation industry.

□ 1300

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), who is the ranking Democrat on the committee.

Mr. DEFAZIO. Mr. Speaker, that was a wonderful exercise in obfuscation.

The critical thing is that the House voted unanimously to send a failed bill, a bill which had inserted privatization into a system that no one voted to privatize when the bill passed the House and the Senate will taken up and a majority voted to not privatize, and they had a press conference and then they brought the bill back. I was supposedly a member of that conference committee. There was no conference committee. We did not meet. We found out from the press that they had reported back the conference.

The conference in July, which was called in a very hurried way, yes, we actually had one meeting. We were to meet again after we had a series of votes. We are still waiting for that meeting. The point is, suddenly after both the House and the Senate had voted in the interest of public health and safety and control of the national air space and national security to prohibit the privatization of air traffic control of the United States of America, both bodies had voted overwhelmingly to not privatize. Suddenly a Senator shows up with an amendment to privatize 71 air traffic control towers.

When asked about it, he said, this was a de minimis sort of amendment. The chairman objected, the gentleman from Alaska (Mr. YOUNG), because it included Alaska. So suddenly this great principle of privatizing 71 was dropped down to 69 like that.

Here is what the gentleman from Alaska (Mr. YOUNG) said recently about this: "My hotel room is on the top floor of the Sheridan and the airplanes take right off towards my hotel room. Every morning I look out and there is one coming right at me. It is an interesting experience and I want to make sure everything is done right in that field."

So somehow in Alaska, nowhere near as busy as many of the other airports in question here, it is not safe to privatize, but somehow it is safe to privatize other major facilities. In fact, what the majority has done is they took out these 69 airports and they have opened the door wide because they have stripped the original exclusion of the House and the Senate on privatization from air traffic control from the bill entirely.

So now the President has determined that the air traffic control of this country, the control of our air space, the safety of the traveling public, is not an inherently governmental function. That is what the President has done, reversing an executive order of the previous President. That has opened the door to privatize the entire system or, worse yet, to fragment it up and cherry-pick out some profitable areas to be subcontracted or contracted to Halliburton or others.

That is what this is all about. We have the most productive and safest air traffic control system in the world, bar none. What problem are we fixing? We are fixing the problem that nobody is making money on it. It is run by the government. That is the problem. We should put this on the model of the private security we had at airports before 9/11.

Have we so soon forgotten the firms, Argenbright and others, who hired and maintained on staff known felons to provide screening at airports, paid minimum wage, had a turnover of 140 percent, that would be the model for our air traffic control system? They want to cheapen it, dummy it down. As one of my colleagues said, rent-a-controller.

Maybe we can get temporaries. Maybe we could transmit all the data to India and have the people there do our aircraft spacing. Come on. This is the safest, best run, most efficient system in the world, bar none. What problem are you fixing here? You are not fixing a problem, unfortunately. You are attempting to open the door for someone to make money and to allow the airplanes, perhaps, to dictate how the system runs.

Maybe we can get those planes closer together. We do not really have to worry about wake turbulence. Maybe we could taxi them a little quicker. We do not really have to worry about collisions on runways. Maybe there are other places we could squeeze the system.

Every one of those things would jeopardize the safety of the American public which I put paramount and this bill does not, and this process is absolutely corrupt.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Florida (Mr. MICA), and I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), and I thank the members of the conference committee, and I particularly thank the chairman.

There were some difficulties following the conference committee meeting when I was there and others were there. There was a conference committee meeting and there was some argument over the 69 towers, and the bill before us today corrects that argument.

Now, what I would like to correct for a second are two facts or two statements that I have just heard.

First of all, this bill is about the safety of the American people and a failure to adopt this conference committee would be turning the back on the safety of the American people. That is number one.

Number two is about if you represent a major airport in this country, an airport that is gone through the trauma of the post 9/11 period, an airport that is now working with the CX 9000 equipment and the other equipment we are mandating. This bill puts into statute the conference committee report, the reimbursements in law that those airports will receive. It removes us from last-minute supplemental appropriations with cries for needs of money from airports and the moving of the shell game.

This conference committee report addresses the rural and smaller airports in this country. This conference committee report is all about safety, notwithstanding what one's policy may have been on the issue that took us to the controversy that caused the bringing back of this conference report and for it to be rewritten.

The fact of the matter is it is obfuscation if someone stands here in this House and says that this bill continues what has been corrected. This bill corrects the deficiency. This bill is an investment in the safety of the American people that fly; and a vote against this rule or against this bill would be a vote against their safety. So I commend the chairman. I commend the gentleman from Florida (Mr. MICA), and I commend all the Members of this House who care about the safety of the American people, the safety and security of our airports, and the continued great aviation industry we have. I urge Members to vote for the rule and for the final report.

The SPEAKER pro tempore (Mr. SWEENEY). The Chair will notify Members that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 9½ minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 19 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON), who is a member of the committee.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time.

I can identify with the frustration of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) because you really did do your job. You have gotten a good bipartisan bill out of committee, and I know it because up close there were things that both chairmen worked with me on together.

Their bipartisan bill did not have privatization. It is really hard to find out who are the folks that are for privatization because you will not find them in the committee, and you will not find them in the House and the Senate, and that is who I thought we were. This breaks my heart because both chairmen worked so closely with me to get changes in this bill that I wanted and some of them were controversial. An example is the slots, very controversial.

I did not get all I wanted, but instead of the proposed 36, it is down to 20 and we worked together to get that. I worked with the gentleman from Florida (Mr. MICA) and the gentleman from Alaska (Mr. YOUNG) because general aviation here had not been reimbursed and everybody else had been reimbursed. They said we will work with you and they did. There is $100 million in here for the small airports that were not reimbursed the way the big airlines were.

D.C. was hit especially hard because we are not open yet. They worked with me on that and there is language in there instructing the Department of Homeland Security to develop and implement a plan to open to general aviation, including charters, to the airports so that they can come in.

They worked with them on language to get airplanes here, state-of-the-art airplanes that take more passengers, but they are quieter and more fuel efficient. My only regret in this bill for myself is that the Metropolitan Airport Authority has to come here to ask for grant funds that everybody else gets automatically. Having all of that good stuff and it is full of other good stuff for the entire country in here, the chairman did not want privatization here. We have privatization messing up the bill and causing a huge controversy in this House.

First, the small airports will be the guinea pigs. The poor 69 airports they have come and screamed to high heaven. Many of us were nervous because we thought after the guinea pigs the rest of us would follow. The problem, I want to say to my good friend, the gentleman from Florida (Mr. MICA), is once the language is bare, it leaves the impression, and I think that most of us have the impression, that anything can be privatized now. It leaves the impression that instead of improving the bill, we have gone from bad to worse.

I know what we went through with security guards. If we believe that security guards are inherently governmental, and that is the language here, we surely have corrupted the concept if air traffic controllers are not governmental. 9/11 changed everything. It is a bright line. We are not willing to risk anything in the air.

We are no longer willing to risk anything in the air. I would defy the other side to stand up when I am through and give me an example of something that is inherently governmental if air traffic controllers are not. After 9/11 we would not leave anything to chance in the air space of our country, and the problem with the private sector is they are in the business of making money. They have got to cut corners if it gets tight. This bill fails the indispensable test of guarding our air space as we promised in the post-9/11 period.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), who is also a member of the Committee on Transportation and Infrastructure.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this conference report which is the subject of the rule represents only the second time in modern history that a conference report filed by the Committee on Transportation and Infrastructure does not include a single Democrat signature. The first time this happened was the first conference report on this same bill which subsequently had to be recommitted, and this last conference report is no better; and we will be back here again because this bill will simply not pass the Senate.

Now, the House rules governing conference committee requires that at least one conference committee be held and what that means is that all of the conferees, all of the conferees get invited in democracy, my friends, in a democracy which we try to promote throughout the world. We stand here and resolution after resolution promote it throughout the world. We are in Iraq. We are in Afghanistan, but here in the greatest democracy in the world, Democrats representing 134 million Americans in this country through the 206 members of the Democratic Caucus do not get invited to a conference to have those Americans' views on this important air safety issue.

That is outrageous and it is the corruption of the process and the corruption of the House rules. You are supposed to have a conference committee that brings all to the table. Not only did you corrupt the House rules and the conference, you corrupted the will of the House that voted overwhelmingly in a bipartisan manner on this question of air privatization of air traffic controllers.

The House clearly said we do not want rent-a-controllers. The chairman of the full committee in the first conference report did not want it for Alaska. So if it is not good for Alaska, it is not good for any other State of the Nation. I agree with him and his wisdom.

Also, you corrupt the process when you do not permit the opportunity for our colleagues to participate on behalf of those 134 million Americans. After September 11 we did not privatize screeners; we Federalized them. We federalized them. And on the September 11 day, it was these air traffic controllers that brought to the ground hundreds and hundreds of planes across the country in a very incredibly short period of time in order to ensure the safety of those who were traveling on those planes and the safety of all Americans should those airplanes be used as they were used in New York and in the Pentagon as weapons of mass destruction.

So let us give to air traffic controllers in a privatized function the responsibility for air security as well.

□ 1315

America cannot afford, in terms of the traveling public's safety once they are in the air, to have those airplanes which we have seen can be turned into weapons of mass destruction, ultimately be controlled by some privatized entity.

We need to continue to keep it as it is. It is the safest, most reliable system in the world. I simply do not know why we are trying to undo that, and I certainly do not know what is so terrible about the marketplace of ideas that my colleagues cannot have us in the conference room and the opportunity to make sure that the rest of America knows what they are doing.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I sympathize with my good friends on the other side of the aisle. When I arrived in this Congress along with the gentleman from Florida (Mr. MICA) 11 years ago, I was in the minority, and I remember what it was not to have the votes, the majority of the votes to get one's ideas passed and to come into law. So I sympathize when now our colleagues on the other side of the aisle do not have the majority of the votes, how they must feel, but I think it is important that some facts now be put on the record, Mr. Speaker.

This legislation before us mandates no privatization of towers. During the years of the Clinton Presidency, approximately 150 such towers were privatized. I do not recall my friends protesting, but this legislation, which obviously they are complaining about today, mandates no such privatization of towers, like we had 150 during the Clinton years.

Despite the fact that we on this side of the aisle have the majority of the votes, it is important to point out that in the writing of the bill and the original conference report, our friends on the other side of the aisle were intimately involved. Many provisions, in fact, were included in the bill at the request of our friends on the other side of the aisle.

For example, a special rule to maintain the minimum AIP entitlement at small airports that have lost passengers, I am told the gentleman from Massachusetts (Mr. MCGOVERN) came forth with that idea.

A sense of Congress on 5th freedom and 7th freedom flights, I believe the distinguished gentleman from Illinois (Mr. LIPINSKI) brought forth that idea.

An increase in the MPO participation in the airport planning process, I believe the gentleman from Oregon (Mr. BLUMENAUER) had that idea.

Requirement to provide additional information to families affected by aircraft accidents, I believe the gentleman from New York (Mr. WEINER) had that idea.

Restriction on flights at Teterboro airport, I believe the gentleman from New Jersey (Mr. ROTHMAN) had that idea.

Flight attendant certification, deadline for issuance of Stage 4 noise reduction rule, curriculum standards for maintenance technicians, provision on foreign repair station security, all of these ideas came from our friends on the other side of the aisle.

So it is important for the facts to be known. There is frustration in being in the minority. I remember my first term here, but let us not negate the facts that in the fairness of the majority, many ideas of the minority were included. So I think that is required. I think that is required by democracy, respect for the minority, and we see in this legislation the fruits of much respect for the minority, but in addition to ideas that were brought forth by the minority, there are many ideas brought forth, I would say many more, by the majority that are very important to the safety of aviation in this country, Mr. Speaker, and that is why we must pass this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me the time.

I thank the Speaker and I guess my good friend on the other side of the aisle, a good friend of mine, but if I must answer the question about our frustration, it is because democracy has been hijacked. The simple question is on this FAA reauthorization is why this could not have been sent back to the conference committee.

Right now, without giving further details, we have an incidence on this campus dealing with some potential danger. We are living in a new climate, Mr. Speaker. We are living where Americans are afraid because we suffered through 9/11 and the tragic loss of life. What an outrage to suggest that in this climate, we will begin to privatize air traffic controllers, the most crucial aspect of flight operation, and to my good friend, the 150 privatized that he alleges under the Clinton administration, that is wrong. They were not under FAA authorization, Mr. Speaker. We are grabbing these from FAA authorization.

Let me just say, Mr. Speaker, in concluding, we do not have trained flight attendants. My colleagues have taken out the language about settling the question of 65-year-old pilots.

This is a bad bill. They have hijacked democracy. We should vote no for this, and the other side realizes that it has treated us unfairly. This rule should be voted down.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I might consume.

Just to reiterate, we reiterate some facts that I attempted to bring out before. First of all, with regard to the towers privatized, airports privatized, during the Clinton administration, about 100 of them were former FAA staffed towers. I reiterate again, that in the legislation brought forth today, there is mandated no privatization of towers.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I rise on behalf of the largest general aviation airport in this country, Van Nuys airport, and the million people who live in its environs. This bill is designed to selectively privatize air traffic control. That is unsafe, and it is inherently going to be political.

The chairman of the committee said, "my hotel room is on the top floor of the Sheraton, and airplanes take off right towards that room." That is why Alaska was not going to be included in earlier drafts of this bill. The gentleman from Florida (Mr. MICA) announced to the Aviation Daily that he was going to selectively include and exclude airports based upon which political support he needed for the bill. But at least the prior drafts of this bill represented an open, corrupt, political process for deciding which constituents must live with unsafe conditions, that the chairman of the committee would not subject himself to.

This bill [in its final form] provides us with opaque, political decision-making, with the White House doing everything [which air traffic control towers to privatize] behind closed doors. Vote against the rule, and against the bill.

Mr. McGOVERN. Mr. Speaker, can I inquire how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Massachusetts (Mr. McGOVERN) has 10 minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 6 minutes remaining.

Mr. McGOVERN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR) who is the ranking Democrat on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding the time.

I am somewhat bemused by the quaint reconstruction of history to which we have been treated by the chairman of the subcommittee, reconstruction of what took place in the House-Senate conference that met for 1 day July 24 and has not met since.

The gentleman also said there was only one issue, only one amendment offered. It was a conceptual amendment that I offered to a concept to which we had been treated but for which we did not have paper. And so since we did not have, and contrast every conference I have previously participated in over 24 years, I offered an amendment in concept, and we had a cursory discussion of the subject matter which was to reinstate the Senate language, and that was voted down.

We were notified of votes in the House and in the Senate. The conference adjourned with a reference by the chairman of the conference that we might meet again, if we could somehow get together, but it was urgent and important to get this bill through conference, to the House and Senate floor, so that it could be passed before the August recess. The reason there was only one subject discussed was that is all that we were given time to discuss.

There are at least four major issues. One, the air traffic control privatization which has been said time and again in this Chamber and the House voted clearly to prohibit the privatization of the air traffic control system; the other body did the same. And yet the conference report that appeared the next day, after this very urgent, important meeting that we had to conclude the work of the conference and never met again that night, magically a document appeared, and the item that had been voted on and recorded votes in the House and Senate, just disappeared, vanished.

We never had, in the conference, an opportunity to discuss other issues such as mandatory training of flight attendants. We never had an opportunity to discuss the cabotage issue in Alaska, and we never had an opportunity to discuss the matter that the gentleman from Pennsylvania (Mr. PETERSON), the day before yesterday, so forcefully brought up on this floor, which was essential air service and requiring small communities to pay for air service, never had that discussion in that conference, and this document appeared full blown from the head of Zeus, magically.

Why we could not have documentation at the conference 24 hours earlier is beyond me, but that did not happen. So then 94 days expired without that urgent bill being brought to the House floor, and then finally the majority decided that either there were not the votes in the Senate or there were not the votes in the House to pass the document as reported from the committee of conference. So they came back to the Committee on Rules. The Committee on Rules brought a bill to the floor. We all voted, recorded vote, unanimous on both sides, urged all Members on our side, vote for it.

This is exactly what we had asked for to go back to conference, and we had a gentlemanly discussion about conference and then it did not happen.

That is unprecedented in our committee, and I think an insult to the Members of the House, and I take it personally. I have served 40 years on the Committee on Transportation and Infrastructure. Never have I seen this happen. Voices were stifled. I see the gentleman from Illinois who presided at the event honoring the previous minority leader with the words, The greatest speaker who never was, Mr. MICA, who said at that ceremony, I never felt in the minority that I was excluded because the rules of the House protect the voice of the minority.

The rules of the House were suppressed, absconded with when they the majority failed to reconvene the conference as the rules of the House require. That is what is wrong.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman of the Subcommittee on Aviation.

Mr. MICA. Mr. Speaker, as we conclude the debate on this rule, again I urge my colleagues to pass the rule. We have tried to be fair in this process. I have tried to be fair. There is one issue. I mean we can talk about a host of other issues, and in this system of 435 Members, I have over 40 Members on the subcommittee. There are over 70 on the full Committee on Transportation and Infrastructure. We all know that we all do not get all of our ways.

We heard the gentlewoman from the District of Columbia (Ms. NORTON) give a very eloquent reminder of her contributions and our working together. This bill does represent 99.9 percent of us working together to solve issues and move our aviation industry forward.

□ 1330

It does boil down to, unfortunately, this one issue that has divided us. We have acquiesced to the other side. We did put in 69 towers out of the 71 towers identified.

The two from Alaska, and please do not pick on my chairman, the gentleman from Alaska (Mr. YOUNG), he represents an area that is just unbelievable. You have to go see Alaska to believe it. It takes 3½ hours by jet from one end of the State to the other. And the two towers that were named in this report, first of all, the gentleman from Alaska (Mr. YOUNG) has probably more contract towers than any 10 States put together, but the two that were mentioned in this, one is being converted to a capstone, that is the Juneau, Alaska, tower; and the other one, if you go and look at the Anchorage tower, it is quite unique. It has a combination of military, private sector, and FAA operations. So they really do not fit into this program. And that is why that was exempted. But what we have done here is we have taken out all 69.

Now, yes, I offered if anyone wanted to read this report that says that a contract tower which is FAA supervised and privately managed is 4½ times safer, really it has 4½ times less error than an all-FAA tower and it costs less. Heaven forbid in Congress we should deal with saving the taxpayer money and have something that is safer and costs less, like this report identifies. I suggested we give the other side the opportunity, but they do not want to do that. I said I will give that opportunity. If people want to do that, fine.

The conference participants really have decided what the issue was. There is one issue. Here is the record. So it has, in fact, boiled down to that. We have taken out the 69 towers from any potential of privatization. There is no mention of privatization in this bill. We gave them basically what they want, and they are still not happy. So, again, it boils down to a vote. We have to vote on this measure.

Again, the question of the executive order, President Clinton, for 7 years and 9 months practically, had the ability to look at any of these towers. He made some of them private with contract arrangements, and then he changed it. We know why he changed it, a huge amount of money, look at the record, you see what happens in campaigns and elections; and this President changed it back to where it was where President Clinton had it.

And this is the safest system. We have 219 contract towers in the United States. Almost half of the towers in the United States are contract towers, and they are safe. And they also helped in taking down the planes safely on September 11. So do not bash the current system.

That is what we are asking for, plus all the good things that we have worked together on to make this a better piece of legislation for our country and our American aviation system.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the gentleman has raised several issues. This bill opens the door even wider to privatization. The original House and Senate bills prohibited privatization. This bill does not. The President has determined that air traffic control is not an inherently governmental function. They want to contract it out. They want to make it into private for profit.

And on the so-called operational areas, guess what. They are voluntarily reported. And of the 219 contract towers, only eight of them voluntarily reported an error. To say they had a very low error rate, the GAO determined, the IG determined that this was not a valid study, because we do not have mandatory reporting. We do not know whether there were errors or not. We cannot say they are 4½ times safer.

And to say that we did this because of contributions is outrageous, and I should have had the gentleman's words taken down.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. McGOVERN) has 5 minutes remaining and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining.

Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

RECESS

The SPEAKER pro tempore. Without objection, the House stands in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 1 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 3 p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108-338) on the resolution (H. Res. 424) waiving points of order against the conference report to accompany the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIATION ACT

The SPEAKER pro tempore. The Chair would announce that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining on the rule, and the gentleman from Massachusetts (Mr. McGOVERN) has 5 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

MOTION TO ADJOURN

Mr. McGOVERN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 68, nays 346, not voting 20, as follows:

[Roll No. 585]

YEAS—68

Ackerman
Allen
Baird
Baldwin
Ballance
Bell
Berman
Berry
Brown, Corrine
Capps
Capuano
Carson (IN)
Clyburn
Conyers
Cummings
Davis (IL)
DeFazio
DeLauro
Deutsch
Dingell
Doggett
Evans
Filner
Frank (MA)
Frost
Grijalva
Hastings (FL)
Hill
Hinchey
Hinojosa
Honda
Hoyer
Jefferson
Johnson, E. B.
Kennedy (RI)
Kleczka
Lampson
Larsen (WA)
Lee
Lewis (GA)
Lowey
Maloney
Markey
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Miller, George
Neal (MA)
Oberstar
Pallone
Payne
Pelosi
Pomeroy
Rodriguez
Sandlin
Schakowsky
Scott (VA)
Slaughter
Solis
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Wexler
Woolsey

NAYS—346

Abercrombie
Aderholt
Alexander
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Akin
Bradley (NH)
Case
Clay
DeLay
Dooley (CA)
Edwards
Fletcher
Gephardt
Gutierrez
Majette
McCotter
Miller (NC)
Paul
Pearce
Pickering
Sánchez, Linda T.
Stupak
Thomas
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes to vote.

□ 1524

Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut and Mr. RUPPERSBERGER changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT—*continued*

The SPEAKER pro tempore. The Chair would announce that we have 7 minutes remaining to finish the debate on the rule. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), our distinguished minority whip.

Mr. HOYER. Mr. Speaker, the Republican leadership has turned what should have been a bipartisan achievement into a partisan travesty. When we passed this legislation by a vote of 418–8 on July 11, we explicitly barred the privatization of air traffic controllers. We did so because we were concerned about the safety of the American public. The Senate bill which passed 94–0 went even further. It extended the protection to airway system specialists. Why? On behalf of the safety of the American public.

Then the Republican leadership hijacked this legislation. It adopted a conference report that rejected the opinion of the House and rejected the opinion of the Senate and stripped out the language barring privatization, again, passed to protect the safety of the American flying public.

Instead, it allowed 69 air traffic control towers to be turned over to private companies which must always put the bottom line first, and it removed the protections for airway systems specialists, removed mandatory and terrorism training for flight attendants, and permitted foreign airlines to raid U.S. markets.

Even Republicans balked at these changes, and that is why this legislation has hung around for so long, but Mr. Speaker, without the explicit prohibition on privatization that was included in the bill we passed in June, the administration is free to move forward with privatization, notwithstanding the will of the House and the will of the Senate. That should not be acceptable in a democratic legislative body. The flying public deserves better. America deserves better. They need to know that the people on the ground responsible for air safety are not being forced to cut corners to save dollars.

I urge my colleagues to vote for a fair process and vote for the public safety by voting down this legislation and this conference report. I thank the gentleman for yielding me the time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire at this time how many speakers the other side has remaining.

Mr. MCGOVERN. I am the last speaker on our side.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Alluding to the facts, Mr. Speaker, I think is important sometimes. Under the Presidency of William Jefferson Clinton, approximately 150 control towers were privatized.

□ 1530

This legislation mandates no privatizations. And under the Presidency of George W. Bush, by the way, there have been zero towers privatized.

I do not recall the protests during the 150 privatizations during the years of Bill Clinton. What I do know is that this legislation mandates no privatizations. The facts sometimes, Mr. Speaker, are important.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be asking for a vote on the previous question, and if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that upon adoption of this rule the enrolling Clerk is directed to make the following changes to the conference report:

One, to insert the language in the Senate-passed FAA bill that would prohibit the privatization of the air traffic control system. Two, to strike the cabotage language in the bill that would allow foreign airlines to carry cargo between cities in Alaska and other cities in the United States. Three, to restore the mandatory TSA security and antiterrorism training guidelines for flight attendants that was in the House-passed version of the FAA bill. The conference report makes these important guidelines discretionary. And, four, to delete the requirement for certain communities to pay a local share for essential air service.

Mr. Speaker, these changes represent the true will of the Congress with regard to this very important legislation. What has happened since H.R. 2115 first went to conference, and particularly in the past 2 days, is a travesty of our democratic system of government. It is obscene that the leadership in the House of Representatives and the Senate would turn our legislative process on its head. And it is even more obscene if we were to let that happen without any protest. This type of behavior must stop. The last time I looked, we lived in a democracy. This is supposed to be a deliberative body. We all took an oath of office when we began serving in this fine institution. It is time to live up to that oath.

I want to stress that a "no" vote on the previous question will not stop consideration of the conference report for the FAA reauthorization; rather, a "no" vote will allow the House to amend the rule to make the changes necessary for this conference report to truly reflect the bill that won widespread bipartisan support in both the House and the Senate.

Again, I urge my colleagues to vote "no" on the previous question and remind them that this is the only way that we are going to prohibit the privatization of our air traffic control system.

Mr. Speaker, I ask unanimous consent that the text of this amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation reauthorizes the FAA. It is extremely important to the safety of the flying public in this country. In addition, it reauthorizes $3.4 billion for the FAA and increases it by $100 million each year.

Mr. Speaker, many of the ideas of our friends on the other side of the aisle, and I have a whole page of them here in summary, were included in this legislation. And with regard to what we have heard time and time again about phantoms of privatization, and though 150 occurred during President Clinton's administration, this legislation mandates none.

Mr. Speaker, this is an important piece of legislation. We must pass it today, and so I urge my colleagues to pass the rule and the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 422—RULE ON CONFERENCE REPORT FOR H.R. 2115 FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

AMENDMENT TO H. RES. 422 OFFERED BY REP. MCGOVERN

Strike all after the resolved clause and insert:

"That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: "Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 2115"; and

(3) the text of which is as follows:

H. CON. RES.—

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2115, the Clerk of the House of Representatives shall make the following corrections:

(1) At the end of subtitle B of title II of the conference report, add the following (and conform the table of contents of the conference report accordingly):

"SEC. 230. TRANSFER OF CERTAIN AIR TRAFFIC CONTROL FUNCTIONS PROHIBITED.

"(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer to a private entity or to a public entity other than the United States Government of—

"(1) the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act; or

"(2) the maintenance of certifiable systems and other functions related to certification of national airspace systems and services operated by the Federal Aviation Administration on the date of enactment of this Act or flight service station personnel.

"(b) CONTRACT TOWER PROGRAM.—Subsection (a)(1) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program as of the date of enactment of this Act.".

(2) Strike section 408 of the conference report (and conform the table of contents of the conference report accordingly).

(3) In section 603 of the conference report, in the matter proposed to be inserted as section 44918(a)(4) of title 49, United States Code, strike "the Under Secretary may establish minimum standards" and insert "the Under Secretary shall establish minimum standards".

(4) Strike section 808 of the conference report (and conform the table of contents of the conference report accordingly).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 222, noes 199, not voting 13, as follows:

[Roll No. 586]

AYES—222

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler

Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Akin
Bradley (NH)
Case
Clay
Fletcher
Gephardt
Gutierrez
Hobson
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1552

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 199, not voting 15, as follows:

[Roll No. 587]

AYES—220

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Akin
Barton (TX)
Bradley (NH)
Case
Clay
Fletcher
Gephardt
Gutierrez
McCotter
Miller (NC)
Pearce
Pickering
Sánchez, Linda T.
Scott (GA)
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1600

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LaHood). The question is on the motion to adjourn offered by the gentleman from Florida (Mr. Hastings).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 54, noes 360, not voting 20, as follows:

[Roll No. 588]

AYES—54

Ackerman
Allen
Baird
Baldwin
Ballance
Berry
Brown, Corrine
Capuano
Carson (IN)
Clyburn
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Millender-McDonald
Oberstar
Pallone
Pelosi
Rodriguez
Sandlin
Schakowsky
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Waxman
Woolsey

NOES—360

Abercrombie
Aderholt
Alexander
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman

Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Akin
Blumenauer
Bradley (NH)
Burr
Case
Clay
Conyers
Feeney
Fletcher
Gephardt
Gordon
Gutierrez
Herger
Hunter
McCotter
Miller (NC)
Miller, George
Pearce
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1616

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, pursuant to House Resolution 422, I call up the conference report on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 422, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 29, 2003, at page H10008.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DEFAZIO. Mr. Speaker, I would like to inquire whether the rules and precedents of the House require that after the House has voted, that we meet in conference, that an actual meeting of a conference take place?

The SPEAKER pro tempore. Under the precedents of the House, a conference report must be the product of an actual meeting of the managers appointed by the two Houses.

Mr. DEFAZIO. Mr. Speaker, I am sorry, the answer is yes then; when we vote to go to conference, there has to be an actual meeting?

The SPEAKER pro tempore. The gentleman is correct.

POINT OF ORDER

Mr. DEFAZIO. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DEFAZIO. Mr. Speaker, I would make a point of order, since there was no actual meeting of the conference.

The SPEAKER pro tempore. Does the gentleman wish to be heard on his point of order?

Mr. DEFAZIO. I do.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. DEFAZIO. Mr. Speaker, this is a crucial issue of the privileges of Members in our representation of our districts, of our constituencies, and of the precedents of the House of Representatives on how we conduct business.

The House earlier this week voted unanimously to return to conference because the bill had been in dispute because of a contentious section regarding the privatization or contracting out of 69 air traffic control towers. The only way it seemed possible to resolve that issue was to return to conference. The House voted unanimously to return to conference, but no conference meeting was ever held. Earlier in the debate one would have gotten the impression that such a meeting was held. It was not held.

The Chair has ruled that an actual physical meeting of the conferees representing the various points of view on the bill in representing their constituents must be convened and they must have the opportunity to work through those issues.

In this case, there was no meeting of any conference. No Democratic Member, and, to the best of my knowledge, no Republican Member, was invited to a conference, there was no public notice of a conference, and no conference took place. Yet the bill was modified and returned to the floor of the House here.

So, Mr. Speaker, given the 200 years of precedent that an actual conference meeting must take place before you can have a conference report, I would respectfully make a point of order under clause 12 of rule XXII that there be at least one conference meeting. As I understand it, that same rule provides for a point of order in the House against the report and for an automatic request for a new conference if the House managers fail to meet in open session.

So I would ask that the Chair so rule, that this bill is out of order, and that we be mandated to return to actually have a physical meeting of a conference.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. MICA. Mr. Speaker, I do.

Mr. Speaker, the House, as I recall, just passed on a vote of 220 to 199 a rule by which this legislation would be considered before the House of Representatives. In that rule, there was clearly a provision that waived all points of order, which also would negate the previous standing rule of the House for specific meeting.

I might say also, Mr. Speaker, in the debate on the rule I did cite the sequence of events in which the conference did meet and in which full participation was permitted, and specifically cited a rule on the particular issue that has raised so much controversy here. We did acquiesce to the minority's request to pull that provision, and that was the reason it was handled in that fashion.

So, again, based on the passage of the rule, the provisions of the rule and the adoption of the rule subsequently by the House of Representatives, I think that you will find the gentleman's point of order out of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. OBERSTAR. Mr. Speaker, I wish to be heard on the point of order.

Mr. Speaker, surely the gentleman from Florida speaks about a suppositious meeting and a supposititious participation, because none such existed.

Mr. Speaker, I would yield to the gentleman to explain what he meant by "full participation."

The SPEAKER pro tempore. The gentleman cannot yield.

Mr. OBERSTAR. I cannot yield. I thank the Speaker.

That is the point; there was no such meeting. That, I find extraordinary. In the 40 years that I have served on the Committee on Public Works, now the Committee on Transportation and Infrastructure, I started on that committee as a clerk on the Subcommittee on Rivers and Harbors in January of 1963, I followed every one of our conferences. I have served on conferences for 24 years. Never have we failed to have meetings, except in a very few instances when a bill was conferenced without formal meeting of conferees, for which I reference the Aviation Noise Act of 1990, in which case the Senate, the other body, failed to call a meeting of conferees, but we did meet. The gentleman from Pennsylvania, Mr. Clinger, was the ranking Republican on the subcommittee I chaired at that time, and I included him in every meeting.

We did not have that courtesy extended to us. The rules of the House clearly were violated, to say the worst; avoided, to say the best. And I will compliment the Chair of the Committee on Rules. Last night when I raised this point, he, too, was shocked and offended and said that he would take this matter up with leadership and see that it does not happen again.

But the gentleman from Oregon makes a point of order that is sustained by the rules of the House, and I support the gentleman's call for a ruling by the Chair.

The SPEAKER pro tempore. If no other Member wishes to be heard on the point of order, the Chair is prepared to rule.

Under House Resolution 422, previously adopted by the House, all points of order against consideration of the conference report are waived, and the point of order is overruled.

The gentleman from Florida (Mr. MICA) is recognized for 30 minutes.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we finally come to the conference report on H.R. 2115, the Vision 100—Century of Aviation Reauthorization Act. It has been a struggle to get here, but I believe it is critical to the success of aviation that we complete our mission, particularly on this 100th anniversary of the first flight in the United States by the Wright Brothers.

I want to take this time as we finish this conference report and this legislation to commend the Members of the minority. My ranking member, the gentleman from Oregon (Mr. DEFAZIO), has been an outstanding leader on transportation issues in the Committee on Transportation and Infrastructure, and I have been honored to have him as a subcommittee ranking member. He has worked diligently in a bipartisan manner to craft what I consider to be an excellent piece of legislation.

During the rule debate, it was cited how many provisions were added by the Members of the minority, and I compliment the Members of the minority for their contributions to this well-crafted piece of legislation.

Also, I want to take time to thank the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR). The gentleman is one of the most knowledgeable people on transportation issues. When I came to the Congress in 1993, he chaired the Subcommittee on Aviation. I have learned a great deal under his stewardship. He is also a font of historical institutional knowledge, both to the subcommittee and also to the committee, and has contributed greatly to the text of this measure.

Now, this is a sizable measure and there are, again, some 70-plus Members on here, and there are some issues where folks did not get their entire provision included in this bill. It is difficult when you have such a diverse committee, and subcommittee of over 40 members, to please everyone and put every provision in possible. But, for the most part, this is a bipartisan piece of legislation, crafted in a bipartisan spirit, in the tradition of the Committee on Transportation and Infrastructure.

This past week I attended the funeral ceremony of my former boss, William C. Cramer. He was the first Republican Member of Congress to represent Florida since the postreconstruction period, and I always looked up to him as "Mr. Public Works." He added tremendously to the bipartisan working relationship that has continued, even when he was the only Republican from the State of Florida. I am pleased now, we have 18 out of 25 Republican Members from Florida. I appreciate his contributions. I also appreciate those of the minority in crafting this.

Now, one would have to live on another planet to not know that there has been controversy over one primary issue, and that is the issue of privatization. We did include initially in this legislation a provision that did allow this President to look at some 69 specified VFR fully FAA-staffed towers and possibly consider them for future privatization or conversion to contract towers.

After some 3 months. Since this past July 24, I believe, we filed the report and the conference met, and we did agree to take that provision out. We did not have a formal meeting of the conference committee. We knew after months of conflict that the issue was tearing us apart.

But now we have taken that out, and we are in a situation where we have a piece of legislation, and this conference report, that is totally, completely silent on the issue of privatization. And now we are prepared hopefully to go beyond that, because this bill has many important provisions that we need.

First of all, this measure aids in restoring jobs and opportunities in the American aviation industry.

□ 1630

We all know how hard hit this industry has been since the effects of the horrible day of September 11. No industry has lost more jobs. We talk about the loss of 2.7 million jobs in the economy; I would venture to say that at least 1 million are related either directly or indirectly to aviation. And it is slowly coming back, and this bill will aid it in coming back. So this will help us in creating jobs and opportunities for people in one of our most dynamic industries in this country.

Finally, there are several other points that I would like to make about this legislation. It does release the money for aviation trust funds to pay for airport improvements. All across this country, airports are beginning to again rebuild the passenger traffic, to rebuild; we can almost feel some of the economy coming back. If we do not pass this, those improvements come to a halt, not only for improving the airports and the infrastructure, but also for security improvements that are so important. We have provided in this bill to again assist our airports with that important mission.

So there are a whole host of areas where this is beneficial to the whole country. I urge the passage of this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 5½ minutes.

I appreciate the very thoughtful comments of the gentleman from Florida about my service during the time I was the Chair of the subcommittee. We have had a very constructive, generally, relationship between the majority and the minority, both prior to the Republican majority and subsequent to it. Generally, on the Subcommittee on Aviation, this has been perhaps the most constructive area of work on the Committee on Transportation and Infrastructure over the past 9 years.

But we have really run aground here on this issue. Had we actually had a conference and had a full, thorough discussion and debate the first time around, and had we been able to discuss the four principal issues. I agree with the chairman of the subcommittee, there are many other matters of great importance: funding of the air traffic control system, F&E account, the operations account, the research and development account. All of those are important, and there are other important measures.

But, there are four items on which we should have had a full discussion. And if we had and if we had been able to negotiate back and forth, some give and take, maybe we would win some of it and maybe the other side would win some of it. And this is not Democrat or Republican side. There are ideological differences on this matter; and if it came out this way after full and thorough discussion, we came out with the package now before us, it would have been a different arena. We did not have that discussion. We had it only for the few minutes during the first conference. After the conference report was recommitted, we had no meeting; we had no discussion. I appreciate the gentleman's comments that the minority asked to drop the language. I do not know who was consulted. We never had that conversation, either formally or informally. What we wanted was a discussion of options, of opportunities.

The gentleman from Florida has several times referenced the report of the Inspector General of DOT. Now, the actual statements of the Inspector General I quote: "In addition to limitations on evaluating the rating of contract towers performance," he said, "and due to the low number of operational errors at both places," that is both contract and FAA, "I would caution you against concluding that either group has a safer safety record than the other. It is just not fair to draw that conclusion."

The Inspector General's report goes on to show that, or the gentleman says that the IG's report says, the contract towers are two times safer than FAA towers. The IG specifically cautioned against this interpretation of the study.

So I asked the General Accounting Office to evaluate the IG report, and that is what the General Accounting Office came back and said: "We identified several potential limitations with FAA's data on operational errors based on our review of GAO and DOT reports and application of best methodological practices. Due to the way data are recorded, the severity of many errors cannot be determined or is misleading. Further, comparisons of operational errors among types of air traffic control facilities such as FAA staff versus contractor staff cannot be used alone to provide valid conclusions about safety, due to three factors we identified based on standards of methodological practices and our understanding of FAA's data. The determination," quoting further, "of real differences in the rate of operational errors is difficult, and comparisons of operational error rates alone are not sufficient to draw conclusions."

The point is, there has never been a thorough, full discussion of this issue. We should have that. We should have had an extended hearing on the subject matter. We should have had a discussion of what policy this administration plans to bring to the privatization of air traffic control facilities. We have not had it.

When the Clinton administration came up with this idea in 1993, I vigorously opposed it, with great support from our colleagues across the aisle; and we sent them in full flight retreat on this subject. We ought to do the same. We ought to join forces today to do the same, to put this issue in full flight retreat.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the full Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman for the work he has done on this legislation and the abuse he has taken over the last month and a half. He has stood up better than most people. I want to thank the staff, especially, for the work they have done over this period of time. I also want to thank the gentleman from Minnesota (Mr. OBERSTAR). He is probably the most knowledgeable person in this House about aviation and has worked on it longer than anybody else, understands the problems and the needs. I would also like to say that I do appreciate the time that he has spent with me and the gentleman from Florida (Mr. MICA) and the gentleman from Oregon (Mr. DEFAZIO) on writing, I think, a very good piece of legislation.

I will say this: I learned one thing. I will never let a cow out in the pasture without a halter again. This thing sort of got away from me a little bit, but it is still a good bill. It is a bill that should be done; it should be passed. The conference report is very, very, very vital. It does reauthorize the Federal aviation part for 4 years.

I understand the part that has been the most controversial, which is the air traffic control privatization. I will say that when we did pass this in the House, we did not allow any of that to occur. I was in a position that I had to recognize a result instead of just a philosophy and a position that had to be achieved, and that was to try to compensate for interests outside of even the conference. And that was to try, and I thought we had done a good job of protecting, 95 percent of the control towers. That is what we do in the bill. But I had to agree to, and I will not apologize for it, to 69 and, yes, I will say, I took mine out; it was originally 71. But that is the process of the conference.

But this bill does a lot of the other things besides that. That is what the most emphasis is upon. It does fund the small community air service program, the essential air service programs. It provides an increased airport improvement grant funding for the improvement of our airports. There are streamlining airport project reviews that are very important to get our airports built. Increases the number of slots at Reagan National Airport, with which some may not agree, but it was not the abundance of slots that there were on another bill. We kept the slots to a very minimum. It provides flight crew training and certification.

Very frankly, as my colleagues know, this industry has taken a tremendous beating. We need this legislation to pass. We need it to become law. We need to get on with the idea of making sure our airports are safe under this legislation, and that we have the ability to move passengers safely and on time, and that we are not delayed by, I think, inactivity by another agency which sometimes does not do the job they should, and people are frustrated. I have talked to thousands of people today that are not afraid to fly; they are just afraid of the harassment of going to the airport. So I think we must address that.

Overall, again, this, I believe, is a tremendous piece of legislation. It has some flaws, but when we work with two bodies and there are interests from the other side, we have to give some, we take some, and we end up with a result.

I believe the result is a good piece of legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the ranking member of both the subcommittee and the full committee for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 2115, this FAA reauthorization bill conference report.

To begin with, I am deeply concerned that the Democratic members were not included in this conference committee. Members from both sides of the aisle and in both Chambers of Congress have worked too hard on this aviation reauthorization bill to have had it stalled over disputes that can be rectified through consensus.

Secondly, the language that was struck from section 230 will actually make it easier for the privatization of air traffic control positions. Ultimately, when we address the future of our national air traffic controllers, I firmly believe that we need to view it through the scope of safety and security. No amount of cost-saving can come close to substituting for the safety and security of our national aviation system and infrastructure.

This is not an administrative shell game, Mr. Speaker, nor should we treat it as such. At risk is the American flying public.

In 2002, 612 million people boarded U.S. carriers, serving both domestic and international flights. No event illustrates the importance and the grave necessity of ensuring that we have a skilled air traffic control network than the events of 9–11. On that horrific day, as Americans waited for the next tragic event to unfold, our Nation's air traffic controllers calmly landed almost 5,000 planes in 2 hours without any operational incidents or errors. This incredible feat was due to the skill and ultimate professionalism of our Nation's air traffic controllers.

As a senior member representing California on the Subcommittee on Aviation, I have local concerns as well. Specifically, Southern California is no ordinary region. We are the most populous region in the country. The congestion on the highways of Southern California is legendary.

Mr. Speaker, let us oppose this bill.

Mr. MICA. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the diligence and leadership that he has provided and the countless hours that he has invested in providing us with a good bill today. I want to echo the gentleman from Alaska's (Chairman YOUNG) thanks and appreciation to the gentleman from Minnesota (Mr. OBERSTAR) whose time of service, whose interest, whose involvement in this and in all transportation projects is very admirable, particularly on aviation. His knowledge and wisdom and experience that he brings to the table is outstanding, and I appreciate the friendship that we share.

Mr. Speaker, today I rise in support of the FAA reauthorization bill because we need to move forward with improvements to our Nation's aviation system. This bill is about improving our Nation's aviation infrastructure and system at a time when we are looking for ways to stimulate our economy. Slowing the modernization of our aviation system is exactly the wrong thing to do.

The conference report includes more than $14 billion for airport improvements, money from the aviation trust fund to pay for improvements such as new runways, taxiways, terminal buildings and noise abatement, and a streamlined environmental review process. The bill includes over $100 million in critical funding to support air services at small and medium airports.

The legislation provides an important economic stimulus. Civil aviation generates more than $900 billion in gross domestic product every year. In fiscal year 2004 alone, funding in the FAA reauthorization bill for airport construction projects will create approximately 162,000 direct and indirect jobs. Over the life of the bill, the $14 billion for airport improvements will create approximately 665,000 jobs. It frees up takeoff and landing slots at Reagan National Airport. It increases competition for consumers. For cargo pilots, it allows them to be armed, just like passenger airline pilots.

Mr. Speaker, this bill keeps our promise to the flying public and continues the guarantee that all of the taxes and revenues paid into the aviation trust fund will be used and fully spent for airport improvements, air traffic control modernization; and all of these issues will be fully funded.

☐ 1645

MOTION TO ADJOURN

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion to adjourn offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 55, nays 360, not voting 19, as follows:

[Roll No. 589]

YEAS—55

Allen
Baird
Baldwin
Berry
Brown, Corrine
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Farr
Filner
Frank (MA)
Grijalva
Hill
Holt
Honda
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
McDermott
McGovern
McIntyre
Meek (FL)
Millender-McDonald
Miller, George
Oberstar
Pallone
Pascrell
Pelosi
Sandlin
Schakowsky
Solis
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Waxman
Woolsey

NAYS—360

Abercrombie
Ackerman
Aderholt
Alexander
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon

McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Akin
Bereuter
Bradley (NH)
Case
Fletcher
Gephardt
Goss
Gutierrez
Harman
Hunter
Kleczka
Lowey
Manzullo
McCotter
Miller (NC)
Murtha
Pearce
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1717

Messrs. LEWIS of Kentucky, REYNOLDS, BISHOP of Utah, BARRETT of South Carolina, WILSON of South Carolina and FEENEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100–CENTURY OF AVIATION REAUTHORIZATION ACT

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise the managers that the gentleman from Florida (Mr. MICA) has 17½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 22½ minutes remaining.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized.

Mr. OBERSTAR. Mr. Speaker, I thank the Speaker for a commendable job of maintaining order in the House.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), ranking member on the Subcommittee on Aviation.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me the time.

There is some confusion about what actually we are voting on here and what the impact will be, and I would just like to make that clear to Members.

This President early in his term issued an executive order finding that air traffic control is not inherently a governmental function, which opens up the potential for basically a contracting out of the air traffic control system of the United States. The original House bill, debated fully in committee, prohibited privatization of air traffic control. It made a minor exception, particularly for maintenance of the system. The Senate bill debated and voted on an amendment which absolutely prohibited any contracting out by the FAA, even for maintenance purposes. So we went to conference with a prohibition in both the House and the Senate bill on the contracting out of air traffic control, the control of our air space and the safety of the flying public.

At the one brief conference meeting last July, suddenly we were confronted with a proposal to privatize 71 air traffic control towers in the United States. For unclear reasons why 71, and then, of course, for policy reasons, two were stripped, which has been spoken to earlier because Alaska is indeed unique, but there were still 69 to be contracted out.

The leadership found they could not pass that bill. So this week we voted to go back to conference. There was no conference. There was a press conference by the majority, and then we are back now in the House, and as the Chair said earlier, there was no conference, and that would normally violate the rules of the House. It never met, but that rule is waived, so we are here now.

We have heard from that side that there is no mandate for privatization in this bill. That is correct, but what we have here is very clear intent. The President has said air traffic control, the control of our air space for safety purposes and national security, is not inherently a governmental function. I think that is an astounding finding, but that is what this President has found. And that means that with no language in the bill, the President can contract out any or all of the air traffic control system in the United States, and I believe that would be disastrous for the traveling public and disastrous for national security.

We are going to trust to some private, for-profit contractor, working perhaps under direction of the airlines, with spacing of airplanes and other critical things that go to safety issues in this country? I do not believe that is an experiment we need to conduct.

We have the most efficient air traffic control system, the safest air traffic control system in the world. There is nothing to be improved upon here except that no one makes money on it.

So that is what the vote is about. There is going to be privatization if my colleagues vote for this conference report. The White House has made it clear. They said they would veto the bill if they did not get the right to do at least 69 towers. So it is clear where they are going to go. They have said it is not an inherently governmental function. Protecting the flying public, their safety, protecting and securing the air space of the United States, according to this administration, is not an inherently governmental function. That is an absurd position for the Government of the United States, particularly after 9/11.

They also stripped out language in the bill that said that flight attendants shall get additional training to deal with terrorists. At the urging of Continental Airlines, it was changed to "may," and I hope everyone who flies on Continental will remember that they do not seem to take seriously what happened on 9/11. Other airlines did not like that, but it was stuck into the bill.

Then the final issue of cabotage. Sounds exotic. It is very simple. Air China will now be able to deliver packages into the heartland of the United States, having landed in Alaska, something prohibited in existing law. We will lose jobs and security because of that. Vote no.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise and I wanted to clarify a couple of issues that have been raised. Let me say, we all have our roles in this august body, and I am honored and privileged to have as my ranking member the gentleman from Oregon (Mr. DEFAZIO), the gentleman who just spoke. He is an incredibly hardworking, dedicated, ranking member and has contributed immensely to this product that we have before us today. But there is a question on which we have a separation, and we just heard some of the history of the air traffic control structure in our country.

Under the Clinton administration, if we go back to 1994, when I came as a freshman, the gentleman from Minnesota (Mr. OBERSTAR) was the chairman of the Subcommittee on Aviation. Under the Clinton administration, Mr. Clinton in that year, 1994, privatized. He took from FAA towers to contract towers some 24 towers. Was there an outcry? No. During the remainder of the balance of the Clinton term, President Clinton converted 116 FAA towers to contract towers. Was there an outcry? No.

In the 3 years that President Bush has been in office, how many FAA towers has he converted to private contract towers? Zero. The other side complained when we put 69 towers that were mentioned in this FAA report under the Inspector General, 69 towers based on cost and safety, primarily on safety, that these towers that are now all FAA towers would be safer, based on their evaluation, if they converted to contract towers, and cost about $900,000 less, read the report. That is what we put in there. They protested. So what did we do? We took these out.

We now have no reference to privatization, but they do not want this President to have the same right that President Clinton had for some 7.9 years. We have taken every single mention of privatization, any specific tower, out of the bill. So that is where we find ourselves now. We cannot please them no matter what we do.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume, again to correct the record.

The gentleman said there was no outcry when the Clinton administration moved to privatize air traffic control. That was an initiative that came out of the Gore "reinvent government program." I was the chairman of the Subcommittee on Aviation. I took it on head-on, with the help of decent-thinking Republicans, who supported our effort to stop it dead in its tracks, and we did. And when they began to move one by one to privatize air traffic control towers, some of which were already Federal towers, I moved against that. Every time I objected, and finally, finally, when we no longer had the majority in this body, the administration backed down and the President issued his executive order.

There are some functions government performs that can be done by the private sector, and this body has given authority to the executive branch to do that, but I submit that separating aircraft is not one of those functions that should be contracted out. There is a vast difference, a vast difference between a tower with a D-BRITE, a rudimentary means of controlling air traffic, a tower that handles 10 to 15,000 general aviation aircraft in a year in Van Nuys, California and one which has 498,000 operations, complex air space, complexity of operations and is under the control of the southern California TRACON which handles two-and-a-half million operations a year. That is the radar that supports the tower that this proposal once would have subjected to privatization. That is wrong. There is no policy behind it.

I kept telling the Clinton administration, you come up with a policy, let us have a discussion of it, let us have a debate. This is a debate I am sorry we are having here that we should have had in the conference, and we never had. I am offended on process and on substance, and as for allegations made just a moment ago by the Chair of the subcommittee, let me go back to the testimony of the Inspector General at our committee.

In addition to limitations he has already cited about the report that the gentleman has cited, and due to the low number of operational errors at both of these places, I would caution you against concluding that either group has a safer safety record than the other. It is not fair to draw that conclusion. That is the conclusion of the Inspector General.

I rest my case.

□ 1730

MOTION TO ADJOURN

Mr. OBERSTAR. Mr. Speaker, I move the House do now adjourn.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion to adjourn offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 59, nays 343, not voting 32, as follows:

[Roll No. 590]

YEAS—59

Alexander
Allen
Baldwin
Ballance
Brown, Corrine
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dingell
Doggett
Evans
Fattah
Filner
Frank (MA)
Grijalva
Hastings (FL)
Honda
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Lampson
Langevin
Larsen (WA)
Lee
Lewis (GA)
McDermott
McGovern
McIntyre
Meek (FL)
Miller, George
Oberstar
Olver
Pallone
Pascrell
Pelosi
Sanders
Sandlin
Schakowsky
Slaughter
Solis
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velázquez
Waters
Watson
Waxman
Woolsey

NAYS—343

Abercrombie
Ackerman
Aderholt
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
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Pence
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Peterson (PA)
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Portman
Price (NC)
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Putnam
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Rahall
Ramstad
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Rehberg
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Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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Souder
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Stearns
Stenholm
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Sweeney
Tancredo
Tanner
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Taylor (NC)
Terry
Thomas
Thompson (CA)
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Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh

Wamp
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Weiner
Weldon (FL)
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Renzi
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Smith (NJ)
Stupak
Tauzin
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1747

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ), one of the outstanding members of the Subcommittee on Aviation.

Mr. BEAUPREZ. Mr. Speaker, I commend the gentleman for bringing this legislation to the floor, and also for his courage and fortitude in standing up over several weeks of sometimes personal attacks. In trying to bring this legislation to the floor, the gentleman has shown remarkable composure and leadership.

As every member of the Subcommittee on Aviation knows, and I hope the Members in this Chamber appreciate, this conference report contains many provisions that will be helpful to the ailing aviation industry. Of particular interest in my district, and districts and airports all over this Nation, is a provision in this bill that sets up an airport security improvement grant program so that airports can replace baggage conveyer systems, reconfigure terminal baggage areas, pursue projects that will enable the TSA to deploy explosive detection systems, and fund other airport security capital improvement projects.

This grant program allows the TSA to issues letters of intent, or LOIs, so that airports can pursue security projects quickly and efficiently. Denver International, my airport, recently received an LOI in the amount of $67.5 million. With this LOI, Denver International has aggressively pursued plans to install an in-line baggage screening system. These efforts will improve the safety and efficiency of the airport.

This bill also decreases the LOI local match for Denver from 25 percent to 10 percent reflecting the will of Congress that national security projects should be paid for by the Federal Government. This change in the local share will help the Denver International Airport tremendously.

Finally, with regard to the AIP authorization within this bill, Denver International also receives $5.3 million per year in AIP allotment. Reauthorizing AIP will allow the airport to address other safety and capacity needs. These are just a few of the reasons why I stand in strong support of the legislation and urge its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, this is a sad day for our committee. I have been on this committee for 11 years, and my constituents always ask, how are things going in Washington? I say it is like swimming with the sharks; but today, it is a shark attack. This conference report is a shark attack on the people of this great country.

Members travel at least twice a week, sometimes four times a week. We have put a lot of money in the aviation industry. In fact, over $18 billion.

Mr. Speaker, there are a lot of good things in this bill, but this privatization of FAA is a poison pill. It is a poison pill for the traveling public. I have one question to ask: I want to know which one of the President's campaign contributors wants to run the national air traffic controller towers, is Halliburton doing the control tower work now?

The American people deserve a clean bill that does not compromise their safety and security. This bill does not do that. I want my colleagues to vote down this very dangerous bill.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I am going to vote for this conference report, and I will get to why I am going to do it in a minute, but before I do, I want to talk about the process that has gone on.

When a bill leaves the House in a certain condition, and the certain condition in this case was the protection of the air traffic control system, and the Senate with the Lautenberg amendment does the same thing and goes a little further. When a bill goes to conference and comes back looking different, we are left on our side with the conclusion that can only come from one place.

As a Member of this body, it concerns me that we need to have, and this message is really for my leadership, we are a coequal branch of the United States Government. And if we are just going to accede to what it is that the administration wants to do, I, as a Republican, have difficulty.

I listened carefully to this debate, and the gentleman from Florida (Mr. MICA) is right, during the Clinton administration the contract tower program was used extensively by the Clinton administration, and under the Bush administration, there have been no privatizations. The executive order that President Clinton issued as he left office, countermanded by President Bush, is why we find ourselves here today.

The contract tower program, if run responsibly, does not mean the death of the aviation system in this country. But I would suggest, and again to my leadership, this is not about, and it never was about, the 69 towers. It is about the belief by Members on the other side of the aisle and by Members on this side, today it is 69 small airport towers, tomorrow it is Davis-Bacon, the next day it is the privatization and contracting out of the Federal workforce. There comes a point where enough has to be enough.

Mr. Speaker, I am going to vote for the bill. As to why I am going to vote for the bill, I was asked to get the 69 towers out of the bill, and I am not taking credit for that, but I went to my leadership with others, and this recommittal does that. I gave my word to the leadership, and I am going to keep my word and vote for the bill.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds to commend the gentleman from Ohio (Mr. LATOURETTE) for his conscience-stricken statement and for his ever-conscience-driven conduct in the House.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I think there might be something in this legislation more onerous than the privatization caper, as referred to about a half hour ago, and that is that the FAA reauthorization bill conference report contains a provision that gives foreign airlines, including obviously Air China, virtually total access to the U.S. domestic air cargo markets through the Alaskan gateway, in contravention of the very long-standing policy accepted by both Republican and Democratic administrations.

Here is the catch: There is no reciprocal benefit for American carriers and their employees, nor is there any provision for the United States to collect one dime in taxes on the millions of dollars of revenue that these foreign airlines will earn by operating in our domestic markets, and that is a fact. There is nothing in the legislation. This is one-sided legislation. It will take our Nation's air transport industry and its employees in the wrong direction. I think it is wrong.

Now, we have heard a lot of pontificating in the last month, particularly from the other side and even from the administration, about let us make trade fair, let us have parity in our commerce with other nations. Where is the parity in this bill? This is another foreign giveaway. Let us call it for what it is.

Mr. Speaker, the other side of the aisle is good at it, and I have to give them credit. They hide out and speak out of both sides of their mouth about trying to protect American workers, and at the same time we are doing this kind of legislation; that is the onerous part of this legislation. It could be far worse and far more damaging than the privatization issue.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, because the gentleman from New Jersey (Mr. PASCRELL) brought up the name of Alaska, I wish he understood the reasons this is in there. The gentleman talks about jobs. He may not have been to Alaska, but Alaska is in a unique position for refueling. That is something that is very important to my airport. Already, the airlines the gentleman is talking about have gone to Vancouver and solicited bids to land in Vancouver, break down their cargo and ship it to the United States. We are part of the United States.

The difference between survival of the airport in Alaska, in Anchorage, is this part of this amendment. If it was not adopted, we would lose more than 400 jobs, 400 American jobs. And yes, I can say it is not point to point. These planes will come in, the cargo will be broken down and the planes will be refueled and sent back. The shipment will then be taken by Northwest and other airlines to other parts of the United States. It will create jobs, it will not lose jobs in Alaska.

The gentleman talks about foreign. If the gentleman wants them to go to Canada, that is what will happen if Members vote against this bill. My airport will not survive. This is one of the biggest money makers for my airport, and to have someone say this is going to give jobs to foreigners is nonsense.

□ 1800

We are different. We are closer to the Orient. We are not New York or New Jersey, which is about the size, by the way, of Kodiak Island. Our survival is the Orient market. That is what we are working on. This is what this bill does.

By the way, this is not my amendment. I am defending it because my senior Senator insisted upon it in the conference. We are a conference, and this is what this product is all about. Some may not agree with it, but I am saying it is about the survival of my airport.

Just keep in mind, I hear about this, I am concerned about some of the misinformation coming from certain groups about the damage this will do to airlines in this Nation. It will not do so. It will benefit labor. It will benefit the workers in Alaska, and it will benefit my State of Alaska. That is what I am elected for.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds. I respect the statement of our chairman of the full committee, but this again is an example of the discussion we could have and should have had in a real House-Senate conference.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation for the kind of camaraderie we have on the committee. This is out of character for us to be on the floor discussing something in these tones. However, when we do not follow the rules and do not allow people to participate, this is what we get. That is why other committees are like that. I hope we do not continue this, because we have not had this in the past.

Mr. Speaker, I rise today to express my extreme disappointment that this FAA reauthorization bill does not include language to protect the operations and certification functions performed in our air traffic control system. Recommitting this bill was absolutely necessary to fix a fatally flawed conference report that risked the safety of the flying public. Unfortunately, Republican conferees decided not to listen to the will of Congress and excluded language that would protect our Nation's air traffic control system from privatization.

There are two critical functions of the air traffic control system that keep the system safe: certification and operations. Much of the debate on this bill has centered on prohibiting privatization of the operation functions performed by air traffic controllers and employees of 69 VFR towers. Operation of the air traffic control system, however, is only one part of the air traffic control system. In order for our system to remain safe and efficient in this area where we still have a great deal of fear, there must be language included in the bill to protect the certification functions performed by FAA systems specialists.

There are approximately 6,100 FAA systems specialists and technicians who install, repair, maintain, and certify over 50,000 systems and equipment that make up the air traffic control system. The certification functions performed by the systems specialists are critical to the safety and efficiency of the air traffic control system and, therefore, must be protected from privatization.

Certification is the process that systems specialists and technicians use to ensure that the systems used to separate and control aircraft are working properly and interface correctly with the other 50,000 systems and equipment in the NAS. Only the U.S. government, through its employees, is empowered to certify the air traffic control system. As a result, only FAA personnel with sufficient knowledge of the entire NAS may perform certification.

An example of the important functions that systems specialist perform is the work they did for the Department of Defense after the terrorist attacks of September 11, 2001. In the months after September 11th, the DoD realized that they did not have radar capabilities to see or hear air traffic activity within the U.S. borders. FAA systems specialists worked with the DoD to provide additional radar surveillance as well as data and voice communication capability to the military. What's really remarkable about this is that the bulk of the work was completed in only four months. The flexibility of the systems specialist workforce, their extensive knowledge of how the entire air traffic control system works as well as their ability to respond quickly to a problem would be lost if the work is contracted out.

Safety should be the FAA's number one priority. The only way to ensure that this happens is to enact legislation that protects the most safety critical functions from privatization. This means that we must protect all of the functions relating to the control and separation of air traffic—functions performed by systems specialists and air traffic controllers.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON), one of the distinguished members of our subcommittee.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman and chairman of our subcommittee for yielding me this time. I rise to pay tribute, first of all, to our committee chairman and for his willingness to recommit this bill and deal with the issue, part of which is being discussed today. Secondly, I want to commend the gentleman from Ohio (Mr. LATOURETTE) for his willingness to support this bill and addressing the fact that the committee, after the difficulties we had with the first report, addressed the concerns that were expressed.

I want to now express my opinion for a second. I have heard far too often statements made that directly or indirectly seemed to accuse Members of this House of quibbling with the security of the American flying, traveling public. I know that is not really intended, because this bill and this conference report is all about the safety and security of the American traveling public. I respect differences on the tower issue. I respect that. But I know our President and I know no member of our subcommittee and I know every Member of this House is committed to seeing that air travel in this country is safe, which is why the issues that are never talked about in this debate are so important for me to bring out.

The fact that we have codified and put into statute with this law the reimbursement to our airports and our airlines for the mandated security that is the responsibility to be put in, to see to it that the money is spent, the security is there. We no longer deal with situations like last year where we have emergency supplementals with billions of dollars and people arguing about who should have really paid what. We have issued deadlines for installation of security, for baggage inspection, for all the other things that we are doing. And now through this bill, we are providing the mechanisms and ensuring the framework in which that takes place.

So while I respect the differences that are debated and understand the points on both sides with regard to the towers, you should not throw the baby out with the bath water. This bill is about the safety of the American people and the flying public. This bill is about codifying that which since 9/11 we have grappled with regarding airport security and the installation of additional security. This is about the AIP. This is about the safety of the flying public. This is about an industry that is essential to the economy of the United States of America. I, like the gentleman from Ohio, will vote for this in its final passage because it is about the safety and security of the Americans and the Georgians that I represent flying safely in and out of one of the largest airports in the world, Hartsfield International.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise to express my opposition to the conference report on H.R. 2115, the FAA reauthorization bill. This conference report is an affront to the proper legislative procedures of this body and, worse yet, a threat to our Nation's stellar aviation safety record.

As a member of the House Committee on Transportation and Infrastructure, I know firsthand that our committee developed strong, bipartisan legislation that this House almost unanimously passed 418–8 last June. Yet today, we debate a controversial FAA reauthorization conference report that has sparked heated opposition. Why? The answer is simple. By bowing to industry pressure and Bush administration demands and by shutting Democrats out of conference deliberations, Republican leaders have crafted a report that compromises the safety and security of the flying public. In fact, this conference report is proof that the lessons of September 11 have been forgotten. Republican leaders have forgotten that on September 11, air traffic controllers safely landed 4,482 planes within 2 hours without one operation error. This is a system to protect, not endanger. Yet this conference report does just the opposite.

By allowing for further privatization of the air traffic control system, which is really silent on it and the wording previously was "prohibit," Republican leaders wish to put air safety in the hands of the lowest bidder. That model did not work for airport security, and it will not work for our air traffic control system. In writing this conference report, Republican leaders have also forgotten the September 11 lesson that flight crews are a critical line of defense in aviation security. This report drops a House-passed provision that would require TSA to issue security and antiterrorism training guidelines for our Nation's flight attendants. By making these guidelines optional, the Congress is effectively rejecting calls by flight attendants for greater security training to protect themselves, airline passengers, and the American public.

I cannot in good conscience support this conference report. I urge my colleagues to vote "no."

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Let me just correct the record at this time. I have heard two Members from the minority side cite that on September 11 that some 4 to 5,000 planes that were flying in the air were brought down safely by our air traffic control system. That is correct. But, in fact, some 219 of approximately 470 towers were contract towers, are contract towers, private towers. This is the statement that was put out in a $7 million NATCA, National Air Traffic Controllers, misinformation campaign. We have a system now today, we had a system on September 11 with contract towers and with fully staffed FAA towers.

So they question the safety and security. We advocate no change. Nada. None. Zip. We have taken any mention of privatization out of this. We are only instituting the status quo, the status quo that we had on September 11.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to again fill out the record, if I may. It is not towers that bring aircraft down. At altitude, at 29,000 feet, the en route center steps aircraft down to 15,000 feet to a point where they are 40 miles out from the airport, at which point the terminal radar control facility takes over and brings aircraft to within 3 miles, at which point the easy part is done by the controllers in the towers. That is the real story. Let us not embellish this event of September 11.

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in opposition to this FAA reauthorization bill. While I know the gentleman from Alaska (Mr. YOUNG), the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) worked hard on this legislation, I rise in opposition to not what they have done in their committee and in the light of day, but in opposition to what the majority party of this Congress, both Houses, has done in back rooms.

Mr. Speaker, as all of us who represent airports know, airport noise is one of the biggest complaints we hear about. It is deafening. As the Congressman for LaGuardia Airport, I represent the largest amount of Americans who are acutely affected by airplane noise. The FAA through the Airport Improvement Program helps to fund noise abatement programs from schools and religious institutions to community centers to private homes. It has let the local airport operating authority set the noise level parameters for communities to qualify.

In section 189 of this bill, the former Senate majority leader thought allowing local airport operating authorities to set their own levels was not good enough. Section 189 says that only people who live in the areas with higher than 65 decibels of aviation noise, the noise of a power lawn mower, will receive funding for noise abatement programs, leaving millions of people without the funding needed to abate their homes.

This was all done without a single vote here on the floor of the House or a single vote on the floor of the Senate. It was done in the, quote-unquote, "conference committee." This is a bad bill. That is just one example. My colleagues have gone through the other issues. This is a bad piece of legislation. This is not the way to make sausage. It is not the way to make legislation, either. It should be done in the light of day and should be done in the democratic way. We should all have an opportunity to vote on these issues before it gets to this point, which is not democratic; and it is not giving us an opportunity to really have an effect on making this legislation.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds.

I appreciate the statement of the gentleman from New York. This provision to which he refers is another example of egregious special interest legislation that was advocated by one airline. It was done without any consultation, without any discussion. It vitiates a signed agreement between an airline in Minnesota and the Metropolitan Airports Commission. It is wrong.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

□ 1815

Mr. BACA. Mr. Speaker, I rise today in opposition to this conference report on H.R. 2115, which will give the President the freedom to privatize our air traffic controllers.

How does this make Americans safer? We must ask ourselves, how does this make Americans safer? In a post-9/11 world, we must make safety a priority. So I ask again, why are we doing this? Is it cheaper? The answer is no. Privatizing increases our costs. Is this a good policy? The answer is no. Privatizing has failed miserably in other countries.

Approximately 20,000 hard-working men and women of the FAA ensure the safety of more than one million passengers each day, and we should trust them to continue to do the job. This is why I say, nothing has been broken, so why do we need to fix it?

The safety and security of the American people should not be the responsibility of the low bidders. It is the core responsibility of our American Government to make sure the safety is there. We must make sure that democracy is there. We have not allowed democracy by allowing this bill to come before us, and we should make sure that we vote no on this.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and leader for yielding me time.

Mr. Speaker, I also rise in opposition to this bill. Many have spoken against the provisions that privatize part of our Nation's air traffic control system. Others have objected to the failure to direct the certification and training of flight attendants. Others have condemned the process that seems to have shut out Democrats, particularly our leader, from participating in the drafting of this agreement. As much as we respect the gentleman from Minnesota (Mr. OBERSTAR), we know that he could have added a great deal so we would not have had this contentious argument.

I have one more reason to oppose it. In 1986, the Congress made an agreement with the Metropolitan Washington Airports Authority to cede operational control and financing of our airports to our regional authority. The Metropolitan Washington Region has maintained our part of the bargain. This conference report breaks that agreement by adding 20 more flights and going beyond the 1,250 mile perimeter rule. That is not right. It increases the safety concerns at National Airport.

For this and many other reasons, I oppose this conference report.

Mr. Speaker, I rise in opposition to this conference agreement.

Many here have already spoken against provisions in this bill that would allow privatilization of our nation's air traffic control system, others have objected to this agreement's failure to direct the certification and training of flight attendants and still others have condemned a process that has shut out Democrats from participating in the drafting of this agreement.

Let me add one more reason to vote against this bill.

I object to this bill because it continues to intrude in the operations of this region's local airports.

While I appreciate the good efforts of the chairman to restore general aviation at National, to compensate businesses injured by the current shutdown, and assist hometown carrier, U.S. Airways, operate quieter, more efficient regional jets, I cannot support the heavy hand of this Congress in violating two longstanding agreements and mandating that National accommodate more flights and flights outside the current perimeter rule restrictions.

The agreement before us today continues to violate a promise this institution made to this region back in 1986.

In 1986, Senator ELIZABETH DOLE, President Reagan's Secretary of Transportation, helped broker an agreement between the federal government, the Congress, the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to cede control of National and Dulles Airports to a regional authority that would have, in the words of current law, "full power and dominion over, and complete discretion in, operation and development of the airports."

In return, Virginia, the District of Columbia, and Maryland agreed to accept operational control of the airports and raise the money necessary to modernize National and Dulles airports.

The Commonwealth of Virginia, the State of Maryland and the District of Columbia have upheld their part of the bargain. Congress, however, has not honored its part of the deal.

At least once every three years since this transfer took effect, Congress has tried to intervene and micro manage the operations of the two airports.

There may be a federal interest, and I recognize that both commercial airports are still owned by the federal government, but should Congress really be trying to determine what are clearly economic and business decisions on what carriers fly where?

With the bill before us today, Congress is once again telling the Metropolitan Washington Airports Authority to waive its existing rules and allow certain carriers more flights.

Mr. Speaker, these additional flights take us further down a controversial road whose final destination will make few carriers happy and cause real economic harm.

Three years ago, I spoke on the House floor opposing an FAA authorization bill that added more flights at National.

At that time I warned that breaking the 1986 deal would bring us down a dangerous path in which every FAA authorization bill would become a vehicle for further tinkering and interference by Congress.

Obviously not enough Members were sufficiently satisfied with the flights added in the last FAA reauthorization bill or we would not be back here again today with more changes.

Who is happy with the proposed changes? Not U.S. Airways, Delta or United, the Metropolitan Washington Airports Authority nor the residents of this region.

In fact, there is no solution that will satisfy everyone.

But, continue down this path of forcing more flights and there will be some real economic consequences that will ultimately undermine both the quality and quantity of air service this region is fortunate to now receive.

The point is being reached in which operational and safety constraints imposed by the type of runway and the number of gates, not slots, will limit the number of flights the airport is capable of handling.

Once this threshold is crossed, both the quality and quantity of flights will be compromised.

we risk:

(1) Losing direct air service to many smaller cities, those that can least afford a disruption from an economic development standpoint,

(2) We risk a reduction in international air service that may result in this region being bypassed in favor of other east coast airports with better transcontinental connections. (Hundreds of millions of dollars that have been invested to make Dulles an international gateway will have been imprudently invested), and

(3) We risk more delays and congestion as operational limitations and space cause delays throughout the system, something LaGuardia encountered when its slot rule was repealed.

(4) And, adding one more slot, one more flight, is one more than Washington area residents bargained for.

I know the support isn't there to rollback the 20 new slots, 8 inside the perimeter and 12 outside, in this bill.

But why pile it on with an additional provision that gives Congress yet another opportunity to tinker again with the operation of these two airports?

Why create the added burden and economic uncertainty that this bill invites by denying these two commercial airports the ability to receive any new Airport Improvement Program grants or new Passenger Facility Charges beginning in 2008?

Why single out and suspend federal assistance to just these two airports?

I thought an understanding had been worked out when Delegate NORTON offered her amendment earlier this year on the House floor that this obnoxious provision would be removed in conference.

Congress doesn't need this provision.

There is already sufficient oversight over the airports to ensure that any federal interest is protected.

We've got the FAA reauthorization bill.

In addition, there's the authority's own board of directors that must include 3 presidential appointments approved by the Senate.

In the past former Members of Congress have served on this board, and the GAO has unique statutory authority to audit the activities and transactions of the board.

Mr. Speaker, Congress, visitors to the nation's capital, businesses and local residents have all benefited from the capital improvements that have occurred at the airport since the regional authority took over control.

Let's not place $100 of millions in future development at risk.

Let the two airports continue to be treated like all other commercial airports for purposes of receiving improvement grants and new passenger facility charges.

Reject this agreement.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, safety is not just one issue. Safety is a multiplicity of overlying redundancies. Safety depends on the interaction of the human and the technological.

What I object to in this proceeding is the lack of process, a lack of opportunity for debate on the future of the air traffic control system. Make no mistake about it, this debate is about the future of air traffic control in America. This is about how our air traffic control system will be managed in the future and by whom. It should be done in the public interest, not in the private interest. All that stands between the traveling public and a failure at seven miles in the air or on the ground is our air traffic controller and the equipment he will or she operates. We must keep it in the public sector.

Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I do sincerely believe that what is at stake here is the future integrity of the air traffic control system in the United States. There is none better in the world. I fear that in the future, fragmentation of that system, taking major control towers and putting them into the private for-profit sector, will bring pressures to bear that will ultimately cause a catastrophe.

Look at Europe. Just last year, a midair collision. We have not had a midair collision in a really long time in the United States of America.

This is not about making the system safer, it is not about making it more efficient. The Europeans, the Canadians and others admit that our traffic controllers are 75 percent more productive than their's. So it is not about making it more productive. It is not about making it safer.

The only reason that we are opening the door here, and we are blasting the door open here by removing any restriction on privatization, as was in the original bill, this White House has shown it will fight to privatize. They have already threatened to veto the bill unless we inserted the specificity of 71 towers. So they are clearly going to go ahead with privatization.

Now, they are going to go ahead, not because they think it will be safer, not because it will be more efficient. I do not even believe it will be less expensive. The other failed air traffic privatizations around the world have actually cost the taxpayers more, and they have had to be bailed out in England and in Australia.

This is a ticking time bomb that I believe one day will kill Americans, and I just cannot believe that we are going ahead in this form without the proper consultation, without a conference, but vitiating all the rules of the House, just so someone might be able to make a little bit of money on something that is run so well by the government today.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time to close the debate on the conference report on H.R. 2115.

Mr. Speaker, indeed, this legislation is important to the success of aviation in this country. This particular industry is one of the great job creators, and no nation relies on safe and independent operation of aircraft more than the United States.

I disagree on the point that has been raised here in closing. We do not change in any way the current status of contract towers. We do not mention privatization. We have taken out some 69 airports that were identified in the previous conference report.

I believe that this bill strikes many carefully proposed compromises that address the many needs of our aviation system while providing for its future. I believe that this will also be a boon to many of our communities, to restore jobs, to provide economic opportunity in an industry that has been hard hit by the effects of September 11.

So we have an opportunity to help small communities. We have an opportunity to continue a safe and cost-effective system.

Mr. Speaker, I want to thank the Members on the other side of the aisle for their cooperation. I know that there is one issue in particular that has brought us apart, but eventually it would lead to this debate and to this day. I think this has been a healthy debate, and I think that will be resolved by the vote that is to take place.

The U.S. aviation industry is the strongest in the world, and I am committed to keeping it that way. H.R. 2115 and this conference report provide stability and funding to ensure that our Nation will continue to lead. I urge all Members to put aside partisan politics and to vote to pass this conference report for H.R. 2115.

Again, I thank my colleagues and the staff for their fine work, and especially the Members of the minority.

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to the conference report for H.R. 2115.

I am deeply disappointed that despite this Congress's actions to recommit the bill to the conference committee, we are still dealing with a flawed bill. Over three months ago, the Transportation and Infrastructure Committee passed a good bill out of committee, a bill that had my strong support.

Two times, this bill has come out of Conference Committee, and both times the resulting product has been unacceptable. This bill contains significant changes from the committee passed bill—changes that have not previously been approved by the House or the Senate. I believe it is telling that not a single Democrat in the House or the Senate signed onto the conference report either time because of these egregious changes.

The version of the bill that we are considering today removes the language that would allow the FAA to contract out the operation of air traffic control towers at 69 towers nationwide. However, this is not an improvement over the previous version of the bill. Simply striking the provision does nothing to ensure that our nation's air traffic control system will not be contracted out to the lowest bidder. In fact, this bill would make it easier to privatize the air traffic control system by not prohibiting future privatization. We know that the administration supports privatization, as demonstrated by their many outsourcing initiatives and the reclassification of air traffic control as a "commercial activity." Every tower in this Nation is now at risk for privatization.

In addition, this bill fails to address concerns that were in the previous version of the bill, which include allowing China essentially open access to our cargo markets, modifications to the Essential Air Service program requiring small communities to pay a substantial sum for their air service, and changes to the flight attendant training programs that basically gut the requirements.

Mr. Speaker, this is a bad bill. I urge my colleagues to join me in voting "no" on this legislation.

Mr. RAHALL. Mr. Speaker, I rise today to object to the rule accompanying the Conference Report for the reauthorization of the Federal Aviation Administration. I also oppose the Conference Report, itself. The rule would allow the Republicans to get away with passing a Conference Report without ever holding public meetings to work out an acceptable compromise.

And, Mr. Speaker, passing the rule ultimately allows the Republicans to get away with defying the will of the House. They excluded the minority Party from the conference, and they wrote a brand new bill out of thin air that contradicts the bills that passed out of both chambers.

One example of this slight-of-hand relates to the Essential Air Services program, which has ensured federal funding since airline deregulation to ensure that rural communities can continue to be included in the national aviation system. In the original House bill, some Members wanted to impose a local match provision, which would have required local communities to subsidize the federal government by paying to qualify for air service. Others, like myself, pointed out that doing this would kill air travel in small communities across more than 35 states.

In my own district in West Virginia, this local match provision would have applied to Bluefield Airport, serving the Bluefield and Princeton areas. Thankfully, the House deleted the local match requirement on the floor to guarantee that rural communities continue to be included in the national aviation system.

Unfortunately, the Republicans on the Conference Committee, who apparently don't care about maintaining a truly national air system, decided to reinsert the local match provision in secret, and to subject my rural West Virginia constituents to hardship.

They also inserted other provisions in the dark of night that are not consistent with the House and Senate bills' provisions aimed at ensuring safety. The Republicans secretly made it possible for the Bush administration to privatize uniquely-skilled air traffic control jobs at 69 airport across the country. It should also be noted that 11 of the airports on the Republicans' hit list for possible privatization are included among the 50 busiest towers in the country.

Although our highly-skilled air traffic controllers guided 5,000 planes to safety after one call from the Secretary of Transportation, on September 11, 2001 while our Nation was under attack, the Republicans think we should replace many of these skilled workers with companies whose only bottom line is pure profit.

Then, because they knew the Conference Committee Democrats, like myself for instance, would object to their brand new bill, they didn't bother to properly hold meetings in accordance with the rules. Instead, we had to find out through the media that they drafted a sham Conference Report, which they all signed. As a result, this bill has gone nowhere since July.

Now, amazingly, the Republicans come to the floor after this bill has lingered for months, and they say that we exaggerate the impact of their revisions. Then, they try to assure us that they have revised the bill again to eliminate the objectionable provisions that they added. And, they say we should just take their word for it and go ahead and pass the bill today, even though we haven't had meetings to review this bill that has supposedly been revised yet again without our involvement.

This partisan hijacking of the bill to ruin rural air travel and increase profits at the expense of safety is grotesque. Didn't we learn anything at all about the importance of a reliable and safe national air travel system from September 11?

The reauthorization of this bill offers us the opportunity to improve upon our current system while addressing areas of need. We should go back to work to accomplish that goal by finalizing a bipartisan bill that reflects the shared interests of the House and the Senate, and the American people. I urge Members to vote against the Rule. This bill should be sent back to the Conference, and conference meetings to work out a good bill should be held after all.

Mr. STARK. Mr. Speaker, I rise in opposition to the FAA conference agreement. While the conference report does remove the air traffic control privatization language from the report, that action is completely inadequate. Because the Administration has been so outspoken about moving forward with its plans to privatize air traffic controllers in airports across the country, there must be a clear prohibition on any such privatization in this bill. One of the airports targeted by the Administration is in my district, the Hayward Executive Airport. I will not support a bill that fails to protect my community from the threat of privatization.

Members of both the House and the Senate voted overwhelmingly to stop the privatization of our nation's air control towers through directive language. Both chambers also voted to require the Transportation Security Administration to establish mandatory guidelines for antiterrorism training for flight attendants. These and other important issues were simply overturned by Republican Congressional leaders and the White House—without even a perfunctory meeting of the FAA Conference Committee which is supposed to be in charge of revising the legislation.

The Federal Aviation Administration declared air traffic control services a "commercial activity" presumably to avail air traffic safety to private market interests. This is a completely misguided approach to air traffic safety in light of the events of September 11. Congress must do all it can to ensure that the safety of air traffic remains in the skilled hands, and under the close scrutiny, of our government. It is as much a public safety concern as are police or firefighters and no one is advocating turning their jobs over to the private sector.

The United States air traffic control system handles more than half of the world's air traffic cargo, and it is the safest in the world. The FAA air traffic controllers serve as the lynchpin of this system. These dedicated federal employees ensure the safety of nearly one million passengers every day. Their professionalism and skill was tested under uncertain circumstances on September 11, 2001. FAA air traffic controllers successfully landed 5,000 planes in two hours. They accomplished a feat that no one ever thought possible, and a task that no one wishes to repeat. The magnitude of that one accomplishment is testament to a system that works beyond anyone's comprehension.

Our air traffic control system is the envy of the world. Other nations that have privatized their air traffic control systems have encountered unending difficulties and problems. Canada, Great Britain and Australia have experienced questionable safety standards, increased delays, financial bailouts from the government, and plummeting staff morale.

Privatization of air traffic control is a big mistake and this conference report does nothing to prevent the Bush Administration from making the mistake anyway. We must learn from the lessons of other nations, and give credit to a system that has performed above and beyond expectations.

I urge my colleagues to reject privatization of our nation's air traffic system and vote no on the FAA conference report.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong opposition to the FAA Conference Report now under consideration.

This bill contains billions of dollars in vital funding for America's airports and air traffic control system, which the Administration is insisting on holding hostage to a seriously flawed plan to privatize this nation's air traffic controllers.

Decisions made behind closed doors by a handful of conferees have thwarted the will of both Houses of Congress and placed the flying public in grave danger, by allowing for privatization of our air traffic control system and eliminating requirements that flight attendants receive vital anti-terrorism training.

As a representative from Long Island, New York, I have had the opportunity to meet many of the controllers who live in my district and who work at the nearby New York TRACON and New York Air Route Traffic Control Center. These dedicated public servants monitor nearly 2 million flights each year, with only two concerns in mind: the safety of passengers and the efficiency of air travel in the region.

We already know from the list of intended privatization sites misleadingly pulled from this bill that the Administration hopes to privatize one major airport on Long Island. We simply cannot begin down a road that would put profit above safety and cost-cutting above hiring the most qualified employees.

We also must not abandon flight attendants, many of whom lost their lives on September 11, bravely fighting the terrorists who took over their planes. We must do everything we can to act on the lessons learned that terrible day, and provide all flight attendants with the crucial training they need to deal with any future terrorist threats aboard their planes. It defies logic that conferees stripped language from this bill that would have prepared flight attendants to serve as a line of defense in the event of a future attack.

Mr. Speaker, the House and Senate passed fair, bipartisan FAA reauthorization bills by a combined vote of 512–8. I am deeply disappointed that Majority party conferees took the unprecedented step of ignoring the will of both chambers and all Democratic conferees.

I am left with no choice but to oppose this flawed bill, and I urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak out against this conference report for H.R. 2115, Flight 100—Century of Aviation-FAA Reauthorization Act. This rule waives all points of order against the conference report, including the rule that a conference must hold at least one public meeting before filing its report.

Yesterday, the Republican Leadership after nearly 5-weeks of delay finally brought the rule to recommit the seriously flawed conference report on H.R. 2115. The House voted overwhelmingly to recommit the conference report, by a vote of 407–0. The new conference did not hold any public meeting and did not give Democratic Members of the conference any opportunity for input or to offer any amendments to the conference. In fact, Democratic Members of the conference were never notified of any action by the Republican conferees until after the conference was filed.

The new report was filed less than 24 hours after it was recommitted to conference. Once again, the report was not signed by any Democratic conferees in either the House or the Senate.

The new conference did not even address 3 of the 4 most controversial issues contained in the first conference report. It made only one change regarding the air traffic control matter. The only change to the original conference was to strike out the section of the bill (section 230) that allowed for immediate privatization of 69 air traffic control towers. The Republican and the Administration will claim that striking out this section would simply reinstate current law and that it gives air traffic controllers the same status they had under the Clinton Administration. This is not the case.

Under the Clinton Administration, controllers were considered "inherently governmental." In June of 2003, President Bush reversed that standing in an Executive Order and air traffic control was officially declared to be a "commercial activity" on February 6, 2003 by the Department of Transportation FAIR Act list. This means that virtually any airport tower in the nation can be privatized by the FAA without any Congressional action or approval. This is in spite of language that was contained in both the House and Senate passed versions of this bill which prohibited privatization of the air traffic control system.

Furthermore, the new conference report makes no changes in the so called "cabatoge" issue allowing foreign airlines to carry cargo between cities in Alaska and other cities in the U.S., policies that have been used both for national security and competition. Additionally, the 2nd conference still makes the mandatory requirements of the Homeland Security Act of 2002 that TSA issue security and anti-terrorism training guidelines for flight attendants discretionary (the mandatory language was in both the House and Senate bills). And the conference report does not delete the requirement for certain communities to pay a local share for essential air service. An amendment to the conference report to fix all of these concerns was offered in the Rules Committee last night but was defeated on a party line vote.

I am also troubled that a provision I wrote in the House-passed bill has been deleted from the Conference Report. Right now, American pilots between the ages of 60 and 65 are forbidden to fly commercial airliners. This is despite the fact that these pilots are forced to pass physical and skills tests every six months. The reason for this is that the FAA feels that these pilots pose a risk to the flying public. However, foreign pilots from international airlines are allowed to fly in U.S. airspace. If these pilots are unsafe, they should not be flying. If they are safe, American pilots should be afforded the same opportunities. All my provisions did was to require the FAA to do a study on whether foreign pilots over the age of 60 are unsafe. This would give Congress necessary clarification and a scientific basis for this policy. The provision passed in the House Science Committee, but was struck out in Conference. This does not make sense to me.

The aviation system in our country is far too critical to the safety and security of our nation and its people to be manipulated by irresponsible partisan politics. Members of the House and the Senate voted overwhelmingly to stop the privatization of our the nation's air control towers. Both Houses voted to require the TSA to establish mandatory guidelines for antiterrorism training for flight attendants. These and other important issues were simply overturned by the Republican Leadership in the House and the Senate and by the White House. Such actions are a dangerous precedent.

I will vote "no" for this conference report.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBERSTAR. In its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Oberstar of Minnesota moves to recommit the conference report on the bill (H.R. 2115) to the committee of conference with the following instructions to the managers on the part of the House:

(1) Insist that a meeting of the conferees take place pursuant to clause 12 of Rule XXII.

(2) Insist that section 624 (relating to transfer of certain air traffic control functions prohibited) of the Senate amendment to the bill be added at the end of subtitle B of title II in the conference substitute recommended by the committee of conference and be redesignated as section 230.

(3) Disagree to section 408 (relating to EAS local participation program) of the conference substitute.

(4) Insist that in section 603 (relating to crew training) of the conference substitute, in the matter proposed to be inserted as section 44918(a)(4) of title 49, United States Code, the phrase "the Under Secretary may establish minimum standards" be changed to read "the Under Secretary shall establish minimum standards".

(5) Disagree to section 808 (relating to United States presence in global air cargo industry) of the conference substitute.

The SPEAKER pro tempore. The motion to recommit is nondebatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of adoption of the conference report, if ordered, and the motion to suspend the rules and agree to House Resolution 409 previously postponed.

The vote was taken by electronic device, and there were—yeas 197, nays 219, not voting 18, as follows:

[Roll No. 591]

YEAS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—219

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley

Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Akin
Bradley (NH)
Brown (OH)
Cannon
Case
DeMint
Fletcher
Gephardt
Gutierrez
Hunter
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak
Waxman
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1847

Mrs. CUBIN and Mr. ROGERS of Michigan changed their vote from "yea" to "nay."

Mr. LARSON of Connecticut and Mr. LANGEVIN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 207, not voting 17, as follows:

[Roll No. 592]

AYES—211

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—207

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—17

Akin
Bradley (NH)
Brown (OH)
Cannon
Case
English
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak
Waxman
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1857

Mr. HOUGHTON changed his vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 409.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 409, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered "present" 1, not voting 22, as follows:

[Roll No. 593]

YEAS—411

Abercrombie
Ackerman
Aderholt
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)

Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—22

Akin
Allen
Berman
Bradley (NH)
Brown (OH)
Cannon
Case
Fattah
Fletcher
Gephardt
Gutierrez
Hinchey
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Slaughter
Stupak
Waxman
Whitfield
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, had I been present, I would have voted on rollcall Nos. 591 "aye"; 592 "no"; 593 "aye".

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report for H.R. 2115.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to House Resolution 418, I call up the conference report on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 418, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 28, 2003, at page H9898.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2691, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring to the House the conference agreement on H.R. 2691, the Interior and Related Agencies Appropriations Act for fiscal year 2004.

Let me take a moment to thank the members of the Interior subcommittees for their support and guidance this year. I want to especially and personally thank the ranking minority member, the gentleman from Washington (Mr. DICKS), for the extraordinary assistance that he has given in helping us to shape this bill.

This conference report balances many competing needs and stays within the 302(b) allocation for budget authority and outlays. It is fiscally responsible, providing $19.6 billion for our public lands, Indian programs, and critical science and energy research programs, and for cultural institutions like the Smithsonian Institution. It also provides $400 million as requested by the administration to repay partial funds borrowed from the program accounts to pay fire suppression. Also, another $289 million for wild fires and I will talk about that again.

You may hear that we are not doing enough for conservation programs in this bill. I disagree. Given the constraints allocated, we have provided over $1 billion for programs in the conservation spending category. But more to the point, there are a number of critically important conservation programs in this bill that have never been included in the conservation spending category, but are equally important. We provide increases of $65 million for national parks, $47 million for national wildlife refuges, $27 million for forest health, $10 million for hazardous fuel reduction. And I would like to argue that most of the funding of this bill is for conservation activities.

Some Members will argue that we need to buy a lot more Federal land. What we really need to do is a better job of taking care of the lands we have, and this bill does that by providing additional operation increases and funds for critically backlogged maintenance activities.

Firefighting needs are addressed in this bill as I mentioned before, $400 million in the President's requested amount and another $289 million above the enacted level for suppressing the wild fires. That is almost $700 million for the fire programs. We continue to provide support for the national fire plan with the investment of $2.5 billion. We support preparedness activities so that we have the people and the equipment in place to handle wild fires. We provide funding increases for hazardous fuel reduction, State fire assistance and forest health programs. And with the passage of that bill, I think we can stop many of the fires that we will have to contend with this past year.

We have provided substantial new resources to handle the Southern pine beetle and mountain pine beetle outbreaks in the West. I am proud of the balance we have achieved in these critical programs that are important to all Americans.

The bill ensures that energy research programs are appropriately funded and that we maintain a proper mix between research on improvements to existing technologies and longer-term higher risk on new technologies. We need to keep all of our options open and not fall into the trap of picking winners and losers.

When it comes to energy resources, ultimately the consumer, not the government, will determine what energy technologies will be successful in the marketplace.

The bill provides for the continued crux of critically needed schools and hospitals for American Indians and Alaskan natives. It also includes a 1-year limitation of funds for historical accounting.

The September 25, 2003, court order would require the Department of the Interior to spend an estimated $9 billion for an accounting that benefits attorneys and accountants. This subcommittee has maintained that this lawsuit continues to divert scarce resources away from critical programs that benefit Indian people and other programs in the bill. If we were to fund this court-required historical accounting, we would have to shut down one-third of the U.S. Department of the Interior. We would critically underfund education for Indians and health care for Indians. This is not worth the recommendation of the accountants and lawyers.

Finally, the bill takes care of our cultural agencies and provides the funding needed to ensure that the Smithsonian Institute maintains its responsibility for providing quality visitor services and world-renowned research. It provides increases above the enacted level for the National Gallery of Art and for the National Endowment for the Arts and the Humanities. The conference agreement for the interior and related agencies appropriations bill for fiscal year 2004 strikes an appropriate balance among competing funds needs, and I ask for support for this bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	820,344	828,079	834,088	847,091	850,321	844,828
Wildland fire management:						
Preparedness	275,411	282,725	302,725	282,725	277,725	275,931
Fire suppression operations	159,309	195,310	170,310	195,310	195,310	194,048
Supplemental appropriations (P.L. 108-83)	36,000	---	---	---	---	---
Borrowing repayment (emergency)	---	---	---	---	99,000	98,360
Other operations	215,433	220,690	225,690	220,690	220,690	219,264
Other appropriations (P.L. 108-7)	189,000	---	---	---	---	---
Subtotal	875,153	698,725	698,725	698,725	792,725	787,603
Central hazardous materials fund	9,913	9,978	9,978	9,978	9,978	9,914
Construction	11,898	10,976	10,976	12,476	13,976	13,886
Land acquisition	33,233	23,686	14,000	25,600	18,600	18,480
Oregon and California grant lands	104,947	106,672	106,672	106,672	106,672	105,983
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	10,000
Service charges, deposits, & forfeitures (indefinite)	7,900	20,490	20,490	18,657	18,657	18,536
Offsetting fee collections	-7,900	-20,490	-20,490	-18,657	-18,657	-18,536
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405	12,405
Total, Bureau of Land Management	1,877,893	1,700,521	1,696,844	1,722,947	1,814,677	1,803,099
United States Fish and Wildlife Service						
Resource management	911,464	941,526	959,901	942,244	963,352	957,129
Supplemental appropriations (P.L. 108-83)	5,000	---	---	---	---	---
Construction	54,073	35,393	52,718	53,285	60,554	60,163
Land acquisition	72,893	40,737	23,058	64,689	43,628	43,346
Landowner incentive program	39,740	40,000	40,000	40,000	30,000	29,806
Rescission	-40,000	---	---	---	---	---
Subtotal	-260	40,000	40,000	40,000	30,000	29,806
Private stewardship grants	9,935	10,000	10,000	10,000	7,500	7,452
Rescission	-10,000	---	---	---	---	---
Subtotal	-65	10,000	10,000	10,000	7,500	7,452
Cooperative endangered species conservation fund	80,473	86,614	86,614	86,614	82,614	82,080
National wildlife refuge fund	14,320	14,414	14,414	14,414	14,414	14,321
North American wetlands conservation fund	38,309	49,560	24,560	42,982	38,000	37,755
Neotropical migratory birds conservation fund	2,981	---	5,000	3,000	4,000	3,974
Multinational species conservation fund	4,768	7,000	5,000	6,000	5,600	5,564
State wildlife grants	64,577	59,983	75,000	75,000	70,000	69,548
Total, United States Fish and Wildlife Service	1,248,533	1,285,227	1,296,265	1,338,228	1,319,662	1,311,138
Appropriations	(1,298,533)	(1,285,227)	(1,296,265)	(1,338,228)	(1,319,662)	(1,311,138)
Rescission	(-50,000)	---	---	---	---	---
National Park Service						
Operation of the national park system	1,564,331	1,631,882	1,630,882	1,636,299	1,629,641	1,619,114
United States Park Police	77,921	78,859	78,859	78,349	78,859	78,350
National recreation and preservation	61,268	47,936	54,924	60,154	62,544	62,140
Urban park and recreation fund	298	305	305	305	305	303
Historic preservation fund	68,552	67,000	71,000	75,750	74,500	74,019
Construction	325,712	327,257	303,199	342,131	333,995	331,837
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	-30,000
Land acquisition and state assistance	171,348	238,634	131,154	158,473	142,350	141,430
Total, National Park Service (net)	2,239,430	2,361,873	2,240,323	2,321,461	2,292,194	2,277,193
Appropriations	(2,269,430)	(2,391,873)	(2,270,323)	(2,351,461)	(2,322,194)	(2,307,193)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
United States Geological Survey						
Surveys, investigations, and research	919,272	895,505	935,660	928,864	949,686	943,551
Minerals Management Service						
Royalty and offshore minerals management	264,477	264,446	264,446	266,246	265,546	263,831
Use of receipts	-100,230	-100,230	-100,230	-100,230	-100,230	-100,230
Oil spill research	6,065	7,105	7,105	7,105	7,105	7,059
Total, Minerals Management Service	170,312	171,321	171,321	173,121	172,421	170,660

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	104,408	106,424	106,424	106,424	106,424	105,737
Receipts from performance bond forfeitures (indefinite)	273	275	275	275	275	273
Subtotal	104,681	106,699	106,699	106,699	106,699	106,010
Abandoned mine reclamation fund (definite, trust fund)	190,498	174,469	194,469	190,893	192,969	191,722
Total, Office of Surface Mining Reclamation and Enforcement	295,179	281,168	301,168	297,592	299,668	297,732
Bureau of Indian Affairs						
Operation of Indian programs	1,845,246	1,889,735	1,902,106	1,912,178	1,916,317	1,903,938
Construction	345,988	345,154	345,154	351,154	351,154	348,886
Indian land and water claim settlements and miscellaneous payments to Indians	60,552	51,375	55,583	50,583	55,583	55,224
Indian guaranteed loan program account	5,457	6,497	6,497	6,497	6,497	6,455
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---
Total, Bureau of Indian Affairs	2,257,243	2,292,761	2,309,340	2,320,412	2,329,551	2,314,503
Departmental Offices						
Insular Affairs:						
Assistance to Territories	48,183	43,623	46,623	43,623	48,623	48,309
Northern Marianas	27,720	27,720	27,720	27,720	27,720	27,720
Subtotal	75,903	71,343	74,343	71,343	76,343	76,029
Compact of Free Association	8,926	4,125	4,354	4,434	4,434	4,405
Mandatory payments	12,000	12,000	12,000	12,000	2,000	2,000
Subtotal	20,926	16,125	16,354	16,434	6,434	6,405
Total, Insular Affairs	96,829	87,468	90,697	87,777	82,777	82,434
Departmental management	71,957	97,140	76,027	77,033	77,533	77,032
Working capital fund (cancellation)	---	---	-20,000	-11,700	-20,000	-20,000
Financial management system migration project	---	---	---	11,700	11,700	11,624
Office of the Solicitor	47,462	50,374	50,374	50,179	50,374	50,049
Office of Inspector General	36,003	39,049	39,049	37,474	38,749	38,499
Office of Special Trustee for American Indians						
Federal trust programs	140,359	274,641	219,641	219,641	189,641	188,416
Indian land consolidation	7,928	20,980	20,980	22,980	21,980	21,838
Total, Office of Special Trustee for American Indians	148,287	295,621	240,621	242,621	211,621	210,254
Natural resource damage assessment fund	5,501	5,633	5,633	5,633	5,633	5,597
Payments in lieu of taxes	218,570	200,000	225,000	230,000	227,500	226,030
Total, Departmental Offices	624,609	775,285	707,401	730,717	685,887	681,519
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	9,632,471	9,763,661	9,658,322	9,833,342	9,863,746	9,799,395
Appropriations	(9,712,471)	(9,793,661)	(9,688,322)	(9,863,342)	(9,794,746)	(9,731,035)
Emergency appropriations	---	---	---	---	(99,000)	(98,360)
Rescissions	(-80,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	250,049	252,170	267,230	266,180	269,710	267,968
State and private forestry	284,712	315,823	290,758	295,349	308,140	306,149
National forest system	1,353,444	1,369,573	1,394,792	1,370,731	1,382,916	1,373,982

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Wildland fire management:						
Preparedness	677,998	609,747	698,000	700,000	683,000	675,607
Fire suppression operations	351,964	604,580	520,000	514,327	604,580	600,674
Supplemental appropriations (P.L. 108-83)	283,000	---	---	---	---	---
Borrowing repayment (emergency)	---	---	---	---	301,000	299,056
Other operations	341,008	327,448	406,632	328,745	358,632	356,315
Other appropriations (P.L. 108-7)	636,000	---	---	---	---	---
Subtotal	2,289,968	1,541,775	1,624,632	1,543,072	1,944,212	1,931,652
Capital improvement and maintenance	548,450	524,571	560,473	532,406	562,154	558,522
Land acquisition	132,945	44,130	29,288	76,440	67,191	66,757
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	1,069	1,069	1,062
Acquisition of lands to complete land exchanges (indefinite)	232	234	234	234	234	232
Range betterment fund (indefinite)	3,380	3,000	3,000	3,000	3,000	2,981
Gifts, donations and bequests for forest and rangeland research	91	92	92	92	92	91
Management of national forest lands for subsistence uses	5,506	5,535	5,535	5,535	5,535	5,499
Total, Forest Service	4,869,839	4,057,972	4,177,103	4,094,108	4,544,253	4,514,895
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-87,000	---	-86,000	-97,000	-97,000	-97,000
Rescission	---	---	---	---	-88,000	-88,000
Fossil energy research and development	620,837	514,305	609,290	593,514	681,163	676,763
SPR petroleum account (by transfer)	---	(5,000)	---	---	---	---
Naval petroleum and oil shale reserves	17,715	16,500	20,500	17,947	18,219	18,101
Elk Hills School lands fund	---	36,000	---	---	---	---
Advance appropriations, FY 2005	36,000	---	36,000	36,000	36,000	36,000
Energy conservation	891,769	875,793	879,487	861,645	888,937	883,194
Economic regulation	1,477	1,047	1,047	1,047	1,047	1,040
Strategic petroleum reserve	171,732	175,081	175,081	173,081	173,081	171,963
SPR petroleum account	6,954	---	---	---	---	---
Rescission	-5,000	---	---	---	---	---
(Transfer out)	---	(-5,000)	---	---	---	---
Subtotal	1,954	---	---	---	---	---
Northeast home heating oil reserve	5,961	5,000	5,000	5,000	5,000	4,968
Energy Information Administration	80,087	80,111	82,111	80,111	82,111	81,581
Total, Department of Energy:						
New budget (obligational) authority (net)	1,740,532	1,703,837	1,722,516	1,671,345	1,700,558	1,688,610
Appropriations	(1,796,532)	(1,703,837)	(1,772,516)	(1,732,345)	(1,849,558)	(1,837,610)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-5,000)	---	---	---	(-88,000)	(-88,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	2,475,916	2,502,393	2,556,082	2,546,524	2,561,932	2,545,382
Indian health facilities	373,745	387,269	392,560	391,188	396,232	393,672
Total, Indian Health Service	2,849,661	2,889,662	2,948,642	2,937,712	2,958,164	2,939,054
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	14,397	13,532	13,532	13,532	13,532	13,445
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,454	5,250	5,250	6,250	6,250	6,210
Smithsonian Institution						
Salaries and expenses	460,196	476,553	489,748	487,989	494,748	491,552
Rescission	-14,100	---	---	---	---	---
Subtotal	446,096	476,553	489,748	487,989	494,748	491,552

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Repair, restoration and alteration of facilities	82,883	---	---	---	---	---
Construction	15,896	---	---	---	---	---
Facilities capital	---	89,970	93,970	89,970	108,970	108,266
Total, Smithsonian Institution	544,875	586,523	583,718	577,959	603,718	599,818
National Gallery of Art						
Salaries and expenses	76,717	88,849	88,849	85,650	87,849	87,281
Repair, restoration and renovation of buildings	16,125	11,600	11,600	11,600	11,600	11,525
Total, National Gallery of Art	92,842	100,449	100,449	97,250	99,449	98,806
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	16,204	16,560	16,560	16,560	16,560	16,453
Construction	17,486	16,000	16,000	16,000	16,000	15,897
Total, John F. Kennedy Center for the Performing Arts	33,690	32,560	32,560	32,560	32,560	32,350
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,433	8,604	8,604	8,604	8,604	8,548
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration 1/	115,732	117,480	127,480	117,480	122,480	121,689
National Endowment for the Humanities						
Grants and administration	108,919	135,878	125,878	125,878	120,878	120,097
Matching grants	16,017	16,122	16,122	16,122	16,122	16,018
Total, National Endowment for the Humanities	124,936	152,000	142,000	142,000	137,000	136,115
Total, National Foundation on the Arts and the Humanities	240,668	269,480	269,480	259,480	259,480	257,804
Commission of Fine Arts						
Salaries and expenses	1,216	1,422	1,422	1,422	1,422	1,413
National Capital Arts and Cultural Affairs						
Grants	6,954	5,000	7,000	6,000	7,000	6,955
Advisory Council on Historic Preservation						
Salaries and expenses	3,643	4,100	4,100	4,000	4,000	3,974
National Capital Planning Commission						
Salaries and expenses	7,206	8,230	7,730	8,030	7,730	7,680
United States Holocaust Memorial Museum						
Holocaust Memorial Museum	38,412	39,997	39,997	39,997	39,997	39,739
Presidio Trust						
Presidio trust fund	21,188	20,700	20,700	20,700	20,700	20,566
Total, title II, related agencies:						
New budget (obligational) authority (net)	10,479,010	9,727,318	9,942,803	9,778,949	10,307,417	10,239,867
Appropriations	(10,549,110)	(9,727,318)	(9,992,803)	(9,839,949)	(10,155,417)	(10,089,811)
Emergency appropriations	---	---	---	---	(301,000)	(299,056)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-19,100)	---	---	---	(-88,000)	(-88,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
TITLE IV - WILDLAND FIRE SUPPLEMENTAL						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland fire management (contingent emergency appropriation)	---	99,000	---	75,000	---	---
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management (contingent emergency appropriation)	---	301,000	---	325,000	---	---
Total, title IV, Wildland Fire Supplemental:						
New budget (obligational) authority	---	400,000	---	400,000	---	---
Grand total:						
New budget (obligational) authority (net)	20,111,481	19,890,979	19,601,125	20,012,291	20,171,163	20,039,262
Appropriations	(20,261,581)	(19,520,979)	(19,681,126)	(19,703,291)	(19,950,163)	(19,820,846)
Emergency appropriations	---	---	---	---	(400,000)	(397,416)
Contingent emergency appropriations	---	(400,000)	---	(400,000)	---	---
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-99,100)	(-30,000)	(-30,000)	(-30,000)	(-118,000)	(-118,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---

1/ Challenge America Arts Fund was requested by the President as a separate account.

Mr. DICKS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I want to commend the chairman and his staff. We had a very cooperative working relationship on this conference committee. I am pleased that we have very substantial funding in this bill for firefighting. I see my colleague, the gentleman from California (Mr. LEWIS), whose district has been ravaged by these forest fires recently; and I know he has been working hard to make sure that the forest service and the BLM have adequate resources to deal with these issues.

I want to also mention that we had a nice vote here on the House floor to increase funding for the National Endowment for the Arts and Humanities. Both of those increased this year, $6.7 million for the National Endowment for the Arts; and I want to thank the chairman for his efforts on that in our conference committee.

We have had questions on privatization studies, as we have been debating all afternoon. I think the provision that we worked out in this bill is a good one and will protect government workers.

As was mentioned by the chairman, we had a very low figure in the House bill for lands and water conservation for acquisition of Federal lands for our Federal agencies. That number came up in conference committee. I, of course, with the gentleman from Wisconsin (Mr. OBEY), we were two of the authors, along with the gentleman from Ohio (Mr. REGULA) of the conservation spending amendment, we are disappointed that we have not been able to keep that funding level where it should have been under the agreement that was reached in 2000. But one of our problems is with the budget resolution; our committee has gotten a very low allocation; and the strategy of the majority has been to try to take care of the Forest Service, the Park Service the Fish and Wildlife Service, the major agencies and that is understandable, though I regret that we cannot do more on the Conservation Trust Fund.

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So I think all in all this is a good bill. We are going to have a little debate here on other matters.

Mr. Speaker, I yield 12 minutes to the gentleman from West Virginia (Mr. RAHALL), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Interior appropriations conference report contains language which represents nothing less than a gag order on some 500,000 American Indians who have waited over 100 years for an accounting of their trust funds accounts by the Federal Government.

On two occasions, we have fought similar provisions. Last year, I offered an amendment on the House floor to strip language with a similar intent from the Interior appropriations bill and it prevailed overwhelmingly. This year, our chairman, the gentleman from California (Mr. POMBO) took the same action and he was also successful.

Yet this language keeps rising from the dead in this conference report. In effect, it would destroy a Federal court's order to the Interior Department to fully account for amounts derived from royalties and other receipts from lands in Indian country. Going even further, this provision appears to shield officials of the Interior Department from judicial actions requiring compliance, such as contempt of court citations.

This is, simply put, appalling. It is an affront to the American system of government, especially our judiciary system, and it undermines the long-standing trust responsibility we have for Indian Nations and individuals. It is, in my view, unconstitutional and will most assuredly cause more litigation and more mistrust of Congress throughout Indian country.

The Committee on Resources is in the middle of hearings on a settlement process of the Cobell litigation, and this sneak attack only makes it harder for us to conduct our business with the trust of those involved.

How long will it take for the Interior Department to quit with the gimmicks and sleight of hand and legislative riders that are snuck into appropriation bills without any consultation with Indian tribes or representatives of the individual account holders or even the chairman of the appropriate committee? How long will it take for the Interior Department to step up to the plate and accept responsibility and act responsibly in fulfilling its commitment, statutory and moral commitment I might add, to these aggrieved parties? Apparently, we should not hold our breath waiting for that to happen.

I urge a vote for the motion to recommit so that this matter can be addressed, and that will be offered by the gentleman from New York (Mr. HINCHEY), and pending that, I urge defeat of the conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I just want to express my strong support for the appropriations conference report. I think the committee's done a great job.

They have dealt with backlog maintenance which is extremely important in terms of maintaining our parks and giving the public the quality experience they expect.

I was also pleased to see they extended the fee program. We are working to pass permanent legislation authorizing the direct fee program, but I would point out that this program has produced over $1 billion in the past years. It has gone into improving the quality of the visitor experience, and the money has stayed largely in the park that has produced it. I believe the public, generally, has been very supportive because they recognize that they are the beneficiaries of the small fees for using the public lands.

Also, I was pleased to see that the Committee restored cuts in the USGS budget, restored the cuts made in the President's budget. This is an extremely important agency because it allows us to understand the science of the earth and to better manage the resources of our programs that are their responsibility.

Everglades, again, this bill continues our strong support for the restoration of the Everglades, provides $68 million toward the historic initiative, and it does have the assurance from the State of Florida that it will meet its obligations.

Energy programs, extremely important to our Nation's economy. We are a Nation of large consumers of energy, and this is essential to the quality of life that we enjoy. I am particularly interested in developing programs to develop vehicles that will use natural gas. I think this is one of the ways to save our petroleum reserves and make us less dependent on imports. It is something that we are moving toward. A lot of buses, if my colleagues notice, around the city are powered by natural gas. The technology is clearly workable. It is a matter of getting infrastructure, and I would hope that the committee that does the reform of the transportation bill will recognize that there should be some funds to develop infrastructure for the fueling of natural gas vehicles.

On balance this is a very good bill, given the limited resources available.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democratic member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think this bill is a mixed bag. There is much in it to commend it, and I especially want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR) for the way that he has fairly involved the majority and minority in the fashioning of this bill, and also for the fact that he has treated Members with great fairness in my judgment.

There are two problems that I see with the bill that I find troublesome. First, there are a number of what I consider to be antienvironmental riders involving Alaska and other areas. I would say, frankly, that these are not the worst antienvironmental riders I have seen in an Interior bill, but I guess that is damning, by faint praise, from my perspective.

I think the basic problem is that the bill falls $447 million short of measuring up to the agreement that this committee signed on to 3 years ago. At that time, a majority of the House had signed on to what was known as the CARA bill which would have created land acquisition programs and land conservation programs as an entitlement. Those of us on the Committee on Appropriations thought institutionally that was the wrong thing to do, and so we tried to work out an alternative. And we did. That alternative said that funds for those programs would be first in line in this bill for the next 6 years, and we spelled out a specific funding schedule that was supposed to be met over that time period.

Unfortunately, the committee has now, in essence, walked away from that agreement. At the time that we entered into that agreement, because I was one of the parties to it, I pledged that if the committee at any time walked away from that agreement that I would vote against any legislation that was at variance with that agreement. And so I feel constrained to have to vote against the bill today. I am sorry about that, but I believe that we are making a long-term mistake, institutionally, by not living up to that agreement.

I recognize the committee is short of resources. I think that the House should have corrected that by making more resources available so we would have not been in this jackpot. Nonetheless we are, and so that is why I, despite many of the good things in the bill, feel constrained to vote against it when the rollcall is called.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding me this time.

The gentleman from Washington (Mr. DICKS), the distinguished ranking member, has referred to the fact that I am facing a rather tremendous challenge in California with the devastation that is impacting my District directly. In talking early this morning with one of my very dear friends that has great expertise in this arena of professional work, it was from him that I first heard the reality that there are two kinds of money that involve fire money. When we are talking about protecting the forest and trying to get the dollars that are necessary to clear the brushes, make sure we do not have too many trees go through, et cetera, et cetera, that kind of money is very, very difficult to come by, and then suddenly we have a disaster, a fire, and a green light goes on. The difference is red money, green money. A green light goes on, and whatever is available or required suddenly comes forth.

The deal with the challenges in my forest in recent years was we worked very hard to try to get some money to lay the foundation for a better management of the forests. Just in the last couple of years, we have finally gotten as much as $30 million. This evening, later, we will be considering the supplemental. After the fires had begun in the West, and within that package, there is a $500 million addition to the process that will help us deal with these problems in the West now, after the fire occurred.

So I have great empathy for the challenges of the people on this committee who struggle to get adequate dollars up front to make sure we are managing our forests well, and it takes the kind of challenge we are facing at this moment to really bring the point home.

I would have my colleagues know that I am very sensitive about my following remarks, and I would have the Chair be very careful with me, for it is a very unusual thing for me to do. Each of us has two U.S. Senators in each of our States. And in my case, there are two U.S. Senators and they are speaking about this general subject area, and I find great confusion here. I am going to be very careful as I refer to the other body and even Members in the other body to only use quotations from those individuals, but it makes it a very significant point as it relates to this bill.

So in an attempt to do that, I would speak of one of my Senators first. The gentlewoman speaking on the Senate floor about the healthy forest legislation currently under consideration has said, "We have an open invitation to destroy our forests without getting anything back for it. There are no limits on old growth forest logging. Timber companies will pick the trees they want with no veto from the forest service and a complete change from what we have had before."

My other colleague, another Senator from California, has been heard to say about this same proposal, speaking on the Senate floor and saying, "This legislation is not a logging bill, as some would typify it, I think, falsely. This legislation would allow the brush to be cleared out, and it would also provide the first statutory protection for old growth stands and large trees ever in the history of this Nation. I want to be very clear. This is pro-environment legislation, and it seeks to reverse some of the damage we have done to our forests and restore their healthy condition."

Two contrasting points of view that are difficult for me to understand from two Senators from the same State, but they make the point that unless we are able to recognize that there are very serious challenges here and recognize that this bill attempts to begin to deal with some of those challenges, we will never overcome the kind of tragedy that we are now experiencing in the West.

There are some 18 people who have died in southern California. Over 2,600 homes have been burned. Three-quarters of a million acres have been burned. At this very moment in regions in my District, literally thousands of families are trying to figure out what to do with the rest of their life because I think we have not in the past been able to give the kind of broadly-based support that we need to give to this subcommittee.

I think the report we have before us tonight is a reflection of very fine work between the ranking member and the chairman of our subcommittee. I very much appreciate their effort, but I want them to know from this Member's perspective, tonight's work is just another down payment. We will be making a down payment as it relates to the supplemental later. Indeed this down payment is very, very significant, and I want my colleagues to know that I appreciate the work they have done.

Mr. DICKS. Mr. Speaker, I yield myself 1 minute.

I wanted to say something to the distinguished chairman of the Subcommittee on Defense. The gentleman served as a chairman of the Subcommittee on VA, HUD and Independent Agencies, and FEMA was under my colleague's jurisdiction. When FEMA has an expenditure it gets reimbursed.

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In our situation, with the Forest Service and the BLM, they take money from all of the accounts of the agency, go spend it fighting the fires, and then we do not reimburse it completely. It is not automatic. It has to be appropriated, and we do not do it as completely as we should. I think the FEMA example is a better way to go.

Mr. LEWIS of California. If the gentleman will continue to yield, I would like to respond that in the recent reorganization, we shifted FEMA from VA-HUD to the Subcommittee on Homeland Security. So there has been that change. And we have appropriated additional money there because in the middle of last year FEMA was running out of money. They were at least talking about the shortage. Suddenly we are going to add some money to that pool that they can draw from, and certainly that is a reflection of the challenges throughout the West.

Colorado, just today, has another new problem. But before another 6 months goes by, even FEMA is going to be stretched to the wall again, and that is why what the gentleman did last night was very important, and I appreciate my colleague's support.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a very valued member of the Committee on Resources and one of the strongest fighters for Native Americans in this body.

Mr. KILDEE. Mr. Speaker, I rise in strong support of the motion that will be made by the gentleman from New York (Mr. HINCHEY) to recommit, because of the provision that keeps the Department of the Interior from performing its legal responsibility and further delays justice to a half million account holders who have been waiting for an accounting of the individual Indian trust for more than 100 years.

This so-called time-out provision is objectionable because it would require that the 1994 American Indian Trust Management Reform Act not be interpreted to require the Department of the Interior to conduct a full historical accounting. This is a way to avoid an order by a Federal judge in the Cobell v. Norton case, who just last month ordered the Department of the Interior to perform a complete accounting of the individual Indian trust.

This provision provides zero incentive for the Department of the Interior to mediate or negotiate a settlement of the Cobell case; and it sends a terrible message to the Indians that when they finally get their day in court, Congress will pull the rug out from under them.

Mr. Speaker, just last year this House overwhelmingly voted to strike a similar provision from the 2003 interior appropriation bill. Furthermore, Mr. Speaker, this provision violates the House rule against legislating on appropriation bills. It also violates the House scope rule because it was not included in either the House or the Senate fiscal year 2004 interior appropriation bill.

The authorizing committee has started an important dialogue about the options to settle the Cobell case. It is critical that the committee of jurisdiction, the Committee on Resources, be permitted to continue its work without interruption. I urge my colleagues to support the motion to recommit; and if that fails, to vote against the conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I first want to commend the chairman and the staff on both sides for working on what I think is a good bill and one that I think meets the needs of firefighting, an issue that has not always been treated appropriately.

I guess what a lot of people do not realize is that when we have these fires and do not fund them, the money is taken from all the other accounts. Now, think of running your business and the money for the new building you are halfway through building, money for other forest projects you are on, is suddenly snatched away from you and you just have to stop until the money comes back when it is restored. I do not think anybody realizes how we have had the bureaus managing our land working with these forest issues that have been hitting us year after year after year. So I am pleased that there has been a major effort this year, $3.2 billion, in different ways; some repayment of funds used, but money to prevent fires, money to fight fires, and money to replenish accounts.

I am also pleased to see some progress on PILT. But I want to challenge the body. Payment in lieu of taxes has been an undervalued account here. When we take millions of acres, we own a third of the country and we only spent $227 million. It is still a pittance nationwide for our payment of taxes. Because when we take all of this acreage out of the economy, it does not pay taxes. But those people living in those regions have to have roads and schools and services, and we need to continue to improve there.

I was pleased that we had a $61 million increase for national parks, $24 million for the National Wildlife Refuge, $30 million for geological survey, $29 million for the national forests, and $6 million for weatherization.

And I was really pleased to see that that fossil energy research was increased by $60 million. Now, there has been a lot of money here, not wanting to put money into fossil research, because we all want to use renewables. I want to use renewables. But the renewables have not taken the place of fossil fuels.

One final statement I would like to make. When we add up the energy used in the world today, geothermal, wind and solar are .56 of 1 percent. My colleagues, we have to have fossil fuel research.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), who is cochair of the Native American Caucus.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from West Virginia for yielding me this time. At the outset, let me say my affection and admiration for my colleague from North Carolina, the chairman of this Subcommittee on Interior of the Committee on Appropriations, knows no bounds. There is much to praise in this bill; and yet as this legislation came together in conference, an indignity has been thrust upon this body and the legislative branch of government.

What we witness tonight, my colleagues, is the triumph of the unelected, where legislative staffers, along with staffers from the executive branch, presume to know more than the duly elected officials of this body. And so in a closed conference, in 15 minutes' time, a provision is added to this bill which passed neither the House nor the other body and is thrust upon us at the last nanoseconds of the 11th hour in a cynical attempt to say, Come on, we dare you. There is needed firefighting money in here. We dare you to vote against it.

Mr. Speaker, there may be some who interpret this as a turf battle. That would be a serious mistake. This is not a turf battle. This cuts to the core of our legislative branch and our system of coequal and separate branches of government.

We cannot allow the First Americans to remain the Forgotten Americans. This House has taken action time and again to reaffirm the rights of Native Americans on the trust fund accounts. I will grant every Member of this body it is a difficult issue. But, Mr. Speaker, the fact remains those of us on the Committee on Resources that have the jurisdiction, many of us will meet in my home State of Arizona Monday as I will chair a field hearing on this very topic. And now what we are seeing happen, if passage of this legislation takes place tonight, it renders those hearings a moot point. It silences the First Americans. It assures they remain the Forgotten Americans.

Vote "no" on this bill. It is the wrong thing to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman's time has expired.

If we are to keep on time, the Chair requests that Members stay within their allotted times.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I urge my colleagues to adopt this conference report on the interior appropriation bill. It is a reasonable and responsible measure to meet the natural resources, recreational, energy, and cultural needs of our citizens.

The gentleman from North Carolina (Mr. TAYLOR), chairman of this subcommittee, has done an excellent job in working with the Senate to provide a balanced conference report that sets the right priorities, is fiscally responsible, and reflects the values of the majority in the House. One of these priorities, of course, is more money and resources to combat and control wildfires. The bill includes $2.5 billion for the national fire plan, as well as an additional $400 million to repay wildfire suppression expenses from last year.

In addition to providing these historic levels for firefighting, the bill recognizes that we must do more than fight fires once they have started. It takes an integrated fire plan approach which funds wildfire suppression and preparedness, hazardous fuels reduction, and forest health and rehabilitation activities.

I am very pleased that it includes money for new forest pest management in the initiatives, including funds for the wooly hemlock adelgids in the East and the Southern pine beetle and Western mountain bark beetles.

I think we need to address the Indian issue. No one wants, more than the members of this committee, to address this issue. But it does not make any common sense to spend between $9 billion and $12 billion over a 3-year period without a single dime going to the Indians. This gives us a cooling-off period that we can get this thing done, because if we spend $9 billion to $12 billion for an accounting system that gets us no result, there will not be money for wildland fire funding, Indian education and health care, national parks, PILT, and so on.

This bill should be passed. I commend Chairman TAYLOR and the ranking minority member, the gentleman from Washington (Mr. DICKS), for the outstanding job they did under tight budget constraints in meeting the stewardship responsibilities of the Congress. I urge adoption of the conference report.

Mr. RAHALL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE), another valued member of our Committee on Resources and truly a strong fighter for Native Americans in this body.

Mr. DICKS. Mr. Speaker, I yield the gentleman from New Jersey (Mr. PALLONE) 30 seconds.

Mr. PALLONE. Mr. Speaker, for centuries, American Indians were forced to give up their ancestral lands by this country's early settlers. It was one of the most shameful episodes in American history.

The U.S. Government subsequently placed the Indian lands in trust. But the Department of the Interior has not met its trust responsibility and American Indians were forced to sue in court to protect their rights. Now, the court has made a decision in favor of the American Indians, and this conference report would essentially delay or reverse that court's decision.

I think it is wrong for this Congress to deny justice to over 500,000 of America's first citizens. Mr. Speaker, instead, we should reaffirm our commitment to Native Americans. That process begins here and now with this vote. By voting to recommit the interior appropriation bill, the antitrust reform language has a chance to be removed from the bill and a proper solution can be reached involving the Indian tribes.

Keep in mind, the tribes were not consulted in this process. This is something that is coming from the Department of the Interior to reverse a court decision. There is no input from the Indian nations.

Mr. Speaker, justice delayed is justice denied. Let us begin to rebuild the trust relationship with American Indians so that we can put this ugly stain on American history behind us. We cannot do that by unilaterally doing this in the interior appropriation bill conference report. The only way it can be done is through the hearings that the Committee on Resources is now having. They are having them around the country, and they are allowing the Indian tribes to be involved in whatever solution we come up with.

Now, I know that the authors here are well intentioned with this provision, but the bottom line is it delays or reverses the court's decision. What kind of signal does that send to Indian country? The wrong decision. Vote to recommit. And then if it does not pass, vote to turn this bill down. Vote against the bill.

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Mr. TAYLOR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise with reluctance to oppose this bill. I have not opposed an appropriations bill for many years. I appreciate the difficulty the subcommittee chairman and the gentleman from Florida have with the Senate, with the budget, and with all of the demands from Members, but I stand with the chairman of the Committee on Resources. I believe the administration committed an egregious process, a mistake, in going around the authorizing committee at the last minute without even telling the authorizing committee, and we cannot do business that way.

I have a second problem with the bill, but it would not have caused me to vote against the bill. I believe the provision by the gentleman from North Carolina (Mr. TAYLOR) on the National Park Service should have been left in the bill. It is the most successful outsourcing organization in the country, and instead of attacking the most successful and highly-rated government organization in the country, even with the guidelines of the gentleman from North Carolina (Mr. TAYLOR) which are very well written, basically guarantee that this money will be wasted.

This is the type of thing that when President Bush has made national parks a centerpiece, his staff did him a disservice by having this in the bill that is aggressively focused at the park service when they are already over a majority, one of the only organizations in the government that is over a majority already outsourced, it is not only wrong, wasteful, but it is politically stupid. I hope we can get this fixed with the administration as we work through. I know the committee understands my concerns, and we will continue to work with them, but we have to have some kind of process where the authorizing committees are respected, and I stand with the gentleman from California (Mr. POMBO).

It is with great reluctance that I rise to oppose this appropriations bill. I rarely vote against appropriations bills because I know how hard it is to reach the compromises necessary to pass these bills.

I rise partly in opposition to the imposed language, with no participation from the authorizing committee on the Tribal funds issue. We have clear conference guidelines to protect against this very thing and this was a blatant violation that threatens the committee system.

Secondly, I deeply believe that the provisions on outsourcing in the National Park Service is a terrible policy mistake. I have been a consistent supporter of competitive bidding, outsourcing and/or privatization. But the way OMB is approaching this issue endangers the process as a whole.

Employee work in our national parks is already under 50 percent. It is a serious story. Some outsourcing has been pulled back because, for example, private contractors found that it was hard to remove waste from remote mountain ranges. Or they only wanted to do it when economic times were hard. In other cases, bids were sought and none arrived.

In other words, the National Park Service is a success model. But if OMB won't distinguish between success and failure, if money must be wasted in a never-ending hunt, not only will organizations like the National Park Service become demoralized, there will be no voluntary efforts, even more resistance and bitterness, and eventually a revolt against all outsourcing.

Relatively mindless "cookie-cutter" approaches are an abdication of responsible government. The National Park Service rangers have among the highest, if not the highest, public approval ratings of any government or private sector employee. Even if the Park Service wasn't already 50 percent contracted out, why fix something that is not broken? We have enough problem areas on which to focus.

Furthermore, President George W. Bush fully understands the importance of our national parks, to our nation, and from his personal comments, to his family.

While the President favors outsourcing, as I do, it is poor staff work to further attack the National Park Service and waste more funds on outsourcing. Instead, the funds should be used to help eliminate the national parks maintenance backlog. Or it could be used to reduce the $30 million this bill is overbudget. Instead of staff attacking the National Park Service, the President should be told of its successes, and bragging about it.

The original House language exempted the National Park Service. By friends and colleagues, Congressman TOM DAVIS and PETE SESSIONS were going to introduce an amendment to remove the provision. After discussions, during which it was apparent the amendment would likely overwhelmingly lose, they withdrew their amendment. Later in the bill, Congressman BEREUTER offered a specific exclusion amendment for the archaeological centers. He won overwhelmingly. Repeatedly this House has made it clear that the National Park Service is not like other agencies.

I do want to thank the Committee for definitive language forcing detailed guidelines on such studies. It means that, most likely, most of the outsourcing dollars being spent will be wasted money but at least it will be reasonably fair. As chairman of a subcommittee with National Parks oversight and as a member of the Resources full committee and National Parks subcommittee, I will be closely monitoring every threat to dangering our Park Service.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I rise in opposition to the conference report on H.R. 2691. I am generally supportive of the bill's thrust and appreciate the good work of both the Committee on Appropriations chairman and subcommittee chairman. However, the provision inserted into this legislation relating to the Indian trust issue makes it personally unacceptable for a variety of reasons.

It is unacceptable, first, because it amounts to legislating in an appropriation bill, and I find that unfortunate.

Second, it was not included in either the original House or Senate bill, and consequently did not receive the scrutiny and debate that it deserved.

Finally, it is an effort, I think, inappropriately, to derail a judicial process that is already in progress. It is unfortunate that we are at this particular moment, and I regret having to vote against this bill. But I think had we operated through the Committee on Resources, let the processes in place work out, we could have arrived at a solution to the problem that was fair and equitable and trusted by all sides. It is with great reluctance that I rise in opposition.

Mr. Speaker, I rise today in opposition to the Conference Report on H.R. 2691, the Department of the Interior and Related Agencies Appropriations Act for fiscal year 2004. I am supportive of the general thrust of this bill, particularly the emergency funds to help fight the wildfires in the West. Moreover, I recognize the need to finish appropriation bills on a timely basis.

I respect the Appropriations Committee chairman and subcommittee chairman who laid out the broad framework for this generally laudable appropriations measure. I want to be clear that my criticisms of the substance of one part of this bill in no way are intended to reflect on the fine work and integrity of the chairman and the members of the committee.

However, I feel compelled to vote against H.R. 2691 because of one provision in the bill concerning the Indian Trust issue. This provision was inserted in language funding the Office of the Special Trustee for American Indians and would dictate the manner in which the Department of the Interior undertakes a complete historical accounting of individual Indian Trust accounts. It is clearly the first step in a process designed to impose rather than negotiate a settlement of Indian Trust account claims and to do so for as little money as possible regardless of the merits of individual cases or the historical culpability of the Federal Government in the mismanagement and theft of Native American assets held in trust.

This provision clearly violates the House Rule against legislating in an appropriations bill. Moreover, it undermines the excellent work of the Resources Committee, which has held two hearings on the Indian Trust issue and has been in the process of building a bipartisan framework to settle the Indian Trust issue in wake of the questions arising out of the so-called Corbel litigation. If this conference report is approved in its present form it will hinder the efforts of the Resources Committee to resolve this issue fairly and honorably for all concerned.

In addition to being legislatively and procedurally unsound, the provision in question is clearly designed to limit the ability of Native Americans to pursue their legitimate claims in court. Frankly, I predict that this effort will fail. However, it will cost the litigants and the Federal Government more rather than less money in the long run. Moreover, it will further poison the historically poor relations between Indian tribes and the Federal Government.

Frankly, I am appalled that this language was included in the conference report on H.R. 2691 since it was not part of either the original House of Senate Interior appropriation bills. It was added in the dead of night in order to avoid legislative scrutiny and open debate. This is a clear violation of the spirit if not the letter of the normal rules that govern the legislative process. It discredits the legislative process and should embarrass and disappoint every member of this body regardless of their position on the issue.

In my opinion, this language delays justice for half a million individual Indian Trust beneficiaries who have waited over 100 years for a full and fair accounting of the property which the Federal Government holds in trust for them. This is both reprehensible and unacceptable. I intend to work within the framework of this institution to see that the mischief done in this appropriations bill is ultimately undone.

Mr. Speaker, it is tragic that this provision was added to this otherwise praiseworthy and essential piece of legislation. Its inclusion makes it impossible for me or any other member who cares about the rights of Native Americans to support this bill. However, I take comfort in the fact that this issue will be dealt with again, both in the courts and in the halls of the Congress of this great republic.

Mr. RAHALL. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources who I have had the pleasure to work with, and who is very capable and fair.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

It is with regret and a certain reluctance that I come to the floor tonight in opposition to the Interior appropriations bill. I think that the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) have done an excellent job with this bill, and it is probably one of the best Interior appropriation bills that I have seen during my time in Congress.

But having said that, the addition of language dealing with the Indian trust issue, the Cobell v. Norton decision has forced me to rise in opposition to the bill. I will say to my friends, my colleagues, this is the wrong thing to do. It is wrong to put this into an Interior appropriations bill. When the Interior appropriations was moving through the House of Representatives, there was a provision that dealt with Cobell. It was a different provision, very different than what is in this bill, and I want to make that clear. However, that provision was struck and part of the debate, part of the discussion that went on on this floor was that the authorizing committee would have the opportunity to sit down and work our way through a hundred year old problem, and we are doing it.

We have held a number of hearings in our committee. We have held a number of field hearings. As the gentleman from Arizona (Mr. HAYWORTH) said, he is holding a hearing on Monday dealing with this issue. The only way we are going to solve this problem is if we have the opportunity to sit down, to consult, to negotiate, and to ultimately reach a settlement. We are not going to do it by some rider put on in an appropriations bill. The only way we are going to solve this problem is if the authorizing committee, if the gentleman from West Virginia (Mr. RAHALL), myself, the members of my committee, have the opportunity to sit down with those that are impacted by this and do what is the best thing possible for the American taxpayer and for the Native American community in this country. That is how we are going to solve this problem.

We are not going to do it on a rider. This is the wrong way to settle this problem. I appreciate that this is only good for a year and it is a cooling-off period as some of my colleagues have said. I am sorry, we do not do it on an appropriations bill, and I do not care who wants it. The only way we can solve this problem is to sit down and consult, negotiate, and ultimately lead to a settlement. That is what we are in the middle of doing, and I will pledge along with the ranking member, the gentleman from West Virginia (Mr. RAHALL), that we will continue to work on that and we will get it done. But, Mr. Speaker, do not do it on an appropriations bill.

Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to a member of the Cherokee Indian Nation, the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Speaker, I am here to voice my strong objections to the language included in the fiscal year 2004 Interior appropriations bill. This language, as has been discussed, delays justice to over 500,000 individual Indian money account holders.

I represent a district with the most heavily Native American population in the entire country. And as a member of the Committee on Resources, the committee with jurisdiction over this important matter, I had no opportunity nor ability to participate in discussion on this language's effect on my constituents.

For this reason, although I am a strong supporter of a number of provisions in this bill, I cannot in good conscience vote for it. I respectfully request that my colleagues vote yes on the motion to recommit and no on final passage.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), a distinguished member of the subcommittee.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR), and I also want to express my respect for the work the gentleman has done on this bill and the way it has been done. But unfortunately, for reasons that are largely beyond his control, there are serious defects and deficiencies in this bill, so at the appropriate time I intend to offer a motion to recommit.

This conference report breaks the promise to maintain the fully funded Interior portion of the Conservation Trust Fund, and that would be at $1.56 billion. The Conservation Trust Fund was groundbreaking, bipartisan conservation legislation designed to protect the Nation's threatened natural resources. To abandon it after only a few years violates a commitment that this House and this Congress made to the American people. Instead of the promised $1.56 billion, the bill contains just over $1 billion, $447 million below the authorized level and $87 million even below that appropriated last year.

This funding level is an assault on the ability of the Nation to conserve lands and protect sensitive forests and parks. This funding is important because the American people value the programs in the Conservation Trust Fund for protecting open space and historic sites, conserving wildlife and wildlands, and creating opportunities for recreation for both body and soul. Because of these cuts, some threatened lands that would have otherwise been protected will now be lost forever.

Within the Conservation Trust Fund, the Land and Water Conservation Fund which funds land acquisition is especially hard hit with deep cuts. Land acquisition is funded at only $176 million, that is $137 million below last year. It is a 60 percent cut below 2002. So this conference report willfully walks away from our responsibilities to protect and conserve our precious land. And if we approve it, I predict next year we will be fighting even deeper cuts than we are experiencing this year.

And then there are a series of antienvironmental riders. This conference report includes damaging riders. Some of them, for example, would strike at the heart of the protection of the coastal lands. One Senate rider, for example, removes Alaska's Bristol Bay from protection, even though the House bill and the President's budget renewed the moratorium that put that protection in place.

Mr. Speaker, it could be our coastline next. Another Senate rider sets a dangerous precedent for interfering with the independence of the Federal judiciary by severely limiting the amount of time that the public has to challenge harmful logging projects in the Tongass National Forest in Alaska, and limiting the amount of time a Federal district court has to rule on those cases. People will be denied their time in court. There are a host of our damaging antienvironmental riders in this bill, and for those and other reasons, I will offer a motion to recommit.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

I want to end the debate on our side by saying I strongly support the conference agreement, and I hope Members will vote for the conference agreement. I appreciate the comments made here tonight. We are going to work hard to resolve the problems on the trust account issues. We will work with the authorizers. The chairman and Mr. RAHALL are acting in very good faith. I know there has been a hearing, and they are going to have another hearing.

We need a solution to this problem, and I pledge tonight to my constituents back in the State of Washington that I will work tirelessly for a solution to this problem, so we can do justice to the holders of these accounts.

Mr. Speaker, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise first to support this conference report, but I also want to address another issue, especially to my fiscally conservative friends. They received in their offices today a publication that would appear to be coming from the Committee on Appropriations because it says Appropriations Update in the big headline. The actual author of the paper is shown in small print, which indicates that the author is the Committee on the Budget. It says that this bill exceeds by $30 million the 302(b) suballocation issued by the Committee on Appropriations.

The problem is, at least I guess what it is, the Committee on the Budget has one budget resolution to pass in the House, then that resolution goes to Senate, and then the House and Senate go to conference on that one resolution. Then they bring a conference agreement back, and we barely pass the budget resolution.

The Committee on Appropriations has 13 regular fiscal year bills and, this year, three supplementals. So when we start to go to conference with the other body on all these bills, we have got to have the ability to negotiate the 302(b) allocations with the other body so we end up with the same 302(b)s in the House and in the Senate for each bill.

In fact, if Members are concerned about this publication that was distributed today, let me say there should be no confusion. The Interior conference report is within the 302(b) allocation that was agreed to by myself and Senator STEVENS. We provided this 302(b) allocation for the conference.

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So, in fact, this bill is within the 302(b) allocations set for the conference, and, in fact, is below last year's level. For those who might be misled by this publication, understand our process of 302(b) allocations as we go to conference, and understand that we are within the bill's 302(b) allocation. We are not over it, despite what this report says.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I share the frustration of many of those who have spoken on the Indian trust issue. I represent the eastern band of the Cherokee Indians. I have been taught and seen it over and over again, the old adage that government will mess up a one-car funeral.

The committee spent $20 million of the taxpayers' money to do a transaction-by-transaction accounting of five named plaintiffs in the Cobell v. Norton litigation and found that one check for $60 went to the wrong person; $20 million to find a $60 error. Can anyone argue that this is a good use of the American taxpayers' money? A Federal court ruling on September 25, 2003, in the class action lawsuit ordered an expanded transaction-by-transaction historical accounting from 1887 to the present. Initial estimates indicate that the accounting ordered by the court would cost between $9 billion and $12 billion. Nobody ever envisioned that we would be spending $12 billion on an accounting that does not provide one dollar to Indian country. We have included language that limits funds available to the Department of the Interior for historical accounting to those activities that need to be accomplished and can be accomplished in the short term. Beyond the funding limitation, language has been included protecting the Department from further court action during this 1-year timeout period. This gives the authorizing committees time to address the issue. The appropriations committee is not addressing this. We are putting this with the authorizing committee.

Without this language in our bill, the court would likely hold the Secretary in contempt and find for the plaintiffs' accounting that the government owes $176 billion in this matter without any further negotiation or findings. For the past 3 fiscal years, the Committee on Appropriations has stated that it will not appropriate hundreds of millions of dollars, now billions of dollars, for a historical accounting. There was no other option but to include the timeout provision in this bill. There is only one source of money available to the committee; and an accounting of this magnitude, $12 billion, would require that vast sums be diverted away from other programs in the bill. Without the time-out language, we would have to divert vast amounts of money from Indian education, health care, the National Park Service, as well as critical fire fighting funding; and that is just to name a few. There will be further court proceedings in this case based upon the government's appeal of this court ruling. We should not expend hundreds of millions of dollars while this case is under appeal.

We fully agree with the gentleman from California (Mr. POMBO) that the authorizing committees should address this issue, and we are not trying to do that. All the interior bill does is provide for a 1-year time-out, basically the remaining term of this Congress, to allow the Congress to provide, hopefully, a comprehensive solution to the Indian trust issue, or at least address the scope of the historical accounting so the Congress will not be put in the position of cutting programs in this bill to fund a $12 billion accounting. If the language is struck from the bill without providing full funding for the court-mandated accounting, some $3 billion in 2004, the court will likely hold the Secretary of the Interior in contempt and find summary judgment for the plaintiffs' accounting which purports to show that the government owes $176 billion.

The gentleman from Wisconsin (Mr. OBEY) pointed out that we were $400 million short in this bill. If we have to pay $3 billion just for an accounting next year or we are asked to pay $176 billion in the next year, or $12 billion maybe in a short period of time, imagine what will happen to this bill and the Department of the Interior, Forest Service, Energy and the critical funds that we provide for Indian health, education and other needs.

Mr. Speaker, I urge the adoption of this conference report.

Mr. ISSA. Mr. Speaker, I rise this evening to speak on the FY 2004 Interior appropriations bill. I wish to thank the House Appropriations Committee for providing the much needed increases in funding for the fire-fighting and fire prevention accounts within the Department of Interior. As my constituents and the constituents of my other colleagues representing the counties of San Diego, San Bernardino, Los Angeles, Riverside and Ventura have discovered first hand over the last week, it is imperative that Congress fund the necessary resources needed to prevent fires and fight fires.

Though I do plan on voting in support of this bill because of this funding and the funding of other important programs, I am concerned about the inclusion of a provision in this bill to halt a historical accounting of errors in the Indian trust fund accounts. While I recognize the need to address this issue quickly, the Interior appropriations bill is not the appropriate vehicle. An issue of this magnitude is better addressed through the normal legislative process. The House Resources Committee, chaired by Representative RICHARD POMBO, has already held numerous hearings on this issue, developing the necessary legislative history. Mr. POMBO is committed in working towards a more complete solution. I strongly disagree with the decision to include language in this bill that preempts the Resources Committee's thoughtful work on the trust fund issue.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot vote for this conference report.

The annual appropriations bill for the Interior Department and related agencies is important for the whole country, but particularly for Colorado and other states that include extensive tracts of Federal lands.

It benefits all Coloradans for the Interior Department and the Forest Service to have the funding they need to do their jobs. I also support many other things that are funded in this bill, such as energy conservation programs of the Department of Energy, the Smithsonian Institution, and the National Endowments for the Arts and the Humanities.

However, when the House first considered this bill, I found it so flawed that I could not support it. I voted against it in hopes that after the Senate acted and the bill came back to the House from conference it would be improved enough so that I could vote to send it to the President for signing into law.

To a degree, that hope has been realized. The conference report does include some definite improvements on the House-passed bill.

Perhaps most importantly, the bill would provide $400 million to repay the accounts from which the Forest Service, Bureau of Land Management, and other agencies had to take funds in order to fight forest fires. This is a very great improvement over the House-passed bill, as is the fact that the conference report restores $70 million for Forest Service wildfire preparedness to keep firefighter readiness at the 2003 level, and also would provide $2.5 billion for the National Fire Plan—$1.8 billion for the Forest Service and $694 million for the Department of the Interior—which is $126 million above the President's request and includes an increase of $289 million for wildfire suppression, $11 million for hazardous fuels reduction, and $9 million for State and community fire assistance.

Those are good provisions that deserve support. And, in addition the conference report also includes some items of special value to Colorado.

For example, I am particularly glad that the conference report—unlike the House-passed bill—includes $2.5 million to enable the Forest Service to continue its acquisition of lands in the Beaver Brook watershed, in Clear Creek County, now owned by the city of Golden. Together with others in the Colorado delegation, I have been working to complete this multiyear project, and am pleased that the conference report would enable it to go forward.

Similarly, the conference report improves on the House-passed bill by providing $9 million for the acquisition of lands in the San Luis Valley—$7 million for the portion of the lands that will become a new National Wildlife Refuge and $2 million to round out the Great Sand Dunes National Park.

I strongly support this, as I also do the provisions of the conference report that would provide the Forest Service with $1 million for acquiring lands in an elk corridor in the White River National Forest and the same amount of needed work on the Continental Divide Trail, the National Park Service with funds for planning for a new curatorial facility at Mesa Verde cultural center, and the Bureau of Land Management with money for acquisitions in the Canyon of the Ancients National Monument.

But in other respects the conference report not only fails to improve on the House-passed bill, but actually is even more flawed—so flawed that I think it deserves to be rejected.

Two aspects of the conference report are particularly bad, in my opinion—one involving language that is included, and one involving a provision of the House bill that has been dropped.

The conference report includes a remarkable legislative rider that says—

> nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103-412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of Interior to commence or continue historical accounting activities with respect to the individual Indian Money Trust until the earlier of the following shall have occurred:
>
> (a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or
>
> (b) December 31, 2004.

I am not a lawyer, but it seems clear that this provision is intended to at least temporarily allow the Department of the Interior to refuse to comply with a recent decision in the pending Cobell v. Norton litigation dealing with the management of Indian trust accounts.

Whatever might be said in its favor, it is not the kind of thing that should be included in an appropriations bill. In fact, it would be subject to a point of order under the rules of the House except for the decision of the Republican leadership to waive the normal rules.

The subject matter of this provision is squarely within the jurisdiction of the Resources Committee. As a member of that committee, I share the view of Chairman POMBO that the inclusion of this language—which was not in either the House or Senate bill—in the conference report is "an affront" to our committee. I also share the Chairman's view that its enactment could make it even harder for our committee to play a constructive role in trying to resolve a situation that is a serious problem for both Native Americans and the Interior Department as well.

And at the same time this was being put into the conference report, section 337 of the House-passed bill was being deleted. That section was added when the House adopted a revised version of an amendment I had offered to protect not just Federal lands but also private property and the public interest.

It would have done that by preventing the Interior Department from going ahead with secret negotiations leading to back-room land deals under which the Interior Department would issue "disclaimers of interest" that would give away the government's claim to an interest in land.

For decades, the Interior Department issued such disclaimers to people who were on record as owning the lands involved. It was a legal technicality—important for the people involved but not a tool for changing the management of sensitive Federal lands or creating problems for private land owners. But that has changed because the Interior Department has changed its regulations. It has adopted new rules to claim broad authority to issue "disclaimers" to parties that wouldn't have been eligible under the old rules—and it has announced it is ready to give those "disclaimers" to parties seeking them in order to clear the way for building roads.

This involves the lingering ghost of the Mining Law of 1866. That was one of the 19th-century laws to promote settlement and development in the West. Among other things, it granted rights-of-way "for the construction of highways" on Federal lands. That provision later became section 2477 of the Revised Statutes—or RS 2477.

In 1976, RS 2477 was repealed. But the repealing law did not affect existing rights under RS 2477, and did not set a deadline for claiming those rights. So, there is no way of telling how many claims might be made or exactly what lands are affected.

But we do know that RS 2477 claims can involve not just Federal lands—lands that currently belong to the American people—but also lands that once were Federal but that now belong to other owners. That includes the lands that were homesteaded, as well as patented mining claims and the lands that the Federal government gave to the states, the railroad companies, and other entities during the 19th and 20th Centuries.

Millions of acres of those lands now are ranches or farms, or residential subdivisions, or single-family homes, or private cabins in the mountains like ones owned by some of my constituents. And millions of acres of those lands now belong to the Native Corporations established under the Alaska Native Claims Settlement Act.

Also at risk are millions of acres that are still owned by the American people—including National Parks, National Forests, National Wildlife Refuges, National Monuments, Wild and Scenic Rivers, as well as wilderness areas and areas that deserve protection as wilderness areas. This problem is not new, but it is very serious. It needs to be resolved—but not the way the Interior Department wants to resolve it. What the Interior Department wants is to negotiate in secret and then issue "disclaimers." They have already started that process with the State of Utah. And other parties—including the current state Administration in Colorado—are starting to ask for deals of their own. These backroom talks need to stop. Instead of making deals, the Bush administration needs to come to Congress for new legislation.

That was what Congress told the Clinton administration when Secretary Bruce Babbitt moved to change the Interior Department's RS 2477 regulations. To make sure that Secretary Babbitt got the message, Congress passed a law that says any new RS 2477 rules must be authorized by Congress. That law is still on the books. But the Bush administration says that is irrelevant because the new "disclaimer" regulations are not covered, even though they intend to use their new rules for RS 2477 claims. It's an interesting argument—but, frankly, it reminds me of the argument about defining the meaning of the word "is." In other words, it may be clever, but it fails the test of common sense.

Of course, the administration also says they will only make deals that are in the public interest, so Congress doesn't need to get involved. But the best way to promote the public interest is to involve the public—not to make secret deals. And the best way to resolve this issue is by enacting new legislation, after public hearings and open debate. That's why I have introduced a bill—H.R. 1639—to do just that. My bill would set a deadline—four more years—for filing RS 2477 claims. It would establish a fair, open administrative process for handling those claims and would set another deadline for any lawsuit challenging the result of that administrative process. Maybe my bill could be improved, and some of our colleagues may want to propose their own ideas—that is the legislative process. And that is how this issue should be resolved, not by backroom deals or clever maneuvers to try to side-step Congress.

That is why I offered my amendment—to block the administration from trying to circumvent Congress. And while my original amendment was not adopted, the House did adopt a narrower version proposed by Chairman TAYLOR himself.

That part of the House bill would have barred implementation of the new "disclaimer" regulations with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System.

This did not go nearly far enough, in my opinion. It did not address and would not protect all lands that could be affected by the new regulations. However, it would have protected some of the most sensitive parts of America's public lands.

That was why last week more than 100 of our colleagues joined the gentleman from Michigan, Mr. EHLERS, and me in sending a letter urging the conferees to at least include the House language in the conference report. We thought that was a very reasonable request, especially since that part of the House bill had been written by the chairman of the relevant appropriations subcommittee and that the administration had not expressed any opposition to it during the debate on the House floor.

However, our request was not granted, and the House's provision on this subject was omitted from the conference report. As a result, nothing in the conference report will restrain the Interior Department from implementing its new "disclaimer" regulations in ways that could have serious consequences for the National Parks, National Monuments, National Wildlife Refuges, or the wilderness and wilderness-study areas.

Of course, I hope that won't happen. I hope that the administration will recognize that proceeding in that way will yield only unnecessary controversy and protracted litigation. I do have hope—but, frankly, I have little confidence. The administration seems determined to press ahead, and I expect that they are headed straight for the courts.

There are other things I dislike about this conference report—for example, the fact that it includes a provision to extend the recreation fee demonstration program for 15 months, which is another instance of a violation of the House's rule against including legislation in an appropriations measure. Even so, if the Indian trust provisions had been omitted and the House-passed restrictions on the new "disclaimer" rules had been included, I might still have been able to support it. However, I have concluded that I cannot vote for the conference report as it now stands.

Mr. SHAYS. Mr. Speaker, protecting our environment is one of the most important jobs I have as a Congressman. Unfortunately, the conference report before us today weakens several significant land and water protections.

Language in this conference report will roll back our moratorium on offshore drilling by allowing new oil and gas drilling in Bristol Bay. It will reduce judicial review on Tongass timber sales by placing a 30-day statute of limitations on challenging those sales in court. It will remove language included in the House bill that would have reduced the scope of an environmentally-destructive rights-of-way rule published by the Department of the Interior in January.

In addition, the conference report waives National Environmental Policy Act (NEPA) review for expiring grazing permits, which will further discourage agencies from complying with environmental laws and could lead to continued degradation of sensitive public lands.

Finally, H.R. 2691 reduces funding for valuable Land and Water Conservation Fund acquisition programs by $142 million.

I urge my colleagues to oppose this legislation. Congress can and must do a better job protecting our environment. We simply will not have a world to live in if we continue our neglectful ways.

Mr. DINGELL. Mr. Speaker, Ranking Member DICKS, I would like to draw the managers' attention to the Detroit River International Wildlife Refuge.

In Fiscal year 2003, the Committee appropriated $3.5 million for land acquisition in the Detroit Rive Refuge. For this I was grateful.

Mr. Speaker, the Trust for Public Land, recently acquired an ecologically significant tract of land known as Humbug Marsh and Island. This is a tract I have been working to acquire for many years. This funding in FY 03 made this acquisition possible. And this year I was seeking addition funds to complete this acquisition. The Humbug project is wired and ready to go.

Unfortunately, the conference report includes language, inserted by the other body, indicating that further appropriations for the Refuge have been delayed because additional funds could not be obligated in 2004. It also states that there are outstanding issues related to contaminants. In point of fact, Mr. Speaker, neither of these statements has any basis in fact.

I would ask, at this time, for unanimous consent to insert into the RECORD a letter from Mr. Eric Alvarez, Chief of the Reality Division of the Fish and Wildlife Service. Mr. Alverez writes to me, "With adequate funding and no unforeseen problems . . . we anticipate a

February or March 2004 closing date 'for the Humbug property."

I would also note to the Chairman and the committee that Secretary of the Interior Gale Norton was at the Detroit River Refuge for a centennial celbration event in September. I would like unanimous consent to insert into the RECORD a letter I have just received from Secretary Norton demonstrating her commitment to the conservation values of the Detroit River Rufuge.

Mr. Speaker, I would hope that we can work together to address this issue as the process moves forward.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, DC.

DEAR MR. DINGELL: The Fish and Wildlife Service's Division of Realty has been working on the Detroit River International Wildlife Refuge since December 2001. Since that time we have been evaluating a number of properties for inclusion into the refuge while developing our land protection plan. Recently, a key tract, known as the Humbug Marsh tract, was acquired by the Trust for Public Lands. Until this acquisition the Service did not have many viable tracts where the existing funds would have been obligated.

Preliminary information indicates that the tract may be worth around $4.9 million. The Service is currently working on the contaminant survey and the appraisal that will indicate the actual purchase price.

The contaminant survey has yet to be completed, therefore we do not want to speculate on the presence or absence of contaminants. conversations with TPL representatives indicate that they believe that there should not be significant contaminant issues.

An appraisal will indicate the purchase price and the service has $3.4 million available for the acquisition. The difference between the remaining amount and the original appropriation ($3.5 million) has been used to pay for the contaminant survey and the appraisal.

With adequate funding and no unforeseen problems, with title or contaminants issues, we would anticipate a February or March, 2004 closing date.

Please feel free to contact me at 703-358-1713 if you or your staff require more information.

Sincerely,

ERIC ALVAREZ,
Chief, Division of Realty.

Hon. JOHN DINGELL,
House of Representatives,
Washington, DC.

DEAR MR. DINGELL: Thank you very much for including me in the celebration of the Detroit River International Wildlife Refuge. It was a pleasure to be on hand with you to celebrate the Refuge System Centennial.

I also appreciated the opportunity to hear more about the spirit of cooperation and partnerships that made the Detroit River Refuge possible. An unprecedented partnership between Federal, State, Canadian, county and local governments, private industry, conservation groups, and local citizens resulted in a unique home for waterfowl, fish, and migratory birds. This refuge is truly something of which you can be very proud.

Again, many thanks for your kind and generous hospitality. Please pass on my best to Debbie. I had a wonderful time with the two of you at lunch afterwards.

Sincerely,

GALE A. NORTON.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HINCHEY. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HINCHEY moves to recommit the conference report on the bill H.R. 2691 to the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that this vote will be followed by votes on the adoption of the conference report and on the motion to suspend the rules and agree to House Concurrent Resolution 302. Both of those votes will be 5-minute votes.

The vote was taken by electronic device, and there were—yeas 190, nays 229, not voting 15, as follows:

[Roll No. 594]

YEAS—190

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hayworth
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—229

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter

Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Akin
Blumenauer
Bradley (NH)
Case
Emerson
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Smith (TX)
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are advised there are 2 minutes remaining to vote.

☐ 2028

Mr. BOOZMAN changed his vote from "yea" to "nay."

Mr. HINOJOSA changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 13, as follows:

[Roll No. 595]

YEAS—216

Aderholt
Alexander
Allen
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Berkley
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Clyburn
Coble
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
English
Everett
Fattah
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
Marshall
McCarthy (NY)
McCrery
McHugh
McKeon
Meehan
Mica
Michaud
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Ose
Otter
Oxley
Pastor
Pence
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryun (KS)
Sandlin
Saxton
Schrock
Serrano
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Spratt
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Beauprez
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Buyer
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Chocola
Clay
Cole
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Gibbons
Gonzalez
Graves
Green (TX)
Green (WI)
Grijalva
Harman
Hastings (FL)
Hayworth
Hefley
Hensarling
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jones (NC)
Jones (OH)
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kline
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Moore
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Pombo
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Akin
Blumenauer
Bradley (NH)
Case
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2037

Mr. GALLEGLY changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 302.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 596]

YEAS—416

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola

Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
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Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Abercrombie
Akin
Bachus
Blumenauer
Boehlert
Bradley (NH)
Capps
Case
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Renzi
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2046

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 2046

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of October 30, 2003, providing for consideration or disposition of a conference report to accompany the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, our resolution would waive clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules.

This resolution applies the waiver to any special rule reported on the legislative day of October 30, 2003, providing for the consideration or disposition of a conference report to accompany the bill, H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

Mr. Speaker, given the urgent need to move the Iraqi supplemental to the President's desk without further delay, the Committee on Rules has acted to expedite consideration of this critically important conference agreement filed in the House just a short while ago. Members will have ample opportunity to debate the merits of that conference agreement once we move to its consideration here in the House.

Accordingly, Mr. Speaker, I urge my colleagues to adopt this resolution so that we may begin this important debate.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I voted for the U.S. military action to remove Saddam Hussein from power. I support the American troops and civilians who are now in Iraq doing the dangerous job of rebuilding that nation. And I expect to vote for President Bush's $87 billion supplemental for the supplemental foreign aid package for Iraq even though it still does too little for the U.S. troops and asks too much of U.S. taxpayers.

But this martial law rule is the perfect example of what is wrong with the approach the Bush administration and the Republican leadership of this Congress have taken to rebuilding Iraq. Instead of being honest with the American people about the dangers and difficulties of nation-building in Iraq, they keep trying to sweep it all under the rug.

Earlier this week we had the literally unbelievable scene of President Bush trying to spin the public into believing that sophisticated and deadly terrorist attacks in Iraq actually demonstrate "progress" in Iraq. A similar thing is happening on the House floor today, Mr. Speaker. Instead of being open with the public, the President and the Members of this House, Republican leaders, want to waive the House rules so that no one has time to actually read the text of this $87 billion foreign aid package.

Make no mistake, this is exactly what this "martial law" rule does. It is simply a procedural way to get around the House rule that would otherwise guarantee everyone one legislative day to examine this massive expenditure of American taxpayers' money.

Of course, Republican leaders long ago made secrecy a key component of this strategy for running the House of Representatives. This martial law is the 8th time this year that Republicans have waived the House rules to rush legislation through the House. In the last Congress they did it 27 times. But their secretive approach to this $87 billion foreign aid package poses an even greater danger.

That is because President Bush and his administration have already developed a dangerous credibility problem on Iraq, a credibility gap that threatens to undermine our ability to win the peace.

For too long they have treated nation-building in Iraq as some sort of political campaign, relying on spin, sophistry, and stagecraft to hide from the public the true magnitude of the dangerous and difficult job before us.

Mr. Speaker, the American people are smarter than that. They cannot be spun by President Bush and they cannot be kept in the dark by this Republican Congress. They know that more than 120 Americans have died in Iraq since President Bush's carefully choreographed PR event to declare victory on an aircraft carrier. They know that they have already spent billions of dollars on Iraq, and the United States already has a massive debt of its own, one that will raise the debt tax on every American. They remember being told before the war that Iraq is an oil-rich Nation that could pay for its own reconstruction.

That is why the process surrounding this supplemental spending bill has been so controversial and why so many Members who support President Bush's nation-building project may refuse to vote for it until he finally presents to the American people a credible plan to win the peace in Iraq. It is also a big part of the reason that we have been losing the relatively meager international assistance we have had so far, with the Red Cross and the United Nations scaling back their presence in Iraq. And it is where so many Americans have such sincere doubts about this effort with nearly a majority of Republicans wanting to pull U.S. troops out of Iraq, according to a Gallup Poll this week.

Mr. Speaker, more secrecy from the Republican Congress will only make the Bush administration's credibility gap worse. It will only make it more difficult to maintain public support for the important job of winning the peace in Iraq. Take, for example, the issue of accountability. American taxpayers have already given the Bush administration $79 billion to spend on Iraq. So when the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) came before the Committee on Rules, the gentleman from Florida (Mr. HASTINGS) asked him whether he knew what had become of the previous $79 billion. He answered, "I would like to tell you that I do, but if I did I would not be telling the truth." If the chairman of the Committee on Appropriations does not know, then presumedly no other Member of Congress has any idea where that $79 billion has gone.

So during the conference an amendment was adopted to create an office of the inspector general to find out where the money is going in Iraq. Now, however, we find out that the conference report has been changed to give President Bush the power to muzzle the inspector general whenever he might have some bad news to report, which very likely means that the public will never see a report from the new inspector general that contradicts the Bush administration's PR campaign. So this $87 billion package may disappear into the same black hole that swallowed up the first $79 billion.

Mr. Speaker, we should be giving the public more time to examine this massive $87 billion package, not rushing it through before anyone can read it. That is why I urge Members to oppose this martial law rule. That way the Congress can try to begin repairing President Bush's credibility problem on Iraq.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE.)

Mr. ROYCE. Mr. Speaker, this rule is important so that we can bring up the supplemental conference report tonight to fund our troops. The need is very urgent. This past weekend I had the privilege of traveling to Iraq where I led a Congressional delegation. And I say "privileged" because it was a privilege to spend time with our brave servicemen and women on the ground in Iraq who are doing a tremendous job under difficult conditions. They deserve our greatest support.

And, Mr. Speaker, that is what this bill does. It supports our servicemen and women with the resources that they need. And I would like to commend the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), and all the Members involved in working out this bill with the other body.

I would like to bring attention to one program in particular contained in this bill: The Commanders Emergency Response Program, which, fortunately, was agreed to by the conferees. Having seen this program at work on the ground in Iraq, I would like to report to my colleagues that it is effective and it is very efficient. This program allows our military commanders in Iraq to respond to urgent humanitarian relief and reconstruction needs. And with this program, we have repaired roads, water treatment facilities, police stations, and schools. We had an opportunity to see this work. And this is done hand in hand with Iraqi labor and it is done very cost effectively.

To date, the program has been carried out with the funds seized from Saddam's regime, including funds taken from overseas accounts and taken out of the walls of Saddam Hussein's palaces in some cases. And these funds are running out. And our troops are fighting to show the Iraqi people that their best future lies with democracy and with the rule of law. These projects give the Iraqi people hope for that future, emboldening them to fight the Baathists and emboldening them to fight the terrorists. And they also make our troops safer.

Our top commanders in the field see these projects as security for our troops. They see these projects as winning friends and weakening our enemies. One commander told me that this program was the most important ammunition he had. It is my hope that this program continues to be carried out in a streamlined and flexible way, taking the greatest advantage of the ingenuity of the Americans and Iraqis working together. It is not too much to say that this modest effort is a key to our success in Iraq.

And that is why, Mr. Speaker, I support this rule because of the urgency. And I support the next rule and the underlying bill to fund our troops which will come up before this body tonight.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY.)

Mr. OBEY. Mr. Speaker, this is the largest supplemental appropriation bill ever voted on by the Congress of the United States. And I think that it is a shame that it is being debated under these circumstances at this time of night. The only reason for the martial law rule is so that Members will not be given the courtesy of having this bill lay over one day so that they can examine what the details of the bill are.

□ 2100

We are going to be held accountable for this vote for a long time. Our constituents are going to ask us every time we are home how we voted, what it contained. They are going to be asking us about the loans. They will be asking us whether or not there is adequate protection for taxpayers' money. And I venture to say that 90 percent of the Members of this Congress have not had an opportunity to dig deeply enough into this in order to be able to answer these questions.

There were a few of us on the conference committee, and so we have been able to form our judgments. But I have to tell you that conference committee in which we participated the last 2 days is one of the most chaotic, and at some moments the most laughable, conference that I have ever participated in. And I think that in terms of the details of this bill, that will be demonstrated over time, because over time, regardless of whether or not the average Member in this House knows what is in this bill tonight, over time there will be a lot of good reporters who dig deeply enough into it to discover what is in this bill. They will be able to form a judgment about whether or not, for instance, the Inspector General provision is something with teeth or something that is nothing short of a sham.

I happen to think that there are loopholes in the Inspector General provision of this bill big enough to drive a 65-foot truck through.

I also would point out that that provision was adopted as a way to sandbag the GAO accounting procedures that Senator BYRD wanted attached in the conference. So I think there are a lot of detailed questions that Members ought to know the answers to. They will not by the time they vote, and that is the purpose of this rule. Our constituents will learn over time what is in this bill even if a lot of Members have not learned tonight, and that is why if I were a Member who feels any responsibility at all to my constituents, I would not vote for this martial law rule regardless of how you vote on the final bill.

The Members owe it to the country to have taken the time to review this. This proposal will provide per capita aid to the citizens of Iraq that is more than 10 times as large as the per capita aid that was provided during the Marshall Plan to all of Western Europe. Under those circumstances, we ought to take a bit more time than this rule will allow us to take tonight.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the Iraq supplemental conference report will continue a failed policy. This bill is not about supporting the troops. This bill supports the continued occupation of Iraq by the United States. If we truly want to support the troops, we should bring them home.

We need to acknowledge that the continued U.S. presence in Iraq is counterproductive. Every day that we are inside Iraq the situation gets progressively worse as evidenced by the frequent and more sophisticated attacks on our troops. More U.S. troops have died occupying Iraq than died in the war for Iraq. We need to recognize that at this point continuing the U.S. occupation is counterproductive and contributes to instability. That is why we need to get the U.S. out and the U.N. in. And to do that we will need a new resolution articulating a new policy from this administration.

To approve a budget-busting $87 billion for the reconstruction of Iraq would be to throw good money after bad, to throw good money at a failed policy. I am not suggesting that we cut and run. But we must begin the process of getting the U.N. in and the U.S. out. The U.S. must pay for the rebuilding of all that we have damaged in the invasion. We must compensate the Iraqi victims and contributed to future U.N. efforts. The U.S. must bring our troops home. End the occupation of Iraq.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, we all want to vote to support the troops. This bill, however, contains provisions for $18 billion as gifts, and none as loans, to Iraq. We ought to have a separate vote on that provision. But what they have done is link the two provisions in this rule, so that you cannot oppose the way they have structured the aid to Iraq without, in the view of some, "voting against the troops." But that diabolical connection was insufficient, so they added one more; and while homes are burning by the hundreds in California, they decide to load into this bill additional money for FEMA: $500 million for FEMA at a time when FEMA needs the money. It is outrageous to try to take a bad policy towards aid to Iraq and use it as a pass on our natural concern for the thousands who have lost their homes in California.

This is a martial law rule. So as the gentleman has pointed out, we do not get a chance to read the bill and understand it before we vote on it. Forty-seven Republicans voted for my amendment (on October 16), along with all Democrats, to say that we have to have competitive bidding on all the oil contracts in Iraq. As far as I know, that has been stripped out of this bill so we will not have competitive bidding. The 47 Republicans, who along with Democrats, realized we could not trust this administration with no-bid contracts will not be able to have that provision in the bill—or maybe they will because we are still looking—because it is martial law, which means do not read the bill, just vote on it.

Finally and most importantly, we just had a donors conference. The vast majority of donors gave the vast majority of their aid in the form of loans. We will not put in a single penny as loans. Why do the American taxpayers not get paid back? Because these other people need to be paid back; $116 billion of Saddam Hussein's debts are all on Iraq's balance sheet. They should be renounced, but instead they will be paid, and we will not.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in reluctant opposition to this martial rule. I do not understand why we cannot follow regular process around here to give this body a chance to actually look at the supplemental, $87 billion, the largest in our Nation's history, so we know the details that are contained in it.

Just a couple of weeks ago, I had the opportunity to visit Iraq and visit our troops in the field. They are doing an incredible job under very difficult and dangerous circumstances. And, of course, this body is going to do everything we can to make sure they have the tools and the resources they need so they can do their mission safely and return home soon. But this process is out of order, and we are derelict in our duty in regard to the accountability to the American taxpayer.

We do need accountability, and that is why earlier the gentleman from Maryland (Mr. CARDIN) and I offered an amendment with this bill that would have slashed the reconstruction funds in half, requiring the administration to come back to account for how the money is being used and to justify the need for more.

Instead, we are giving them $20 billion when the World Bank just released a report indicating that Iraq cannot absorb more than $6 billion in the next year anyway for reconstruction.

But I am also concerned that these conference committees are becoming the black hole of the democratic process. The will of the House and the will of the Senate go in, but it never comes out. Specifically, in both the House and the Senate with wide bipartisan majorities, it was determined that we wanted to provide half the reconstruction funds in grants and the other half in loans, recognizing Iraq is sitting on the second largest oil reserve in the world, but also it would give us some bargaining position with the rest of the nations holding debt over Iraq to hopefully get them to forgive the debt. But any loan in this has been vanished in the conference committee; and, instead, the administration wants to just gift outright the $20 billion, requiring our children and grandchildren to pick up the tab for many years to come.

We want to do right in Iraq. We do not have the luxury of cutting and running. We must succeed, but this process is not the way to do it.

Mr. FROST. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules.

Mr. Speaker, I had hoped that with such a serious step being made by this body that we would have an opportunity to give Members the time to deliberate over, as what you have heard my colleagues say is the largest supplemental in the history of this Congress.

I hope that my colleagues can understand the context in which we speak. That means that World War I, World War II, Korea, Vietnam, Kosovo, Bosnia, Somalia and other places, this is the largest amount, in essence, this is a blank check to the administration. And on top of this, Mr. Speaker, the American people do not feel any safer after the war in Iraq with respect to the war against terrorism.

Right now, as my colleagues know, it seems as if we are facing an enormous apocalypse, if you will, on the west coast and my sympathies go to those families and those who have lost their lives.

I believe this Congress wants to do the right thing and would stand up and debate the question of the resources that we need to be able to deliver to our friends in California. But in the dark of night we now have this martial rule where we understand that FEMA has been increasing its funding somewhere cushioned inside this $87 billion so that Members will feel hamstrung, if you will, to vote for something that is reckless and irresponsible.

First of all, let me say that, being the largest one, it does not make sense. In the Madrid donor conference, $13 billion was given; but there were thousands, or at least thousands or let me say a large number, of countries that were there and all we got was $13 billion to aid us in Iraq; and most of that, Mr. Speaker, was in loans.

It is interesting that the administration could not even decipher for Members of Congress how much were loans and how much were not. Then we find embedded in the provisions of this supplemental a weak Inspector General provision which is necessary in order not to give anyone a blank check.

The three branches of government are just that by the Founding Fathers. Congress provides oversight to the administration and to the executive. It is a tragedy that we went to war without a constitutional vote under section 1, article 8. It is a tragedy as well that we continue to lose lives in Iraq and that the statement by the administration says simply, It is to be expected. I do not think we expect 40 deaths in 48 hours.

I have spoken to those troops who are bravely on the front lines and, Mr. Speaker, they get it. They know our dissent is not against them. They fully understand that we want them home. We do not want to run. We want a real democracy in Iraq, but we also want them to have the resources that they need to have when they come home from Iraq such as veterans care, hospital care, such as educational opportunities.

I see my colleague on the floor of the House, the gentlewoman from California (Ms. WATSON), who has been a leader on this issue. We want people like Shoshanna Johnson to be able to come and get the right kind of benefits that they deserve having suffered as a POW. But yet with this midnight rule, the martial rule, what we are facing are questions left unanswered. Why can the United Nations not participate in the aftermath and more of our allies be in place? Why have we not answered the question of where are the weapons of mass destruction? And why have we not answered the question of who did provide the leak of the CIA agent and why is there not a special counsel being appointed?

Let me simply say that as we go into the dark night with a martial rule, we have a Bush economic record where long-term unemployment has tripled, and we have a Bush economic record where the median household income has gone down $1,439; as well, jobs, long-term unemployment has tripled from .66 to 2.10.

Mr. Speaker, I am not prepared to vote in the dark on something that is as serious as this on behalf of the American people. I support the troops. I want them to be paid on time.

□ 2115

I want them to have body armor. I want them to be able to come home safely. I want a democracy in Iraq, but I am not prepared to support a reckless expenditure of money.

My final point, we are already going to spend $178 billion in the effort in Iraq. If we stay there over a 10-year period and the operations and the aftermath, we are going to be spending between $237 billion, and it could reach $418 billion, as analyzed by our colleagues. This is a reckless decision.

I ask my colleagues to defeat the martial law and defeat the rule and defeat the appropriations.

Mr. FROST. Mr. Speaker, I would ask the gentleman if he has any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, we have no additional speakers.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

At this point I am prepared to yield back the balance of my time. Before I do so, I urge my colleagues to vote no on martial law, no matter how they may vote on the supplemental, and I personally intend to vote in favor of the supplemental, but I am objecting to this procedure under which it is brought to the floor tonight.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be followed by two 5-minute votes on motions to instruct conferees on H.R. 1 and on H.R. 6 postponed from yesterday.

The vote was taken by electronic device, and there were—yeas 217, nays 197, not voting 20, as follows:

[Roll No. 597]

YEAS—217

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula

Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Case
Doolittle
Fletcher
Gephardt
Goss
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda
T.
Stupak
Visclosky
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). There are 2 minutes remaining in this vote.

□ 2137

Mr. KILDEE and Mr. DAVIS of Florida changed their vote from "yea" to "nay."

Mr. SESSIONS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 6.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 182, nays 232, not voting 20, as follows:

[Roll No. 598]

YEAS—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gordon
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu

NAYS—232

Aderholt
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)

Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—20

Akin
Ballance
Blumenauer
Boehlert
Boucher
Bradley (NH)
Case
Doolittle
Fletcher
Gephardt
Goss
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak
Visclosky
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 2146

Messrs. BERRY, KLECZKA and Ms. MAJETTE changed their vote from "yea" to "nay."

Ms. MAJETTE changed her vote from "nay" to "yea."

Mr. BAIRD changed his vote from "present" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. OSE). The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida (Mr. DAVIS), on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 195, nays 217, not voting 22, as follows:

[Roll No. 599]

YEAS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—217

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
'Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—22

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Brown-Waite, Ginny
Case
Doolittle
Fletcher
Gephardt
Goss
Gutierrez
Knollenberg
McCollum
McCotter
Miller (NC)
Pearce
Pryce (OH)
Sánchez, Linda T.
Stupak
Visclosky
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2152

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 424 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 424

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the conference report and against its consideration is waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 424 is a rule providing for the consideration of a conference report to accompany H.R. 3289, a bill making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for fiscal year 2004, and for other purposes. The rule waives all points of order against the conference report and its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, I am pleased to report that in its particulars, the conference agreement is largely consistent with the House passed version of the supplemental. In the aggregate, the agreement provides a total of $87.5 billion, which is $500 million above the President's request. Of that sum, $18.6 billion is provided for Iraq relief and reconstruction, which is $1.7 billion below the President's request.

Mr. Speaker, now that the House and Senate conferees have reached agreement on this emergency supplemental, it is imperative that we move without delay to make these funds available both to our troops in the field and for the vitally important work of rebuilding Iraq.

Accordingly, I urge my colleagues to support both the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today as a supporter of our efforts to replace Saddam Hussein's dangerous dictatorship with a stable and democratic Iraq. But I am deeply concerned that the Bush administration's stubborn refusal to be honest about Iraq has made the reconstruction process more difficult, more expensive and more dangerous.

Mr. Speaker, President Bush said it best earlier this week at a press conference in the Rose Garden. In talking about the United Nations, he said, "Credibility comes when you say something is going to happen and then it does happen. You are not credible if you issue resolutions and then nothing happens."

Well, that is exactly the situation President Bush has created for himself, a growing credibility gap that could threaten our ability to win the peace in Iraq.

Before the war, the Bush administration refused to prepare the American people for the costly and deadly reconstruction effort they are now witnessing. And whenever people like General Eric Shinseki let slip the truth, that it would be very expensive and require lots of troops, the administration publicly rebuked them, and then relieved them of duty.

On May 1 of this year, President Bush dressed up in a flight suit and had a pilot land him on an aircraft carrier so that he could declare victory in Iraq. Since then, nearly 120 American troops have been killed in action, more than before the President's May 1 victory speech, and nearly 1,200 have been wounded.

In recent days, however, the Bush administration has reached a new low in its well-documented PR campaign to spin Americans into believing that the bad news coming out of Iraq these days is actually good news.

On Tuesday, President Bush defended his May 1 "victory" pep rally by blaming the whole affair on the sailors of the USS *Abraham Lincoln*, as if he had somehow been the victim of the Navy's public relations stunt. That is not only an outrageous charge, especially coming from the man who runs the slickest White house PR machine ever, it is utterly unbelievable. After all, back in May, the Bush White House bragged to reporters that the President himself helped devise the event, and the New York Times reported that his aides "had choreographed every aspect of the event."

Perhaps most disturbing, however, was the President's response to the series of sophisticated and deadly attacks against U.S. soldiers and our allies earlier this week. Sitting in the White House with Ambassador Bremer on Monday, President Bush tried to convince Americans that this was actually a sign of progress, that it proved how "desperate" these Iraqi insurgents have become.

This is what he told reporters who asked about the bombings, "Again, I will repeat myself, that the more progress we make on the ground, the more desperate these killers become."

□ 2200

That statement, Mr. Speaker, was literally incredible. When terrorists can coordinate multiple, separate attacks to kill 35 people and wound more than 230 people in just 45 minutes, it is a horrible tragedy, one that indicates a very real security problem on the ground in Iraq. And trying to spin it as good news simply undermines the President's credibility and harms our effort to win the peace in Iraq.

Mr. Speaker, President Bush's credibility problem is such a serious concern because America cannot afford to fail in Iraq. That is why so many people took notice earlier this week, when Senator JOHN MCCAIN, a Republican, who supports our efforts in Iraq and who knows as well as anyone the lessons of Vietnam, said, "This is the first time that I have seen a parallel to Vietnam in terms of information that the administration is putting out versus the actual situation on the ground." It makes it harder to convince our allies around the world to shoulder some of the burden for rebuilding Iraq. That forces American taxpayers and American soldiers to bear the lion's share of the cost. And that makes it harder to maintain public support for this expensive and dangerous effort.

Mr. Speaker, that is why Democrats, and a few conscientious Republicans, have tried to force the Bush administration to account for the hundreds of billions of dollars it is spending in Iraq. And it is why we have tried to force the Bush administration to stop making American taxpayers pay the entire tab for this latest foreign aid package. After all, before war, the American people were told that Iraq was an oil-rich country that could fund its own reconstruction. Obviously, Iraq's proven oil reserves have not disappeared and America still has its own unmet priorities, like homeland security, education and health care. But now the Bush administration insists that Iraqi oil money can only be used to repay the debts that Saddam Hussein ran up to build his war machine and that U.S. taxpayers have to foot the bill for rebuilding Iraq. So Republican leaders have stripped out of this conference report the Senate's loan language.

Mr. Speaker, U.S. taxpayers are already struggling under the mountain of debt the Bush administration has run up. And there is no good reason to force U.S. taxpayers to pay for President Bush's failure to convince our allies to help. That is why majorities in both Houses of Congress voted in favor of turning about half of the reconstruction grants into loans. But sometimes, Mr. Speaker, it seems like President Bush does not understand how seriously his credibility on Iraq has been damaged. Unfortunately, as long as the Bush administration refuses to treat the American people with more respect, it will become increasingly difficult to achieve a goal we all share, winning the peace in Iraq.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a valuable member of the Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are moments in history where we know the decisions we are making will affect the world in the future. Today we stand at such a moment, charged with the enormous task of helping to rebuild Iraq. Our own history offers us guidance about how to best rebuild a wartime adversary.

After World War I, Germany was soundly defeated and the parties gathered in Versailles to negotiate the terms of surrender. The talks came to a question of who was responsible for the aftermath. Was Germany responsible? Should a country with a new government be burdened by the debts of a defeated regime? Should they be responsible for reconstruction or for reparations? We all realize how the reparations inflicted upon Germany at that time created an atmosphere of despair. We are also aware of how that atmosphere was exploited by the evil monster Adolf Hitler. Mr. Speaker, we know how that story ended in Germany, and it could end up that way in Iraq.

But after World War II, an alliance, once again scarred by battle, sat across from debt-heavy and defeated nations, and the alliance did not make the same mistake of 1918. The United States eventually formulated a systematic recovery program that became known as the Marshall Plan. The Marshall Plan was not entirely made up of U.S. aid. It also called upon the European nations to eventually contribute to their own recovery. Yet the first installment of $4 billion in aid required great political will. At that time, $4 billion represented 13 percent of the entire budget. That act of congressional courage helped to make Western Europe into a subcontinent of strong economies, strong democracies and, thus, strong allies.

It is my belief that this assistance may allow a free and democratic Iraq to become a beacon of hope in the Middle East. It will show the people of that region that democracy is possible, that the United States does not impose its will, only the ability for people to decide their own destiny.

That is why I applaud President Bush for setting the course of reconstruction in Iraq. Encouraging progress is already happening. Schools are opening. Electricity is turning on. New currency is being distributed. As the Iraqi people see continued progress in rebuilding, we help keep Americans safe at home. In a section of the world that has already imperiled too many lives, in a country whose previous savage regime caused too much suffering and too many deaths, we in Congress should be inspired by the lessons of our history to support an emerging Iraqi democracy with our wisdom, our experience, and our resources.

The vote we are about to cast will have enormous repercussions. If this assistance has the same effect that the Marshall Plan funding had in Western Europe, it will help toward the creation of a stable, democratic Iraqi government and a lifelong ally of the United States. It is with that hope, Mr. Speaker, that I will support this supplemental appropriation.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank the ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, tomorrow is Halloween and scary costumes are the order of the day. What is going to be the scariest costume of them all? The schoolteacher outfit with 60 children to teach? The small business suit with the bankruptcy notice? Or the elderly costume with its inadequate health care? Without a doubt, the desert camouflage uniform of the U.S. military is the scariest costume of all. Without flak jackets, traveling in nonarmored Humvees and without jammers to block incoming bombs, United States soldiers were sent to battle unprepared for the postwar hostilities they encountered and ill equipped to defend themselves. And all of us have a responsibility to all of them. But they are living a nightmare.

This is the consequence of rushing to war. Congress has been begging the administration for a comprehensive plan to stabilize Iraq and an exit strategy to bring our troops home. There has been no response. Instead, President Bush has presented us a bill that we are voting on soon demanding $87 billion, having not accounted in full for the $66 billion that was granted previously. The billions of dollars in this supplemental are not intended to get us out of Iraq. They are intended, in some respects, to keep us there, perhaps indefinitely.

Realize what $87 billion could buy. To get some perspective here or some real-life comparisons about $87 billion and how it could benefit the American taxpayer:

$87 billion is more than the combined total of all State budget deficits in the United States. $87 billion is approximately the total of 2 years' worth of all U.S. unemployment benefits. $87 billion is more than double the total amount the government spends on homeland security. $87 billion is 87 times the amount the Federal Government spends on after-school programs.

The priorities of the President were those that in many respects were stripped out; but to add further insult to financial injury, billions of taxpayer dollars have been spent already on no-bid contracts for major U.S. corporations. In yet another tall tale from the administration, we were told that the funds for rebuilding Iraq must be in the form of grants to encourage other nations in the donor conference in Madrid the other day in rebuilding Iraq. Yet a total of $18 billion was pledged at the Madrid donors conference last week and $14 billion of that amount was in the form of loans. Therefore, there is no overarching reason for providing this money only in the form of grants.

It is fundamentally flawed logic to expect the American taxpayer to incur a debt for problems America has not created. We are not rebuilding an Iraq that we destroyed. We are rebuilding an infrastructure decimated by Iraq's former dictator. What we owe the Iraqi people is an opportunity for a democratic way of life, and it is not unreasonable to expect them to shoulder the cost. Freedom and democracy never come cheap. They are exorbitantly expensive in terms of money and sacrifice. The continuing propaganda from the White House regarding Iraq is distracting our attention from Afghanistan and other countries.

In my view, everyone should vote against this measure.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the conference report that this rule seeks to bring to the House floor. During House consideration of this bill, I pledged that I would not write the Bush administration a blank check of the taxpayers' money for the $18.6 billion in reconstruction funds for Iraq. I pledged not to write a blank check for a plan with no exit strategy, no clear link to this supplemental, and no details for after January of this coming year. I pledged not to hand over $18.6 billion of the taxpayers' money to build Iraq's electricity infrastructure when ours is not functioning here at home. I pledged not to sanction the use of American money to modernize Iraq's medical facilities and medical equipment when millions of Americans here at home are living without health care. And I pledged not to spend the American people's money to pay for that which we did not damage and that which did not previously exist in Iraq. I pledged not to send $18.6 billion in grants to a country that has the second largest oil reserves in the world, worth approximately $7 trillion. Why should Iraq not be expected to pay back this money? And I pledged not to add another $18.6 billion to this year's deficit, estimated already at over $480 billion.

Each of us in this Chamber has a responsibility to the American people to demand an Iraq package that will not bankrupt future generations. That is why the American people still support creating a loan package for Iraq, not a grant. Iraq can and should pay back the money for reconstruction with their future oil reserves. Period. Evidently, I reached the same conclusion many of the nations and organizations at the Madrid donors conference reached themselves. That conference only produced $4 billion in grants and roughly $13 billion in loans and trade credits, that amount toward a total estimated Iraqi need of $56 billion over the next 4 years. So, Mr. Speaker, this is not the last time that we will see moneys being brought by the administration for Iraq. And why should the American taxpayer not be paid back if the taxpayer in other countries, countries that did not support this effort, will be paid back?

The consequence of this grant approach is that the American taxpayer will pay more than he or she should, will pay more for Halliburton to make more. The President's suggestion that bombings in Iraq are a result of our success is outrageous. The bombings are a failure of our postintervention planning, not a symbol of success. And though I strongly support our American servicemembers and the money that is going to them in this bill, made much better because of Democratic efforts, I cannot in good conscience support this legislation.

I urge my colleagues to vote against the conference report.

□ 2215

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I stand here outraged because I am asked to vote for a bill that would give $87 billion as a grant to a country that has billions of barrels of oil buried underground in reserve. At the same time, we have cut veterans services. I am outraged.

I am hurt, because our POW Shoshanna Johnson, the first African American female ever to be a prisoner of war, was disregarded and given 30 percent disability benefit. Oh, yes, Jessica Lynch got 80 percent.

We should be ashamed. This young woman spent 22 days as a captive. She told me that twice a week they would bring her a little bowl of water to wash with. She is going to leave the Service, and what does she have to look forward to? She was shot through both of her ankles, and they are only going to award her 30 percent disability.

Is that the way we treat our service personnel as veterans? Is that why we said to them, go into the Service, be all that you can be? We sent them over there in harm's way, and they served us well. And now they are coming home, and we are not serving them well, we are not serving her well. But we can give a country thousands of miles away our hard-earned tax dollars. There is something incredibly wrong with that.

I do not care what you snuck into the bill at the eleventh hour. I understand the money for California's fires, how cynical, is in this bill. You ought to be ashamed of yourselves.

So I am voting no. My veterans know I support them, my military people know I support them. I have been over to Walter Reed, I have let them see my face and know my support. So I do not have to play a game and vote for this bill, when we have problems right here in our own country.

We had an incident in Cannon, it was a failed system, because none of us were notified as to what was going on over there.

I just want to say to my colleagues, let us be truthful and let us be trustworthy, and let us treat the people of America right, and particularly those that we sent into harm's way, by choice. We were not attacked by Iraq. We chose to invade Iraq. Now, we are trying to rebuild a country at the expense of our own domestic needs.

I cannot do it, and I hope you will not do it. Let us honor America. Let us honor our own fighting forces. Let us take that money and put it to their welfare after they leave that country and go home. Let us welcome them in an American way, and treat them fairly. Let us vote no on this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I rise as one who voted for this supplemental last week because of our troops. Our troops need this help. We made the decision to send them into harm's way. They need the bulletproof vests to save their lives. That is in this request. They need the hydration systems to purify their water, so many of them are having dysentery from the water over there not being purified. There is so much, so we cannot turn our backs on our troops.

But we have a dilemma. The American people have a dilemma. The American people are asking some questions of this administration and each and every one of us up here, Democrat and Republican, and that is this question: Where is the accountability for this money, these funds, to build Iraq?

I wish we could have set aside, and I worked hard to see if we could, the money for our troops, the $67 billion, because that is another question. I do not think there is anybody in this House that would not vote to help our troops. But this House is in a convoluted state, just like this whole country is in a convoluted state, because there is a lack of accountability on this administration and this President for the monies that go to rebuild Iraq.

There are serious questions. If we do not raise those questions, if we do not answer those questions, it is not going to be so easy to come back and get money the next time, because the American people, I am here to tell you, have had it about up to here.

We are working with a country over there that is sitting on the world's second largest oil reserves, which arguably could be one of the richest countries in the world, and yet in this administration and in this supplemental there is not one timetable, there is not one direct amount of money that is going to get the oil wells producing, to get the oil production up and running at capacity. That should be the first business. Where is the money for that?

Why is there a cloud over the handling of this noncompetitive business? The American people are asking these questions. Halliburton and Bechtel, two companies, fine companies though they may be, but should they have nonbidding rights to get the taxpayers' money?

The American people are asking these questions. We owe it to them to ask these questions and get some answers. We have got to do it together, not as Democrats and Republicans, but together. We as a body must ask this administration to give the American people the accountability and the transparency on where this $20 billion is going and how it is going to be spent, or else we all will lose our credibility, and that is something we must not do. The American people are counting on us to ask the questions of this administration on this money and get the answers.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have mentioned previously, I have been a supporter of our action against Iraq, I voted for the supplemental, and I will vote for this conference report. I will tell you that there are serious questions that have been raised by Members on this side of the aisle, and even some Members on the other side of the aisle, particularly on the issue of whether all of this money, all of this $20 billion, should be a grant, or whether at least a portion of it should be a loan.

These are serious questions. The House went on record and the Senate went on record in favor of some of this money being a loan, but, unfortunately, the conference committee did not see the wisdom in taking that position.

Members have indicated and have served notice, and I believe Members on the other side of the aisle should listen carefully, Members have served notice that it will be much more difficult for the administration next time they come to this body seeking more funds for reconstruction.

Members have been willing to give the administration the benefit of the doubt, even though they have very serious reservations, but I would hope that this administration and the Members on the other side of the aisle, before they return to this Congress asking for additional billions of dollars, will take a long and hard look at this issue of loans versus grants and take a long and hard look at the opinions of the American people who are very concerned about unmet needs here in the United States.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I did not intend to speak on this. In listening and thinking this through, I feel compelled to take the well.

I am one of the few on this side of the aisle that voted with President Bush the first time, as well as this President Bush, because I thought it was important, the right thing to do, that those of us who have said "never again" to tyrants must protect not just ourselves, but other people as well, and step up to the plate, and that it would be sinful not to do what we have to do in ridding the world of a tyrant. I am not sorry that I participated in that, because, indeed, it was the right thing to do, and remains so.

But things have happened and things have changed as we watch what has evolved, as we watch an administration that ran for office and continually talked about bringing morality back to government and taking personal responsibility, and suddenly seeing the evolving of what has happened here, which is truly mind-boggling.

Personal responsibility. Who knew what in the White House and when? Personal responsibility. Things starting to go wrong.

Where is the plan? Those of us who supported the action always said we were going to win the war. There was no doubt about it. You could not find an oddsmaker in Las Vegas to say that Saddam Hussein was going to win the war. The day, the amount of time, the casualties, that was always a question.

But the question that we pressed in the Committee on International Relations was, can you win the peace? What we have here is a Secretary of War who has now become the Secretary of Peace, and he does not know how to do it.

The President stood here in this House and said to us Members of both bodies assembled, "British intelligence tells us this." I think it is what Nixon called "plausible deniability."

I never heard a President say someone else's intelligence told us this. He was warned. He was warned by the CIA Director that that intelligence was wrong. Blame the British. Blame the CIA Director. Blame the brave men in the Navy on the *Abraham Lincoln.*

What happened to personal responsibility? Where is the plan? We have been deceived; we have been lied to, we in the Congress and the American people as well, and that is intolerable. People took the oath of office to tell the truth. Where is the truth?

Indeed, this is a dilemma. We have so many American lives on the line in that country, but the President owes us a plan. A company declares bankruptcy for a half a million dollars, they have to have a plan. For $87 billion, there should be a plan. What is the plan? Nobody knows the plan.

"Trust us." Well, I have run out of trust in this administration. I do not mind that the emperor has no clothes; I mind that the emperor does not have a plan, because lives are at stake.

We want to protect our troops. Bring back a bill that would protect the troops. We are not going to leave them hanging out there. But to spend $87 billion, and nobody knows how, nobody knows why, nobody knows where, nobody knows when, is something that is absolutely unconscionable, and something in which I can no longer participate.

I will be voting no.

Mr. FROST. Mr. Speaker, we have no additional requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to vote for this rule so we can get on to fund the very important operation that we have in the Mideast. I just remind my colleagues that more than 75 percent of this bill goes to make sure that our troops are secure in this theater.

□ 2230

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 3289 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 424, I call up the conference report on the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 424, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the conference report on the supplemental to pay for our military forces, equipment, their salaries, and their medical care. A speaker who just left the well a few minutes ago said that nobody knows where the money is going, and I want to tell my colleagues that we do know where it is going. It is going to take me a little bit more time than I had anticipated using, but let me tell my colleagues this: $65 billion of this money goes to the American troops, the American forces in Afghanistan and in Iraq. I will take the time to provide details of that funding:

Military personnel expenses: $17,800,000; The operation and maintenance for our services involved in Iraq and Afghanistan, $39,231,000; for procurement for the Army, for missiles, and WTCV for the Army, other procurement Army, aircraft procurement Army and Navy, other procurement Navy, procurement for the Marine Corps, Air Force procurement defense-wide $5,534,000. These pages that I will provide for the record are full of details on spending in this bill. And for someone to stand here and say no one knows where the money is going, is just not accurate. I really do not mind the political comments that are made here, but do not distort the facts.

We know where this money is going. Do we know where every penny is going? No. And for some of the programs that my colleagues support, we do not know where all that money is going, either. But we do the best we can. We know this money is going for our troops. In fact, all of this money is going for our troops.

Why did I say that? Because clearly $20 billion is for construction and recovery in Afghanistan and Iraq. But our troops are there. And this House overwhelmingly voted to send them there, and so did the other body. And so they are there. And they are not coming home until they have created a secure Afghanistan and a secure Iraq.

Now, another speaker said, it is not working. The heck it is not. You talk to anybody who has gone from this Congress to Iraq and they will tell you that it is working. Is it working overnight? No. Of course not. It took 30 years for Saddam Hussein to destroy the lifestyle of people in Iraq. And our President decided to fix that. He was tired of Iraq threatening his neighbors. He was tired of Iraq supporting terrorists. And we voted to support him. Our troops are going to come home after we have been able to help the Iraqis create their own government and create their own security forces, so that they can have some quality of life in Iraq.

So this money is going for our troops, and $65 billion of it is going directly to our troops.

There are other things in this bill. We had a good conference with the Senate. It took us a couple of days after pre-working this conference for a couple of weeks, and we have done some good things in this bill.

Remember the outrage that we all expressed when we found out that soldiers, wounded in battle, in a military hospital, were charged $8.10 a day for the food that they consumed while in the hospital? This bill fixed that. We had fixed it temporarily in an appropriations bill. This bill fixes it permanently. And it not only fixes it permanently, but it makes it retroactive, so anybody who was billed for their food while recovering from battle wounds will get their money back if they paid those charges. This bill does that.

We provide additional benefits for our National Guardsmen and our Reservists who are serving in our Nation's military in Iraq and Afghanistan.

Mr. Speaker, it has been said that there is no exit strategy, and that there is no plan. The fact is, there is an exit strategy, and that is to stabilize Iraq and Afghanistan so that our troops can exit and exit safely, and so that the people of Iraq can have a quality of life. They did not have a quality of life prior to the United States liberating that nation from the tentacles of Saddam Hussein, who had destroyed millions of his own people in one way or another, who had gone to war with his neighbor in Iran, who has invaded Kuwait, and who threatened Saudi Arabia. This was a bad guy.

I had the opportunity at the request of the Administration to attend the donors conference in Madrid last week, and I listened to speakers from many countries saying how bad Saddam Hussein was and how important it was to liberate the people of Iraq. They did not give the United States any credit for having made this happen, but at least they acknowledged that it had to happen, and that the United States, led by the President of the United States, George Bush, had the courage and the gumption to do something about it. I think we will find in the long range that this is going to be beneficial to the world. And this House obviously believed that, because we voted overwhelmingly to send those forces to Afghanistan and to Iraq.

Mr. Speaker, there are a lot of other things that I want to bring to the discussion this evening; but at this point I am going to reserve the balance of my time, and then we will have our exchanges and then have a final vote here very shortly.

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE
RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
TITLE I - NATIONAL SECURITY					
CHAPTER 1					
DEPARTMENT OF DEFENSE					
Military Personnel					
Military Personnel, Army (emergency)	12,858,870	12,188,870	12,858,870	12,858,870	---
Military Personnel, Navy (emergency)	816,100	816,100	816,100	816,100	---
Military Personnel, Marine Corps (emergency)	753,190	753,190	753,190	753,190	---
Military Personnel, Air Force (emergency)	3,384,700	3,384,700	3,384,700	3,384,700	---
Total, Military Personnel	17,812,860	17,142,860	17,812,860	17,812,860	---
Operation and Maintenance					
Operation and Maintenance, Army (emergency)	24,190,464	24,257,664	---	23,997,064	-193,400
(Contingent emergency appropriations)	---	---	24,946,464	---	---
Operation and Maintenance, Navy (emergency)	2,106,258	1,934,058	1,976,258	1,956,258	-150,000
(Transfer out) (emergency)	(-80,000)	(-80,000)	(-80,000)	(-80,000)	---
Coast Guard Operations (by transfer) (emergency)	(80,000)	(80,000)	(80,000)	(-80,000)	(-160,000)
Operation and Maintenance, Marine Corps (emergency)	1,198,981	1,198,981	1,198,981	1,198,981	---
Operation and Maintenance, Air Force (emergency)	5,948,368	5,598,368	5,516,368	5,416,368	-532,000
Operation and Maintenance, Defense-Wide (emergency)	4,618,452	4,485,452	4,218,452	4,355,452	-263,000
Operation and Maintenance, Marine Corps Reserve (emergency)	16,000	16,000	16,000	16,000	---
Operation and Maintenance, Air Force Reserve (emergency)	53,000	53,000	53,000	53,000	---
Operation and Maintenance, Air National Guard (emergency)	214,000	214,000	214,000	214,000	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	35,500	35,500	35,500	35,500	---
Iraq Freedom Fund (emergency)	1,988,600	2,086,600	1,988,600	1,988,600	---
(Transfer out) (emergency)	---	---	(-4,000)	---	---
Inspector General (by transfer) (emergency)	---	---	(4,000)	---	---
Total, Operation and Maintenance	40,369,623	39,879,623	40,163,623	39,231,223	-1,138,400
Procurement					
Missile Procurement, Army (emergency)	6,200	---	6,200	---	-6,200
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	46,000	101,600	---	101,600	+55,600
(Contingent emergency appropriations)	---	---	104,000	---	---
Other Procurement, Army (emergency)	930,687	1,250,287	---	1,143,687	+213,000
(Contingent emergency appropriations)	---	---	1,078,687	---	---
Aircraft Procurement, Navy (emergency)	128,600	158,600	128,600	158,600	+30,000
Other Procurement, Navy (emergency)	76,357	76,357	76,357	76,357	---
Procurement, Marine Corps (emergency)	123,397	123,397	123,397	123,397	---
Aircraft Procurement, Air Force (emergency)	40,972	53,972	40,972	53,972	+13,000
Missile Procurement, Air Force (emergency)	20,450	20,450	20,450	20,450	---
Other Procurement, Air Force (emergency)	3,441,006	3,418,006	3,441,006	3,438,006	-3,000
Procurement, Defense-Wide (emergency)	435,635	418,635	435,635	418,635	-17,000
Total, Procurement	5,249,304	5,621,304	5,455,304	5,534,704	+285,400
Research, Development, Test and Evaluation					
Research, Development, Test and Evaluation, Navy (emergency)	34,000	34,000	34,000	34,000	---
Research, Development, Test and Evaluation, Air Force (emergency)	39,070	39,070	39,070	39,070	---
Research, Development, Test and Evaluation, Defense-Wide (emergency)	265,817	195,817	265,817	260,817	-5,000
Total, Research, Development, Test and Evaluation	338,887	268,887	338,887	333,887	-5,000

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
Revolving and Management Funds					
Defense Working Capital Funds (emergency)	600,000	600,000	600,000	600,000	---
National Defense Sealift Fund (emergency)	24,000	24,000	24,000	24,000	---
Total, Revolving and Management Funds	624,000	624,000	624,000	624,000	---
Other Department of Defense Programs					
Defense Health Program (emergency)	658,380	658,380	658,380	658,380	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	73,000	73,000	73,000	73,000	---
Total, Other Department of Defense Programs	731,380	731,380	731,380	731,380	---
Related Agencies					
Intelligence Community Management Account (emergency)	21,500	21,500	21,500	21,500	---
Transfer to Department of Energy	(3,000)	(3,000)	(3,000)	(3,000)	---
Transfer to Department of Justice	(15,500)	(15,500)	(15,500)	(15,500)	---
GENERAL PROVISIONS					
Transfer Authority (sec. 1101) (emergency)	(5,000,000)	(3,000,000)	(5,000,000)	(3,000,000)	(-2,000,000)
Storm Damage (sec. 1109) (emergency)	---	413,300	---	313,000	+313,000
Munitions security and destruction (sec. 1121) (emergency)	---	---	---	100,000	+100,000
Total, Chapter 1	65,147,554	64,702,854	65,147,554	64,702,554	-445,000
Emergency appropriations	(65,147,554)	(64,702,854)	(39,018,403)	(64,702,554)	(-445,000)
Contingent emergency appropriations	---	---	(26,129,151)	---	---
CHAPTER 2					
DEPARTMENT OF HOMELAND SECURITY					
United States Coast Guard					
Operating expenses (emergency)	---	23,183	---	23,183	+23,183
Emergency Preparedness and Response					
Disaster Relief (emergency)	---	---	---	500,000	+500,000
Total, Chapter 2	---	23,183	---	523,183	+523,183
CHAPTER 3					
MILITARY CONSTRUCTION					
Military construction, Army (emergency)	119,900	185,100	119,900	162,100	+42,200
Militay construction, Navy (emergency)	---	45,530	---	45,530	+45,530
Military construction, Air Force (emergency)	292,550	292,550	292,550	292,550	---
Family housing operations and maintenance, Army (emergency)	---	8,151	---	11,420	+11,420
Family housing operation and maintenance, Navy and Marine Corps (emergency)	---	6,280	---	6,280	+6,280
Family housing operation and maintenance, Air Force (emergency)	---	6,981	---	6,981	+6,981
Total, Chapter 3	412,450	544,592	412,450	524,861	+112,411
Total, TITLE I	65,560,004	65,270,629	65,560,004	65,750,598	+190,594
Emergency appropriations	(65,560,004)	(65,270,629)	(39,430,853)	(65,750,598)	(+190,594)
Contingent emergency appropriations	---	---	(26,129,151)	---	---
TITLE II - IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE					
CHAPTER 1					
DEPARTMENT OF JUSTICE					
General Legal Activities (emergency)	---	15,000	---	15,000	+15,000

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)

(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
DEPARTMENT OF STATE AND RELATED AGENCY					
Administration of Foreign Affairs					
Diplomatic and Consular programs (emergency)	40,500	156,300	35,800	156,300	+115,800
Reappropriation	35,800	---	---	---	-35,800
Rescission (emergency)	---	-35,800	-35,800	-35,800	-35,800
Embassy Security, Construction and Maintenance (emergency)	60,500	43,900	---	43,900	-16,600
Emergencies in the Diplomatic and Consular service (emergency)	50,000	50,000	---	115,500	+65,500
(Contingent emergency appropriations)	---	---	90,500	---	---
Total, Administration of Foreign Affairs	186,800	214,400	90,500	279,900	+93,100
International Organizations					
Contributions for International Peacekeeping Activities (emergency)	---	245,000	---	245,000	+245,000
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations (emergency)	---	40,000	---	40,000	+40,000
Total, Chapter 1	186,800	514,400	90,500	579,900	+393,100
Emergency appropriations	(186,800)	(550,200)	(35,800)	(615,700)	(+428,900)
Contingent emergency appropriations	---	---	(90,500)	---	---
Emergency rescissions	---	(-35,800)	(-35,800)	(-35,800)	(-35,800)
CHAPTER 2					
BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency for International Development					
Operating expenses of the United States Agency for International Development (emergency)	40,000	40,000	40,000	40,000	---
(Transfer out) (emergency)	---	---	(-4,000)	(-1,900)	(-1,900)
U.S AID Office of Inspector General (by transfer) (emergency)	---	---	(4,000)	(1,900)	(+1,900)
Capital Investment Fund					
Capital Investment Fund (contingent emergency appropriations)	---	---	60,500	16,600	+16,600
OTHER BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Iraq relief and reconstruction fund (emergency)	20,304,000	18,649,000	18,449,000	18,649,000	-1,655,000
(Transfer out) (emergency)	---	---	(100,000)	(210,000)	(+210,000)
Operating Expenses of the Coalition Provisional Authority (emergency)	---	858,000	---	983,000	+983,000
Economic support fund (emergency)	422,000	872,000	422,000	872,000	+450,000
(by transfer) (emergency)	---	---	---	(100,000)	(+100,000)
International disaster and famine assistance (emergency)	---	100,000	---	110,000	+110,000
(by transfer) (emergency)	---	---	---	(110,000)	(+110,000)
United States Emergency Fund for Complex Foreign Crises (emergency)	100,000	---	100,000	---	-100,000
(By transfer) (emergency)	---	---	(100,000)	---	---
DEPARTMENT OF STATE					
International narcotics control and law enforcement (emergency)	120,000	170,000	120,000	170,000	+50,000
Nonproliferation, antiterrorism, demining and related programs (emergency)	35,000	35,000	35,000	35,000	---

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Foreign Military Financing Program (emergency)........	222,000	297,000	222,000	287,000	+65,000
Peacekeeping operations (emergency)..................	50,000	50,000	50,000	50,000	---
Total, Chapter 2................................	21,293,000	21,071,000	19,498,500	21,212,600	-80,400
Emergency appropriations....................	(21,293,000)	(21,071,000)	(19,438,000)	(21,196,000)	(-97,000)
Contingent emergency appropriations.........	---	---	(60,500)	(16,600)	(+16,600)
(By transfer) (emergency)...................	---	---	(104,000)	(211,900)	(+211,900)
Total, TITLE II................................	21,479,800	21,585,400	19,589,000	21,792,500	+312,700
Emergency appropriations....................	(21,479,800)	(21,621,200)	(19,473,800)	(21,811,700)	(+331,900)
Contingent emergency appropriations.........	---	---	(151,000)	(16,600)	(+16,600)
Emergency rescissions.......................	---	(-35,800)	(-35,800)	(-35,800)	(-35,800)
(By transfer) (emergency)...................	---	---	(104,000)	(211,900)	(+211,900)
TITLE III					
CHAPTER 1					
DEPARTMENT OF VETERANS AFFAIRS					
Veteran Health Administration					
Medical care (emergency).............................	---	---	1,300,000	---	---
GRAND TOTAL (net).............................	87,039,804	86,856,029	86,449,004	87,543,098	+503,294
Emergency appropriations....................	(87,039,804)	(86,891,829)	(60,204,653)	(87,562,298)	(+522,494)
Contingent emergency appropriations.........	---	---	(26,280,151)	(16,600)	(+16,600)
Emergency rescissions.......................	---	(-35,800)	(-35,800)	(-35,800)	(-35,800)
Transfer authority (emergency)..............	(5,000,000)	(3,000,000)	(5,000,000)	(3,000,000)	(-2,000,000)
(Transfer out) (emergency)..................	(-77,000)	(-77,000)	(15,000)	(131,100)	(+208,100)
(By transfer) (emergency)...................	(95,500)	(95,500)	(203,500)	(147,400)	(+51,900)

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense.

Mr. MURTHA. Mr. Speaker, the first trip I took to Kuwait, it was right before the war started and the gentlewoman from California (Ms. PELOSI) had asked me to accompany her, because for her first foreign trip she wanted to go, even though she was not for the war resolution, she wanted to make sure that the troops understood she supported them wholeheartedly.

The next trip I went on was to Iraq, and I found a number of shortages which a lot of people have talked about. But the shortages were not because the Committee on Appropriations did not put the money in; the shortages were because the bureaucrats back here saved the money for some other purpose. They did not want to spend this money. In the meantime, we had troops without inserts for their battle gear, we had troops without jammers, we had Bradleys without tracks, a lot of different problems. We called back from there, and we got the Defense Department moving. And this supplemental has every one of the shortages, the money for every one of the shortages in this bill.

I am pleased to say that we have the companies working 24 hours a day to make sure that the troops have the type of equipment they need to protect their lives. I am hopeful that the President shifts some of these intelligence people, because what I have always learned is intelligence is probably the most important element in fighting a war; shifts the intelligence people from trying to find these weapons of mass destruction to trying to protect our troops.

I get a lot of complaints from the Reserves. I hear all kinds of optimistic talk about this war. But let me say this. The Iraqis supposedly were for us when we went in. I see polls that say 60 percent of the people are for what we are doing.

Well, when they fire our PGs into our troops and they take their legs off; we went out to the hospital, a number of us have been out there, the chairman has been out there, his wife has been out there over and over again, and we see them with their legs blown off and their arms blown off, and then they disappear after they have been firing these weapons into the crowd, that means the Iraqis are not with us. I do not care what the polls show; they are not with us. Now, they may be with us in heart, but they are afraid to talk about it and when they are afraid to talk about it, we have to win the hearts and minds of the people. That is what this reconstruction money is all about.

We took care of the money for the troops, but if you do not get the electricity back, if you do not get the water running right, if you do not get the people who are unemployed; there is 60 percent unemployment, I just got a briefing yesterday and they told me there is still 60 percent unemployment. If we have 60 percent unemployment in this country, we are not going to be able to solve the problem.

So we have to get the Iraqis back to work, and the reconstruction money is as important as anything that we can do in order to help solve this problem. I said when I came back, we have to get Iraqis out in the field and we have to get the international community involved in this, and we have to energize Iraq. If we do not do that, we are going to lose this war.

I believe the key to winning this war is to win the hearts and minds of the people, and we have to overcome the X factor of the enemy. If we do not overcome the X factor of the enemy, we will lose this war. I think it is on the edge now. I am not as optimistic as a lot of people are. I know an awful lot of people who were optimistic initially are much more realistic than they used to be. But I tell my colleagues one thing, if we were to let this legislation not pass, we sure would not win this war.

So I would urge the Members of this House to vote for this $65 billion for the troops and the $20 billion for the reconstruction effort in order to get our troops back home as quickly as we can.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from California (Mr. LEWIS), the chairman of our Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentleman yielding me this time.

Mr. Speaker, I must say, at the beginning of my remarks I want the House to know that I deeply appreciate the comments of my colleague, the gentleman from Pennsylvania (Mr. MURTHA), who is my partner on this subcommittee; and I also want to say to the House that I am rising this evening with no small amount of serious concern about the problems that are facing my constituents in my own district where literally the whole district is on fire. It is an incredible time.

But a few weeks ago, I had the opportunity to take perhaps the largest delegation that has traveled to Iraq since we have been involved there, a group of Members numbering some 17 of us, a fabulous cross-section of the House: Democrats and Republicans, liberals, conservatives, Members who had voted against the war, Members who supported the war. But we saw many things in a relatively short trip, but one thing was absolutely certain. We all became convinced that Saddam Hussein absolutely is one of the most outrageous tyrants of modern time, rivaling Hitler's Germany, certainly rivaling that which the Russian leadership was all about.

While we were there, we visited circumstances that reflect the worst of what this tyrant has done to his people, a people who have had no opportunity for freedom in their lifetime, a people who have been oppressed if they dared oppose him, and people who were killed in the tens and tens of thousands. Visiting the killing fields was an amazing experience where in one location, tens of thousands had been killed on that spot, and similar locations across the country. This person did not hesitate to wipe out huge portions of his own population, ranging between 500,000 and maybe 1.5 million people.

In turn, that delegation was amazed to see what had been done to the children of Iraq, suggesting that he was even willing to see that children were fed formula that was mixed with sewage water, caring nothing about the future of those children and those families.

So America is there to make a commitment to the future of these people in hopes that they really will experience freedom.

□ 2245

General Petraeus, who was one of the key commanders that we dealt with, said that the money that was most important to his success was that money that was going to reconstruction. That, the General told us, the security of his troops was very much connected to the sense that America was about creating new opportunities there and laying the foundation for freedom. And, indeed, he felt it deeply, that was the way to make sure that our people, our troops come home as soon as possible.

Let me just make one more point. That is there is no doubt that if we are successful in our efforts in Iraq, we are about to play a role in creating a model in the Middle East that could change the future of that entire region.

There is absolutely no question that this success could take us down a pathway that could lead to a new kind of peaceful opportunity, a new roadway in the entire region. I truly believe that we have a chance at this moment to make a difference about the entire future of the Middle East. And it is a Democrat and Republican effort. The gentleman from Pennsylvania (Mr. MURTHA) has been fundamental in helping me be successful in the military side of this, but both of us recognize just how important the reconstruction effort is as well.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member on the Committee on Appropriations, for yielding and for his leadership. I appreciate the Obey alternative that was not able to be offered but that he put forth. And I will speak to that in just a moment.

I rise in opposition to the supplemental. And, in doing so, I want to acknowledge the extraordinary commitment of our distinguished chairman to our troops. For him it is a family matter. His wife has been, as all have said over and over, an angel to the young men and women that have come back from combat and are at the Bethesda

Naval Medical Center and the Walter Reed Hospital. And all of us who have visited them salute their courage, their patriotism, the sacrifice they are willing to make for our country. I had the privilege of doing that on a number of occasions with the gentleman from Pennsylvania (Mr. MURTHA), as well as visiting the troops in Kuwait.

Mr. Speaker, it is not a question as to whether we support the troops. Of, course, we all do. So I thank you, Mr. Chairman, for your extraordinary commitment there, and, as well, the gentleman from Wisconsin (Mr. OBEY.) In fact, in the Obey substitute there was $4.6 billion more for the troops. Unfortunately, the rules prevented us from taking up the alternative simply because it was paid for. Funny rules, but there they are.

I commend the gentleman from California (Mr. LEWIS) for working with the gentleman from Pennsylvania (Mr. MURTHA), where we finally were able to get some of the equipment that the troops need to protect themselves as they fight this fight in Iraq. They are precious to us. Again, we salute them. But we cannot send them into battle unless they are adequately equipped.

May I offer my condolences and sympathy to the gentleman from California (Mr. LEWIS) for the losses in his district and that of many in our great State of California. I salute the firefighters who also are taking risks for us in our Golden State. Because, quite frankly, one of my dismays with the administration on their proposals are that with the $63 billion that we gave them last spring and the summer with a practically unanimous vote, it was not even an issue, of course, the money would be sent. When the President asked for the $87 billion, we later learned that the troops still did not have the kevlar lining in their vests, in their flak jackets, at least 44,000 of them did not. They still did not have jammers to prevent the improvised explosive devices from taking their lives. They still did not have the tracks for the Bradleys. They still did not have the spare parts for nearly half of their equipment.

The gentleman from Pennsylvania (Mr. MURTHA) visited there, raised a ruckus, but still they did not have it in the $63 billion package in the summer; they still do not have it, this the $87 billion request from the President. I thank the gentleman from Pennsylvania (Mr. MURTHA) for his extraordinary leadership on behalf of the troops. We salute them here on this floor; he works for them every day. And without his raising the ruckus, they still would not have it in this bill, but he and the gentleman from California (Mr. LEWIS) made that possible. And we are all in their debt, all of us who care about the troops. And I know that that includes every single person here.

As respectful as I am of our distinguished chairman, I beg to differ on the exit strategy. What he stated is something that we all share: A goal that we will successfully accomplish our mission in restoring stability to Iraq. We all agree that that must be done. That is a goal. It is an exit strategy. The administration did not have one, nor did they have a plan. That is a very sad thing. They did not have a plan for postwar Iraq.

Whatever one's view was going into the war, that is history. That was then. Now, we know we have to accomplish the mission, we have to support our troops, and we have to have them come home safely and hopefully soon.

General Zinni's words just resonate with me. They challenge the conscience of our country. General Zinni, retired Marine Corps General Anthony Zinni said, and I quote, "America's men and women in uniform should never be put on the battlefield without a strategic plan not only for the fighting, our generals will take care of that, but for the aftermath and winning that war. Where are we, the American people, if we accept this level of sacrifice without that level of planning?"

So not only does the administration not have an exit strategy, they do not have a plan. The level of sacrifice has not been met with the level of planning. Because President Bush lacked an adequate plan for postwar Iraq, American soldiers are taking virtually all of the risks and American taxpayers are paying virtually all of the bills.

As I said, Democrats offered an alternative that would have spent an additional $4.6 billion to protect U.S. forces and converted half of the reconstruction loans to loans through the World Bank, thereby costing U.S. taxpayers less, avoiding an increase in the deficit, and encouraging greater international participation. Unfortunately, House Republicans prevented a vote on that proposal. And last week 84 Republicans joined Democrats in favoring loans showing that this is not a partisan issue.

Threats of a Presidential veto if the loans were included in the final bill ignore, really, bipartisan majorities in both Houses of Congress and the opinion of most Americans.

Last night the conferees turned a deaf ear to the American people and the will of both Houses by stripping the loan provision from the conference report. And so tonight we are being asked to vote on a conference report that hands the President another blank check for postwar Iraq.

This conference report reflects no change in the administration's failing postwar Iraq policy. The $63 billion for Iraq approved last spring has not been adequately accounted for. We do not have any accountability for the policy and, yet, here we are poised to approve $87 billion for more.

I certainly agree with what has been said on both sides of the aisle; the gentleman from Pennsylvania (Mr. MURTHA) said it most recently when he talked about the need for the reconstruction, and the gentleman from California (Mr. LEWIS) referenced it too. Certainly, we know that reconstruction funds are necessary in Iraq. We know that that is important to the safety and the security of our troops. And I think we are blessed in this body to have the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Ms. Lowey) as the Chair and ranking member of the Committee on Appropriations subcommittee that will deal with that. They are internationalists, they understand the importance of that. But I do not think we should have a gold-plated, no-bid-contract kind of a way to approach these.

And that was the beauty of the proposal of the gentleman from Wisconsin (Mr. OBEY). It gave them $7 billion to use immediately, which was what the World Bank said their absorptive capacity was now, and sends the rest of the money on to the World Bank to be capitalized 4 to 1, $28 billion for this important reconstruction.

The gentleman from California (Mr. LEWIS) referenced General Petraeus. Anyone who has visited the theater knows what a hero he is, 101st Airborne, great, great, great troops that we are very proud of. General Petraeus pointed out an incident where the U.S. engineers called for $15 million to turn a cement factory into a state-of-the-art cement factory. Our troops working with the Iraqis, this is one of General Petraeus's projects, our troops working with the Iraqis got it up and running not for $15 million, but for $80,000. For $80,000.

So that is why when we are not having loans but we are having grants, and our grandchildren and children have to pay for all of this without any thought of getting any reduction of our deficit from the gushing oil fields of Iraq, should they ever gush forth, it just does not seem right.

Mr. Speaker, what is really sad about all of this in terms of the cost, when the administration came to the Congress and to the Committee on Appropriations, Secretary Wolfowitz said we are dealing with a country that can really finance its own reconstruction and relatively soon. He said that shortly after we went into full combat with Iraq. Mr. WOLFowitz said we are dealing with a country that can really finance its own reconstruction and relatively soon. He miscalculated the cost, that is for sure. Ignoring the advice of our own State Department, indeed the Bush administration's own State Department about what to expect in postwar Iraq, and that is a matter of record, it has been published in the assessment that was made after the war, Center for Army's Lessons

Learned at Fort Leavenworth, Kansas, we know that we did not really even supply our troops with the intelligence, the actionable intelligence they needed to protect themselves and to accomplish the mission.

So we miscalculated the cost, we misunderstood the risks, we do not have the intelligence. And the administration, again, ignored its own report from the State Department about what some of the challenges would be.

Miscalculation, misrepresentation of the cost, misunderstanding of the challenge. Where is the accountability? We need to get that intelligence for our troops just as surely we need to get the kevlar lining for their flak jackets. They are not going to be protected, unless we have the intelligence that is needed to protect them.

So that is why when this blank check of $87 billion comes to the floor, it begs some questions about what we really are doing for our troops. Our intentions are all very, very positive. We know that. But the military is telling us they do not have the intelligence to protect the troops. The military is telling us that.

The State Department told the administration what to expect and that was ignored.

So in any event, I think I have made my point about I think there was a better way. Let us do this right. We know this is not the last request we are going to receive. The administration told us the day the President made the request for $87 billion. They called my chief of staff and said it is going to cost $50 to $75 billion more. So this is just an installment, an installment that is going to be paid for by our grandchildren. I think there is a better way to do it. I am sorry we do not have that opportunity tonight. And that is why I will be voting against the supplemental.

Mr. YOUNG of Florida. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), the chairman of our Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. KOLBE. Mr. Speaker, I want to begin by commending the work of our chairman and ranking member and all the other subcommittee chairmen that worked so hard to bring this bill together. I think it has been truly a work that has brought about an outstanding piece of legislation.

I am going to describe some of the elements of the legislation in just its bare outline, so people do know what is actually in this bill. The amount as we have already heard is the total amount of the appropriation bill, $87½ billion. The foreign operations chapter is $21.21 billion, which is just a bit less than the President had requested.

Let me begin, Mr. Speaker, by saying that I strongly support the objectives President Bush and our leadership seek to achieve with this supplemental request for Iraq and Afghanistan. The supplemental bill supports our men and women in uniform, and it provides the reconstruction resources to stabilize and improve conditions in those countries.

□ 2300

These resources are essential to achieving victory and to enabling our troops to come home. Let me cover a few of those highlights.

First, there is $18.6 billion for the Iraq relief and reconstruction account. That is $1.7 billion below the request, but $200 million more than the Senate-passed bill. It includes $3.24 billion for security and law enforcement, $1.32 billion for justice and civil society, $5.5 billion for the electric sector, almost $1.9 billion for the oil infrastructure, $4.3 billion for water resources and sanitation, and $793 million for health care, among many of the other things that are included in there.

The point is that I think these, Mr. Speaker, are the right types of investments. They comprehensively support both the Iraqi people and the physical infrastructure to modernize that country and put it on the path to economic development, security, and stability. These funds are essential investments in the welfare of our troops.

The conference agreement does not provide funds for trash trucks, for $50,000-per-bed prisons, or for ZIP code systems and what we regard as other low projects. The House took the lead on these issues, and we were pleased to see the Senate's support for this approach. On the other hand, we have added funding for a few programs where we saw gaps in the strategy. For example, there is $100 million included for the development of an Iraqi constitution, building democratic institutions and to prepare for holding free and open elections. It is important to note that this conference agreement also makes a number of management improvements, including the submission of financial plans projecting project by project details on this Iraq reconstruction account.

The gentlewoman from California (Ms. PELOSI), the distinguished minority leader, talked about where is the plan. We have a plan and we specifically require a spending plan to be submitted by the administrator and OMB so that we have an opportunity to see that and have that updated every 3 months.

The conferees agreed with the House position to create a new appropriation account entitled "Operating Expenses of the Coalition Provisional Authority" rather than leave this activity buried within the Army's $24 billion operation maintenance appropriations account. The CPA will have an operating budget of some $983 million, and we have agreed with the Senate to provide an Inspector General for this organization.

Further, we have included language requiring the Office of Management and Budget to transmit to Congress real financial budget and personnel data on the CPA.

I am pleased we were able to work out an agreement on competition and contracting. The agreement strongly supports full and open competition. We require Ambassador Bremer and the head of any Federal agency providing contracting service for Iraq reconstruction to jointly certify to Congress if other than full and open competition is being pursued.

Mr. Speaker, this agreement is not about Iraq alone. The conference agreement does provide almost $1.2 billion for our reconstruction efforts in Afghanistan, and that is $350 million above the President's request.

The agreement provides an additional $287 million to support the training, equipping, and operations of the new Afghan Army. Also included is $60 million to improve economic opportunity and the standard of living of women in Afghanistan. These resources support technical and vocational education and will fight against abuse of women. They support education for young women who have been denied all of these decades the opportunity to even learn to read.

The conference report includes $181 million to repair and reconstruct roads in Afghanistan and to provide that nation with transportation infrastructure linking its cities as well as its rural areas.

Mr. Speaker, I have sought to briefly provide a few of the highlights of this conference agreement. Any conference means compromise, and there are clearly issues which we would have wanted to come out differently; but on the whole, this conference agreement resembles closely the bill that was overwhelmingly supported here in the House a couple of weeks ago. Let me say that this bill supports our President, our men and women in uniform, and our Nation. This agreement is about American foreign policy objectives, and it is about our leadership in the world.

This conference agreement is about completing the job, not just destroying the tyrannical regime of Saddam Hussein, but also building a stable Iraq at peace with its neighbors in the Middle East. This conference is about remembering that much needs to be done to build a new Afghanistan, one secure and free from the Taliban.

This conference agreement is about continuing the war on terrorism and not giving in to the vicious and cowardly attacks against not only our Armed Forces but against the Iraqi, the Afghan and, yes, the American people. This conference agreement is about maintaining our national security. It is a good conference agreement. I urge its adoption.

Mr. OBEY. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Wisconsin (Mr. OBEY) has 23 minutes remaining. The gentleman from Florida (Mr. YOUNG) has 13½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking Democrat on the Subcommittee on Foreign Operations, Export Financing, and Related Programs.

Mrs. LOWEY. Mr. Speaker, in the last few days we have witnessed another tragic string of attacks in Iraq. Our troops, our allies, and our mission are under constant fire. I feel very strongly that we must pass this package to protect our troops and to provide the funds to stabilize Iraq. For me that is the most efficient way to bring our troops home as soon as possible and bring some normalcy to that region.

There were problems with the initial $87 billion request, and I do believe that the House with the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), in the lead modified it appropriately. The prudent cuts made in the House survived conference which is good, and important additions were made.

Our continued efforts in Afghanistan, formerly the headquarters of al Qaeda, have received the funding needed to make sure that the gains we have made do not slip away. We cannot allow that country to again be a haven to groups that would attack us. We did not forget the victims of the Taliban regime either; $60 million were included for women's empowerment and participation programs. If anyone doubts the importance of women in the development of stable and prosperous states, let them read the remarkable "Arab Human Developments Reports." Written by Arab scholars, the reports name three causes for the underdevelopment in some Arab nations: lack of freedom, lack of knowledge, and lack of women's empowerment. As its 2002 report says, "Society as a whole suffers when half of its productive potential is stifled."

The women of this House and Senate know that and are determined that the United States will aggressively and directly provide for opportunities for the women of Afghanistan and Iraq and to help their countries grow strong; and so $10 million was similarly set aside for women's programs in Iraq.

We also directed $90 million in Iraq for education, an essential building block of a free society, and an area for which insufficient funds had been originally requested by the administration. The explanation for me seemed to be that education was a "soft area," soft meaning secondary, I believe popular with international donors. Let us leave it to them to fund education.

I vigorously disagree with this reasoning, and I am very glad that our chairman, the gentleman from Arizona (Mr. KOLBE), worked with me to get these dollars in this bill.

One need only consider the effect that this soft area has in places like Saudi Arabia and Pakistan where children are sent to madrassas and are taught intolerance and hate and breed the terrorists. Education is not a secondary matter. It is a direct security interest to the United States, and, again, I want to thank the conferees for endorsing this priority.

Concerns about competitive contracting and obtaining timely and accurate reports from the administration on Iraq were addressed, unfortunately, in my judgment, with broad waivers that weaken them substantially. An Inspector General was created for the CPA, but the other body insisted on the waiver which gives the President the ability to withhold any information in the name of national security. A similar waiver applies to the disclosure of noncompetitive contracting. And I do fear that these waivers will leads to more sole-source contracts awarded behind closed doors. The House must monitor this very closely.

Finally, there was the question of loans versus grants. A constituent asked a very simple question: Why can we not lend money to Iraq? Iraq has such a wealth of oil.

It is a reasonable question; and in my judgment, we should have given them a reasonable and prudent compromise. It is unfortunate that this was not accomplished in conference.

I truly believe that failure in Iraq would create a dangerous vacuum in the heart of the Middle East. It would be a place where hatred of the United States and violence against us would thrive, but the gravity of the situation should not lower our standards for planning and execution; it should raise them. There are lives on the line in Iraq and Afghanistan, and our actions will impact the future of all Americans, especially our children and our grandchildren. We owe them caution, honesty, and realism as we face these next stages in Iraq and Afghanistan.

I strongly support the supplemental. I believe the appropriations for our troops and for reconstruction are equally important and essential to our mission.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, it is the constitutional job of the Congress of the United States to maintain and support the armed services of our country. I stand here in support of this resolution tonight because of that constitutional duty. And I know there have been many bits of discussion about the pros and cons of the line items in this bill. And I know that there are clouds that hang over the question of intelligence as to our initial decision going into Iraq. And I know there are clouds that hang over the decision-making process as to our going in.

But the American troops are there. It is our duty to support them so that they may be victorious in this very arduous and difficult, unique and never-seen-before challenge that Americans in uniform have had.

I had the opportunity about a month ago to visit with young folks in uniform, actually of all services, in and around Iraq, to look at their faces and know that each one of them whether they came from small towns or inner cities or some from suburbs of America, that they knew their duty, that they were good soldiers, that they wore the American uniform proudly, and that they had a mission to accomplish.

For us tonight, we have a mission to accomplish and that mission is to support this resolution. We have no other choice.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the entire Persian Gulf War 12 years ago cost the United States less than $8 billion. The total cost of the war was over $60 billion, but because allies were participating our share was only 12 percent of the cost. Now we have already spent $79 billion on the present war in Iraq. We are asked to spend $87 billion more for a total of $166 billion so far.

□ 2315

To put the $166 billion in perspective, Mr. Speaker, the total appropriation for this fiscal year for the U.S. Department of Homeland Security and the U.S. Department of Transportation and the U.S. Department of Education and Department of Labor and Department of State was less than $166 billion. On a per capita basis, $166 billion is more for each person in Iraq than the total annual government spending in the United States for each of our American citizens for everything other than Social Security and defense.

Although this is a huge expenditure, the administration does not even give lip service to explain how the bill will be paid, no outline of spending cuts or increased taxes. The administration says we cannot lend the money to Iraq because they are too far in debt, and yet the national debt in Iraq is approximately $4,000 a person. The national debt of the United States, $20,000 per person.

A vote on this bill represents the only opportunity Congress has to consider the President's policies in Iraq since October of last year, and the President's decision to invade unilaterally without allies has meant that we are paying 100 percent of the costs of the war in cash and in casualties, and a yes vote on this bill will mean that no significant attempt will be made to get international participation.

Mr. Speaker, we have had widespread reports of contracting fraud, and a vote on this bill means that we will get more of the same.

During the campaign, the President frequently insisted that no troops would ever be deployed without an exit strategy, and not only do we not have an exit strategy, we do not even have a good entry strategy. The President has acknowledged that Iraq had nothing to do with 9/11. No weapons of mass destruction have been found. Iraq was never an imminent threat to the United States, and so we cannot get an exit strategy, if we cannot explain why we are there in the first place. A yes vote on the bill forfeits any congressional opportunity to require a meaningful exit strategy.

Now whatever, there are a lot of reasons to vote no, but if this passage of the bill would make us safer, we might want to vote yes. Unfortunately, even before the war, the CIA concluded that Iraq posed very little threat to the United States at that time, but would pose a threat if we attacked them. This policy, which includes the expenditure of $166 billion and the loss of many courageous lives, has failed to make us safer.

Mr. Speaker, because this bill represents such a huge expenditure and validates failed policies, I would ask that we defeat the legislation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from California (Mr. CUNNINGHAM) who as a Naval fighter pilot became the first Ace in the war in Vietnam.

Mr. CUNNINGHAM. Mr. Speaker, the young lady from San Francisco said that she is not going to vote for this bill. That did not surprise me a bit. When a person has a 35 percent defense rating, the highest ever in a career, it does not surprise me that this young lady would vote against this bill. The troops know, they know each and every one of us and what we do. I became a Republican, I was a Democrat, because of the folks in this body that turned their backs on us, many of us in Vietnam, some of those Republicans, too.

To say, well, I am not going to vote for a bill that gives me the tools to do my job and survive, all these kids want to do is to be able to complete their mission, do their job and get home safely, and to deny them these funds that will do that, they know, and they know what their mission is every single day.

Mr. Speaker, I think to deny the many, many positive things that are going on, the gentleman from California (Mr. LEWIS) took a whole group, as he said, Republicans, Democrats, conservatives, liberals and others, to Iraq and you know what, even those that were opposed to Iraq when they got there and saw what was going on there, the positive things, the men and the women that were walking down the streets free. Now, there are some bad areas, Tikrit and Baghdad, but if my colleagues go to the south and go to the north, we have got young girls going to school now. They could not do that before.

That is the plan, and these kids that are over there know that. They know it every single day. To deny that is a slap in the face to them, and all they want to do is do their job, and that is why it is important that those people that say, well, we should not be there, we are going to deny this money to these kids, that is wrong, because part of the mission is to build up Iraq so that we only ask one thing of them, that is, to give us a free and stable democracy, not ours, not Britain's, but their own. And you know what, the folks in Israel appreciate that.

I flew in Israel and I know a stable Iraq, a stable Afghanistan, a stable Saudi Arabia. Do my colleagues know that Saudi Arabia since May, when the al Qaeda bombed them, they found over 20 tons of explosives from Saddam Hussein to al Qaeda? Saudi Arabia's arrested them. They would have not done that before. My colleagues want to know what our plan is? They found SA-7 stingers that were coming to the United States. My colleagues know what our plan is? I would rather fight them there than here and give our kids the tools.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, once again, we failed to provide for our veterans. If today is like many other days since Operation Iraqi Freedom began, wounded troops will continue to arrive at Walter Reed Army Hospital or other military treatment facilities. About 10 each day have continued to arrive.

The military lists thousands. In fact, a couple of weeks ago it is over 1,500 that have been wounded in action or disabled, nonbattle injuries since the conflict in Iraq began. Thousands more may have come to our veterans hospitals in search of the medical care for conditions that may become evident the days and months after their military service has ended.

This summer, this House broke that promise with our veterans. Our budget resolution promised to add $1.8 billion for veterans. Yet the appropriations we approved for the VA added nothing. I had an opportunity and I went before the Committee on Rules and you had an opportunity to correct that, and at the same time I mentioned to you that you have provided $2 million for health care for Iraqis but you could not allow the opportunity for us to provide that $1.8 billion as an opportunity for our own veterans as they come back.

We have had another chance to add these funds, and we have continued to fail. This supplemental rightly addresses the needs of our troops, but it also allows the military to provide better equipment and supplies, but we have to continue to remember that we also have an obligation to those veterans after they come back and as we just this week on Tuesday, we had a chance to visit Walter Reed, and we saw those veterans, where they have lost some of their limbs.

So I ask and appeal to my colleagues that right now, just to be able to complete and continue to provide the services that we provide now, we need $1.8 billion for our veterans health care to be able to do that, not to mention the fact that we need additional resources.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), who actually flew extremely important missions over Iraq as part of Northern Watch.

Mr. KIRK. Mr. Speaker, let me read a quote. "Americans are losing the victory. The troops returning home are worried. 'We've lost the peace,' men tell you. Before the landings, liberation meant to be freed of tyranny. Now it stands in the minds of civilians for one thing, looting. Never has American prestige been lower. 'Have you no statesmen in America?' they ask."

This sounds like a report from Iraq. It is not. These words were written 57 years ago about the American occupation of Germany. Appearing in the January 7, 1946, edition of Life magazine, John Dos Passos wrote, "We have swept away Hitlerism but Europeans now feel that the cure has been worse than the disease."

Under subtitles like "U.S. administration a poor third" and "the skeptical French press," Life magazine warned that the U.S. occupation in Europe had failed.

Luckily, President Truman did not listen. He knew the failed peace after World War I doomed a second generation of Americans to fight in Europe's killing fields. Truman did not do popular things. He ordered the U.S. Army to remain in Europe, and despite George Washington's advice against alliances, he signed our first military alliance with NATO. He also launched the most expensive foreign aid program in our history, $105 billion for the Marshall Plan. He did this to avoid sending a third generation of Americans to fight in Europe, and he succeeded.

We now have fought two wars in Iraq. How many more should we fight? The failed peace of Desert Storm guaranteed a second Iraqi war. We have already now sent two generations of Americans to Iraq. I think we should make sure that we do not send a third. We need to finish this job so that young Americans a decade from now do not have to refight this war.

Despite the current media reports that sound just like the 1946 Life magazine report, we need to follow the example of Harry Truman. We need to do this job right so that our sons and daughters are not condemned to a third Persian Gulf War.

How much would my colleagues pay to avoid a third war in Iraq? Avoiding such a war is worth our effort tonight as we pass this bill to finish the job.

Let me say one note of personal privilege. No one knows more about the defense and foreign policy of our country than the gentleman from Pennsylvania (Mr. MURTHA) and the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Missouri (Mr. SKELTON), and I really want to highlight their leadership and personally thank them for following the maxim, "partisanship should end at the water's edge."

Mr. YOUNG of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. Mr. Speaker, we are at the end of a 6-week process, and I am proud of the work that the House has accomplished. We cannot afford to fail in Iraq.

The best and brightest in this House have scrubbed the proposal sent from the White House. We have done our best work, and now it is time to vote. Those who say this is a blank check from the White House are just not telling it like it is. This is a world changing paradigm shift on the other side of the world.

I think back to the bipartisan retreat early this year. I was there. Thomas Friedman came from the New York Times, spoke to a large group and said, maybe we are not going about this right, but we need to do this. He really said this needs to happen, an experiment in the 22 Arab countries to promote democracy and make this investment.

We were all hit with sticker shock. Eighty-seven billion dollars is a huge number. It shocked me but we now realize how important it is. It is going to be incalculable the benefits of this investment.

The big debate came down to loans versus grants. When I looked the President eye to eye, he said we believe we are going to get U.N. support. We did, unanimous, for a U.S.-led peacekeeping force in Iraq. We are making progress. Frankly, I was disappointed with Madrid. I say to the White House tonight, prove us wrong on the loans; work until we get more global support. I believe we need to.

The bottom line is this is an unprecedented situation in the history of the world, and we have got to step up. It is easy to demagogue an $87 billion request. It is easy to critique it, but tonight we have got to vote. I think it is difficult, difficult to vote no. If my colleagues have to hold their nose and vote yes tonight, do it. I am going to grit my teeth and vote yes tonight and say that we cannot afford to fail in Iraq.

□ 2330

Mr. YOUNG of Florida. Mr. Speaker, may I inquire of the Chair how much time I have remaining.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida (Mr. YOUNG) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining.

Mr. OBEY. Mr. Speaker, if the gentleman needs it, I will be happy to yield him 1½ minutes.

Mr. YOUNG OF Florida. That would be very appreciated.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I neglected earlier to express my deep appreciation to the conferees for their responding to the challenge in our district that involved some $500 million that is now going to go through the process here to FEMA to help those people who are presently out of their homes, people who suddenly have no place to live and the like.

And, Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I just wanted to note that many in the California delegation are distressed that the much-needed $500 million for relief for the fire funding is tied up with the $87 billion for Iraq that many of us oppose. Tonight we have introduced a stand-alone bill to provide the same $500 million in relief for California, and we would urge that that be used as a vehicle instead of this supplemental.

We think it is a problem to have the two mixed. It lends a political component to this that should never be present when we are dealing with victims of an awful tragedy such as this. So I wanted the whole House to know of the feeling of the 33 Democratic members of the California delegation that we ought to have a separate fire relief measure for California.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to read the following words from a very distinguished American statesman written 5 years ago: "Trying to eliminate Saddam would have incurred incalculable human and political costs. We would have been forced to occupy Baghdad and, in effect, rule Iraq. There was no viable exit strategy we could see, violating another of our principles. Furthermore, we had been self-consciously trying to set a pattern for handling aggression in the post-Cold War world. Going in and occupying Iraq, thus unilaterally exceeding the United Nations mandate, would have destroyed the precedent of international response to aggression that we had hoped to achieve. Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land."

The man who said that was George Herbert Walker Bush 5 years ago. Now, his advice was not taken, and we now are facing the question of what to do next.

Frankly, how we voted on going to war in the first place is, in my view, in considering this legislation, irrelevant. The question, to me, is not whether we are going to vote for or against this package tonight. I think in many ways how we cast our individual votes on this package is secondary.

The issue is whether the policy which is now being followed in the war's aftermath is the right policy, whether it is wired together well enough in the details in order to achieve the success that every single Member of this body wants to see the President achieve. After all, he is our President, regardless of party. And after all, these are our sons and daughters and brothers and sisters and cousins and uncles and aunts wearing our uniform and representing our country in that very difficult circumstance tonight.

But the policy is the issue. If the policy is the right policy, then it probably will not matter whether we appropriate $20 billion more or less than we are appropriating tonight. We will have a good chance of succeeding. And if the policy is not wired together right, then all the money that we can provide will not produce a happy ending.

I want to explain why under these circumstances I will be voting "no" tonight. As the gentlewoman from California (Ms. PELOSI) said earlier, we have previously appropriated well over $60 billion, and we provided maximum flexibility to the Defense Department in spending that money. Yet with that flexibility we saw the shortages of inserts in the Kevlar vests, we saw the shortage of jammers, we saw the shortage of adequate protection for the unarmored Humvees, all of which have put our troops at risk. We have seen inadequate supplies of drinking water for our troops. And the very general in charge of the operation has told us in our hearings that he still does not know how it happened. And now we are being asked to provide $87 billion more.

The question is not whether the administration will get this money. They will get this money, and they will get a whole lot more because this is just the downpayment. The question is whether or not in the providing of this money we will use our leverage and use our power of the purse to force the agencies and the administration to think through more clearly how it is that they are going to accomplish the goals which they have stated. That, to me, is the detailed question.

Now, we do not have any idea, and the administration has given us no idea, of what their range of expectation is in terms of cost over the next 5 years. We should have some idea so that we can prepare our own constituents to support this over the long haul. We do not have that information. But we do know, at least I am convinced of the unpleasant truth, and I very much agree with Senator MCCAIN on this, I am convinced that if we are to accomplish this job, we do not have enough troops on the ground in Iraq right now. We either need more troops from our allies, or we need more help from the Iraqi remnants that can be reasonably relied upon; or we are going to need more U.S. troops, or our troops will unnecessarily suffer higher casualties than they would otherwise suffer.

Now, it is not pleasant to tell the American people that we may need more troops rather than less before this is over; but talking to the experts whom I trust, that is what I believe.

We also do know that the agencies involved in running this policy so far have managed to find the single most expensive way to deliver this aid, because they are following a high-tech strategy that involves deep involvement by these huge multinational corporations, like Bechtel and Halliburton and a dozen others, instead of relying on a more indigenous low-tech approach that can put more Iraqis to work so they have something more productive to do than shoot Americans.

I also think that we do know that at this point the administration has given us not a clue about how or how soon they expect to repair the Army. We have equipment from over five divisions that at this point needs reconstitution; it needs refurbishing. We have been told by the Army that that alone is going to cost above $17 billion, and the administration has asked for less than $2 billion.

The American public needs to know the facts, and they need to know the costs; and they do not need to have it revealed to them on the installment plan. It should be provided up front so that we can take the case to our public.

We also have the other problem, that this package does not pay for itself. We borrow it all. And so that means that just the interest payments alone will amount to about $4 billion more than we would be paying if we paid for this cash on the barrel head. And that is $4 billion on interest payments that will shove out money that would otherwise be available for education, for health care, and for other needed domestic efforts, including infrastructure.

I will be offering a motion to recommit. It will not allow us, because of the restraint of the rules, to get at the basic problems in the policy; but it will allow us to at least try to improve it around the edges. First, we will try to restore the funding for veterans health care that was taken out of the bill. Because while we have been told that that will be taken care of in the VA HUD bill, we have been given no idea of how. So that has yet to become a reality.

Second, the recommittal motion would ask that we accept the Senate provision which would convert $10 billion of this reconstruction program to loans, with the proviso that if our allies in fact forgive prior loans to Iraq, then we will forgive this loan as well.

Now, there are those who say Iraq cannot afford that. Let me point out Iraq is a country of 23 million people. They are getting $20 billion in reconstruction. That is $872 per capita, 10 times as much as the annual per capita aid under the Marshall Plan to all of Europe.

Mr. Speaker, let me simply ask for an "aye" vote on the recommittal motion.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it has been said that this bill is a blank check. I wish to provide for the RECORD at this point a table that shows that it is not a blank check, and that it is very specific in the money that it appropriates.

HIGHLIGHTS OF THE WAR SUPPLEMENTAL CONFERENCE REPORT

President's Request: $87 billion.
Conference report: $87.5 billion.

IRAQ RELIEF AND RECONSTRUCTION

President's Request: $20.3 billion.
Conference report: $18.6 billion.

Category and Description	Supplemental Request	Conference Agreement
Security and law enforcement:		
Police training and technical assistance	950	950
Traffic police	50	-
Border Enforcement	150	150
Facilities Protection Services	67	67
Subtotal, Law enforcement	1,217	1,167
Establishment of the New Iraqi Army (NIA)	2,000	2,000
(NIA Facilities)	(745)	(745)
(NIA Equipment)	(879)	(879)
(NIA Operations and Training)	(375)	(375)
Iraq Civil Defense Corps	76	76
(Operations and Personnel)	(58.4)	(58.4)
(Equipment)	(17.2)	(17.2)
Subtotal, National Security	2,076	2,076
Total, Security and Law Enforcement	3,293	3,293
Justice, Public Safety Infrastructure and Civil Society:		
Witness Protection Program	100	75
Other technical investigative methods	10	10
Penal facilities	400	100
Reconstruction and modernization of detention facilities	109	109
Facilities protection, mine removal, fire service, and public safety facility and equipment repairs	500	400
(Demining)	(61)	(61)
Public safety training and facilities	274	199
National Security Communications Network	150	100
Investigations of crimes against humanity	100	75
Judicial security and facilities	200	150
Democracy building activities	-	100
Total, Justice, Public Safety Infrastructure and Civil Society	1,843	1,318
Electric Sector:		
Generation	2,900	2,810
Transmission	1,550	1,550
Network infrastructure	1,000	1,000
Automated monitoring and control system	150	150
Institutional strengthening	25	-
Security	50	50
Total, Electric Sector	5,675	5,560
Oil Infrastructure:		
Infrastructure	1,200	1,200
Emergency supplies of refined petroleum products	900	690
Total, Oil Infrastructure	2,100	1,890
Water Resources and Sanitation:		
Potable water	2,830	2,830
Water conservation	30	30
Sewerage	697	675
Solid waste management/trash trucks	153	-
Other solid waste management	-	22
Subtotal, Public Works Projects	3,710	3,557
Pumping stations and generators	150	150
Irrigation and drainage systems	130	130
Major irrigation projects	130	130
Dam repair, rehab, and new construction	125	125
Umm Qasr to Basra water pipeline and treatment plant	200	200
Marsh projects	100	-
Basra Channel Flushing	40	40
Subtotal, Water Resources projects	875	775
Total, Water Resources and Sanitation	4,585	4,332
Transportation and Telecommunications Projects:		
Airports	165	165
Umm Qasr Port rehab	45	45
Railroad rehab and restoration	303	300
Iraqi Telecom and Postal Corporation	124	100
(Postal IT / ZIP Codes)	(9)	(-)
Iraqi Communications systems	109	95
(Business practices for Iraqi TV and radio)	(10)	(-)
(Numbering scheme/911 initiative)	(4)	(-)
Iraqi Communications operations	89	75
Undistributed reduction, transportation and telecommunications	-	−280
Total, Transportation and Telecommunications Projects	835	500
Roads, Bridges, and Construction:		
Housing construction	100	-
Public buildings construction and repair	130	130
Roads and bridges	240	240
Total, Roads, Bridges, and Construction	470	370
Heath care:		
Nationwide hospital and clinic improvements[1]	393	493
Equipment procurement and modernization	300	399
Initiate 700m Basrah hospital project	150	-
Health care partnerships	7	-
Total, Health Care	850	793
Private Sector Development:		
American-Iraqi Enterprise Fund	200	-
Expanded network of Employment Centers	8	8
Training	145	100
Micro-Small-Medium Enterprises	-	45
Total, Private Sector Development	353	153
Education, Refugees, Human Rights, Democracy, and Governance:		
Migration and Refugee Assistance	105	105
Local Information Centers	90	-
Property Claims Tribunal	30	30
Banking system modernizations	30	30
Business training courses	20	-
Human rights	15	15
Education	-	90
Civic programs	10	10
Total, Education, Refugees, Human Rights, and Governance	300	280
Transfer/financing	-	210
Total, Iraq Relief and Reconstruction Fund	20,304	18,649

[1] Includes $35 million for pediatric facility in Basra.

Operating Expenses of the Coalition Provisional Authority (CPA)—The mark provides a direct appropriation of $983 million to the Coalition Provisional Authority for their operating expenses instead of providing these funds in the U.S. Army, Operation and Maintenance accounts as requested.

Foreign Debt—The bill includes a prohibition on the use of any funds in this act to be used to pay Iraq's foreign debts.

Inspector General—The bill provides for the establishment of an Inspector General for the CPA.

AFGHANISTAN RELIEF AND RECONSTRUCTION

President's Request: $800 million.

Conference report: $1.2 billion.

These funds are provided generally for infrastructure improvements, in support of women's programs, security assistance and economic development. The additional funds are intended to show tangible improvement in the security and quality of life of most Afghans by the summer of 2004.

NATIONAL DEFENSE

President's Request: $65.1 billion.

Conference report: $64.7 billion.

SUMMARY TABLE

[In thousands of dollars]

	Request	House	Senate	Conference
Military Personnel:				
Military Personnel, Army	12,858,870	12,188,870	12,858,870	12,858,870
Military Personnel, Navy	816,100	816,100	816,100	816,100
Military Personnel, Marine Corps	753,190	753,190	753,190	753,190
Military Personnel, Air Force	3,384,700	3,384,700	3,384,700	3,384,700
Total Military Personnel	17,812,860	17,142,860	17,812,860	17,812,860
Operation and Maintenance:				
O&M, Army	24,190,464	24,257,664	24,946,464	23,997,064
O&M, Navy	2,106,258	1,934,058	1,976,258	1,956,258
O&M, Marine Corps	1,198,981	1,198,981	1,198,981	1,198,981
O&M, Air Force	5,948,368	5,598,368	5,516,368	5,416,368
O&M, Defense-Wide	4,618,452	4,485,452	4,218,452	4,355,452
O&M, Marine Corps Reserve	16,000	16,000	16,000	16,000
O&M, Air Force Reserve	53,000	53,000	53,000	53,000
O&M, Air National Guard	214,000	214,000	214,000	214,000
Overseas Humanitarian, Disaster and Civic Aid	35,000	35,000	35,000	35,000
Iraq Freedom Fund	1,988,600	2,086,000	1,988,600	1,988,600
Total Operation and Maintenance	40,369,623	39,879,623	40,163,623	39,231,223
Procurement:				
Missile Procurement, Army	6,200	....	6,200	....
Procurement of WTCV, Army	46,000	101,600	104,000	101,600
Other Procurement, Army	930,687	1,250,287	1,078,687	1,143,687
Aircraft Procurement, Navy	128,600	158,600	128,600	158,600
Other Procurement, Navy	76,357	76,357	76,357	76,357
Procurement, Marine Corps	123,397	123,397	123,397	123,397
Aircraft Procurement, Air Force	40,972	53,972	40,972	53,972
Missile Procurement, Air Force	20,450	20,450	20,450	20,450
Other Procurement, Air Force	3,441,006	3,418,006	3,441,006	3,438,006
Procurement, Defense-Wide	435,635	418,635	435,635	418,635
Total Procurement	5,249,304	5,621,304	5,455,304	5,534,704
Research, Development, Test and Evaluation:				
RDT&E, Navy	34,000	34,000	34,000	34,000
RDT&E, Air Force	39,070	39,070	39,070	39,070
RDT&E, Defense-Wide	265,817	195,817	265,817	260,817
Total RDT&E	338,887	268,887	338,887	333,887
Revolving and Management Funds:				
Defense Working Capital Funds	600,000	600,000	600,000	600,000
National Defense Sealift Fund	24,000	24,000	24,000	24,000
Total Revolving & Management Funds	624,000	624,000	624,000	624,000
Other Department of Defense Programs:				
Defense Health Program	658,380	658,380	658,380	658,380
Drug Interdiction & Counter-Drug Activities, Defense	73,000	73,000	73,000	73,000
Total Other	731,380	731,380	731,380	731,380
Related Agencies:				
Intelligence Community Management Account	21,500	21,500	21,500	21,500
General Provisions:				
Storm Damage (Sec. 1109)	....	413,300	....	313,000
Munitions Security and Destruction (Sec. 1121)	....	....	....	100,000
Grand Total Chapter 1	65,147,554	64,702,854	65,147,554	64,702,554

HIGHLIGHTS OF THE DEFENSE PORTION OF CONFERENCE REPORT

Force Protection —The conference report increases funds to purchase body armor Special Armor Plate Insert, to clear unexploded ordnance and to increase production of other force protection measures such as armored HMMVV's and electronic jammers.

Tricare and Reservist Health Care Benefits—The conference report allows inactive reservist and their family members to become eligible for TRICARE health care coverage if they are receiving unemployment compensation or not eligible for any other health coverage. It also includes provisions that expands eligibility time periods for reservists and provides Medical and Dental Screening and Care coverage where appropriate.

Meal Allowances—Prohibits service members injured in combat or training from being billed for meals during their hospitalization. Makes this benefit retroactive to 9/11/2001 and provides reimbursement for those who have already paid meal charges.

Hazard Pay and Family Support—The mark includes a proposed provision which authorizes continued payment of per diem for travel of family members of military personnel who are ill or injured as result of active duty service and includes a provision to continue the increased monthly rate of Imminent Danger Pay and Family Separation Allowances through September 30, 2004.

Recovery of Natural Disasters—The conference report includes $313 million, not requested by the Administration, for recovery and repairs to damage to military facilities caused by Hurricane Isabel. $525 million is provided for military construction activities related to the war on terrorism and to make repairs to facilities damaged by recent natural disasters.

COMMERCE JUSTICE STATE PROGRAMS

President's Request: $187 million.

Conference Report: $580 million.

The following is a selected lists of items funded under the Commerce-Justice-State title of the bill: $245 million for peacekeeping activities in Liberia; $44 million for a secure embassy facility in Kabul, Afghanistan; $40 million for an Arabic broadcasting services to Iraq trough the Broadcasting Board of Governors; $50 million to provide rewards to individuals for information leading to the capture of Saddam Hussein and Osama Bin Laden.

OTHER ITEMS

FEMA Disaster Assistance—the Bill provides $500 million for FEMA disaster assistance to be available for recently declared disasters.

Mr. YOUNG of Florida. Mr. Speaker, it has been said there is no plan. I disagree. There was a plan. The plan is in operation. The first part of the plan was to eliminate Saddam Hussein and his tyrannical regime. That has happened. To defeat Saddam's armies and his military. That has happened. Now, the second part of the plan is to stabilize Iraq so that the people of Iraq can create their own government, and can create their own infrastructure and give people a quality of life. Where we are at risk today is from terrorists. Terrorism is raising its ugly head in Iraq. Our soldiers have been attacked; the United Nations headquarters has been attacked and the International Red Cross has been attacked.

Now, we did not start this war on terrorism. I think we ought to just for a minute review this. On February 26, 1993, the World Trade Center was bombed in New York. Six lives were lost. On June 25, 1996, Khobar Towers in Saudi Arabia was bombed. Nineteen Americans living there were killed. On August 7, 1998, American embassies in Kenya and Tanzania were bombed. There were 259 lives lost. On October 12, 2000, the USS *Cole* off the coast of Yemen was bombed and 17 sailors were killed, with many others injured.

These were acts of terrorism. Our response was rather tepid, and the terrorists became bolder and became more aggressive.

And on September 11 of 2001, a hijacked airplane crashed into the World Trade Center, tower number one. The second airplane hijacked crashed into the second tower of the World Trade Center, with nearly 3,000 lives lost or unaccounted for. On September 11, 2001, a hijacked plane crashed into the Pentagon, right across the river, with 189 lives lost. On September 11, 2001, a hijacked plane crashed in rural Pennsylvania, with 44 lives lost.

□ 2345

Mr. Speaker, we did not start this war on terrorism. These are examples of how terrorists started the war on terrorism, and thank God we finally responded because if we did not respond, the terrorists would become more bold and more aggressive and more of a threat. So what we are doing in Iraq, in Afghanistan, what we are doing with this appropriations bill tonight, we are investing in a future where our children and grandchildren and great grandchildren can live free from the fear of terrorists, free from the fear of airplanes flying into our buildings, free from the threat of losing lives and using loved ones to terrorists. It is important that we support the President of the United States as he leads this fight against international terrorism wherever it might be, and this bill is part of that effort, and I ask for a yes vote on this bill.

Ms. BROWN of Florida. Mr. Speaker, I am here tonight to say that I cannot believe that this supplemental bill is handing over billions and billions of dollars in reconstruction funding to Iraq through direct grants . . . let me repeat that—Direct Grants! And where do these direct grants come from? Directly from America taxpayers' pockets. That's where. Instead of following the Senate bill and giving Iraq loans to rebuild, we are flat out throwing money at them with no oversight. While here at home the Republican leadership continues with their only legislative agenda item: Tax cuts for their country club friends, and pushing our Treasury further into debt, our citizens are being forced to pay for building a country that was unnecessarily destroyed in the first place, because it has never been proven that there is a link between Iraq and September 11.

And while Congress hands over blank checks to this Administration, the media has given them a free ride. While the Republican-controlled Congress continues to send billions of dollars overseas without accountability, the media continues to cover up the facts. All the while the President continues to lie to the American public about the very reason our troops are over there. Mr. Speaker, our troops are doing their job, it is the Members of this body that are not doing theirs.

The Republicans keep telling us this bill is all about the soldiers, and everyone in this Congress supports our soldiers. But how can a bill for our soldiers not include money for basic protections like body armor, boots, camouflage, rucksacks, armored vehicles, tank tracks, Humvee tires, signal jammers, and chemical suits. We can't even provide these brave men and women with simple necessities like drinking water, showers, tennis shoes, and even toothpaste.

I am still working for accountability from the other side of the aisle. Yes, Mr. Speaker, I wholeheartedly support our troops, and I am still trying to figure out why, after Congress appropriated $79 billion for Iraq just 6 months ago, we are going to vote on yet another $87 billion appropriation today. Whatever happened to the first $79 billion? The American public deserves more from their elected representatives, and they deserve some accountability for this funding.

Mr. FILNER. Mr. Speaker, since the President first proposed his $87 billion supplemental appropriations package last month, I have worried that the President's plan for bringing stability to Iraq lacks fiscal accountability and a clear plan for bringing our troops home, and has relied on U.S. troops taking almost all the risks, and American taxpayers paying virtually all the bills.

I have been angered by the repeated stories of our troops in Iraq not being outfitted with state-of-the-art Kevler bulletproof vests and armored HMMVVs.

Equally troubling is the lack of parity for important funding at home. This bill sends direct aid to Iraq for infrastructure improvements that dwarf investments in our own country. The bill spends nearly twice as much per capita for border protection and public safety services in Iraq as we spend at home, and 10 times more per capita in Iraq for new hospital facilities than we spend in the United States. In addition, this bill spends 11 times more per capita for sewer and water services than we invest in our own cities, and 350 times more per capita on rehabilitating Iraq's electric power infrastructure than we are spending on fixing similar problems here at home.

During the House's debate on this bill 2 weeks ago, I offered an amendment to add emergency funding for eliminating the "disabled veterans tax," toppling an unfair law that prevents service disabled veterans from receiving their full military retired pay and VA disability compensation. This amendment, ruled out of order by the Republican majority, drew attention to just one of the many infrastructure and social service spending shortfalls at home that are ignored in this emergency appropriations bill.

Two weeks ago, I voted "no" to giving the President a blank check for Iraq while falling behind in investing in our infrastructure and social service needs at home. Today, I will vote "yes" because of the terrible suffering and devastation endured by the citizens of San Diego County as a result of the firestorm still raging today; $500 million has been added for Federal Emergency Management Agency (FEMA) disaster assistance in California. Earlier this week, I contacted FEMA Director Michael Brown and President Bush, urging them to make a FEMA center operational immediately in San Diego, to help my constituents in processing the necessary paperwork to begin the process of rebuilding their lives. This important funding will allow FEMA to open one-stop clearinghouses for information and assistance in expediting the huge volume of disaster claims that will result from this tragedy.

In addition, this bill increases funds to purchase body armor Special Armor Plate Inserts, and to increase production of armored HMMVVs, which will give our soldiers the protections they should have had all along. I have joined a number of my colleagues in calling for a full congressional hearing to investigate the many reports of American men and women fighting in Iraq without adequate lifesaving body armor—an indication that our preparation for this war was inadequate.

Today, I vote "yes" because our soldiers serving in harm's way deserve the best protection and resources our Nation can provide. And because I know, in a very personal way, the suffering of San Diegans in the current firestorm and because I want to say "thank you" to the thousands of professional firefighters who exhibited so much bravery and courage in recent days.

Mrs. MALONEY. Mr. Speaker, I rise to voice my support for a provision included in this legislation that was offered by myself, Congresswoman BIGGERT, Congressman HYDE, and Congressman LANTOS, which devotes $60,000,000 to programs that will help Afghan women and girls, and $5,000,000 to the Afghan Independent Human Rights Commission.

This funding will go a long way toward making the lives of Afghan women better by providing critical services and by ensuring that they are not relegated to second-class status.

I would like to thank my colleagues Congressman YOUNG, Congressman KOLBE, Congresswoman BIGGERT, Congressman HYDE, and Congressman LANTOS for their help in securing this funding as well as our counterparts in the other body who care so deeply about this issue.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of this legislation and urge its prompt adoption this evening.

I want to commend the chairman of the committee and the chairmen of the Defense and Foreign Operations Subcommittees for their expeditious and effective handling of this emergency supplemental for Iraq and Afghanistan.

To our young soldiers in Iraq and Afghanistan: Help is on the way. Difficulties remain, especially in the "Sunni triangle." It continues to be a dangerous place. But we're there to finish the job—terrorists, Saddam loyalists, and common criminals must be pursued and brought to justice.

This bill is more than just dollars and cents—this is direct support for the safety and security of our young troops standing in harm's way and for the reconstruction of Iraq. It's the resources our troops need: Better weapons, reliable intelligence, more ammunition, body armor, vehicles, better pay, and additional equipment to get the job done.

For example, the conference report increases funds to purchase body armor Special Armor Plate Insert, to clear unexploded ordnance and to increase production of other force protection measures such as armored HMMVV's and electronic jammers.

Quality of life for our troops and their families is also important.

The conference report includes a provision which authorizes continued payment of per diem for travel of family members of military personnel who are ill or injured as a result of active duty service and includes a provision to continue the increased monthly rate of Imminent Danger Pay and Family Separation Allowances through September 30, 2004.

In addition, the Conference report requires DOD to notify reservists in writing of their expected mobilization and deployment period—to help reduce the uncertainty many reservists have faced regarding call-up times, departure dates, and overseas deployment periods.

The conference report also provides $32 million for the Family Advocacy program, and $10 million for the National Guard Family Readiness Program—programs which provide support services to military families, especially those who have faced losses, or who have a family member deployed.

Finally, Mr. Speaker, the report prohibits service members injured in combat or training from being billed for meals during their hospitalization. Make this benefit retroactive to 9/11/2001 and provides reimbursement for those who have already paid meal charges.

Of course, we mourn the loss of any American soldier and pray for the early recovery of our wounded. We are forever in their debt and reject the mindless notion that their sacrifice is in vain.

Mr. Speaker, the Coalition Provincial Authority, working with our military and civilian officials of 131 nations, especially the United States Agency for International Development has been working hard to improve the quality of life and deliver needed assistance.

This Supplemental for Iraq and Afghanistan will go toward creating conditions on the ground in Iraq that will enable our troops to succeed in their mission—by providing the basic services and humanitarian relief that will make a big difference in stabilizing the country.

Mr. Speaker, the reconstruction package is critical to the military mission. I urge its adoption.

Mr. EVANS. Mr. Speaker, I am greatly disappointed that conferees have disregarded the House-approved motion to instruct and eliminated the provision to add $1.3 billion to veteran's health care. While I understand the need for additional funding may be addressed in VA–HUD appropriations, I am concerned that if we add funds to that bill contingent upon the President's designating them emergency spending the effort will be in vain. The Administration has already told Mr. YOUNG and Mr. OBEY it does not support additional funds for veterans' health care. Let's not break yet another commitment to our veterans by giving them this empty promise in exchange for funding that would have been real.

The cost of not adding significant funds for veterans' health care will be great. VA has been making progress with waiting times, but it is likely to regress under the administration-proposed budget. The Secretary is likely to propose more copayments for our veterans; more overblown "management efficiencies"; more service restrictions; and, even more groups of veterans it will refuse to enroll. If we want to deal with these consequences, continue to support the President's budget as requested. If we don't, we'll add some real appropriated dollars for veterans' health care.

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to H.R. 3289, the Iraq War Supplemental. In my opinion, this massive $87 billion spending bill is flawed and should be sent back to the White House to be redrafted.

There are three areas that if properly addressed would have made this a bill that would have served the interests of the American people, as well as the people of Iraq.

First, this appropriation is 100 percent financed by deficit spending. The Bush administration has handed out trillions of dollars in tax cuts to the wealthiest Americans and created record setting deficits for middle-class Americans and their children to pay off. In fiscal year 2004 alone, it is projected that almost $600 billion in deficit spending will occur in 2004 alone. This unprecedented extreme of fiscal irresponsibility must be stopped.

The "emergency" spending bill for Iraq should not be paid for by the next generation of Americans, but paid for today by rolling back the tax cuts on the wealthiest Americans making over $350,000 per year. Shared sacrifice does not mean that only our troops, their families, and the next generation of tax payers should shoulder the burden of the President's Iraq policy.

Second, the Pentagon's practice of sole-source contracting in Iraq worth billions of dollars for Halliburton and Bechtel with no accountability to Congress or the American people cannot be allowed to continue. I find this noncompetitive contracting to be absolutely unacceptable. Given Vice President CHENEY's on-going financial relationship with Halliburton, this situation is all the more troublesome. The emergency supplemental only perpetuates Halliburton's outrageous war pprofiteering at taxpayer expense.

Finally, as U.S. troops attempt to rebuild Iraq they are targets of constant guerrilla attacks—now averaging more than 30 attacks a day, euphemistically called "events" by the Pentagon. With $63 billion appropriated only last April to the Pentagon, our service men and women still have not been provided with adequate necessities to keep themselves safe. Reports indicate our troops are short more than 44,000 Kevlar vests, they lack the jamming technology that prevents remote radio detonated bombings and they do not have adequate access to purified water or sufficient food rations.

As tax dollars are appropriated for our military in Iraq, the needs of our troops must come first, not the neo-conservative political agenda of Secretary Rumsfeld or Deputy Secretary Wolfowitz. The Pentagon was provided more than $490,000 for each of the 130,000 soldiers in Iraq since April. Yet, today, U.S. troops are still without enough Kevlar vests or clean water—this is outrageous and more money is not the solution. Before billions more are simply handed over to bureaucrats in the Pentagon, Congress needs to ensure the needs of our troops on the frontlines are met and the Pentagon is held accountable.

Over the course of the past 18 months, the Bush administration's policy toward Iraq has been aggressive, obsessive and pre-emptive. The distortions, manipulations, and politicization of national security intelligence related to Iraq allowed this White House to sell the American people a war in which an imminent threat did not exist, but was apparently manufactured. Now our troops are risking their lives in a guerilla war and occupation with no end in sight, while America's most pressing priorities at home are being neglected.

Last year, I opposed the congressional resolution that gave President Bush a blank check to use our military and I have been very critical of the administration's policy actions since then. Nonetheless, as reality presents itself today, all of us—our troops, the American people, the Iraqi people and the international community—have a major stake in a stable, secure, and successful transition of control for United States occupation, to the international community and eventually complete Iraqi sovereignty.

We cannot withdraw our troops and walk away from Iraq, but we must demand a better performance than the failure of this White House to appropriately plan for the reality of the situation in Iraq or in its dealings with the international community. President Bush must do a better job.

This week, I will be traveling in the Middle East and inside Iraq. I hope to see the reality of the situation—the successes and the problems—faced by United States troops, civilians and the people of Iraq. But even before going to Iraq, I know it is time for this administration to tone down its harsh, unproductive rhetoric, work in a bipartisan fashion with Congress and work more positively with the international community for an accountable and sustainable plan for Iraq. Finally, even though the time has long past, it is never too late for President Bush to be honest with the American people about the extended commitment and sacrifice, both militarily and financial, all Americans will have to make to be successful in Iraq. This is an enormous challenge and the credibility and prestige of the United States is at stake.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. Yes, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on the bill H.R. 3289 to the committee of conference with instructions to the managers on the part of the House to—

(1) accept section 2319 of the Senate amendment (making $10,000,000,000 of the amounts provided under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" available to be used as loans), and

(2) accept Title IV of the Senate amendment (providing $1,300,000,000 for veterans medical care).

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 198, nays 221, not voting 15, as follows:

[Roll No. 600]

YEAS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—15

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Case
Fletcher
Gephardt
Gutierrez
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 0006

Messrs. KUCINICH, NUSSLE, and BURTON of Indiana changed their vote from "yea" to "nay."

Mr. DAVIS of Florida changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 298, nays 121, not voting 15, as follows:

[Roll No. 601]

YEAS—298

Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach

Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—121

Abercrombie
Ackerman
Baird
Baldwin
Becerra
Bell
Berry
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Eshoo
Evans
Farr
Fattah
Frank (MA)
Grijalva
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lofgren
Majette
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Case
Fletcher
Gephardt
Gutierrez
McCotter
Miller (NC)
Pearce
Sánchez, Linda T.
Stupak
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have 2 minutes remaining to vote.

□ 0012

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas for the purpose of inquiring about the schedule for the coming week.

Mr. DELAY. I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We plan to consider H.R. 1829, the Federal Prison Industries Competition in Contracting Act of 2003, as well as H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003.

□ 0015

We also expect to appoint conferees on several measures and to have additional conference reports ready for the House's consideration.

Finally, I would like to note for all members that we do not plan to have votes next Friday, November 7.

I thank the gentleman for yielding, and will be happy to answer any questions that he may have.

Mr. HOYER. I thank the gentleman for the information. I would note that earlier today, of course, we passed a continuing resolution that will fund the government through November 7, next Friday. We are not going to meet next Friday. It is my presumption, therefore, that the gentleman or the gentleman from Florida (Mr. YOUNG), or both of you, contemplate an additional CR.

You have not mentioned anything about the week of November 10 either, Mr. Leader. As you know, November 11 is Veterans' Day.

Assuming, as I assume, that we will not finish our business by the close of business on November 6, and in light of the fact the gentleman announced we will not be here on the seventh, can the gentleman for scheduling purposes give Members an idea of what might be the schedule for the week of November 10, again in light of the fact that November 11 is a day that most Members will want to be home with their veterans and citizens.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding. As the gentleman knows, the CR we passed earlier today does go through next Friday, and, as we get closer to next Friday, we will sometime next week have to reassess the progress of the various appropriations conferences and determine what length of time a likely additional CR would have to run.

We are going to spend a lot of time this weekend and the first of next week trying to figure out what the future holds. I do not expect us to have votes on Monday, November 10, or on Tuesday, November 11, which is Veterans' Day, as the gentleman has said. But on Wednesday, if we come back Wednesday, we would not have votes before 6:30 p.m.

We do anticipate having votes that week, but I just cannot say how late into the week we would be considering legislation.

I can say that we had hoped to finish the first session of this Congress by the first week of October, but, since that time, with the exception of the supplemental that we just passed, we basically have been waiting for the other body to catch up with us.

I have repeatedly predicted that we will soon reach the end, but, since we have not, and I am very disappointed that it does not look like we will reach the end by November 7, maybe it is best I just stop guessing as to when we are going to end. But we will give Members as much advance notice as we can. For right now, I must say that Members should not make any pre-Thanksgiving plans.

Mr. HOYER. I thank the leader for that observation. I think it is helpful that Members can be confident they can schedule events for the eleventh, Veterans' Day. I think that will be very helpful for Members.

The gentleman did not mention the FSC bill, the Foreign Sales Corporation bill. Can the gentleman tell us when you might expect that bill to be on the floor?

I yield to the gentleman.

Mr. DELAY. It is very difficult to say. Unfortunately, as these things happen, a lot of work is coming out of our Committee on Ways and Means. As the gentleman knows, the Committee on Ways and Means is very wrapped up in negotiations on the Medicare bill. They are also heavily involved in the energy conference, and they are just having a tough time getting all of this done. So we would hope we could do that bill some time next week, but we cannot predict that at this particular time, because next week is going to be heavily involved in the energy bill and the Medicare bill.

Mr. HOYER. I thank you, Mr. Leader. That was going to be my question. Does the gentleman expect both the energy conference report and the Medicare conference report, the prescription drug report, to be on the floor next week?

Mr. DELAY. Well, if the gentleman will yield further, we still hope to finish both of these bills before we complete the first session. There have been various discussions between both bodies, even though these discussions have not been formal in nature. At this point, I just cannot give a specific time frame for when these discussions will produce a recommendation for the conferees to consider and when the House would consider these final conference reports.

There are very difficult discussions going on. We had hoped that we could vote on these two bills next week, but just the physical writing of the bill on Medicare would take 8 to 10 days. So that is why I say Members should not make pre-Thanksgiving plans.

Mr. HOYER. Reclaiming my time, I thank the leader for his observations.

The leader and I, as the leader knows, have been having a lot of discussions about these conferences that are being held, somewhere, sometime, with some people.

I do not know whether the leader was informed, but the gentleman from New York (Mr. RANGEL) took the gentleman literally and found where a meeting at least was going on with the gentleman from California (Mr. THOMAS) and Secretary Thompson, and the gentleman from New York (Mr. RANGEL) and the gentleman from Arkansas (Mr. BERRY), both conferees appointed by the Speaker, went, opened the door, and went through the door with a number of Committee on Ways and Means Members.

I must tell the gentleman with great sadness, the gentleman from California (Mr. THOMAS) was not overwhelmingly happy to see them, which surprised me to no end, after our discussions and my conversation with the gentleman from New York (Mr. RANGEL), telling him how these conferences were going on and you wanted to see a bill go through.

The gentleman might want to talk to the gentleman from California (Mr. THOMAS), because essentially he asked the gentleman from New York (Mr. RANGEL) to leave. We were shocked and chagrined and surprised, of course, that he would do such a thing.

I say this somewhat jocularly, obviously, but the gentleman from New York (Mr. RANGEL) and the gentleman from Arkansas (Mr. BERRY) were not invited to this meeting, and, if these bills come to the floor next week, they are going to do so without having any Democrat participate in any substantive discussions on the prescription drug bill.

The leader is correct, it is a complicated bill, an incredibly important bill, and both sides have expressed strong support for adopting a prescription drug plan for our seniors. There are obviously differences on what ought to be in that plan.

But I would again say to the leader, notwithstanding your belief, I think the gentleman may be not informed as fully as he might be, because we continue to have great difficulty finding out where these conferences that the gentleman has been talking about and that the gentleman and I have been talking about, where they are going on, when they are being scheduled and who is supposed to participate. We have been talking about this, and, at some point in time, we really do expect that we will be invited to the conferences.

We had a serious bill and we had some disruption on the floor today, Mr. Leader, with reference to the FAA reauthorization bill. We recommitted the bill from this floor to conference. No conference occurred. No Democrats were invited to attend. As far as we know, no conference ever occurred. The bill reappeared, however, with a change.

Mr. Leader, we do not think that is in the best interests of this institution, we do not think it is in the best interests of the country, and we do not think it is in the best interests of passing legislation, conference reports, which have broad-based support.

I know, as the leader says, these are difficult, and I do not doubt that the leader is absolutely correct, that when an agreement is reached, it is going to take 7 or 8 days for the staff to put it together and in shape. I think the leader is probably correct on that.

I am hopeful that even if we are never invited, which seems to be the practice to date, that, at the very least, when somebody, somewhere, in some room, somehow makes a decision as to the bill that is going to be reported to the floor, that, at the very least, we get a copy of that bill in a timely fashion so, as complex a bill as you correctly observe it is, we have the time to analyze it, digest it and determine what we want to do on that bill.

I would hope that these comments would be taken in a constructive way, Mr. Leader, because I am very serious about the fact that I have participated, the gentleman has participated, we talked about this in conference committees where we sat down, we talked about it. I can remember the gentleman and I agreeing on some and disagreeing on some in conference, in HC-5 in particular, where we had large numbers of people participating in conferences. I thought those were positive, productive, and reflective of what our democratic legislative process ought to be.

We are very distressed on this side of the aisle that that does not appear to be happening. I would hope that you, Mr. Leader, as the majority leader, frankly, as the person most responsible for the schedule, but also one of the most significant leaders in this House, that you would try to work in a very positive way in bringing about conferences, which, again, include the conferees appointed by the Speaker of the House.

I yield to the gentleman if he would like to make any comments.

Mr. DELAY. I appreciate the gentleman yielding. The gentleman brings up many different issues, and I appreciate his concern.

Let me just try to answer in this way. On the FAA reauthorization conference report, as the gentleman knows, there were formal conferences held during the whole process of that bill. Many issues were discussed with all the conferees.

To be honest with the gentleman, I think it was unfortunate that a formal conference was not called on that bill this week, and I will work to make sure that we follow the rules of the House and formal conferences are held before those conference reports come back to the floor.

But I must say that the gentleman knows that it is not unusual to have discussion groups, meetings with all kinds of different people as conference recommendations are being put together for a formal conference meeting. I can assure the gentleman that on the Medicare bill and on the energy bill, formal conferences will be held before those bills come to the floor in the form of a conference report. But just to make this place work, there has to be a lot of meetings, and there is a lot of time spent together with a lot of people to get these big bills put together.

The gentleman said that no Democrats have been included in the discussions on the Medicare bill. There are Democrats being consulted in many different forums, including regular discussion groups, so there is Democrat input in the Medicare conference discussions.

Mr. HOYER. Reclaiming my time, I thank the leader for his observation. I must, however, say the information he has is different from the information I have on the conference.

On the FAA, for instance, there was a meeting on July 24 in which there was no paper, no markup notes, no chairman's mark, no suggested bill, and that was the last meeting, to which the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat, who, as you well know, worked hand in glove with Mr. SHUSTER and with the gentleman from Alaska (Mr. YOUNG) over the years on those committees, simply did not participate. I agree with you, Mr. Leader, on that.

Mr. DELAY. If the gentleman will yield, that is consistent with what I said, in that formal conferences were held on that bill.

□ 0030

In fact, the major contentious issue that we debated this week on that bill was dealt with in the conference, as I am informed, as an amendment. So there was discussion and debate on the conference report.

What I was referring to was the process which was kind of an unusual process in its own right, of recommitting to a conference, making adjustments to the bill, and bringing it right back. Even with that and all of the discussion that has been going on about this bill, both in formal meetings and informal meetings, frankly, a formal conference should have been held before we brought that conference report to the floor.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand that, and I appreciate that. I appreciate the gentleman's observation. We agree: a formal conference should have been held. Because it was not, the majority had to waive the rule in the rule that was presented on the floor of the House.

With respect to the energy bill and Medicare, I would tell the gentleman in neither case, in the energy bill nor in the prescription drug bill, did the Democratic conferees believe there has been a conference in either instance, in either one of these very important issues on which there have been any kind of discussions regarding the substance of those bills. I simply observe that that is shutting out the representatives of 130 million Americans on our side of the aisle to give their perspective, in conference, with conferees appointed by the Speaker.

Now, we all understand that we have discussions with Democrats on our side and there are discussions with Republicans on your side, talking about strategy, talking about compromise, talking about how to work things out. That is understandable. That is necessary. It always and must occur. However, at some point in time, the conferees, we suggest to the gentleman respectfully, need to be included in discussions, not in a pro forma conference at the end of the process, being informed what the bill is. That, frankly, is all that has been happening.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I just have to correct the gentleman. There have been, I do not recall how many formal conferences have been called on the energy bill, but I know more than one has been called on the energy bill. I am on the conference on the Medicare bill. I have attended two formal conferences on the Medicare bill, and the House Democrats that are conferees have attended both of those formal conferences on the Medicare bill.

As I have said many times on this floor when approached by the gentleman with his concerns, we are holding conferences with Democrats of this House, not conferences; we are holding discussions. I know the chairman of the Committee on Ways and Means and the chairman of the Committee on Energy and Commerce have informed me that there have been many discussions with the Democrats, including the ranking member. Not many, but there have been many discussions that include different groups of Democrats about what they would like to see in this bill, including the ranking member. I think, I could be corrected, but I think there was a meeting with the chairman of the Committee on Ways and Means and the ranking member and other Democrats on the Committee on Ways and Means about the Medicare bill just this week.

So whenever there is a formal conference, the conferees that have been appointed by the Speaker are invited to that conference, and there will be a formal conference before that Medicare bill comes to this floor, as in the form of a conference report.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the leader for his observation. We, I think, are getting different information from our principals. The gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL), I think, do not share that same view as to whether or not they have been included, two of our most senior Members of this House, two Members deeply concerned about both issues.

In any event, Mr. Leader, I appreciate the gentleman clarifying the schedule for next week and the week thereafter. That will be helpful to our Members.

ADJOURNMENT TO TUESDAY, NOVEMBER 4, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, November 4, for morning hour debates.

The SPEAKER pro tempore (Mr. PORTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT AS MEMBER TO LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon:

Mrs. Elisabeth DeVos, Grand Rapids, Michigan.

UNITED STATES CONTINUES TO BREAK LAW

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MCDERMOTT. Mr. Speaker, as the President announced that everything is fine in Iraq, the Red Cross is leaving, the Doctors Without Borders is leaving, and the United States continues to break the law. The problem there is we say we want to establish the rule of law, but we break it. The U.S. provisional authority in Iraq is breaking international law from the 1907 Hague Convention and the Geneva Convention.

On September 19, the viceroy, Mr. Bremer, said anybody will now be permitted to have full ownership of a wide range of state-owned Iraq assets. That violates the 1925 constitution which has been in effect and has not been changed by the people which bars private ownership of natural resources or the means of production. It prohibits the foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

We cannot bring democracy to a country and fail to bring the rule of law. The United States is talking out of both sides of its mouth.

Mr. Speaker, I include for the RECORD an article from the New York Times, dated October 29, titled, "Iraq Business Deals May Be Invalid, Law Experts Warn."

[From the New York Times, Oct. 29, 2003]

IRAQ BUSINESS DEALS MAY BE INVALID, LAW EXPERTS WARN

(by Thomas Catan)

The US-led provisional authority in Iraq may be breaking international law by selling state assets, experts have warned, raising the prospect that contracts signed now by foreign investors could be scrapped by a future Iraqi government.

International business people attending a conference in London this week heard that some orders issued by the US-led Coalition Provisional Authority (CPA) may be in breach of the 1907 Hague Regulations and the Fourth Geneva Convention.

"Is what they are doing legitimate, is it legal?" asked Juliet Blanch, a partner at the London-based international law firm Norton Rose. "Most [experts] believe that their actions are not legal", she said. "There would be no requirement for a new government to ratify their [actions]."

International law obliges occupying powers to respect laws already in force in a country "unless absolutely prevented" from doing so.

According to international law experts, that throws doubt on the legality of the CPA's September 19 order opening the Iraqi economy to foreign investment. In what amounted to a blueprint for transforming Iraq into a market economy, Order 39 permitted full foreign ownership of a wide range of state-owned Iraqi assets, barring natural resources such as oil.

However, such sweeping economic reform may not be legal, as the UK government was privately warned by its chief law officer in the first days of the war. In his private advice, later leaked to the press, Lord Goldsmith wrote that "the imposition of major structural economic reforms would not be authorised by international law."

The British government will not now comment on the attorney general's advice, which it maintains was confidential.

Questioned in parliament by Shirley Williams, the Liberal Democrat leader of the House of Lords, a minister argued that the government was "confident that their policies and actions in Iraq are right and consistent with the UK's international obligations."

However, international experts say foreign investors could face a wide range of legal problems in Iraq. Not least is the fact that Order 39 is "strictly contrary to the Iraqi constitution," according to Stephen Nelson, a partner at Squire, Sanders & Dempsey, speaking before the conference on Monday.

Indeed, the Iraqi constitution—which cannot legally be altered without the consent of the Iraqi people—contains a wide range of other provisions that could be highly troublesome for foreign investors.

Iraqi law bans private ownership of "national" resources or "the basic means of production". It also prohibits foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

There is also the question of what will happen to existing contracts with foreign companies, signed with the government of Saddam Hussein.

The CPA has yet to announce what will become of pre-existing contracts, many of which are held by Russian, Chinese and French companies.

However, international law experts have said they could be enforced, raising the possibility that contracts with the ousted regime might be more enforceable than those signed with the CPA.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of North Carolina (at the request of Ms. PELOSI) for October 29 after 5:30 p.m. and the balance of the week on account of official business.

Ms. LINDA T. SÁNCHEZ of California (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. ISAKSON (at the request of Mr. DELAY) for today until 1:00 p.m. on account of addressing the Georgia Department of Adult and Technical Education in Savannah.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, November 6.

Mr. MCCOTTER, for 5 minutes, November 5.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1590. An act to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building"; to the Committee on Government Reform.

S. 1718. An act to designate the facility of the United States Postal Service, located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office"; to the Committee on Government Reform.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration.

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building".

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office Building".

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building".

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rogers Post Office Building".

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building".

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building".

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office Building".

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia as the "J.C. Lewis, Jr. Post Office Building".

H.R. 2746. An act to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California as the "Bob Hope Post Office Building".

H.J. Res 52. Joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 926. An act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 37 minutes a.m., Friday, October 31, 2003), under its previous order, the House adjourned until Tuesday, November 4, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4986. A letter from the Regulatory Contact, GIPSA, Department of Agriculture, transmitting the Department's final rule — Official Performance Requirements for Grain Inspection Equipment (RIN: 0580-AA57) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4987. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0327; FRL-7330-4] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4988. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Admiral Robert J. Natter, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

4989. A letter from the Staff Attorney, Tort Claims and Litigation Division, Air Force Legal Services Agency, Department of Defense, transmitting the Department's final rule — Tort Claims — received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4990. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Unique Item Indentification and Valuation [DFARS Case 2003-D081] received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4991. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA98) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4992. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA99) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4993. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7438] received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4994. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Designation of Round III Urban Empowerment Zones and Renewal Communities [Docket No. FR-4663-F-07] (RIN: 2506-AC09) Receceived October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4995. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Interest Rates — received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4996. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule — Labor Organization Annual Financial Reports (RIN: 1215-AB34) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4997. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA284-0407a; FRL-7577-1] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4998. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities; Puerto Rico [Region 2 Docket No. PR11-267a; FRL-7581-1] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4999. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 196-1196a; FRL-7580-5] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5000. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona [AZ 115-0058a; FRL-7573-9] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; States of Montana and Wyoming; Revisions to the Administrative Rules of Montana; New Source Performance Standards for Wyoming and Montana [SIP NO. MT-001-0047a, WY-001-0010a, WY-001-0011a, WY-001-0012a; FRL-7573-2] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5002. A letter from the Deputy Division Chief, WTB/POL, Federal Communication Commission, transmitting the Commission's final rule — Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones [WT Docket No. 01-309 RM-8658] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5003. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2, 25, and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz [ET Docket No. 98-142] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5004. A letter from the Associate Chief, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended [CC-Docket No. 99-273] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5005. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the proliferation of weapons of mass destruction and their delivery systems is to continue in effect beyond November 14, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—138); to the Committee on International Relations and ordered to be printed.

5006. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Sudan is to continue in effect beyond November 3, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—139); to the Committee on International Relations and ordered to be printed.

5007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the Pacific Ocean (international waters) (Transmittal No. DTC 101-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5008. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5009. A letter from the Director, Executives, Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5010. A letter from the Director, Executives, Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5011. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-16; Introduction — received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5012. A letter from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting the Office's final rule — Federal Employee's Group Life Insurance Program: Removal of Premiums and Age Bands From Regulations (RIN: 3206-AJ46) received October 16; 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5013. A letter from the Director, Center for Employee and Family Support, Office of Personnel Management, transmitting the Office's final rule — Health Insurance Premium Conversion (RIN: 3206-AJ17) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5014. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of Lesquerella filiformis (Missouri Bladderpod) from Endangered to Threatened (RIN: 1018-AH59) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5015. A letter from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's final rule — Environmental Review Procedures for Entities Assuming HUD's Environmental Responsibilities [Docket No. FR-4523-F-02] (RIN: 2501-AC83) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5016. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D.100703C] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 3289. A bill making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–337). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 424. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–338). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK (for himself, Mr. LUCAS of Oklahoma, Mr. COLE, Mr. SULLIVAN, and Mr. CARSON of Oklahoma):

H.R. 3406. A bill to amend the Oklahoma City National Memorial Act of 1997 to transfer the Oklahoma City National Memorial to the Oklahoma City National Memorial Foundation, and for other purposes; to the Committee on Resources.

By Ms. LOFGREN (for herself, Mr. BACA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mrs. DAVIS of California, Mr. DOOLEY of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. BECERRA, and Mr. STARK):

H.R. 3407. A bill making an emergency supplemental appropriation for disaster relief activities associated with the California wildfires; to the Committee on Appropriations.

By Mr. BISHOP of New York (for himself, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. HOLT, Mr. KILDEE, Mr. CASE, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, Mr. ANDREWS, Mr. VAN HOLLEN, Ms. MCCOLLUM, Mr. OWENS, Mr. KUCINICH, Mr. HINOJOSA, Ms. MAJETTE, Mrs. MCCARTHY of New York, and Mr. TIERNEY):

H.R. 3408. A bill to amend the Higher Education Act of 1965 to improve college access through experiential education; to the Committee on Education and the Workforce.

By Mr. BISHOP of New York (for himself, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, and Mr. ACKERMAN):

H.R. 3409. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 relating to the dumping of dredged material in certain areas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Florida (for himself, Mr. SHAW, Mr. ACEVEDO-VILÁ, Ms. GINNY BROWN-WAITE of Florida, and Mr. OTTER):

H.R. 3410. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for water and sewage facilities; to the Committee on Ways and Means.

By Mr. EMANUEL (for himself, Mr. SHAYS, Ms. DELAURO, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. MOORE, Ms. SLAUGHTER, Mr. CROWLEY, Mr. HOEFFEL, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mrs. TAUSCHER, Mrs. MALONEY, Mr. GONZALEZ, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Mr. MCGOVERN, Mr. WEXLER, Mr. PASTOR, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. CLAY, and Mr. KUCINICH):

H.R. 3411. A bill to prevent any adult who, as a juvenile, committed an offense that would be a crime of violence if committed by an adult, from possessing a firearm; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.R. 3412. A bill to amend the Internal Revenue Code of 1986 to expand incentives for education; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. TOM DAVIS of Virginia, and Mr. WAXMAN):

H.R. 3413. A bill to amend title 38, United States Code, to prohibit additional daily interest charges following prepayment in full of housing loans guaranteed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ (for himself and Mr. RODRIGUEZ):

H.R. 3414. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself, Mr. SHADEGG, Mr. SESSIONS, Mr. GUTKNECHT, Mrs. MUSGRAVE, Mr. PITTS, Mr. JONES of North Carolina, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. HOEKSTRA, Mr. BEAUPREZ, Mr. CHOCOLA, Mr. RYUN of Kansas, Mr. TERRY, Mr. CRANE, Mr. HENSARLING, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. PENCE, Mr. TANCREDO, Mr. GARRETT of New Jersey, and Mr. BARRETT of South Carolina):

H.R. 3415. A bill to improve the program of temporary Federal fiscal assistance to States; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. RYAN of Ohio, and Mr. BISHOP of New York):

H.R. 3416. A bill to reauthorize and make improvements to child nutrition programs; to the Committee on Education and the Workforce.

By Mr. ROTHMAN:

H.R. 3417. A bill to amend title 49, United States Code, to prohibit the operation in certain metropolitan areas of civil subsonic turbojets that fail to comply with stage 3 noise levels; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN:

H.R. 3418. A bill to improve the quality of life and safety of persons living and working near railroad tracks; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN:

H.R. 3419. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. DAVIS of Illinois, Mr. FARR, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KIND, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCNULTY, Mr. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Mr. REYES, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mrs. TAUSCHER, Ms. WATSON, Mr. WEINER, Mr. WU, Ms. BALDWIN, Ms. MCCOLLUM, Ms. WATERS, Ms. BERKLEY, and Mr. KUCINICH):

H.R. 3420. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 3421. A bill to designate the facility of the United States Postal Service located at 30 West Bel Air Avenue in Aberdeen, Maryland, as the "Ripken Post Office Building"; to the Committee on Government Reform.

By Mr. SERRANO (for himself, Mr. LEACH, Mr. ALLEN, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. DELAHUNT, Mr. EVANS, Mr. FARR, Mr.

GONZALEZ, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAHOOD, Mr. LAMPSON, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. SABO, Mr. SANDERS, Mr. SHAYS, Mr. STARK, Mr. THOMPSON of California, Mr. TOWNS, Mr. TURNER of Texas, Ms. VELÁZQUEZ, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 3422. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Government Reform, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 3423. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for health insurance costs, to allow employees who elect not to participate in employer subsidized health plans an exclusion from gross income for employer payments in lieu of such participation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Ms. SLAUGHTER, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. STARK, Ms. CARSON of Indiana, Ms. LINDA T. SÁNCHEZ of California, Ms. MAJETTE, Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Ms. NORTON, Ms. KILPATRICK, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3424. A bill to authorize the establishment of domestic violence court systems from amounts available for grants to combat violence against women; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Ms. SLAUGHTER, Mrs. CAPITO, Ms. LEE, Ms. CARSON of Indiana, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Mr. GREEN of Texas):

H.R. 3425. A bill to provide grants for public information campaigns to educate racial and ethnic minority communities and immigrant communities about domestic violence; to the Committee on the Judiciary.

By Mr. WYNN (for himself, Mr. KANJORSKI, Ms. BALDWIN, Mr. BOSWELL, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HOEFFEL, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LEACH, Mr. LEVIN, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCINTYRE, Mr. MICHAUD, Mr. MOORE, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, Ms. WATSON, Mr. WAXMAN, and Ms. ROYBAL-ALLARD):

H.R. 3426. A bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 3427. A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; to the Committee on Resources.

By Mr. CANNON (for himself, Mr. LANTOS, Mr. LATOURETTE, Mr. FROST, Mr. BELL, Mr. WEXLER, Mr. BERMAN, Mr. WAXMAN, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. ISRAEL, Ms. BERKLEY, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. CANTOR, Mrs. LOWEY, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. ACKERMAN):

H. Con. Res. 316. Concurrent resolution recognizing that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum; to the Committee on Resources.

By Mr. HOEFFEL:

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress with respect to the form of cancer known as mesothelioma; to the Committee on Government Reform.

By Mr. KINGSTON (for himself, Mr. JONES of North Carolina, Mr. WICKER, Mr. ISTOOK, Mr. COX, Mr. PITTS, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. MCKEON, Mr. HERGER, Mr. MARIO DIAZ-BALART of Florida, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WELDON of Pennsylvania, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. OSBORNE, and Mr. POMBO):

H. Con. Res. 318. Concurrent resolution expressing the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, and Mr. SMITH of New Jersey):

H. Con. Res. 319. Concurrent resolution expressing the grave concern of Congress regarding the continuing repression of the religious freedom and human rights of the Iranian Baha i community by the Government of Iran; to the Committee on International Relations.

By Mrs. DAVIS of California (for herself, Mr. HUNTER, Mr. CUNNINGHAM, and Mr. FILNER):

H. Res. 425. A resolution recognizing and honoring the firefighters and other public servants who responded to the October, 2003, historically devastating, outbreak of wildfires in Southern California; to the Committee on Government Reform.

By Mr. HINCHEY (for himself, Mr. BOEHLERT, Mr. SERRANO, Mr. SMITH of Texas, Mrs. MALONEY, Mr. NADLER, Mr. FILNER, Mr. RANGEL, Mr. KIRK, Mr. OWENS, Mr. WALSH, and Mr. WEINER):

H. Res. 426. A resolution congratulating Jeffrey Sean Lehman on his appointment to the presidency of Cornell University; to the Committee on Education and the Workforce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. TOM DAVIS of Virginia, and Mr. ROYCE):

H. Res. 427. A resolution expressing the sense of the House of Representatives regarding the courageous leadership of the Unified Buddhist Church of Vietnam and the urgent need for religious freedom and related human rights in the Socialist Republic of Vietnam; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. BRADLEY of New Hampshire.

H.R. 276: Mr. PETRI.

H.R. 290: Ms. CARSON of Indiana.

H.R. 296: Mr. KIND.

H.R. 333: Mrs. JONES of Ohio and Mr. CUMMINGS.

H.R. 450: Mr. LARSEN of Washington.

H.R. 476: Mr. ALEXANDER.

H.R. 548: Mr. MCCOTTER and Mr. NORWOOD.

H.R. 693: Mr. MOORE.

H.R. 713: Mr. CASE, Mr. SIMMONS and Mr. HOEKSTRA.

H.R. 776: Ms. LEE.

H.R. 785: Mr. SHAYS.

H.R. 832: Mr. MEEK of Florida.

H.R. 852: Mr. COOPER.

H.R. 876: Mr. BLUNT, Mr. GARRETT of New Jersey, Mr. MURTHA, Mrs. KELLY, and Ms. KAPTUR.

H.R. 880: Mr. MICHAUD.

H.R. 898: Mr. PLATTS.

H.R. 936: Mr. DAVIS of Alabama.

H.R. 979: Mr. TIERNEY.

H.R. 992: Mr. KING of Iowa.

H.R. 993: Mr. KING of Iowa.

H.R. 994: Mr. KING of Iowa.

H.R. 997: Mr. ADERHOLT, Mr. CULBERSON, Mr. ROHRABACHER, and Mr. BURNS.

H.R. 1097: Mr. EMANUEL and Mr. CROWLEY.

H.R. 1215: Mr. CASE, Mr. GRIJALVA, and Mr. NADLER.

H.R. 1216: Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. NADLER.

H.R. 1217: Ms. KILPATRICK, Mr. GRIJALVA, and Mr. NADLER.

H.R. 1218: Mr. GRIJALVA.

H.R. 1243: Mr. ALEXANDER.

H.R. 1258: Mr. WYNN and Mrs. LOWEY.

H.R. 1285: Mr. HONDA and Mr. PASCRELL.

H.R. 1322: Mr. BRADY of Pennsylvania and Mr. DOYLE.

H.R. 1345: Ms. WATERS and Mr. MOORE.

H.R. 1349: Mr. MURTHA.

H.R. 1372: Mr. BOUCHER, Mr. WICKER, and Ms. CARSON of Indiana.

H.R. 1411: Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.

H.R. 1414: Mr. LEACH.

H.R. 1600: Mr. MEEKS of New York, Mrs. CHRISTENSEN, and Mr. WEXLER.

H.R. 1639: Mr. PRICE of North Carolina.

H.R. 1680: Mr. DEFAZIO, Mr. HINCHEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1684: Mr. KUCINICH, Mrs. DAVIS of California, Mr. MATSUI, and Mrs. MALONEY.

H.R. 1689: Mr. GRIJALVA.

H.R. 1722: Mr. FROST.

H.R. 1737: Mr. DAVIS of Florida.

H.R. 1746: Ms. KAPTUR, Mr. SABO, and Ms. SOLIS.

H.R. 1749: Mr. POMEROY.

H.R. 1783: Mr. TERRY and Mr. MILLER of Florida.

H.R. 1787: Mr. OWENS, Ms. DELAURO, and Mr. BRADY of Pennsylvania.

H.R. 1800: Mr. DAVIS of Illinois.

H.R. 1811: Mr. MCHUGH, Ms. CARSON of Indiana, Mr. MATHESON, Mr. BURTON of Indiana, and Mr. LANGEVIN.

H.R. 1895: Mrs. JONES of Ohio and Ms. LEE.

H.R. 1902: Mrs. LOWEY.

H.R. 1919: Mr. RYAN of Ohio and Ms. LEE.

H.R. 1933: Mr. PETERSON of Minnesota.

H.R. 1993: Mr. GRIJALVA and Mr. WYNN.

H.R. 2238: Mr. DOGGETT.

H.R. 2239: Mr. FROST, Ms. CARSON of Indiana, Ms. WATSON, and Mr. JACKSON of Illinois.

H.R. 2258: Mr. DOGGETT.

H.R. 2316: Mr. GREEN of Texas, Mr. JENKINS, Mr. BOUCHER, Ms. DEGETTE, Ms. LOFGREN, and Ms. SCHAKOWSKY.

H.R. 2318: Mr. BLUMENAUER and Mrs. CAPPS.

H.R. 2356: Mr. EHLERS, Mr. GREEN of Texas, and Mr. KINGSTON.

H.R. 2366: Mr. ISRAEL, Mr. MEEKS of New York, and Mr. WEXLER.

H.R. 2394: Mr. BACA and Mr. CLAY.

H.R. 2402: Mr. OLVER.

H.R. 2434: Ms. LOFGREN.

H.R. 2442: Mr. BACA, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. MEEHAN, Mr. ACEVEDO-VILÁ, Mrs. CAPPS, and Mr. HINOJOSA.

H.R. 2491: Ms. SCHAKOWSKY.

H.R. 2492: Mr. LOBIONDO, Ms. HARRIS, Mr. PAUL, and Mr. MCINTYRE.

H.R. 2527: Mr. BELL.

H.R. 2626: Ms. MCCOLLUM and Mr. BRADY of Pennsylvania.

H.R. 2628: Mr. ISRAEL, Mr. SERRANO, Mr. ALLEN, and Mr. SANDERS.

H.R. 2670: Mr. OWENS.

H.R. 2695: Mr. SHUSTER.

H.R. 2719: Ms. ROS-LEHTINEN, Mr. BAKER, and Mr. TAYLOR of North Carolina.

H.R. 2768: Mr. MCNULTY, Mr. GONZALEZ, Mr. VAN HOLLEN, and Mr. VISCLOSKY.

H.R. 2843: Mr. KENNEDY of Rhode Island, and Mr. CANNON.

H.R. 2894: Mr. TAYLOR of Mississippi, Mr. PICKERING, and Mr. WICKER.

H.R. 2905: Mr. PRICE of North Carolina and Mr. OLVER.

H.R. 2944: Mr. WYNN and Mr. SNYDER.

H.R. 2945: Mr. MEEK of Florida.

H.R. 2948: Mr. FROST.

H.R. 3022: Ms. LOFGREN.

H.R. 3063: Ms. BERKLEY.

H.R. 3078: Mr. ACKERMAN, Mr. RAHALL, Ms. LINDA T. SÁNCHEZ of California, and Mr. LYNCH.

H.R. 3085: Mr. DOGGETT.

H.R. 3104: Mr. EHLERS and Ms. HARMAN.

H.R. 3111: Mr. MEEHAN.

H.R. 3120: Ms. LOFGREN.

H.R. 3123: Ms. DELAURO and Ms. SOLIS.

H.R. 3125: Mr. ISAKSON, Mr. GIBBONS, and Mr. HOEKSTRA.

H.R. 3133: Mr. MICHAUD and Ms. WOOLSEY.

H.R. 3134: Ms. HART and Ms. SLAUGHTER.

H.R. 3139: Mr. HOLT.

H.R. 3142: Mrs. BONO, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Mr. WYNN, Mr. GARRETT of New Jersey, and Mr. SCHIFF.

H.R. 3173: Mr. OWENS.

H.R. 3178: Ms. MCCARTHY of Missouri, Mr. CASE, Ms. WOOLSEY, Mr. PRICE of North Carolina, Mr. JEFFERSON, Mr. BROWN of Ohio, Mr. SESSIONS, Mr. GOODE, Ms. DELAURO, and Mr. CUMMINGS.

H.R. 3190: Mr. SOUDER, Mr. FRANKS of Arizona, and Mr. MCHUGH.

H.R. 3193: Mr. FORBES, Mr. MURTHA, Mr. BONILLA, Mr. PETRI, Ms. HART, Mr. RODRIGUEZ, Mr. TAUZIN, Mr. BUYER, Ms. PRYCE of Ohio, Mr. UPTON, Mr. REYNOLDS, and Mr. JENKINS.

H.R. 3194: Mr. HINOJOSA.

H.R. 3204: Mr. GREENWOOD, Ms. HART, and Mr. ENGLISH.

H.R. 3215: Mr. CANNON, Mr. NEUGEBAUER, and Mr. BAKER.

H.R. 3220: Mr. COLE, Mr. DEMINT, and Ms. HART.

H.R. 3244: Mr. BRADY of Pennsylvania.

H.R. 3259: Mr. ENGLISH, Ms. LOFGREN, and Mr. OWENS.

H.R. 3274: Mr. BARTLETT of Maryland, Mr. BOYD, and Mr. MEEHAN.

H.R. 3276: Mr. ALLEN.

H.R. 3277: Mr. WILSON of South Carolina, Mr. DICKS, Mr. BARTLETT of Maryland, Mr. SCHROCK, Mrs. DAVIS of California, and Mr. HUNTER.

H.R. 3294: Mr. KING of New York and Mr. SESSIONS.

H.R. 3313: Mr. TERRY.

H.R. 3323: Mr. SOUDER.

H.R. 3344: Ms. HART, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. RANGEL, Mr. FROST, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3349: Mr. BERMAN and Mr. CONYERS.

H.R. 3350: Mr. ACEVEDO-VILÁ.

H.R. 3352: Mr. PASTOR.

H.R. 3353: Mr. KUCINICH and Mr. CLAY.

H.R. 3358: Mr. BRADY of Texas and Mr. GINGREY.

H.R. 3364: Mr. GOODLATTE, Mr. OTTER, and Mr. BARRETT of South Carolina.

H.R. 3386: Mr. BALLANCE, Mr. RUSH, Ms. NORTON, Mr. JACKSON of Illinois, and Ms SCHAKOWSKY.

H.R. 3387: Mr. FILNER.

H.R. 3402: Mr. ROSS.

H.J. Res. 22: Ms. HART, and Mr. GARY G. MILLER of California.

H. Con. Res. 37: Mr. BAKER.

H. Con. Res. 86: Ms. NORTON.

H. Con. Res. 94: Mr. SANDERS, Mr. ROGERS of Kentucky, Mr. ALLEN, and Mr. MATHESON.

H. Con. Res. 186: Mr. HINOJOSA.

H. Con. Res. 242: Mr. ACKERMAN, Mr. LANTOS, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, Mr. EVANS, and Mr. TERRY.

H. Con. Res. 247: Mr. LEVIN and Mr. LIPINSKI.

H. Con. Res. 269: Mr. DAVIS of Illinois.

H. Con. Res. 276: Mr. TIERNEY.

H. Con. Res. 304: Mr. PALLONE and Mr. CLAY.

H. Con. Res. 306: Mr. COLE.

H. Con. Res. 307: Mr. CARDOZA, Mr. JONES of North Carolina, Mr. SOUDER, Mr. WAXMAN, Mr. SAXTON, and Mr. DEUTSCH.

H. Res. 38: Ms. WOOLSEY and Mr. GONZALEZ.

H. Res. 42: Mr. KING of Iowa.

H. Res. 307: Mr. ROTHMAN and Mr. STARK.

H. Res. 313: Mr. ALEXANDER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STRICKLAND.

H. Res. 354: Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. GREEN of Texas, Ms. LOFGREN, Mr. CUMMINGS, and Mr. OWENS.

H. Res. 371: Mr. WEXLER, Mr. BELL, Mr. TOM DAVIS of Virginia, Mr. BURTON of Indiana, Mr. BERMAN, Mr. BALLENGER, Mr. ROYCE, Mr. ISSA, Mr. CHABOT, Mr. CROWLEY, and Mr. MCCOTTER.

H. Res. 385: Mr. CONYERS and Mr. WEXLER.

H. Res. 387: Mr. WOLF, Mr. GOSS, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. MILLER of North Carolina, Mr. RUPPERSBERGER, Mr. BOUCHER, Ms. CORRINE BROWN of Florida.

H. Res. 393: Mr. KING of New York, Ms. HOOLEY of Oregon, Ms. CORRINE BROWN of Florida, Mr. GILCHREST, Mr. BEREUTER, Mr. BALLENGER, Mr. CHABOT, Mr. HOUGHTON, Mr. PITTS, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. HOEFFEL, Ms. BERKLEY, Ms. MCCOLLUM, Mr. KIRK, Mr. CANTOR, Mr. HALL, Ms. GINNY BROWN-WAITE of Florida, Mr. DELAHUNT, Mr. FLAKE, Mr. ENGLISH, Ms. LOFGREN, and Mr. FROST.

H. Res. 402: Mr. WOLF.

H. Res. 408: Mr. PENCE and Mrs. MYRICK.

H. Res. 410: Mr. UDALL of New Mexico.

H. Res. 423: Mr. BERMAN and Mr. WALSH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2510: Mr. DOOLITTLE.

DISCHARGE PETITIONS

Under clause of rule XV, the following discharge petition was filed:

Petition 4. October 29, 2003, by Ms. HOOLEY on (H. Res. 398), was signed by the following Members: Darlene Hooley, Nancy Pelosi, Steny H. Hoyer, Robert Menendez, Barbara Lee, Lucille Roybal-Allard, Lois Capps, Stephanie Tubbs Jones, Susan A. Davis, Shelley Berkley, Timothy H. Bishop, Michael H. Michaud, Joseph Crowley, Tammy Baldwin, Rahm Emanuel, Peter A. DeFazio, Denise L. Majette, Linda T. Sánchez, Michael M. Honda, Hilda L. Solis, Dennis Moore, Chet Edwards, Sheila Jackson-Lee, Diane E. Watson, Alcee L. Hastings, John W. Olver, Zoe Lofgren, Diana DeGette, Bill Pascrell, Jr., Gene Green, Michael F. Doyle, Artur Davis, Gregory W. Meeks, Baron P. Hill, Ron Kind, Martin Olav Sabo, Martin Frost, Lincoln Davis, Jim Cooper, Vic Snyder, Xavier Becerra, Lynn C. Woolsey, Joe Baca, Raúl M. Grijalva, Tom Udall, James P. McGovern, Rosa L. DeLauro, Frank W. Ballance, Jr., Ed Case, Eddie Bernice Johnson, Charles A. Gonzalez, Charles B. Rangel, Major R. Owens, Benjamin L. Cardin, Juanita Millender-McDonald, Danny K. Davis, Grace F. Napolitano, Rush D. Holt, Sanford D. Bishop, Jr., Rodney Alexander, Barney Frank, John F. Tierney, Donald M. Payne, David Scott, Albert Russell Wynn, Loretta Sanchez, Sherrod Brown, Thomas H. Allen, Maurice D. Hinchey, James P. Moran, Jane Harman, Jim Davis, John Lewis, Nick J. Rahall II, Karen McCarthy, Earl Blumenauer, Michael R. McNulty, Rick Larsen, Bart Gordon, Bob Etheridge, Martin T. Meehan, John M. Spratt, Jr., Patrick J. Kennedy, Michael E. Capuano, Ken Lucas, Jim McDermott, Brad Sherman, Brian Baird, Leonard L. Boswell, Carolyn McCarthy, Timothy J. Ryan, James R. Langevin, Mike Ross, Adam B. Schiff, Steve Israel, William J. Jefferson, Dennis A. Cardoza, Betty McCollum, Ted Strickland, Sam Farr, Julia Carson, Sander M. Levin, Nydia M. Velázquez, Janice D. Schakowsky, Anna G. Eshoo, Edolphus Towns, David Wu, Bennie G. Thompson, Earl Pomeroy, Louise McIntosh Slaughter, Kendrick B. Meek, Dale E. Kildee, Marcy Kaptur, Fortney Pete Stark, Jim Marshall, Carolyn C. Kilpatrick, Lloyd Doggett, Henry A. Waxman, William D. Delahunt, Stephen F. Lynch, Robert C. Scott, Chris Van Hollen, David E. Price, Jim

Turner, José E. Serrano, Ciro D. Rodriguez, Joseph M. Hoeffel, Tim Holden, Robert E. Andrews, James E. Clyburn, Howard L. Berman, Jerrold Nadler, Gary L. Ackerman, Jay Inslee, Solomon P. Ortiz, Silvestre Reyes, Melvin L. Watt, Chris Bell, Tom Lantos, Carolyn B. Maloney, Robert A. Brady, Ed Pastor, Anthony D. Weiner, Paul E. Kanjorski, Ellen O. Tauscher, Rubén Hinojosa, Robert Wexler, C.A. Dutch Ruppersberger, Steven R. Rothman, Mark Udall, Mike McIntyre, John Conyers, Jr., Marion Berry, Ike Skelton, Frank Pallone, Jr., Calvin M. Dooley, Eliot L. Engel, Maxine Waters, Dennis J. Kucinich, Robert T. Matsui, Nick Lampson, Mike Thompson, Bob Filner, Norman D. Dicks, Jim Matheson, Peter Deutsch, John Dingell, Edward J. Markey, Chaka Fattah, Elijah Cummings, Robert E. Bud Cramer, Jr., James L. Oberstar, William O. Lipinski, Lane Evans, John B. Larson, Jerry F. Costello, Bernard Sanders, Gene Taylor, David R. Obey, Nita M. Lowey, Corrine Brown, Max Sandlin, Christopher John, John S. Tanner, Adam Smith, Allen Boyd, George Miller, William Lacy Clay, Brad Carson, Jesse L. Jackson, Jr., Neil Abercrombie, and Bobby L. Rush.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3, by Mr. TAYLOR of Mississippi on House Resolution 275: Lincoln Davis, John B. Larson, Jerry F. Costello, Harold E. Ford, Jr., Bill Pascrell, Jr., Steny H. Hoyer, and Louise McIntosh Slaughter.

SENATE—*Thursday, October 30, 2003*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Majestic God, from whom we borrow heartbeats, Your mercies endure forever. Today, we acknowledge our dependence on You. Lord, thank You for directing our steps and for protecting our loved ones. When darkness overtakes us, illuminate our path.

Let Your peace rest upon us today. Teach us to love wisdom and accept Your guidance. Keep us from traps that destroy our joy. Give us the humility that leads to honor and let Your justice reign in the Earth.

Guide our Senators, cheer them in their work, and keep them faithful to the end. Thwart the hopes of our Nation's enemies and bless those who each day risk their lives for liberty. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, we will have the opening statement from the leader ready in a moment. He has been detained, but he will be here. I will review the schedule.

I do believe the first schedule of events would be statements regarding the nominee to the Fifth Circuit Court of Appeals, Judge Charles Pickering of Mississippi. I believe we will be ready to begin with that momentarily.

Mr. President, this morning we will be proceeding to the debate, as I just outlined, on the nomination of Charles Pickering to the Fifth Circuit Court of Appeals. There will be an hour of debate prior to the vote on invoking cloture on this nomination. The vote will occur sometime shortly after 10 a.m.

Following the vote, the Senate will return to debate on S. 139, the climate change legislation. There will be 2 additional hours for debate prior to the vote on that legislation.

Following the vote, the Senate will resume consideration of the Healthy Forests bill. We expect to have rollcall votes on amendments to that bill throughout the afternoon and hopefully we can complete action on the bill today. It sounds to me as if those involved in that legislation made real progress on the bill. It would be very positive if we could complete that action today.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. REID. Mr. President, as has been indicated by Senator LOTT, we have a lot to do today. There are a lot of different balls in the air regarding this Senate. I think we have them all where we can balance them quite well. We have, as the Presiding Officer knows, a conference report that has been completed after 2 long, hard days, the supplemental. We are making progress; the Interior appropriations bill has been done. I am hopeful we can finish the Energy and Water appropriations bill. So things are moving along quite well. I hope we can continue our momentum.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider Calendar No. 400, which the clerk will report.

The legislative clerk read the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDENT pro tempore. Under the previous order, there will be 60 minutes equally divided between the chairman and ranking member, with the final 10 minutes divided, with the first 5 minutes under the control of the Democratic leader or his designee and the final 5 minutes under the control of the majority leader or his designee.

The Senator from Utah.

Mr. HATCH. Mr. President, I rise today in support of the nomination Charles W. Pickering, Sr. to be a Circuit Judge on the United States Court of Appeals for the Fifth Circuit. I am pleased that the Majority Leader has brought this nomination to the floor, as it has been nearly 2½ years since Judge Pickering was first nominated to this position. Since then, his record has been carefully considered. He appeared before the Judiciary Committee in not one, but two lengthy hearings. So there has been plenty of opportunity to consider the qualifications of Judge Pickering.

We have received hundreds of letters of support for Judge Pickering from the public, members of the bar, as well as political, academic, and religious leaders. The overwhelming support for Judge Pickering's nomination from his home state of Mississippi speaks volumes, especially since that support comes from across the political spectrum and from various racial and ethnic groups.

Last month, the Governor of Mississippi and the other Democratic elected statewide officials of Mississippi sent a letter endorsing Judge Pickering stating they believe he should be confirmed. In that letter they noted that Judge Pickering has worked for racial reconciliation and "helped unify our communities." They go on to state, "Judge Pickering's record demonstrates his commitment to equal protection, equal rights and fairness for all. His values demand he respect the law and constitutional precedents and rule accordingly. He does. . . . As a judge, he is consistent in his fairness to everyone, and deemed well qualified by those who independently review his rulings, temperament, and work."

Unfortunately, there has also been an unjustified campaign against Judge Pickering, driven largely by Washington special interest groups who do not know Judge Pickering and who have an ideological axe to grind. Make no mistake about it—these groups' political agenda is to paint President Bush's fair and qualified nominees as extremists in order to keep them off the federal bench. It has been reported that a member of this body has accused the President of "loading up the judiciary with right-wingers who want to turn the clock back to the 1890s," stating that America is under attack from "the hard right, the mean people." That news report also quoted that same Senator as having said, "They have this sort of little patina of philosophy but underneath it all is meanness, selfishness and narrow-mindedness."

Now, I am disappointed that this is the level of discourse that Members of this body lower themselves to in their attempt to score political points or pander to their supporters. That is their right, if they choose to do so, but it is unfortunate that the opponents of Judge Pickering have attempted to vilify and destroy his good character and exemplary record with distortions and disparaging remarks. For example, at a recent press event in Arkansas opponents continued their smear campaign, with one group describing Judge Pickering as a "racist," a "bigot" and a "woman-hater." Such remarks reveal which side is based on meanness.

So today I must stand and defend the character and record of Judge Pickering and put these falsehoods, distortions and mean-spirited remarks in the trash bin where they belong.

I was pleased that, despite this intimidation campaign, President Bush in January of this year renominated Judge Pickering for the Fifth Circuit. The propaganda easily gets in the way, so let me remind my colleagues that after fully evaluating Judge Pickering's integrity, competence, and temperament, the American Bar Association gave him its highest rating of "Well Qualified" not once, but twice—both when he was first nominated in May 2001 and again at the outset of the current Congress.

Now I expect we will hear complaints from the other side that this nomination should not be before the Senate. There are those who say the President should not have renominated Judge Pickering, since the Judiciary Committee had already acted on the nomination. That position, of course, ignores the President's constitutional authority to nominate judges. And the extraordinary action taken by the Judiciary Committee in the last Congress denied the full Senate its constitutional right to advise and consent. Going forward with this nomination today is fair to Judge Pickering, fair to the Senate, and fair to President Bush.

In addition to these procedural complaints, we have heard and will likely continue to hear a recycling of the tired arguments and well-worn parade of horribles—which are horrible in large part because of their gross distortion of Judge Pickering's upstanding reputation and record. It is my fervent hope that opponents of this nomination do not resort to attacks on Judge Pickering based on his personal convictions in an effort to justify their opposition to his nomination. However, I am not optimistic that my hopes will be realized, if the unfortunate attack by the extremist abortion group, NARAL, the National Abortion Rights Action League, is any indication. That group, which represents what this debate is truly about, states "Charles Pickering of Mississippi was a founding father of the anti-choice movement, and a clear risk to substitute far-right ideology for common-sense interpretation of the law."

I reject that characterization, but in any event Judge Pickering's private views on abortion, like any judicial nominee's personal views on political issues, are irrelevant to the confirmation decision. Judge Pickering has publicly affirmed in his confirmation hearings that he will follow established law and Supreme Court precedents—even those with which he disagrees. His record as a jurist demonstrates his commitment to the rule of law and that he understands that all lower courts, including the 5th Circuit, are bound by Roe and by the more recent Supreme Court decision in Planned Parenthood v. Casey.

For the record, in 1976, then-political advocate Charles Pickering joined a long line of famous Democrats and liberals who believed that Roe v. Wade was wrongly decided. Some who shared his view include Byron White, President Kennedy's appointee to the Supreme Court, Archibald Cox, the special prosecutor who investigated President Nixon, and Professor William Van Allstyne, a former board member of the ACLU. But I repeat—Judge Pickering's political views are less important than his expressed commitment to follow Supreme Court precedent, even precedents with which he may not agree.

It is outrageous that Judge Pickering, who has three daughters and nine granddaughters, has been smeared as a "woman-hater" or "anti-woman." Indeed, numerous women who know and have worked with Judge Pickering have endorsed his nomination, including civil rights attorney Deborah Gambrell, and Deputy U.S. Marshal Melanie Rube.

Unlike some of my friends on the other side of the aisle, I have steadfastly resisted efforts to inject personal ideology into the confirmation process. We have all seen the destructive effects of such tactics on this institution, on the judicial nominations process, and on the nominees themselves. So as we debate the qualifications of Judge Pickering, and as his record is fairly evaluated on the merits, there can be little doubt that he deserves the support of every Member of the Senate.

Let me step back from the politics of this nomination for a minute and talk about the person. Too often, I fear, we Senators get engaged in the issues to such an extent that the personal side of individual nominees might be forgotten. By many opponents, Charles Pickering is portrayed as the stereotype of the Southern white male, locked in the thought, culture and traditions of his upbringing in the deep South of yesteryear. This is the caricature they attack, but it is not the reality of who Judge Pickering is. Though born and raised in the rural South, and although he has remained geographically near his childhood home, Judge Pickering has traveled far in his personal and professional life. And while the society of his youth has changed dramatically, in Charles Pickering we have a nominee with a lifetime record of civic and community service in improving racial relations and enforcing laws protecting civil and constitutional rights.

Judge Pickering's life story includes an outstanding academic record, an exceptional legal career and a life committed to serving others. He graduated first in his law school class at the University of Mississippi in 1961. While in law school, he was on the Law Journal and served as Chairman of the Moot Court Board. Upon graduating, he became a partner in a law firm in Mississippi.

In the 1960s, when racial tensions were prevalent throughout Mississippi, Judge Pickering served as City Prosecuting Attorney of Laurel and was elected and served four years as County Prosecuting Attorney of Jones County. He condemned racially motivated violence and encouraged citizens to help the government prosecute those guilty of such violence. As County Attorney from 1964 to 1968, he assisted the FBI in investigating and prosecuting the Klan's attacks on African Americans and civil rights workers.

During his time as County Attorney, the KKK infiltrated the Woodworkers Union at the Masonite pulpwood plant in Jones County. Klan members beat people, shot into houses, fire bombed homes, and even committed a murder at the Masonite plant. Judge Pickering signed the affidavit supporting the murder indictment of reputed Klansman Dubie Lee for the murder at the Masonite plant. He also testified against the Imperial Wizard of the KKK, Sam Bowers, at a trial for the firebombing death of a civil rights activist, indisputably putting himself and his family at risk.

Now some may downplay Judge Pickering's actions during this era, but I want to emphasize the moral courage that he consistently displayed. Let me remind my colleagues of a statement by the chairman of the Mississippi Legislative Black Caucus, state Rep. Philip West, who is a supporter of Judge Pickering and has defended the judge's civil right's record. Representative West observed, "For him to say one word against the Klan was risking his life." Mr. President, to hear Judge Pickering now described as a racist or bigot is simply despicable, and I will challenge anybody who does that on this floor.

Throughout his career Judge Pickering has shown a commitment to his community in both a professional and personal capacity. His numerous civic contributions include serving as the head of the March of Dimes campaign in Jones County; as the chairman of the Jones County Chapter of the American National Red Cross; and as the chairman of the Jones County Heart Fund. In 1963 he was recognized as one of the three Outstanding Young Men in Mississippi. Judge Pickering is active in his church and has served many years as a Sunday school teacher, as chairman of the deacons, Sunday school superintendent, and church treasurer.

He has worked with organizations to advance issues that promote equal opportunity for all individuals in his community, church, political party and State. His work with the race relations committee for Jones County and the Institute of Racial Reconciliation at the University of Mississippi are just two examples of his leadership for equal rights in this area. That is why we find such a broad outpouring of support for Judge Pickering across all groups and political parties. Allow me to share some of these editorials, articles, and letters with my colleagues.

I have already mentioned the letter of support from the current Governor of Mississippi and other Democratic statewide officials. Another letter came from William Winter, the former Democratic Governor of Mississippi, who writes, "I have known Judge Pickering personally and professionally for all his adult life. I am convinced that he possesses the intellect, the integrity and the temperament to serve with distinction on that [Fifth Circuit] court. He is wise, compassionate and fair, and he is precisely the kind of judge that I would want to decide matters that would personally affect me or my family. While Judge Pickering and I are members of different political parties and do not hold to the same view on many public issues, I have always respected his fairness, objectivity, and decency."

Many Senators are familiar with the name Jorge Rangel, who was nominated to the Fifth Circuit by President Clinton. In his letter supporting Judge Pickering's nomination, Mr. Rangel explains, "I first met Judge Pickering in 1990 in my capacity as a member of the ABA's Standing Committee on the Federal Judiciary. As the Fifth Circuit's representative on the Committee, I conducted the primary investigation into his professional qualifications when he was nominated to a federal district judgeship in Mississippi. The Charles W. Pickering that I have read about in press reports during the pendency of his current nomination does not comport with the Charles W. Pickering that I have come to know in the last thirteen years. Competent, compassionate, sensitive and free from bias are terms that aptly describe him. Attempts to demonize him are both unfair and out of place in a judicial confirmation proceeding." Mr. Rangel notes that Judge Pickering called him during the pendency of his own nomination with words of encouragement, and concludes, "The current impasse in the confirmation proceedings is an unfortunate one, because it continues to ensnare many nominees of goodwill who have answered the call to serve. For their sake and for the ongoing vitality of our federal judiciary, I would hope that you and your colleagues can find common ground. A good starting point would be the confirmation of Judge Pickering."

Yet another letter of support came from renowned Las Vegas criminal defense lawyer David Chesnoff, a registered Democrat who serves on the Board of the National Association of Criminal Defense Lawyers. Mr. Chesnoff, who tried a case before Judge Pickering, writes, "At no time during my experience before Judge Pickering . . . did I ever note even a scintilla of evidence that Judge Pickering did not treat every citizen of our great country with equal fairness and consideration. Based on my experience with Judge Pickering, I am offended that people are attacking his sterling character. I felt it important to register my position on his behalf and believe he would make an outstanding addition to the United States Court of Appeals for the Fifth Circuit. . . ."

I.A. Rosenbaum also wrote to voice his support for Judge Pickering. I will read his letter in its entirety: "I was the Democratic Mayor of Meridian [Mississippi] from 1977 to 1985 and a past President of Congregation Beth Israel. Injustice and character assassination galls me. Charles Pickering is no racist. He stood tall when our Temple was bombed and made very effort to prosecute Sam Bowers who planned the bombing. Sincerely, I.A. Rosenbaum."

All of these letters, of course, were generated in response to the gross smear campaign waged against Judge Pickering that centered largely on his actions in the Swan case. I expect that we will hear a great deal about that case during the course of this debate. But let me make something perfectly clear to everyone here. Judge Pickering's actions in the Swan case had absolutely nothing to do with racial insensitivity. His lifetime of striving to promote racial reconciliation and fighting prejudice provides irrefutable evidence of that. Rather, Judge Pickering's actions in the Swan case had everything to do with his penchant for going easy on first-time criminal defendants.

Judge Pickering's record is replete with examples where he has seen the rehabilitative potential of first-time offenders and accordingly sentenced them to lighter sentences. Take, for example, the case of a 20-year-old African-American drug defendant who faced a 5-year mandatory minimum. Judge Pickering reduced that to 30 months and recommended that the defendant be allowed to participate in an intensive confinement program, further reducing his sentence.

Another young African-American drug defendant with no previous felony convictions faced a 40-month sentence under the Sentencing Guidelines. Judge Pickering continued his case for a year, placed him under strict supervised home release for 1 year, and then used his good conduct during home release to establish the basis for a downward departure. Judge Pickering ultimately sentenced him to 6 months of home confinement, 5 years probation and no prison time.

A third 20-year-old African-American male faced between 70 and 87 months under the guidelines for a drug crime. Judge Pickering downward departed to 48 months and recommended that he participate in intensive confinement, which further reduced his sentence. The defendant's lawyer called Judge Pickering's compassionate sentence a "life changing experience" for this defendant.

In another case, an African-American woman faced a minimum sentence of 188 months. The government made a motion for a downward departure, and Judge Pickering continued the case six times over a period of 2½ years to allow the prosecution to develop a basis for a further downward departure. In the end, Judge Pickering reduced her sentence by more than half, sentencing her to 63 months.

The last case I want to discuss is the Barnett case. The Barnetts, an interracial couple, were both before Judge Pickering, charged with drug crimes. Both were facing sentences between 120 to 150 months but plea bargained with the government for a maximum 5-year sentence. Judge Pickering sentenced Mr. Barnett to the 5 years but with Mrs. Barnett, who had Crohn's disease and was taking care of one of her sick children, he departed downward 22 levels and sentenced her to 12 months of home confinement. At a later time, the government made a motion for a downward departure for Mr. Barnett and Judge Pickering reduced his sentence as well. Mrs. Barnett later wrote a letter, as she said, out of gratitude for all Judge Pickering did for her and her family. She stated she had learned a valuable lesson, that her family had been brought closer together, and that her husband had changed in many positive ways. She concluded, "I want to thank you for your part in all of this, and I can assure you that your thoughtfulness and just consideration is greatly appreciated and will never be forgotten."

Thirteen years ago Judge Pickering began his service as a U.S. District Judge. He was unanimously confirmed by the U.S. Senate, which included a good number of members who are still serving in the Senate today, including 25 members of the Democratic caucus. That affirmative vote was well deserved given Judge Pickering's excellent academic record, his distinguished legal career, his outstanding character, and his superb record of public and community service. That record has only been enhanced by his service on the bench.

Judge Pickering deserves an up or down vote on the Senate floor. So I urge my colleagues to use proper standards, consider the entire record, and use a fair process for considering Judge Pickering's nomination. Those who know him best, Democrats and Republicans, representing a broad cross section of citizens, endorse his nomination. An unbiased consideration of Judge Pickering's character and experience will lead every fair-minded person that Judge Pickering's record fully justifies his confirmation to the Fifth Circuit Court of Appeals.

As the President said recently, "The United States Senate must step up to serious constitutional responsibilities. I've nominated many distinguished and highly-qualified Americans to fill vacancies on the federal, district and circuit courts. Because a small group of Senators is willfully obstructing the process, some of these nominees have been denied up or down votes for months, even years. More than one-third of my nominees for the circuit courts are still awaiting a vote. The needless delays in the system are harming the administration of justice and they are deeply unfair to the nominees, themselves. The Senate Judiciary Committee should give a prompt and fair hearing to every single nominee, and send every nomination to the Senate floor for an up or down vote."

I agree with President Bush that this obstruction is unfair and harmful. I have taken to the Senate floor on numerous occasions to condemn the tactic of forcing judicial nominees through cloture votes. My position has been the same regardless of whether the nominee was appointed by a Democratic president or a Republican president. I am proud to say that during my nearly 30 years in the Senate, I have never voted against cloture for a judicial nominee, even on the rare occasion that I opposed a judicial nomination and ultimately voted against it.

Yet, once again, some Senate Democrats are filibustering another "Well Qualified" nominee—preventing an up-or-down vote on this judge who is supported by a majority of the Senate. This is tyranny of the minority and it is unfair. Senator KENNEDY has asked "What's the point of pushing yet again for a nominee who probably cannot get enough support to be confirmed because he doesn't deserve to be confirmed?" With all due respect, I must disagree with the premise of his question. Judge Pickering does deserve to be confirmed, and, if an up-or-down vote were allowed, does have enough support to be confirmed.

As I have stated before, requiring a supermajority vote on this or any judicial nominee thwarts the Senate from exercising its constitutional duty of advise and consent. The Constitution is clear on this matter; it contemplates that a vote by a simple majority of the Senate will determine the fate of a judicial nominee. There is nothing in the Constitution that gives that power to a minority of 41 Senators.

Furthermore, a supermajority requirement for judicial nominees needlessly injects even more politics into the already over-politicized confirmation process. I believe that there are certain areas that should be designated as off-limits from political activity. The Senate's role in confirming lifetime-appointed Article III judges—and the underlying principle that the Senate perform that role through the majority vote of its members—is one such issue. Nothing less depends on the recognition of these principles than the continued, untarnished respect in which we hold our third branch of Government—the one branch of Government intended to be above political influence.

Over the past 2 years I have been accused of changing or breaking committee rules and of pushing ideological nominees. The record will show that these charges are without foundation. In fact, it is Senate Democrats that have pushed the notion of injecting ideology into the confirmation process and have taken unprecedented steps to oppose judicial nominees.

Opponents are using a variety of tactics to obstruct President Bush's judicial nominees. Supported by the extremist liberal interest groups, who themselves use even more shameful tactics to defeat these nominees, we have seen opponents distort the record, make unreasonable demands for privileged information, and force multiple cloture votes. This is all part of the strategy of changing the ground rules on judicial nominations that Senate Democrats have implemented.

I am not the only one who is concerned about the dangerous precedents that some Democrats have established. Before Miguel Estrada, the filibuster was never used to defeat a circuit court nominee. The Washington Post—hardly a bastion of conservatism—warned in a February 5, 2003, editorial that staging a filibuster against a judicial nominee would be "a dramatic escalation of the judicial nomination wars." The Post urged Democrats to "stand down" on any attempt to deny a vote on the particular judicial nominee, Miguel Estrada. The editorial went on to warn that "a world in which filibusters serve as an active instrument of nomination politics is not one either party should want." Unfortunately, this advice was rejected and the Senate was forced to endure an unprecedented seven cloture votes before Mr. Estrada requested his nomination be withdrawn. That was a sad day for the Senate—one I hope is never repeated.

Similarly, the Wall Street Journal, on February 6, 2003 stated "Filibusters against judges are almost unheard of. . . . If Republicans let Democrats get away with this abuse of the system now, it will happen again and again." Unfortunately, that prediction came true, as the Senate is now blocked from acting on numerous judicial nominees because of filibusters.

But it is not just editorial pages which have denounced the use of the filibuster. In fact, some of my Democratic colleagues have expressed similar views. For example, Senator DASCHLE, the Democratic Leader stated: "As Chief Justice Rehnquist has recognized: 'The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.' An up or down vote, that is all we ask. . . ."

Similarly, Senator LEAHY, my friend, colleague, and ranking member of the Judiciary Committee said ". . . I, too, do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41." And Senator KENNEDY, the senior member on the Judiciary Committee stated, "Nominees deserve a vote. If our Republican colleagues don't like them, vote against them. But don't just sit on them—that's obstruction of justice."

I hope that Judge Pickering's nomination is not another example of a double standard or a strategy of some of my Democratic colleagues to change the ground rules on judicial nominees. I hope that my Democratic colleagues will exercise the same independence that I did when I joined them to invoke cloture on the nominations of Clinton judicial nominees. Judge Pickering deserves an up-or-down vote, and he deserves to be confirmed.

Mr. President, there are so many other things I could say, but I want to leave enough time for our Mississippi Senators.

Let me just say this. I know Judge Pickering. I have gotten to know him better through this ordeal he has gone through over the last 2½ years than I ever thought I would. He is a fine man. His family is a fine family. He sent his kids to integrated schools—the first integrated schools in Mississippi they could go to. One of them now sits in the Congress, CHIP PICKERING, who is one of the fine Congress people here, and everybody who knows him knows it.

What they have done to him is awful. It is awful. I think it is time for the Democrats to break free from these rotten outside groups that just play politics on everything and bring everything down to the issue of abortion.

I ask unanimous consent relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATKINS LUDLAM WINTER
& STENNIS, P.A.,
Jackson, MS, May 14, 2003.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I take this opportunity to express my support of Judge Charles Pickering of Mississippi for service on the Fifth Circuit Court of Appeals.

I have known Judge Pickering personally and professionally for all of his adult life. I am convinced that he possesses the intellect, the integrity and the temperament to serve with distinction on that court. He is wise, compassionate and fair, and he is precisely the kind of judge that I would want to decide matters that would personally affect me or my family.

While Judge Pickering and I are members of different political parties and do not hold to the same view of many public issues, I have always respected his fairness, objectivity and decency.

He was a member of the Mississippi State Senate when, as Lieutenant Governor, I presided over that body. I found him to be one of the most diligent, hardest working and most respected legislators with whom I served.

I would single out for special commendation his sensitivity and concern in the area of race relations. I had the privilege of serving as a member of President Clinton's National Advisory Board Race several years ago. One of the impressive initiatives that resulted from the work of that Board was the establishment of the Institute for Racial Reconciliation at the University of Mississippi.

Becasue of his long-standing commitment to the cause of racial equity and racial reconciliation, Judge Pickering was a leader in the formation of the Institute and served as a founding member of its Advisory Board.

As a member of the Mississippi Bar for over fifty years and a former Governor of Mississippi, I am pleased to vouch for Judge Pickering as being most worthy of confirmation as a judge of the Fifth Circuit Court of Appeals.

Sincerely,

WILLIAM F. WINTER.

WATKINS LUDLAM WINTER
& STENNIS, P.A.,
Jackson, MS, October 25, 2001.

Hon. PATRICK J. LEAHY,
Chairman, Judiciary Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Please permit me to express to you my support for the confirmation of the Honorable Charles Pickering of Mississippi for a position on the Fifth Circuit Court of Appeals.

As a former Democratic Governor of Mississippi and as a long-time colleague of Judge Pickering in the legal profession and in the public service, I can vouch for him as one of our state's most respected leaders.

While he and I have not always been in agreement on certain public issues, I know that he is a man of reason and sound judgment. He is certainly no right-wing ideologue. He will bring a fair, open and perceptive mind to the consideration of all issues before the court.

I have been particularly impressed with his commitment to racial justice and equity. He and I have worked together for a number of years in the advancement of racial reconciliation, and we serve together on the board of the Institute for Racial Reconciliation at the University of Mississippi. He has been one of this state's most dedicated and effective voices for breaking down racial barriers.

Judge Pickering has demonstrated in every position of leadership which he has held a firm commitment to the maintenance of a just society. I believe that he will reflect those values as a member of the Fifth Circuit Court of Appeals, and I commend him to you as one who in my opinion will be a worthy addition to that body.

Sincerely,

WILLIAM F. WINTER.

THE RANGEL LAW FIRM, P.C.,
Corpus Christi, TX, April 1, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Hart Office Building, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: I write this letter to urge approval of Judge Charles W. Pickering, Sr.'s nomination to the United States Court of Appeals for the Fifth Circuit.

I first met Judge Pickering in 1990 in my capacity as a member of the ABA's Standing Committee on the Federal Judiciary. As the Fifth Circuit's representative on the Committee, I conducted the primary investigation into his professional qualifications when he was nominated to a federal district judgeship in Mississippi. I spent many hours discussing his qualifications with judges, lawyers and lay people throughout the state. I also interviewed Judge Pickering, during which we touched on matters relevant to his qualifications to serve as a federal judge.

The Charles W. Pickering that I have read about in press reports during the pendency of his current nomination does not comport with the Charles W. Pickering that I have come to know in the last thirteen years. Competent, compassionate, sensitive and free from bias are terms that aptly describe him. Throughout his professional career as a lawyer and as a judge, Judge Pickering has tried to do what he thought was right, consistent with his oaths as an officer of the court and as a judge. Attempts to demonize him are both unfair and out of place in a judicial confirmation proceeding.

On a more personal note, I still remember the words of encouragement I received from Judge Pickering while my own nomination to the Fifth Circuit was pending before the Judiciary Committee. On one occasion, Judge Pickering called me and graciously offered to contact Senator Lott's office to see if anything could be done to secure a hearing for my nomination. The word came back that Senator Lott was willing to help, but the process could not go forward until my home state senators returned their blue slips. That never happened. To this day, I very much appreciate the fact that Judge Pickering reached out to me and offered to help at a time when my pleas for a hearing had fallen on deaf ears.

The current impasse in the confirmation proceedings is an unfortunate one, because it continues to ensure many nominees of goodwill who have answered the call to serve. For their sake and for the ongoing vitality of our federal judiciary, I would hope that you and your colleagues can find common ground. A good starting point would be the confirmation of Judge Pickering.

Thank you.

Yours truly,

JORGE C. RANGEL.

GOODMAN & CHESNOFF,
Las Vegas, NV, January 16, 2003.

Re the Honorable Judge Charles W. Pickering, Sr.'s nomination to the United States Court of Appeals for the 5th Circuit.

Chairman ORRIN HATCH,
Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN HATCH: I had the pleasure of meeting with you when my partner Las Vegas Mayor, Oscar B. Goodman and I represented former United States District Court Judge Harry Chaiborne, in his impeachment proceeding in the United States Senate. I remember your open-mindedness and fairness in considering our case.

I am presently on the Board of the National Association of Criminal Defense Lawyers and a registered Democrat. I have been a financial supporter for the election of President William Jefferson Clinton and a contributor to the campaign of Vice-President Albert Gore, when he ran for President. I have been an aggressive advocate on the part of citizens accused of crimes and have appeared in criminal proceedings in thirty of our fifty states.

I had the privilege and pleasure of meeting Judge Pickering several years ago when I was hired by the former mayor of Biloxi, Mississippi, Peter J. Halet to represent him in a very complex and high profile federal trial assigned to Judge Pickering in the United States District Court in Hattiesburg, Mississippi.

The case was quite celebrated and the allegations were of the most serious nature. There were complicated legal questions and difficult human dynamics. Needless to say, the emotions ran high in the local community as well as among the participants. Having arrived in Judge Pickering's courtroom from across the country, I did not know what to expect in terms of my reception.

Sufficed to say, from day-one Judge Pickering treated all of the lawyers I brought with me to assist in the process, my jury expert and myself with courtesy and patience.

Certain tactics and techniques that we utilized may not have been used by other lawyers appearing before Judge Pickering in earlier cases, but he kept an open mind, listened to our position and gave me as fair a trial as I have received in any United States District Court, anytime.

Judge Pickering had a grasp of the difficult legal issues and addressed the case with objectivity and fairness. At no time during my experience before Judge Pickering, including the jury selection process, did I ever note even a scintilla of evidence that Judge Pickering did not treat every citizen of our great country with equal fairness and consideration. Based on my experience with Judge Pickering, I am offended that people are attacking his sterling character. I felt it important to register my position on his behalf and believe he would make an outstanding addition to the United States Court of Appeals for the Fifth Circuit, of which I am admitted and have appeared.

Very truly yours,

DAVID Z. CHESNOFF, ESQ.

TENTH CHANCERY COURT
DISTRICT OF MISSISSIPPI,
Hattiesburg, MS.

Re the Appointment of Charles Pickering.

Hon. PATRICK LEAHY,
Chairman Senate Judiciary Committee, U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SIR: I write in support of the appointment of United States Judge Charles W.

Pickering, III to the Fifth Circuit Court of Appeals. Charles Pickering is an able, outstanding and fair minded judge. I could not conceive that he would exhibit gender bias toward women inside or outside a court of law.

As an African American I have personal knowledge and experience of his efforts to heal the wounds of racial prejudice, and to resolve conflicts between the races in our state. As someone who experiences racial prejudice, both open and subtle, I can only say that my admiration for Judge Pickering is immense.

I sincerely appreciate all the efforts made by you and your committee in order to insure fairness in our federal judiciary. I urge you and your fellow committee members to recognize diverse opinions of persons, such as myself, who function and work at ground level in our local communities.

Thank you for your time and consideration.

Sincerely,

JOHNNY L. WILLIAMS.

DEBORAH JONES GAMBRELL
& ASSOCIATES,
Hattiesburg, MS, October 25, 2001.

Re Judge Charles Pickering; Nominee: Fifth Circuit Court of Appeals.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR LEAHY: A few days ago I ran into Judge Pickering at lunch and congratulated him on his being selected for an appointment to the Fifth Circuit Court of Appeals. I thereafter learned of opposition to his appointment and felt compelled to write this letter.

As an African American attorney who practices in the federal courts of the Southern District of Mississippi, where Judge Pickering has sat for the past eleven (11) years, I am concerned that he has come under scrutiny. I have appeared before Judge Pickering on numerous occasions during the past eleven (11) years, most often than not, in cases involving violations of civil rights and employment discrimination matters. I have found Judge Pickering not only to be a fair jurist, but one who is concerned with the integrity of the entire judicial process and assures every participant of a "level playing field" and a judge who will apply the law without regard for the sensitive nature of cases of this sort, which may have caused him personal discomfort.

I have personally seen him go overboard in working to bring reconciliation in matters wherein parties, because of lack of understanding of the law or actual ill will, may have committed violations because of lack of knowledge, etc. I have even been appointed by Judge Pickering to represent indigents who have legitimate claims but not the expertise or money to litigate the same, when he could have selected attorneys who might not bring the passion and true concern to bear to insure that the litigants rights are protected. Even when I don't prevail, my clients know that they have had their "day in court" before a judge who is open-minded, fair and just and will follow the law without regard to color, economic status or political persuasion.

I have known Judge Pickering prior to his taking the bench and have seen him advocate the rights of the poor and those disenfranchised by the system. Over the past 11 years, I have seen him bring the same passion for fairness and equity to the federal bench.

Though I personally hate to see him leave the Southern District, I am proud to say that his honesty, integrity and sense of fair play would make him an excellent candidate for the Fifth Circuit Court of Appeals.

Sincerely,

DEBORAH JONES GAMBRELL.

HATTIESBURG, MS,
October 25, 2001.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am writing to urge you to confirm Judge Charles Pickering as a Fifth Circuit Court of Appeals Judge. I have had the privilege of working in Judge Pickering's courtroom for the past two years as a Deputy United States Marshal.

Judge Pickering brings honor and compassion to the bench. His courtroom is truly a center of justice and fairness for men and women of every race and religion. As a Deputy U.S. Marshal, I have been present for most of his courtroom sessions. I am always impressed by Judge Pickering's rulings and opinions. He puts his heart and soul into preparing each case.

I am overwhelmed at the compassion that Judge Pickering shows each and every defendant. He truly cares for the welfare of these defendants and their families. I believe it grieves him to see mothers and fathers separated from their loved ones. As a man of great conviction, I know that Judge Pickering would make a positive impact on the Fifth Circuit.

As a Deputy U.S. Marshal, I am proud to serve under a man who personifies justice. As a citizen of the United States, I am glad to know that in times like these, we have Judge Charles Pickering in the position to maintain dignity and responsibility in our courtroom. As a woman, I am pleased at the thought that we will have Judge Pickering looking out for the rights of women and children from the beach of the Fifth Circuit Court of Appeals.

Sincerely,

MELANIE RUBE.

HOLCOMB DUNBAR,
Oxford, MS, October 25, 2001.

Re U.S. District Judge Charles Pickering.

Senator PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: This letter is to submit for your consideration my unqualified endorsement of U.S. District Judge Charles Pickering for confirmation of his appointment by the President to the Court of Appeals for the Fifth Circuit.

I have practiced law in the State of Mississippi for more than 40 years. I am a past president of the Mississippi Bar Association, and a past member of the Board of Governors of the American Bar Association. I am a fellow of the American College of Trial Lawyers and have known Judge Pickering personally and by judicial reputation for many years.

I am a Democrat and would not want you to confirm any person to the federal courts of this nation who I felt was gender or racially biased. I have never known Judge Pickering to be a person or judge that was anything other than fair and impartial in his conduct toward women or minorities.

I do not think anyone questions his judicial qualifications. The American Bar Association has deemed him "well qualified."

For these reasons, I strongly endorse his confirmation to the Court of Appeals for the Fifth Circuit.

Respectfully,

JACK F. DUNBAR.

THE RILEY FOUNDATION,
Meridian, MS, May 22, 2003.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR HATCH: I was the Democratic Mayor of Meridian from 1977 to 1985 and a past President of Congregation Beth Israel.

Injustice and character assassination galls me. Charles Pickering is no racist. He stood tall when our Temple was bombed and made every effort to prosecute Sam Bowers who planned the bombing.

Sincerely,

I. A. ROSENBAUM.

WILLIAM HAROLD JONES,
Petal, MS, October 25, 2001.

Re Charles Pickering, United States District Court of Appeals Nominee.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR LEAHY: I have known Charles Pickering for probably 20 years or more. He served as a Senator from a nearby county in the Mississippi Legislature, and I served in the House of Representatives myself for 13 years. I have practiced in his Court on many occasions throughout the last 12 or 13 years and I can only say this is the most fair Judge before whom I have ever appeared. Not only is he fair, he wants to be fair to all parties. I have never known of any indifference or prejudice that he has shown against blacks or women and in my own humble opinion, it is regrettable that he has been accused of such.

I presently serve as Chairman of the Forrest County Democratic Executive Committee and although Charles was prior to his judicial service, a Republican, I do not hesitate to signify to any person that he is fair and impartial, and has been so even to myself, a Democrat.

Very sincerely yours,

WILLIAM H. JONES.

Mr. HATCH. Mr. President, I reserve the remainder of my time. I am happy to yield whatever time the distinguished senior Senator from Mississippi desires.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Thank you, Mr. President. I thank Senator HATCH.

It is a pleasure to serve with my distinguished colleague from Mississippi who will be speaking later today.

I say to Senator HATCH, thank you for your leadership, your sensitivity as chairman of the Judiciary Committee, and for your specific help in the confirmation process of Judge Charles Pickering to be on the Fifth Circuit Court of Appeals.

I also want to express appreciation to Senator FRIST, the leader, for giving us time in a very busy schedule to take up this nomination. But it is time we go forward with a vote on the nomination of this good and honest and very capable Federal judge, Charles Pickering.

Mr. President, as I say, I rise today in strong support of Judge Charles Pickering's nomination to be a judge on the U.S. Court of Appeals for the Fifth Circuit. I am pleased that this day has finally come, and that after almost 2½ years of waiting, we are finally moving forward with the consideration of Judge Pickering's nomination here on the floor of the Senate. I am grateful to Senator HATCH for his hard work in leading the Judiciary Committee to its recent approval of Judge Pickering's nomination to the Fifth Circuit, and this important vote has led to our being able to begin debate on this outstanding nominee.

As many Senators will recall, Judge Pickering was unanimously approved by the Judiciary Committee in the fall of 1990 to be a United States District Court Judge for the Southern District of Mississippi. He was then unanimously confirmed by the full Senate. He has served honorably in this position for 13 years, and I am happy that the President has re-nominated Judge Pickering for a promotion to the Fifth Circuit after his nomination was blocked from consideration by the full Senate during the 107th Congress.

Charles Pickering and I have known each other for over 40 years, which doesn't seem possible, and I can personally attest that there is no other person in the State of Mississippi who is more eminently qualified to serve on the Fifth Circuit Court of Appeals.

Mr. President, Charles Pickering graduated first in his class from the University of Mississippi Law School in 1961, and received his B.A. degree from Ole Miss with honors in 1959. He practiced law for almost 30 years in Jones County, Mississippi, and during this time served stints as the prosecuting attorney for Jones County and the City of Laurel during the 1960's. From 1972 to 1980, Charles served in the Mississippi State Senate. This was a part-time position, with full-time demands I might add, that allowed him to continue his law practice during this period.

Judge Pickering has had an impeccable reputation on the bench in Mississippi, and he is respected by all sectors of the Mississippi and national legal community. Scores of attorneys, community leaders, and other Mississippians from all walks of life have applauded his nomination to the Fifth Circuit. What a compliment to Judge Pickering, Mr. President, for him to have the support of those who know him best—the people he works with in his professional life and spends time with in his personal endeavors. It is no surprise that the ABA's Standing Committee on the Federal Judiciary found him "Well-Qualified" for appointment as a Fifth Circuit judge.

Furthermore, he is highly respected within the federal judiciary. He served on the Board of Directors of the Federal Judges Association from 1997 until 2001, and was a member of the Executive Committee for the final 2 years of his term. He recently completed a term of service on the Judicial Branch Committee of the Judicial Conference of the United States.

Judge Pickering has been involved in numerous community and public service endeavors. He has headed the March of Dimes campaign in Jones County, Mississippi, and served as Chairman of the Jones County Chapter of the American National Red Cross. He was also a major participant in the formation of the Jones County Economic Development Authority, serving as its first chairman.

Charles Pickering has been a leader in his community and in the state on race relations, and in standing up for what is right. In 1967, at the risk of harm to himself and his family, he testified against the Imperial Wizard of the KKK, Sam Bowers, for the firebombing death of civil rights activist Vernon Dahmer. He was active in his community's efforts to integrate their public schools, sending all four of his children to the integrated schools. In 1981, Charles Pickering represented an African American man falsely accused of robbing a white teen-aged girl. Although his decision to provide this legal representation was not supported by some in his community, he aggressively represented his client, who was found not guilty. He was a motivating force behind and currently serves on the Board of Directors of the William Winter Institute for Racial Reconciliation at the University of Mississippi, our mutual alma mater.

He has also volunteered for the Jones County Heart Fund, the Jones County Drug Education Council, and the Economic Development Authority of Jones County. He has always been very active in his church, serving as a Sunday school teacher, Chairman of the Deacons, Sunday school superintendent, and church treasurer. From 1983–85, he was the President of the Mississippi Baptist Convention.

In addition to his many professional and civic activities, Charles Pickering has also been a good farmer. He was the first president of the National Catfish Farmers Association and was a leader in catfish farming during its early days. Most importantly, though, is the fact that Charles has always put his family first, even with the commitments I have just described. He has a wonderful wife and four grown children with spouses and families of their own, including his son, Congressman CHIP PICKERING, who is a former member of my staff. Representative PICKERING's integrity is a further testament to the caliber of Judge Charles Pickering's character.

Mr. President, I am pleased that the Senate is considering this important nomination today, because the Senate needs to act now to confirm Judge Pickering. He is exceptionally well-qualified for elevation to the Fifth Circuit, and I strongly endorse his nomination. He has been waiting far, far too long for a debate and vote on his nomination. I urge my colleagues to support moving forward with an up-or-down vote on this important nomination. I know that Judge Pickering's elevation to the Fifth Circuit is supported by a majority of Senators, and it is time for this majority to be heard.

As I said, he has been waiting 2½ years in this process. Unfortunately, last year he was defeated on a party-line vote and prevented from being reported out of the Judiciary Committee. But this year he was reported to the floor. He deserves to have his story told, and even a vote to occur on his nomination.

I have known this man and his family and his neighbors, the people in his church, the school officials, the minority leaders in his community for over 40 years.

I think there used to be a time when a Senator vouched for a person, a nominee from his State, and it carried real weight. I am here to tell you, this is one of the finest men, one of the finest family men, one of the smartest individuals, one of the best judges I have known in my life. There is no question that he has the educational background, the qualifications, the experience, the judicial demeanor, and also the leadership to bring about unity, not division.

That has been the story of his life. He has always been a unifier. He has always been willing to step up and take on the tough battles in his home county and in our State of Mississippi.

Senator HATCH made reference to the fact that when he was county attorney, years ago, in the late 1960s he had the courage to actually work with the FBI and to testify against the Imperial Wizard of the Ku Klux Klan, something not very healthy for your political career or even your life at the time. But he took a stand and was defeated for reelection, to a large degree because of that.

He continued to work in his community and provide leadership. He practiced law for 30 years. If you want to look at his qualifications, here they are listed. He was not just an average student. He graduated first in his class from law school. He graduated from undergraduate school with honors. He has the highest rating by Martindale Hubbell. In 1990, he was unanimously confirmed by the Senate to be a district judge. He has been very good in his rulings. In fact, of those that were appealed, the reversal rate is only 7.9 percent, which is extraordinarily good. He received from the American Bar Association—not once but twice—their highest rating of well qualified. They looked into allegations that were made against him after his first consideration by the committee and came back and said: He is still well qualified—not a group known for dismissing allegations or charges that were made against him.

He certainly has the qualifications and the experience. In his community, he is endorsed by Democrats and Republicans, elected officials of both parties, the head of the local NAACP. The people who know him best, who know his family, who see him every day, say this is a good man, qualified to be on the Fifth Circuit Court of Appeals.

He has served on the Federal bench for 13 years. He is highly respected within the Federal judiciary. In fact, he has served in a leadership capacity there. He has been on the board of directors of the Federal Judges Association from 1997 to 2001, and he was on the executive committee for the final 2 years of his term. He recently completed a term of service on the Judicial Branch Committee of the Judicial Conference. He is respected by his fellow judges.

I know some of the Senators on both sides of the aisle have had Federal judges in their States also vouch for this good man to be on the Fifth Circuit Court of Appeals.

He has had letters of endorsement from a wide span of community leaders and State leaders in our State, including all five statewide elected Democrats.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MISSISSIPPI,
OFFICE OF THE GOVERNOR,
Jackson, MI, September 24, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: The nomination of Federal District Judge Charles Pickering to the U.S. Fifth Circuit Court of Appeals is once again coming before the U.S. Senate in Washington for consideration. We are the Democratic statewide officials of Mississippi.

We know Charles Pickering personally and have known him for many years. We believe Judge Pickering should be confirmed for this appointment and serve on that court.

Judge Pickering chose to take stands during his career that were difficult and often courageous. He has worked for racial reconciliation and helped unify our communities. Toward that objective, he formed a biracial commission in his home county to address community issues and led an effort to start a program for at-risk youth. Furthermore, Judge Pickering helped establish and serves on the board of the Institute for Racial Reconciliation at the University of Mississippi.

We are all active Democrats. Charles Pickering was, before rising to the Federal Bench, an active Republican. It is our hope that Party labels can be transcended in this fight over his nomination. We should cast a blind eye to partisanship when working to build a fair and impartial judiciary.

The U.S. Senate has a chance to demonstrate a commitment to fairness. Judge Pickering's record demonstrates his commitment to equal protection, equal rights and fairness for all. His values demand he respect the law and constitutional precedents and rule accordingly. He does.

He has never been reversed on any substantive issue in a voting rights or employment discrimination case that has come before him. His rulings reflect his support for the principle of one man one vote. Judge Pickering ruled the 1991 Mississippi legislative redistricting plan unconstitutional for failing to conform to one man one vote standards and ordered a new election as the remedy.

In 1963, at the age of 26, Judge Pickering was elected Prosecuting Attorney of Jones County. While holding this office he confronted the effects of racial hatred and saw firsthand its result in the form of extensive Ku Klux Klan violence. It was a horrible time in Mississippi. Judge Pickering took a public stand against the Klan violence and terrorism. He worked with the FBI to prosecute and stop the Klan. Charles Pickering testified against the Klan leader Sam Bowers in the murder of civil rights activist Vernon Dahmer.

In the 1960's Charles Pickering stood up for the voting rights of African Americans, and for the equal protection of all. In the 1970's and 1980's he led his community, his children's school, his political party and his church in integration and inclusion. Today, he is a voice for racial reconciliation across our state. As a judge, he is consistent in his fairness to everyone, and deemed well qualified by those who independently review his rulings, temperament and work.

Mississippi has made tremendous progress in race relations since the 1960s and Charles Pickering has been part of that progress. We ask the United States Senate to stand up to those that malign the character of Charles Pickering, and give him an up or down vote on the Senate Floor.

Very truly yours,

RONNIE MUSGROVE,
Governor of Mississippi.
ERIC CLARK,
Secretary of State.
MIKE MOORE,
Attorney General.
LESTER SPELL,
Commissioner of Agriculture and Commerce.
GEORGE DALE,
Commissioner of Insurance.

Mr. LOTT. I have other letters of endorsement and articles supporting Judge Charles Pickering, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Representative Phillip West, Chairman.
Date: April 25, 2003.
Re: Judge Charles Pickering.

POSITION STATEMENT ON JUDGE CHARLES PICKERING

After having listened to Judge Charles Pickering during his meeting with the Mississippi Legislative Black Caucus, reviewed materials concerning Judge Pickering's record as a Jones County attorney, and spoken with some of the members of the Institute of Racial Reconciliation, I have decided to reverse my position regarding Judge Pickering's nomination to the Fifth Circuit Court of Appeals.

When I originally signed the petition against his nomination I was not aware of the information that has subsequently come to my attention. I labored under the impression that opponents had a clear and convincing argument. Now I am not certain that the ammunition on him is as powerful and as convincing as I was led to believe. I certainly do not believe Judge Pickering is presently a "racist".

Judge Pickering's record of working with both races and working for racial reconciliation in past and present years is beyond what many whites we have supported and continue to support in positions of leadership have done in our state.

While I do not condemn and judge all white men and women to be "staunch racist", I do believe many have racist tendencies and beliefs as evidenced by the racism instilled in our many institutions. At least Judge Pickering has shown a willingness to work for racial reconciliation prior to his consideration for the Fifth Circuit Court of Appeals position.

I hope and pray understanding of the need for racial reconciliation by Judge Pickering will help strengthen the Fifth Circuit's fortitude in resolving racial issues and concerns in a spirit that God directs.

I recognize different people can review the same facts and reach different conclusions. I respect their right, for "Beauty is in the eyes of the beholder."

It would also be "Politically Correct" for me to remain silent. However, I cannot support a position that may be "Politically Correct" but I feel is "Morally Wrong". I truly believe we all should embrace truth, justice, and fairness whether we are black or white, rich or poor, democrat or republican. Our state needs it. Our children deserve it.

AMERICAN BAR ASSOCIATION,
Houston, TX, February 10, 2003.

Re Charles W. Pickering, Sr., United States Court of Appeals, Fifth Circuit.

Hon. PATRICK J. LEAHY,
Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: The purpose of this letter is to confirm the recommendation of this Committee previously given as to the nomination of Charles W. Pickering, Sr. for appointment as Judge of the United States Court of Appeals, Fifth Circuit.

A substantial majority of our Committee is of the opinion that Charles W. Pickering, Sr. is Well Qualified and a minority of the Committee is of the opinion that Charles W. Pickering, Sr. is Qualified for this appointment.

A copy of this letter has been sent to Charles W. Pickering, Sr. for his information.

Yours very truly,

CAROL E. DINKINS,
Chair.

[From the Clarion-Ledger, Mar. 9, 2003]

JUDGE PICKERING—SENATE SHOULD CONFIRM NOMINATION

As outlined on the front of The Clarion-Ledger's Perspective section today, the almost two-year-old circus that has become the nomination of U.S. District Judge Charles Pickering Sr. to the 5th U.S. Circuit Court of Appeals has been based allegations that Judge Pickering is a racist.

This is not true and is very unfair to Pickering.

A throng of special interest groups—including very reputable ones—has opposed President Bush's nomination of Pickering on the basis of that charge of longstanding career racism by the Laurel jurist.

Trouble is, those groups and the political faces in the Senate that depend upon the support of them, have failed to make a credible case against Pickering on the racism charge.

Pickering is a what conservative Republican judge who is a devout Christian and a practicing Southern Baptist. As has been made clear to those following the Capitol Hill controversy, the hue and cry is about racism but the undercurrent of opposition isn't about race at all—it's about the thorny issue of abortion rights.

As in the case of fellow Bush federal appellate court nominee Miguel Estrada, the opposition to Pickering among Senate Democrats isn't about the judge's qualifications. It's about the judge's politics.

And while Senate Republicans played the same political game with the judicial nominees of former President Bill Clinton, the politics of personal destruction in the case of Pickering has reached a new low.

By any reasonable standard, Charles Pickering Sr. has lived the life and done the work of a man with his heart in the right place on race in a state where such a life and work wasn't always easy or appreciated.

Pickering isn't a Johnny-Come-Lately to the concept of meaningful racial reconciliation. He's been part of the solution to Mississippi's vexing racial conundrum for decades. He has been an able jurist, a contributing citizen and a responsible politician and jurist.

Those who seek to oppose Judge Pickering on the grounds of his political philosophy or religious views should do so openly and in aboveboard fashion—not hiding behind the political skirts of dubious charges of racism.

Racism is a serious evil. Mississippians know better than most in America the severity of racism and the vile manifestations it can assume. Mississippi has borne witness to unspeakable acts of cruelty and mayhem in the name of race literally since statehood.

In Mississippi's fragile racial environment—one in which people of good will and good intentions have sought to build bridges—crying "wolf" on false charges of racism is a particularly onerous political and social crime.

On a broader scale, the politics of judicial confirmation threatens to subvert the partisan political give and take of the presidency in judicial nominations to provide philosophical balance to the courts.

Confirmation hearings should be about the qualifications and character of the judicial nominee, not the next presidential election.

The Senate Judiciary Committee owes Judge Pickering a fair hearing based on an examination of his record—his entire record—as a judge, as a public figure and as a man.

Based on what we have known of that record, a fair hearing by the committee will produce no impediment to confirmation.

CONSTANCE IONA SLAUGHTER HARVEY,
Forest, MS, October 23, 2001.

Hon. CHARLES W. PICKERING, Sr.,
U.S. District Court Judge,
Hattiesburg, MS.

DEAR JUDGE PICKERING: Thank you for reminding me of the upcoming Institute for Racial Reconciliation Board Retreat to be held Friday, November 9 through Saturday, November 10, 2001. Unfortunately, my heavy schedule will prevent me from attending. On those dates, I will also be required to participate in the Annual State Convention of Mississippi Action for Progress Head Start and facilitate a session at the Metro Black Women Lawyers' retreat. Both of these events require my personal involvement.

While I will not be in attendance, I am assured, because of your integrity, that you will continue to provide the quality of leadership you have provided in the past. You have served Mississippi and her people well even to the extent of taking positions that were unpopular. This sometimes meant great personal sacrifice and loss of political gain for you.

Thank you for being a human being and for caring what happens to other human beings. I am especially mindful of your commitment to racial reconciliation over the past twenty years. Because of this commitment, our future looks better.

I'll contact you regarding the developments at the Retreat around the 15th of November. My best to you.

Sincerely yours,
CONSTANCE SLAUGHTER-HARVEY.

[From the Atlanta Journal-Constitution, Mar. 9, 2003]

TRIALS OF A SOUTHERN JUDGE

EVIDENCE DOESN'T SUPPORT CHARGES OF RACISM AGAINST CHARLES PICKERING

(By Janita Poe and Tom Baxter)

When court is not in session, Deborah Gambrell and U.S. District Judge Charles W. Pickering often hole up with other lawyers in a courthouse anteroom—and debate the law.

They're there to schedule trials or sentencings. But Gambrell, a liberal African-American lawyer, and Pickering, a conservative white judge, invariably fall into spirited exchanges on legal issues and philosophies.

"We've had debates over everything from Clarence Thomas to the details of some case," Gambrell said. "Judge Pickering is a conservative, but he wants to hear your opinion. And he's amenable to having his mind changed, too."

Gambrell sees no racial bias in the judge. On the contrary, she said, he appoints motivated lawyers such as her to represent workers—many of them black—who claim they were wronged by employers. "He loves the law and wants you to represent your client well," Gambrell said, "and I don't think that's discriminatory."

Strange as it sounds, Gambrell is talking about the same Charles Pickering who made headlines last year as a reputed old-line Southern bigot. The liberal lobbying group People for the American Way, for example, claims Pickering is "hostile to civil rights." NAACP Chairman Julian Bond says Pickering uses "a racial lens to look at America."

Pickering drew the criticism after President Bush nominated him for a job on the New Orleans-based 5th U.S. Circuit Court of Appeals, one step below the Supreme Court. A Senate committee controlled by Democrats, heeding complaints about the judge's racial views, rejected him.

With the Senate now in Republican hands, Bush has renominated Pickering, prompting new Democratic charges that Republicans, even after the Trent Lott fiasco, are catering to racist Southern whites.

In Mississippi, however, many describe a different man than the one feared and vilified by critics inside the Beltway.

Rather, their up-close description of Pickering is that he is a relative progressive on race, a man who in the 1960s, when much of Mississippi was still fighting efforts to kill Jim Crow, testified against a murderous Ku Klux Klansman. He is a parent who, despite a poisonous racial atmosphere around Laurel, bucked white flight to send his four children to newly integrated public schools.

Pickering has been excoriated for seeking a lighter sentence for a white man convicted in a cross burning (see related story). But he also sought reduced sentences for many black first offenders. He has pushed to establish a racial reconciliation center at the University of Mississippi, his alma mater. And, both on the bench and off, he has pressed white prison officials to ensure the rights of black inmates.

The judge's record is not spotless on race. In the infamous cross-burning case, he worried aloud how a tough sentence would play in the community—apparently the white community.

And as a law student in 1959, he published a paper laying out a strategy for maintaining a ban on mixed-race marriages in Mississippi.

Yet these are two exceptions, the second more than four decades old, in an otherwise surprisingly upstanding history on race.

Pickering will not comment publicly, pending Senate action on his nomination, which is expected this month or next.

ROOTS: RELIGION AND RACE

Pickering, the son of a Laurel dairy farmer, has always stayed close to his south-central Mississippi roots. The New Orleans-based appeals court job would be his first post outside Mississippi.

A land of bayous and pine trees, the region around Laurel and Hattiesburg is a place where people take their religion seriously. Methodist and Baptist churches line the main streets; even today, when much of the Bible Belt has succumbed to secularism, day care centers are named "River of Life" and "Alpha Christian."

Pickering is a 42-year member at First Baptist Church of Laurel, where he has been a deacon, a Sunday school teacher and church treasurer. In the mid-'80s, he was president of the Southern Baptists in Mississippi and was allied with the "inerrantists," who maintain the Bible is the word of God and its accounts are factual.

Racism once had as strong grip on the region as religion, and Pickering was reared during a period of open, unquestioned apartheid. That upbringing has lent some credibility to critics' charges.

Marilyn Huff, a white 65-year-old who lived next to the Pickering farm, recalls playing hopscotch and marbles with Pickering and several children of black sharecroppers who lived nearby. But the black kids attended a different school.

"We got on our bus and went to our school, and they got on their bus and went to theirs," she said. "I think the South accepted those things when other areas of the country did not."

Pickering's 1959 paper on "miscegenation," or mixed-race marriage, reflects that acceptance. In the article, which was based on a case of that era, Pickering suggests that Mississippi lawmakers could strengthen the state's anti-miscegenation law against legal challenges by reviewing similar laws in 23 other states. Pickering published the article in the Mississippi Law Journal, where he was a staff writer.

The judge's son, U.S. Rep. "Chip" Pickering, 39, explains the article as nothing more than an assigned "exercise" in which students "assessed laws on interracial marriage and told why the Mississippi law was struck down."

The congressman's account, however, does not fully convey the tone of the brief. The article did not simply analyze problems with the law, but suggested how it could better withstand court challenges. As People for the American Way points out, Pickering "expressed no moral outrage over laws prohibiting and criminalizing interracial marriage" but instead calmly offered a strategy for maintaining a ban—as if the law were as ethically neutral as, say, restrictions on double-parking.

Elsewhere, by the 1950s, people inside and outside the state were beginning to question Mississippi's adherence to Jim Crow strictures. In 1955, Pickering's junior college near Laurel achieved a breakthrough of sorts when its all-white football team, in a quest for a national championship, decided to play an integrated squad from California despite protests from the state's racist establishment.

In 1962, as Pickering started his law practice, the Federal government forced the University of Mississippi to admit James Meredith, a black Air Force veteran. Students and locals responded by staging a riot that killed two people and injured hundreds.

And that was in relatively genteel Oxford. Laurel, a rougher place to begin with, became a flash point of racial and class tensions, with leftist union and reactionary Ku Klux Klan organizers alike recruiting members from the 4,000 workers at the town's big Masonite plant. The toxic atmosphere soon presented Pickering with a chance to depart Mississippi's well-worn racial path.

Laurel was home to a man who combined ferver for both Christianity and apartheid to produce a vicious, ragtag holy war in defense of the status quo. In 1966, Sam Bowers, the Scripture-quoting imperial wizard of the White Knights of the Ku Klux Klan, led a gang of Klansmen to firebomb the home of Hattiesburg NAACP leader Vernon Dahmer, killing him.

Pickering, then serving as Jones County prosecutor, could have avoided the trial, as the slaying took place in a neighboring county. But Jim Dukes, the prosecutor, who presented the case against Bowers, asked his colleague to testify to Bowers' violent character, and Pickering agreed—despite the risk of Klan reprisals.

"He was putting himself at risk of bodily harm, social ostracism and economic destruction," Dukes said. "These were turbulent times, and testifying against the Klan was not a popular thing to do."

Pickering lost a race for a state House seat later that year. Bowers—whose trial ended in a hung jury and who was not convicted until 1998—took credit for beating him.

REPUBLICAN POLITICS

Like many Mississippians of his generation, Pickering began political life as a Democrat and switched to the GOP. He did so, however, before the party had become a haven for Southern whites disaffected with the national Democrats' liberal racial policies.

Pickering changed parties in 1964, a time when Mississippi's Democratic leadership stood for continued segregation. Most notoriously, Democratic Gov. Ross Barnettt had personally turned Meredith away from Ole Miss and helped provoke the later rioting. The Mississippi Democratic establishment, in the thrall of Jim Crow, sent an all-white delegation to the 1964 national convention and was denied seating.

The small but growing Mississippi GOP leaned to the right on many issues, as it still does, reflecting a pro-business bent. But compared with the Democratic leadership, many Republicans were moderate or even progressive on desegregation and on compliance with federal court orders.

The state GOP "was characterized by some very powerful business types who could afford to be more moderate in their political views," said Marty Wiseman, director of the John Stennis Institute of Government at Mississippi State University.

Laurel's powerful state senator, E.K. Collins, led the all-white delegation to the Democratic convention. In 1971, Pickering took Collins on and beat him. "It was considered nervy for a young upstart to run against an established longtime Dixiecrat like E.K.," recalled former Rep. Tucker Buchanan, a Democrat who became friends with Pickering in the Legislature.

In the Senate, Pickering developed a reputation for being able to talk with all sides and occasionally broker a deal—even though, as one of only two Republicans, he was excluded from Senate leadership.

"He was right down the middle. He was a moderate," said former Gov. William Winter, a progressive Democrat who was lieutenant governor when Pickering arrived at the Legislature.

The new governor, Democrat William Waller, was the first in many years who had not made race the focus of his campaign, and as a prosecutor had heroically but unsuccessfully mounted two cases against white supremacist Byron de la Beckwith for the murder of the NAACP's Medgar Evers. "Charles was of that stripe," Winter said.

Robert G. Clark Jr., who is today the House speaker pro tem, in 1968 became the first African-American elected to the Legislature. He did not receive a warm welcome. "It was pretty lonely back then," Clark said.

But Pickering was cordial. "He was one who didn't mind coming up to me to shake my hand and say, 'How are you doing today, Rep. Clark?' "

Pickering was elected state GOP chairman in 1976, serving with then-Executive Director Haley Barbour, who went on to become Republican national chairman, a powerful Washington lobbyist and—this year—a candidate for governor.

Pickering won credit as a party peacemaker after a bruising fight between supporters of Gerald Ford and Ronald Reagan at the 1976 GOP convention. But he lost his one bid for federal office in 1978, when Thad Cochran defeated him in the U.S. Senate primary. He lost again in a run for state attorney general a year later, ending his career in elective politics.

THE SOVEREIGNTY COMMISSION

Pickering's terms as a state senator coincided with the final years of the infamous Mississippi Sovereignty Commission. Created in 1956 in reaction to the U.S. Supreme Court's school desegration decision, the agency was supposed to protect Mississippi and her "sister states" from federal encroachment, by "any and all acts and things deemed necessary and proper."

The commission used its charge to spy on, intimidate and harass those considered to be racial troublemakers or outside "agitators." It helped fund the reactionary white Citizens Councils and kept up a system of informants who reported to the commission on the activities of the FBI as well as civil rights groups.

As a state senator Pickering voted twice, in 1972 and 1973, along with the majority, to continue funding for the commission—votes his critics have highlighted during the confirmation hearings. By the early '70s, however, Mississippi had generally dismantled legal segregation, and the agency was trying to retool itself as a general investigative organization.

Waller vetoed the funding in 1973, and the commission was officially dissolved in 1977, its files sealed. In the end, Pickering voted with the majority to end the commission and seal the records.

In 1990, during hearings on his nomination as district judge, Pickering said he "never had any contact" with the commission and that he knew "very little about what is in those records." His opponents point out, however, that when the Sovereignty Commission's files were subsequently opened, an investigator's memo was found naming him.

The document suggested Pickering and two other legislators had communicated with the commission on its investigation of labor union activity in Laurel. The three lawmakers were "very interested" and "requested to be advised of developments," according to the memo.

Pickering's son, the congressman, says the agency had approached his father, not the other way around. "His only contact came in 1972, when a Sovereignty Commission employee approached him and said he had information about a radical group infiltrating a union in Jones County. My father's only response was, 'Keep me informed.' "

Again, this may be too easy a dismissal. The nature of the supposed union infiltration is in dispute. The commission memo says the agency was focusing on a pro-civil rights group, but in Pickering's confirmation hearing last year, the judge said he was concerned about Klan activity.

Any alleged connection to the racism of the Sovereignty Commission sharply contrasts with Pickering's public and personal actions in support of integration in the same decade.

AT HOME IN LAUREL

Even though they lived in racially polarized Jones County, Pickering and his wife, Margaret Ann, sent their four children to newly integrated public schools in the '70s.

Allison Montgomery, the judge's second-youngest child, recalls thinking her father had to set an example for other families by supporting integration. She was bused to the formerly all-black Oak Park High the year it debuted as an integrated elementary school.

"It was never discussed in our home, but my sense was that because Daddy had a reputation as being one who supported what was right, that it was what we were expected to do," said Montgomery, 35, a homemaker who lives in Shreveport, La.

"Even though it meant we would end up in a minority situation, I think the powers that be in our community knew he would still support the public school system."

Montgomery has fond memories of learning new games and chants with her black schoolmates, but she remembers several white parents moving their children out of her hometown because the teacher was black. Some families enrolled their children in private schools. "Suddenly people were sending their kids to a little small academy called Heidelburg Academy," she said. "It was in Jasper County, and they probably had a 20- or 30-minute drive, at least.

Black people in the Laurel area took note of Pickering's stance on racial issues.

When Larry Thomas was a child, he watched his father, a local civil rights leader, work out the logistics of demonstrations with Pickering. Later, he dealt directly with Pickering as a fellow economic-development board member. Thomas, 49, a pharmacist, is a black Democrat.

Over the years, Pickering disregarded white criticism to make alliances with black people, Thomas said.

"When things were changing in the '60s and '70s, he always tried to reach a compromise. He was always trying to understand the thinking and concerns of the black community," Thomas said. "To me, that's the most I expect of a white man. The rest is our responsibility."

Melvin Mack, 53, a black county supervisor, grew up about four miles from Pickering's family and, over the years, has seen him at dozens of black gatherings. Pickering may have been reared in an era when discrimination was the rule, he said, but he has always been friendly with blacks.

"You will see him at black family reunions," Mack said. "You will see him at funerals when a black family's loved one has died."

In the '90s, Pickering was an early, prominent supporter for establishing what became the William Winter Institute for Racial Reconciliation at Ole Miss. Among its other functions, the institute promotes programs to combat racial prejudice.

Pickering has also responded to complaints about the abuse of black State prison inmates. Sometimes he has ordered changes from the bench and other times, when evidence did not fully substantiate the abuse, worked informally. Pickering "will call me afterward and ask that we look into what is going on," said Leonard Vincent, general counsel for the State Corrections Department.

In one case, such informal intervention led to the firing of at least two guards.

"Judge Pickering was the only white leader we could get to stand up against the guards and the penal system," said a local civic activist, who spoke on condition of anonymity. "I mean, he called them on the carpet and cleaned them up."

Pickering, the activist said, did not seek to publicize his behind-the-scenes effort. "I'm not saying Judge Pickering is a saint," he said. "He is a conservative man. But he's not afraid to stand up for what is right."

THE CASE AGAINST PICKERING

Such sentiments do not sway opponents.

"Judge Pickering's record isn't erased just because he has African-American friends in his community," said NAACP Chairman Bond, a former Georgia legislator. "This is a question of what kind of Federal judiciary are we going to have. Are we going to have one occupied by women and men who support justice and fairness, or who oppose it?"

Many Pickering opponents object to his nomination on grounds unrelated to his racial attitudes. The predominantly black Magnolia Bar Association of Mississippi is one such opponent.

The 5th U.S. Circuit Court of Appeals has jurisdiction over Mississippi, Louisiana and Texas, whose population is 45 percent nonwhite. But of 14 judges' seats that are filled, only two are Hispanic and only one is black. The Magnolia Bar has sought more diversity and more liberal voices on the court for years, President Melvin Cooper said, so Pickering—a conservative white—is the wrong choice.

"We're looking at . . . the decisions he would make on the bench," Cooper said.

Abortion-rights groups have joined the fight against Pickering, also because of his conservative personal views. As a State legislator in the mid-1970s, Pickering led an effort to make the national Republican platform anti-abortion, specifically opposing the U.S. Supreme Court's "intrusion" into the issue with Roe v. Wade.

"We're concerned that would color the attitude he would take to the appellate bench," said Judy Appelbaum, a vice president of the National Women's Law Center.

When asked about abortion at his confirmation hearing last year, the judge sounded less militant. "My personal views are immaterial and irrelevant," the judge responded. "I will tell you that I will follow the constitution, and I will apply the Supreme court precedent."

Pickering has yet to rule on an abortion matter. But the 5th U.S. Circuit may well consider the constitutionality of state statutes designed to make abortions more difficult to obtain. In Mississippi, for example, legislation is pending that would restrict the time when an abortion is legal and require abortion providers to be board-certified in obstetrics and gynecology.

Yet allegations of bigotry have hurt the judge's chances—and damaged his reputation—more than concerns about his general conservatism. His son says Pickering is willing to undergo another round of intense scrutiny and heated attacks to restore his good name.

"The stereotype of what Mississippi is can easily be used against someone like my father, who is a Southern Baptist and from an older generation of white Mississippians," he said. "But my father is not at all the man they try to say he is. We hope in this second go-round the truth catches up with the false accusations."

The law-review article on mixed-race marriage laws casts a cloud on that record. But the evidence suggests that the judge has moved on since he wrote it.

"That was 1959," said Angela Barnett. "Back in the day, everyone was taught to think that way."

Barnett, who is white, went before Pickering on drug charges in 1997—with her black husband, Harrell. The couple, who now live in Houston, say the judge helped them get their lives together with lenient sentences and advice.

"If he was racist, he wouldn't even be thinking about helping us," Barnett said. "He would have said 'Heck, no, she's married to a black man, I'm not going to help them.'"

When the Senate debates Pickering's nomination, his conservative views—on abortion, federalism, the role of the judiciary and other matters—will be fair game. The judge is quite conservative by most measures, and many people would prefer more moderate or liberal nominees.

But in Mississippi, the notion that Pickering is a racial throwback and a friend to cross-burners doesn't sell.

Pascagoula attorney Richard "Dickie" Scruggs, for example, is a believer in Pickering.

Scruggs is a "mass tort" trial lawyer—the sort who signs up thousands of plaintiffs to join in class-action lawsuits—who was lead litigator in Mississippi's multibillion-dollar tobacco suit.

"Judge Pickering has been in the camp that was considered liberal to moderate in the 1960s," said Scruggs, a Democrat who is also Trent Lott's brother-in-law. "He's a bright jurist and has a moral compass that gives him a real sense of fairness. . . .

"I think he would be a great [appeals court] judge. I just don't know why he would want to go through this process again."

Mr. LOTT. One of the criticisms was, well, the Judge was the intermediary in sending some of the letters of support. I am not going to belabor the point, but as a matter of fact, I have the list of who these people were. They were people he had known for 30 years, former college friends, law school friends, people he practiced law with. It was in the aftermath of the anthrax attack here on the Capitol. The only way he could make sure the letters got to the Judiciary Committee in a timely way was to send them himself. The allegation that there was something inappropriate about that is totally baseless, and it is just the type of thing that has been used against him.

Another allegation is that when he was a State senator he had some relationship with what was then known as the Sovereignty Commission. When he went into the Senate, I think when he was first sworn in, representatives from that organization said they had some concerns about Klan activity with regard to labor unions down in his home county.

He said: Keep me posted.

Seldom do they note the fact that he subsequently voted to abolish the Sovereignty Commission; again, a very frivolous charge. To have your name mentioned 30 years later in a report, that they had some happenstance contact with him, certainly should not be disqualifying.

From all walks of life in Mississippi, people are very much in support of this nomination. He hasn't just been a lawyer and a judge and family man. He has been involved. He helped bring his hometown school through integration. His kids went to the public schools. The first time I saw his son—now a Congressman—CHIP PICKERING, he was playing linebacker for the football team for the Laurel Tornadoes, R. H. Watkins Laurel High School. He was a great athlete on a team that was probably 80 percent African American. They have always been willing to take a stand.

He was head of the local March of Dimes. He headed the local Red Cross. He has been involved in economic development. He has been involved in the Heart Fund, the Drug Education Council, Sunday school teacher, chairman of the deacons, church treasurer, president of the Mississippi Baptist Convention. Some people look at that almost like it is an indictment. It is a great honor for the people of your faith to honor you to head their organization statewide.

He has even been a farmer and was the first president of the National Catfish Farmers Association. I had contact with him then.

President Reagan once wrote in a note where there was a picture of a mother and her son: The apple never falls too far from the tree. The point was, if the child is really an outstanding person, he probably came from a very strong and good tree. True. In this case, there is not a finer young man I know of than Congressman CHIP PICKERING who has labored valiantly to tell the truth about his dad. If you want to get emotional, watch a son work for his father. I think the kind of man CHIP PICKERING is tells you a lot about the father who brought him into the world, along with his mother.

This certainly is an outstanding individual. He had his reputation besmirched a couple of years ago. He has been willing to continue to stand and fight to have the record corrected and to see this through to a conclusion. I hope the Senate will not filibuster this judge. At least give him a direct vote. Or if we have to have a vote on cloture, vote to invoke cloture, and let's move this nomination forward.

There is a real fester developing here in this institution, institutionally and individually. We have to lance it or it is going to demean us as individuals and the institution. We have to stop it. This is the place to do it. This man should be confirmed for the Fifth Circuit Court of Appeals.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDENT pro tempore. The Senator has 11 minutes 9 seconds.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I rise today to talk about a good and brave man from the State of Mississippi, Judge Charles Pickering. I also rise today to talk about a judicial nominating process that is badly broken and out of control. Judge Charles Pickering has been victimized by inaccurate race baiting and political trash talk of the news media, Members of Congress, and Washington's liberal elite. Judge Pickering's critics continue to unfairly label him a racist and segregationist. Nothing could be further from the truth.

Judge Pickering has worked courageously in difficult times—difficult times many in this body could not hope to understand—to eliminate racial disparities in Mississippi and the South. My good friend, former Governor William Winter of Mississippi, a Democrat and one of the South's most respected progressives, came to Washington to support Judge Pickering's nomination. Sadly, Governor Winter's praise and firsthand account of Pickering's true record fell on deaf ears by most Capitol Hill Democrats.

Charles Pickering deserves an up-or-down vote on his nomination, as does another fine nominee who has been treated in the same shameful manner, Justice Janice Rogers Brown of California. On both of these nominees, I fear we are about to cave in once again to the left-leaning special interest groups. These special interest groups, like termites, have come out of the woodwork to denounce Justice Brown simply because she is an African American who also happens to be conservative. Never mind that Justice Brown is intelligent, articulate, chock-full of common sense, and highly qualified to serye on the Federal appeals court. bench. Never mind that in 1998, 76 percent of Californians voted to retain Justice Brown. That is a job approval rating most of us could only dream of.

The special interest groups don't care about any of that. They don't want to hear how qualified Justice Brown and Judge Pickering are, or how much the voters like the job they have done.

No, their only mission is to assassinate these good people's character and to take them down one way or another because they fear they won't cater to their liberal agenda. They are right; they won't. These fine nominees are much too independent and much too intelligent to be held hostage to anyone's extreme agenda. Or as Thomas Sowell wrote of Justice Brown in a column headlined "A Lynch Mob Takes Aim at Judicial Pick":

> What really scares the left about Brown is that she has guts as well as brains. She won't weaken or waver.

So they can publish all the racist cartoons they want and they can demonize Judge Pickering and brutally and callously reduce Justice Brown to tears at her committee meeting. They can sneeringly accuse them both of being outside the mainstream. But President Bush knows and the voters of California and Mississippi know, and the majority of this Senate knows, Charles Pickering and Janice Rogers Brown are not the ones who are outside the mainstream. The ones who are completely out of touch are the special interest groups that have taken this nominating process hostage and those in this body who have aided and abetted their doing so.

Speaking of lynch mobs, my all-time favorite movie is "To Kill a Mockingbird." In the movie's key scene, you may remember, Atticus Finch, a lawyer who is raising two small children, is defending a black man unjustly accused of rape. That lynch mob also tries to take justice into its own hands. Atticus confronts them at the jailhouse door. His daughter Scout joins him and sees that the leader of the mob is someone she knows. She calls to him by name: Hey, Mr. Cunningham. Remember me? You are Walter's daddy. Walter is a good boy. Tell him I said hello.

After a dramatic pause, Mr. Cunningham turns away and says to the mob: Let's go home, boys.

This group, bent on injustice, was turned aside by a small girl who appealed to them as individuals.

My friends in this Chamber, I know you, and I appeal to each of you as individuals, as fathers, mothers, colleagues and friends. Most of you were taught in Sunday school to do unto others as you would have them do unto you. This is not treating someone as you would want to be treated yourself. This extreme partisanship and deliberately planned obstructionism has gone on long enough in this body. I wish we could do away with the 60-vote rule that lets a small minority rule this Chamber and defeat the majority, reversing the rule of free government everywhere: everywhere, that is, except in the Senate.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. MILLER. I hope we can have an up-or-down vote—just an up-or-down vote, Mr. President.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDENT pro tempore. Five minutes.

Mr. HATCH. I ask unanimous consent that there be an additional 10 minutes equally divided with, of course, the same understanding that Senator COCHRAN will be the last to speak for 5 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shan't because I have already spoken about this with the distinguished senior Senator from Utah, but my understanding is this is 10 minutes equally divided on top of whatever time is remaining?

Mr. HATCH. That is right, with the understanding that Senator COCHRAN will be the last to speak for 5 minutes.

Mr. LEAHY. Mr. President, what is the current order—I was off the floor when the order was entered last night—what is the current order on who speaks last?

The PRESIDENT pro tempore. The final 5 minutes is to the majority leader or his designee, and the previous 5 minutes is to the minority leader or his designee.

Mr. LEAHY. It is perfectly all right. I think the Senator from Utah has proposed a very fair proposal. I have no objection.

The PRESIDENT pro tempore. Is there objection? The Chair understands the request is to add 5 minutes to each side.

Mr. HATCH. Right.

The PRESIDENT pro tempore. Under the control of—

Mr. LEAHY. The same way.

The PRESIDENT pro tempore. The same persons controlling the time.

Mr. HATCH. With the understanding that Senator COCHRAN will be given the leader's 5 minutes at the very end of the debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Does the distinguished Senator care to go ahead?

The PRESIDENT pro tempore. There are 35 minutes on the Democratic side and 10 minutes on the Republican side.

Mr. LEAHY. Will the Chair repeat that, please? I didn't hear what the Chair said.

The PRESIDENT pro tempore. There remains 35 minutes to the Democratic side and 10 minutes to the Republican side, 5 minutes added to each side. The Chair reminds the Senators that the last 5 minutes on each side is under the control of the leaders or their designees.

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Georgia, Mr. CHAMBLISS.

Mr. CHAMBLISS. Mr. President, I appreciate the chairman's strong leadership on this issue. I rise in the strong support of the nomination of Charles Pickering to the Fifth Circuit Court of Appeals.

I want to say, first, that I appreciate the honesty, the integrity, and the forthrightness of my colleague from Georgia on every issue, but particularly on this issue. He has been very much out front, and this Senator greatly appreciates his attitude and his dedication to ensuring that quality judges are confirmed to every circuit of the United States and every district of the Federal bench.

I rise with some special appreciation for Judge Pickering's nomination because he is nominated to the Fifth Circuit Court of Appeals.

In 1969, when this Senator became a member of the Georgia bar, Georgia was a member of the Fifth Circuit. So I have been a member of the Fifth Circuit bar since my early days. The Eleventh Circuit was created in 1980. We split off at that time, so I no longer argue cases on a regular basis in the Fifth Circuit.

The Fifth Circuit has been very blessed with a number of great judges. Look at the judges who came from difficult times, such as my very good friend Judge Griffin Bell who, after serving as a member of the Fifth Circuit, came to be Attorney General; Elbert Tuttle, Judge Frank Johnson—any number of judges such as these judges at the district court level—Judge W.A. Bootle. These individuals came through very difficult times and distinguished themselves as judges.

Judge Charles Pickering came through that same very difficult time in the South, a time in the South when race was a very critical and the most forthright issue. Charles Pickering looked the racial issue in the eye and provided the kind of leadership of which every American would be very proud.

As we now consider his nomination to the Fifth Circuit Court of Appeals, I could not be prouder of any individual than I am of the nomination of Charles Pickering. I am going to have a lot more to say about this, but today we have the opportunity to bring this nomination to an up-or-down vote.

I encourage all of my colleagues to give him a vote on the floor of the Senate. Let's put this good man, this good judge on the Fifth Circuit.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator's time has expired.

Mr. HATCH. I yield the remainder of my time to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes remaining—2 minutes remaining.

Mr. HATCH. How much time is remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. ALEXANDER. Mr. President, I come at this differently than the Senator from Mississippi. I don't know Charles Pickering. I have met him briefly only twice. But I care about the Fifth Circuit Court of Appeals. Bridget Lipscomb and I have studied his record diligently.

Nearly 40 years ago, I was a law clerk on the Fifth Circuit for the great Judge John Minor Wisdom. I have been trying to think of something to say to the Members on the other side to help them change their minds on this nomination.

Judge Wisdom was a member of the Federal court that ordered the University of Mississippi to admit James Meredith to Ole Miss. The Fifth Circuit played a crucial role in desegregating the South. Judges Tuttle, Rives, Brown, and Wisdom were real heroes at that time. Crosses were burned in front of their homes. I will have more to say about this, but Judge Pickering is a worthy successor to the court of Judges Wisdom, Tuttle, Rives, and Brown.

While those judges were ordering the desegregation of Deep South schools, while crosses were being burned in front of their homes, Judge Pickering was enrolling his children in those same newly desegregated schools, and Judge Pickering in his hometown was testifying in court against Sam Bowers, the man the Baton Rouge Advocate called the "most violent living racist," at a time when people were killing people based on race.

Many of my generation have changed their minds about race in the South over the last 40 years. That is why the opposition to Judge Pickering to me seems so blatantly unfair. He hasn't changed his mind. There is nothing to forgive him for. There is nothing to condemn. There is nothing to excuse. He was not a product of his times. He led his times. He spoke out for racial justice. He testified against the most dangerous of the cross burners. He did it in his own hometown, with his own neighbors, at a time in our Nation's history when it was hardest to do. He stuck his neck out for civil rights.

Mr. President, will our message to the world be: Stick out your neck for civil rights for Mississippi in the 1960s and then we will cut your neck off in the Senate in 2003, all in the name of civil rights? I certainly hope not.

Charles Pickering earned this nomination. He is a worthy successor to the court of Judge Wisdom, Judge Tuttle, Judge Rives, and Judge Brown.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I understand the time has been used. I know the remarks of the distinguished Senator from Tennessee are much more lengthy. I ask unanimous consent that immediately following the vote, he be given time to finish his remarks.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. What was the request?

Mr. HATCH. That immediately following the vote on Judge Pickering, the distinguished Senator from Tennessee be given time to finish his remarks because he has prepared extensively.

Mr. LEAHY. Would the Senator like to ask for time to finish the remarks now, with the same amount of time given to this side? If my friend from Tennessee wants to finish his speech now, I will ask consent that he be given that amount of time with an equal amount of time added to this side.

Mr. HATCH. That will be fine with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, that is very generous. How much time do I have to finish the speech?

Mr. LEAHY. How much time does the Senator need?

Mr. ALEXANDER. May I ask for 10 minutes?

Mr. HATCH. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. That is with an equal amount of time to our side.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, this will be pushing the time of the vote back to about 10:20, 10:30.

The PRESIDING OFFICER. It will be approximately 55 minutes from now.

Mr. ALEXANDER. Mr. President, I thank the Senator from Vermont and the Senator from Utah for their generosity.

Let me remake my first point. I care about this case because I care about the Fifth Circuit Court of Appeals. Many of the Senators know or knew Judge John Minor Wisdom. They knew what a great judge he was.

They knew what the times were like in the Deep South during the 1960s and 1970s. I remember Judge Wisdom once telling me the Ku Klux Klan had burned a cross in the intersection between his home and that of Congressman Hale Boggs. Judge Wisdom said:

They were getting both of us with one cross burning.

So I set out some time ago, with my staff, to look through the record of Judge Pickering to see what he has done. All the evidence is that Judge Pickering, like Judge Wisdom, like Judge Tuttle, Judge Rives, and Judge Brown, stuck his neck out for civil rights at a time when it was hardest to do. Mississippians know that.

William Winter, with whom I served, a leading former Democrat Governor, a leader for racial justice, strongly supports Judge Pickering. Frank Hunger, who served on that court with me as a law clerk back in the 1960s, President Clinton's Deputy Attorney General, Al Gore's brother-in-law, strongly supports Judge Pickering. I have lived in the South for a long time, about the same amount of time as Judge Pickering. I have learned to tell those who are racists, those who stood silently by, and those who stuck their necks out.

Let me invite my colleagues to go back with me to Mississippi, to the late 1960s. James Meredith had become the only Black to graduate from the undergraduate school at Ole Miss. Reuben Anderson, who has endorsed Judge Pickering, had become the first Black graduate of the Ole Miss Law School.

In Nashville, where I went to school at Vanderbilt, the first integrated class had just graduated from Vanderbilt University. Robert Clark became the first black elected to the Mississippi Legislature since the Reconstruction.

It was not until 1968, that the first blacks were permitted to participate in intercollegiate athletics at the University of Florida and Georgia and Tennessee and other Southeastern Conference schools.

The law had changed but there were still plenty of "colored only" signs on restroom doors in plenty old southern cities during the late 1960s. Martin Luther King was murdered in Memphis during 1968. Alabama Governor George Wallace won the Democrat primary for president in 1976 in Mississippi, and in Boston, Massachusetts.

Perhaps my colleagues saw the movie, "Mississippi Burning." That was about events during 1967 in Mississippi. Civil rights workers Goodman, Schwerner, and Chaney were murdered. They were picked up by three carloads of Klansmen, shot and their bodies were buried in a 15-foot earthen dam. In 1967, seven men were convicted of federal conspiracy charges, eight were acquitted and three received mistrials. At the time, the state of Mississippi refused to file murder charges. To this day, no one has ever been tried for those murders.

Wes Pruden, a young reporter at the time, told me he went to a Mississippi courtroom and everybody in the courtroom except the judge had a button on that said "Never." That was the environment in which Charles Pickering was living in Laurel, Mississippi in Jones County in the late 1960s.

Blacks were just beginning to serve on juries. A few Blacks voted. Schools were being desegregated one grade at a time starting with the lower grades so that older children would have less opportunity to interact socially. Race was not a theoretical issue in Laurel in the late sixties, or even a political issue. People were killing people based on race in the late 1960s in Jones County, MS.

The White Citizens Council, a group of white collar, non-violent segregationists was the country club version of resistance to integration in Laurel. Klan members were known at that time in Laurel for putting on their white robes, opening up their bibles, building a bonfire in a pasture, crossing a sword and a gun over a bible, and proceeding to burn down the home of a black person. The KKK in Laurel shot into homes and beat blacks over the head with baseball bats. One did not speak out lightly against the Klan because its members could very well be your neighbor or your co-worker.

The Klan infiltrated law enforcement departments and juries. The Klan put out fliers instructing residents not to cooperate with the FBI on cases.

Laurel was Klan territory. It was the home of Sam Bowers. Bowers had created the White Knights of the Ku Klux Klan because he believed that the regular KKK was not violent enough. The Klan was out to resist integration, but that was not enough for Sam Bowers. The White Knights set out to oppose racial integration "by any means necessary."

Since 9/11 we have heard a lot of talk about terrorists. This is not the first time we have seen terrorists in America. We had terrorists then. Sam Bowers and the White Knights of the Ku Klux Klan in Laurel, MS, were the terrorists of the 1960s. The FBI said the White Knights were responsible for at least 10 killings then. The Times of London said Bowers himself was suspected of the orchestration of 300 bombings.

According to the Baton Rouge Advocate, Sam Bowers was "America's most violent living racist."

Charles Pickering made public statements condemning Klan violence. He worked with the FBI to prosecute and stop Klan violence. In the late 1960s, Bowers came up for trial for the murder of the slain civil rights worker, Vernon Dahmer, and Judge Pickering testified publicly against Bowers.

I ask unanimous consent to submit for the record two documents. The first is a Klan newsletter from 1967 criticizing Pickering for cooperating with the FBI. The second is Bowers' own Motion for Recusal filed in Federal court, asking Pickering to remove himself from hearing a case involving Bowers because of Pickering's previous testimony against Bowers and taking credit for defeating Judge Pickering in a statewide race for attorney general.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Citizen-Patriot]

A Newsletter Dedicated to Truth and the Christian Civilization

"*Where the Spirit of the Lord is, there is Liberty.*—2 Corinthians 3:17.

When in the course of human events it becomes necessary for the Truth to be told concerning massive animal corruption in Public Office, it is the Duty of the Public Press to inform the Citizens. Unfortunately for the citizens of Jones County, J.W. West, the Chief-Communist Propagandist, not only refuses to tell the Truth, but actually takes a leading part in the direction of the evil public corruption which is strangling liberty in America. The Responsibility to Truth must there be filled by the Citizens themselves. These are the Publishers and Distributors of the Citizen-Patriot.

PUBLIC OFFICE IS A PUBLIC TRUST

Its successful administration requires from its Officials a Fear of God, rather than a fear of men, and those Officials who serve justly must be ambitious for the Glory of the Heavenly Father rather than ambitious for their own personal advancement or the advancement of some device to which they have a vested attachment. Our Father has promised and amply demonstrated that He will prosper a Nation whose Officers serve Him. And, conversely, He will wreak vengeance and punishment upon a Nation whose officers are self-serving men pleasures. All citizens owe a high Duty to law and government, but all men owe a higher duty to our Heavenly Father, the Author of Truth and Liberty.

LET FACTS BE SUBMITTED TO A CANDID POPULATION

The Base of the Political Corruption which is sweeping our Beloved Land of America lies in the Establishment of a National Police Bureau, which brings pressure to bear upon local officials. By a calculated means of Fear and Lust for Reward, this Beast of Satan directs its pressure in such a way that the local government is, in fact, woed against the local citizens and their local interests.

The honest citizens of Jones County have recently been defrauded by certain officials in an outstanding and clear-cut example of the above, whereby the Spirit of the Law was frustrated under the Color of the form and letter of legality by the clever manipulations of Chet Dillard and Charles Pickering. Fortunately, this pair were not completely successful in their attempt to pervert justice in the Circuit Court. By the cunning use of their official positions for personal benefit they were able to operate their evil before the Honorable Grand Jury; but the Honorable Trial Jurors in the Roy Strickland case saw through their scheme, and struck a blow in favor of Justice by returning a verdict of "Not Guilty."

Praise be the Blessed Name of the Heavenly Father, The Guardian of our Liberty Whose Holy Word is the only Truth and Anchor in a stormy world ruled by evil men operating under color of Law

The honest facts regarding the Roy Strickland Case are as follows:

In the late summer of 1965 a series of wholesale arrests were made in Jones County with regard to a car theft ring. These arrests were made by local officials at the urging of

FBI Special Agent Bob Lee of Laurel, Miss. Lee, following standard FBI practice, misrepresented the amount of evidence which he had regarding the car thefts, and deceived the local officials in order to get them to make a larger number of arrests than his evidence would warrant. Bob Lee's motive in this was not so much to convict anyone with regard to the car thefts, but rather to bring additional underworld characters under FBI control where they could be used for criminal action and as stool pigeons. Roy Strickland was Bob Lee's chief target in this regard. After being arrested in the late summer of 1963, Strickland was allowed and easy bond and released. Strickland was eventually arrested and indicted (and released without bond in two instances) on five separate counts of car theft which alleged to have occurred during August and September of 1965. The arrests and indictments for these offenses spanned a period form September 1963 through March 1966. At no time prior to April of 1967, however, did Dillard or Pickering make an attempt to prosecute Roy Strickland on any of these cases. They were all continued from time to time and from term to term in the Circuit Court of Jones County at the request of the prosectution. Strickland was allowed to walk out of the courtroom without even making bond on two of the indictments until early in 1967. Then, on short notice, the oldest of the five cases was quickly called up for trial on April 22, 1967.

Why? the sudden change of attitude on the part of Messers. Dillard and Pickering from that of a relaxed indulgence for a year and a half to that of a sudden, vicious persecution of Roy Strickland on charges that were nothing more than frame-ups in the first place? Let's look into the Hidden Truth which the Communist, J.W. West is trying to conceal from the citizens of Mississippi.

was out on bond doing work on oil rigs in Louisiana in January of 1966 when he was contacted by Ford O'Neil. O'Neil advanced a proposition to Strickland asking him to help the State Investigators and the FBI in some work to kidnap and torture a confession out to Lawrence Byrd on the Dahmer case. Ford O'Neil promised Ray Strickland that in exchange for this work, the FBI and State Investigators would pressure Chet Dillard not to prosecute Strickland on the car thefts. Strickland agreed to assist in the Lawrence Byrd kidnap and torture, and brought in Jack Watkins, another ex-convict, who at that time was wanted for burglary and armed robbery in the Coast area. Jack Watkins was also promised immunity from his crimes by the State Investigators and FBI agents. Later, Roy Strickland, Jack Watkins, Ford O'Neil, MHSP, Steve Henderson, NHSP, Roy K. Moore, Chief Special agent, FBI, and Bill Dukes, Gulfport Special agent, FBI, got together to make final plans and arrangements for the actual kidnapping and torture of Lawrence Byrd. To show "good faith" Roy Moore gave Ford O'Neil a hundred dollars, and Ford passed it over to Roy Strickland to bind the deal. Several days later Strickland, Watkins and several others did carryout the actual kidnap and torture of Lawrence Byrd. The FBI men stood in the bushes out of sight and directed Byrd's statements while Watkins tortured Byrd. This was the confession which resulted in the arrest of a dozen or so innocent white men in the Dahmer case.

At first, it seemed that the evil plot of the FBI would succeed. J.W. West was giving them massive doses of propaganda in order to convince the men before the ever entered the courtroom and to the general public they were looking like "Lynden's Little Angels." But there was a cloud on the horizon. The plot started coming to pieces when Strickland was arrested on a drunk charge early in 1967 in Jones County. FBI Chieftan, Roy K. Moore, was getting worried about Strickland, as was Ford O'Neil. They wanted him to stay out of Jones County until after the Dahmer case was tried. Strickland was worrying them by coming back to Jones County at frequent intervals and going on drinking sprees. All during 1966 rumors had been circulating in Laurel that Strickland knew something about the Lawrence Byrd kidnap-torture, and there was an ever-present danger that Strickland might reveal the whole thing to the wrong person during one of his binges. Roy K. Moore could not rest easy as long as Roy Strickland was in Jones County, whether in or out of jail, but it was finally agreed that it was better to leave Strickland in jail, and try to ease him off to Parchman, even if it meant double crossing him.

However, Strickland began to realize that the FBI was trying to use everybody against everybody, and then betray everybody for the sole benefit and advancement of the FBI. Strickland then decided to tell the truth and take his chances in open court. He contacted the defense attorneys in the Dahmer case and gave them the full facts about the FBI-engineered kidnap and torture of Lawrence Byrd. This, and much other supporting evidence was turned over to Chet Dillard in order to obtain a just indictment for kidnapping against Roy K. Moore, Bill Duke, Ford O'Neil, Steve Hendrickson and Jack Watkins. When first given the evidence, Dillard appeared to be interested in enforcing the law without fear or favor, but when the proper FBI pressure was applied to him he caved in like a ripe watermelon, and defended the FBI men before the Grand Jury, and worked against the indictment, using trickery, lies and deceit to hobble the work of the Honest Jurors. (The District Attorney is permitted to lie to the jurors because he is not under oath, all witnesses must testify under the oath.)

The FBI is desperately trying to suppress the truth in this case (just as they did in the Kennedy assassination) and Dillard and Pickering are Helping the FBI to conceal its crime against the people of Jones county. Roy K. Moore, Chief special Agent of the National Police Bureaucracy in Mississippi is a highly trained, brilliant, self-serving savage. The American Government means nothing to him, beyond its mechanical ability to collect taxes from honest working people, and then pay money back to him in the form of a large, comfortable, unearned salary, and present him the power and prestige of an official ruler over mankind. Roy K. Moore is a criminal who was smart enough to acquire an education and an official position BEFORE he began to prey upon the honest and productive members of the community. Now, he will, like any other criminal, threaten, beat, rob, torture, persecute and kill anyone who interferes with the advancement of his personal career, which, to him, is the "whole of the law." Truly, it may be said that these highly trained criminals of the National Police Bureaucracy are the most dangerous animals upon the face of the earth.

Understandably, weaklings such as Dillard and Pickering are afraid of the FBI, but they should realize that Public Service in America requires a Personal Sacrifice on the part of the officeholder, and that the purpose of Law in America, is Equal Justice, rather than the protection of official Bureaucratic Criminals.

Whatever his past, Roy Strickland was working on an honest job when the FBI enticed him to kidnap Lawrence Byrd. Whether or no he stole the car? He is charged with, there is little or no real evidence against him in any of them to establish his guilt. But the Supreme Injustice of the whole business is that he is being persecuted by Chet Dillard not for car theft, or contempt, or perjury, but because he told the Truth about the FBI kidnapping and torturing a "confession" out of Lawrence Byrd. Thanks to the Infinite Mercy of the Heavenly Father, the people of Jones County understand the purpose of the Law better than their Public Officials. We respectfully invite the loyal citizens of Jones County to return to the polls on Aug. 8, 1967, and have Then and There this WRIT.

[From the Citizen Patriot]

In times past, this publication has repeatedly alerted the citizens of Jones County to the danger to Life, Liberty and Property, which is posed by the continued operation of a communist newspaper under the director of the evil J.W. West.

Violence and anarchy always follow in the wake of atheists and materialistic economic claptrap which communists preach, and Laurel is no exception.

Freedom of the Press is predicated upon the press telling the truth. But, of course, West is interested in centralized power and control of the population, so he is not going to print the truth about what is going on in the Circuit Court of Jones County.

District Attorney Chet Dillard and Charles Pickering have been furnished with positive proof concerning the kidnap and beating of Lawrence Byrd in January of 1966 in Laurel, but they will not bring these facts before the Grand Jury. The facts show the following:

1. Lawrence Byrd was kidnapped under the direction of the F.B.I., with collaboration by Mississippi State Highway Patrol investigators and assistance of ex-convicts and wanted felons. The convict felons were hired and paid by the F.B.I. and promised immunity by the state investigators in order to get them to kidnap and torture Byrd.

2. The motive for the kidnap was to beat and torture Lawrence Byrd into confessing to the Dahmer incident and force him into implicating a large number of other men who are politically opposed to dictatorship. This was to enhance the prestige of the F.B.I. as an investigative organization, and to frighten the citizens of Jones County and Mississippi into submitting to dictatorship.

3. The men who arranged and conducted the Byrd kidnap were: Roy Moore, F.B.I.; Bill Dukes, F.B.I.; Steven Henderson, M.H.P.; Ford O'Neil, M.H.P.; Jack Watkins, convict felon, Roy Strickland, convict felon, and others. Dillard and Pickering have sworn affidavits in their possession, but they refuse to do their duty and present the whole body of evidence to the Jones County Grand Jury. They offer as their lame excuse that "too many important persons are involved."

Since when has the LAW been a respecter of persons?

It is high time that we found out the real truth about the American Gestapo, the F.B.I. If some "important persons" get hurt by truth that is just too bad. They are a disgrace to law enforcement.

How about 15 innocent men being thrown into Federal Prison just because they have been a political embarrassment to the police dictators and J.W. West?

How about a Laurel citizen and businessman being kidnapped and tortured into confession something he had not done?

Are you going to enforce the law without fear or favor, Messrs Dillard and Pickering, or are you going to crawl and whine at the feet of the unconstitutional national police bureaucracy? Are you going to do your duty and arrest Jack Watkins or are you going to continue to try and confuse, mislead and manipulate the Grand Jury?

Why were Dillard and Pickering so anxious to persecute old Buck, who only stole a few hundred dollars, yet so reluctant to indict the F.B.I. criminals who are stealing the life and liberty of the whole country. Which way is the money moving now?

In the United States District Court For the Southern District of Mississippi, Hattiesburg, Mississippi

Sam Bowers, Katie Perrone, Michelle O'Hara, Jeff Rexroad, and Shawn O'Hara (Plaintiffs), vs. Mike Moore and the State of Mississippi (Defendants).

MOTION FOR RECUSAL

Comes now Shawn Richard O'Hara, on his behalf, and on the behalf of Sam Bowers, Michelle O'Hara, and Jeff Rexroad, asking that both Judge Charles Pickering and the honorable magistrate who is handling this civil action to remove themself as a result of some or all of the reasons listed below.

1. Both men live in Mississippi and cannot fairly hear this case, since said plaintiffs claim Mississippi has no legal state constitution, thus meaning that if either of the said judge or magistrate was licensed to practice law in said state, since there is, and was no legal state constitution, said judge and/or magistrate may not be legally licensed to practice law.

2. Specifically Judge Pickering has personally prejudiced himself against Sam Bowers by testifying against him in one of Mr. Bowers state hearing, saying Sam Bowers was an "undesirable individual."

3. Specifically Judge Pickering has prejudiced himself against Shawn O'Hara, by tainting this court document, and cannot prove Shawn O'Hara has ever filed four frivolous federal lawsuits. Therefore, the said judge has openly, intentionally, and unfairly lied against Shawn O'Hara, even though the Bible says "thou shall not lie." (See Exhibit A.)

4. In conclusion, since both Judge Charles Pickering and the honorable magistrate both live in Mississippi (a state in which its state constitution is asserted to be illegal), and because both men work together, and because Shawn O'Hara is asserting Judge Charles Pickering has been an unfair judge handling this matter, and that the said judge will never be a fair judge in a case which Sam Bowers and/or Shawn O'Hara is a part of such a case, both Judge Pickering and the federal court's magistrate are asked to remove themself from said case.

CONCLUSION

It is prayfully requested of this court, that a new federal court judge and magistrate be appointed from a northern state, or from a western state, since a southern judge will not fairly hear the issue that the State of Mississippi is operating under an illegal constitution of 1890, which all state officials are asked to swear to it, and uphold it, even though it was never ratified, voted on by the people of the State of Mississippi.

Respectfully submitted by: on behalf of Shawn Richard O'Hara, Sam Bowers, Michelle O'Hara, and Jeff Rexroad.

V. It is a well-known fact, Charles Pickering was defeated in his personal race for federal office against Thad Cockran, because Sam Bowers and his thousands of supporters throughout Mississippi worked very hard to defeat Pickering in that political race.

VII. It is a well-known fact that Sam Bowers' friends helped defeat Charles Pickering, Sr. when he ran against Bill Alian for Attorney General of the State of Mississippi.

[From Byron York, NR White House Correspondent, Jan. 9, 2003]

The Cross Burning Case: What Really Happened

In their renewed attacks on Bush appeals-court nominee Charles Pickering, Democrats have focused on Pickering's rulings in a 1994 cross-burning case. Accusing Pickering of "glaring racial insensitivity," they charge that he abused his powers as a U.S. District Court judge in Mississippi to give a light sentence to a man convicted of the crime. "Why anyone would go the whole nine yards and then some to get a lighter sentence for a convicted cross burner is beyond me," New York Democratic Sen. Charles Schumer said Wednesday. "Why anyone would do that—in 1994 and in a state with Mississippi's history—is simply mind-boggling."

But a close look at the facts of the case suggests that Pickering's actions were not only not mind-boggling but were in fact a reasonable way of handling a difficult case. Here is what happened:

The crime took place on January 9, 1994. Three men—20-year-old Daniel Swan, 25-year-old Mickey Herbert Thomas, and a 17-year-old whose name was not released because he was a juvenile—were drinking together when one of them came up with the idea that they should construct a cross and burn it in front of a house in which a white man and his black wife lived in rural Walthall County in southern Mississippi. While it is not clear who originally suggested the plan, it is known that the 17-year-old appeared to harbor some sort of hostility toward the couple; on an earlier occasion, he had fired a gun into the house (no one was hit). Neither Swan nor Thomas was involved in the shooting incident.

The men got into Swan's pickup truck, went to his barn, and gathered wood to build an eight-foot cross. They then drove to the couple's house, put up the cross, doused it with gasoline, and set it on fire.

Because the case involved a cross burning covered under the federal hate-crimes statute, local authorities immediately brought in investigators from the Clinton Justice Department's Office of Civil Rights. After the three suspects were arrested in late February, 1994, lawyers for the civil-rights office made the major decision in prosecuting the case.

In a move that baffled and later angered Judge Pickering, Civil Rights Division prosecutors early on decided to make a plea bargain with two of the three suspects. The first, Mickey Thomas, had an unusually low IQ, and prosecutors decided to reduce charges against him based on that fact. The second bargain was with the 17-year-old. Civil Rights Division lawyers allowed both men to plead guilty to misdemeanors in the cross-burning case (the juvenile also pleaded guilty to felony charges in the shooting incident). The Civil Rights Division recommended no jail time for both men.

The situation was different for the third defendant, Daniel Swan, who, like the others, faced charges under the hate-crime statute. Unlike the others, however, Swan pleaded not guilty. The law requires that the government prove the accused acted out of racial animus, and Swan, whose defense consisted mainly of the contention that he was drunk on the night of the cross burning, maintained that he simply did not have the racial animus necessary to be guilty of a hate crime under federal law.

The case went to trial in Pickering's courtroom. During the course of testimony, Pickering came to suspected the Civil Rights Division had made a plea bargain with the wrong defendant. No one questioned the Justice Department's decision to go easy on the low-IQ Thomas, but the 17-year-old was a different case. "It was established to the satisfaction of this court that although the juvenile was younger than the defendant Daniel Swan, that nevertheless the juvenile was the ring leader in the burning of the cross involved in this crime," Pickering wrote in a memorandum after the verdict. "It was clearly established that the juvenile had racial animus. . . . The court expressed both to the government and to counsel for the juvenile serious reservations about not imposing time in the Bureau of Prisons for the juvenile defendant."

In addition to the 17-year-old's role as leader, there was significant evidence, including the fact that he had once fired a shot into the mixed-race couple's home, suggesting that he had a history of violent hostility to blacks that far outweighed any racial animosity felt by Daniel Swan. Swan had no criminal record, and seven witnesses testified that they were not aware of any racial animus he might have held against black people. On the other hand, one witness testified that he believed Swan did not like blacks, and Swan admitted under questioning that he had used the "N" word in the past. In the end, Swan was found guilty—there was no doubt that he had taken an active role in the cross burning—and the Justice Department recommended that he be sentenced to seven and a half years in jail.

At that point, the Justice Department had already made a no-jail deal with the 17-year-old. When it came time to sentence Swan, Pickering questioned whether it made sense that the most-guilty defendant got off with a misdemeanor and no jail time, while a less-guilty defendant would be sentenced to seven and a half years in prison. "The recommendation of the government in this instance is clearly the most egregious instance of disproportionate sentencing recommended by the government in any case pending before this court," Pickering wrote. "The defendant [Swan] clearly had less racial animosity than the juvenile."

Compounding Pickering's concern was a conflict between two federal appeals-court rulings over the applicability of a statutory mandatory minimum sentence to the case. The Justice Department insisted that Swan be sentenced to a minimum of five years under one statute and two and a half years under a separate law. Pickering doubted whether both were applicable to the case and asked Civil Rights Division lawyers whether the same sentencing standards were used in cases in other federal circuits. The prosecutors said they would check with Washington for an answer.

Pickering set a sentencing date of January 3, 1995. As the date approached, he waited for an answer from the Justice Department. He asked in November, 1994 and received no response. He asked again in December and received no response. He asked again on January 2, the day before the sentencing, and still received no response. He delayed sentencing, and on January 4 wrote a strongly-worded order to prosecutors demanding not only that they respond to his questions but that they take the issue up personally with Attorney General Janet Reno and report back within ten days.

Shortly after issuing the order, Pickering called assistant attorney general Frank Hunger, a Mississippian and friend of Pickering's who headed the Justice Department's Civil Division at the time (Hunger was also well known as the brother-in-law of vice president Al Gore). Pickering says he called Hunger to express "my frustration with the gross disparity in sentence recommended by the government, and my inability to get a response from the Justice Department in Washington." Hunger told Pickering that the case wasn't within his area of responsibility. It appears that Hunger took no action as a result of the call. (Hunger later supported Pickering's nomination to the federal appeals courts.)

Finally, Pickering got word from Civil Rights Division prosecutors, who said they had decided to drop the demand that Swan be given the five-year minimum portion of the recommended sentence. Pickering then sentenced Swan to 27 months in jail. At the sentencing hearing, Pickering told Swan, "You're going to the penitentiary because of what you did. And it's an area that we've got to stamp out; that we've got to learn to live, races among each other. And the type of conduct that you exhibited cannot and will not be tolerated . . . . You did that which does hinder good race relations and was a despicable act . . . . I would suggest to you that during the time you're in the prison that you do some reading on race relations and maintaining good race relations and how that can be done."

So Swan went to jail, for a bit more than two years rather than seven. Every lawyer in the case—the defense attorneys, the prosecutors, and the judge—faced the difficulty of dealing with an ugly situation and determining the appropriate punishment for a bad guy and a somewhat less-bad guy. Pickering, who believed the Civil Rights Division went too easy on the 17-year-old bad guy, worked out what he believed was the best sentence for Daniel Swan. It was a real-world solution to the kind of real-world problem that the justice system deals with every day. And it was the end of the cross-burning case until Pickering was nominated by President Bush to a place on the Fifth Circuit Court of Appeals.

[From Byron York, NR White House Correspondent, Jan. 13, 2003]

THE CROSS-BURNING CASE: WHAT REALLY HAPPENED, PART II

After the publication last Thursday of "The Cross Burning Case: What Really Happened," readers have asked follow-up questions about the 1994 trial that Democrats cite to accuse federal-appeals-court-nominee Charles Pickering of "racial insensitivity." New York Sen. Charles Schumer and others charge that Pickering, a U.S. District Court judge in Mississippi who has been nominated for a place on the Fifth Circuit Court of Appeals, abused his powers to win a light sentence for a man convicted of burning a cross in the front yard of a mixed-race couple. Here are some of the questions that have been asked about the case, along with answers based on the best available information:

Why did the Clinton Justice Department give a no-jail misdemeanor plea bargain to the 17-year-old defendant—who was the ringleader in the crime, who appeared to be motivated by racial hatred, and who had on an earlier occasion fired a shot into the home of the mixed-race couple—while demanding that the other defendant, Daniel Swan—who was not the ringleader, who apparently did not share the 17-year-old's racial animus, and who had no role in the shooting incident—be sent to jail for seven and a half years?

The answer is not entirely clear; the Justice Department's prosecution memos and other internal deliberation documents are confidential, and no one who was involved in the prosecution has publicly explained the department's motives. but there is enough publicly available evidence to suggest a few conclusions. First, and most obviously, the 17-year-old agreed to plead guilty, which often helps a defendant receive a reduced sentence. (It's not clear why the Justice Department dealt with the 17-year-old as a juvenile; given the seriousness of the crime, he could have been treated as an adult.) Swan did not agree to plead guilty. While he never denied that he took part in the cross burning, he did deny that he acted out of racial animus, which is required for a heavy sentence under the federal hate crimes statute. He chose to take his chances at trial, and was convicted. At that point, there was no question he would go to prison. Pickering felt strongly that Swan should serve time, but he believed that seven-and-a-half years was too long, in light of the leniency given to the 17-year-old and the other circumstances of the case (discussed below).

Another possible explanation for the easy treatment given to the 17-year-old is that the no-jail plea offer was made by the United States Attorney's Office in Mississippi (and accepted by the defendant) before all the facts of the case were known. The government's insistence on a mandatory minimum seven-and-a-half year sentence for Swan came later, after lawyers from the Justice Department's Civil Rights Division became involved. While they wanted a stiff sentence for Swan, it appears that the Civil Rights Division lawyers also realized that letting the 17-year-old off with no jail had been a mistake. In a February 12, 2002 letter to Republican Sen. Orrin Hatch, Pickering cited the transcript of an open court session in which he told Civil Rights Division lawyer Brad Berry that he felt the Swan case was an example of disparate sentencing. Berry answered, according to the transcript cited by Pickering, that, "Perhaps the lesson—the lesson that I take from that, your Honor, is that perhaps the government should have been more tough—should have asked for a more stringent or stronger or longer sentence for the other defendants in this case."

There are also some indications that at least one Justice Department lawyer involved in the case agreed with Pickering that the department's sentencing demand for Swan was too severe. In a January 5, 1995 memo to Linda Davis, who was head of the criminal section of the Civil Rights Division, federal prosecutor Jack Lacy recounted several sessions with Pickering on the Swan issue (memo was made public as part of Pickering's confirmation hearings.) "The impulse to the conversation is always the same," Lacy wrote. "He thinks the sentence facing Swan is draconian, and he wants a way out. He has been careful to phrase his concern in such terms as, 'I wish you could suggest some way that this harsh sentence could be avoided.'" Later in the letter, Lacy wrote that he "personally agreed with the judge that the sentence is draconian," but said he also reminded Pickering that Swan could have pleaded guilty but instead, "the defendant repeatedly chucked our offers in our teeth."

Finally, as the last few words of that passage suggest, it is possible that Swam—and the whole vexing case—simply made prosecutors mad. They could not undo the damage they had done by letting the 17-year-old off with no jail time, but they could compensate by meting out heavy punishment to Swan.

How did Pickering know that the 17-year-old harbored the racial animus required for a severe sentence under the hate crime statute, while Swan did not?

The first and clearest reason is the earlier incident in which the 17-year-old had fired a shot into the home of the mixed-race couple in whose yard he and Swan would later burn the cross. (The Justice Department allowed the 17-year-old to plead guilty to a felony in that incident, all as part of the no-jail plea bargain.) Swan had nothing to do with that shooting, and had no criminal record. The other evidence of racial animus came out during the sentencing phase of the trial—well after the government had agreed to the juvenile's guilty plea. This is how Pickering explained it in his February 12, 2002 letter to Hatch:

"At sentencing . . . courts must also take into account evidence of the defendant's history. This is where the breadth of disparity in racial animus between the 17 year-old and Swan became clear. While the 17 year-old and Swan had both used the "N-word" previously, the 17 year-old's own grandmother stated that he did not like "blacks" and his own mother stated that he "hated N - - - - s." (Emphasis added.) In contrast, seven witnesses and Swan's mother stated that he had no racial animus; only one witness stated that Swan did not like African Americans, and this was disputed. Further, the 17 year-old had acted on his "hate" by fighting with African Americans at school, resulting in his suspension. Swan had neither fought with African Americans nor been suspended for any racial incident. Moreover, the 17 year-old had shot a firearm into the home of the mixed-race couple in whose yard the cross was later burned and bragged about "shooting at some N - - - - s." Swan had never shot at or into the home of African Americans, or anyone else. In short, even though both participated in the heinous crime, the 17 year-old defendant also had a history of escalating violence motivated by the racial hatred that culminated in his participation in the cross burning, while Swan did not."

Was Pickering's communication with the Justice Department improper?

At Pickering's second confirmation hearing, North Carolina Democratic Sen. John Edwards accused him of violating the Code of Judicial Conduct by calling top Justice Department official (and fellow Mississippian) Frank Hunger to discuss the Swan case. In that call, Pickering expressed his frustration with the Justice Department's position; Hunger told Pickering the case wasn't within his area of responsibility, and the two men ended the conversation.

The section of the Code to which Edwards referred is a rule intended to prevent judges from making secret deals with one side or another in a case. It says: "A judge should . . . neither initiate nor consider exparte communications on the merits, or procedures affecting the merits, of a pending or impending proceeding." Pickering explained to the Judiciary Committee that he had previously discussed his concerns at length with both sides in the Swan case and that the call to Hunger was a "follow-up" to see if the Justice Department was going to respond to his questions about the sentencing. None of that, he explained, touched on the merits of the case, and thus the call was not improper.

In addition, last February, Hunger, a lifelong Democrat who also happens to be Al Gore's brother-in-law, wrote a letter to the Judiciary Committee saying, "I think it appropriate that it be known that I have little or no recollection of the call. The significance of this to me is that had I felt at the time that there was anything inappropriate or improper about Judge Pickering's call I would most assuredly remember it today." Continuing, Hunger told the committee, "I have known Judge Pickering for nearly thirty years and have the utmost respect for him as a fair-minded judge who would never knowingly do anything improper or unethical.;;

Had Pickering ever shown similar concerns about heavy sentencing of other defendants, particularly African Americans, in cases that had nothing to do with race?

On March 14, 2002, at the Judiciary Committee meeting in which Democrats killed the Pickering nomination, Sen. Edward Kennedy suggested that Pickering practiced a selective form of leniency—that he went easy on a racist cross burner and tough on everybody else, including blacks convicted of crimes in his court. One week later, on March 21, Pickering sent Hatch a letter in which he said."I have consistently sought to keep from imposing unduly harsh penalties on young people whom I did not feel were hardened criminals." (Swan was a first-time offender.) Pickering went on to describe several cases in which "departed downward,' that is, reduced the sentences of first-time offenders from the mandatory minimums required by law.

"One case involved a 20-year-old African American male who faced a mandatory minimum five year sentence," Pickering wrote. "I departed downward to 30 months. I also recommended that he be allowed to participate in the intensive confinement program which further reduced his sentence." Pickering also described the case of a 58-year-old black man who faced a five-year mandatory sentence, plus a minimum of 46 months for a separate drug charge. Pickering again sentenced the man to 30 months. In two other cases, he threw out any jail time for men who faced prison terms of 18 and 40 months, respectively. Both defendants were black. "I have departed downward in far more cases involving African Americans than I have in cases involving white defendants," Pickering wrote.

Pickering sent Hatch the names of the cases, the case numbers, letters from the defense lawyers involved, and the phone numbers of people to call to check his account of his sentencing practices. Of course, by that time, Democrats on the committee had already killed his nomination on a straight party-line vote.

[From the Atlanta Journal-Constitution, Mar. 9, 2003]

The Cross-Burning Trial, Judge's Handling of One Case Gave His Critics Ammunition

(By Bill Rankin)

Charles Pickering has heard hundreds of legal arguments and handed down thousands of rulings, but his judicial reputation hangs almost entirely on one explosive case.

In 1994, the federal judge put extraordinary pressure on federal prosecutors to slash the sentence of Daniel Swan, a man who had burned a cross outside an interracial couple's home in rural Mississippi. Democrats and liberal interest groups have hammered Pickering with the case, branding him as racially insensitive and unfit to serve on a federal appeals court.

"Why anyone would go the whole 9 yards, and then some, to get a lighter sentence for a convicted cross-burner is beyond me," Sen. Charles Schumer (D-N.Y.) said during a hearing on Pickering's first appeals court nomination last year. "Why anyone would do that in 1994, and in a state with Mississippi's sad history of race relations, is simply mind-boggling."

But a review of the case by The Atlanta Journal-Constitution, part of the newspaper's broad look at Pickering's record on the bench, finds that the judge apparently acted out of a concern for fairness. Two cross-burning co-defendants, including the purported ringleader, had received far lighter sentences than Swan, and Pickering saw that as unjust.

Prosecutors would have no reason to sympathize with the judge, as it was the stiff sentence they sought that the judge was attacking. Yet an internal Justice Department account of a closed-door meeting held by Pickering shows the judge deeply troubled by the sentencing disparity.

At the same time, the Justice Department memo, written by a lawyer in the case, lends at least some support to the charges of Pickering's opponents. It depicts the judge worrying about how a harsh sentence on Swan would play in the community—presumably the white community—a factor that should be irrelevant to the pursuit of justice.

In the case, two men and a 17-year-old boy were out drinking on the night of Jan. 9, 1994. They set fire to an 8-foot-tall cross outside the Improve, Miss., home of a white man and his African-American wife.

Two defendants—Mickey Herbert Thomas and the juvenile—pleaded guilty to federal civil rights charges. Following recommendations from prosecutors, Pickering sentenced both to probation with home confinement. As it turned out, the 17-year-old was likely the instigator, who would later admit to firing a shot through the interracial couple's window.

The final defendant, Swan, 20, went to trial. He admitted being at the scene but said he was not there out of racial animosity. The jury found otherwise, convicting him on three counts. Federal prosecutors then asked Pickering to sentence Swan to 7½ years in prison.

Pickering strongly criticized the sentencing disparity. He persuaded prosecutors to drop one count in order to void one conviction that required a five-year mandatory sentence. Pickering eventually sentenced Swan to two years and three months in prison.

FAITH IN JUSTICE "DESTROYED"

That move troubled Brenda Polkey, one of the victims of the cross-burning incident. Last year, she wrote to the Senate Judiciary Committee in opposition to Pickering's appeals court nomination, fueling the Democrats' attack.

Polkey, who had lost a family member to a racial killing, said she had "experienced incredible feelings of relief and faith in the justice system" when a predominantly white jury convicted Swan.

"My faith in the justice system was destroyed, however, when I learned about Judge Pickering's efforts to reduce the sentence of Mr. Swan," she wrote. "I am astonished that the judge would have gone to such lengths to thwart the judgment of the jury and to reduce the sentence of a person who caused so much harm to me and my family."

The AJC review of the judge's rulings, however, shows that Pickering—like many other federal judges who face rigid U.S. sentencing rules—has gone out of his way many times to reduce prison sentences in cases where he thought the result would be unreasonable. And many of the defendants who benefited are black.

William Moody, an African-American drug defendant, was arrested in 2000, seven years after his indictment. Authorities could not find him because he was living in New York, holding a steady job and supporting his family. Upon learning about Moody's apparent turnaround, Pickering delayed his sentencing a year, allowing his continued good behavior to be used as a basis for punishment with no prison time.

Five years earlier, in a large-scale cocaine case, Pickering learned months after sentencing black defendant Richard Evans to 12½ years in prison that prosecutors were recommending he sentence a more culpable co-defendant also an African-American, to no more than nine years. Pickering quickly vacated Evans' sentence and later sent him to prison for 10 years—five months less than what the co-defendant received.

"He has tried to treat people fairly," said Lloyd Miller, a U.S. probation officer who prepared sentencing reports in Pickering's courtroom for more than a decade. "It didn't matter whether you were black or white, whether you were a pauper or if you had money."

Pickering, who would not comment for this article pending a vote on his renomination, has said that in almost all the criminal cases that came before him involving nonviolent first offenders, he has tried to lessen their sentences.

"I have consistently sought to keep from imposing unduly harsh penalties on young people whom I did not feel were hardened criminals," Pickering wrote in a letter to Senate Judiciary Chairman Orrin Hatch (R-Utah) following his combative confirmation hearings last year.

Pickering has not addressed his reported worry about a white backlash in the cross-burning case because the Justice Department memo has not been publicized until now. But there is substantial evidence, both from his civic life and judicial record, to believe that he does not cater to white people's particular interests.

In a 1999 essay on race relations in the Jackson Clarion-Ledger, Pickering addressed racial bias in the courts, empathizing with black, not white, concerns. He counseled whites who were angry about the recent acquittal of a black murder suspect to look at the justice system from a black perspective.

White Mississippians may not realize that African-Americans are treated differently by the system, he wrote, but "it is the truth and a most disturbing one if you are black."

As a judge, Pickering has thrown out only two jury verdicts, both times because he felt the verdicts were biased against minority plaintiffs.

In one of the cases, in 1993, an African-American woman was injured at a restaurant. The jury awarded the woman only what the restaurant argued she should receive. Pickering ordered a new trial, and the second jury awarded the woman a larger judgment.

OTHER ISSUES

Interest groups opposing the judge maintain the cross-burning case is just part of a pattern of the judge's racially questionable rulings.

Opponents point to the Pickering's ruling involving the Voting Rights Act, an important civil rights law that mandates federal oversight of Southern elections to keep white authorities from suppressing the black vote. The law has allowed black-majority voting districts to be created in some cases, boosting the number of minorities elected to political office.

Laughlin McDonald, director of the American Civil Liberties Union's Southern regional office in Atlanta, acknowledged that Pickering had enforced the Voting Rights Act to the satisfaction of minority plaintiffs in some cases.

"But what is disturbing is the philosophy that seems to pervade his decisions," he said. "He has an obvious hostility to the federal courts getting involved in this issue."

In several cases reviewed by the AJC, Pickering did question how far the federal courts should go to resolve certain voting-rights issues. The judge wrote from the perspective of a former legislator who once had to draw lines for voting districts himself—and who still respects lawmakers' prerogatives.

In a 1993 decision, Pickering wrote at length about the history of the one-person, one-vote principle, suggesting courts may have applied it too rigidly sometimes.

The courts "should be cautions in their obtrusion into what otherwise would be a legislative manner," he wrote in denying a challenge to election districts in Forrest County, Miss.

Legislative bodies, when drawing voting districts, must consider the convenience of new districts to voters and their costs, Pickering wrote. Court rulings that ordered some districts be redrawn have shown, Pickering added, "that very few of those responsible for handing down these decisions ever had the responsibility themselves of carrying out these decisions or trying to comply with them." Pickering's application of judicial restraint is in line with that of many federal judges. Like many other jurists put on the bench by Republican presidents, Pickering appears disinclined to tinker at the margins of social dilemmas as would a more activist judge.

As such, Pickering would find himself at home at the 5th U.S. Circuit Court of Appeals, widely considered one of the more conservative appellate courts in the country.

A WILL TO GET HIS WAY

Liberal critics have complained about the judge's general conservatism. But it is questionable how much those complaints would resonate without the cross-burning case against Swan and his two co-defendants.

The case shows Pickering exerting his will and the power of the federal bench to get his way from the Justice Department's civil rights lawyers in Washington.

At trial, Swan was convicted of three counts: violating the interracial couple's civil rights, interfering with their federally protected housing rights and using fire when he committed a crime, which prosecutors said carried a mandatory, consecutive five-year sentence.

Pickering not only thought the 7½-year sentence sought by prosecutors for Swan was unfair, but he also questioned whether a five-year mandatory sentence for one of the counts applied to the cross-burning case, as prosecutors contended. Pickering noted there was a split in the federal appeals courts on that very issue.

Pickering repeatedly asked Civil Rights Division lawyers to explain to him whether the same sentencing standards were being used in other cases across the country. After receiving no answers, Pickering demanded the issue be addressed to then-U.S. Attorney General Janet Reno. Pickering even called Vice President Al Gore's brother-in-law, Frank Hunger, a longtime friend who headed the Justice department's Civil Division, to express his frustration.

Pickering summed up his thoughts about the sentencing disparities in the cross-burning case clearly when Swan was to be sentenced on Nov. 15, 1994.

"He committed a reprehensible crime, and a jury's found that," Pickering said from the bench. "And he's going to pay a price for it. But I have never, since I've been on this bench, seen a more contradictory, inconsistent position by the government than they're taking in this case."

Bradford Berry, a civil rights prosecutor from Washington, responded by saying perhaps the Justice Department should have asked for harsher punishment against Swan's two co-defendants.

"You're the one working for the Justice Department, not me," Pickering shot back. "I didn't take that position. The Justice Department took that position."

Pickering postponed the sentencing another two months. He also called all the lawyers involved back to his chambers, without a court reporter to transcribe the discussion.

In a memo written after the meeting, Berry gave an extraordinary account of what transpired.

Pickering told the lawyers about his civil rights background, saying that while not at the forefront of the movement, he was a supporter, according to Berry's memo. Pickering said he'd testified against a Ku Klux Klan leader, had twice thrown out jury verdicts in trials when he thought the results were tainted with racism and had encouraged his son to make certain his fraternity at the University of Mississippi was not discriminating against a black student who wanted to join.

"Pickering said he has carefully examined his conscience in this case an is confident that his discomfort with the sentence is not the product of racism," berry wrote.

But Pickering also gave another reason the case disturbed him, Berry noted. The judge said that "in the current racial climate in that part of the state, such a harsh sentence would serve only to divide the community."

Pickering then asked prosecutors to consider agreeing to dismiss the count against Swan that mandated a five-year sentence. By the time prosecutors returned for Swan's sentencing two months later, they had capitulated, agreeing to drop it.

Don Samuel, former president of the Georgia Association of Criminal Defense Lawyers, who studied Berry's memo, said Pickering's aggressive posture in the cross-burning case is not uncommon among the federal judiciary.

"There are judges who want a just result and try to convince the parties to find a way that enables them to do so under the federal sentencing guidelines, which can be very harsh and rigid," Samuel said. "These things happen. Often it's very well-intentioned to get around a harsh result."

But Samuel said he found troubling Berry's account of Pickering's concern about a harsh sentence dividing the community. "That doesn't seem like a very good basis and it shouldn't be," the defense lawyer said.

University of Georgia criminal law professor Ron Carlson said the only part of the community that would be divided by such a sentence would "probably be rural white people."

But Carlson said it is unfortunate that Pickering has been condemned for his action in the cross-burnings case. "That's because this is certainly not a racist judge overseeing the cross-burning case," he said. "Quite the opposite. He's very fulsome in his condemnation."

When the sentence was finally imposed on Jan. 23, 1995, Pickering told Swan he had committed "a despicable act."

"The type of conduct you exhibited cannot and will not be tolerated," the judge said. He suggested to Swan that "during the time that you're in prison . . . do some reading on race relations and maintaining good race relations and how that can be done."

Mr. ALEXANDER. Mr. President, I will not dwell on the lifelong record of Mr. Pickering. But his testimony against Sam Bowers was not an isolated instance. I will not dwell on the charge some have made about a 1994 case. Senator HATCH dealt with that, although I ask unanimous consent to include two articles, one from the National Review Online and the Atlanta Journal-Constitution explaining what really happened. In short, the Justice Department botched the case and the ringleader in the cross burning was turned loose. Pickering then properly reduced a juvenile accomplice's sentence from seven and one half years to 27 months, severely criticizing him.

In terms of the struggle for equality and freedom, I have seen the South and our Nation change for the better during my lifetime. I have tried to help bring about that change. When I look back now, it seems embarrassingly slow and amazing that it was so hard. I remember as a student at Vanderbilt in 1962, when we raised the issue of integrating the student body, the student body voted no. I remember in 1980 I appointed the first Black Tennessee supreme court justice, and he was defeated in the next election. I remember it was 1985 before we had the Martin Luther King Holiday, and the legislature nearly voted it down. I appointed the first two African American vice presidents of the University of Tennessee, but that did not happen until 1989.

Our country, from its beginning, has truly been a work in progress. And on this issue, racial justice, we have had an especially hard time making progress. We have had a hard time changing our minds. The truth is, most members of my own generation have had one view about race in the 1960's and another view today. Many of the men and women who are judges, who are mayors, who are legislators, who are Senators today, opposed integration in the 1950s, opposed the Voting Rights Act in the 1960s. They were against the Martin Luther King holiday in the 1980s, and we welcome them to society today. We have confirmed some of them to the Federal bench, some of them Democrats, some of them Republicans.

What is especially ironic about this incident is that Judge Pickering was not one of those people whose ideas we have to excuse. He led his times. He spoke out. He would have, I am certain, joined Judge Wisdom, Judge Tuttle, Judge Rives, and Judge Brown in ordering Ole Miss to admit James Meredith to the University of Mississippi 40 years ago.

Why would we not now recognize this man, who lived in the Deep South, who did what we all hope we would have had the courage to do, but might not have done in the late 1960s? Why would we not now honor and recognize that service by confirming his nomination to this appellate court?

I care about the court. I care about these issues. I have studied the record as carefully as I could. All of the evidence supports the fact that Charles Pickering is a worthy successor on the Fifth Circuit to the court of Judge John Minor Wisdom, Judge Elbert Tuttle, Judge Richard Rives, and Judge John R. Brown.

Mr. CORNYN. Mr. President, I rise today to say a few words concerning the nomination of Judge Charles Pickering.

Throughout the entire history of the Senate, no judicial nominee has ever been defeated by a filibuster. Yet in this session alone, four nominations have been blocked by this unconstitutional obstruction. Soon, there will be five, six, and likely even more nominees facing partisan filibusters. This obstruction flies in the face of more than 200 years of Senate tradition, the constitutional role of the Congress, and the consent of the governed.

While all of these filibusters are wrong, it seems to me that the tactics employed against certain nominees is particularly disgraceful.

First, we witnessed the hostile attitude towards Leon Holmes, a nominee for the Eastern District of Arkansas. Despite having earned the support of each of his home state Senators—both members of the minority—Mr. Holmes was sharply criticized—not for his legal work, but for his personal writings about his religious views.

Then we witnessed the strident animus directed toward Alabama Attorney General, Bill Pryor—who was repeatedly challenged over whether his "philosophy" and "deeply held views," particularly those arising from his religious beliefs, precluded him from becoming a judge.

And now, today, we are witnessing the terrible treatment of Judge Charles Pickering. This is an issue that is of particular importance to my state, because Judge Pickering has been nominated to a long-standing vacancy on the Fifth Circuit—which covers Texas and Louisiana in addition to Mississippi.

Like the other nominees, Judge Pickering is a deeply religious man. He is also a man from the South. And I believe he is clearly qualified to serve on the federal bench, as he has been serving for over a decade. Yet Judge Pickering has, like others, become the target of a venomous special interest group campaign, one directed against Southerners and against those who take their faith seriously. A representative of one of these groups recently called Judge Pickering a "racist," a "bigot," and "a woman-hater."

It is sad to see this shameful caricature of a well-qualified, respected man. And it is sadder still to see these special interests dominate the other side of the aisle. I hoped such tactics would never gain apologists among any members of this body, but hearing this debate today, I fear that my hope was all for naught.

This Nation, both North and South, has for too long suffered from the scourge of racism. We have made a great deal of progress so far, and there is more to go. but even as we condemn racism with all our might, we must also condemn false charges of racism. Every false charge of racism weakens a true charge of racism, and ultimately, that hurts us all.

Judge Pickering has been praised and supported by those who know him best—by those who have worked by his side, and seen him fight racism in his home state of Mississippi.

My fellow Southerners who have reviewed the record carefully agree. All six Mississippi statewide officeholders, including five Democrats, have stated that Judge Pickering's "record demonstrates his commitment to equal protection, equal rights and fairness for all." The senior Senator from Louisiana has applauded Pickering's lifelong campaign against racism, characterizing them as "acts of courage." And the Senators from Georgia have written that, "Pickering's critics have and will continue to unfairly label him a racist and segregationist," and that "nothing could be further from the truth."

But perhaps the most compelling views on this subject have been expressed by Mr. Charles Evers. He is the brother of the slain civil rights leader Medgar Evers, and he has personally known Judge Pickering for over 30 years. He is intimately familiar with Judge Pickering's numerous actions throughout his career to fight racism, often with deep sacrifice and personal cost.

Mr. Evers wrote in the Wall Street Journal in support of Judge Pickering, saying,

> As someone who has spent all my adult life fighting for equal treatment of African-Americans, I can tell you with certainty that Charles Pickering has an admirable record on civil rights issues. He has taken tough stands at tough times in the past, and the treatment he and his record are receiving at the hands of certain interest groups is shameful . . . Those in Washington and New York who criticize Judge Pickering are the same people who have always looked down on Mississippi and its people, and have done very little for our state's residents.

I hope that today the Senate will take a stand against the despicable tactics of radical special interest groups. We must not allow the special interests' exploitation of religious views, stereotypes, or false caricatures—concerning Southerners or any other people—to decide a vote on any nominee. Such reprehensible practices have no place in this debate. And it is a dark day for the Senate and for America's independent judiciary when we allow special interests to dictate the basis for disqualification.

I ask my fellow Senators to vote to confirm Judge Pickering, to reject the inhuman caricature that has been drawn by special interest groups intent on vilifying, demonizing, and marginalizing an admirable nominee. I hope that my colleagues will give all these qualified nominees what they deserve, and allow them to have an up or down vote.

For the sake of the Senate, the Nation, and our independent judiciary, I hope that these days of obstruction finally end.

Mr. BUNNING. Mr. President, I speak today in support of Judge Charles Pickering and his nomination to the Fifth Circuit Court of Appeals.

Judge Pickering was unanimously confirmed to be a Federal district judge in 1990, where he has served honorably ever since. He graduated first in his law school class at the University of Mississippi while serving on the Law Journal and Moot Court. In addition to practicing in a law firm, Judge Pickering was both a city and county prosecutor and a municipal court judge. Judge Pickering continued his public service in the Mississippi State Senate. He also has served his fellow man by helping others through organizations like the Red Cross and the March of Dimes. Judge Pickering has also devoted his life to Christ, serving at the First Baptist Church in Laurel, MS, as a Sunday school teacher and a deacon.

Those things tell us much about the man that Charles Pickering is. But there is much more. You see, Judge Pickering has spent his career as a leader in race relations in Mississippi. What is truly telling, however, is he spent his whole career tearing down barriers for minorities in the South, including during the 1960s and 1970s. Those actions did not make him a popular man among many in Mississippi at the time.

I remember the 1960s and 1970s. I regularly traveled around the country during those years and I remember what race relations were like in the South and throughout America. I remember what it was like as professional baseball gradually accepted then embraced minorities. It was a tumultuous time in our country and many brave men and women willingly staked their careers, their reputations, and even their lives on doing what was just and right. Charles Pickering was one of those men.

The stories of how Judge Pickering stepped above the fray and reached out to bring racial equality to Mississippi have been told many times. In recent years Judge Pickering has served on race relations committees in Mississippi including the Institute for Racial Reconciliation at the University of Mississippi. He has spent time working with at-risk minority children.

Those actions are laudable in and of themselves, but the actions that tell the true story of who Charles Pickering really is come from the 1960s and 1970s, those years when racial tensions were at their highest and the South was so volatile. In 1967 Judge Pickering was Prosecuting Attorney Pickering in Jones County, MS. Knowing it was to his own personal detriment, Charles Pickering took the witness stand to testify against the "Imperial Wizard" of the Ku Klux Klan in a trial for killing a black civil rights activist in a fire-bombing attack. By standing up for equality and justice, Prosecuting Attorney Pickering put himself and his family in danger and lost his reelection.

You can never really judge the strength of a man's convictions until standing up for those beliefs costs him something. Judge Pickering's willingness to stand up against racial violence cost him his job as a prosecutor. But that did not dissuade him from continuing to fight for racial justice. Possibly the most contentious race issue in the 1960s and 1970s was the integration of the public schools. Integration came to Laurel, MS, in 1973. Integration has been fought for years and creating a plan was not an easy task. The black and white communities in Laurel were split and Charles Pickering worked to bring them together and create a plan to integrate the schools. In the end many white families still moved their children to private schools to avoid integration and Judge Pickering easily could have done the same with his kids. Instead, he believed in integration and kept his children in the public schools.

Unfortunately, the reason Charles Pickering has been singled out by the radical left has nothing to do with the man or his qualifications. It has everything to do with ideology and the remaining adherents of a failed liberal orthodoxy holding on to their last vestiges of power in this Nation—the courts.

A radical liberal minority in this country is scared of Judge Pickering. They do not think he will do a bad job because he is unqualified. After all, the American Bar Association rated Judge Pickering "well qualified." Last I had heard, the liberal minority obstructing Judge Pickering's nomination called that rating their gold standard for judicial nominees.

The reason the liberal special interests are scared of Judge Pickering is that he is a judge who knows his role, who follows the law, and has a stellar civil rights record. These special interests have lost out in the public opinion and mainstream politics. They cannot successfully achieve their goals in the normal course of governance so they turn to the court system, which they have successfully used to roll back traditional values, traditional roles of Government, and individual rights. A judge with a proven record of following the law and understanding the difference between the legislature and the judiciary is a roadblock in their path of legislating through the judiciary.

I really believe Judge Pickering was singled out because of his stellar record on civil rights. It seems to me the liberal special interest groups that seem to be dictating the moves of the minority party in the Senate needed a test case to see if they could stop President Bush's nominees at will. They researched all his nominees and picked one who would be impossible to defeat on the merits and decided to distort his record and assassinate his character. They needed to see if they could get away with it. So last year they gave it a shot. And it worked. These special interests found willing accomplices in the Senate and in the media. Facts became irrelevant as lies flew and Charles Pickering was demagogued. But that was only a preview of what was to come.

While the filibustering by a minority of the Senate of Judge Pickering is an abdication of constitutional responsibility of the Senate, the wholesale assault on President Bush's nominees is truly egregious. Judge Pickering is not alone. The minority has taken aim at Miguel Estrada, Carolyn Kuhl, Janice Rogers Brown, Bill Pryor, Priscilla Owen, and Henry Saad. Each nominee has a fantastic story and a stellar record. Each has been singled out for his or her adherence to the law and the traditional roles of government.

Radical liberals have long fancied themselves as the champions of women and minorities in this country, and I have no doubt that many on the left do strive for equality for all Americans. But the radical left has achieved its power through the politics of division. A conservative Hispanic or conservative woman or conservative Arab or conservative black woman or conservative religious man is anathema to their dominance of these issues. Rather than celebrating the achievements of these gifted human beings ascending to the job for which he or she was selected by the President of the United States, these ultra liberals would rather defame their characters and demagogue their beliefs.

There seems to be no end in sight to these tactics and political showdowns. But I hope and pray that day will soon come.

Mr. McCONNELL. Mr. President, today we will vote on whether the Senate shall be allowed simply to consider the nomination of Charles Pickering to the Fifth Circuit Court of Appeals. From my review of Judge Pickering's record, I have been struck by one resounding virtue—moral courage.

As the tide of racial equality swept America in the 1950s and 1960s, it unfortunately met with fierce resistance in certain areas. Laurel, MS was one. Unlike New England, integration was not popular in Jones County. Unlike New York, the press was not friendly to integration in Jones County. Unlike large Southern cities such as Atlanta and Birmingham, there was no substantial segment of the community that had an enlightened view on race relations. Indeed, the town of Laurel, in Jones County, MS, with a small population was the home territory of the Imperial Wizard of the Ku Klux Klan, Sam Bowers.

In the 1960s, Klan-incited violence escalated in Jones County, MS. The Klan would drive by homes in the middle of the night and shoot into them. The Klan would firebomb the homes of African Americans and those who helped them. The Klan would murder its enemies who stood for civil rights.

Because these shootings, bombings, and murders violated the law, the victims looked for justice. They found it in Jones County Attorney Charles Pickering.

On the one hand, Charles Pickering had his duty to enforce the law. On the other hand, he had public opinion, the press, and most state law enforcement personnel against vigorously prosecuting Klan violence. A 27-year-old Charles Pickering stared in the face his political future, many in his community, and the press and chose to do his duty of enforcing the law against the men who committed such violence. In the 1960s in Mississippi, this took courage.

Soon County Attorney Charles Pickering found that he had to choose against between those in law enforcement who would only go through the motions of investigating the Klan and those who sought to vigorously prosecute and imprison Klansmen. He chose to work with the FBI to investigate, prosecute, and imprison Klansmen. In the mid-1960s in Mississippi, this took courage.

Then came the threats. The Klan threatened to have County Attorney Pickering whipped. With the Klan already firebombing and murdering other whites whom it viewed as helping black citizens, the Pickering family could have easily been next.

At night, County Attorney Charles Pickering would come back to his small home and look into the eyes of his young wife Margaret. He would look into the eyes of his four small children who believed daddy could do anything and who did not understand hate and murder. One can only imagine how his wife Margaret would lie awake in fear, hoping that she would hear her husband's footsteps coming home.

Charles Pickering had no money to protect his family. He had no press to stand up for him and his family. He had no covering of popular opinion to hide behind. And in this time of hate, bombings and murder, Charles Pickering reached down deep in his soul, embraced the only thing he did have, his religious faith.

He then testified against Sam Bowers, the Imperial Wizard of the Ku Klux Klan in the firebombing trial of civil rights activist Vernon Dahmer in 1967. And Charles Pickering signed the affidavit supporting the murder indictment of Klansman Dubie Lee for a murder committed at the Masonite Corporation's pulpwood plant in Jones County. The took courage.

While it is easy in Washington, DC, in 2003, to make a speech or sign a bill in favor of civil rights after decades have changed racial attitudes in schools, in society, and in the press, who among us would have had the courage of Charles Pickering in Laurel, MS in 1967? Who among us would have had the courage of his wife Margaret to stand with him?

There are those who would say "We are pleased that Pickering was one of the few prosecutors who actually prosecuted crimes committed by the KKK in the 1960s, but he should have also gone further by calling for immediate integration of schools and the workplace."

That argument is tantamount to saying, "We are pleased that Harry Truman integrated the federal armed forces in 1948, but he should have gone further and called for the integration of the state national guards as well." Or to say, "We are pleased that Lyndon Johnson signed the Civil Rights Act in 1964, after opposing civil rights, but he should have gone further and demanded that all businesses adopt an affirmative action hiring plan."

To judge the words and actions of these Civil Rights Champions in the 1940s, 50s, and 60s, by a 2003 standard, would leave them wanting. We must remember that in Mississippi and other Southern States in the 1960s, most elected prosecutors sat on their hands when the Klan committed acts of violence. Young Charles Pickering had to deal with white citizens and politicans who resisted integration and civil rights. He had to deal with these people in language that would not incite further violence and with requests for action that he had a chance of getting people to take. He did so with moral courage.

And because he acted with courage at such a young age, Charles Pickering was able to continue with more progressive actions decade after decade. In 1976, he hired the first African American field representative for the Mississippi Republican Party. In 1981, he defended a young black man who had been falsely accused of the armed robbery of a teenage white girl. In 1999, he joined the University of Mississippi's Racial Reconciliation Commission. And in 2000 he helped establish a program for at-risk kids, most of whom were African Americans, in Laurel, MS—where 35 years earlier he had backed his principles with his and his family's lives. This is a record of courage. It is a record to be commended.

In the years since the 1960s, attitudes in Mississippi and elsewhere have dramatically improved. Schools are integrated. The Klan is no longer a powerful force capable of intimidating whole communities. And the support from Mississippians—black and white, men and women—who have known Charles Pickering for decades has been overwhelming. This support no doubt results from the moral courage of Charles Pickering.

In 1990, the Judiciary Committee unanimously reported the nomination of Charles Pickering, and the Senate unanimously confirmed him to the district court bench. In his 12 years on the bench, he had handled 4,500 cases. In approximately 99.5 percent of these cases, his rulings have stood. The American Bar Association rated Judge Pickering "well qualified" for the Fifth Circuit Court of Appeals—once upon a time, the vaunted "gold standard" of my Democrat colleagues.

I was present at Judge Pickering's confirmation hearing. I listened to the testimony and reviewed the record. I have measured the allegations and those who made them, against the entire record and the courage of Judge Pickering. I have found the allegations to be unfounded and the special interest group accusers lacking in the moral courage that Judge Pickering possesses.

The Senate now has a chance to show the courage that Charles Pickering has consistently demonstrated. Unfortunately, I fear it will shrink from this moment. And for that I apologize, in advance, to Judge Pickering and his family. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was going to speak first, but I understand the senior Senator from New York, as happens with so many of us, is supposed to be in two places at once. While he is capable of many good things, that is one thing he has not figured out how to do yet.

I yield 5 minutes to the Senator from New York. Once he has finished, I will then speak and answer some of the things that have been said on the other side.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank my colleague for yielding.

Mr. President, this is a difficult decision in a very certain sense. I listened to the sincere words of my colleague from Tennessee. I think they were heartfelt and well spoken. I have tremendous respect for my two colleagues from Mississippi, and I know particularly to my friend Senator LOTT how much this means. He has worked very hard and diligently on behalf of Judge Pickering's nomination.

I must rise to oppose it, and let me explain both to my colleagues and to everybody, I guess, why. I am a patriot. I love America. My family came to this country 5, 3, and 2 generations ago, poor as church mice, discriminated against in Europe. My dad could not graduate from college, and I am a United States Senator. God bless America. What a great country.

I study the history of America. One of the things I try to study is what are our faults, what are our strengths, how do we make sure what happened to the Roman Empire and the British Empire does not happen to this country. One of the most profound scholars who studied America was Alexis de Tocqueville. He came to America in 1832 or so, traveled across the country, including upstate New York, and he wrote a couple of things. First, he wrote then when we were a small nation, not mighty like the great European nations of Britain, France, or Russia. He wrote that we would become the greatest country in the world. That was pretty omniscient. But he also wrote that there was one thing that could do America in, and that was the poison of race.

We have made great progress. We all know it and everybody knows it. Much of the progress was made—all of it just about—in the last 40 years. We did not make much progress from 1865 to, say, 1960 or 1955.

I guess Brown v. Board started the whole wellspring. Frankly, for the first time in my life I am optimistic about racial relations in America. I think, over time, things will heal. I didn't used to think that, even 5 years ago.

But we still have a lot of healing to do, despite the progress. I have to say I don't think the nomination of Judge Pickering—I know he is people's friend; I know lots of fine people think he is a fine man—helps that healing. I think it hurts it. I base my decision not only on his record, which—I would have to disagree, in all due respect, with my friend from Tennessee—on race issues is, at best, mixed. The cross-burning case bothers me greatly because if you are sensitive to race, even if you think a case was wrongly decided, you don't go through the extra legal means, on a cross-burning case, to do what you have to do.

Does that mean a person should be put in jail or excoriated? No. Does it mean if he runs for public office that he is going to lose? No.

But on the Fifth Circuit, the circuit that has had the great names at healing race and racial divisions that my colleague from Tennessee mentioned, should not we be extra careful about trying to bring a unifying figure to that bench, particularly when it represents more minorities than any other?

The bottom line is, while we can find individual names, to me it is overwhelmingly clear that the Black community in Mississippi—which ought to have pretty good judgment about who did what, when, and how far we have come—is quite overwhelmingly against Judge Pickering.

You can say it is politics. But when we hear the head of the NAACP say, as he told us yesterday, that every single chapter—I don't remember how many there were, like 140—were against Judge Pickering, that means something. When you hear that all but a handful of the Black elected officials in Mississippi are against Judge Pickering, that means something.

Frankly, in this body we don't have an African American to give voice to their view, the African American view, diverse as it is, about whether Judge Pickering is a healing figure and deserves to be on this exalted circuit. We are not demoting him. We are not excoriating him. We are debating whether he should be promoted to this important bench, particularly when it comes to race and civil rights. And the overwhelming voice is no.

I ask unanimous consent from my colleague to be given an additional 3 minutes.

Mr. LEAHY. I yield another 3 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER (Mr. ENZI). The Senator from New York is recognized.

Mr. SCHUMER. So the overwhelming voice is no. The elected Black officials of Mississippi—I don't know the percentage, but I think it is against him. The only Black Member of Congress speaks strongly against him. He doesn't just say, well, I wouldn't vote for him, but it is an either/or situation, and that has to influence us. It is not dispositive. People can say "these groups." Well, the NAACP is not just a group. It has been the leading organization. It is a mainstream African-American organization.

There are groups on the other side lobbying for Judge Pickering. There are groups on this side against. I don't know why my colleagues, some on the other side, say the groups that lobby against what they want are evil, and the groups that lobby for are doing American justice. That is what groups do, and we listen to them sometimes.

I, from New York, don't know that much about this. I try to study history, but I haven't lived there. I haven't gone through the history that my colleagues from Mississippi or Tennessee have. But I have to rely on other voices as well.

So the fork in the road we come to here is this: On this nomination in this important circuit which has, indeed, done so much to move us forward—and I do believe we will continue to move forward as a country; even as Alexis de Toqueville said, on the poison of race—do we appoint a man who, on racial issues, has a record that at best is mixed, and who recently, at a very minimum, has shown insensitivity on the cross-burning case? Sure, there was a disparity of sentence. One thing I know quite well, in criminal law there are always disparities of sentence when there is a plea bargain, and prosecutors always go to someone in the case and say: If you plea bargain, you will get fewer years than if you don't. So that is not a great injustice. It happens every day in every court in this land. On this particular case, that is where Judge Pickering's heart was, to take it to a higher level. It is bothersome, particularly when it comes to nominating someone, not just to be a district court judge—which he is now—but nominated to the exalted Fifth Circuit, the racial healer in America for so long.

So in my view—no aspersions to my colleagues from Mississippi who feel so strongly about this; no aspersions to my colleague from Tennessee who was eloquent, in my opinion; and no aspersions to Judge Pickering as well—but we can do better, particularly on the Fifth Circuit, when it comes to the issue of race, which has plagued the regions of the Fifth Circuit and plagued my region as well. We can do better.

I urge this nomination be defeated.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr EDWARDS. Mr. President, I rise today to speak against the nomination of Charles Pickering to the U.S. Court of Appeals for the Fifth Circuit.

I oppose this nomination because Judge Pickering has repeatedly demonstrated a disregard for the principles that protect the rights of so many of our citizens. Judge Pickering's record as a judge is full of instances in which he has elevated his personal views above the law. For example, Judge Pickering has shown a lack of respect for the Supreme Court's landmark legal precedents, especially those that protect rights. He has harshly criticized the Supreme Court's "one person, one vote" rulings and has been reversed numerous times by the Fifth Circuit Court of Appeals for his failure to follow "well-settled principles of law."

In one case, Judge Pickering took extraordinary steps to reduce the sentence required by law for a man convicted of cross burning. In addition, he exerted extraordinary efforts to reduce the 5-year sentence mandated by Federal sentencing guidelines in the cross-burning case and went so far as to make an ex parte phone call to Justice Department officials in an attempt to assist the defendant.

And, since his hearing, Judge Pickering has actively solicited the support of this nomination from attorneys who appear in his courtroom. This behavior not only calls into question Judge Pickering's commitment to protecting the constitutional rights of all Americans, but legal experts agree that his actions violated the canons of judicial ethics.

Unfortunately, some of our colleagues on the other side of the aisle, in their drive to push through every Bush judge at all costs, have turned this process into a personal attack on the integrity and motivations of those of us who oppose this nomination. We have been accused of anti-Southern bias. Of course, anyone listening to me talk would have to figure that I am the last person to hold an anti-Southern bias.

We have even been accused of calling Judge Pickering a racist, something we have not done. I do not presume to know what is in Judge Pickering's heart. But I do know what is in his record. That record proves him unfit to serve as a Court of Appeals judge.

We have tried our best to facilitate consensus and cooperation in judicial nominations. Unfortunately, most of our efforts are being rejected, which doesn't make a bit of sense, since we accomplish so much when we all work together.

We have seen what happens when the President meets us halfway. He has done it before—rarely, but he has done it. He reached out to us on Allyson Duncan, an outstanding North Carolinian who just yesterday was formally installed as a judge on the Fourth Circuit Court of Appeals, breaking a logjam that had held our State back for a decade.

In that case, President Bush did more than just pay lip service to our constitutional obligation to advise and consent. He reached out to us before he made his decision. He consulted with us. He sought our advice. And in making his decision, the President selected a nominee who represents the mainstream of our State.

Throughout Judge Duncan's confirmation process, I commended the President for consulting with us and making an excellent nomination. And I told him that if he takes this approach to future judicial nominations we have a real opportunity to find common ground in the search for excellence on the federal bench. When we work together, we find outstanding nominees like Allyson Duncan, who represents the best of North Carolina and America.

But rather than accept my call for consensus, the President just said no.

There is a saying that if you see a dog and a cat eating from the same dish, it might look like a compromise, but you can bet they are eating the cat's food. That is how things seem to be working in Washington these days. My colleagues and I have tried and tried to find common ground. We have said yes to Bush judges, time after time after time. We have said yes to more than 160 Bush judges. But but my colleagues on the other side of the aisle have instead dug in their heels and demanded that unless we agree to every judicial nominee the President sends up here, no matter how unacceptable they are, we are being obstructionist.

We can do better than this. And we should do better. It is time for this President to stop saying no to judges who respect our civil rights. Let's say yes to judges who will fairly apply the law. Let's say yes to judges who will not allow their extreme personal views to color their decision-making. Let's say yes to judges who will protect our civil rights. I am proud to stand with my colleagues today as we say a resounding yes to fairness, equality and justice.●

Ms. CANTWELL. Mr. President, Federal judges serve lifetime terms, and are responsible for interpreting our Constitution, and our laws, in ways that have real implications for the rights of regular Americans. Last year I joined my colleagues on the Judiciary Committee in voting not to report the nomination elevating Federal District Court Judge Charles Pickering to the Circuit Court of Appeals to the Senate floor. I stand by that vote. I continue to have very real concerns about Judge Pickering's ability to be a fair and neutral Court of Appeals judge.

In evaluating judicial nominations, among the factors I consider are whether the nominee demonstrates the highest level of professional ethics and integrity, and has the ability to distinguish between personal beliefs and interpreting the law. Unfortunately, I believe Judge Pickering falls short in meeting these criteria. Judge Pickering is an honorable person, but he is simply the wrong person to fill this very important position.

Like my colleagues, I am troubled by Judge Pickering's handling of the case of United States v. Swan, where a white defendant was tried for burning a cross on the lawn of an interracial couple. Judge Pickering had multiple ex parte conversations with prosecutors and Justice Department officials in an effort to reduce the sentence of Mr. Swan. In doing so, Judge Pickering seems to have lost sight of the ethical limitations on his actions, and the extent to which he was failing to maintain judicial independence. As Brenda Polkey, the victim of the cross burning, said, her "faith in the justice system was destroyed" by Pickering's efforts to reduce Mr. Swan's sentence. In every aspect of government we need to work hard and keep faith with the public.

This case indicates how deeply held Judge Pickering's views are, and how far he will go to arrive at an outcome he believes to be correct. The difficulty that he has in keeping his personal views out of his judicial decision-making are obvious, not only in this case, but in several opinions in which he goes beyond the facts of the case to state his belief of what the law ought to be. Judge Pickering's efforts to solicit letters of support from lawyers appearing before him in direct violation of the canons of judicial ethics is another example of his lack of understanding and adherence to the ethical guidelines that are critical to maintaining the independence and integrity of the Federal judiciary.

Because of this troubling record of not following precedent, and of overstepping ethical bounds to achieve a particular outcome, I asked Judge Pickering questions at his hearing that focused on the right to privacy. I asked Judge Pickering about privacy as it pertains to consumers' rights, specifically medical and financial records, as it pertains to an individual's right to privacy in the context of government surveillance, and with regard to a woman's right to make personal decisions about her body. In response, he declined to state whether he believed that any right to privacy was conferred by our Constitution.

While my concern about how Judge Pickering would rule on cases of fundamental privacy rights is not the only factor in my decision to oppose his elevation to the Circuit Court, it is one I believe is important.

The Fifth Circuit covers three States—Louisiana, Texas and Mississippi—that have passed more anti-choice legislation restricting a woman's right to make personal choices about her own body than any other States. In fact, all three States continue to have unconstitutional and unenforceable laws on their books prohibiting a woman from having an abortion, because the legislature in each of these States will not repeal the laws. This is the context against which we must consider the President's nomination of Judge Pickering.

While Judge Pickering has repeatedly pledged to restrain his personal ideological views and follow the precedent of the Supreme Court, given the unique role that the Fifth Circuit plays in protecting not only the constitutional right to privacy enunciated in Roe and affirmed in Casey, but also in protecting women's access to abortion providers in the States with the Fifth Circuit, I am concerned about Judge Pickering's willingness to say where in the Constitution privacy is protected and his willingness to follow the law.

Judge Pickering's actions on the bench reveal a lack of understanding of the requirements of judicial ethics and a failure to meet the very highest standards of the legal profession. Judge Pickering has exhibited a lack of ability to distinguish his personal believes from judging the issues before the court, and I therefore cannot support his elevation to the Fifth Circuit.

Mr. FEINGOLD. Mr. President, I will vote no on cloture on the nomination of Charles Pickering to be a judge on the U.S. Court of Appeals for the Fifth Circuit.

We had a fair process in the last Congress on this nominee—two hearings, a lengthy period of deliberation and debate, and a fair vote. The nomination was defeated. The Judiciary Committee's consideration of this nomination was thorough and fair. Obviously, some did not like the result, but I do not think they can in good faith find fault with the process.

It is my view that a process that gives a nominee a hearing, and then a vote in the Judiciary Committee is not an unfair process, or an "institutional breakdown," as some critics of our work in the committee last year called it. It is the way the Judiciary Committee is supposed to work. During the 6 years prior to last Congress, the Judiciary Committee did not work this way. Literally dozens of nominees never got a hearing, as Charles Pickering did, and never got a vote, as Charles Pickering did. Those nominees were mistreated by the committee; Charles Pickering was not. What happened in the Judiciary Committee last year provides no justification whatsoever for the President's unprecedented action of renominating someone who has been considered by the committee and rejected.

Judges on our Federal courts of appeals have an enormous influence on the law. Whereas decisions of the district courts are always subject to appellate review, the decisions of the courts of appeals are subject only to discretionary review by the Supreme Court. Because the Supreme Court agrees to hear only a very small percentage of the cases on which its views are sought, the decisions of the courts of appeals are in almost all cases final. That means that the scrutiny that we in the Senate and on the committee give to circuit court nominees must be greater than that we give to district court nominees.

I would think that this would be self-evident, and certainly the debates over circuit court nominees over the years have been much more heated than those relating to district court nominees. But I begin with this point because there are some who have argued that because the Senate confirmed Judge Pickering to the district court by a unanimous vote in 1990, he must be elevated to the circuit court.

Judge Pickering now has a substantial record as a district court judge that he did not have in 1990, and Senators are entitled—indeed it is our duty—to review and evaluate that record. Even leaving that aside, a court of appeals judgeship is different from a district court judgeship.

There is another factor that I think requires us as a committee to give this nomination very careful consideration. During the last 6 years of the Clinton administration, this committee did not report out a single judge to the Fifth Circuit Court of Appeals. That is right. Not a single one.

And as we all know, that was not for lack of nominees to consider. President Clinton nominated three well-qualified lawyers to the Court of Appeals—Jorge Rangel, Enrique Moreno, and Alston Johnson. None of these nominees even received a hearing before this committee. When the chairman held a hearing in July 2001 on the nomination of Judge Clement for a seat on this circuit court, only a few months after she was nominated, it was the first hearing for a Fifth Circuit nominee since September 1994. We have since confirmed another Fifth Circuit nominee, Edward Prado.

So there is a history here and a special burden on the administration to consult with our side on nominees for this Circuit. Otherwise, we would simply be rewarding the obstructionism that the President's party engaged in over the last 6 years by allowing him to fill with his choices seats that his party held open for years, even when qualified nominees were advanced by President Clinton. And I say once again, my colleagues on the Republican side bear some responsibility for this situation, and they can help resolve it by urging the administration to address the injustices suffered by so many Clinton nominees.

With that background, let me outline the concerns that have caused me to reach the conclusion that Judge Pickering should not be confirmed. Except for the DC Circuit, the Fifth Circuit has the largest percentage of residents who are minorities of any circuit—over 40 percent. It is a court that during the civil rights era issued some of the most significant decisions supporting the rights of African American citizens to participate as full members of our society. It is a circuit where cases addressing the continuing problems of racism and discrimination in our country will continue to arise.

Judge Pickering's record as a Federal district court judge leads me to conclude that he does not have the dedication to upholding the civil rights laws that I believe a judge on this circuit must have. Judge Pickering has a disturbing habit of injecting his own personal opinions about civil rights laws into his opinions and of criticizing plaintiffs who seek through legal action to correct what they perceive to be discriminatory conduct. In two separate opinions in unrelated employment discrimination cases, Judge Pickering not only found against the plaintiffs but saw fit to disparage their claims in identical language. This is what he said:

> The fact that a black employee is terminated does not automatically indicate discrimination. The Civil Rights Act was not passed to guarantee job security to employees who do not do their job adequately. . . . The Courts are not super personnel managers charged with second guessing every employment decision made regarding minorities. The Court should protect against discrimination but it can do no more. This case has all the hallmarks of a case that is filed simply because an adverse employment decision was made in regard to a protected minority.

The use of this kind of language as a boilerplate does not indicate to me a judge who has an open mind about employment discrimination lawsuits. I think that people who have legitimate claims under the civil rights laws of this country have reason to be concerned about whether a judge who would go out of his way to say these kinds of things in legal opinions will hear their cases fairly.

Indeed, during his confirmation hearing, Judge Pickering seemed to confirm that he has a predisposition to believe that employment discrimination claims that come before him are not meritorious. He testified that as he understands the law, the Equal Employment Opportunity Commission "engages in mediation and it is my impression that most of the good cases are handled through mediation and are resolved." He went on to say, "The cases that come to court are generally the ones that the EEOC has found are not good cases, so then they are filed in court." That is emphatically not the law, and it was extremely disturbing that a sitting federal judge who has ruled in numerous employment discrimination cases would so profoundly misunderstand the role of the EEOC in these cases.

Judge Pickering has also expressed troubling views in voting rights cases, including criticizing the concept of "one person, one vote." That concept is one of the bedrock constitutional foundations of our political system. Judge Pickering opined in one case: "It is wondered if we are not giving the people more government than they want, more than is required in defining one man, one vote, too precisely." I do not believe that we can give the people too much democracy, and I am not inclined to elevate to a higher court a judge who seems not to take this constitutional principle seriously.

Another area of the law where Judge Pickering has demonstrated what seems like a hostility to certain kinds of claims is that of prisoner litigation. We all know that there is a significant problem of frivolous lawsuits being filed by prisoners. Congress addressed this problem in 1996 with the Prisoner Litigation Reform Act, where it provided certain sanctions for prisoners who file repeated frivolous claims. Judge Pickering, however, has taken the law into his own hands on numerous occasions by threatening to order prison officials to restrict prisoners' privileges if they filed another frivolous lawsuit. And he did this even after Congress specified certain sanctions for repeated frivolous lawsuits in the 1996 Act.

I believe that this kind of threat is inappropriate behavior for a Federal judge. Judge Pickering's opinions could not help but chill even legitimate complaints from prisoners. While it is true that much frivolous litigation is filed by prisoners, it is also true that some celebrated cases upholding and explaining the constitutional rights of the accused have had their genesis in a prisoner complaint where the prisoner did not have a lawyer. Gideon v. Wainwright, which established the right to an attorney, was such a case. Just the day before Judge Pickering's second hearing, the Washington Post ran a story about a prisoner who received a favorable Supreme Court decision in a case that began with such a complaint. And the petition for certiorari was filed by the prisoner without a lawyer, as well. I believe that judges at all levels must have an open mind toward all types of cases. Engaging in tactics that will frighten people into not asserting their rights is a highly questionable thing to do.

Judge Pickering did respond to my written questions about his decisions in prisoner litigation. I was gratified to learn that he never actually imposed the sanctions he threatened, and I appreciate his and the Justice Department's efforts to find legal authority for his orders. I find those efforts unconvincing, particularly with respect to the orders that he entered after Congress passed the Prisoner Litigation Reform Act. Judge Pickering states in answer to my questions that "[m]y objective was to stop prisoners who were filing frivolous litigation from doing so," and that "I do not believe that legitimate complaints by prisoners were chilled by this approach." I simply do not know how Judge Pickering could be so certain now, or when he was making these orders, that threatening to order prison officials to take away unspecified privileges if a prisoner filed another frivolous complaint was a tactic that would discourage only frivolous suits by prisoners, but not legitimate ones.

I also have concerns about two different ethical issues that arose during the consideration of his confirmation. I questioned him about one such issue at his second hearing before Judiciary Committee last year. After his first hearing, Judge Pickering asked a number of lawyers who practice before him to submit letters of recommendation. He asked them to send those letters to his chambers so that he could fax them to Washington. And he testified that he read the letters before forwarding them to the Justice Department, which sent them on to the committee. Now when I asked Judge Pickering about this, he seemed confused by the questions, as if he thought I was objecting to the fact that the letters had been faxed rather than mailed. Let me be clear. I have no problem with faxes. I get them all the time. What I do have a problem with is a sitting Federal judge asking lawyers who practice before him to send letters supporting his nomination to a higher court and having those letters sent to him rather than directly to the Justice Department or the Senate. That seems to raise an obvious ethical issue, and I was surprised that Judge Pickering didn't recognize it, even when I questioned him about what he did.

I asked Professor Stephen Gillers of NYU Law School, one of the leading experts on legal and judicial ethics in the country, for his views on this issue. Professor Gillers responded in a letter to me. He confirmed my concern about Judge Pickering's actions. Let me read a portion of that letter. Professor Gillers wrote:

> It was improper for Judge Pickering to solicit letters in support of his nomination from lawyers who regularly appear before him. It is important to my answer that the Judge asked the lawyers to fax him the letters so that he could send them to the Justice Department for transmittal to the Senate. He did not ask the lawyers to send any letters directly to Washington. Consequently, the Judge would know who submitted letters and what the letters said, as would be obvious to the lawyers.

Last year, Senator HATCH obtained a letter on this issue from a professor Richard Painter. Professor Painter answers only the question of whether soliciting letters of support violates existing rules of judicial conduct and never mentions the additional fact that Judge Pickering asked for the letters to be sent to him rather than to the Senate. That makes Professor Painter's views much less relevant to the questions I asked.

Furthermore, Professor Painter's analysis seems to be limited to an effort to show that the authorities relied upon by Professor Gillers are not exactly on point and that the standards governing the solicitation of letters of support for nominations are vague. He argues that the rules should be clarified and made more specific. And perhaps he is right about that. But it seems to me to be an insufficiently low standard to set that judges need only make sure they don't clearly violate the ethical rules. We should not want judges who simply avoid clear violations of rules of ethical conduct. We should not want judges who either don't spot ethical issues or treat them as obstacles to be parsed and tiptoed around. We should want judges who are beyond reproach, who know that ethical conduct is at the core of their responsibilities, because such conduct helps ensure that the public will respect their decisions. I believe that Judge Pickering's conduct fell far short in this instance.

Before this year's committee vote on Judge Pickering, some additional information came to light on this matter that suggests that Judge Pickering's conduct presents even more serious ethical questions. In his response to my inquiry about Judge Pickering's solicitation of letters of support, Prof. Gillers also noted the following:

> The impropriety becomes particularly acute if lawyers or litigants with matters currently pending before the Judge were solicited. Then the desire to please the Judge would be immediately obvious and the coercive nature of the request even more apparent. In addition, soliciting favorable letters from lawyers or litigants in current matters could lead to recusal on the ground that the Judge's "impartiality might reasonably be questioned." 28 U.S.C. § 455(a).

We identified 18 separate letters, all written in late October 2001, that came to the committee from Judge Pickering's chambers. We now know that at least seven of the lawyers who wrote letters on behalf of Judge Pickering at his request actually had cases pending before him at the time. A number of those lawyers had more than once case pending. One lawyer received Judge Pickering's request for a letter when a previously scheduled settlement conference was a little over a month away. Another lawyer whom Judge Pickering solicited represented the plaintiffs in a class action against a major drug company. The defendant filed a motion to dismiss for lack of personal jurisdiction in May 2001, and the motion was still pending before Judge Pickering when he requested the letter.

Now I have to ask my colleagues: Suppose you were a lawyer in a case and your opponents filed a motion trying to get your case dismissed. The judge has not yet ruled on the motion and you get a call from him asking you to write a letter of recommendation because he has been nominated to serve on a higher court. What would you do? Wouldn't you be troubled? Wouldn't you feel at least a bit of pressure to comply? And would you write a fully candid letter, especially if the judge asked you to send the letter to him directly so he could see it before forwarding it to the Judiciary Committee?

I will submit for the RECORD a chart indicating the lawyers with cases pending before Judge Pickering who wrote letters for him upon his request. I consider this a very serious ethical breach, and Prof. Gillers agrees. This violation of judicial ethics casts serious doubt on Judge Pickering's fitness to serve on the Court of Appeals.

It is within this framework that I evaluate the other ethical issue that has arisen, Judge Pickering's conduct in the Swan cross-burning case. This case and Judge Pickering's handling of it have been the subject of a great deal of controversy and public discussion, and I will not repeat the details. I will only say that I am very troubled by the Swan case, for a number of reasons. Judge Pickering, it seems to me, improperly stepped out of his judicial role, to try to get a result that he favored in the case. He had an ex parte contact with the Justice Department about the case. He threatened to rule on a legal issue in a way that he apparently did not believe was correct if the Justice Department did not change its sentencing position. He twice told the Justice Department that he might order a new trial even though it was clearly outside of his authority to do so. And he took unusual and apparently unjustified steps to keep his order secret, which prevented public scrutiny of his actions.

Judicial nominations should not be like legislation that can be reintroduced and reconsidered by a succeeding Congress. The Senate, acting through this committee, and exercising its constitutional responsibility, refused to give its consent to this nomination last year. I believe it was wrong for the President to re-nominate Judge Pickering.

I do not believe Judge Pickering is a racist, nor do I believe that he is a bad person. I did not come to this decision to vote against his confirmation lightly or because of pressure from interest groups or other Senators. I sincerely believe that Judge Pickering is not the right choice for this position. I wish him well in his continued work on the district court.

Mr. President, I ask unanimous consent to print in the RECORD the letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW YORK UNIVERSITY,
SCHOOL OF LAW,
New York, NY, February 20, 2002.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: I am replying to your inquiry of February 12, 2002. I assume familiarity with Judge Pickering's testimony and will address the two questions you ask. I address only these questions. I take no position on whether Judge Pickering should be confirmed for the Fifth Circuit or the weight, if any, that should be given to my analysis. Obviously, many facts are relevant to a confirmation vote.

It was improper for Judge Pickering to solicit letters in support of his nomination from lawyers who regularly appear before him. It is important to my answer that the Judge asked the lawyers to fax him the letters so that he could send them to the Justice Department for transmittal to the Senate. He did not ask the lawyers to send any letters directly to Washington. Consequently, the Judge would know who submitted letters and what the letters said, as would be obvious to the lawyers.

I will assume initially that none of the lawyers whose letters the judge solicited had current cases pending before the judge. If a solicited lawyer (or litigant) did have a pending matter, the situation is more serious, as discussed further below.

Judge Pickering's solicitation creates the appearance of impropriety in violation of Canon 2 of the Code of Conduct for U.S. Judges. This document, based on the A.B.A. Code of Judicial Conduct, contains the ethical rules that apply to all federal judicial officers below the Supreme Court.

Judge Pickering's conduct creates the appearance of impropriety, in part, because of the power federal judges, and particularly federal trial judges, have over matters that come before them. Federal judges enjoy a wide degree of discretion, which means that many of their decisions will be upheld absent an abuse of discretion. This is a highly deferential standard. It means that for many decisions, the district judge is the court of last resort and lawyers know that.

Given this power over their cases, and therefore over the lawyers whose cases come before them, ethics rules for judges forbid them to make certain requests of lawyers and others that "might reasonably be perceived as coercive." Canons 4(C); 5(B)(2). These particular Canons deal with soliciting charitable contributions. They absolutely forbid the judge "personally" to participate in charitable or other non-profit fundraising activities. They also forbid participation in "membership solicitation" that "might reasonably be perceived as coercive." A narrow exception is made for fundraising from other judges "over whom the judge does not exercise supervisory or appellate authority." Canon 4(C).

In these situations, of course, the judge would be soliciting a benefit for an organization, and not, as here, for the judge himself. That difference makes the present case more troubling because a judge would ordinarily have a greater, and certainly a personal, interest in a significant promotion than he or she would have in a contribution to an organization with which the judge is affiliated.

Judge Pickering's solicitations was "coercive" because a lawyer who regularly practices before him was not free to fail to provide a letter endorsing Judge Pickering's promotion. Given the risk to lawyers' (and their firms') clients—a risk they would readily perceive—lawyers would feel coerced to comply with the Judge's solicitation of letters and in fact to exaggerate their support for the Judge.

I do not suggest that Judge Pickering would actually retaliate against a non-complying lawyer or his or her clients. Nor should the word "coercive" be understood to describe the Judge's subjective intent. Canon 2 tells judges to "avoid . . . the appearance of impropriety in all activities." In evaluating Canon 2, we use an objective standard. We do not ask whether Judge Pickering would in fact "punish" a recalcitrant lawyer or what was really on his mind. We should not have to make that inquiry. We focus on the situation itself and how it will appear to the public.

Directly on point is Advisory Opinion 97 (1999), which I attach. It was written by the Committee on Codes of Conduct of the Judicial Conference of the United States (the body of federal judges that interprets the Code of Conduct in response to questions from judges). The Committee was asked whether and when a person being considered for the position of U.S. Magistrate, or for reappointment to that position, must recuse himself or herself under the following circumstances.

Initial appointments as a magistrate judge are made by district judges from a list compiled by a panel of lawyers and others. Identity of the members of the panel is public. Reappointments as a magistrate judge are made following a report of the same kind of panel.

The Committee wrote in Opinion 97 that a person appointed or reappointed as a federal magistrate judge did not have to recuse himself or herself from sitting in a case where a lawyer before the magistrate judge had been on the panel recommending the appointment or reappointment. But the opinion emphasized that the panel "operates under a requirement of strict confidentiality," so that the candidate was "privy to the individual opinions of the panel members concerning any candidate." If this were not so for a particular panel member, recusal might be required. (The Opinion states: "Of course, in the unlikely event that during the selection process something were to occur between a panel member and the magistrate judge that bears directly on the magistrate judge's ability to be, or to be perceived as being, fair and impartial in any case involving that panel member, then the facts on that particular situation would have to be evaluated by the magistrate judge to determine if recusal is an issue and if notification should be provided to the parties.") In the situation you present, Judge Pickering removed the opportunity for confidentiality by having the lawyers' letters sent directly to him for transmittal to Washington.

The testimony does not clarify whether any of the lawyers or litigants whom Judge Pickering solicited had current matters pending before him. The only reference to this issue is at line 23 on page 81, where you ask whether "present or former litigants, parties in cases that you handled" were asked to write letters. Judge Pickering answered "some." This is ambiguous.

The impropriety becomes particularly acute if lawyers or litigants with matters currently pending before the Judge were solicited. Then the desire to please the Judge would be immediately obvious and the coercive nature of the request even more apparent. In addition, soliciting favorable letters from lawyers or litigants in current matters could lead to recusal on the ground that the Judge's "impartiality might reasonably be questioned." 28 U.S.C. §455(a). As stated below, judges are instructed to avoid unnecessary recusals.

In Opinion 97, the Committee addressed the situation where a lawyer currently appearing before a magistrate judge was simultaneously sitting on a panel considering whether to recommend the same judge's reappointment. The Committee concluded that while the issue of the magistrate judge's reappointment was under consideration by a panel, the judge should not sit in any matter in which a lawyer on the panel represented a party. This was true even though the lawyer's own position on the panel was confidential and unknown to the judge. (The Opinion states: "Therefore, in the opinion of the Committee, during the period of time that the panel is evaluating the incumbent and considering what recommendation to make concerning reappointment, a perception would be created in reasonable minds that the magistrate judge's ability to carry out judicial responsibilities with impartiality is impaired in any case involving an attorney or a party who is a member of the panel.") Here, of course, the situation is more serious because Judge Pickering would know what, if anything, a lawyer wrote.

Opinion 97 is consistent with court rulings that have disqualified judges, or reversed judgments, when the judge, personally or through another, was exploring the possibility of a job with a law firm or government law office then appearing before him. See, e.g., Scott v. U.S., 559 A.2d 745 (D.C. 1989) (conviction reversed where judge was negotiating at the time for a job with the Justice Department). Pepsico, Inc. v. McMillen, 764 F.2d 458 (7th Cir. 1985) (judge disqualified after headhunter for judge contacted law firms appearing before judge). Recusal has also been required where the judge's contact with a litigant or lawyer in a pending case was not employment-related but was otherwise viewed as favorable to the judge. Home Placement Service, Inc. v. Providence Journal Co., 739 F.2d 671 (1st Cir. 1984) (recusal required where judge cooperated with a newspaper reporter in a complimentary article about the judge and his wife while newspaper's case was pending before judge).

The Code of Conduct for U.S. Judges requires judges to refrain from activity that could lead to unnecessary recusal. Canon 3 states that the "judicial duties of a judge takes precedent over all other activities." Canon 5 instructs judges to "regulate extra-judicial activities to minimize the risk of conflict with judicial duties." Opinion 97 and the cases cited would have given a current litigant who did not write (or whose lawyer did not write) a letter recommending the Judge a strong legal basis to seek to recuse the Judge in the litigant's case. A litigant whose case came before the Judge reasonably soon thereafter, but whose lawyer had not written a letter in response to the Judge's earlier request (as the Judge would be aware), would also have a basis for a recusal motion.

I hope this letter assists your important work.

Sincerely yours,

STEPHEN GILLERS.

Mr. KOHL. Mr. President, today we are considering the nomination of Charles Pickering to the Fifth Circuit Court of Appeals. Despite the fact that the Judiciary Committee rejected his confirmation little more than 18 months ago, the President has seen fit to renominate Judge Pickering for this appellate court judgeship. But nothing that has occurred in the last year should alter our conclusion that we should not confirm Judge Pickering.

The President's decision to again advance Judge Pickering's nomination at this time is hard to understand. Had new facts come to light regarding Judge Pickering's qualifications or record which assuaged our doubts concerning his fitness for this judgeship, or new explanations emerged for his rulings and actions while a district judge, we could understand the President's decision to renominate him. But absolutely nothing of the kind has happened. His record was scrutinized at length and in detail by this Committee last year, and a majority found it deficient. Rather than examining the qualifications and record of a new nominee, we are once again rehashing the already well-documented and well-established problems with this nominee. And our conclusion today is the same as it was last year—Judge Pickering does not warrant a promotion to the Fifth Circuit.

As Judge Pickering's record became known last year, we grew more and more concerned about his ability to apply and make the law without interjecting his strongly held opinions. Many of Judge Pickering's decisions are far outside of the mainstream and appeared to be motivated by a rigid ideological agenda. For example, he has shown an unrelenting hostility to persons bringing cases of employment discrimination on the grounds of race, ethnicity or gender. In voting rights cases, he has demonstrated a callous attitude toward the core democratic principle that every vote must count.

And we are all aware of Judge Pickering's disgraceful actions to reduce the sentence of a man convicted burning a cross in the front lawn of an interracial couple. Judge Pickering's extraordinary behavior on behalf of a defendant in a cross-burning case seriously calls into question his impartiality, his judgment, and his fitness to serve as an appeals court judge. This incident looks no better today than it did 18 months ago.

We are further troubled by Judge Pickering's continued active solicitation of support of letters of recommendation from lawyers practicing before him. Judge Pickering admitted at his confirmation hearing last year that he asked several lawyers who practiced before him to write letters of support and to send those letters to his chambers so that he could send them on to the Justice Department. This conduct obviously constitutes an abuse of a judge's position. Even after hearing the ethical concerns of many last year, he has continued this inappropriate practice. Such plain disregard for judicial proprieties and ethics speaks loudly against promoting Judge Pickering to the Fifth Circuit.

The deficiencies in Judge Pickering's record are particularly intolerable in a candidate for an appellate judgeship. Once confirmed to their positions for life, federal judges are unanswerable to the Congress, the President, or the people. But this fact has special force when we are considering an appellate court nominee. On the circuit court, a judge enjoys the freedom to make policy if he chooses with little concern of being overruled. Subject only to the infrequent review by the Supreme Court, Court of Appeals judges are the last word with respect to our liberties, our Constitution, and our civil rights.

I also should stress that I do not oppose Judge Pickering because his political views might be different than mine. The President has a right to appoint judges of his own political leanings. But in the case of Judge Pickering, it appears his ideology is so strong, and his convictions so settled, as to interfere with his ability to fairly dispense justice and protect the rights of the most vulnerable in our society. Judge Pickering's record as a judge over the past decade has called into question whether he can enter the courtroom and apply the law fairly, objectively, and without prejudice. This reason alone compels us to oppose his nomination.

I must also dissent from the charge that filibustering this nomination is an abuse of our Constitutional duty to advise and consent. While such a step is not—and should not—be done routinely, filibusters of judicial nominations have been undertaken under the leadership of both parties several times in recent years. This does not even take into account the silent filibuster known as a "hold"—often anonymous—which permits one objector to block consideration of a judicial nominee. President Clinton's nominees were routinely defeated by anonymous holds. And those holds only defeated the nominees who were lucky enough to even get a hearing and a committee vote. In the case of Judge Pickering, his candidacy has been reviewed and debated twice by the Judiciary Committee. Plainly he has received fair consideration of his nomination.

Judge Pickering is simply unfit for promotion to the U.S. Court of Appeals for the Fifth Circuit. No new facts have come forward which justifies reconsideration of the Judiciary Committee's decision to reject his nomination last year. For these reasons, I must vote against cloture on his nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, over the years, I have spoken many times in the Chamber. In 29 years I have spoken on everything from arms control treaties to relatively routine matters. In this particular case, I come here with mixed feelings. The Senator from New York spoke about his two friends from Mississippi, and that does bother me because the Senate—and I believe I am very much a creature of the Senate—on many issues, gets along with comity. The Senators from Mississippi are both good friends.

I consider the senior Senator from Mississippi, Mr. COCHRAN, one of my closest friends in this body. We traveled together in Mississippi, in Vermont, abroad, and we have always worked closely together on everything from appropriations to agricultural matters.

Senator LOTT has always been very courteous to me and is a good friend. We even compare photographs of our grandchildren. I think we have both come to the conclusion that is the best part of life.

We are at a challenging time in our Nation's history. Over the last several days more than 200 people have been killed or wounded in Baghdad. The number of unemployed Americans has been at or near levels not seen in years, poverty is on the rise in our country, and the current administration seems intent on saddling our children and grandchildren with trillions in deficits and debt. For the first time in a dozen years, charitable giving in this country is down. That is not the type of compassion we heard about just 3 short years ago.

While negative indicators are spiking, the Republican leadership of the Congress now is choosing to abandon work on very real problems in education, health care and national security to turn the Senate's attention to wheel-spinning exercises involving the most controversial judicial nominees.

Ironically, in spite of the heated rhetoric on the other side of the aisle, we have made progress on judicial vacancies when and where the administration has been willing to work with the Senate. Indeed, just the other day the Senate confirmed the 167th of this President's judicial nominees—100 of them, confirmed by the previous Democratic-controlled Senate.

In less than 3 years' time, the number of President George W. Bush's judicial nominees confirmed by the Senate has exceeded the number of judicial nominees confirmed for President Reagan in all 4 years of his first term in office. Republicans acknowledge Ronald Reagan as the "all time champ" at appointing Federal judges, and already the record compiled by the Senate in confirming President George W. Bush's nominees compares very favorably to his. Since July 2001, despite the fact that the Senate majority has shifted twice, a total of 167 judicial nominations have been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority, and now 67 more have been confirmed during the comparative time of the Republican majority.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating the Senate for putting more lifetime appointed judges on the Federal bench than President Reagan did in his entire first term and doing it in three-quarters of the time. But Republicans have a different partisan message. The truth is not consistent with their efforts to mislead the American people into thinking that Democrats have obstructed judicial nominations. Only a handful of the most extreme and controversial nominations have been denied consent by the Senate. Until today only three have failed. One-hundred sixty-seven to three. That record is in stark contrast to the more than 60 judicial nominees from President Clinton who were blocked by a Republican-led Senate.

Not only has President Bush been accorded more confirmations than President Reagan was during his entire first term, but the Senate also has voted more confirmations this year than in any of the 6 years that Republicans controlled the Senate when President Clinton was in office. Not once was President Clinton allowed 67 confirmations in a year when Republicans controlled the pace of confirmations. Despite the high numbers of vacancies and availability of highly qualified nominees, Republicans never cooperated with President Clinton to the extent Senate Democrats have. President Bush has appointed more lifetime circuit and district court judges in 10 months this year than President Clinton was allowed in 1995, 1996, 1997, 1998, 1999, or 2000.

Last year, the Democratic majority in the Senate proceeded to confirm 72 of President Bush's judicial nominees and was savagely attacked nonetheless. Likewise, in 1992, the last previous full year in which a Democratic Senate majority considered the nominees of a Republican President, 66 circuit and district court judges were confirmed. Historically, in the last year of an administration, consideration of nominations slows, the "Thurmond rule" is invoked, and vacancies are left to the winner of the Presidential election. In 1992, however, Democrats proceeded to confirm 66 of President Bush's judicial nominees even though it was a Presidential election year. By contrast, in 1996, when Republicans controlled the pace for consideration of President Clinton's judicial nominees, only 17 judges were confirmed, and not a single one of them was to a circuit court.

In fact, President Bush has now already appointed more judges in his third year in office than in the third year of the last five Presidential terms, including the most recent term when Republicans controlled the Senate and President Clinton was leading the country to historic economic achievements. That year, in 1999, Republicans allowed only 34 judicial nominees of President Clinton to be confirmed all year, including only 7 circuit court nominees. Those are close to the average totals for the 6 years from 1995 to 2000 when a Republican Senate majority was determining how quickly to consider the judicial nominees of a Democratic President. By contrast, the Senate to this point has confirmed 67 judicial nominees, including 12 circuit court nominees, almost double the totals for 1999.

These facts stand in stark contrast to the false partisan rhetoric by which Republican partisans have sought to demonize the Senate for having blocked seemingly all of this President's judicial nominations. The reality is that the Senate is proceeding at a record pace and achieving record numbers. We have worked hard to balance the need to fill judicial vacancies with the imperative that Federal judges need to be fair.

In so doing, we have reduced the number of judicial vacancies to 39, according to the Republican Web site for the Judiciary Committee. Had we not added more judgeships last year, the vacancies might well stand below 25. More than 95 percent of the Federal judgeships are filled. After inheriting 110 vacancies when the Senate Judiciary Committee reorganized under Democratic control in 2001, I helped move through and confirm 100 of the President's judicial nominees in just 17 months. With the additional 67 confirmations this year, we have reached the lowest number of vacancies in 13 years. There are more Federal judges on the bench today than at any time in American history.

But, despite this record of progress, made possible only through good faith effort by Democrats on behalf of a Republican President's nominees, and in the wake of the years of unfairness shown the nominees of a Democratic President, the Republican leadership has decided to use partisan plays out of its playbook as this year winds down.

Today we discuss the nomination of a candidate for a judgeship whose record already has been thoroughly examined and rejected by the Senate Judiciary Committee. Instead of debating and voting on the appropriations bills remaining to us for this year, including the bill that funds the Justice Department, the State Department, the Commerce Department and the Federal judiciary. The Senate is being asked to devote its time to the nomination of a candidate for a judgeship who has demonstrated that his record as a lower court judge is not deserving of a promotion. Instead of putting partisanship aside and bridging our differences for the sake of accomplishing what we can for the American people, we are asked to participate in a transparently political exercise initiated by a President who claimed to want to be a uniter, not a divider. With respect to his extreme judicial nominations, President George W. Bush is the most divisive President in modern times. Through his extreme judicial nominations, he is dividing the American people and he is dividing the Senate.

The nominee we are being asked by the majority to consider today is Charles W. Pickering, Sr., currently a lifetime appointee on the Federal trial court in Mississippi. Originally nominated in 2001 by President Bush, this nominee's record underwent a thorough examination by the Senate Judiciary Committee and was found lacking. Rejected for this promotion by the committee last year because of his poor record as a judge and the ethical problems raised by his handling of his duties in specific instances, Judge Pickering's nomination was nonetheless sent back to the Senate this year by a President who is the first in our history to reject the judgment of the Judiciary Committee on a judicial nominee. This is the only President who has renominated someone rejected on a vote by the Judiciary Committee for a judicial appointment.

For a while this year this renomination lay dormant while Republicans planned a followup hearing in their effort to reinterpret the facts and the record. Every once in a while we would read a news account reporting that some Republican official or other would insist that the nomination was to resurface. Judge Pickering himself told an audience at a recently delivered speech that several hearings on his nomination were scheduled and cancelled over the last year by the Republicans.

Recently, however, Republicans decided to forego any pretense at proceeding in regular order. They simply placed the name of Judge Pickering on the committee's markup agenda and voted him out by means of their one-vote majority. There was no reason given for suddenly bringing this nomination to the fore again. There are plenty of nominees for the committee to consider whom it has not previously rejected. The committee had been told since January that a new hearing would first be held, but none was.

So the timing has begged the question: Why Judge Pickering, and why now? Why not move ahead to confirm well-qualified candidates, such as Roger Titus or Gary Sharpe? Why expend the Senate's valuable time rehashing arguments about a controversial nomination that has already been rejected once before?

Some have charged that the timing of this vote has been arranged to coincide with the gubernatorial election next Tuesday in Mississippi. That is because for month, after month, after month—10 months, in fact—this renomination lay dormant, and Republicans seemed reluctant to bring it back to the committee, let alone to the Senate floor, for votes.

Next Tuesday, the people of Mississippi will be voting for their Governor in what newspapers report may be a pretty tight race. So now that this nomination is back, coinciding so neatly with an election in which Haley Barbour, a savvy Republican political operative, is challenging an incumbent Democratic Governor, Ronnie Musgrove, it does make you wonder—especially when Governor Musgrove supports the Pickering nomination. Let us hope that the Senate is not being used for that partisan purpose.

Here we have a nominee defeated by the Judiciary Committee entirely on the merits—a nominee who, as Democratic Senators have shown, has a record that does not merit this promotion, who injects his personal views into judicial opinions, and who has made highly questionable ethical judgments. We also have a record of misleading and unfair arguments made by the nominee's supporters in the Senate in the wake of his first defeat, examples of Republican Senators implying that Democrats opposed the nominee because of his religion or region.

Some believe that the political calculation has been made to ignore the facts, to pin some unflattering characterization on Democratic candidates in Mississippi, and to count on cynicism and misinformation to rule the day. Introduce the red herring that opposition to Judge Pickering's confirmation is tantamount to some kind of insult to the South, and hope nobody sees through that deception.

The poorly named "Committee for Justice," an organization created to make the ugliest and most partisan political arguments in favor of President Bush's nominees, and an organization run by the first President Bush's White House Counsel, Boyden Gray, has already produced television advertisements in support of Judge Pickering, designed to put pressure on Democratic Senators. How long before we see those ads running on Mississippi television stations? And out of whose offices does the "Committee for Justice" do its business? None other than the Washington lobbying firm still controlled by and named after the Republican nominee himself, Mr. Haley Barbour. And now, as part of an orchestrated campaign, Republican partisans in the House have also been pressed into service for this misinformation campaign.

Another shameful thing we will hear today is a distortion of the history of the filibuster. Some Republicans would now have the public believe that a filibuster of a nominee is, in their words, "unprecedented." This is another deception. As some of these same Republicans well know, they filibustered the nominations of Judge Paez and Judge Berzon on the floor of the Senate in 1999 and 2000, as they conceded at that time. By way of example, I note that several Republicans currently serving voted against cloture, the motion to close debate, after the Paez nomination had been pending before the Senate for more than four years. I have already noted that even after losing the cloture vote, Republicans led by Senator SESSIONS moved to indefinitely postpone a vote on Judge Paez's nomination, and a number of Republican Senators currently serving voted to continue to block action on the Paez nomination in 2000. Yet some Republican Senators now claim that it is unprecedented to filibuster or deny a circuit court nominee an up or down confirmation vote on the Senate floor.

Their filibuster of Judge Paez's nomination is just one example of Republican filibusters of Democratic nominees. Others include Dr. David Satcher to be Surgeon General in 1998; Dr. Henry Foster to be Surgeon General in 1995; Judge H. Lee Sarokin to the Third Circuit in 1994; Ricki Tigert to the Federal Deposit Insurance Corporation in 1994; Derek Shearer to be an Ambassador in 1994; Sam Brown to an ambassador-level position in 1994; Rosemary Barkett, a Mexican-American attorney, nominated to the 11th Circuit, 1994; Larry Lawrence, to be ambassador in 1994; Janet Napolitano at the Justice Department in 1993; and Walter Dellinger to be Assistant Attorney General for the Office of Legal Counsel at the Justice Department in 1993.

The nominations of Dr. Foster and Mr. Brown were successfully filibustered on the Senate floor by Republicans. Similarly, the nomination of Abe Fortas by President Lyndon B. Johnson to the Supreme Court of the United States was successfully filibustered by Republicans with help from some Southern Democrats.

In addition, to the nominees of Democratic Presidents whose nominations were subject to sometimes fatal delay on the floor, Republicans made an art form of killing nominations in committee so that they would never even have a vote on the floor. According to the public record, more than 60 of President Clinton's judicial nominees were defeated by willful refusal to allow them a vote, and more than 200 executive branch nominees, including several Latinos, of President Clinton met the same fate, with their nominations nixed in the dark of night without any accountability. They were filibustered and never allowed votes on the Senate floor. I discussed this history in more detail on February 26, 2003, in the CONGRESSIONAL RECORD.

In addition, in the CONGRESSIONAL RECORD on March 5, 2003, March 11, 2003, and March 13, 2003, I summarized the history of filibusters of nominees. I also spoke on May 19, 2003, about the history of Senate debate and the constitutionality of Rule XXII of the Senate rules. The fact of the matter is that many nominees have been blocked from receiving votes throughout the Senate's history. For example, 25 Supreme Court nominees were not confirmed in the Senate's history. Eleven of those nominations were defeated by delay, not by confirmation votes on the Senate floor, including the nomination of Justice Fortas. Since the early 19th century, nominees for the highest court and to the lowest short-term posts have been defeated by delay, while others were voted down. Not even all of President Washington's nominees were confirmed, nor were many other Presidents', often for political or ideological reasons. Filibusters and other parliamentary practices to delay matters were known to the Framers. There was even a filibuster in the first Congress over locating the capital.

It is too bad that it has come to a filibuster on Judge Pickering's nomination, but the White House's refusal to accept the Senate's advice has made it inevitable.

Let me clearly outline, once again, the reasons why I cannot support this nomination.

Judge Pickering was nominated to a vacancy on the Fifth Circuit on May 25, 2001. Unfortunately, due to the White House's change in the process that had been used by Republican and Democratic Presidents for more than 50 years, his peer review conducted by the ABA's Standing Committee on the Federal Judiciary was not received until late July of that year, just before the August recess. At that point the committee was concentrating on expediting the confirmation hearing of the new Director of the Federal Bureau of Investigation, who was confirmed in record time before the August recess, and other nominations.

As a result of a Republican objection to a Democratic leadership request to retain all judicial nominations pending before the Senate through the August recess, the initial nomination of Judge Pickering was required by Senate Rules to be returned to the President without action. Judge Pickering was renominated in September, 2001.

Although Judge Pickering's nominations was not among the first batch of nominations announced by the White House and received by the Senate, in an effort to accommodate the Republican Leader, I included this nomination at one of our three October hearings for judicial nominations. The day before his hearing, held on October 18, the three Senate office buildings were evacuated because of the threat of anthrax contamination. Rather than cancel the hearing in the wake of the September 11 attacks and the dislocations due to the anthrax letters, we sought to go forward.

Senator SCHUMER chaired the session in a room in the Capitol, but only a few Senators were available to participate. Security and space constraints prevented all but a handful of people from attending. In preparation for the October 18 hearing, we determined that Judge Pickering had published a comparatively small number of his district court opinions over the years. In order to give the committee time to consider the large number of unpublished opinions that Judge Pickering estimated he had written in his 12 years on the bench, and because of the constraints on public access to the first hearing, the committee afforded the nominee an opportunity for a second hearing.

I continued to work with Senator LOTT and, as I told him in response to his inquiries that December, I proceeded to schedule that follow-up hearing for the first full week of the 2002 session. There was, of course, ample recent precedent for scheduling a follow-up session for a judicial nominee. Among those nominees who participated in two hearings over the last few years were Marsha Berzon, Richard Paez, Margaret Morrow, Arthur Gajarsa, Eric Clay, William Fletcher, Ann Aiken and Susan Mollway, among others. Unlike those hearings, some of which were held years after the initial hearings, Judge Pickering's second hearing was held less than 4 months after the first one and, as promised, during the first full week of the following session.

I should note that the committee worked with Senators LOTT and COCHRAN from the time of the change in the majority to ensure swift confirmation of other consensus candidates to the Federal bench, and as United States Attorneys and United States Marshals. On October 11, 2001, the Senate confirmed United States District Court Judge Michael Mills for the Northern District of Mississippi; on October 23, James Greenlee was confirmed as the U.S. Attorney for the Northern District of Mississippi; and on November 6, Dunn Lampton received Senate approval to be the U.S. Attorney for the Southern District of Mississippi; Nehemiah Flowers was confirmed as the U.S. Marshal for the Southern District of Mississippi on February 8 although he was not nominated until the week before adjournment last session; and Larry Wagster was confirmed as the U.S. Marshal for the Northern District of Mississippi on February 8 although he was not nominated until the day before adjournment the session before. We moved forward quickly that year to fill all these crucial law enforcement vacancies in Mississippi.

After determining that the number of Judge Pickering's published opinions was unusually low, and within a week of the first hearing, the committee made a formal request to Judge Pickering for his unpublished opinions. Judge Pickering produced copies of those opinions to us. They came to the committee in sets of 100 or more at a time, including a delivery of more than 200 the day before Judge Pickering's second hearing, and another 200 or more nearly a week after. It took three written requests from the committee and more than 3 months, but eventually we were assured that all available computer databases and paper archives for all existing unpublished opinions had been searched.

We appreciated Judge Pickering and his clerks providing the requested materials. Other nominees had been asked by this committee to fulfill far more burdensome requests than producing copies of their own judicial opinions. For example, 4 years after he was nominated to the Ninth Circuit, Judge Richard Paez was asked to produce a list of every one of his downward departures from the Federal Sentencing Guidelines during his time on the Federal district court. That request required three people to travel to California and join the judge's staff to hand-search his archives. Margaret Morrow, who was nominated to a district court judgeship, was asked to disclose her votes on California referenda over a number of years and required to collect old bar magazine columns from years before. Marsha Berzon, who was nominated to the Ninth Circuit, was asked to produce her attendance record from the ACLU of Northern California. She was also asked to produce records of the board meetings and minutes of those meeting so that Senators could determine how she had voted on particular issues. Timothy Dyk, nominated to the Federal circuit, was asked for detailed billing records from a pro bono case that was handled by an associate he supervised at his law firm.

The Judiciary Committee only asked Judge Pickering to produce a record of his judicial rulings. They are public documents but were not readily available to the public or the committee. Given the controversial nature of this nomination and the disproportionately high number of unpublished opinions, this request was appropriate as part of our efforts to provide a full and fair record on which to evaluate this nomination, as some Republican Senators have conceded.

I set forth this background, for the record, to ensure that no one misunderstands how the committee went about evaluating Judge Pickering's record. We did not engage in a game of tit-for-tat for past Republican practices, nor did we delay proceeding on this nomination, as so many nominations were delayed in recent years. Rather, the Senate Judiciary Committee seriously considered the nomination, gave the nominee two opportunities to be heard, and promptly scheduled a Committee vote. I also postponed a business meeting of the committee 1 week at the request of the Republican leader, out of deference and courtesy to him.

The responsibility to advise and consent on the President's nominees is one that I take seriously. I firmly believe that Judge Pickering's nomination to the Court of Appeals was given a fair hearing and a fair process before the Judiciary Committee. Those members who had concerns about the nomination raised them and gave the nominee the opportunity to respond, both at his hearing and in written follow-up questions. In particular, I thank Senator SCHUMER for chairing the October 18 hearing and for his fairness then and, again, at the February follow-up hearing. I commend Senator FEINSTEIN for her fairness in chairing that follow-up hearing. I said at the time that I could not remember anyone being more fair than she was that day, and I reiterate that today.

My regret is that she and so many Democrats on the Judiciary Committee were subjected to unfair criticism and attacks on their character and judgment after last year's committee vote defeating the nomination. I was distressed to hear that Senator FEINSTEIN received calls and criticism, as have I, that were based on our religious affiliations. That was wrong. I was disappointed to see Senator EDWARDS subjected to criticism and insults and name-calling for asking questions. That was regrettable. While Democrats and most Republicans have kept to the merits of this nomination, it is most unfortunate that others chose to vilify, castigate, unfairly characterize and condemn without basis some Senators who were working conscientiously to fulfill their constitutional responsibilities.

I would like to explain exactly what it is about Judge Pickering's record as a judge that so clearly argues against his confirmation. My first area of concern, which I raised at his hearing, is that Judge Pickering's record on the United States District Court bench, as reflected by several troubling reversals, does not commend him for elevation. Instead, it indicates a pattern of not knowing or choosing not to follow the law, of relying to his detriment on magistrates and of misstating and missing the law.

At his hearing, I asked Judge Pickering about many of these reversals. Looking at his record, I saw that he had been reversed by the Fifth Circuit at least 25 times. And in 15 of those cases, the Fifth Circuit reversed him without publishing their decisions, which according to their rules and practice indicates that the appellate court regards its decision as based on well-settled principles of law. Those Fifth Circuit reversals on well-settled issues indicated that Judge Pickering had committed mistakes as a judge in either not knowing the law or in not applying the law in the cases before him. That is fundamental to judging.

I asked Judge Pickering about a toxic tort case, Abram v. Reichhold Chemicals. There he dismissed with prejudice the claims of eight plaintiffs because he held that they had not complied with a case management order. That means he dismissed them and denied them all rights to bring the case. Again, the Fifth Circuit reversed Judge Pickering's dismissal, holding he had abused his discretion because he had not tried to use lesser sanctions before throwing the plaintiffs out of court permanently, without hearing the case on the merits. Again, the Fifth Circuit did not publish its reversal, indicating that it was settled law that a dismissal with prejudice was appropriate only where the failure to comply was the result of purposeful delay or contumaciousness, and the record reflects that the district court employed lesser sanctions before dismissing that action. The Fifth Circuit found none of those conditions existed.

Approximately 3 years before reversing Judge Pickering in the Abram case, it had reversed him on the same legal principle in a case called Heptinstall v. Blount. There the Fifth Circuit held that he had abused his discretion in dismissing a case with prejudice for a discovery violation without any indication that he had used this extreme measure as a remedy of last resort. And in its ruling in Heptinstall, the Court cited another of its previous rulings which stated the same principle of law. Thus, this was not a principle with which Judge Pickering was unfamiliar, he had been reversed on that basis once and committed the same error again. This was binding Fifth Circuit authority of which he was aware but chose not to follow.

At his hearing, I asked Judge Pickering to explain his ruling in Abram, especially in light of the prior reversal by the Fifth Circuit on the same principle of law in another of his earlier cases. And while he offered his recollection of the facts of the case, he offered no satisfactory explanation of why he ruled in a way contrary to settled and binding precedent.

I asked Judge Pickering about a first amendment case, Rayfield Johnson v. Forrest County Sheriff's Department. This was a case in which a prison inmate filed a civil rights lawsuit claiming that a jail's rules preventing inmates from receiving magazines by mail violated his first amendment rights. In an unpublished one-paragraph judgment, Judge Pickering adopted the recommendation of a magistrate and granted the jail officials' motion to grant them summary judgment. In other words, he said that the petitioner's claim of a first amendment right to religious materials which he wanted to get through the mail would be denied without further proceedings.

In its unpublished opinion, the Fifth Circuit Court of Appeals, not considered by many a liberal circuit or one that coddles prisoners, reversed Judge Pickering and said that the inmate's first amendment rights had been violated. In explaining why he was wrong, the Fifth Circuit relied on and cited a published decision of its own from several years before, Mann v. Smith. In that case, they struck down a jail rule prohibiting detainees from receiving newspapers and magazines, holding that it violated the first amendment.

What was of concern here was that in the Mann case, the prison officials had made much the same argument about fire hazards and clogged plumbing that were made by prison officials and accepted by Judge Pickering in the Johnson case. This was a case with almost identical facts in his own circuit, what we call in the law a case "on all fours" with the Johnson case, and he did not cite it. Indeed, he turned his back on it and ruled the other way. We do not know whether he did not know the law or did not follow it. At the hearing, Judge Pickering admitted that the magistrate who had worked on the matter and he had "goofed" and that he was unaware of the law and the recent, binding precedent in his own circuit.

There are many other reversals, which continue to concern me for the same reasons that I remain concerned about the Johnson case and about the Abram case.

One of them is a case called Arthur Loper v. United States. This is another case in which Judge Pickering was reversed in an unpublished Fifth Circuit opinion, which again means that he violated "well-settled principles of law." This case dealt with an enhanced sentence that the Fifth Circuit found he had imposed improperly on a criminal defendant. When the defendant made a motion for the sentence to be corrected or set aside, Judge Pickering denied the inmate's motion without giving him a hearing but without even waiting for the government to respond. On appeal, the Fifth Circuit reversed Judge Pickering's denial of the motion, noting that the government conceded that the defendant was correct, and that an error had been made that prohibited the judge from imposing the sentence that he did. The Fifth Circuit also cited the statute under which the inmate filed his motion, which requires that under ordinary circumstances, the trial judge "shall . . . grant a prompt hearing" and "make findings of fact and conclusions of law" on the petitioner's claims. The Fifth Circuit criticized Judge Pickering for denying the motion in a "one-page order that did not contain his reasoning." And then the court went on to remind him that "[a] statement of the court's findings of fact and conclusions of law is normally 'indispensable to appellate review.'" Reading this case, I can only wonder why Judge Pickering did not abide by the statute and follow the law. Was he unaware of the requirements of the law or had he decided to follow his own view of what the law should be on the matter?

There is another case in which Judge Pickering denied a petitioner's motion for a hearing and missed controlling Fifth Circuit precedent. The case was U.S. v. Marlon Johnson, in which a prisoner claimed that his rights had been violated because of ineffective assistance of counsel and asked that his guilty plea be set aside. The inmate claimed that he had asked his counsel to file a direct appeal of his conviction.

Once again, in another unpublished opinion, the Fifth Circuit reversed Judge Pickering's denial of the inmate's motion, explaining that the inmate's "allegation that he asked his counsel to file a direct appeal triggered an obligation to hold an evidentiary hearing." This time the court of appeals relied on two of its own published decisions for its conclusion, neither of which Judge Pickering mentioned in his ruling. Again, there was settled law in the circuit of which Judge Pickering was unaware of that he chose not to follow.

I know that something will likely be made of statistics purporting to show that Judge Pickering does not have an unusually high "reversal rate," and that other judges, some appointed by Democrats, have higher numbers of unpublished reversals. Whatever these numbers purport to represent about the quantity of Judge Pickering's reversals—and I cannot vouch for them one way or another, not knowing their source or meaning—they do not in any way excuse the poor quality of his underlying opinions.

In addition to the many times that Judge Pickering has been reversed by the Court of Appeals for not knowing or following the law, there are numerous instances of Judge Pickering misstating the law in cases that were not appealed to a higher court and other cases in which he stated a conclusion without any legal support.

An example is a statement by Judge Pickering in a case called Barnes v. Mississippi Department of Corrections. In an earlier go-round in this case, the Fifth Circuit had reversed Judge Pickering on one point, and in this later opinion, he tried to explain that they did so, in part, on the basis of a 1993 Supreme Court case called Withrow v. Williams. In particular, Judge Pickering wrote that the Supreme Court, "acknowledg[ed] in Withrow that the Miranda warning is not a constitutional mandate." This was clearly a misreading of Withrow. I trust that Judge Pickering would now acknowledge that the Supreme Court recently made clear in Dickerson v. United States that the Miranda warning is indeed derived from a constitutional mandate.

An example of an entirely unsupported conclusion comes in a case called Holtzclaw v. United States, where Judge Pickering presided over a habeas corpus petition by a Federal petitioner whom he had convicted. Although this was the first habeas petition the prisoner had filed, Pickering termed the petition frivolous. He regarded the petition as restating claims that had already been made at trial. He dismissed it, and stated that he would order prison officials to punish the petitioner if he filed another frivolous petition. Judge Pickering also conducted a "survey" of cases within his district to determine how many frivolous habeas petitions had been filed. However, in the section of his opinion dealing with the sanctions, he did not cite a single statute, rule of procedure, local rule or case as support for his decision. He stated:

> In the future, this Court will give serious consideration to requiring prison authorities to restrict rights and privileges of prison inmates who file frivolous petitions before this

> Court. Specifically, this Court gives notice to Roger Franklin Holtzclaw that should he file another frivolous petition for habeas corpus in the future, that the Court will seriously consider and very likely order the appropriate prison officials to restrict and limit the privileges and rights of Petitioner for a period of from three to six months and/or that the Court will also consider other appropriate sanctions. Petitioner Roger Franklin Holtzclaw is instructed not to file further frivolous petitions.

Judge Pickering relied on no authority when he threatened to impose sanctions. This sort of action by a federal judge is disturbing. Through consideration and passage of habeas corpus reforms in 1996, Congress has made very deliberate decisions about what sanctions ought to be imposed for frivolous and repetitious petitions. In Holtzclaw, Judge Pickering went beyond Congress' intent, and in what could be described as judicial activism, threatens sanctions not contemplated by the statute.

Another example of Judge Pickering's misunderstanding the basics of Federal practice and due process occurred in a case called Rudd v. Jones, where he presided over a prisoner's civil rights claim before the enactment of the Prisoner Litigation Reform Act. He properly noted that the Supreme Court required that a pro se plaintiff is "entitled to have his complaint liberally construed" and admitted that, under this rule, the complaint "could be construed to state a cause of action." Nevertheless, he claimed that the complaint was stated in only conclusory terms and decided that, "based upon previous experience with complaints that are couched in such a highly conclusory fashion, this Court is aware that plaintiffs in such cases are very rarely successful and very seldom come forward with any facts that would even justify a trial." Therefore, on his own motion, the Judge ordered the plaintiff to refile the complaint with more specific allegations or have the case dismissed before defendant had to respond. He also did another "survey" to prove that Federal courts were wasting their resources on frivolous prisoner civil rights claims.

In forcing the plaintiff to refile, Judge Pickering entirely disregarded Federal Rule of Civil Procedure 8, which requires only notice pleading. This is a basic tenet of the American system of jurisprudence, laid out by the Supreme Court in 1957 in Conley v. Gibson.

In yet another case, Judge Pickering disregards the applicable law. In United States v. Maccachran, he denied a habeas corpus petitioner's motion for recusal without referring the matter to another judge. The petitioner filed affidavits stating that the judge had a personal bias against him. The relevant statute, 28 U.S.C. § 144, states:

> Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

According to the statute, the Judge had to allow another judge decide whether he should be recused or not. However, Judge Pickering did not follow the law, and he decided the case himself, stating that the affidavit was false. In support of his decision, he cited the dissent in a Fifth Circuit case.

I am also concerned about Judge Pickering's rulings and the attitude they signal on one of the most precious rights we have as Americans: voting rights. In Fairly v. Forrest County, a 1993 case, Judge Pickering rejected a "one-person, one-vote" challenge to voting districts that deviated in population by more than the amount deemed presumptively unconstitutional by the Supreme Court. He called the doctrine of one-person, one-vote "obtrusive," expressing skepticism about the role of the Federal courts in vindicating rights under the Voting Rights Act in order to ensure meaningful participation by all citizens in elections. In that case he also denigrates the value of each citizen's vote, arguing that the impact of any malapportionment "is almost infinitesimal" because an individual voter holds so little power. While we have always known about the power and value of individual votes, the last Presidential election has certainly taught all of us a new respect for the impact of each citizen. Judge Pickering's disregard for such a vital American right and for the worth of each American's vote is extremely troubling.

Additional questions arise from another disturbing trend that emerges from a review of Judge Pickering's opinions, published and unpublished: his habit of inserting his personal views into written decisions in such a way as to create a terrible impression of bias to categories of plaintiffs and hostility to entire types of claims before the Federal courts.

One entire category of claims in which Judge Pickering demonstrates hostility and bias is employment discrimination actions. This is also a category of cases where an examination of the judge's unpublished opinions was crucial, because over the last 12 years on the Federal bench, he chose to publish only one of his employment discrimination decisions. The remaining 12 were all among the unpublished decisions he produced to the committee upon request after his first hearing last October.

What is significant in these cases are the times in the unpublished opinions that Judge Pickering went beyond merely ruling against the plaintiff to make unnecessary, off-the-cuff statements about all the reasons he believes plaintiffs claiming employment discrimination should not be in court, and about the general lack of substance of claims brought under the federal anti-discrimination statutes.

For example, in a 1996 case, Johnson v. Southern Mississippi Home Health, Judge Pickering did not limit his opinion to a legal conclusion based on the facts presented. Instead he made sure to note that:

> The fact that a black employee is terminated does not automatically indicate discrimination. The Civil Rights Act was not passed to guarantee job security to employees who do not do their job adequately.

In a case called *Seeley v. Hattiesburg*, No. 2:96-CV-327PG, (S.D. Miss. Feb. 17, 1998), where he should have limited himself to the facts and the law, Judge Pickering went on to comment about other matters relating to race discrimination lawsuits apparently on his mind at the time, writing that:

> [T]he Courts are not super personnel managers charged with second guessing every employment decision made regarding minorities. . . The federal courts must never become safe havens for employees who are in a class protected from discrimination, but who in fact are employees who are derelict in their duties.

In a credit discrimination case, Judge Pickering ruled on the case before him, and then included a lengthy lecture giving his very personal views on anti-discrimination laws. He wrote:

> This case demonstrates one of the side effects resulting from anti-discrimination laws and racial polarization. When an adverse action is taken affecting one covered by such laws, there is a tendency on the part of the person affected to spontaneously react that discrimination caused the action. Sometimes this is true and sometimes it is not true. All of us have difficulty accepting the fact that we sometimes create our own problems. When expectations are created that are incapable of fulfillment. . . Plaintiffs fail to recognize that whatever your race—black, white, or other—natural consequences flow from one's actions. The fact that one happens to be protected from discrimination does not give one insulation from one's own actions.

All of this unnecessary editorializing is ironic given Judge Pickering's testimony at his first hearing in October of last year, when he explained to the committee why he has chosen to publish so few of his opinions over the years. He explained that, "Americans were drowning in information," and that there is, "absolutely too much," law written down. He testified that his view is, "[i]f you are not establishing precedent, why make lawyers have to read," and that, "there is too much being written out there." "If you don't have anything to add . . . that is going to be helpful to somebody," he said, "you are just cluttering up the information."

After reading statements like those I have just read, it seems to me that a plaintiff with a discrimination claim, reading or knowing about Judge

Pickering's hostile position toward anti-discrimination laws and claimants, would be justified in fearing that the judge had already made up his mind.

Such blatant editorial comments, reflecting such a narrow view of the important goals of our Nation's civil rights law, and coming from the pen of the one person who is supposed to guarantee a fair hearing and a just result, are troubling. Judges are not appointed to inject their own personal beliefs into a case.

Judge Pickering voiced another disturbing aspect of his views on employment discrimination cases almost as an afterthought at his second hearing. In an attempt to explain his statements on the weakness of many of these cases in response to Senator KENNEDY, Judge Pickering demonstrated a troubling misunderstanding of the role of Equal Employment Opportunity Commission in reviewing employment cases. He stated that he believed that, "the EEOC engages in mediation and it is my impression that most of the good cases are handled through mediation and they are resolved. The cases that come to court are generally the ones that the EEOC has investigated and found that there is no basis, so then they are filed in court." But this is completely wrong. The EEOC has a backlog of almost 35,000 cases. Both parties must agree to mediation. The commission lack resources. Yet Judge Pickering had already prejudged employment discrimination cases filed in court as without merit. That kind of erroneous and unfair a generalization about the strength of discrimination cases by a Federal judge responsible for presiding over them, was extremely disconcerting. That a Federal judge, on the bench for a dozen years, could so misunderstand the legal and practical mechanisms behind employment discrimination cases was disturbing.

While fair treatment in employment on the basis of race, sex, national origin, age and disability is fundamental to the American dream, and crucial to a free and thriving economy, due process in criminal proceedings can be a matter of life and death. Here, too, Judge Pickering has misunderstood the law and injected his personal views.

In a 1995 case, Barnes v. Mississippi Department of Corrections, Judge Pickering presided over a habeas corpus case in which a prisoner claimed that his confession was involuntary because he had been held in custody for more than three days before being given an initial hearing by a magistrate. The judge denied the petition and the Fifth Circuit reversed his decision. After remand, he again denied the petition, stating that granting such a habeas petition "is far more cruel than denying to a known murderer a procedural right regardless of how important that right is." He cited the Bible and Coke's treatise to make the point that habeas corpus should be limited to petitioners who can prove actual innocence. That was a misstatement of the law in contradiction to Supreme Court precedent. He further stated that, "[i]t is the fundamental responsibility of government to protect the weak from the strong, but it is also a fundamental responsibility of government to protect the meek from the mean—the law-abiding from the law violating." He cited no legal precedent for this apparently personal view that society's natural law rights to be free from crime override the specific protections contained in the Bill of Rights.

In Drennan v. Hargett, a 1994 case over which Judge Pickering presided, a habeas corpus petitioner claimed that he had been denied access to the courts and received ineffective assistance of counsel. He had pleaded guilty to a charge of capital murder at age 15 and received a life sentence. He claimed that his attorney had threatened him with the gas chamber if he did not plead guilty and that his lawyer did not make important motions, such as a motion to suppress his confession under Miranda. He also claimed that he did not know how to obtain relief from the courts for several years because of his youth and because his representatives misled him. Judge Pickering denied the claim, and devoted a third of his opinion, three pages of a nine-page opinion, to arguing that habeas corpus should not be allowed unless a petitioner can prove actual innocence. In this unusual opinion, he cited the ninth and tenth amendments, the Preamble to the Constitution and the Declaration of Independence in support of his views, adding that he believes the Bill of Rights is in tension with the preamble on this point. Again, he cited no legal precedent for these odd and extremely personal views, almost entirely unrelated to the controlling law.

And in Washington v. Hargett, a 1995 habeas corpus case, Judge Pickering rejected the plaintiff's request for DNA testing required to prove his actual innocence, but stated that an attempt to prove actual innocence was, "the only reason why this Court or any other federal court should be considering a petition for habeas corpus," so long after the trial. While that may be Judge Pickering's personal opinion, it is undeniably contrary to Supreme Court and statutory law. They state that a prisoner petitioning for a writ of habeas corpus is contesting the legality of his detention. The Supreme Court explained as much two years before Judge Pickering decided this case.

Interestingly, whatever the answer to that question, in the same case where Judge Pickering declared the importance of actual innocence, he denied a petitioner the only thing that could have possibly proved his—a DNA test. It was in that case of Washington v. Hargett that Judge Pickering summarily rejected the plaintiff's motion for a DNA test in order to prove his claim of innocence. The case involved a rape that occurred in August 1982, before DNA was generally available and accepted in the courts. Yet the judge suggested in his opinion that DNA testing was inappropriate simply because the request came in 1995—13 years after the trial. As he put it:

> Plaintiff had a fair criminal trial. He was, and is, entitled to nothing more. He was not entitled to a perfect trial. No such trial can be held. Plaintiff states that he wants DNA testing now thirteen years later. He wants a new trial. A new trial, now, 13 years later, would be much less reliable than the one that occurred 13 years ago.

As Judge Pickering may well know, over the last decade, post-conviction DNA testing has exonerated well more than 100 people, including 11 who were awaiting execution.

I have introduced legislation that would, among other things, afford greater access to DNA testing by convicted offenders. Senator HATCH and Senator FEINSTEIN have also introduced bills to promote the use of DNA testing in the post-conviction context. In recent weeks I joined with Chairman HATCH and others in introducing a bill drawn from these earlier efforts. Attorney General Ashcroft has stated that "DNA can operate as a kind of truth machine, ensuring justice by identifying the guilty and clearing the innocent." Judge Pickering appears in this case to have created an exception to his own oft-expressed view that habeas corpus should be considered would be to establish actual innocence.

I have asked in a number of different cases and areas of the law whether Judge Pickering was unaware of the law in different areas or whether he was trying to impose his own views in spite of the law. Another area of great concern to me—Judge Pickering's intervention on behalf of a convicted criminal—raises this same fundamental question.

In this 1994 case, United States v. Swan, Judge Pickering presided over a case brought against three people accused of burning a cross on the lawn of an interracial couple. Two of the defendants, one a juvenile and the other with significant mental disabilities, accepted plea bargains offered by the prosecution. The third, Daniel Swan, the only competent adult of the three, was also offered a plea up to the last minute, but chose to go to trial, and was convicted of all three counts brought by the Government. The story of what happened next is what troubles me about Judge Pickering.

But before I get to that, I think it is important for us to understand exactly what the facts were in the case. From the trial transcript we know that on a night in early January of 1994, three young men hanging out and drinking in front of a convenience store got the idea to go and burn a cross on the lawn of a local family where the husband, Earnest Polkey, was a white man, and his wife, Brenda, was African American. Testimony at trial shows that two of the defendants, Jason Branch, who was at the time a juvenile, and Daniel Swan, a competent adult, were the moving forces behind this idea. The third man, Mickey Thomas, had a very low IQ and mental difficulties. It really was Branch and Swan who referred to the Polkey family using awful racial slurs, and together they cooked up this idea.

After deciding what they would do, they moved into action, and using Daniel Swan's pickup truck, his wood, his nails, his gasoline and his lighter, the three men constructed a cross, took it to the Polkey's front lawn, leaned it up against a tree, and lit it on fire.

Not long afterward, the three were caught by the FBI and all three were charged with the identical counts: 18 U.S.C. 241, conspiracy to deprive victims of their civil rights, 18 U.S.C. 3631(a), intimidation on account of race, and 18 U.S.C. 844(h)(1), the use of fire in the commission of a felony. All three were also offered a plea bargain which would result in little or no jail time, and two of them took the offer. Two of them, Jason Branch, the minor, and Mickey Thomas, who has a mental disability, took the deal. They decided not to roll the dice with a jury, and to admit their responsibility for the crime. These kinds of deals happen every day. They permit the justice system to function, and they offer defendants opportunities to admit their guilt.

One of the defendants, Daniel Swan, didn't take the offer. Instead, Mr. Swan, who had boasted to friends before he was caught that he would never do any time even if he was caught, decided to take his chances in front of a jury. Well, it was not a wise decision for Mr. Swan, because once the jury heard the evidence that I recounted earlier, they convicted him on all counts. And that is where Judge Pickering's unethical behavior comes in.

Instead of doing what the law required of him and sentencing Daniel Swan to at least the congressionally required mandatory minimum sentence of 5 years for his conviction of the use of arson in a felony, he started to act like one of Daniel Swan's defense attorneys and to advocate for him, insisting that the Justice Department drop the arson charge so Swan could get a more lenient sentence.

Why would the Government drop a charge after having secured a conviction in such a terrible hate crime? Why would the prosecution agree to imposition of such a reduced sentence for someone already found guilty by a jury of his peers? According to documents that the Department of Justice produced to the committee only minutes before Judge Pickering's second hearing was to begin, and documents that they agreed to make public in a heavily redacted form a week after that, Judge Pickering made them an offer that they could not refuse. He threatened them. He threatened them with bad law—with a decision that would have called into question the applicability of the arson charge to cross burnings. And he threatened to make—and presumably grant his own motion for a new trial for Mr. Swan—a motion for which there would have been no basis in law.

He badgered them, ordering them in extraordinary terms to consult personally with the Attorney General, to report on all prior Justice Department prosecutions for cross burnings, and to agree to dismiss an already secured conviction, in the face of the fact that, the law did not permit the result he sought. And when the prosecutors, career assistants in the United States Attorneys Office and career prosecutors in Washington, refused to cave in to his bullying, Judge Pickering took things a step further, and he called an old friend, then in a high-ranking position at the Department of Justice. As he admitted in a letter to me and in testimony at his second hearing, Judge Pickering, unhappy with the answer he was receiving from those prosecuting the case, called the Assistant Attorney General for the Civil Division, a friend of long standing from Mississippi, to, as he explained it, express his frustration with the prosecutors. Judge Pickering insisted in his testimony to the committee that he did not ask his old friend to do anything or take any action but he did not deny the contact.

This sort of contact with the Department of Justice during a pending case is extremely troubling. These sorts of ex parte contacts are expressly prohibited by every code of conduct and canon of ethics ever written, and for good reason. The credibility of our entire system of justice rests on the presumption that the conduct of every trial, criminal or civil, is fair and above board, and that no one side has any real or perceived advantage. Judge Pickering's phone call and actions undermine that assumption in very disturbing ways.

Judge Pickering and his defenders in this matter will tell you that he intervened in this case not because he took pity on Daniel Swan, a convicted hate criminal, but because he was concerned about the disparity among the sentences handed down to the three offenders. He blamed the Government for agreeing to lower sentences for the two parties who pleaded guilty and then "recommending," as he inaccurately puts it, a higher sentence for the party who took his chances with a trial. He tried to give the impression that upon the sentencing for Mr. Swan he was surprised to learn about certain aspects of the crime and the defendants' behavior in them. But it is clear, upon examining the record, that none of the defendants was sentenced until after Mr. Swan's trial, until after all the testimony about their actions and relative culpability had been revealed in sworn public testimony. Judge Pickering is the one who sentenced all these defendants after having presided over the case.

Moreover, I know of no other criminal cases in which Judge Pickering intervened based on a concern about disparate sentencing or another case in which he took action to avoid imposing a sentence based on a statutory mandated minimum. His defenders will point to a few cases where he properly showed leniency within the law, but they are different from this one. In those cases it is clear he had the legal discretion to reduce sentences, but those advocating this nomination can point to no specific legal justification here.

The law has very real consequences, as this letter from Mrs. Brenda Polkey makes clear. It was sent to me last year when I was Chairman of the Committee. Mrs. Polkey says:

> My now-deceased husband, Ernest Polkey, and I were the victims of a cross-burning at our home in Improve, Mississippi in 1994. We had purchased the home in Southern Mississippi while I was still active military and my husband had retired from the military. The cross-burning case was prosecuted by the Justice Department in Judge Charles Pickering's court.
>
> I write to express my profound disappointment in learning of Judge Pickering's actions toward the defendant, Daniel Swan. As you can imagine, my family suffered horribly as a result of the conduct committed by Mr. Swan and the two other defendants. My daughter actually saw the cross in our yard the morning of the incident. I still have a photograph of the cross that I took that morning to make sure that the crime was documented properly.
>
> The trial of Daniel Swan was extremely emotional for me and my family. As a native Southerner, I had grown up in the 1960's with violent acts based on race, and I lost a member of my family due to a racial killing. I never imagined that violence based on racism would come my way again in the 1990's. We helped in the prosecution of the case, and I testified at the trail. The local NAACP gave me a certificate for my role in pursuing the case.
>
> I experienced incredible feelings of relief and faith in the justice system when the predominantly white Mississippi jury convicted Daniel Swan for all three civil rights crimes. I had hoped against hope that the jury would do the right thing and convict Mr. Swan of this horrible deed. The jury came to a guilty verdict on all three counts after only two hours.
>
> My faith in the justice system was destroyed, however, when I learned about Judge Pickering's efforts to reduce the sentence of Mr. Swan. I cannot begin to explain what his actions have done to my longstanding opinion that we were correct in helping to prosecute the case, in trying to bring about justice and in trying to prevent hate crimes from being committed against

other persons. I am astonished that the judge would have gone to such lengths to thwart the judgment of the jury and to reduce the sentence of a person who caused so much harm to me and my family.

I am very much opposed to any effort to promote Judge Pickering to a higher court. Respectfully yours, Mrs. Brenda Polkey.

When I raise questions about this case and Judge Pickering's involvement in the case and suggest it violates every Canon of Judicial Ethics, it is not just my opinion. It is the opinion of some of the Nation's foremost legal scholars on judicial ethics. Let me read to you what some of them have said. Professor Stephen Gillers of the New York University School of Law, one of the foremost, if not the foremost, legal ethics experts in the country, told Senator EDWARDS after Judge Pickering's hearings: "Judge Pickering exceeded his powers as the trial judge in the Swan case in a way that undermined decisions of the political branches of government. He then sealed the Order that would have fully revealed his actions."

The professor concludes that this is a violation of Canon 2A and 3A(1) of the Code of Conduct for U.S. Judges because of his failure to respect and comply with the law or to be faithful to the law. He substituted his judgment not only for the judgment of the prosecutors, but also for the judgment of the legislators, this Senate and the House, instead of sticking to his role as a judge. And by sealing the order that revealed his position, he made certain that no judicial review of his actions could occur.

Professor John Leubsdorf, legal ethics professor and Judge Lacey Distinguished Scholar at Rutgers Law School, agreed with Professor Gillers. Professor Leubsdorf, who has been studying and teaching Legal Ethics for 25 years, has taught at Columbia, Cornell, and the University of California-Berkeley's law schools, and has published articles in the Harvard, Yale, Stanford, Texas, NYU, Pennsylvania, Minnesota, and Cornell law reviews, could not have been clearer. After reviewing the judge's actions, he concludes that, "[w]hatever Judge Pickering's motives may have been, this was no way for a judge to behave," and that he "cannot escape the conclusion that Judge Pickering departed from his proper judicial role of impartiality in the Swan case to become an advocate for the sentence he considered proper."

Steven Lubet, a Professor of Law at Northwestern University Law School, director of the law school's Program on Advocacy and Professionalism, and the author of numerous articles on legal ethics, reached much the same conclusion. He tells us that, "Judge Pickering's actions raise serious questions under the Code of Conduct for United States Judges. In particular, it appears that Judge Pickering initiated a prohibited ex parte communication in violation of Canon 3A(4)," and that his, "extended efforts to reduce Swan's sentence for cross burning appear to have compromised his impartiality, taking him nearly into the realm of advocacy, thus implicating Canons 2A and 3A as well."

The ethics concerns raised by the judge's behavior in the cross burning case are not the only ethical problems Judge Pickering's nomination presents. There is also the very serious matter of his having solicited letters of support and having asked to review them before forwarding them to the Justice Department and to the Senate. As Professor Gillers for NYU explains, this is a matter of grave concern. The letter, which has been made a part of the record, recounts the various Canons of the Code of Conduct for U.S. Judges implicated by this behavior, and is just another reason why I cannot approve of Judge Pickering's elevation.

I should note that Judge Pickering's behavior in this matter is similar to that of a nominee from more than 20 years ago, Charles Winberry. Nominated to the U.S. District Court in North Carolina by Democratic President Jimmy Carter, Mr. Winberry's nomination was defeated in the Judiciary Committee in 1980. Among the grounds on which I opposed this nomination, sent to the Senate by a President of my party, were my objections to Mr. Winberry's having solicited letters from lawyers who would be appearing before him, if he were confirmed, and for asking for blind copies of those letters.

The increasing frequency of nominees campaigning for confirmation to the federal bench is a troubling development and one that threatens the very independence of our judiciary. I was concerned about it in 1980 and I remain concerned about it in 2002.

During the course of these proceedings, some have falsely contended that Democratic Senators have called Judge Pickering a racist. That did not happen and that criticism is a smokescreen to obscure the real problems with this nomination. I attended the committee hearings on this nomination and witnessed Democratic Senators asking questions and the nominee being given opportunity after opportunity to make his best case for elevation to the Fifth Circuit. Some have even insinuated that Senators who oppose this nomination are anti-Southern or anti-Christian, a smear that is as wrong as it is ugly. The talking points distributed by the other side are partisan, political and intentionally misleading. They have been accepted and repeated by some who have failed to review the record. That is unfortunate.

I think the nominee's past views and actions during a difficult time in Mississippi's history were not irrelevant, but I based my decision on his years on the bench and the record amassed and reviewed at our hearings.

So let me sum up for my colleagues what Judge Pickering's own record makes clear. Judge Pickering's record is replete with examples of bad judging and is littered with cases that demonstrate a misunderstanding of the law in many crucial and sensitive areas. Judge Pickering's record shows a judge inserting his personal views into his judicial opinions and putting his personal preferences above the law. It is a record that does not merit this promotion to one of the highest courts in the land. Based on Judge Pickering's record, I will vote against invoking cloture, and should cloture be invoked, I will vote against this nomination.

If Judge Pickering's nomination is not ultimately successful, he will nonetheless remain a Federal judge of the Southern District of Mississippi with life tenure. He will be responsible for presiding over cases and determining matters central to the lives and well-being of many people in Mississippi and from elsewhere. He has served as a prosecutor, a State legislator, a local leader, and now as a Federal judge.

The oath taken by Federal judges is a solemn pledge to administer justice fairly to those who come before the court seeking justice. It extends to those who are rich or poor, white or black, Republican or Democrat, without regard to gender or sexual orientation, national origin or disability.

Judge Pickering remains a very important and powerful person in Mississippi. I understand that he may be the only Federal judge who sits in Hattiesburg. The judge's ability faithfully to discharge the duties of the office are important every day, on every case, with respect to every claim and regarding every litigant. I bear him no malice and wish him and his family well.

Parliamentary inquiry: How much time remains for the distinguished Senator from Utah and myself?

The PRESIDING OFFICER. Each side has 7½ minutes.

Mr. LEAHY. Mr. President, I will yield 3 minutes to the distinguished senior Senator from Massachusetts in just a moment.

I would hope, after this debate, we might start debating judicial nominees based on the facts and not on some of the innuendoes we have heard.

Mr. President, before I yield, I understand that again we are reserving the last 5 minutes for the distinguished senior Senator from Mississippi; is that correct?

The PRESIDING OFFICER. That is correct. You asked for 5 minutes, but you will not have 5 minutes after allotting the 3.

Mr. LEAHY. I understand. I thank the distinguished Presiding Officer, who is, after all, a model of propriety and fairness.

I yield 4 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I oppose the nomination of Judge Charles Pickering on his record. I want to be absolutely clear about that. Charles Pickering has a disturbing record as a U.S. district court judge that simply does not qualify him for appointment to the Fifth Circuit. He has often been hostile to plaintiffs bringing civil rights claims, he has questioned the value of important constitutional protections such as "one-person, one-vote," and he has tried to restrict habeas corpus. His cases are filled with dicta and with expressions of his own personal opinion. This all calls into question his ability to enforce statutory and constitutional protections and his judicial temperament.

The States of the Fifth Circuit are among the poorest in the Nation. They have a population that is 42 percent minority—the highest of any circuit. For many years, the Fifth Circuit had a critical role in the Nation's history in applying and interpreting the civil rights laws. Not long ago, the circuit was hailed for its courage in protecting the civil rights of African Americans. When Congress passed the 1964 Civil Rights Act and the 1965 Voting Rights Act, many State and local governments in the South resisted these measures. Federal judges such as Elbert Tuttle, Frank Johnson, and John Minor Wisdom helped to make the promise of equality a reality by enforcing these landmark laws of our time. It is particularly important that a judge appointed to this court have a commitment to civil rights, to the constitutional safeguards that protect all Americans, and to the rule of law.

I am disturbed by the rhetoric I have heard today that those of us who oppose this nomination are a "lynch mob." This rhetoric is a profoundly cynical misuse of race and disregards the lessons that we should all have learned from history. Those who cannot tell the difference between a mob bent on murder and torture of an innocent individual solely because of the color of his skin, on the one hand, and those of us in the Senate who seek to focus on genuine issues in Judge Pickering's record, on the other hand, needs a serious history lesson. Frankly, such a comparison is not only unfair, but it does an injustice to those African Americans who suffered and died at the hands of real lynch mobs in the South, including in the State of Mississippi. This is not a lynch mob, this is reasoned debate, and it is part of our constitutional role of advice and consent to engage in such debate.

Judge Pickering's troubling record on civil rights and his injection of his personal opinion can be seen in his extraordinary intervention on behalf of a cross-burning defendant. Pickering repeatedly pressured the Federal Government to drop a charge against a convicted cross-burner to avoid having the defendant serve a congressionally mandated 5-year minimum sentence. Pickering went so far as to threaten to order a new trial, and to initiate an ex parte communication with a high-ranking official of the Justice Department while the case was pending before him. Three ethics experts have written Senator EDWARDS stating that this conduct violated the Code of Judicial Conduct.

I have spent a great deal of time thinking about this case, and I have come to the conclusion that Judge Pickering's efforts to reduce the defendant's sentence of a convicted cross-burner in United States v. Swan cannot be justified by the fact that other participants in the cross-burning received lesser sentences.

The other two participants in the cross-burning pled guilty and therefore were not subject to mandatory minimum sentences. Mr. Swan was tried and found guilty of a crime that has a mandatory minimum sentence. This eliminated any sentencing discretion Judge Pickering might have had under the law. Thus, this case raises the question of whether Judge Pickering will follow the law even if he does not agree with it.

Mr. Swan was an adult of average intelligence at the time of the crime. By contrast, one of the other participants was severely limited in intelligence, with an IQ of 80, and the other was a juvenile. Thus, Mr. Swan arguably bore greater responsibility for the hate crime. Finally, the materials used to build the cross, the gasoline used to douse it, the truck used to transport it, and the lighter used to ignite it all belonged to Mr. Swan.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. LEAHY. I yield the 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Judge Pickering has a duty to follow the law and the canons of judicial ethics whether or not he agrees with them. His failure to do so in this recent case cast doubt on whether he would do so if confirmed to the Fifth Circuit.

In a letter to Senator HATCH, Judge Pickering admitted that he has departed downward from other mandatory minimum sentences only when the Sentencing Guidelines allowed an exception.

I have heard some say that the fact that some black Mississippians may support Judge Pickering should be enough to have him confirmed. Many black Mississippians, including those from organizations representing thousands of African Americans in Mississippi have come out against Judge Pickering. The State's major African American Bar Association—the Magnolia Bar Association—has written a letter to the Committee opposing Judge Pickering. He is also opposed by Eugene Bryant, President of the Mississippi State Conference of the NAACP, which represents one hundred chapters of the NAACP.

Democrats have not smeared Judge Pickering's reputation by examining his record. Judge Pickering has a complex legacy. On the one hand, he testified against the KKK and has spoken in favor of racial reconciliation. On the other, he has opposed civil rights laws, and the concept of "one-person, one-vote" under the Voting Rights Act. Democrats on the Judiciary Committee have never said that he is a racist. But the committee has to determine what sort of judge he will be, not what kind of neighbor he is or the nature of his historical legacy. His 12 years as a district court judge provide us with a clear record that he is unwilling to apply or respect the law when he disagrees with it, and I will vote against his nomination.

Mr. HATCH. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Utah has 7 minutes 29 seconds, with 5 minutes being reserved for the Senator from Mississippi.

Mr. HATCH. Is that all the time left on either side?

The PRESIDING OFFICER. That is correct.

Mr. HATCH. Mr. President, I have heard my distinguished friends on the other side say we have approved 167 judges but have rejected only 3 with a filibuster. Actually, that is a little bit of an untruth because Miguel Estrada was filibustered and, of course, withdrawn. Priscilla Owen is presently being filibustered. Carolyn Kuhl, there is a threatened filibuster on her. These are all circuit court of appeals nominees. William Pryor has already been filibustered. Charles Pickering is being filibustered. This is a cloture vote to determine whether we can even have the dignity of an up-or-down vote.

Leon Holmes has been threatened with a filibuster. Janice Rogers Brown has been threatened with a filibuster. Claude Allen has been threatened with a filibuster.

The fact is, we have never had a filibuster before in the history of the Senate, in the history of this country, with regard to judicial nominees.

I have heard a lot of comments about what a nice man Judge Pickering is and all of this; it is the record they disagree with. This is a man who has been on the bench for a long time, and he would be a rare person if you didn't find one or two cases with which you disagree. I have to say that in all honesty, most of these arguments they have made are smokescreen issues and arguments.

Mr. LEAHY. Will the Senator yield for a question?

Mr. HATCH. I can't right now because I have a limited time.

Every one of them can be answered. Let me tell the principal reason behind this. After we voted Judge Pickering out of the committee a few weeks ago, we held a press conference. One of the people who appeared with us at the press conference was one of the leading civil rights ministers of the South, former head of the ACLU in Mississippi, really one of the most respected people in the civil rights cause. His life had been threatened. He came and spoke fervently for Judge Pickering. Before he did, I got up and I said: This is all about abortion.

After he spoke, he came up to me and he said: Senator, as you know, I am pro-choice, but you are absolutely right. This is all about abortion. Let me make that case by putting up this chart, the National Abortion Rights Action League.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent for 30 seconds for each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. The National Abortion Rights Action League, Pro-choice America sent this out to everybody they could: "Urge your Senators to stop anti-choice nominee Pickering" because they know he is pro-life, even though he has agreed he will abide by the law. He will abide by Roe v. Wade. He will abide by the other abortion cases. That is what this is all about. Frankly, I have it on impeccable information that that is what this is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I am sorry the Senator from Utah was unwilling to yield for a question. He mentioned a threatened filibuster on Mr. Holmes. I assure him, we have cleared Holmes on our side. The Republicans could bring him up any time they want. There is no filibuster being threatened over here. I don't know why they don't bring him up. Gary Sharpe of New York, I don't know why they don't bring him up. These are judges they could bring up any time they wanted. They have been cleared for a vote on this side. We may vote for or against them. But Mr. Holmes is not being filibustered. That is a mistake on the part of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Charles Pickering has been subjected to the most intense and thorough scrutiny that I can remember any judicial nominee enduring since I have been in the U.S. Senate. After all of his opinions as a United States district judge have been read and reread and dissected, this is what the record shows.

In 13 years on the Federal bench, he has demonstrated a sense of fairness and good judgment that has reflected credit on the Federal judiciary. He has become known throughout our State as someone who is above reproach, who is totally honest and honorable, and who applies the law without regard to race, creed, or ethnicity in an intelligent, thoughtful, and sensible manner.

He is widely respected as a United States district judge. I have no doubt that if confirmed by the Senate, he will serve with distinction and dedication on the United States Court of Appeals for the Fifth Circuit.

Before he became a Federal judge, Charles Pickering served ably in the Mississippi State Senate and was the chairman of the Mississippi Republican Party. He was elected county prosecuting attorney after he had been engaged in the practice of law for only 2 years. When Charles Pickering was nominated to serve on the U.S. District Court for the Southern District of Mississippi in 1990, he was approved unanimously by the Senate Judiciary Committee. And he was confirmed unanimously by the U.S. Senate.

As U.S. district court judge, he has become one of the highest rated judges in the Nation. Judge Pickering has received the highest rating from the American Bar Association. He has a lower reversal rate than both the national and Fifth Circuit average. Mr. President, 99.5 percent of his cases have been affirmed or not appealed. Of those cases that have been appealed, Judge Pickering has only a 7.9-percent reversal rate, which is 20-percent lower than the national average of the Department of Justice, and two times lower than the average district court judge in the Fifth Circuit.

He has been endorsed by the current president and the past 17 presidents of the Mississippi State Bar. He is endorsed by all of the major newspapers in Mississippi. He has also been endorsed by all of our State government officials who were elected statewide, including the Democrats who serve as Governor, attorney general, and secretary of state.

The people who know Charles Pickering the best are the residents of my State, and they overwhelmingly support his confirmation as a court of appeals judge.

It is time to end this effort to discredit and demean this good man. It is time for the Senate to do what is right and confirm this well-qualified and honorable nominee.

The PRESIDING OFFICER. Has all time been yielded back?

The majority leader.

Mr. FRIST. Mr. President, on leader time, I wish to make a few closing statements with regard to this vote and this nomination.

In a few minutes, we will have the opportunity to vote on whether Judge Pickering, whom the Senate has once before confirmed to the Federal district court without blemish, can be given the simple fairness, the simple honesty of an up-or-down vote or whether he will be denied that fairness.

The vote matters to many people because none of the President's judicial nominees has suffered more indignities and distortions than this superbly qualified man, Judge Pickering.

Others in the past and over the course of the morning have spoken much more ably about the qualifications with regard to this superbly qualified individual, Judge Charles Pickering.

I know the passion of the two Mississippi Senators from whom we just heard. We heard Senator LOTT speak about this man, and we heard the strong support from Mississippi Senator THAD COCHRAN for this nominee, and we know of the hard work of the chairman of the Judiciary Committee, Chairman HATCH—all of whom have worked so hard to bring this nomination to the floor over the last 2½ years since he was first nominated by President Bush—again, 2½ years ago.

It had always been my hope over the last 10 months since I became majority leader that we would be able to put much of the unfortunate history of the 106th Congress behind us when it came to judicial nominations. By that, I refer to the inaction on nominees in committee to their outright defeat in committee which denied the opportunity for all Senators to exercise the constitutional responsibility of advise and consent, and the ability and opportunity to vote up or down on judicial nominations. I think we have made huge progress over the course of this year in that regard, thanks to Chairman HATCH.

While in many ways we closed that chapter of Senate history, a new chapter has opened and, once again, I believe we will see it today, and that is this unprecedented use of the partisan filibuster in the Senate to deny Senators the opportunity and the ability to have an up-or-down vote to speak clearly, and the way we have the power to do that is through our votes, either for a judicial nomination or against a judicial nomination.

What bothers me as majority leader is what that says about our institution and about the future of this institution. Many of us have spoken to this and have warned over the past several months about the dangers of departing from this 200-year history of the Senate, that tradition of precedent from which all of a sudden we are seeing this departure over the course of this year.

Today, in just a few minutes, once again we have a choice, an opportunity to move ahead and make progress and to discharge that constitutional responsibility of an up-or-down vote.

This is not only a vote to decide whether the Senate will say yes or no to a man who, as we all know, is perfectly qualified, a good man, a man of high integrity and character, an able jurist who we all know will bring credit to the Federal appeals court.

To vote yes on cloture, in my view, is the latest referendum on whether or not we want to reaffirm our history in this body, the Senate, whether or not we want to shut this new chapter of unprecedented delay and destruction, whether or not we want to return the Senate to the well-worn path that it has tried over the last 200 years but from which over the course of this year we seem to be deviating, a path of men and women coming to this body and by their vote being able to take direct responsibility of either confirming or rejecting a nomination.

I represent the State of Tennessee. Right now I represent my party as Republican leader. In addition, I, as majority leader, believe I have a responsibility to this entire body. Together we look to the past and we build for the future. I appeal once again to my colleagues to remember the history we have as stewards, as servants to this institution; that we remember the responsibilities charged to us by the Constitution, responsibilities of advise and consent, and vote aye on cloture, and then vote up or down but vote one way or another on the nomination of Charles Pickering. To do any less than that does fail the history we have had the privilege to recognize and be part of. Indeed, it adds one more obstacle to the progress we could make as we go forward.

Finally, it does ensure that with this new course foisted on the Senate, we will have to meet that radical departure from 200 years of history with responses that will reestablish a more regular order of action in the future.

Mr. President, I close by simply saying I urge our colleagues to support an opportunity for an up-or-down vote—that is all we ask—on Judge Charles Pickering.

The PRESIDING OFFICER. All time has expired.

Mr. REID. Will the majority leader yield for a question not related to the Pickering nomination?

Mr. FRIST. Through the Chair, I will be happy to yield.

Mr. REID. Mr. President, we were originally going to have a vote on the global warming issue. It would have been about 12:45 p.m. This will necessitate that vote occurring around 1:15 p.m., but under the regular process here, on Thursdays we do not vote during the hour of 1 p.m. to 2:15 p.m. I wonder if the leader will be able to at this time indicate that the managers of the Healthy Forests issue should be here about 1:15 p.m., or thereabouts, so they can start on that issue prior to voting on the global warming issue, which I hope can occur at 2 o'clock because there are a number of people on our side who need to vote on that. I hope the leader understands what I am saying.

Mr. FRIST. Mr. President, I do. Let me talk to the managers before actually agreeing to anything. I have not talked with them about the scheduling. Before committing to a schedule, let me make an announcement right after this vote.

Mr. LOTT. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote be vitiated and that the Senate immediately proceed to a vote to confirm the nomination of Judge Charles Pickering to the Fifth Circuit Court of Appeals.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 400, the nomination of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

> Bill Frist, Orrin Hatch, Trent Lott, Conrad Burns, Lamar Alexander, Arlen Specter, Mitch McConnell, Mike DeWine, Chuck Hagel, Rick Santorum, Craig Thomas, Thad Cochran, John Ensign, Lindsey Graham, Elizabeth Dole, Michael B. Enzi, Gordon Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Charles Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote "yea."

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 419 Ex.]

YEAS—54

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Edwards
Kerry
Nelson (NE)

The PRESIDING OFFICER. On this question, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLIMATE STEWARDSHIP ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 139, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 139) to provide for a program of scientific research on abrupt bankrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

Pending:

> Lieberman/McCain amendment No. 2028, in the nature of a substitute.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, we are now on global warming. Because of scheduling problems, the managers of the bill, Senator INHOFE, Senator MCCAIN, and Senator LIEBERMAN, have agreed to each give up 15 minutes on their side. Therefore, the vote will occur at 12:45. I ask unanimous consent that be the case—that the vote occur at 12:45.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, there are 90 minutes equally divided for debate between the chairman and the Senator from Connecticut, or their designees.

Mr. LIEBERMAN. Mr. President, I yield 6 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise to support the Climate Stewardship Act offered by Senators LIEBERMAN and MCCAIN and to cosponsor this aggressive plan to fight global warming.

When President Bush walked away from the Kyoto Protocol negotiations in March 2001, he promised the American people he would come up with an alternative. More than 2 years later, the President has yet to deliver on his promise and we simply cannot wait any longer to start making progress.

Here in the Senate we have a worthy plan that will cut greenhouse gas emissions. I want to applaud Senators LIEBERMAN and MCCAIN for presenting this meaningful and comprehensive plan.

The McCain-Lieberman bill will require mandatory greenhouse gas emissions reductions in the United States from broad sectors of our economy. Rather than just aiming to limit industrial emissions—as other plans have done—this legislation will require emissions reductions from four major sectors of the economy: electric utilities; industrial plans; transportation; and large commercial facilities. These four sectors contribute 85 percent of the greenhouse gases produced in America.

The McCain-Lieberman legislation relies on a national "cap and trade" system to reduce the air pollutants that contribute to climate change. Many of my colleagues are familiar with this approach. It was first used on a national scale to combat acid rain under Title IV of the Clean Air Act Amendments of 1990. A cap and trade system establishes an overall total limit on emissions and then allows pollution sources to trade emissions allowances. It gives participants the flexibility of the marketplace, and it works.

In fact, the acid rain program has reduced sulfur dioxide emissions from power plants—and it has done it at less than a quarter of the predicted cost to industry.

The McCain-Lieberman program will mandate that by 2010, the four sectors involved must reduce their emissions to 2000 levels. This is a meaningful and substantial reduction in emissions—a 5 percent reduction over the next 7 years.

Some critics suggest that you can't "grow the economy" without emitting more greenhouse gases. We know that is not true. As the acid rain program proved, the cap and trade system works well.

There were nay-sayers in 1990, and they were proven wrong. There are nay-sayers now, and we must prove them wrong again.

This is also an opportunity for American companies to get ahead of trends that we know are coming. We know that the future of energy production lies in renewable energy and in alternatives to fossil fuels. I want American workers to lead the way, and I want American companies to share in the benefits.

It is projected that over the next 20 years, $10-$20 trillion will be spent globally on new energy technologies. This is an enormous market, and much of the investment will take place outside of the U.S., in places such as China. I want American companies to sell the technologies that will be needed and used throughout the world. By passing this legislation, we will give American companies incentives to pursue new, clean energy technologies. And new technologies mean new jobs—especially compared to older energy sources.

Today, for every 1 percent of market share, renewable energy technologies generate 12,500 jobs. By the same measure, the coal industry only generates 3,000 jobs.

So this new technology holds a lot of promise in helping American companies and the American economy.

Let me mention briefly the President's so-called clear skies plan. This administration's approach to global climate change has been to focus on reducing greenhouse gas intensity. That is the ratio of carbon emission to gross domestic product. What most people do not know is greenhouse intensity is already declining. As the economy modernizes, it naturally becomes more efficient in terms of energy use, so when the President says he wants to reduce greenhouse gas intensity by 18 percent over the next 10 years with his Clear Skies Initiative, we should ask how much would the intensity decrease over the next 10 years without the Clear Skies Initiative.

The answer is stunning and underscores how little this administration really wants to do to reverse global warming. According to CRS, greenhouse gas intensity is projected to fall by over 14 percent over the next 10 years under current environmental regulations. The President's proposal is nearly as weak as existing law. President Bush thinks the Federal Government's primary climate change goal should be to encourage voluntary measures to reduce greenhouse gas intensity by only 4 percent over the next decade.

That is an utterly irresponsible approach to global warming. Our country should be taking an aggressive lead on reducing pollution. I am confident by using market-oriented strategies and new technologies, American ingenuity can find ways to reduce emissions without harming the economy. As I mentioned earlier, it will help our economy.

The threat of global warming is real. The Pacific Northwest stands to lose much from climate change from increasing severe storms to rising sea levels to negative impacts on our forests, our coasts, our salmon, and our agriculture. Those resources define the quality of life where I live.

In Washington State, increasing temperatures over the next decades could cause salmon in Puget Sound to migrate north. It could cause some crops to shift their natural habitats into Canada.

The western governors understand this. In September, the governors of California, Oregon, and my home State of Washington got together to curb greenhouse gas emissions by promoting tougher emissions standards for new power plants.

Governors and legislatures in the Northeast have taken similar measures.

Soon the Nation will face a patchwork of regional regulations, making it costly and cumbersome for industries to comply.

We in Congress need to take action since this White House has failed to act. It's time for a real policy to reduce our impacts on the global climate.

We know that a clean environment contributes to the health and quality of life for every Washingtonian and for every American. The McCain-Lieberman bill is an important first step.

I urge my colleagues on both sides of the aisle to vote for this legislation.

I ask unanimous consent to have printed a New York Times article that reported on the regional regulations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 29, 2003]

THE WARMING IS GLOBAL BUT THE LEGISLATING, IN THE U.S., IS ALL LOCAL

(By Jennifer 8. Lee)

WASHINGTON, Oct. 28—Motivated by environmental and economic concerns, States have become the driving force in efforts to combat global warming even as mandatory programs on the Federal level have largely stalled.

At least half of the States are addressing global warming, whether through legislation, lawsuits against the Bush administration or programs initiated by governors.

In the last three years, State legislatures have passed at least 29 bills, usually with bipartisan support. The most contentious is

California's 2002 law to set strict limits for new cars on emissions of carbon dioxide, the gas that scientists say has the greatest role in global warming.

While few of the State laws will have as much impact as California's, they are not merely symbolic. In addition to caps on emissions of gases like carbon dioxide that can cause the atmosphere to heat up like a greenhouse, they include registries to track such emissions, efforts to diversify fuel sources and the use of crops to capture carbon dioxide by taking it out of the atmosphere and into the ground.

Aside from their practical effects, supporters say, these efforts will put pressure on Congress and the administration to enact Federal legislation, if only to bring order to a patchwork of State laws.

States are moving ahead in large part to fill the vacuum that has been left by the Federal Government, said David Danner, the energy adviser for Gov. Gary Locke of Washington.

"We hope to see the problem addressed at the Federal level," Mr. Danner said, "but we're not waiting around."

There are some initiatives in Congress, but for the moment even their backers acknowledge that they are doomed, given strong opposition from industry, the Bush administration—which favors voluntary controls—and most Congressional Republicans.

This week, the Senate is scheduled to vote on a proposal to create a national regulatory structure for carbon dioxide. This would be the first vote for either house on a measure to restrict the gas.

The proposal's primary sponsors, Senator John McCain, Republican of Arizona, and Senator Joseph I. Lieberman, Democrat of Connecticut, see it mainly as a way to force senators to take a position on the issue, given the measure's slim prospects.

States are acting partly because of predictions that global warming could damage local economies by harming agriculture, eroding shorelines and hurting tourism.

"We're already seeing things which may be linked to global warming here in the state," Mr. Danner said. "We have low snowpack, increased forest fire danger."

Environmental groups and officials in state governments say that energy initiatives are easier to move forward on the local level because they span constituents—industrial and service sectors, Democrat and Republican, urban and rural.

While the coal, oil and automobile industries have big lobbies in Washington, the industry presence is diluted on the state level. Environmental groups say this was crucial to winning a legislative battle over automobile emissions in California, where the automobile industry did not have a long history of large campaign donations and instead had to rely on a six-month advertising campaign to make its case.

Local businesses are also interested in policy decisions because of concerns about long-term energy costs, said Christopher James, director of air planning and standards for the Connecticut Department of Environmental Protection. As a result, environmental groups are shifting their efforts to focus outside Washington.

Five years ago the assumption was that the climate treaty known as the Kyoto Protocol was the only effort, in town, said Rhys Roth, the executive director of Climate Solutions, which works on global warming issues in the Pacific Northwest states. But since President Bush rejected the Kyoto pact in 2001, local groups have been emerging on the regional, state and municipal levels.

The Climate Action Network, a worldwide conglomeration of nongovernment organizations working on global warming, doubled its membership of state and local groups in the last two years.

The burst of activity is not limited to the states with a traditional environmental bent.

At least 15 states, including Texas and Nevada, are forcing their state electric utilities to diversify beyond coal and oil to energy sources like wind and solar power.

Even rural states are linking their agricultural practices to global warming. Nebraska, Oklahoma and Wyoming have all passed initiatives in anticipation of future greenhouse-gas emission trading, hoping they can capitalize on their forests and crops to capture carbon dioxide during photosynthesis.

Cities are also adopting new energy policies. San Franciscans approved a $100 million bond initiative in 2001 to pay for solar panels for municipal buildings, including the San Francisco convention center.

The rising level of state activity is causing concern among those who oppose carbon dioxide regulation.

"I believe the states are being used to force a federal mandate," said Sandy Liddy Bourne, who does research on global warming for the American Legislative Exchange Council, a group contending that carbon dioxide should not be regulated because it is not a pollutant. "Rarely do you see so many bills in one subject area introduced across the country."

The council started tracking state legislation, which they call son-of-Kyoto bills, weekly after they noticed a significant rise in greenhouse-gas-related legislation two years ago. This year, the council says, 24 states have introduced 90 bills that would build frameworks for regulating carbon dioxide. Sixty-six such bills were introduced in all of 2001 and 2002.

Some of the activity has graduated to a regional level. Last summer, Gov. George E. Pataki of New York invited 10 Northeastern states to set up a regional trading network where power plants could buy and sell carbon dioxide credits in an effort to lower overall emissions. In 2001, six New England states entered into an agreement with Canadian provinces to cap overall emissions by 2010. Last month, California, Washington and Oregon announced that they would start looking at shared strategies to address global warming.

To be sure, some states have decided not to embrace policies to combat global warming. Six—Alabama, Illinois, Kentucky, Oklahoma, West Virginia and Wyoming—have explicitly passed laws against any mandatory reductions in greenhouse gas emissions.

"My concern," said Ms. Bourne, "is that members of industry and environment groups will go to the federal government to say: 'There is a patchwork quilt of greenhouse-gas regulations across the country. We cannot deal with the 50 monkeys. We must have one 800-pound gorilla. Please give us a federal mandate.'" Indeed, some environmentalists say this is precisely their strategy.

States developed their own air toxics pollution programs in the 1980's, which resulted in different regulations and standards across the country. Industry groups, including the American Chemistry Council, eventually lobbied Congress for federal standards, which were incorporated into the 1990 Clean Air Act amendments.

A number of states are trying to compel the federal government to move sooner rather than later. On Thursday, 12 states, including New York, with its Republican governor, and three cities sued the Environmental Protection Agency for its recent decision not to regulate greenhouse-gas pollutants under the Clean Air Act, a reversal of the agency's previous stance under the Clinton administration.

"Global warming cannot be solely addressed at the state level," said Tom Reilly, the Massachusetts attorney general. "It's a problem that requires a federal approach."

Mrs. FEINSTEIN. Mr. President, I rise in support of the McCain-Lieberman amendment. I would like to begin by thanking the distinguished Senators from Arizona and Connecticut for their work on this bill. Their efforts are moving the Senate and the country forward on this very important issue.

I strongly believe that it is time for the United States to take real action against climate change. The science is solid. It is time to stop debating whether to do something and start discussing how to do it.

This modest bill is an affordable and crucial step forward. It is time to act.

The McCain-Lieberman amendment would create the infrastructure needed to track and trade greenhouse gas emissions and require the U.S. to return to year 2000 emissions levels by 2010.

The amendment would give us 7 years to reach year 2000 level emissions. Because of the recession, our national emissions actually went down in 2001. So we are actually at about year 2000 levels right now.

So we have 7 years just to get back to our current level of emissions. This is a modest step but it is a step forward.

As the world's largest greenhouse gas emitter, the U.S. has a duty to act.

With only 4 percent of the world's population, we produce 20 percent of the world's greenhouse gas emissions. Much of the world is already reducing their greenhouse gas emissions. The world is counting on us to do the same.

If we continue to ignore the problem, it will only get worse. If we wait, we will need to make bigger cuts in our emissions and we will have less time. Action will become more expensive rather than less.

I understand that many people are concerned about the costs of any efforts to reduce emissions. I also want to make sure that whatever program we wind up with is a good deal for the American people.

I strongly believe that the cap and trade program in this bill is a good deal for America.

Concerns about the cost of action are important.

But I want to ask my colleagues to consider very carefully the cost of doing nothing. The evidence is getting stronger and stronger that climate change will be very expensive.

According to the best available research, not acting will cost my State dearly. Our large population, our geography, and especially our reliance on snow runoff for water make California extremely vulnerable to global warming.

Frankly, the models predicting the impacts of global warming on California are frightening.

Climate change threatens the agricultural and natural resource industries that are central to California's economy and quality of life.

As the Senate knows, I am especially concerned about the future of California's water supply. More than 36 million people live in California right now, and we expect to have 50 million people by 2020.

Even without climate change, it would be a struggle to supply enough water for all of these people. But report after report indicates that climate change will further threaten a water supply that is already tight.

Models from NASA, Lawrence Livermore National Laboratories, and the Union of Concerned Scientists all indicate that climate change is likely to increase winter rain and decrease snowfall in California.

More winter rain means winter flooding. Less snow means less water for the rest of the year.

But California's natural environment as we know it depends on gradual runoff from snow.

Furthermore, we have spent billions of dollars on water infrastructure in California that depends on this runoff. And yet we already struggle to provide enough water for our farms, our cities, and our fish and wildlife.

As my colleagues know, I have worked hard to plan for the future of California's water supply. Climate change threatens even to make those plans insufficient.

We are already seeing alarming changes. According to scientists at Lawrence Livermore National Laboratory, the past century has seen a decline in spring and summer runoff in some California streams.

In 1910, half of the Sacramento River's annual runoff took place between April and July.

Today, that number is closer to 35 percent and is continuing to decline. We can no longer count on this runoff.

We are also already seeing a rise in sea level. Average sea level has risen considerably in San Francisco since 1850, with the most marked increase occuring since 1925. My colleagues from coastal states understand the potential cost of rising sea levels to coastal communities.

We are seeing other effects of climate change throughout the world:

The Union of Concerned Scientists has found that the global sea level has risen about three times faster over the past 100 years than the previous 3,000 years.

In July, the World Meteorological Organization released an unprecedented warning about extreme weather events. According to the organization's press release, "recent scientific assessments indicate that, as the global temperatures continue to warm due to climate change, the number and intensity of extreme events might increase."

According to the World Meteorological Organization, the United States experienced 562 tornadoes in May of this year. The tornadoes killed 41 people. This was 163 more tornadoes than the United States had ever experienced in one month.

We are seeing similar record extremes around the world. These extreme weather events are a predicted result of climate change.

Climate change is also affecting some of our most treasured places. Last November, the Los Angeles Times published an article about the vanishing glaciers of Glacier National Park in Montana. Over a century ago, 150 of these magnificent glaciers could be seen on the high cliffs and jagged peaks of the surrounding mountains of the park. Today, there are only 35. And the 35 glaciers that remain today are disintegrating so quickly that scientists estimate the park will have no glaciers in 30 years.

Closer to home for me, on October 12 of this year, the Los Angeles Times reported that glaciers in the Sierra Nevada are disappearing. Many of these glaciers have been there for the last thousand years.

We are seeing similar melting around the world, from the snows of Mt. Kilimanjaro in Tanzania to the ice fields beneath Mt. Everest in the Himalayas.

Dwindling glaciers offer a clear and visible sign of climate change in America and the rest of the world.

We are already seeing some of these changes. The science tells us to expect even more. The evidence that climate change is real is overwhelming: including reports from the National Academies of Science, the Intergovernmental Panel on Climate Change, and even the Congressional Budget Office.

To quote a CBO report released in May, "scientists generally agree that continued population growth and economic development over the next century will result in substantially more greenhouse gas emissions and further warming unless actions are taken to control those emissions."

The Intergovernmental Panel on Climate Change estimates that the Earth's average temperature could rise by as much as 10 degrees in the next 100 years—the most rapid change in 10,000 years.

The latest evidence also indicates that climate change is likely to lead to more forest fires. Models indicate that warming will lead to dryer conditions in many places. Furthermore, warming is allowing bark beetles to spread farther north and to higher altitudes than ever before.

In parts of Alaska, bark beetles now have two generations per year instead of one, leading to drastic increases in population and destruction of our forests.

As we know too well, dry conditions and insect kill makes our forests into tinder boxes.

I strongly believe that we have the evidence that we need in order to act. Not addressing climate change will cost us dearly.

Yet, so far, the United States has not really taken action against climate change. Not only are we not part of the Kyoto Protocol, but the administration refuses to take part in shaping another solution. This is a big mistake.

We emit more greenhouse gases than any nation on Earth. The world is counting on us, and we have a responsibility to help.

We should be a leader—not an obstacle—when it comes to combating global warming. In his speech to the joint session of Congress—which many of us cited as among the best we have ever heard—British Prime Minister Tony Blair challenged the U.S. to take action now. Mr Blair said:

> Climate change, deforestation, the voracious drain on natural resources cannot be ignored. Unchecked, these forces will hinder the economic development of the most vulnerable nations first and ultimately all nations.

Mr. Blair went on to say:

> We must show the world that we are willing to step up to these challenges around the world and in our own backyards. If this seems a long way from the threat of terror and weapons of mass destruction, it is only to say again that the world security cannot be protected without the world's heart being won. So America must listen as well as lead.

Prime Minister Blair is right. If we fail to act now, we will face devastating consequences in the future. We will impose those same consequences on future Americans and the rest of the world.

Continued failure to act will also further strain our relationships with our allies. These relationships are already tense enough.

The administration has said that we need more research before acting. I agree that we should continue to study climate change. But we also need to start reducing our emissions of greenhouse gases now.

Prime Minister Blair has committed to a 60 percent cut in Britain's emissions by 2050. We need to make sure the U.S. is not left behind.

The McCain-Lieberman amendment is the right place to start.

This is a modest amendment. We would need to be back to our current level of emissions by 2010. In reality, much of the reduction in "net emissions" will come through increased carbon sequestration in forest and agricultural land. Emissions could actually increase as long as there is enough sequestration to offset the increases.

The amendment is comprehensive. The amendment covers six greenhouse gases and the vast majority of our greenhouse gas emissions.

The amendment is low cost. Repeated analyses have shown that cap-and-trade programs are the most cost effective way to reduce emissions. According to the Massachusetts Institute of Technology, this amendment would cost less than $20 per household over the life of the program—we can afford this cost.

The amendment would not lead to rapid fuel switching to natural gas. According to the Massachusetts Institute of Technology, coal use would actually continue to increase under this amendment. Natural gas use would decrease from business as usual because the bill would spur conservation measures.

During the latest energy crisis, California showed that conservation can make a huge difference. This bill will help us create better incentives for conservation.

Even the Energy Information Administration, EIA, says that this amendment would not result in fuel switching. EIA was concerned about the costs of the original Climate Stewardship Act. I believe that the agency's models are flawed and biased toward higher costs. But even those models indicate that this amendment will cost little and will not lead to price spikes.

There is a lot of misinformation floating around about this amendment. Some of the models were analyzing the Kyoto Protocol, which would have required a 20 percent emissions reduction by 2010. This amendment requires us to get back to our current emissions by 2010, an entirely different proposition.

Other models are based on an "energy shock." Coming from California, I am quite familiar with energy crises. Shocks happen when businesses do not have time to prepare. This amendment is not a shock. We are giving industry 7 years' warning. According to the Massachusetts Institute of Technology, 7 years is enough time for the economy to adjust without job losses.

Businesses throughout the country have shown that efforts to reduce emissions can increase efficiency and actually save companies money.

Voluntary programs simply are not doing the job. We need to give incentives for all companies to increase efficiency and cut emissions.

We need to move forward with a national solution to climate change. So far, we have placed all of the burden on the states.

I am proud to say that California has been a leader. California has created a registry of greenhouse gas emissions that will be a model for the nation. Several other states are already looking to adopt the California Climate Action Registry's standards.

Similarly, California has a groundbreaking regulation affecting greenhouse gas emissions from automobiles.

Many states are moving forward, and they are now pressing harder for Federal action.

Local officials are also pressing for a national plan. My colleagues know that I am partial to mayors. Recently, 155 mayors, including 38 from my State alone, signed a statement calling for national action.

State and local programs are important and I applaud these efforts. But we need national leadership on this issue.

The McCain-Lieberman approach has widespread public support. According to a recent national poll, three-fourths of Americans support this approach to global warming—including solid majorities from both parties. We need to listen.

We know that agreement on climate change is possible in the Senate. The Senate has passed a modest provision in the Energy Bill 2 years in a row. The Foreign Relations Committee has recognized the urgency of the issue for our diplomatic relations.

It is time for the entire Senate to go on record on this important topic. We need to show Americans and the rest of the world that we are listening and that we are doing something about climate change.

I believe we can unite behind this bill and move the debate forward.

As Mr. Blair said, we have a responsibility to listen and to lead. I urge my colleagues to support this amendment.

Mr. INHOFE. Mr. President, I will yield in a minute to the Senator from Nebraska.

Last night we went into a lot of detail in this debate and I used three groups of scientists, numbering over 20,000, who refute the science on which global warming is based. Only two criticisms did I get from the other side. One was comments I made about supposedly misquoting Professor Schneider. After looking at this, I find I did not misquote him at all. He is one who adheres to the MIT study that says there is far less than 1 percent chance temperatures would rise to 5.18 degrees or higher, while there is a 17 percent chance that temperatures would rise lower than 1.4 degrees. These are the guys who are for this.

More significant—and this is setting the framework for this debate today. This is not about a pared-down bill McCain-Lieberman are coming up with now. They have both said this is just a start.

I will quote Professor Wigley, one I was criticized for misquoting. We find out I did not. He said:

> Senator Inhofe quotes my 1998 publication . . . where I pointed cut that adhering to the emissions reductions outlined in the Kyoto Protocol would have only a small effect on the system. What he fails to point out is this analysis assumed that Kyoto was followed to 2010, and there were no subsequent system climate mitigation policies. The point of the paper was to show that Kyoto was to be considered only the first step of a long and complex process of reducing our dependency on fossil fuels as a primary energy source.

The chart of Senator SUNUNU shows how little change would be possible under this.

I yield to the Senator from Nebraska for 8 minutes.

Mr. HAGEL. I very much appreciate the leadership of the chairman on this issue and on this important debate.

I am here this morning to discuss the United States response to global climate change. How our Nation addresses global climate change may prove to be one of the most important economic and environmental decisions of our time. As we debate the McCain-Lieberman Climate Stewardship Act of 2003, it is important to keep in mind this is not a debate about who is for or against the environment. There is no Member of Congress who wants dirty air, dirty water, a dirty environment, or declining standards of living for their children and grandchildren. We all agree on the need for a clean environment. We all want to leave our children a better, cleaner, more prosperous world.

The debate on climate change, however, has moved beyond the Kyoto protocol. In 1997, by a 95–0 vote, this body, the Senate, adopted the Byrd-Hagel resolution which stated the United States would not sign any international treaty that excluded action on the part of developing nations or that would cause serious economic harm to the United States.

However, the concerns about our climate have not abated. We should recognize the efforts of Senators McCAIN and LIEBERMAN and others on this particular issue. Although I disagree with the approach they have proposed, I understand and share their concerns. It is important to keep the debate moving forward in order to develop and implement practical policies to deal with climate change.

The McCain-Lieberman bill would create mandatory emissions reductions for greenhouse gasses here in this country. The consequences of such mandates are severe. This bill would raise energy prices for consumers, agricultural producers, business, and industry, and have a very negative impact on our economy. The mandates would also be very difficult to reach.

The Department of Energy's own independent Energy Information Administration projects the greenhouse gas emission levels in 2010 would have to be reduced by 14 percent in order to achieve the 2000 emission level quota set by this bill, not the 1.5 percent reduction that supporters of this bill are claiming.

This means utilities and manufacturers will have to find alternatives to coal, the predominant fuel used in this country. In most cases, this means switching to natural gas. That would mean higher costs for homeowners, businesses, industry, and farmers, as well as possible natural gas shortages.

A fuel shift of this magnitude demanded by this bill for the utility industry would require natural gas production and pipeline capacity this country simply does not have nor will have in 2010.

We have recently seen the effects of high natural gas prices in this country. A recent GAO report concluded the natural gas price fight in the years 2000 to 2002 led to a 25 percent reduction in domestic production of nitrogen fertilizer and a 43 percent in nitrogen imports. This was a significant blow to this country, especially to our agricultural producers.

Record demands and higher prices for natural gas caused America's farmers and ranchers to spend an additional $1.5 billion just to plant and fertilize their crops this past spring.

The question we are faced with is not whether we should take action but what kind of action would best address the climate change challenge we face now and into the future. Our actions should be focused on incentivizing and achieving voluntary emissions reductions in developing and disseminating clear technologies.

I supported such actions in the past in addressing our national climate change policy: The establishment of a voluntary registry for carbon emissions reductions; tax credits for emissions reductions; and research into climate change science and carbon sequestration. Closing the gaps in our knowledge, our science, our industry, and our technology builds a solid foundation for a wise climate policy for the future.

Although there are inconsistencies in the science, there has been a human impact on the Earth's atmosphere—we all accept that—and we should consider steps to mitigate that impact. The sooner we begin, the smaller and less painful the changes will have to be in the future. Global warming does not recognize national borders. The changes under consideration today are proposed solely for the United States, but our global warming policy must be broader. The United States alone cannot improve the Earth's climate. The only way forward is through international cooperation and collaboration—engaging, helping, partnering with all nations, especially developing nations. Developing nations are quickly becoming the major emitters of greenhouse gasses, but they are exempted from international agreements to reduce these emissions. There are some good reasons for this. These nations cannot achieve greenhouse gas reductions until they achieve higher standards of living. They lack clean energy technology, and they cannot absorb the economic impact of the changes necessary for emissions reductions. Our partnerships with developing nations can help increase the efficiency of their energy use and reduce their greenhouse gas emissions. Industrialized nations must help less developed nations by sharing cleaner technology so developing countries can leapfrog over the highly polluting stages of development that the United States and other countries have already been through. The Bush administration has taken the initiative in developing these public-private partnerships and projects with all developing nations.

The United States Chamber of Commerce has called for a Marshall plan for developing emissions-free technologies. Part of that plan includes the dissemination of those technologies to developing nations. This will take time. We should be thinking and planning 20 to 50 years out.

By partnering with developing nations, we will export American technology and expertise, and improve all economies along the way.

These are the types of plans the U.S. should be reviewing. Investments can be spread over time and gradual and effective change is the least painful to individuals, industries and nations—and it is the most lasting. It also allows all nations to participate in workable climate change policies. It is the only way to ensure both global climate change success and global prosperity.

Mr. President, I yield the floor.

Mr. NELSON of Florida addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Mr. President, I yield my friend and colleague from Florida 6 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 6 minutes.

Mr. NELSON of Florida. Mr. President, thank you. And in 6 short minutes I want to give you my observations of why this is an extremely critical piece of legislation to the future of Planet Earth.

I bring back to my mind's eye a picture that is embedded in my memory, looking out the window of our spacecraft 17 years ago back at Planet Earth. It is such a beautiful creation, suspended in the middle of nothing. It is a blue and white ball—blue from the oceans and white from the clouds—suspended in the middle of this black backdrop of space that goes on and on for billions of light years—an airless vacuum. And there, suspended in the midst of it is life. It is our home.

When you look at the rim of the Earth from space, you see a thin little film, and that is the atmosphere that sustains all of life. From space, the Earth looks so beautiful and yet it looks so fragile. From that experience of 17 years ago, it made me want to be all the more a better steward of this planet, particularly when, with the naked eye, from that altitude I could actually see, for example, coming across South America—with the color contrast—the destruction of the rain forest in the upper Amazon region and, from the same window of the spacecraft, see the results of that destruction. Looking to the east, to the mouth of the Amazon River, I could see the silt that discolored the waters of the Atlantic for hundreds of miles.

I give you that backdrop purely as an intro to tell you that when we face a major change in climate, it is going to have devastating effects on the very delicate ecological balance that we have on this Earth.

Clearly, one of the places that would be most devastated would be my own State of Florida, which has more coastline than any other State. The rising of the temperatures would cause the rising of the oceans. The scientific community, that has been fairly unanimous on this—despite what you hear in this debate, that there is this disagreement in the scientific community—it is overwhelming in the scientific community that what is going to happen is that the oceans are going to rise.

Can you imagine what that is going to do to a place such as my State of Florida, where most of the development in the State is along the coastline? With the rise of the temperatures, that means the storms are going to be more ferocious and frequent.

Florida is this land we know as paradise, that is a peninsula that sticks down in the middle of something we know as "Hurricane Highway." The storms are going to become more ferocious and frequent, and the plagues are going to be more intense.

If that is not enough for passing this legislation and blunting the critics of this legislation—you would think that argument would stand on its own, but there is even more. And I must say, I was delighted, in the hearing we had in our Commerce Committee on this issue, to see, for the first time, some American insurance companies step up and say this is going to be a problem.

In the past, European companies have stepped up. But now subsidiaries of those companies, doing business in America, are acknowledging the same thing, that it will have devastating effects upon our business climate here in this country.

For example, the reinsurance company, Swiss Re—this is their quote from our Commerce Committee hearing:

> Swiss Re believes the best way to lessen potential loss is through sound public policy, utilizing market mechanisms which strike the right balance between environmental precaution and societal policy objectives.

Because the person testifying for Swiss Re said, "Climate change driven natural disasters are forecasted to cost the world's financial centers as much as $150 billion per year over the next 10 years," that should be sufficient reason for us to stop putting our heads in the sand and saying global warming is not a problem. We know it is a problem environmentally. Now we have to recognize that it is going to be a major problem with regard to American business and all of the investments we have, particularly since so much of our urbanized area is along the coast of the United States.

So, Mr. President, I wanted, as one voice, who strongly supports the McCain-Lieberman legislation, to speak in favor of it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield up to 10 minutes to Senator CRAIG.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. CRAIG. Mr. President, as many of my colleagues in the Senate know, I have been fascinated and awed by the complexity of the climate change issue for quite some time.

Certainly, being born and raised in the high desert region of the State of Idaho located in the rugged and majestic Pacific Northwest, I grew up with reverence for the natural beauty of our world and a deep respect for the awesome power of nature.

I have stated several times on the floor of the Senate that climate change is one of the most significant issues of our time. I have not changed my view.

I come to the floor of the Senate today to both compliment my colleagues, Senators MCCAIN and LIEBERMAN, for their determination to legislatively address the issue of climate change and to object to the manner in which they have chosen to do so.

Their proposal, S. 139, The Climate Stewardship Act, is portrayed by its proponents to be a modest legislative attempt to reduce emissions of carbon dioxide and other greenhouse gases.

It is hard for me accept the word "modest" as an accurate descriptive term for the legislation when I measure the bill by what it does—it regulates carbon dioxide—a gas that is not a criteria pollutant under the Clean Air Act is not a poisonous gas or toxic substance, and does not represent a direct threat to public health.

When I decided to enter politics, I was guided by a deep belief in personal freedom—the maximum amount possible for the citizens of our Nation that is consistent with an orderly society.

By freedom I mean the opportunity to achieve one's true potential, whether as an individual, a community, or a business. Freedom spawns discovery and innovation and in turn discovery and innovation solve problems and create opportunities. Regulation is the antithesis of freedom. It certainly retards, if not completely extinguishes our natural desire to discover and be innovative, and yet, we, as a Nation, seem more and more inclined to willingly accept the form of a regulatory state.

I am periodically awed by the prescience of Alexis de Tocqueville's 1839 work—"Democracy in America." In Part II of Chapter 6, Tocqueville voiced perhaps his greatest concern for the future conditions of American democracy.

In general terms, he said that democracies have a sort of soft "despotism" to fear. That is, conditions of democracy include toward men's equality, and in that equality, the government takes care of all of man's necessities, needs, and desires, in order to maintain this patterned equality among men. Tocqueville's description of this "soft despotism" aptly describes the modern regulatory state.

I note that there are 2,620 pages in the 1936 Federal Register, a year after the Federal Register Act was passed in 1935. In the Federal Register for the year 2000, there are 74,258.

A quote from Chapter 6 of Tocqueville's work is quite pertinent to our discussion here. In discussing the regulatory threat, he states:

> That power is absolute, thoughtful of detail, orderly, provident, and gentle . . . It provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, makes rules for their testaments, and divides their inheritances . . . Thus it makes the exercise of free choice less useful and rare, restricts the activity of free will within a narrower compass, and little by little robs each citizen of the proper use of his own faculties.

Tocqueville goes on to note that regulation:

> is not at all tyrannical, but it hinders, restrains, enervates, stifles, and stultifies so much that in the end each nation is no more than a flock of timid and hardworking animals with the government as its shepherd.

Now, let me be clear, regulation, indeed, has its place. But this extremely powerful Government tool should be employed only as a last resort after facts developed by a comprehensive and systematic analysis clearly indicate that it is necessary to protect the public welfare.

It is with this analytical perspective that I have reviewed carefully the underlying scientific and economic support for this bill, S. 139.

The bill assumes that there is currently a definitive scientific basis for imposing a regulatory structure on industry. I am unable to agree with that basic assumption. There is no definitive evidence supporting regulation. Surface temperatures have warmed. We are not sure why. Since the mid-1990s, I have paid close attention to the developing science on global warming.

Indeed, I have organized and attended meetings at scientific research venues, set-up and participated in numerous conference calls with scientists from the National Academy of Sciences, and, along with the Board of the NAS convened a high level conference at the Academy's headquarters in Washington, DC to discuss the state of the science on global warming.

That conference, held on June 6, 2001, was a marvelous opportunity to talk with eleven scientists that included several Nobel Laureates who just finished responding to the now well publicized "Key Questions" request of President Bush.

We couldn't have had better timing for such a conference and the conference was set up solely to address concerns of the U.S. Senate.

Yet there were only two other Senators besides myself who made the effort to attend. Senators BINGAMAN and SESSIONS joined me, former Treasury Secretary O'Neill and former Chairman of the President's Council of Economic Advisors, Glenn Hubbard.

I can say to all in the Chamber today that the forum was a veritable feast for the mind and wonderfully successful in explaining matters of extraordinary scientific complexity. But it had to be quite a disappointment for the Academy. Only three U.S. Senators took the time to attend.

The National Academy made extraordinary efforts to get Members of the Senate to attend its intensive Climate Science Forum, including sending a letter one month in advance of the forum to each Member of the Senate, followed by a personal phone call to each Senate office.

What more could the Academy have done to encourage attendance? I don't think much else could have been done.

For some, it appears contentment on the science issue comes from simply learning about it from media reports contained in newspapers and popular magazines. Is that a fair knowledge base for regulation?

Indeed, a little over a year before the NAS conference I organized and attended, with Senator LINCOLN CHAFEE and former Senator Bob Smith, a meeting of over 30 scientists working at the Woods Hole Oceanographic Institute in Woods Hole, MA, to discuss the state of science on climate change.

Again, I could tweak the interest of only a handful of Members to join me at that excellent scientific conference held exclusively for members of the United States Senate. This issue is too economically and environmentally important for Congress to continue to have only casual interest in its scientific complexity.

Sure, there have been several congressional hearings during the last year debating different views of the science. But how much do we really learn in a couple of hours under restrictive time limits for questions, particularly when we invite mostly "advocates" of a particular position, instead of objective scientists? Not much. Surely, not as much as we learned at reputable scientific forums.

So, today, the Senate is asked to pass legislation that will regulate carbon dioxide, an emission that has no health impacts—we humans exhale it with every breath—and heretofore has never been listed as an "air pollutant." Stated simply, the scientific case for regulation is unpersuasive.

Those Senators who assert that the science is settled are, in my opinion, simply wrong.

The 2001 NAS Report on the "Analysis of Some Key Questions," often quoted to establish the basis for regulatory action, contains a sentence that is often half-quoted, and I will read it here in its entirety:

> The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability.

This is the third sentence in the summary at the very beginning of the report.

Even a cursory reading of the report indicates that the uncertainties are real and they are significant. Indeed, the report uses the words "uncertain" and "uncertainty" 43 times in its 28 pages.

Some press accounts have said that this report acknowledged a dire, near term threat to the environment from climate change. This is not true.

One of the conclusions of the Report was that:

> [a] causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th Century cannot be unequivocally established.

Natural variations in climate that occur over decades and even centuries have been identified by the NAS as also playing a role in climate change, and so it is not correct to say that this problem results only from human activities, or that reduction of emissions of heat-trapping gases will entirely solve it.

Mr. President, 2 years before the NAS prepared its 2001 "Analysis of Some Key Questions" it issued one of this country's most comprehensive reports on climate change science entitled: "Research Pathways for the Next Decade."

The Pathways report is short on creative literature and long on technical issue framing—not particularly suitable for catchy media headlines, which may explain why many newspapers showed little interest in its existence or import. But its critical and thorough scientific analysis of the current state of our climate change knowledge is what makes the Pathways report so important to policy makers.

Now, if you are like me and you find out that America's National Research Council has just published the most comprehensive report in history on the state of Climate Science, you don't want to read all 550 pages!

You want to cut to the chase and read the report's bottom line conclusion. And the last thing you want is a report that provides more questions than answers.

But the Pathways Report authors are brutally honest. To best explain the current state of climate science they had no choice but to lay out a whole series of potentially show-stopping questions.

Let me stop for a moment and reflect on my trip to Woods Hole, MA, that I mentioned earlier. I spent a day at the Oceanographic Institute exploring these questions with over 30 scientists. It was a real eye-opening experience.

Dr. Berrien Moore, who coordinated the publication of the Pathways Report, helped lead a discussion on where science and public policy intersect.

Two themes came through clearly in those discussions:

No. 1, there are significant gaps in scientific understanding of the way oceans and the atmosphere interact to affect climate; and

No. 2, scientists need more data, especially from the oceans to better understand and predict possible changes.

It was humbling to get a glimpse of how much we don't know.

You need to know what is in the "Pathways Report" in order to fully understand the Research Council's "Analysis of Some Key Questions"—if read objectively, I think you will find that both Reports are consistent—both highlight the uncertainty of our current understanding of climate science.

Another important point to highlight is that the United Nations Framework Convention on Climate Change does not define what is meant by "dangerous interference with the climate system" nor does it specify a "dangerous" level of greenhouse gas concentrations.

To my knowledge, no Federal or federally supported scientific entity has firmly established what is a "dangerous" level of greenhouse gas. We simply don't know!

Recently, James Schlesinger, a former Secretary of Energy under President Jimmy Carter stated in the Washington Post:

> We cannot tell how much of the recent warming trend can be attributed to the greenhouse effect and how much to other factors. In climate change, we have only a limited grasp of the overall forces at work. Uncertainties have continued to abound—and must be reduced. Any approach to policy formation under conditions of such uncertainty should be taken only on an exploratory and sequential basis. A premature commitment to a fixed policy can only proceed with fear and trembling.

The President understands that reality.

The administration's Scientific Strategic Plan for climate change research is a valuable effort to develop a framework for acquiring and applying knowledge of the Earth's global environment through research and observations. It is a long overdue decision and should be welcomed by all.

The President's approach is most prudent. At this time, it is my preferred option over regulation. Despite claims to the contrary, no government administration has aggressively pursued a voluntary action program. The President's plan is well conceived and deserves a chance.

The simply truth is that any cap-and-trade scheme is a hidden tax on consumption. Like a tax, it would raise the cost of production.

Moreover, a cap-and-trade on CO_2 emissions will be a regressive tax which will hurt those on low or fixed income—that is the poor and elderly—disproportionately. I will submit for the record a letter sent to me as Chairman of the Aging Committee from "The 60 Plus Association" with membership of 4.5 million senior citizens including 10,000 in Idaho, asking me to oppose S. 139.

A quote from a June, 2001 CBO study entitled "An Evaluation of Cap-and-Trade Programs for Reducing U.S. Carbon Emissions" is revealing on this subject:

> This analysis does not address the issue of taxing carbon emissions. However, the economic impacts of cap-and-trade programs would be similar to those of a carbon tax: both would raise the cost of using carbon-based fuels, lead to higher energy prices, and impose costs on users and some suppliers of energy.

Another instructive quote from that study states:

> The higher prices for energy and energy-intensive products that would result from a cap-and-trade program would reduce the real income that people received from working and investing, thus tending to discourage them from productive activity. That would compound the fact that existing taxes on capital and labor already discourage economic activity.

The only way to reduce CO_2 emissions from powerplants is to reduce the amount of coal, oil or natural gas consumed at the power plant.

Placing a cap on CO_2 emissions from powerplants means those plants simply will not be able to generate any significant amounts of new electricity. There are no control technologies like selective catalytic reduction or scrubbers for CO_2.

Capping CO_2 emissions from power plants will make the current crisis in electricity markets permanent. It will force shuttering of most of U.S. coal fired steam electric generation prematurely and will essentially mandate reliance on new natural gas fired power plants without any assurance that adequate gas supplies will be available.

Further, a report by the U.S. Energy Information Administration found that reductions of SO_2, NO_X, and CO_2 at levels consistent with the current proposal drives up electricity costs substantially. The report shows that electricity prices would rise by 21 percent by 2005 and 55 percent by 2010.

The report goes on to attribute most of the rise in prices to controlling CO_2 emissions.

The report, Mr. President, also was prepared when natural gas prices were a third of what they are today which means that future electricity prices likely would be much higher because the report assumes that most new generating capacity would be gas fired.

The last point that must be addressed is the assertion that the United States is somehow out of step with the rest of the world on this issue. Climate change is as much an economic issue as it is an environmental issue. We must ensure that our global competitiveness is not compromised. Let's not allow our nation to be duped into assisting our competitors in the global market to achieve competitive advantage under the subterfuge of environmental policy. When viewed in comparative perspective, the process by which environmental policy is developed and implemented has been far more "conflictual and adversarial" in the United States than in Europe or Japan. In the U.S., while fines for violations have grown larger, numerous violations of environmental laws have been reclassified as "felonies" and many now carry prison sentences.

Contrast this with Europe and Japan. Japan implements its policies without resorting to legal coercion or overt enforcement. Japanese MUST negotiate and compromise to ensure compliance. Europe emphasizes mutual problem-solving rather than arm's length enforcement and punishment.

Our legal system allows Third Party lawsuits. Europe and Asian countries do not. In a 2003 study on the direct costs of the U.S. Tort system, it was estimated that costs equal 2.2 percent of our nations GDP. Europe and Asian countries give no standing to Third Parties in environmental compliance and enforcement cases.

Perhaps, if we were a less litigious nation, we could accomplish more in environmental compliance, and be less fearful of international environmental treaties becoming law. However, for better or worse, when our nation commits to a particular environmental policy, we enforce that commitment with the heavy hammer of civil penalties and criminal prosecution. Europe, Japan, and other nations do not. Our global competitiveness and economic security is "in the balance."

Mr. President, I ask unanimous consent that a letter from a large senior citizen organization expressing their fear about high costs of energy based on S. 139 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE 60 PLUS ASSOCIATION,
Arlington, VA, October 28, 2003.

Hon. LARRY E. CRAIG,
Chairman, Senate Special Committee on Aging, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: As Chairman of the Senate Special Committee on Aging, you are a proven fighter for seniors. Accordingly, I'd like to bring to your attention legislation that, if enacted, would be very detrimental to the elderly.

We are very much opposed to S 139, the Climate Stewardship Act, which seeks to do by statute much of what the discredited Kyoto Protocol would have done by treaty. (The Kyoto Protocol was rejected by you and your Senate colleagues in 1997 by a 95–0 vote.) S 139 would seriously adds to the costs of both electricity and gasoline for seniors and others on a fixed income.

According to a June 2003 report by the Energy Information Administration at the U.S. Department of Energy, this legislation would increase electricity rates by 46%, natural gas prices by 79%, and the cost of gasoline by as much as 40 cents a gallon..

Seniors on a fixed income are least able to afford these higher prices.

During the cold winter months, many seniors must choose between staying warm and having enough food to eat and medicine to stay healthy. And in the heat of the summer, an inability to cool a home can be a death sentence to the elderly.

The very last thing public policies should do is to add to the costs of electricity and natural gas for the elderly. Likewise, many seniors and their families must be able to afford gasoline to be able to get to their doctor's office, grocery store, and pharmacy.

Government mandates which increase the costs of electricity, natural gas, and gasoline are tantamount to a tax on those least able to pay it.

On behalf of 4.5 million seniors, including nearly 10,000 in Idaho, please do everything you can to prevent S. 139 from being passed.

Cordially,

JAMES L. MARTIN,
President.

Mr. CRAIG. Mr. President, I have come to the floor on more than one occasion over the last 5 years to discuss and debate the issue of climate change. Many of us engaged in this issue believe it to be a serious and important issue. That I cannot deny. The Senator from Florida talked about it being of critical character. I do not dispute that. The question is, Can we do anything about it and are we the cause of it? And I am speaking "we" as mankind. That is the essence of the debate today.

Also, S. 139, the Climate Stewardship Act, would portray, in part, that we are the cause and, therefore, let us make some moderate adjustment changes in our regulatory structure in this country to begin to mitigate greenhouse gases.

Let me suggest that the word "modest" has been used, but I would guess if you read the legislation, and then you downstreamed it through the regulatory process, it might be anything less than modest.

Here is what is most important about regulating carbon dioxide. It is a gas. It is not a pollutant under the Clean Air Act. It is not a poisonous gas or a toxic substance. It does not represent a direct threat to public health. That is what scientists tell us. Yet somehow we are going to be able to regulate and shape it in a way that controls what we believe to be the cause of producing greenhouse gas.

I suggest that probably the most invasive process we are going through right here with this legislation is the regulatory process that will ultimately come.

The Senator from Arizona and I, more often than not, are critics of big government and the regulatory process. What De Tocqueville said a good number of years ago—in fact, well over a century ago—was about the great democracy of America and the despotism of fear that is produced in the regulatory process that limits freedom.

He talks about the regulatory process as being soft despotism.

I note that in 1936, there were about 2,600 pages of the Federal Register. In the year 2000, there were 74,258 pages of the Federal Register. We have become a phenomenally regulated and controlled economy and country. In so doing, de Tocqueville would note very clearly, as we all understand and as the Senator from Arizona understands as well as anyone, we begin to shape our freedoms, control our freedoms in a very interesting way. That is what this bill is all about, a massive new regulatory process to reshape certain utilizations of energy in a way that will have a significant impact on our economy. And we would be led to believe that somehow it is going to improve the environment in which we live.

That is the issue at hand. That is the one that we now need to discuss. That is, does scientific evidence support what S. 139 is all about.

I have spent a good deal of time on the science. You have to. That is probably the greatest frustration that all of us have, is trying to comprehend this massive body of science that is assembling out there and what it means and is it valid and, from it, should we begin to reshape our economy; if it is invalid or inaccurate, what would be the impact of the reshaping that S. 139 might accomplish.

Organized meetings have been held all over. I organized one with the assistance of the National Academy of Sciences in June 2001. It was a high-level conference meeting here in our Nation's Capital. Every Senator was invited to come. Three showed up. Only three showed up to listen. Senator BINGAMAN and Senator SESSIONS attended, along with Secretary O'Neill, to listen to the President and the President's Council of Economic Advisers, to listen to some of our noted scientists from all over the world. No one else came. O'Neill at that time was serving as Secretary of the Treasury and was a somewhat outspoken advocate of changing our economy for the sake of climate change. He went away from that meeting not confused but recognizing that there was a broad field of science out there that he had not yet explored and that scientists had not, in fact, come together in a way to understand.

We worked with a variety of scientists from the National Academy of Scientists. In 2000, I went up to Woods Hole Oceanographic Institute. Senator CHAFEE and Senator Bob Smith went along at that time. We listened to the best scientists out there, scientists who have studied this for decades. They cannot in any absolute way suggest that greenhouse gases are the creator of a heating trend or a warming trend that does exist and most agree does exist.

The Senator from Arizona, the authors of S. 139, would suggest that this is the definitive document, the "Analysis of Some Key Questions," of climate change science by the National Research Council. This is a total of 27, 28 pages. I am not saying this document is wrong, but I am saying, to understand this document, you better read this document: "Pathways Study," 550 pages. Now, it is not a hot topic, and it will put you to sleep. It is all science. From this document, they concluded this document.

And what does this document conclude? That the science today is not yet assembled that can in any definitive way argue that greenhouse gases and man's presence in the production of those greenhouse gases is creating the heating trend in our global environment at this time.

There are not many sound bites here. The press did ignore this. Those who want the politics of this issue largely ignored this document. But they must go hand in glove. I am not a critic of this document at all. I have not read all of them, not all 550 pages. But I have thumbed through a lot of it. I have read a good deal of it. Anyone who wants to be the advocate of climate change darn well better read the bible on it first before they conclude that all of the world's scientists have come together with a single statement to suggest that the global warming we are experiencing can be in any way clearly the product of the production of greenhouse gas around this globe and as a part of it.

Because we have not totally understood it yet, there is no question that we ought to try to understand it before we begin to craft a massive body of regulation to reshape the economy, all in the name of climate change. That is what the President understood. That is why the President denounced Kyoto.

The administration's strategic scientific plan for climate change research is a valuable effort to build the body of science that can truly allow those of us as policymakers a foundation from which to make the right choices. If we fail to make the right choices, if we head this massive regulatory effort in the wrong direction without question—and many have spoken to it over the last few hours—we could badly damage, if not curtail, much of the growth in our economy.

I think the effort that is underway ought to be the preferred option over regulation. Voluntary action based on clear evidence is a much preferred way to go.

Let me talk for a moment about economic impact because that ultimately is the issue. S. 139 wants to change our country, wants to change the utilization of carbon and the emission of gases. You do it through a regulatory process. Between 1990 and the year 2000, industrial GDP increased 35 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. The reality is, our industrial growth is climbing. Its emissions have rapidly dropped. The emission today of greenhouse-like gases, as we would argue, do not come from our industrial base. Yet this is where we send our regulatory effort.

I oppose the legislation. I hope the Senate will vote against it.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Mr. President, I yield 6 minutes to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank Senators LIEBERMAN and MCCAIN for developing this amendment. It makes sense. Mr. President, I rise to speak in support of the Lieberman/McCain bill. This bill offers a reasonable, proven, market-based approach to addressing the problem of global warming. It establishes a greenhouse gas "cap and trade" system which is modeled on the most successful pollution reduction program ever—enacted the Acid Rain Program.

Since 1980, that program has reduced sulfur dioxide emissions by 40 percent—despite significant economic growth during that period. I say, it's about time.

A few years ago I traveled to Antarctica and I saw the effects of global warming firsthand. The Antarctic Peninsula ice shelves are melting. Over 1,250 square miles of ice have broken off and melted in just the last few years. Scientists believe these massive ice shelves have stood undisturbed for 12,000 years. Now they are gone. Many of us were dismayed but not surprised by the report last month of the breakup of the Arctic's largest ice shelf.

It is stunning that some of the world's glaciers have lost as much as 70 percent of their ice. Why is all this ice melting? Because, as literally thousands of climate scientists have reported—the earth is heating up! Yes, global warming is real and America should be leading the international community in addressing it—not lagging behind. The scientific discoveries on climate change are nothing short of astonishing. Ice core samples from Greenland and the Antarctica show that atmospheric concentrations of carbon dioxide are at their highest level in the last one million years. In the Arctic, the permafrost is melting. The average thickness of the arctic ice shelf has decreased by a staggering 40 percent, just since 1950.

All that melting ice is steadily raising sea levels. Globally, the sea has risen between 4 and 8 inches. This impact is particularly damaging to flat coastlines like in Texas where the relative sea level has already risen from 8 to 10 inches. From primitive thermometer readings to the analysis of tree rings and coral reefs, the evidence is clear: this last century has been the hottest in the last 1,000 years.

The evidence of profound climactic change continues to mount. A study published last January in Nature—probably the most respected scientific journal in the world—reported some remarkable discoveries. It reported that of 1,700 habitats studied, 370 are moving northward. The habitat of the Red Fox has moved 600 miles to the north in the last 30 years. Frightening disease vectors, such as the mosquito which carries the deadly West Nile Virus, are pushing into North America. Perhaps most ominous of all, night time temperatures are rising. Medical authorities tell us that this lack of relief from elevated temperatures at nighttime is a chief reason that 500 to 700 people died in Chicago during the 1995 heat wave.

While the Federal Government sits fiddling, States are not waiting for Rome to burn. At least 27 States—more than half—have started their own programs to reduce greenhouse gas emissions. According to David Danner, the energy adviser for the State of Washington, States are moving ahead to fill the vacuum left by the Federal Government. Danner said, "We hope to see the problem addressed at the federal level, but we're not waiting around." A number of those States have initiated reasonable regulatory programs that will soon begin to reduce greenhouse gas emissions. The Federal Government should be leading this effort, but isn't. At the very least, we should start catching up. Surely, none of us here doubt the United States possesses the capacity and the skill to confront global warming? I for one, do not.

Now is the time to harness America's ingenuity and skills and tackle global climate change. I have to ask: What is there about the facts of global warming that makes the administration duck for cover?

We cannot "spin" our way out of the impacts of global warming. But that is the strategy the opponents of this bill are pursuing. Look at this chart: Republican pollster Frank Luntz is urging his side to call it "climate change" not global warming, because "climate change" is "less frightening." The implication here is that people won't demand immediate action on something that is "less frightening" and "more controllable." How irresponsible. No matter how much word-smithing that's done, no matter how much faux science the other side uses—that will not change the true, consensus, peer-reviewed science that has accumulated for 30 years.

The ominous impacts of Global Warming affect our health, affect our safety, and effect our economy. These impacts will not simply go away because we turn a blind eye to the facts and pretend the climate is not changing. In 2002, the National Research Council reported on the science of global warming. It said:

> Greenhouse gases are accumulating in earth's atmosphere as a result of human activities. National policy decisions made now and in the longer-term will influence the extent of the damage suffered by vulnerable human populations and ecosystems later in this century.

Clearly, the decisions we make here and now will determine how much "damage" is inflicted on our children and our grandchildren. The National Research Council represents the brain trust of the most educated country in the world. If we cannot believe the Council, who can we believe?

Global warming poses a clear and present danger to us all. The global warming bandwagon is getting full—and the President would be smart to get on it. A partial list of those who urge market-based action now, includes: 2,500 eminent economists from MIT, Yale, Harvard, Stanford and other top universities, including eight Nobel Laureates who said, "a market-based policy could achieve its climatic objectives at minimum cost."

Major corporations, including the petroleum giant BP—which has already reduced its greenhouse gas emissions 10 percent below its 1990 levels—and saved $600 million in energy costs doing it.

Last night we heard from Senators who were repeating the scare propaganda that is circulating about higher fuel prices. But what is more reliable, guesses about the future or a record of the past? If BP, DuPont and other major corporations can save money by reducing their greenhouse gases—surely they rest of the country can also. Other supporters of a market-based approach include Silicon Valley investors, multi-religion interfaith groups, the world's largest re-insurance company, a bipartisan group of 155 mayors—the list goes on and on.

I urge my colleagues: let's be the leaders we were elected to be. Let's act now and vote for the Lieberman/McCain bill.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield 7 minutes to probably the best informed Senator who was the chairman of the Governor's clean air committee.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I wish to comment on some of the statements made by my distinguished colleague, Senator LIEBERMAN, during the debate last night.

Senator LIEBERMAN was correct when he said concerns about climate change and atmospheric concentrations of carbon are widespread and bipartisan. He was also right when he said that support for increasing our scientific understanding of this issue and reducing atmospheric concentration of carbon is widespread and bipartisan.

However, I note that opposition to the language offered by Senator LIEBERMAN and Senator MCCAIN is both widespread and bipartisan, including labor and management.

The bill is opposed by a large number of stakeholders, including the Chemistry Council, the American Farm Bureau, the American Health Care Association, the American Highway Uses Alliance, the American Iron and Steel Institute, the National Association of Corn Growers, and the National Association of Wheat Growers, and the list goes on of the organizations opposed to this legislation.

The legislation is also opposed by a large number of labor unions, including the Brotherhood of Locomotive Engineers; the International Brotherhood of Boilermakers; the Iron Ship Builders, Blacksmiths, Forgers, and Helpers; the International Brotherhood of Electrical Workers; the International Brotherhood of Teamsters; the Marine Engineers Beneficial Association; the United Food and Commercial Workers International Union; the United Mine Workers of America; the United Transportation Union; the Utility Workers Union of America; and several locals of the United Steelworkers of America.

I also note that Senator LIEBERMAN stated that over 75 percent of people in a recent poll support this language. I would argue if these people had been told of the negative effects of this legislation on heating and electrical costs and the loss of jobs, the results of that poll would have been much different.

As I discussed last night, Thomas Mullen of Catholic Charities testified last year against the Lieberman-Jeffords bill saying it would have a devastating impact in significantly higher heating prices on the poor and elderly. I also point out that the Department of Energy has stated that high energy costs consume a disproportionately large share of the income of the poor and elderly on fixed incomes. They are left out of this debate.

I would also like to address statements by Senator MCCAIN and Senator LIEBERMAN that because they offered a substitute to their original version of S. 139, all the comments and analyses cited by opponents of this bill, including myself, are irrelevant. That statement could not be further from the truth.

I refer to a letter I recently received from many of the stakeholders against S. 139:

> The undersigned commercial, industrial, small business and agricultural organizations strongly urge you to oppose S. 139, the Climate Stewardship Act, or any substitute that may be offered by its sponsors, Senators Joe Lieberman and John McCain, when this measure comes before the Senate. As they proclaimed, the vote on S. 139 (or its substitute) will be a test vote on the most appropriate response to concerns about our changing climate.
>
> Among all the policy options available to the Congress to improve our understanding of climate systems, the arbitrary imposition of energy rationing as embodied in S. 139 is one of the worst possible options the Senate could choose for farmers, industry, the poorest of Americans, and the economy as a whole.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 22, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The undersigned commercial, industrial, small business and agricultural organizations strongly urge you to oppose S. 139, the Climate Stewardship Act, or any substitute that may be offered by its sponsors, Senators Joe Lieberman and John McCain, when this measure comes before the Senate. As they have proclaimed, the vote on S. 139 (or its substitute) will be a test vote on the most appropriate response to concerns about our changing climate.

Among all the policy options available to the Congress to improve our understanding of climate systems, the arbitrary imposition of energy rationing as embodied in S. 139 is one of the worst possible options the Senate could choose for farmers, industry, the poorest of Americans and the economy as a whole. The Energy Information Administration projects that electricity prices alone would increase 46 percent and the price of gasoline would rise by 40 cents per gallon if this legislation were adopted.

When S. 139 is brought up in the Senate under the July 31 unanimous consent agreement, the sponsors of S. 139 will be permitted to offer an amendment in the nature of a substitute. They have announced that, in order to increase votes for their proposal, this substitute will eliminate the bill's unrealistic second phase objective of limiting greenhouse gas emissions in 2016 to 1990 emissions levels. However, make no mistake about it; the equally unrealistic first phase of S. 139's reduction mandate of limiting 2010 emission levels to levels of 2000 will, by itself, highly destructive to jobs and prosperity.

The sponsors of S. 139 have stated that the first phase of greenhouse gas reductions in their bill would "only require a 1½ percent reduction from today's greenhouse gas levels." However, the Energy Information Administration projects that emissions levels in 2010 would have to be reduced by 14 percent in order to achieve the 2000 emission levels quota set by S. 139's first deadline of 2010. Moreover, S. 139's first phase of reductions would require the economy to have to make additional cuts in fossil energy use every year following 2010, simply to stay under the 2000 emissions cap in the face of increasing demand for more energy from a growing population and economy. Thus, meeting S. 139's first emissions cap would cause increasing, major economic disruptions for farmers, businesses, industry and the poorest Americans who can least afford higher electricity and natural gas price increases in the future. The modified bill will also result in the export of countless additional manufacturing jobs; a unbearable prospect in light of the more than 2.8 million jobs the manufacturing sector has already lost since the summer of 2000.

Addressing the climate change issue does not have to come at the expense of the American economy. Voluntary emissions reduction measures and innovative ideas for market-based incentive programs are needed in the near-term, while progress continues to be made in perfecting new technologies to improve efficiency and sequester greenhouse gases. The Senate/House energy conference report on H.R. 6 is expected to contain many provisions to increase energy efficiency; provide incentives for renewable fuel use, nuclear energy and clean coal technologies; and expand energy research and development programs. The Senate does not need to resort to S. 139's command-and-control rationing program to address energy policy.

Finally, S. 139 or its substitute would force electric generators to switch from coal to natural gas in order to meet the limits of the bill. The repercussions of a Senate vote to support S. 139 or its substitute cannot be understated. Any indication that the Senate favors coal-switching to natural gas will immediately influence many investment decisions that will affect, not just the future of natural gas prices for all consumers, but the very availability of natural gas for industry in the future. A vote for S. 139 or its substitute would contribute to the current natural gas supply/demand imbalance and almost immediately exacerbate the high natural gas prices and occasional shortages that are already plaguing the economy.

On behalf of the men and women in large and small businesses in agriculture, commerce and industry who depend on reasonably priced energy for a prosperous future for this country, we urge you to oppose S. 139 and the sponsors' substitute when this legislation is concerned by the Senate.

Sincerely,

Alliance of Automobile Manufacturers.
American Boiler Manufacturers Association.
American Coke and Coal Chemicals Institute.
American Farm Bureau Federation.
American Iron and Steel Institute.
Coalition for Affordable and Reliable Energy (CARE).
Council of Industrial Boiler Owners.
Edison Electric Institute.
IPC—The Association Connecting Electronics Industries.
National Association of Manufacturers.
National Corn Growers Association.
National Electrical Manufacturers Association.
National Mining Association.
National Oilseed Processors Association.
National Petrochemical & Refiners Association.
Portland Cement Association.
Small Business Survival Committee.
Society of Glass and Ceramic Decorators.
The Fertilizer Institute.
The Industrial Energy Consumers of America.
The Salt Institute.
Toy Industry Association.
U.S. Chamber of Commerce.

Mr. VOINOVICH. Mr. President, this legislation is the first step in our country toward participating in the Kyoto protocol at a time when Russia and Australia have indicated they will not ratify the treaty, and when China, India, Brazil, and South Korea are exempt because they are "developing countries."

Our trade deficit with China alone is $103 billion. Yet supporters of this legislation want to shut down American plants and send American jobs overseas to these "developing countries" that do not have the environmental safeguards that we have in America. I can hear the giant sucking sound of jobs leaving our country every time I return to Ohio.

Let me be perfectly clear, carbon caps are lethal to our economy. Carbon caps—any carbon caps—will cause a switch to burning coal with clean coal technology. That will cause fuel switching to natural gas. It will mean the end of manufacturing jobs in my State. It will send thousands of American jobs overseas and will significantly drive up natural gas and electricity prices and put millions of Americans out of work.

Too many Americans have lost their jobs because we have not harmonized our energy and environmental policy in this country. We need a truly comprehensive energy policy that protects our environment while also protecting our energy security and our economy. We do not need legislation such as S. 139 that attempts to protect the environment while completely disregarding negative impacts on our energy security and economy.

As I stated last night, I strongly oppose any legislation that will exacerbate the loss of jobs in my State and drive up the cost of energy for the least of our brethren, the poor and the elderly. I urge my colleagues to vote no on this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I thank Senator VOINOVICH for making his statement. I will be specific. The amount of jobs in his State alone, if this passes, would be 178,000.

For any other Members who want to know how their States will be affected, we have that breakdown. It is a study by Penn State University. I thank the Senator for his comments.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. I thank the Chair. Mr. President, I thank my colleague, Senator LIEBERMAN, for yielding me time.

Mr. President, I have heard three arguments against this legislation since I have been privileged to hear this debate. The first argument is there is no such thing as climate change. Climate change is a reality if we are to believe the scientists we hire or who are willing to advise us.

A clear consensus of the scientific community is there is a change going on. The global climate is warming, and that is a fact.

The second argument I have heard is, OK, even if there is such a thing as climate change, there is no real proof human activity is the cause of that climate change. Again, I point out the scientific community believes it. The scientific community says human activity over the last 150 years has been a major contributor to the problem. Most of these human activities that contribute to this problem relate to energy production and use. Carbon dioxide emissions account for 84 percent of the annual emissions of greenhouse gases in the United States and 98 percent of the carbon dioxide emissions are associated with energy production or use.

The third argument which I have heard this morning is we do not totally understand this issue and, therefore, the Congress should not be legislating. If we use that standard, we will not legislate on virtually any subject in this body. Clearly, we have to take the best information we have, make the best judgments we can, and then if we find we are in error, we can adjust our policies as we move forward.

As the ranking member of the Energy Committee, I have argued repeatedly for the last several years that part of our national energy policy and part of the energy legislation we were trying to craft should be a recognition of the importance of climate change, and we should include in a bill some provision for dealing with climate change issues. Unfortunately, I am informed the energy conference that is still in existence, although it does not meet, will not include any language related to climate change, even though the bill the Senate produced does contain some provisions in that regard.

This is an issue of global concern. It is sad that the United States is not leading this debate. We should have a leadership role, both because we have the capability to understand the science and to do the science, and the technology. We also have the capability to come up with an appropriate response. It is sad we are not doing that.

This administration has totally failed to lead with regard to this issue. The President's plan to deal with the greenhouse gases has been little more than a business-as-usual approach. The President's voluntary target of an 18 percent reduction in greenhouse gas intensity over the next decade sounds impressive until one looks at the data. The approach will allow climate-altering pollution to continue to climb as long as it increases more slowly than our economy grows.

The voluntary commitments would meet a goal that are no more aggressive than business as usual. Greenhouse gas pollution intensity in the United States has been declining because the part of our economy that is growing the fastest is the service sector, which produces fewer greenhouse gases than manufacturing for certain. President Bush's voluntary approach will not change the trend in greenhouse gas emissions over what is likely to happen anyway, and it certainly does not put us on a path to reductions in the future.

We have been trying a voluntary approach to reducing greenhouse pollution for almost a decade, and greenhouse gas emissions have actually increased 14 percent. Many of the commitments industry is making today are the same or similar to what these companies promised nearly a decade ago.

While negotiations on an international framework to address global warming continue for the next several years, our domestic industry will have to make significant investment decisions on new energy infrastructure. We have no domestic framework on greenhouse gas emissions that would guide or even inform these investment decisions. Addressing these issues up front would reduce business costs and risks. Maintaining our present course will increase the probability of future economic losses and waste in the energy sector.

This Climate Stewardship Act is a modest first step in trying to deal with this important issue. Senator LIEBERMAN and Senator McCAIN deserve great credit for forcing this issue to be considered in the Senate today and to be voted on. They have put together an innovative framework that deserves our attention. It is unfortunate, frankly, that this bill was not able to receive the hearings in committee it deserves. The debate should be no longer about whether climate change is a reality, which is what we have been talking about on the Senate floor, but instead on how we can deal with it. Ideally, the debate we would be having on the Senate floor would be to consider amendments, to consider alternatives to this proposal, so we could come to grips with this very difficult issue. I would prefer to be offering amendments on ways in which the framework could be improved, but given the politicizing that has surrounded this scientific and environmental issue, I am left with only one option, and that is to vote for the bill and send a signal that the Senate must show leadership on climate change.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. INHOFE. Mr. President, I yield 2½ minutes to the Senator from New Hampshire, Mr. SUNUNU. I hope we will look very carefully at the chart he has. It is probably the most significant chart, other than the jobs chart we have.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, we have heard a number of speakers who I think have raised a number of important points. We have heard questions and discussions about the science of climate change. The science is important, and over time we hope to better understand the Earth's climate. I hope this is an area where we do research, where we can develop better models. It is one of the most complex areas of investigation.

We have heard about the costs, both direct costs of this legislation that will increase energy costs for everyone in America, but also indirect costs, because other countries that have been mentioned by Senator VOINOVICH, for example, such as China, India, Brazil, Russia, or Australia, do not adopt such stringent controls on emissions, and they will benefit by American jobs moving overseas.

In particular, it stands to reason in those areas of our economy that are most dependent on energy as an import, energy incentive industries like manufacturing, steel, smelting, and the like, those are the jobs that will be the first to go overseas.

I want to speak about the environmental issue because if we look closely at the environmental impact of this legislation, it actually undermines the legislation. It shows its weakness and it illustrates why it should not be adopted. If we were to agree on the increase in temperature of the last 50 or 100 years, agree there was some relationship between manmade emissions of CO_2 and that increase, and assume the full impact of the Climate Change Commission, the IPCC and the Kyoto protocols, let us look at what the environmental impact might be. This is a forecast of increasing temperatures over the next 50 years, a forecast projected increase of up to 1.2 degrees Celsius, maybe 2 degrees Fahrenheit. The benefits of Kyoto are enormously small, perhaps one or two-tenths of a degree Celsius. Over 100 years, if the projected change is 4 or 5 degrees Fahrenheit, the impact of Kyoto might be four or five-tenths of one degree.

The question is: What benefit would that provide at the significant economic costs that are not likely but certain? Supporters have pointed out their legislation, but our legislation is not as dramatic as Kyoto. It is not as harsh as Kyoto, and that means the environmental benefit will be even less.

Questionable environmental benefit, enormous cost. I certainly urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator's time has expired. Who yields time?

Mr. McCAIN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Twenty minutes 59 seconds on the minority side; 17 minutes 11 seconds on the majority side.

Mr. McCAIN. Who is the minority side?

The PRESIDING OFFICER. Well, I do not know. That is a good question.

Mr. McCAIN. How much time is controlled by Senator INHOFE and how much time is controlled by Senator LIEBERMAN?

The PRESIDING OFFICER. Senator LIEBERMAN has 20 minutes 59 seconds.

Mr. LIEBERMAN. Mr. President, I yield however much of the 10 minutes Senator McCAIN will eventually have as he wishes to consume now.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to use 8 minutes of my 10 minutes.

My favorite author is Ernest Hemingway, as he is of many millions of people throughout the world. One of his most famous short stories is entitled "The Snows Of Kilimanjaro." At the beginning of the short story he says:

> Kilimanjaro is a snow covered mountain 19,710 feet high, and is said to be the highest mountain in Africa. Its western summit is called by the Masai "Ngaje Ngaje," the House of God. Close to the western summit there is the dried and frozen carcass of a leopard. No one has explained what the leopard was seeking at that attitude.

As the photograph shows here, the snows of Kilimanjaro may soon exist only in literature.

There has been a lot of debate here about the scientific evidence—17,000 scientists say this, 10,000 scientists say that, my scientist says this—although clearly the National Academy of Sciences and other organizations including the World Meteorological Organization, I think, and others, should have some weight with my colleagues.

If I might quote the punch line from an old joke, "You can believe me or your lyin' eyes."

These are facts. These are facts that cannot be refuted by any scientist or any union or any special interest that is weighing in more heavily on this issue than any issue since we got into campaign finance reform.

That is the Arctic Sea. That is the Arctic Sea. If you look at the red line, that is the boundary of it in 1979. Look at it now. You can believe me or your lyin' eyes.

Look at Mount Kilimanjaro. That picture was taken in 1993. That picture was taken in February of the year 2000.

All of us cherish our national parks. Have a look at the Glacier National Park, which will have to have its name changed. The picture above was taken in 1932. That is a glacier ice cake. This picture is from the Glacier National Park archives. That is from 1932. Look at it 50 years later. It is not there. There will be no more glaciers in Glacier National Park, so we may have to give it a different name.

We see devastating fires across California. It is very interesting that we have this debate while devastating fires, unprecedented in nature, are sweeping across California, fueled by unusual drought conditions. I don't have to tell people what the consequences of that are.

An ice dam lake drained recently when the Ward Hunt Ice Shelf, which a century ago rimmed the coast, broke up along the coast of northeast Canada. NASA has confirmed that part of the Arctic Ocean that remains frozen year round has been shrinking at a rate of 10 percent per decade since 1980. At a conference in Iceland in August, scientists told senior government officials the Arctic is heating up fast, disclosing disturbing figures from a massive study of polar climate change.

Dr. Robert Corell, who heads the Arctic Climate Impact Assessment Team, said:

> If you want to see what will be happening in the rest of the world 25 years from now, look at what is happening in the Arctic.

Destruction of 70 percent of heat-sensitive coral reefs, in the world—70 percent of the heat-sensitive coral reefs in the world due to increases in water temperatures—places reef fisheries in jeopardy. I don't know what happens when the beginning of the food chain disappears.

There is increasing coastal damage from hurricanes. Researchers at the University of Texas, Wesleyan University, and Stanford University earlier this year reported in the journal Nature that global warming is forcing species around the world, from California starfish to alpine herbs, to move into new ranges or altered habitats that could disrupt ecosystems.

In an article in the July 3 Journal of Hydrology, "Winters In New England Are Getting Shorter," according to the USGS scientists, northern New England winters have receded by 1 to 2 weeks during the past 30 years.

Paul Eckstine, Harvard Medical School:

> Concerns about climate change are often mistakenly placed into the distant future but as the rate of climate change increases, so do the biological responses and costs associated with warming and unstable weather. The influence of intensifying drought on the spread of west Nile virus in the U.S., and the impacts of rising carbon dioxide levels on allergies and asthma, demonstrate that global warming has come into our backyards.

Finally, Dr. Adare of the Climate Research Committee of the National Academy of Sciences, says:

> The planet has a fever and it is time to take action.

Mr. President, I ask my colleagues not to listen so much to the opinions of labor unions, business special interests, or even scientists. Look at what is happening around the world. Use your eyes to see what is happening. The devastation wrought by climate change so far has been remarkable.

There is a long series of happenings around the world. Key reports have been issued in the last few years by a number of bodies composed of the world's most eminent climate scientists, including the United Nations Intergovernmental Panel on Climate Change, the National Academy of Sciences, U.S. Global Change Research Program, and these experts all reached the same conclusions:

No. 1. Greenhouse gasses are increasing in the atmosphere because of human activities and they are trapping increasingly more heat.

No. 2. Increased amounts of greenhouse gases are projected to cause irreparable harm as they lead to increased global temperatures and higher sea levels.

No. 3. The gases we emit to the atmosphere today will remain for decades or longer. Every time we emit now will require greater reductions later, making it more difficult to protect the environment.

It is interesting to me that in July of the year 2003, Governor Pataki of New York announced that 9 States had formally agreed to join New York in developing a regional strategy in the Northeast to reduce greenhouse gas emissions—10 States. The States agreeing to participate are Connecticut, New Jersey, Vermont, New Hampshire, Delaware, Maine, Pennsylvania, Massachusetts, and Rhode Island. The cap-and-trade initiative recommended by Governor Pataki would include developing a market-based emissions trading system that would apply to power generators emitting carbon dioxide, and it is modeled after the highly successful acid rain program of the 1990 Clean Air Act.

This amendment is modeled on the highly successful acid rain program of the 1990 Clean Air Act. It is modest in its proportions.

The PRESIDING OFFICER. The Senator has consumed 8 minutes.

Mr. MCCAIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, while I appreciate the comments made by my good friend from Arizona, I would only say some of the things there—I know he doesn't intend to say things that aren't true. I would like to quote an article that was in this morning's USA Today. James Morison, who is a scientist with the University of Washington—this is a front page article in USA Today—said the temperature increases and the shifts in winds and ocean currents occurred early in the 1990s and have since "relaxed." This is a recent discovery.

> These big changes "are not related to (global) climate change."

This was just in this morning's paper, speaking of the Arctic Circle.

So if we have time, when I have a chance to wind up, I want to repeat some of the things I said about the flawed science on which all these things are based. Until then, I recognize the Senator from West Virginia, Mr. BYRD, for a time not to exceed 12 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I come to the floor today to discuss the very critical issue of global warming and to summarize events of recent years that have led us to this point. We are discussing the paramount energy and environmental challenge of our time; namely, the inexorable increase in greenhouse gasses in our atmosphere that will lead to changes in the global climate.

The primary contributor to global warming is the burning of fossil fuels that create carbon dioxide, and it remains in the atmosphere for over a century. These human-produced emissions are adding to a growing concentration in the global atmosphere that is expected to more than double by the end of this century. Therefore, we are bequeathing this problem and its consequences to our children, our grandchildren, and our great grandchildren.

While I am very concerned about the challenge posed by global warming, let me state at the outset that I have long been a strong critic of climate change policies that are not in the national interest of the United States. I will yield to no one on that point. I have insisted on a rational and cost-effective approach to dealing with climate change.

As the coauthor, along with Senator HAGEL, of S. Res. 98, that passed 95 to zero in 1997, during the 105th Congress, I sought at that time to express the sense of the Senate regarding the provisions of any future binding, international agreement that would be acceptable to the Senate. The Kyoto protocol, in its current form, does not comply with the requirements of S. Res. 98. That resolution was supported by many industrial trade associations and opposed by many environmental organizations.

While those on both sides of the issue have attributed many interpretations and misinterpretations to S. Res. 98, no one has misrepresented and misconstrued S. Res. 98 more so than this present administration.

S. Res. 98 was intended to provide the sense of the Senate on what should be included in any future binding international treaty. The resolution laid out the conditions under which the Senate could agree to a new binding treaty that would subsequently be considered at the Kyoto conference. S. Res. 98 directed that any such treaty must include new scheduled commitments for the developing world in addition to any such requirements for industrialized nations but requirements that would be binding and mandatory and lead to real reductions in the emissions of greenhouse gases over time. This is clearly different than the minimal, vague, and voluntary commitments that we are currently pursuing.

As I explained in 1997, a voluntary approach had already been tried and had already failed. The United Nations Framework Convention on Climate Change, also known as the Rio Convention, failed to reduce emissions largely because it was voluntary. That is why Kyoto concerned binding commitments, and S. Res. 98 was intended to guide that effort rather than kill that effort.

The administration's climate team has merely returned to the voluntary approach of Rio, despite a complete lack of evidence that this so-called plan will ever succeed. Industrial nations have never initiated significant reductions in pollution of any type on a strictly voluntary basis. This administration must finally come to terms with taking action toward globally binding commitments.

As well, developing nations, especially the largest emitters, need to be a part of any binding global climate change treaty. Another point that has been misunderstood is what S. Res. 98 would require of developing countries. An international treaty with binding commitments can and should provide for the continued growth of the world's developing nations. Unrealistically stringent emissions targets need not choke off their economic growth. The initial commitments could be relatively modest, pacing upwards depending on various factors, with a specific goal to be achieved. Today, however, the world is even further away from a credible, workable global strategy to deal on climate change than we were in 1997.

The blame for this circumstance can be laid squarely at the feet of this administration which abandoned international negotiations in which it could have kept pressure on developing nations to agree to some level of mandatory emissions reductions. Moreover, developing nations should be a prime market for clean energy technology projects. But, with little pressure on those nations to reduce or contain the growth of emissions, a huge and fruitful market for those types of technologies—technologies that are being developed in the U.S.—is likely to dry up. In other words, while this nation has been making great strides in developing technologies to use our own energy resources more efficiently and more cleanly, significant efforts to help deploy these technologies overseas have been undercut by this administration's unilateral approach to climate change.

Thus, S. Res. 98 was an effort to strengthen the hand of the administration as it undertook international negotiations. It enabled our negotiators to walk into talks and point to the ever-present Congress, looking over their shoulders, to ensure that the interests of the U.S. would be protected in any agreement that eventually came to fruition.

The Bush administration has never understood the value of S. Res 98. Rather than employing that tool to positively influence international negotiations, it used the resolution as cover to simply walk away from the table. Having abandoned a constructive role in the global negotiations on climate change, this administration has left the U.S. in a much weaker position globally.

The Bush administration must be challenged on its environmental, economic, and energy responsibilities, both domestically and internationally. The U.S. is in the best position of any nation to positively influence an international response to global climate change. Yet, we will all suffer from the consequences of global warming in the long run because we are all in the same global boat.

This administration has attempted to hide behind S. Res. 98 to defend its current do-nothing and know-nothing policies on climate change, and I strongly object to that. The difference between my view and that of this administration is simple. I believe the problem is real and demands action. The administration does not. The President also claimed early in his administration that his goal was to oppose Kyoto. If the President's representatives had stayed at the table and negotiated in good faith on a treaty to comply with S. Res. 98, then the administration could have guided the world toward a new binding treaty with mandatory requirements to reduce emissions that would correct the deficiencies of Kyoto.

The reality is quite different. Our nation has been represented at the international negotiations in name only. We would be better represented at the international negotiations by a row of empty chairs. That would at least accurately represent the vacuous nature of our current policies. For President Bush not only disavowed the Kyoto Protocol; he also turned his back on any negotiations because they concern a binding treaty that includes mandatory commitments. The rest of the world was outraged by this unilateral rejection of a decade of negotiations and of the new American isolationist approach to deal with climate change.

And what will happen in one year or five years when a new administration enters office? What will happen if Russia does decide to ratify the Kyoto Protocol, and it enters into force? Will the administration be able to go back to the table and demand changes to binding international law that will have been in force for perhaps many years? The President's industry supporters may one day wake up and realize that they live in a partially Kyoto-controlled world where there is no turning back.

One senses confusion and a lack of direction in the administration. It seems that the administration's right hand does not know what the far right hand is doing regarding its climate change policies. The White House does not know whether to believe the science or not, and they have certainly not articulated a plan of action.

Finally, I am compelled to observe that it is the height of hypocrisy for this administration or its supporters in industry to claim that they are defending the goals and provisions of S. Res. 98. They cannot make such a claim in the debate today or in any international forum. Nothing could be further from the truth. This administration can no longer hide behind the mantle of that resolution.

It is this administration that undermined the tenets of that resolution. They now support only vague, voluntary measures. That is true both domestically and internationally. The evidence suggests that the President's negotiators have even formed an alliance with the key emitters in the developing world, and together they oppose any additional discussion during the international negotiations of binding commitments for the developing world as called for under S. Res. 98. That is of course a logical result of the administration's policies, since it is impossible to apply binding commitments to China if we refuse to apply such standards to ourselves. We now have little hope of seeing an effort made to produce a treaty that will comply with S. Res. 98—at least not during the tenure of this President.

If there is no prospect for a binding international treaty, then how can we deal with the enormous challenge posed by global warming? The critics of the amendment before us argue that we should stay the course and support the President's policies. If I may ask—what are those policies? What concrete programs have been put in place? In point of fact, the administration has asked the industry trade associations to develop their own voluntary reduction programs. The proposals are vague and actually allow emissions to continue to increase. Taken together, none of these programs is expected to result in any serious decrease in emissions.

These events over the last three years have led me to conclude that we must look elsewhere for effective action on global warming. The Senate should not be put in the position in which it now stands. It should not be faced, as we are now, with the prospect of considering an energy bill devoid of provisions to address climate change. The Senate should be considering our nation's energy security from a broad view that includes a global response to climate change and the international politics of energy.

Proponents of the amendment now before us argue that it sends the clear message to the White House: If President Bush rejects the advice of this body, then he is refusing to negotiate in good faith toward a binding international treaty and is only offering hollow domestic programs. The Senate has little choice but to consider further steps, including modest mandatory approaches, that would apply to our domestic economy.

The amended version of S. 139 freezes emissions at their current levels rather than seeking a sharp reduction as has been the case in other approaches. The McCain-Lieberman bill also allows companies to offset their emissions, for example by planting trees that absorb and sequester carbon dioxide (CO_2) or by constructing more efficient power plants in the developing world than what those nations would otherwise build—and claim the difference as an earned offset or credit.

I would prefer not to be faced with a measure like this today. I note that this bill has not had committee consideration. That said, it is very much the case that several key chairmen with jurisdiction over energy or environmental policy have shown very little interest in seriously dealing with climate change. We have certainly witnessed this in the energy bill. I want to further commend Senators McCAIN and LIEBERMAN for their diligence and hard work to find a middle ground. They have come a long way on this proposal. If the principles of their proposal were combined with those of other Members like mine, then the Senate could have a strong package to offer the American people. While I will not be able to vote for the amendment today, I want to make it very clear that I will work with the sponsors of this bill and other Republican and Democratic Senators who want to go beyond this administration's empty-headed approach.

In closing, I want to express my own growing frustration for our seeming inability to deal with the problem at hand. I have been troubled by this for a long time. I do not believe I need any more scientific evidence to show that we have seen these changes. I have seen the changes in weather patterns, and those changes that I have personally seen during my nearly 86 years lead me to believe that there is something happening. We need to do something about it. What we do may be painful in some respects, but we owe it to our children and grandchildren to have the foresight to see that something is happening and to understand that we ought to do something about it soon. If not, we may be going beyond retrieval.

So, I would say again that the two Senators are to be very much complimented. I will vote with Mr. INHOFE, for the reasons I have stated. I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator BYRD for his statement. Obviously, I regret that he is not going to support the McCain-Lieberman proposal today. But I appreciate very much this fact: He recognizes that there is a problem here. I don't know how some of our distinguished colleagues can say there is not a problem. The science is there. The facts are there. We see it with our own eyes. We can disagree on what to do about the problem.

But Senator BYRD, with his characteristic directness and honesty and sense of history, has recognized that there is a problem. I look forward to working with him in the months ahead to see that we can fashion together a common ground response that will deal with the problem that he quite honestly has recognized. I thank the Senator.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I thank our colleagues for the work they have done. I, again, thank Senator INHOFE.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes to the Senator from Delaware who has been an active, helpful, and constructive supporter of this proposal, for which I thank him.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank Senator LIEBERMAN and Senator McCAIN and others who brought this legislation to the floor. I stand today as a cosponsor of the amended version of the McCain-Lieberman Climate Stewardship Act and I will vote for it today. I do so because I believe it is a sensible first step toward addressing the real problem of increasing levels of greenhouse gas emissions and global warming about which Senator BYRD and others have spoken.

Senator BYRD, Senator McCAIN, and others have spoken about the convincing science which shows that not only greenhouse gas emissions are increasing but also that those emissions are linked to human activity and are having a negative impact on the climate in which we live.

Ten years ago I would not have stood here. Ten years ago I would not have been arguing that we should take mandatory steps toward addressing greenhouse gas emissions. But over the past decade or so as I learned more about the issue and had the opportunity to speak with people on both sides of this debate, and as Senator McCAIN said, to see with my own eyes the changes that are occurring in this world, I have become convinced there is a real problem. It is not going away. We can do something about it. We can do something about it now. We should.

Senator LIEBERMAN and Senator McCAIN should be commended for their work on this bill and for their willingness to make a significant modification to their original proposal. I don't know that I would have been so supportive of the original bill because of reductions that were required in that bill. Having said that, the modified version before the Senate today which seeks to turn over the balance of this decade greenhouse emissions to levels of the year 2000 has my strong support.

The fact is, if the Federal Government does not act in a meaningful way, and do so soon, the problem will get worse and the solution, when it comes, will be even more difficult and more disruptive of our economy and our way of living.

Addressing greenhouse gasses is a proper role for the Federal Government. In yesterday's New York Times, a reporter, Jennifer Lee, wrote about the increasing number of States fed up with a lack of certainty from the Federal Government with regard to climate change policy. Half the States, according to the article, have taken steps to address global warming.

On the one hand, I view the States' efforts as a positive development. However, regulating greenhouse gasses via 50 different laws is not, my friends, the best way to proceed on this issue. It is best for both the industries that will have to comply with these laws and the ecological benefits we expect from the passage that we adopt a uniform Federal standard. The Climate Stewardship Act does just that.

My own State of Delaware is proud to be the home of the DuPont Company, a global company with products touching each of us every day. DuPont is a major producer of greenhouse gasses. One might think they would be opposed to this legislation, but as it turns out they are not. They view this bill as a significant and serious contribution to the congressional debate on how to address climate change.

They think it is particularly noteworthy for three reasons, and I will mention those: No. 1, the measure includes market-based systems to achieve reductions efficiency; No. 2, it covers more than one sector of the economy; No. 3, it provides credit incentives for early action and includes flexibility mechanisms to allow companies to seek lower cost solutions that achieve the desired results.

DuPont is just one example of a company that has stepped forward and taken steps to reduce greenhouse gas emissions not because they have to but because they believe it is the right thing to do.

DuPont kept its energy use flat between 1990 and 2000, while at the same time increasing production by 35 percent. That means they found ways to become more efficient and thereby avoid increasing greenhouse gas emissions. If a company such as DuPont can find a way to meet the requirements of this bill, I suspect that just about any company can do the same.

In closing, today's vote is one of the more important votes we will take during our time in the Senate, certainly one of the more important votes of this year. In my mind, the issue it addresses is as important as the vote to authorize the President to use force in Iraq or whether we will make major changes in Medicare prescription drugs.

What we decide today will have a significant impact for our future. While we will not see noticeable, positive or negative effects before next year's Presidential election, or before next year's Senate elections, within our lifetime, as sure as we are gathered here today, it will be clear that we have made the right choice or, I might add, if we have made the wrong one.

I urge my colleagues to join me in what I believe is the right choice and that is a "yes" vote for the Climate Stewardship Act.

Mr. HARKIN. Mr. President, I would like to take a few moments to discuss S. 139, the Climate Stewardship Act and lay out the reasons I am supporting this bill.

The chief reason I support this bill is that I believe, as do the majority of scientists, that global climate change is occurring, and is due in part to human activities. I also believe that the U.S. has a responsibility to provide international and domestic leadership on this issue, and to begin to take action. This body, the U.S. Senate, has now passed three separate Sense of Congress Resolutions, this year and last year, urging U.S. leadership and reengagement in the international process to address global warming, and meaningful U.S. domestic action to begin to reduce our emissions of greenhouse gases that cause climate change. Two of these resolutions were included in the comprehensive energy bills passed by this body this year and last. Despite these resolutions, the United States remains inactive on these issues. We are not displaying enough leadership on combating global warming, either domestically or abroad. And we are beginning to see some early warning signals about the consequences if we persist in our inaction.

The World Meteorological Organization, WMO, in July of this year issued an unprecedented alert, saying: "Record extremes in weather and climate events continue to occur around the world. Recent scientific assessments indicate that, as the global temperatures continue to warm due to climate change, the number and intensity of extreme events might increase." They go on to say that: "New record extreme events occur every year somewhere in the globe, but in recent years the number of such extremes has been increasing." And, "(w)hile the trend towards warmer globally averaged surface temperatures has been uneven over the course of the last century, the trend for the period since 1976 is roughly three times that for the past 100 years as a whole."

In the United States, the WMO cited record-breaking statistics in a particularly dangerous category of extreme weather events: nationwide, 562 tornadoes occurred in May, 2003, resulting in 41 deaths—a record for the number of tornadoes in any month, far surpassing the June, 1992 U.S. record of 399 tornadoes.

In Iowa, as in much of the midwest, we have been experiencing a drought—a drought that is hurting my states' farmers, and farmers across the midwest and west. These dramatic weather events that we are experiencing—the tornadoes, the drought, the warming—these are exactly what scientists have been predicting would occur with unmitigated global warming. These events should not come as a surprise to any of us, they have been predicted for some years now.

The bill we are debating, the Climate Stewardship Act, will take the first, modest steps to put into place a U.S. system to begin to reduce our greenhouse gas emissions, to begin to take action. It will respond to the science, and it will do it in a manner that this administration has failed to do—with meaningful policies that will not harm the U.S. economy, but will at least put us on the right path.

Now I know some Members of this body and of some organizations and industries have expressed concerns that taking action will harm the U.S. economy, and will impact energy supplies. While their concerns are legitimate, they are misplaced, because scientists, economists and analysts in this administration and in the private sector agree that this bill that we are debating will not be onerous for the overall economy or for the various industries it impacts. The Energy Information Agency in the Department of Energy and the Massachusetts Institute of Technology, in separate assessments of the bill, indicate it will have minimal impacts on fuel prices and will even lower fuel prices in the case of natural gas, for instance, by generating efficiencies and providing market signals to drive efficiency. Furthermore, the bill has specific provisions to encourage clean, renewable fuel production from the agricultural sector and other sectors, which would not only reduce our reliance on imports of oil, but would also benefit the agricultural economy and the environment by reducing greenhouse gas emissions. I support those provisions.

Some critics have said that this bill would prevent the burning of coal, and would force coal-burning utilities to switch to using only natural gas. That is simply not true. Under this bill, coal use will actually increase, and financial incentives for clean coal technologies are also provided.

According to the MIT analysis of the bill, coal use will continue to expand 12 percent over current usage levels, out to 2025, which is the time frame that MIT looked at. Additionally, coal prices per metric ton are expected to drop 4 percent by 2015, and 5 percent by 2020.

A portion of the proceeds from the auctioning or sale of allowances in the bill will go to technology deployment programs. Specifically, integrated coal gasification systems will receive significant financial incentives. Such clean coal technologies are not only beneficial to the environment, but will ensure continued usage of this valuable fuel source well into the future, in an environmentally benign manner.

The agricultural sector and rural areas will continue to bear the brunt of severe weather events that can devastate farmers and rural economies as long as our inaction continues. However, U.S. agriculture can also make important, cost-effective contributions to offset a portion of U.S. emissions of greenhouse gasses in the near- and medium-term. With the proper incentives, agriculture can provide a low-cost bridge to a less fossil-fuel and greenhouse gas intensive future, while improving the sustainability and perhaps the profitability of this vital economic sector. The Climate Stewardship Act, provides some of these incentives. A provision in the bill that I particularly support is financial incentives, through the auctioning of permits to capped sectors, to agricultural practices to reduce greenhouse gas emissions, including clean, renewable energy sources, such as wind power.

Agriculture can play an important role in mitigating global warming, and can provide valuable benefits to society. Carbon is a commodity already being traded and sold in this country and others, and farmers can not only "farm" for carbon, they can reap the rewards under this bill, and help keep costs of action down.

To make sure farmers can take advantage of this opportunity, I have negotiated with Senators McCAIN and LIEBERMAN to guarantee that a specific portion of the credits that can be sold into this cap-and-trade system in the bill will be set aside for soil carbon sequestration. Soil carbon sequestration reduces U.S. net emissions of greenhouse gasses but also improves air and water quality by reducing run-off, and improves soil moisture retention. Soil carbon sequestration occurs through improved management practices such as no-till or reduced-till farming, the use of shelterbelts, grass waterways, wetland restoration, and improved irrigation systems, to name but a few. But most importantly for the farm sector, soil carbon enhances agricultural sustainability and profitability. We know this because agricultural and soil scientists have studied this issue for years—not because of global warming, but because of the associated environmental improvements and the improved crop productivity associated with greater soil carbon. These are complementary objectives with nice overlap. As a key benefit soil carbon sequestration has the potential to offset fully 10 percent of U.S. annual carbon emissions.

To help ensure that farmers and others in the agricultural sector thoroughly understand the issue of climate change, and that they can benefit from an emerging carbon market, we have negotiated additional language to institute an education and outreach initiative within USDA. The program would provide detailed information as well as technical assistance to these individuals and groups, as well as allow for the creation or utilization of existing centers on climate change.

This is a win-win policy for agriculture, for our citizens, and of course for our environment. That is why I support this bill.

Mr. LEAHY. I rise today in support of S. 139, the Climate Stewardship Act. I am pleased that the Senate is finally going to have an open and honest discussion about climate change, greenhouse emissions, global warming and their effects on the Nation and the world. It is clear that it is time for the Senate to act and pass this important legislation.

Climate change and global warming could cause grave problems to our Nation's economy, especially the economy of the Northeast. The economy of my home State of Vermont relies heavily on the revenue brought in from the maple, forest and ski industries. Maple syrup production is a major source of revenue in Vermont and there could be a dramatic loss of maple production in Vermont and the rest of the Northeast if fuel emissions continue to go unchecked.

There are about 2,000 maple farms in my home State, and most of them are family-owned businesses. Many if not all of these farms could suffer from a decrease in maple sugar income, and eventually they could lose their farms altogether. I have heard from many maple producers from my State who say they are tapping trees earlier every year. It used to be that Vermonters were tapping their trees around Town Meeting Day, the first Tuesday in March. Now, some are forced to tap a month earlier, during the first week in February. According to a report done by U.S. Office of Science and Technology Policy, sugar maple could eventually recede from all U.S. regions but the northern tip of Maine by 2100. This is unacceptable, but it is also preventable, and that is why the Senate should pass the Climate Stewardship Act of 2003.

One maple syrup producer from Vermont has become so concerned about the negative effects of global warming that he has joined a lawsuit against the Export Import Bank and the Overseas Private Investment Corporation. The plaintiffs in this case claim that these companies have illegally provided more than $32 billion for overseas oil fields, pipelines, and coal-fired power plants over the past 10 years without assessing their impact on global warming as required by law. The plaintiffs are not seeking financial compensation, only compliance with the National Environment Policy Act, which requires all Federal agencies to assess their programs' contributions to global warming.

Vermont also relies on revenue from the ski industry. Vermonters and others from all over the country enjoy the ski resorts in Vermont. There is a strong relationship between winter skiing conditions, the number of customers, and whether a ski resort has a successful or unsuccessful ski season. Vermont resort operators have already had to make improvements to snowmaking technology to ensure there is enough snow for the entire ski season. This can cost resorts hundreds of thousands of dollars. Warmer weather also means the resorts open later. In 2001, Killington Ski Resort, the largest ski resort in Vermont recorded its latest opening date in more than 15 years.

Many ski resorts across the country are doing their part to slow global warming. Four ski resorts in Vermont: Haystack Ski Area, Killington and Pico Resorts, Mad River Glen, and Mount Snow Resort have all adopted a policy on climate change to address the problem of global warming. Mount Snow Resort has cut energy consumption in half at the Main Base Lodge and Snow Lake Lodge by replacing hundreds of conventional light bulbs with compact fluorescents. They have also installed dozens of energy-efficient snowmaking tower guns, which reduce the energy needed to pump water and compressed air. I commend the efforts of these ski lodges and I believe that we should act today and do our part to reduce global warming.

I have two grandchildren a 5-year-old grandson and a granddaughter who is not quite a year old. I want them to be able to enjoy Vermont as I have: snow-covered Green Mountains in the winter, beautiful foliage in the fall, and Vermont maple syrup on pancakes as often as they please. It is time the U.S. took action to curb our greenhouse gas emissions. We can no longer look the other way as the rest of the world moves ahead while the current administration ignores global warming.

Mr. JEFFORDS. Mr. President, I stand to applaud the efforts of Senators LIEBERMAN and MCCAIN for pushing forward with a sensible and modest plan to address the threat of global warming.

I would prefer that we were debating a bill reported by the Environment and Public Works Committee, but the chairman of the committee has made it clear that he will never act on such legislation. That is unfortunate, since the evidence presented to our committee of jurisdiction is more than sufficient to justify taking prudent actions now to reduce greenhouse gas emissions.

There are those who say that climate change is a hoax, a concoction of radical environmentalists and a liberal media. That is simply hogwash or maybe the whitehouse effect. Global warming has been documented by hundreds and hundreds of credible scientific studies, including many world class institutions such as the National Academy of Science, the American Geophysical Union, and the International Panel on Climate Change. To ignore and dismiss the threat of climate change to the economy and the environment is like insisting the earth is flat. It flies in the face of reality.

The Climate Stewardship Act uses the same type of efficient cap-and-trade system that Congress established in the 1990 Clean Air Act amendments to reduce sulfur dioxide emissions and acid rain.

My bill, S.366, the Clean Power Act, uses that system to reduce carbon dioxide pollution from power plants to 1990 levels. That carbon cap and the cap in the bill before the Senate would stimulate the development of domestic technologies, like gasification and renewables. That would allow our Nation to continue burning coal, but more efficiently, cleanly and safely and with fewer carbon emissions.

Without some kind of carbon cap to drive technology, utilities and investors will continue turning away from coal and toward natural gas. Without clear action by Congress on this matter, utilities and investors fear the uncertain timing of the inevitable carbon controls that are coming.

I will not go into great detail about the need to act now. Our committee's hearing record is replete with peer-reviewed scientific evidence that demonstrates that need and refutes the Senator from Oklahoma's statements.

But, I would like to note that the average global temperature in September 2003 was the hottest on record, and 1998 and 2002 were the first and second hottest years on record. That should concern us all.

It is urgent that we take action soon. The Senate's decision today will affect the atmosphere and climate for the next 100 years if not longer. Experts have advised us that we and the world must radically change the use of fossil fuels in the next 10 to 15 years or the consequences could be quite severe.

The need for the Senate to move this bill is tremendous. The United States emits approximately 25 percent of the world's carbon pollution. We are responsible for approximately 40 percent of the carbon concentrations now in the atmosphere. We have a moral obligation and an economic opportunity in leading the development of technologies and systems that will reduce greenhouse gas emissions.

This legislation gives businesses and Government a great opportunity to promote solar, wind, fuel cells and other sustainable energy sources as "the next high tech revolution" to meet our growing energy needs. It can also stimulate rural communities by making carbon sequestration economically attractive.

Twice now, in the energy bills, the Senate has passed resolutions asking the President to enter into negotiations with all nations to obtain a binding treaty to reduce greenhouse gas emissions. We have been ignored. The administration has taken no action to accomplish such a treaty or adopted any policy that will result in real and tangible reductions.

Senators should not take this vote lightly. This is the first time that the Senate will vote to control emissions that cause global warming. Senators can lead now and contribute to sustainable development and job creation or they can hide their heads in the sand and be blamed further for the climate change that is already occurring and for the chaos that warming is likely to bring.

I urge Senators to support the Lieberman-McCain bill.

Mr. FEINGOLD. Mr. President, I will be supporting the McCain-Lieberman climate change legislation, and I want to detail the reasons for my support. At the 1992 Earth Summit in Rio de Janeiro, the United States agreed to a goal of reducing emissions to 1990 levels by the year 2000, and we became a party to the Framework Convention on Climate Change. As a Member of the Senate, I have supported this agreement. In order to meet this commitment, our Government has engaged in a wide range of voluntary programs. But, despite these efforts, U.S. greenhouse gas emissions have increased by 14 percent between 1990 and 2000. We should take additional nationwide steps to meet this goal, and I believe this legislation is an appropriate first step.

In this legislation, my colleague from Connecticut, Senator LIEBERMAN, and my colleague from Arizona, Senator McCAIN, would implement Phase I only of their broader bill on greenhouse gases, S. 139, the Climate Stewardship Act of 2003. This legislation will return the Nation's emissions to 2000 levels by 2010. It will do so by reducing emissions in the short term while providing market-based flexibility to minimize the cost to industry.

I continue to believe that we must take action on the national level now to slow the progression of climatic change. The costs of inaction are prohibitive across the country and in my home State of Wisconsin. Wisconsin's top officials acknowledged that climate change was a concern years ago. Nat Robinson, administrator of the State government's Energy Division in the 'administration of Governor Thompson, stated back in September of 1997, "There was a time when the possible human influence on the atmosphere was hotly debated by scientists and lay persons alike. That time is past." In response, my home State has become one of the first with a statewide plan to address global warming.

Numerous signs suggest that the climate in Wisconsin may already be changing, and that the actions that the State of Wisconsin has taken are justified. UW-Madison scientist John Magnuson led a dozen other scientists in examining actual climate data recorded by a wide variety of sources around the world over the past 550 years. These data documented a steady 150-year warming trend in global temperatures. For example, the "ice season" of Dane County's Lake Mendota has decreased 22 percent since the mid-1800s. Similarly, the Aldo Leopold Foundation in Baraboo concluded that spring is arriving a week earlier than it did 62 years ago based on when various plants are flowering.

The Union of Concerned Scientists released a series of studies in April 2003 on climate change in the Great Lakes Region. That report states that by 2030 Wisconsin summers will feel like southern Illinois', and by the end of the century, Wisconsin's summer climate will resemble that of current-day Arkansas, with our winters like current day Iowa. This will cause a huge change in our life in Wisconsin, in our climate and ecosystems, in our ability to grow crops, in our need for additional summertime cooling for our residents. These are huge and costly challenges, and Wisconsin can't solve them alone. The pollutants emitted to the air know no political boundaries, and the effects are global, as well as local, in scope.

Unfortunately, this administration has chosen to step away from our current commitments on climate change and has not recognized state efforts on climate change. I too shared concerns about the Kyoto protocol, and joined with the Senate in support of a 98 to 0 vote on the Byrd resolution. That resolution called upon the State Department to seek meaningful commitments during the Kyoto negotiation process to reduce climate change from developing countries such as China and India that have the potential to develop using significant amounts of fossil fuels. I supported that resolution because I wanted any additional U.S. commitments to be to an agreement that addressed all current and future sources of climate change worldwide. That vote was not a repudiation of my belief that the U.S. must meet its current commitments.

Meeting our international commitment is important, especially at a time of strong anti-American sentiment abroad and challenges to U.S. leadership. Some of that sentiment and some of those challenges are a direct response to the Bush administration's misguided policies. Even our staunchest friends are troubled by the administration's inclination for unilateral action, its inconsistent words and deeds, and its dismissive response to their legitimate concerns.

Being part of the international community means engaging constructively with like-minded nations to build strong, sustaining institutions and alliances—and bringing emerging powers into this community so future conflict becomes less likely. The Bush Administration has demonstrated an unhealthy disregard for the opinions of fellow nations—a disregard that has squandered some of the support we received after the September 11, 2001, attacks and diminished our influence around the world.

The administration's approach to global warming is one such area. Though the United States produces about a quarter of the world's greenhouse gases and will be affected badly by climate change, the Bush Administration has shown no interest in doing anything about the problem. That undermines our stature and credibility and it causes an unnecessary rift with our allies. Constituents have approached me again and again at the town hall meetings I hold all over Wisconsin every year to share their concerns when the U.S. pulled out of the Kyoto negotiations, and I believe that they make a very strong point.

The most powerful Nation in the world must speak with a clear and consistent voice and lead all nations to face major global challenges together. The U.S. Government has paid dearly for pulling out of the Kyoto protocol and rejecting the Comprehensive Nuclear Test Ban Treaty. Although each of these agreements was imperfect, each became more so when the United States moved to the sidelines. Helping to shape credible international institutions is not a sign of weakness; it is a sign of confidence in U.S. strength and ideals. By disengaging, this administration has marginalized U.S. policies, interests, and values.

For these reasons, I support the McCain-Lieberman legislation. The U.S. should proceed to implement the Framework Convention on Climate Change, and we need legislation to do just that.

Mr. KOHL. Mr. President, today the Senate took an important step toward expanding the debate on global warming. Greenhouse gasses and global warming are a real threat to our environment and our way of life. The National Academy of Sciences has verified the scientific evidence backing global warming. And the private sector is facing the real world impact of global warming as they contemplate the insurance costs of rising sea levels and more destructive storms. A decade ago, debate ranged within and without the ivory towers of academia over the hazy science backing claims of global warming. Today, the fog has lifted and we can see the impact that burning fossil fuels has had on the climate.

The changes to our environment are real. Our job now is to decide what to do about it. The approach set out by this version of the McCain-Lieberman bill is a reasonable first step. It is not perfect, and if we would have been able to take up and debate amendments there are several, significant changes I would have supported.

My biggest concern is that this bill would have us move toward reducing emissions without requiring the rest of the world to join us. While we have a responsibility to reduce our own emissions, we need to work with the international community. China, for example, is approaching the United States as a producer of green house gasses and must be a part of any practical effort to reverse global warming. If our unilateral efforts convince China they have no need to act, than our approach could do more harm than good. I vote for this bill today as a message to the administration that it is time to redouble efforts to spark a world effort to address global warning. I do not vote to commit the United States as the sole participant in that effort.

I strongly support including environmental standards as part of our trade agreements. Clean air and water issues should be discussed with our international trade partners during trade negotiations. Letting our competitors avoid environmental issues that impact everyone around the world is shortsighted. It hurts our environment and our business community.

The bill before us has other problems that could be addressed with a longer debate time and the opportunity to offer amendments. The Senate should carefully scrutinize the legislation's timetable and should consider giving industry more flexibility in earning credits. But while these issues need to be addressed, every journey starts with a single step, and this vote is that first step. We have begun seriously to struggle with climate change. And ultimately, inevitably, we need to make some tough decisions about climate change. We must reduce greenhouse gasses to protect our environment and our way of life for generations to come. A yes vote today sets us on the path to confront this issue head on.

Ms. CANTWELL. Mr. President, I rise today in strong support of the Climate Stewardship Act. I hope the Senate will seize the historic opportunity before it today and vote to begin seriously dealing with this worldwide threat.

Unfortunately, I am afraid Congress is not very good at passing laws that will only benefit future generations, especially when there might be a cost—no matter how small—for our constituents today. But I hope that this vote will be different and that my colleagues will join me in passing this sensible legislation to prevent a costly, and potentially catastrophic, rise in global temperatures.

As Senators JOHN MCCAIN, JOE LIEBERMAN, and others have already articulated, the scientific conclusion that greenhouse gas emissions are contributing to an accelerated rate of climate warming is beyond debate. Thousands of climate scientists convened under the United Nations and our own National Academy of Sciences have stated definitively that human activities—primarily the burning of fossil fuels—have contributed and will continue to contribute to rising atmospheric temperatures. I am not an atmospheric scientist, and I don't believe any of my colleagues are, so I hope everyone here will defer to their expertise on this matter.

Climate change is an existing and scientifically supported phenomenon which human beings have a responsibility to mitigate. And since the U.S. has the highest per capita greenhouse gas emissions in the world and one of the highest emissions rates per dollar of gross domestic product, we have a particular duty to lead the world on this critical issue.

Even the Bush administration, whose sincerity in dealing with this issue is suspect, acknowledges the reality that human activities cause climate change. Last year, in its United States Climate Report for 2002, the administration outlined a vast array of consequences climate change would inflict across our country. I would like to highlight some of the "likely" effects mentioned in that report that would have a particularly harsh impact on my home State of Washington.

> The resulting changes in the amount and timing of runoff are very likely to have significant implications in some basins for water management, flood protection, power production, water quality, and the availability of water resources for irrigations, hydro power, communities, industry, and the sustainability of natural habitats and species.
>
> Reduced snow-pack is very likely to alter the timing and amount of water supplies, potentially exacerbating water shortages, particularly through the western United States.
>
> The projected increase in the current rate of sea level rise is very likely to exacerbate the nationwide loss of existing coastal wetlands.
>
> Habitats of alpine and sub-alpine spruce-fir in the contiguous United States are likely to be reduced and, possibly in the long-term, eliminated as their mountain habitats warm.
>
> Rising temperatures are likely to force out some cold-water fish species (such as salmon and trout) that are already near the threshold of their viable habitat . . . .
>
> These conditions would also increase stresses on sea grasses, fish, shellfish, and other organisms living in lakes, streams, and oceans.

The non-profit group Environmental Defense compiled research that shows that the winter snow pack in the Cascades could decline by 50 percent within 50 years. A reduction even a fraction of that size would have a devastating impact on runoff that is vital for hydropower, agriculture, salmon habitat, and drinking water supplies. And I am sure many of my Western colleagues would be similarly alarmed by potential reductions in their scarce water resources.

Just the damages from decreased runoff would cost my State billions of dollars annually, dwarfing even the most pessimistic costs that some opponents contend may result from this bill. But besides the costs this legislation can help avoid, I think it is critical that we consider the tremendous benefits this bill would initiate.

Today, we know that the tired mantra that "protecting the environment costs jobs" is no longer true. In fact, the market-based mechanisms used in this bill would unleash unprecedented productivity and efficiency gains in our energy sector, as well as catalyze countless new environmental technology industries. That translates into many new high paying engineering and manufacturing jobs and tremendous new export opportunities.

A recent report by the U.S. Department of Energy, which included contributions from Washington State's Pacific Northwest National Laboratory, forecast significant job growth for jobs in a range of emerging "green" industries, such as wind power, biomass energy production, and other energy efficiency specialties.

I am proud that my State hosts one of the largest wind farms in the United States. I visited our Stateline project and saw first hand one of the many solutions that the market will find to meet the goals of this legislation.

These conclusions were confirmed by a 2001 study carried out in collaboration with public and private partners in the Pacific Northwest that found that the global market for clean energy technologies is expected to reach $180 billion a year—about twice the size of the passenger and cargo aircraft industries—within the next two decades.

Already, in Washington, Oregon, and British Columbia this sector is a $1.4 billion per year industry.

Despite the potential of these new markets, some of my colleagues have argued that the costs of addressing this problem are too high, because they believe this bill might raise energy costs. While that is highly disputable, I am curious if opponents of this measure also support lifting controls on other pollutants? I'm sure we could make coal-generated electricity even cheaper if we did not require pollution scrubbers. We could allow millions of tons of sulfur dioxide, mercury, and other toxins to flood our nation's air in the name of cheap energy. But of course we wouldn't do that because we know that true costs of such a policy—whether it be the health of our children, the effects of acid rain, or even the visibility at our national parks—would far outweigh any short-term financial gains we may achieve by removing emission controls.

The same principle is true of climate change. We may save some money now by ignoring this problem, but entire industries like timber and fishing—key sectors of my State's economy—would be dramatically impacted by climate change. There is no way to deny that greenhouse gases, including carbon dioxide, are pollutants and need to be monitored and controlled as such.

As I have listened to this historic debate, I have been frustrated by the dueling charts and reports which have been used to support one position or another. While I, along with many of our Nation's Governors and world leaders, believe that the scientific evidence is indisputable, there may be another important way to view this issue: as an insurance policy.

I am confident that even the most vocal opponents of this bill would be reluctant to say that there is absolutely no chance that the vast majority of climate scientists are right about this issue and that greenhouse gas emissions are causing global warming. Perhaps the climate skeptics would change their position if they realized that this legislation is really an insurance policy for our children, one that guarantees they will be able to enjoy the same natural world that benefits us today.

I believe that is how the American people instinctively understand this issue. This is borne out by a recent nationwide survey that showed that three-quarters of Americans support the McCain-Lieberman climate change bill and two-thirds agree that we can control greenhouse gases without harming our economy.

We are a problem-solving nation. When we are faced with a grave threat, we roll up our sleeves, put our heads together, and fix our problems; we don't push them off on our children and future generations. Like the threat of terrorism, climate change is too alarming and disturbing a problem to ignore.

The risks of ignoring this problem heavily outweigh the benefits of preserving the status quo. Allowing rapid changes in the temperature of the earth's surface and shifts in worldwide weather patterns that result from global warming would be devastating to the economies of my state, this nation, and the world. Let's make sure this problem gets the serious action it deserves. I urge my colleagues to support this critical bill.

Mr. BUNNING. Mr. President, I rise in opposition to this legislation, S. 139.

We have disputes over the scientific evidence on global climate change. And we can debate that science all day and never agree.

I believe the science we have seen does not support the need to engage in questionable policies to control so-called "global warming".

We need more evidence that the climate is actually affected by emissions, especially carbon emissions, before we act too quickly.

Let's make sure we really look before we leap.

Instead of arguing over scientific data, we should examine the impact S. 139 could have on American jobs and the economy.

This bill limits emissions of greenhouse gases to 2000 levels by 2010. This includes regulation of carbon dioxide emissions.

I am proud to be from a coal state. Generations of Kentuckians from Pike County to Crittenden County have worked in the coal fields and mines.

Coal plays an important role in our economy. More than half of our nation's electricity is generated from low-cost domestic coal.

We have over 275 billion tons of recoverable coal reserves. This is about 30 percent of the world's coal supply.

That's enough to supply us with energy for more than 250 years.

But this bill places caps on carbon. This has a negative affect on energy production because it affects the amount of coal we can use.

This will mean loss of jobs, particularly for workers in Kentucky and other coal states.

It also increases energy prices. Just as our economy is starting to turn around. We just don't need this.

I hope the energy bill encourages renewable fuels as well as clean coal so that we are not relying so much on foreign oil.

S. 139 goes in the other direction of the energy bill. It drives the use of natural gas instead of coal.

Placing caps on carbon means coal production will be 100 million tons lower in 2010 than what we expect to produce in 2003.

That is 25 percent below our expected 2003 level of coal production.

I have heard from coal operators in Kentucky who are on the verge of closing their doors because of natural gas prices.

But S. 139 causes an even worse situation. According to one analysis, it increases natural gas prices by 79 percent.

By forcing reliance on natural gas and a reduction in coal production, this bill results in a loss of 460,000 jobs through 2025 and electricity bills will increase 46 percent.

We already have a natural gas shortage. And for a decade coal was on the downturn because of governmental policies.

These policies have caused our demand for natural gas to exceed the supply.

High gas prices cause Americans to experience difficulties. With the winter coming, prices are expected to go up and put a noose on the American pocketbook.

We must focus on increasing production and using a variety of energy sources. Failing to do this puts our energy independence and national security at stake.

We are turning the corner on the economy and job growth. The last quarter grew by 7.2 percent. We do not need to be losing jobs or causing more companies to shut down business because of increased energy prices caused by the government.

The climate issue is being addressed in other ways that are more conducive to job creation and economic growth.

We are becoming more energy efficient. Energy efficiency has improved 20 percent since 1990. This means that emissions have declined.

In fact, we are expected to reduce emissions by 14 percent by 2012 without any new emission regulations.

Our automobiles are more efficient and running at a higher fuel efficiency than they did just a few a years go.

However, S. 139 ignores the strides we have made and could bring us back to 1970s gas rationing.

As a consequence of this rationing, the cost of gasoline is expected to increase 27 percent.

This increases fuel costs, and further slows our recovery, and takes money out of the pockets of Americans.

I don't see why we should vote to increase energy costs and unemployment. Voting for this bill does that.

It may make us feel better to support this bill because of its environmental symbolism.

But I will choose substance over symbolism any day.

American jobs are of substance. Getting a green star by your name on an environmental group's web site is symbolic.

And while that may make one feel good, watching Americans lose jobs from this kind of legislation won't.

I urge my colleagues to defeat this bill.

Mr. CONRAD. Mr. President, I would like to discuss the Climate Stewardship Act, which the Senate will vote on later today. Although I recognize the challenge of global climate change, I must oppose this legislation because of the drastic negative effect it would have on our national economy.

Our economy depends on affordable, reliable, and abundant sources of energy. Whether that means natural gas, petroleum, or coal, we have a responsibility to ensure that our businesses, manufacturers, and households have access to energy sources at reasonable costs. We depend on energy in almost everything we do in our lives, from turning on the light in the morning, to driving our cars to work, to cooking our dinner at the end of the day. We need access to these sources of energy, and we need access in a way that doesn't force us to choose between paying our power bill, buying gas at the pump, or buying essentials like groceries and medicine. During my time in the Senate, I have remained committed to keeping energy costs affordable for all North Dakotans and all Americans.

The bill before us would threaten the affordability of these sources of energy. It will require companies that produce and use natural gas, petroleum, and coal to acquire credits for each ton of greenhouse gas emissions for which they are responsible. These credits will have a value of anywhere from $8 to $13 for each ton of emissions. Our emissions levels are in the many millions of tons per year. This means dramatic cost increases ranging in the many millions of dollars for the energy industry, costs that will inevitably be passed on to the consumer.

According to a recent MIT study—the same study, by the way, that the sponsors of this bill cite in making their arguments—national demand for coal would increase much more slowly under the legislation. Petroleum and natural gas demand will also increase at slower rates. This is because the costs of these fuels will dramatically increase under the bill. It will mean higher gas prices, higher electricity bills, and higher home heating costs.

I am particularly concerned about the effects of these cost increases on our international competitiveness. The Kyoto Treaty has not yet taken effect, and it now appears that Russia may be backing away from ratification. In the absence of the Kyoto treaty, other nations across the globe will not be subject to strict greenhouse gas emissions controls. Moreover, even if the Kyoto Treaty does enter into force, there has been bipartisan agreement that the Kyoto treaty contains unbalanced provisions that would require disproportionate carbon dioxide reductions in this country while other countries would have to make much less significant changes.

If we were to adopt the bill before us at this time, we would risk putting U.S. manufacturing—which relies on affordable energy—at a significant competitive disadvantage with the rest of the world. Already, we are losing jobs to manufacturers in Mexico and China. If our energy costs were to increase because of this bill, our job loss to foreign countries would accelerate. With record Federal deficits and debt, our economy is already in trouble; now is not the time to be making our economic problems worse.

Let me be clear that I am fully aware of and fully acknowledge the reality of global climate change. We need only to look to the droughts in my part of the country over the last few years to see the very real effects of global climate change. Human activity since the industrial revolution is warming the planet, melting the polar ice caps, and causing severe weather events across the globe. These developments have very serious implications for this country, and for the world.

I do not dispute this ecological situation and I do not dispute the need to do something about it. Let me also state that I very much appreciate the efforts of Senator LIEBERMAN and Senator McCAIN to try to address this issue. They have done so in a way that genuinely attempts to address a variety of constituent issues. However, I still do not think the legislation we are considering today is the right approach at the right time.

We need to continue working for a solution that carefully balances this need for action with the concerns about the impact on our economy and our competitiveness, and I hope to be a part of finding innovative and creative solutions to global climate change. We need to carefully consider impacts on States with energy dependent economies, such as North Dakota. We need to carefully consider the impact on different types of energy and make sure we do not put some forms of energy at an unfair disadvantage. For example, to have my support any legislation on this topic must address the unique circumstances of lignite coal, which is the primary source of electricity in North Dakota. And we need to carefully weigh the impacts that any plan will have on energy consumers. This will require an enormous amount of careful work, and I look forward to being part of the effort to address this very real problem.

These are enormously complex issues that will require very careful study and an opportunity for extensive public review and comment. Because of the circumstances under which we are considering this legislation, we have not had that opportunity for extensive review. Without that careful study and review to ensure that we understand in detail the impacts on energy production in my State, on our national economy, and on our international competitiveness, I cannot vote for this legislation. For that reason, I must vote against the bill today.

Mr. DORGAN. My colleagues, Senator McCAIN and Senator LIEBERMAN, have brought to the Senate floor a serious proposal dealing with an important issue. The issue of climate change and global warming demands our attention. We live in this fragile spaceship called Earth, and we have but one environment to sustain us. We ignore the health of our environment at our peril.

So the question is not whether but rather how we address these questions that are being raised about our environment, about climate change and global warming.

The proposal we are voting on today is one that I think requires some additional work and some additional thought.

We now live in a global economy and these issues must be addressed globally.

We cannot create emissions caps and targets that we enforce unilaterally in a manner that encourages American companies to move overseas and avoid these restrictions. If we do that, we will end up doing little or nothing to protect our environment while harming our economy.

In this global economy, where companies can move from one country to another with ease, it seems to me the only way to achieve the goals of reducing emissions of greenhouse gases is to engage with all other countries in a global strategy for these reductions. Otherwise, these global companies will simply move their plants and their jobs to areas where they are not impeded by emission caps and other restrictions.

When a global agreement is negotiated, it cannot be an agreement that allows some countries to avoid emission caps while others embrace them. For example, if we through an international agreement will embrace emission caps for our country but allow the Chinese or the Indian governments to avoid them, we will simply be developing a strategy for companies to move out of the United States and move their plants and jobs to countries where they will not face such restrictions.

That approach would represent the worst of all worlds. There would be no environmental benefit but we in the U.S. would suffer a heavy economic penalty from plant flight and job loss.

I do not think the McCain-Lieberman proposal is the right way to address these issues, but my vote in opposition should not be seen as a denial that these are serious issues that do need to be addressed.

This amendment and today's debate and vote will be a constructive start of a healthy debate about what we do to provide leadership on these issues. While I think this proposal today falls short, I intend to be a constructive part of future proposals that can and will offer leadership in the right direction.

Mr. LEVIN. Mr. President, I cannot support the Climate Stewardship Act of 2003 since its effect, if enacted, will be the loss of more manufacturing jobs to countries which have few, if any, environmental standards. That won't help the environment, and it will hurt our economy. Climate change is not something we can tackle by shifting industries and their emissions to other countries, or by shifting manufacturing jobs to China or other countries which have no limits on emissions of greenhouse gases. The bill before us reflects a unilateral approach to a problem which can only be solved globally.

Let me give one example of how this bill would promote job loss in the U.S. with no benefit to the global environment. In the past decade, a large number of companies have moved their manufacturing plants overseas. Take, for example, a U.S. manufacturing company that had seven plants in the U.S. in the 1990s. Today it has only five left, because two moved to countries with cheaper labor. Assume that those five remaining domestic plants each emit 20,000 metric tons of carbon dioxide for a total of 100,000 metric tons. Under this legislation, reasonable estimates are that the company's cap could be placed at around 90,000 metric tons of carbon dioxide credits. The company, already under heavy competition because of cheap labor costs overseas, faces a choice: pay to reduce emissions at its five plants by 10 percent, or move another one of its plants overseas, say to China. If the company moves one of its five plants abroad, it has 10,000 credits remaining to play with which it can use to actually increase emissions at its four remaining plants, or it can sell them. So this bill adds to existing incentives, such as lower labor costs and no safety standards, to move manufacturing plants overseas, and the result is that we lose jobs and the environment gains nothing. In other words, when this bill's mandates are imposed on sectors of the economy that can pick up and move overseas, it adds another incentive to do just that.

The United States must take a leadership role in addressing climate change, but that leadership must move us in the right direction. It is not sound leadership to give additional incentives to U.S. businesses to move their facilities, and the jobs that go with them, to other countries that don't have the costly environmental standards which this bill would impose on U.S. businesses. It is not sound leadership to simply shift industrial emissions from American soil to countries which have no emissions standards. And it is certainly not sound leadership to act unilaterally in a way that puts U.S. manufacturers at a competitive disadvantage when there is no built-in incentive for other countries to follow. In fact, the opposite is true: the unilateral approach in this bill provides an economic incentive for countries who are picking up our manufacturing jobs not to follow our lead.

Effective and sound leadership would be to tell competing countries that we are going to adopt high environmental standards if they will join us, or, in the alternative, leadership is getting countries to agree (1) to the adoption of tough environmental standards, and (2) to refuse to purchase products from countries which won't adopt those environmental standards. Sound leadership, in other words, is working to create an international agreement where all countries take steps to reduce global warming, so that there is no incentive to move jobs and emissions from a country with high environmental standards to one with low environmental standards.

Climate change cannot be addressed unilaterally. It must be addressed multilaterally. It doesn't help the global environment to push down greenhouse gas emissions in one country only to have them pop up in others. We need a Kyoto-type treaty which binds all countries. Otherwise, there is a perverse incentive to move more and more jobs to countries with lower environmental standards. That does nothing to reduce greenhouse gas emissions and does damage to U.S. jobs.

To achieve a global agreement will require our putting maximum pressure on all countries to join it, so that the emissions of greenhouse gases can be reduced, not just shifted. Shifting manufacturing jobs and the production of greenhouses gases from here to other countries is not a solution to climate change. It would just be another economic blow to America at a time when our economy is already losing jobs at an historic and alarming rate.

We have already lost enough American jobs to countries with cheap labor, no safety standards and no environmental standards. To add more incentives for companies to move overseas to countries with no limits on greenhouse gas emissions, as this bill would promote, is not sound policy. Global climate change is just that: global and it needs to be dealt with globally, not unilaterally.

Mr. ENZI. Mr. President, anyone who has picked up a copy of this legislation and read it has to be forgiven if he or she was soon reminded of the words of Yogi Berra, "It's deja vu all over again."

After all, it is not as if this topic is unfamiliar to us. When the debate first began on the Kyoto talks, the U.S. Senate made a clear and direct statement of principle on the subject. We drew a line that was not to be crossed by the president and his negotiators in their effort to reach an international climate change agreement. By a vote of 95 to 0 the Senate passed Senate Resolution 98, also known as the Byrd-Hagel resolution, that sent a clear message to the world that the Senate would not support any climate change agreement that did not include all nations equally. We also said we would not support an agreement that would cause serious harm to our economy.

We crafted our message to the administration to counter the concerns that had been raised that a global climate change policy could be imposed on the United States that would "result in serious harm to the United States economy, including significant job loss, trade disadvantages, and increased energy and consumer costs." The Senate was also concerned that efforts to reduce global emissions would be imposed only on developed nations, where the best emissions controls and most advances in emissions reductions already exist, and not on underdeveloped nations where emissions would continue without any effective controls.

What has changed since then?

Nothing.

We still need the benefits of a strong economy. We still need to protect American jobs. And we still need to avoid trade deficits and ensure consumers are not forced to choose between paying their energy bills and buying food.

We still need to protect American jobs, and global climate change is still a global issue.

Unfortunately, this reality contradicts the language of the proposal we are debating today just as surely as it contradicts the message we sent the administration with the Byrd-Hagel language.

The proposal before us, which is clearly an energy tax, would force the United States to unilaterally disarm its economy and force American jobs overseas without providing any environmental benefit. An energy tax, like the one proposed by Senators LIEBERMAN and MCCAIN would, in fact, be an environmental nightmare. Any loss of jobs in the United States would shift production to other parts of the world where there are no controls over the manufacturing process.

The best way to help the environment around the world is to ensure we have a strong economy here at home.

If we, as a Senate, really want to stand for improving global conditions then we should stand behind the principles of Byrd-Hagel and insist our global climate change policy does not harm America's workers. If we want to improve global conditions we must insist that all nations responsible for emitting greenhouse gasses participate and reduce their own emissions.

Just in case anyone is not clear about what is going on and what this legislation really does, I want to take a moment and explain how it would slow down our economy and force jobs out of the country.

To begin with, the bill establishes a requirement for registering all industrial emissions, and it requires the officials in charge to make assumptions about the level of total emissions that are due to transportation.

We can only assume that these assumptions are made for one of two reasons.

We want to know the transportation emissions level so we can blame the rest on industry, or, we want to know the transportation emissions level so we can start to apply limits and regulate family cars. I have had the opportunity to visit California and noticed a remarkable thing about this State that has done so much on its own to regulate and control private vehicles. While the rest of the highway was packed with cars, the HOV lanes were wide open and very poorly utilized. And yet this bill does nothing to account for private vehicles which is a major source of greenhouse gas emissions. I wonder, if this bill was so serious about improving the environment, why would it leave out such a major source of emissions?

Don't be fooled. If this program is passed then that will be the next step. Why would we put in place such an ineffective control if we didn't intend to take it to the next step and regulate private transportation? We don't want to, they do.

This proposal would hold industry responsible for all other, nonindustrial or transportation emissions, emissions including human beings, who breathe out CO_2 on a regular basis, animals, plants, volcanoes, forest fires, and private homes that burn natural gas, fuel, coal or wood. Keep in mind that one natural cataclysmic event, such as a volcanic eruption or a catastrophic wildfire eclipses anything, by way of emissions, that all of mankind can produce together on an annual basis.

We also have a situation where our trees that once could have served as sponges to soak up greenhouse gasses, are now older and absorb less CO_2. In fact, because of the age of many of our forests they are now CO_2 emitters.

The bill also completely neglects the most common and prevalent greenhouse gas of all. Of all the gasses found in our atmosphere, this particular gas is the most insidious. It contributes to more fluctuations in temperature than any other gas. It has the greatest impact on local and global climate, and it too is emitted by industry and by numerous natural sources and yet it is not included anywhere in this bill.

What is this gas? It is water vapor, of course. Why, if we are really serious about using this legislation to control temperatures and climate, don't we include water? Because this effort is not about environmental protection. It is about imposing an energy tax and controlling the economy.

The next thing the bill does is impose a cap or limit on otherwise unregulated emissions by industry. Once again, this cap does not take into account the emissions generated by other sources. The result is that we would force industry to assume all responsibility and pay for all emissions, regardless of where they come from. Whether the emissions came from individuals or nature, we would still hold industry responsible. There is a new discovery that was recently made in Wyoming that illustrates the lunacy of holding man responsible for something that nature releases on its own in an abundance that man never has.

I will read from an AP article that ran in a Wyoming newspaper on October 27 of this year. "Scientists measuring mercury levels made a startling discovery at the base of Roaring Mountain [in Yellowstone National Park]: possibly the highest levels of mercury ever recorded at an undisturbed natural area." According to their measurements, the scientists found that Yellowstone is a potentially big source of our nation's mercury. "It is conceivable . . . that Yellowstone could emit as much mercury as all the coal-fired power plants in Wyoming. . . . 'That's not a real estimate but something based on just a few measurements,' [one of the scientists said] 'It could be even bigger than that, we just don't know.' "

It would be intellectually dishonest, for us to assume that, given all of the uncertainty in these issues, that industry will sit back and quietly assume the cost and burden of emissions reductions without either passing them on to consumers or finding a way to excuse itself from the limits altogether. The cost of the tax will either be paid by consumers who can barely afford their own energy costs today, or we will force jobs offshore and into areas where there are no limits on energy consumption and pollution.

There should be no doubt in anyone's mind that this bill is all about economics, particularly because that's what the entire global warming debate is about. Kyoto was an economic conference disguised as an environmental conference.

EU Commissioner for the Environment Margot Wallstrom once said, "This is not a simple environmental issue where you can say it is an issue where the scientists are not unanimous. This is about international relations, this is about economy, about trying to create a level playing field for big businesses throughout the world. You have to understand what is at stake and that is why it is serious."

I had the opportunity to attend the meetings at Kyoto, and while I was there I met with the Chinese and discussed the role that they thought they should play in meeting the demands of global climate change. They, and all other developing nations have no obligation to participate in any climate change agreement. They don't even agree to voluntary participation at a future unspecified date. You can't be more open ended than that. Incidentally, they intend to be a developing nation forever, even after 2010 when they will be the world's biggest polluter.

Should we just sell out to the Chinese?

If we were to adjust global emissions and measure them on a per gross domestic product basis, or in other words, measure the efficiencies and end product gained for each energy unit consumed, the United States would come out, once again, as the most efficient and most productive nation on earth. Europe, on the other hand, come out on the other end of the spectrum.

Why?

There are a number of factors that contribute to this imbalance but the biggest reason has to do with the efficiency of the American worker. We produce more goods using less energy than any other nation in the history of the world. We are already milking our industrial output to a point where any additional efficiencies will result in dramatic increases in costs. We have already made the easy adjustments and reduced those emissions that are easiest and cheapest to reduce. The rest of the world is still catching up to us on those respects and it would be easy and cheap for Europe then to reach some of its targets and reduce emissions. All they have to do is use some of the technology we have already invented.

For the United States, however, to make the incremental gains it needs to make to comply with the limits that this bill would impose would require us to either assume costs that would be exponentially greater than those assumed by an other nation, or to push those gains off onto another sector, more specifically the transportation sector, and require us to impose costs on consumers and taxpayers that they clearly cannot afford.

It is a matter of economies of scale and Europe knows it.

The United States is much physically larger than any other nation that we compete against economically. Europe, as a whole, is much smaller, much more densely populated and uses much more efficient transportation. In the United States, we use our trains primarily to carry manufactured goods, as well as clean burning, low sulfur Wyoming coal, while Europe's trains, on the other hand, are used almost exclusively to carry people. It is much more practical for us to fly from Washington, DC to Los Angeles, CA and arrive in a matter of hours instead of wasting days on a train. But airplanes burn fuel in great amounts and with much less efficiency than other forms of transportation. The logical and most cost efficient controls then are not to limit emissions on industry but to convert those controls into limitations on transportation.

I was at the first Kyoto conference, and incidentally, the US was the only country that thought that conference was an environmental conference. Everyone else saw it as an economic conference.

You can understand why I am greatly disturbed when I see a cap proposal like the one put forward in this bill, especially when it includes calculations on transportation emissions. There is no reason to pass a bill like this, to create the kinds of agencies and offices that the bill creates and not expect it to lead to the next step where its controls over industry emissions-i.e., an energy tax, are converted into controls over transportation in other words a transportation tax.

Our Nation's massive transportation needs will never go away. Nor will Europe ever get bigger. As a result of size, then, the energy, or rather transportation, taxes required by this bill will put the United States at a tremendous economic disadvantage with regard to its competitors.

Fortunately, we are not the only ones to recognize this imbalance. Russia recently joined the United States in rejecting a proposal that would limit its emissions and put a similar damper on its economy. In making a basic cost/benefit analysis, President Putin's chief economic advisor, Andrei Illarinov declared, "If we are to double GDP within the next ten years, this will require an average economic growth rate of 7.2 percent. No country in the world can double its GDP with a lower increase in carbon dioxide omissions or with no increase at all."

The great baseball philosopher, Yogi Berra, was right. It is deja vu all over again. These are issues we have considered before and we already have a clear statement of policy in place in the Byrd-Hagel resolution that says, in responding to global climate change concerns, we cannot agree to any proposal that would result in serious harm to the United States economy. It already says we must work to avoid significant job loss, trade disadvantages, and increased energy and consumer costs. It also makes it clear that this is a global issue, one we can't tackle alone. If we, as a Senate, really want to stand for improving global conditions then we should stand behind the principles of Byrd-Hagel and insist our global climate change policy does not harm America's workers and that all nations responsible for emitting greenhouse gasses participate in emissions reductions.

This proposal would clearly cause serious harm to our Nation's economy, cost us American jobs, and result in a tax on our nation's energy and transportation systems. These taxes would put our nation at a serious disadvantage with our competitors and do nothing to improve our environment.

Mr. ALLEN. Mr. President, fellow colleagues, please do not overreact by the claim that the climate is changing. The climate has always changed naturally. Thanks in large part to scientific research carried out in the United States, we know much more about our climate than we did a mere quarter-century ago. More than anything else, we now know that climate never has been, and never will be, constant.

When our civilization arose with the flowering of agriculture, some 5,000 years ago, climate scientists tell us the earth was a few degrees warmer than it is today. At one time, what is now the dry desert southwest was a much wetter tropical environment. Climate scientists also tell us that 300 years ago it was a few degrees colder, Europe suffered through the Plagues, ice skaters graced the Thames River in London. Mr. President, 150 years ago, when that "Little Ice Age" ended, America embarked upon its manifest destiny.

In the last 100 years, the Earth has warmed an additional degree, American crop yields quintupled, life span doubled, wealth became democratized beyond the wildest dreams of even the most optimistic. In that 100 years, our free economy was powered largely by fuels extracted from the earth. Some of these produce carbon dioxide, which scientists have known, since 1872, can slightly warm the surface of the earth.

At the same time, our competitive economy forced increased efficiency. The family car now uses half as much fuel as it once did. Hybrid automobiles achieve as much as seventy miles to the gallon. All in all, we produce a dollar's worth of goods and services with 40 percent less energy than we did a mere 30 years ago.

This remarkable change, where the freest society on Earth became the most capable large economy, did not happen because of massive taxation in misguided attempts to direct the lives of free people. No, it happened because people were free—free to buy the most proficient technology, and, above all, free to invest in corporations who understand what people want. And one of those desires is abundant energy, used efficiently. As has been said, over and over, the future belongs to the efficient.

And what of the warming of the planet? In the blazing summer of 1988, in this Senate Chamber, NASA first raised the spectre of global warming caused by carbon dioxide. The alarm was sounded, even as others argued that the gloom-and-doom forecasts were overwrought and could lead to disastrous policies.

Fifteen years later, thanks in large part to research fostered by this body's committees on science, we know that the calm scientific heads were right.

NASA scientist James Hansen, who first sounded the alarm, now agrees with those who were once his critics. Writing in the Proceedings of the National Academy of Sciences, he recently stated that we know how much the planet will warm in the next 50 years to a very small margin of error. That amount is precisely the small warming that the calmer heads had forecast some 15 years earlier.

This same scientist has recently stated that some may have exaggerated the threat of global warming for political science purposes. Just last month, he wrote in the online journal "Natural Science": "Emphasis on extreme scenarios may have been appropriate at one time, when the public and policymakers were relatively unaware of the global warming issue." Moreover, according to a report issued by the Global Climate Coalition, mandatory emissions goals could result in a loss of gross domestic product equal to $300 billion in 2010 alone, assuming that 2010 emissions are held at 1990 levels.

How many American jobs would be lost as a result? How many companies will have to close their doors? I would like to read to you, part of a letter from the Secretary of Commerce, Don Evans, Secretary of Labor, Elaine Chao, and Acting Administrator of the Environmental Protection Agency, Marianne Horinko:

> According to an analysis conducted by the independent Energy Information Administration, S. 139 would cause an estimated average loss of 460,000 American jobs through 2025.

It goes on to say,

> Instead of improving our economic security through economic growth and job creation, the job losses resulting from S. 139 would place an unacceptable burden on American workers and the American people.

Mr. President, I ask unanimous consent that the entire text of this letter be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. It is not right for any scientist or any other person to exaggerate for political effect. But even as much has been made of the vociferous debates before the Senate about past climate change, little has been said about the remarkable scientific agreement about the future.

Scientists all agree that human affect on any climate change would warm the coldest air of winter much more than the heat of the summer. When Russia's Prime Minister Putin rejected the Kyoto Protocol last week, he noted that, more than anything else, humans have made Siberia more habitable, according to Dr. Pat Michaels, State Climatologist at The University of Virginia.

The most recent consensus of scientists is that the rate of any warming over a long period of time is very small. And, the slight warming trend is much lower than the alarmist projections of the United Nations, or those who may have touted "extreme scenarios," or those who strive to profit politically from climate change scare tactics.

Then, one may ask, what is to be done? After all, we cannot go on adding carbon dioxide to the atmosphere forever. We won't. If history is any guide, our technology will continue to evolve toward increased efficiency, new materials and new propulsion methods in the next 100 years.

In 1800, we were a Nation and world moved by animals and wind on water. In the next 100 years, the locomotive transformed our economy and our Nation. In 1900, the automobile had just been invented. In the next 100 years, transportation and energy fueled the great democratization of wealth and the spread of culture.

In 1900, 7,000 people died in the Galveston Hurricane. Mr. President, 100 years later a similar storm hit Texas and killed no one, thanks to advances in meteorology and satellite technology. Could anyone have imagined this in 1900, as we buried the dead from the largest natural disaster in American history? Hardly. But this is how a free, creative world develops if the governments allow ingenuity to thrive to improve our lives.

What will be the technology of the future? No one can say for certain. But we all can spur its development by encouraging the marketplace in the vast, diverse fields of nanotechnology or aeronautics, for prime examples.

And that is the state of our climate. Climate will continue to change. That cannot be stopped. But so will technology change, unless the Government chooses to hinder new investment in better materials, fuels and systems. Fortunately, now sound science; rather than political science, shows warming is a much slower process than was once feared.

My bottom line is that I cannot countenance the loss of tens of thousands of American jobs based upon the scientific factual evidence surrounding this measure.

EXHIBIT 1

OCTOBER 28, 2003.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: We are writing to state our serious concerns about S. 139, "The Climate Stewardship Act of 2003," and to strongly urge that you vote against this bill to avoid the significant job losses and economic harm that it would inflict on our economy, without necessarily achieving any reduction in global greenhouse gas emissions.

According to an analysis conducted by the independent Energy Information Administration (EIA), S. 139 would cause an estimated average loss of 460,000 American jobs through 2025, with estimated job losses reaching 600,000 by 2012. Instead of improving our economic security through economic growth and job creation, the job losses resulting from S. 139 would place an unacceptable burden on American workers and the American people. EIA's analysis further reveals the higher energy costs the legislation would impose on American energy consumers: once fully implemented, S. 139 would require a 40 cent per gallon increase in gasoline prices and cause nearly a 50% increase in natural gas and electricity bills.

As a result of these higher energy costs, EIA projects a net loss of $507 billion (1996 dollars) in Gross Domestic Product over the next two decades. These higher energy costs and reduced economic growth would likely lead American businesses to move overseas, taking jobs with them. As a result, S. 139 may actually lead to an increase in global greenhouse gas emissions as companies formerly in the U.S. move their operations (and emissions) overseas to countries that do not require similar emissions reductions. To compensate for the economic dislocation that S. 139 would cause, the legislation establishes a "Climate Change Credit Corporation" for "transition assistance to dislocated workers and communities." However, we believe that the Senate should instead reject this legislation and avoid inflicting the harm that would create the need for such "transition assistance" in the first place.

President Bush has committed the U.S. to an ambitious and comprehensive strategy to address the issue of global climate change. It is based on the recognition that only a growing American economy can make possible the sustained investments in energy and carbon sequestration technologies needed to reduce the projected long-term growth in global greenhouse gas emissions. Because of its negative impacts on jobs and economic growth, we call upon the Senate to reject S. 139 as a misguided means of achieving our international environmental goals.

DONALD L. EVANS,
Secretary of Commerce.
ELAINE L. CHAO,
Secretary of Labor.
MARIANNE HORINKO,
Acting Administrator of the Environmental Protection Agency.

Mr. INHOFE. Mr. President, to draw to conclusion this debate, let me repeat a couple of things we did last night. I will briefly address the science issue. I know there are people out there thinking the science is settled. The science is not settled. Last night I went into detail and I will repeat a couple of significant points.

First, Frederick Seitz, the past president of the National Academy of Sciences, compiled the Oregon petition which had 17,800 independently verified signatures—most of those holding degrees of Ph.D. They came to this conclusion: There is no convincing scientific evidence that the human release of carbon dioxide, methane or other greenhouse gasses is causing or will in the foreseeable future cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate.

Again, the Heidelberg Appeal, over 4,000 scientists, 70 of whom are Nobel Prize winners, signed this Heidelberg Appeal that says there is no compelling evidence that is existing today to justify controls of anthropogenic—man made—greenhouse gas emissions.

Dr. Richard Lindzen, MIT scientist and member of the National Academy of Sciences, said—and I don't think anyone would question his credentials—said there is a definite disconnect between Kyoto and science. Should a catastrophic scenario prove correct, Kyoto would not prevent it.

Lastly, the Harvard-Smithsonian study, the most exhaustive study out there, 240 peer-reviewed papers published by thousands of researchers over the last four decades, says the science is flawed. It is important people realize that is the situation.

Probably the most significant item we should have been talking about all the time instead of this science—since it is a fact now, I think people understand there are scientists on both sides of this issue—is what is the effect.

Last night we had a chance to talk about the National Black Chamber of Commerce and the Hispanic Chamber of Commerce, how it would disproportionately hurt them in losing jobs. A study that no one has challenged concluded that Kyoto would cost 511,000 jobs of Hispanic workers and 864,000 jobs held by Black workers. Is this something we all understand?

My chart is revealing if Members need statistics for their own State. The State of Illinois is losing 159,000 jobs; the State of Indiana loses 194,000. This is a study done by Penn State University.

The other significant point is that we are voting on an amendment. This amendment is somewhat pared down. Everyone realizes that this amendment, as has been stated many times by the distinguished Senator from Connecticut as well as the Senator from Arizona, is just a first step. So everyone has to look at this. This is the Kyoto Treaty. It needs to be looked at in that respect.

I reserve the remainder of my time.

Mr. LIEBERMAN. Mr. President, I yield to Senator MCCAIN the remaining 2 minutes.

Mr. MCCAIN. I thank my friend. Since I will not speak again, I thank the Senator from Oklahoma for engaging in a spirited and, I hope, informative debate. I thank, of course, my friend from Connecticut, Senator LIEBERMAN.

Briefly, as to this petition that keeps being referred to—the petition was led by Frederick Seitz, former president of the National Academy of Sciences—an article in the New York Times on April 22, 1998, entitled "Science Academy Disputes Attack On Global Warms," states:

> The National Academy of Sciences has disassociated itself from a statement and petition circulated by one of its former presidents which disagrees with the scientific conclusions underlying international efforts to control greenhouse gas emissions.

By the way, Virginia Spice of the Spice Girls, BJ Hunnicutt of "Mash," and Perry Mason were among the signatories to that. They are all respected in their individual fields.

I do not believe that 10 States in the Northeast would agree to a proposal that this is exactly modeled on, if there was going to be some devastating effect on the economies of 10 Northeastern States.

Let's get real. This is a very minimal proposal, one that is a first step. I agree with the Senator from Oklahoma because it does not begin to comprehensively address the problem, but we have to start somewhere. We have to start somewhere. We have to begin to address this issue.

This debate is important. I assure my colleagues, we will be back because those pictures that I showed are going to get worse and worse until we begin to address this issue.

I thank my colleagues and yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I inquire as to how much time is remaining on both sides.

The PRESIDING OFFICER. Two minutes thirty seconds for the Senator from Oklahoma. The Senator from Connecticut has 3 minutes 45 seconds.

Mr. INHOFE. All right. I say to the Senator from Connecticut, if it is your wish, I will be very glad to defer to you to conclude debate on this matter.

Mr. LIEBERMAN. No thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me get back to something the Senator from Arizona said. He is not on the floor now. He mentioned some of the signatures were not verified. They keep using this same argument, which has been refuted over and over again. The Perry Mason he refers to happens to be a Ph.D. chemist. It is documented. Again, we are talking about some 17,000 scientists there. There are 4,000 scientists on the Heidelberg Petition.

Of course, Richard Lindzen, I don't think anyone is going to question his credibility. These studies—particularly the Harvard-Smithsonian study—is a very significant one.

I think the debate has been good. I do not question it when the Senator from Arizona—who I respect immensely—says we will be back. I am hoping it will be necessary to come back because I am hoping we will defeat this amendment. But it is very significant.

Lastly, let me mention I do not know how so many of these groups could be wrong. We have almost every union in the country—the International Brotherhood of Electrical Workers, the International Brotherhood of Teamsters, the United Mine Workers, the United Steel Workers. We have all these jobs shown up here, some 3.6 million jobs, that would be lost. This analysis was done by a credible organization, Penn State University.

I cannot imagine that any Member of this Senate would come up here and look at this chart and not realize that here we are—we have been going through a recession that began in March of 2000, and we are now pulling out of this recession. The jobs are looking good right now. For something such as this to pass would push us right back in a devastating position.

So when you look at what we are talking about today, we are talking about something that would pass in America and that would not have anything to do with Mexico, anything to do with China, anything to do with India. I can assure you, right now people from those countries are sitting back with their fingers crossed, hoping this passes, because this would be the biggest jobs bill for Mexico and India and the other developing nations that we could pass.

I say to Senator LIEBERMAN, thank you very much for the spirited debate, as I also thank the Senator from Arizona.

Mr. President, I reserve the remainder of my time, if there is any.

The PRESIDING OFFICER. You have 1 second.

Mr. INHOFE. I reserve that.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Oklahoma as well. It has been a spirited debate. It has been an important and historic debate, but it is the first, I would guess, of many on this critical subject.

I must say, it has been a disappointing debate in one regard for me; that is, we are still disagreeing about whether global warming is a problem. The fact is, the overwhelming evidence, upheld by scientists around the world and in America—the National Academy of Sciences, et cetera—says that the planet is warming, and it is happening because of human activity.

You cannot look at this picture, a satellite picture—seeing the reduction of the white part from where it was; and the red lines show what it was in 1979, 24 years ago—and not say it is real.

Senator AKAKA from Hawaii told us last night that the sea level is rising around Hawaii. Senator SNOWE of Maine told us that the sugar maples are dying because it is getting warmer. I myself reported on a story from Inupiat Indians in Alaska saying they had seen robins for the first time in their village because it is getting warmer.

This is real. I wish we could agree on the reality and then argue about what we should do about it. As I hear the science—so-called—cited on the other side, I want to predict, respectfully, that we are going to look back at those scientific testaments and put them in the same category as the scientific studies that were introduced by the tobacco industry years ago, saying that tobacco did not harm health or cause cancer, or the studies that were introduced by the chemical industry that said chlorofluorocarbons did not put a hole in the ozone layer, all of which we know now were just plain bunk. I am afraid that is the way we are going to look back at this evidence offered in this debate.

Secondly, a lot of the argument about the impact of our proposal on costs and cost of living and jobs is not related to our proposal. It is about the Kyoto protocol. It is about earlier legislation. It is not about the McCain-Lieberman amendment before the Senate for a vote.

The one study on our amendment, the MIT independent study, says, in fact, costs will go down in the energy field, that the average cost per household will be $20 a year—well worth what we are going to get in return for a safer, better life for our children and grandchildren. They say there is no job loss that can be expected. In fact, a lot of major entrepreneurs and investors—and I put a letter in the RECORD to Senator SNOWE from 60 leading entrepreneurs from Silicon Valley, who say our amendment will create hundreds of thousands of jobs. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SILVER LAKE PARTNERS,
Menlo Park, CA, October 17, 2004.

Senator OLYMPIA SNOWE,
Washington, DC.

DEAR SENATOR SNOWE; I am pleased to enclose a letter from 60 Silicon Valley business leaders concerned about the growing threat of global warming. This group comprises CEOs and successful entrepreneurs, distinguished engineers, scientists, and investors. Together, we manage companies with total revenues of $70 billion and over 300,000 employees around the world. Our firms have an aggregate market value of over $160 billion. The venture capitalists and private equity investors among us, primarily focused on commercializing new technology, manage over $44 billion in risk capital.

Operating at the core of our modern economy, we recognize the role science and industry play in keeping our country vital. While we are Democrats, Republicans and Independents with often contrasting political views, we share a deep concern about the specter of global warming and potentially devastating effects of climate change. We urge you to take appropriate measures to address this critically important issue.

Thank you for your consideration.

Kind regards,

DAVID ROUX,
Managing Director.

OPEN LETTER FROM BUSINESS LEADERS,
October 17, 2003.

Senator OLYMPIA SNOWE,
Washington, DC.

DEAR SENATOR SNOWE: We are business leaders and scientists alarmed by the reality of global warming.

Schooled in science and innovation, we recognize that the risks and complexities of climate change are significant, but strongly believe that drive and ingenuity can manage those risks and solve those complexities. While any response that is sufficient to avert dangerous climate change will be long term, the nature of the problem requires action now. The required response—global and domestic—must be equitable and support economic growth based on free market principles.

As entrepreneurs who co-exist with government policies, we know that truly effective policies set clear goals and leave businesses free to decide how to meet those goals at lowest cost. We trust any policies you propose have serious environmental goals and encourage the prudent use of market forces to achieve them.

Policies employing strict goals and flexible means unleash the power of competition and spur innovation to protect the environment. A healthy economy and a healthy environment go hand in hand. American business has the ingenuity to solve the problem of global warming while continuing to prosper. Indeed, businesses that find ways to lead in solving this problem will prosper even more.

While there is still debate about the levels of greenhouse gas reductions necessary to stabilize the climate and protect the United States economy, several things are clear:

Reductions must begin immediately;

Voluntary efforts alone won't do the job; and

Any mandatory restrictions must employ market incentives.

We congratulate you for recognizing these needs and for your efforts to see that the Senate addresses them.

Sincerely,

BUSINESS LEADERS TAKING ACTION ON CLIMATE CHANGE.

Mr. LIEBERMAN. Mr. President, this is a call to responsibility. It is a call to leadership.

I remember last year, as we were coming close to the vote on the Iraq resolution, I met with a group of officials from the administration and Congress—members of both parties—with the Minister of Defense from an allied government. Somebody from the administration said: How can we get the Europeans to support us more on the potential of a war against Saddam?

The European Minister said: Get the administration to do something about global warming.

This inaction, lack of leadership, debunking by the administration of the problem, failure to accept responsibility is part of the reason we are so deeply divided from some of our closest allies.

Senator MCCAIN and I and our cosponsors on both sides of the aisle have put ourselves on a course. History calls us to action. We will not leave this course until the day—may it come sooner than later—when we adopt this amendment or something very much like it.

I thank the Chair. I thank my colleagues and yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. INHOFE. I believe, Mr. President, I have 1 second remaining.

The PRESIDING OFFICER. Yes.

Mr. INHOFE. Mr. President, in my last second, I ask unanimous consent that the list of labor unions, agricultural organizations, and other organizations opposing S. 139 be printed in the RECORD.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

WHAT DO ALL THESE GROUPS AGREE ON? LIEBERMAN-MCCAIN IS BAD FOR AMERICA

The 60 Plus Association, Aluminum Association, American Association of Port Authorities, American Bakers Association, American Boiler Manufacturers Association, American Chemistry Council, American Health Care Association, American Highway Users Alliance, American Iron and Steel Institute, American Public Power Association, American Road and Transportation Builders Association, American Sheep Industry Association, American Short Line and Regional Railroad Association, American Trucking Association, American Waterways Operators, Americans for Tax Reform, Association of Equipment Manufacturers, Brotherhood of Locomotive Engineers, Brotherhood of Railroad Signalman, Center for Energy and Economic Development, Council of Industrial Boiler Owners, Edison Electric Institute, Federation of American Hospitals, Frontiers of Freedom, General Mills, Goodman Manufacturing Corporation, Institute of Makers of Explosives, Intermodal Association of North America, International Brotherhood of Boilermakers, International Brotherhood of Electrical Workers, International Dairy Foods Association, Motor Freight Carriers Association, National Association of Manufacturers, National Association of Wheat Growers, National Cattleman's Beef Association, National Food Processors Association, National Grange, National Mining Association, National Restaurant Association, National Retail Federation, National Rural Electric Cooperative Association, National Waterways Conference, Inc., Portland Cement Association, Railway Supply Institute, The Salt Institute, The Seniors Coalition, Small Business Survival Committee, Snack Food Association, US Chamber of Commerce, United Mine Workers of America, United Seniors Association, United Transportation Union.

Mr. INHOFE. Mr. President, thank you very much.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have not spoken to the two managers, but I feel confident it would be OK with them. This is not in the form of a unanimous consent request.

Following the vote, Senator BOXER wishes to speak for 10 minutes. Following that, Senator BINGAMAN is ready to offer his amendment. He will take a limited period of time. Following that, Senator LEAHY has an amendment. He has asked for 30 minutes.

So that is just general information we are going to try to move on as quickly as possible on the Healthy Forests matter.

The PRESIDING OFFICER. The question is on agreeing to the Lieberman-McCain amendment.

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) is necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is attending a family funeral.

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote "nay."

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 420 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Collins
Corzine
Daschle
Dayton
Dodd
Durbin
Feingold
Feinstein
Graham (FL)
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Levin
Lincoln
Lott
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—2

Edwards
Nelson (NE)

The amendment (No. 2028) was rejected.

Mr. INHOFE. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have a unanimous consent request. We have just voted on the amendment. I ask unanimous consent that the underlying bill be referred back to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, after extensive consideration of the views of many constituents who have contacted me on this very important bill, I decided to vote against it because of the open questions on the impact on climate and the consequences for the national and State economies, which are very fragile at the moment.

It is always a difficult matter to balance environmental protection and the need for economic development and jobs. I believe that global warming is a matter of great international importance and the 43 votes in favor of this bill puts the administration and others on notice that there is considerable sentiment for stronger action to address this problem.

I have voted for environmental protection for renewable energy and conservation measures, and I have initiated legislation to limit the amount of oil which will be consumed at various intervals in the future.

As a Pennsylvania Senator, I have a particular interest in the continued use of coal, our Nation's most abundant energy supply, especially in the context of the billions of tons of bituminous coal in the western part of Pennsylvania and anthracite coal in the eastern part of Pennsylvania. This bill would have a serious impact on our steel industry, our chemical industry, and manufacturing.

In this context, it is very difficult to adopt a limit by the year 2010 since we cannot predict at this time what the situation will be with our national and State economies.

In addition, it is very difficult to limit industry in the United States when we do not have a plan for the rest of the world in curbing green house gas emissions. That would have a harmful effect on the competitiveness of the United States. An international plan is necessary. Unilateral action by the United States would not solve the problem. I have, with other Senators, urged the President to work through international means to address global climate change. I support his efforts and those of the individual companies to curb voluntarily domestic emissions, but it is likely that stronger action will have to be taken in the future on a multilateral basis.

These questions remain: What would the reductions under this legislation do to climate change? What are the anticipated costs? Who would pay the costs? What are particularly vulnerable industries that could not, for instance, pass on any increased energy costs? What is the expected impact on fuel supply and demand, particularly with regard to fuel-switching and natural gas prices? What will happen to economic growth and overall competitiveness in a global economy if only U.S. emissions are reduced?

While I was unable to support this particular bill, I believe it will give impetus to action to deal with global warming. I look forward to working with my colleagues in the Senate on this important issue in the hopes of finding common ground and a sensible balance between the goals of environmental protection and economic development. I encourage supporters and opponents of this bill to consider the concerns of each other and work in earnest to bridge the many differences in support of the common good.

Mrs. LINCOLN. Mr. President, although I am extremely concerned about global warming, I voted in opposition to Senator McCAIN and Senator LIEBERMAN's Climate Stewardship Act. My chief concern was that this bill would raise gas and electric prices at a time when Arkansas' economy is struggling to recover and many residents from my state are finding it difficult to make ends meet.

I firmly believe that we have a responsibility to seek a solution to global warming. But at this time, when our economy is struggling and our federal deficit is at record levels, I can not support a measure which in all likelihood will result in higher energy prices for consumers in Arkansas and a loss of jobs in my state. If the United States stands alone on this issue, I fear other countries will be able to take businesses away from our country with the lure of weaker environmental regulations. A comprehensive global solution must be developed that includes all nations. I do believe we must continue to work toward initiatives to reduce our dependence on foreign oil and encourage cleaner sources of energy, such as the numerous biodiesel measures I have fought to include in the Energy bill.

I would like to take this opportunity to voice my opposition to the Bush administration's view on this subject. The indifferent and callous approach taken to global climate change sent a message to the world that this issue is not a priority. President Bush has stated that compelling evidence of global warming does not exist. I disagree. It is time for the administration to change its policy. It is only through cooperation with the global community that we can see these warming trends reversed. I applaud the efforts of Senators McCAIN and LIEBERMAN in bringing this bill before the Senate when few committee chairmen showed interest in it. While I was not able to support them today for the reasons I have stated, I am eager to work with them in the future to find a solution to this important issue.

Mr. BAUCUS. Mr. President, I would like to take this opportunity to explain why I had to oppose the McCain-Lieberman Climate Stewardship Act.

First, let me say that my vote does not reflect a change my belief that global climate change is a serious problem, perhaps one of the most serious long-term environmental and public health problems facing the world over the next century. I am deeply disappointed that this administration has decided not to actively engage the world on this issue and has in fact disengaged itself from the world on global climate change. I echo the concerns of the distinguished Senator from West Virginia, Senator BYRD, that the administration's approach is short-sighted, and that it is no longer constructive to argue that human-caused emissions are not contributing to the warming of the earth. The science is just too strong to believe otherwise.

The administration's approach is frustrating because engaging the world particularly the developing world—is the only way we will ever get a handle on rising greenhouse gas emissions. Small reductions in emissions made by the U.S. will be meaningless if those reductions are made unilaterally. We must have assurances that the world is moving hand in hand with us—and is making similar sacrifices—before we handicap our own economy.

This will take time, but solving the problem of global warming is a lifetime endeavor by any estimate, for our generation, and the next. Part of this effort will include massive investments in new energy technologies, in renewables, in alternative energy, in hybrid cars and fuel cells, and in making our economy and the world's economy more energy efficient. It will likely, if and when the United States takes the leadership roll on this issue that it should, involve mandatory greenhouse gas reductions by all nations.

I would like to compliment Senators McCAIN and LIEBERMAN for working so hard on this proposal, and for attempting to find a balanced solution. If we had more time, and more attention from the administration, I am confident that we could work together on a common sense bill that would achieve meaningful reductions in U.S. greenhouse gas emissions without threatening the U.S. economy or our global competitiveness. Such a bill would hopefully complement a meaningful and real global consensus on how to address human-caused climate change.

I voted against McCain-Lieberman today because I don't think the country is ready to take the steps outlined in their bill and because I was concerned about the impacts on my state, particularly agriculture, from increased natural gas prices. But I agree that we must move forward aggressively to put the United States and the world on track to significantly reduce global greenhouse gas emissions. It will only get harder the longer we continue to ignore the problem.

Mrs. BOXER. Mr. President, I want to thank my colleagues, Senators McCAIN and LIEBERMAN, for all their hard work on S. 139, the Climate Stewardship Act, and express my full support for this legislation. Unfortunately, this bill did not pass the Senate. This bipartisan legislation would have been a meaningful step in the right direction toward reducing our Nation's greenhouse gas emissions and would have helped address the problem of global warming.

There is no question that climate change is one of the most serious environmental challenges facing this nation and the world. We know that climate change is real. The overwhelming weight of scientific opinion supports the idea that climate change is occurring, that it is human-induced, that it will have significant and harmful consequences, and that we need to do something about it.

California has a great deal to lose if we do not take steps to halt and reverse climate change. My State enjoys tremendous ecological diversity ranging from our cool and wet redwood forests of the North Coast, to the hot Mojave and Colorado deserts in the southeast, to the vast fertile agricultural stretches in the Central Valley. Climate change is a very real threat to those natural ecosystems.

Scientific predictions indicate that human-induced global warming may produce a 3- to 10-degree rise in temperature over the next 97 years. That may not initially sound dramatic. But it would be enough to change the timing and amount of precipitation in my State. This could, for instance, lead to decreased summer stream flows, which would intensify the already significant controversy over the allocation of water for urban, agricultural and environmental needs.

Scientists also predict that by the year 2050, California will face higher average temperatures every month of the year in every part of the State. The average temperature in June in the Sierra Nevada Mountains, for instance, could increase by 11 degrees Fahrenheit. The snowpack in the Sierra, which is a vital source of water in the State, is expected to drop by 13 feet and to have melted entirely nearly 2 months earlier than it does now. This means that the precious water on which we now rely for agriculture, drinking water, and other purposes.

In light of the threat global warming poses to my State, the Nation, and the world, I believe we must take steps to reduce our greenhouse gas emissions.

The Climate Stewardship Act would have required companies in the energy, transportation and manufacturing sectors to reduce their greenhouse gas emissions to 2000 levels by 2010. The bill would have provided tax incentives for the development of energy-efficient technology. The Climate Stewardship Act would have also encouraged the use of environmentally-friendly manufacturing technology.

This bill would have provided a reasonable approach to help us achieve the goal of reducing greenhouse gases and addressing global warming. I am extremely disappointed that the Senate did not pass this legislation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the regular order?

HEALTHY FORESTS RESTORATION ACT OF 2003

The PRESIDING OFFICER. The regular order is under the previous order the Senate will resume consideration of H.R. 1904, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuel reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We need the manager of the bill on the floor for the majority. Senator BINGAMAN is ready to offer an amendment. He was here all day yesterday.

What we would like to do is have Senator BINGAMAN offer his amendment—I have not spoken to the two leaders—have that set aside temporarily and then move to the Leahy amendment. They will both be relatively short in time, and then we can arrange an appropriate time for voting on these.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that I may speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD ECONOMIC NEWS

Mr. FRIST. Mr. President, as we prepare over the next several minutes to shift gears back to a very important piece of legislation, I just want to take this opportunity to comment on another issue and that is the issue of the economy. There is very good news, news that was released today, and that is that the economy grew by 7.2 percent in this last quarter—in July, August, and September. This to me is really a spectacular piece of news, especially as we know the people are following this economy very closely, especially to see what the response is to the President's tax relief package several months ago.

Mr. President, 7.2 percent is spectacular in so many ways. In fact, it has been nearly 19 years—I guess the last date was in 1984—that the economy last saw such growth. This news is not totally unexpected. For the last several days I have come to the Senate Chamber to suggest that this is the sort of figure we could expect, in large part because of the policies we enacted earlier this year, specifically the tax reductions which we knew would result in such growth. Indeed, we are now seeing that hard data of growth—7.2 percent in the last quarter.

This positive news was also reflected and added to by this morning's numbers which showed that personal consumption has increased at 6.6 percent as well. It is interesting that consumption makes up about 70 percent of our economic growth. That is, 70 percent of all of this economic growth is accounted for by consumption. If we looked at just that impact of consumption alone, we would have seen growth in our economy of 4.6 percent.

Equally if not more important for the longer term, another measure, business investment, grew by 11.1 percent. To me, this suggests we will continue to see growth well into the future as they rebuild, as they reinvest, as they retool their factories and prepare for the future.

Government spending, another component of growth which accounted for much of the growth earlier this year, was not the most important factor accounting for today's news. Indeed, Government spending only increased about 1.4 percent. I say that because a lot of people say we are just spending so much these days in terms of Government; that is why the economy is growing. But as the figures show, most of that growth is in this dramatic increase in consumption, an increase of 6.6 percent according to today's news.

Maybe lost in the big news this morning is what really matters in this growth—the jobs issue. The Department of Labor reported this morning that the initial claims for unemployment declined by 5,000 last week, affirming this downward trend in unemployment. So this morning we have good news released. The numbers released today indeed indicate a ramp up to recovery. I do expect the growth in the quarters ahead will settle down to a more realistic and sustainable level.

The point is, we are making progress. We are making real progress. The policies we put into place are beginning to take hold.

We clearly have a lot more work to do. We must do more to create jobs and bring economic recovery to all of our citizens. Thus, we really can't rest on these reports today. But at the same time, in this body we must continue to work toward reducing the cost of doing business in this country.

I immediately turn to issues we are talking about, both on the floor and off—health care, energy, class action, litigation costs. We need to remove barriers to investment and economic growth so employers can create jobs.

Our work here in the Congress must go forward with renewed dedication. Today we do see firsthand the effects of the President's economic policies. Such results should encourage all of us to work even harder to bring economic recovery to the doorstep of every American.

Mr. REID. Mr. President, I, too, am pleased at the good news that the GDP has gone up. But for the 3 million people who have lost jobs, J-O-B is more important than G-D-P. This last month, another 46,000 jobs have been lost in this country; during this administration, more than 3 million jobs. This is the only President since Herbert Hoover who has had a net loss in jobs. I think this is very unfortunate. I hope the GDP continues to grow and in the process create jobs.

Mr. President, the distinguished chairman of the committee that has jurisdiction of the bill now before the Senate and I spoke with the majority leader and minority leader a few minutes ago. It is the wish of the distinguished chairman of this committee, the manager of this bill, that when an amendment is offered—unless there is some exception—we are going to debate that and vote on it, dispose of it one way or the other.

As we spoke to the majority leader, the distinguished Senator from Mississippi and I—everyone should be—we were both in tune with the majority leader. Today's votes are going to take 20 minutes. After 20 minutes, the majority leader said he is going to ask that the clerk announce the vote. There are going to be people who miss votes, but that is their problem. All staffs who are listening to me, everyone should understand, if the majority leader follows through on what he said—and I am confident he will—a few people will miss votes. But I think fewer will miss them the second time and fewer the third time.

If we are going to finish this most important bill, we cannot have votes going 40 minutes, and that is what they were going yesterday. It is unfair to the managers of the bill, unfair to the Senate, unfair to the country.

I hope that following the vote of Senator BINGAMAN, we will stick to 20-minute votes, no matter who isn't here for the vote.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me compliment the distinguished acting leader. He correctly states the content of the conversation that we had which included the majority leader. The custom, in recent history anyway, has been to accumulate amendments and then have the votes stacked to occur at a certain time. That is well and good, if you know how many amendments you have. We don't have a finite list of amendments. That is one thing we need. If Senators would let us know which amendments they intend to offer, we can probably manage this bill more efficiently and save time for everybody.

We want to finish the bill tonight. That is my intention. I think that is the intention of the acting Democratic leader as well.

The regular order is, if you have an amendment, come and offer it. We will debate it and dispose of it. We will give you a vote on it and move to table it or we will accept it.

Senator BINGAMAN is here with an amendment. It is an important amendment. I understand that he is going to seek the floor and offer that amendment. We will debate it and dispose of it.

I very much thank the two leaders for their effort to help move this bill along and ensure that the votes we have are held to a minimum amount of time. We are going to try to enforce that.

I thank everybody concerned.

Mr. REID. Mr. President, if I could say one additional thing, we have run a hotline on our side. We are very close to having a finite list of amendments. That will be offered on this side. We know the intense interest in this bill from all sides. No one exemplifies the interest in this bill more than the Senator from Oregon. Senator WYDEN has been very responsive to the bill that is before us. He has been here virtually every minute this matter has been on the floor. Like so many people who are concerned about this, he wants this bill to be completed as quickly as possible. I think with the cooperation of the Senate we can do that.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I want to recognize my friend from New Mexico who has spent a lot of time on this bill and has an important amendment.

As we go to the amendments this afternoon—particularly those from my side—I think it is critically important that the bipartisan compromise which was consummated yesterday in a 97-to-1 vote on the floor of the Senate not become unraveled today. This is, in my view, the only bill that can make it to the President's desk. It is a balanced approach on management. It ensures that the public has every single opportunity to participate in the debate about forestry but, at the same time, it does not establish a constitutional right to a 5-year delay on every conceivable matter that may relate to the forestry sector.

In particular, it provides for potentially lifesaving hazardous fuel reduction projects in our national forests. We have to respond to what we have seen in California. It is a heartfelt need in that State.

If this legislation as set out in the compromise doesn't become law, what we have seen in California in the last few days, and as we saw in Oregon last year, is going to be what the country faces year after year.

I am very interested in working with our colleagues in an expeditious manner. I thank Senator COCHRAN again for all of his cooperation. Senator BINGAMAN has been waiting for a long time.

I intend to work with all of our colleagues on this amendments today. What I especially look forward to is completing the work on this legislation. It was a very exciting development to have yesterday's vote by such a large plurality. It shows what you can do if you stay at it and try to find common ground in an area that is about as contentious as you can find. As Senator COCHRAN noted, we hope colleagues will bring amendments to the floor and move expeditiously.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2031

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2031.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide the Secretary of Agriculture with the authority to borrow funds from the Treasury to pay for firefighting costs that exceed funds available and to provide funding to conduct hazardous fuels reduction and burned area restoration projects on non-Federal lands in and around communities)

At the appropriate place, insert the following two new sections:

SEC. ____. BORROWING AUTHORITY FOR FIRE SUPPRESSION.

(a) IN GENERAL.—The Secretary of the Treasury shall, upon the request of the Secretary of Agriculture, make available to the Secretary of Agriculture, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary in each fiscal year to carry out fire suppression activities. The Secretary of Agriculture may make such request only if fire suppression costs exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

(b) AUDIT.—Not later than 180 days after the Secretary of Agriculture exercises the authority provided by this section, the Inspector General of the Department of Agriculture shall submit to the Secretary and to the Congress an audit of expenditures of funds provided under this section. Upon a determination by the Inspector General that specific amounts of such funds were used for purposes other than fire suppression, or upon a determination that specific expenditures of such funds were both unreasonable and excessive, the Secretary, not later than 30 days after receiving the audit of the Inspector General, shall reimburse the Treasury, out of unobligated balances for the Forest Service for the fiscal year in which the funds were provided, for the amounts so identified by the Inspector General.

SEC. . COMMUNITY PROTECTION AND BURNED AREA RESTORATION.

(a) IN GENERAL.—During fiscal years 2004 through 2008, the Secretaries shall carry out a joint program to reduce the risk of wildfire to structures and restore burned areas on non-Federal lands, including county-owned lands, tribal lands, nonindustrial private lands, and State lands, using the authorities available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection program.

(b) COST SHARE GRANTS.—In implementing this section, the Secretaries may make cost-share grants to Indian tribes, local fire districts, municipalities, homeowner associations, and counties, to remove, transport, and dispose of hazardous fuels around homes and property to—

(1) prevent structural damage as a result of wildfire, or

(2) to restore or rehabilitate burned areas on non-Federal lands.

(c) NON-FEDERAL CONTRIBUTION.—The non-Federal contribution may be in the form of cash or in-kind contribution.

(d) APPROPRIATION AND AVAILABILITY OF FUNDS.—The Secretary of Treasury shall make available to the Secretaries out of any money in the Treasury not otherwise appropriated $100,000,000 for each of fiscal years 2004 through 2008 to carry out this section, which shall remain available until expended.

Mr. BINGAMAN. Mr. President, although I interrupted the clerk before the clerk was able to read the entire amendment, I think probably the best way for me to start my description of the amendment is to go through and read some portions of it so Members know what I am proposing.

There are two parts to the amendment. It adds two new sections to the bill in order to provide meaningful new authority and actual resources to protect communities at risk from unnaturally intense catastrophic wildfire.

We had a little bit of debate yesterday—and we will again today—about what exactly has been the problem and what the policy mistakes and failures are here in Washington that have contributed to this problem.

I would suggest to you that the major failure which has occurred here in Washington that has contributed to the problem is the one I am trying to address with this amendment; that is, inadequate funding with which to proceed not only to fight fires but to do the necessary thinning and the necessary restoration activities that we are all in agreement need to be made.

The first section that this amendment would add reads as follows: I will read through the most significant parts of it. It says:

> The Secretary of the Treasury shall, upon the request of the Secretary of Agriculture—

And, of course, that is where the Forest Service is located, in the Department of Agriculture—

> make available to the Secretary of Agriculture, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary in each fiscal year to carry out fire suppression activities. The Secretary of Agriculture may make such request only if fire suppression costs exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

What we are saying is we are going to do our best here to appropriate money for fire suppression; that is, firefighting activities. But to the extent that we fall short, the Secretary of Agriculture can go to the Department of the Treasury and get funds with which to do that firefighting.

We have a second part of this section. It is an audit provision. It says:

> Not later than 180 days after the Secretary of Agriculture exercises the authority provided by this section, the Inspector General of the Department of Agriculture shall submit to the Secretary and to the Congress an audit of expenditures of funds provided under this section. Upon a determination by the Inspector General that specific amounts of such funds were used for purposes other than fire suppression, or upon a determination that specific expenditures of such funds were both unreasonable and excessive, the Secretary, not later than 30 days after receiving the audit of the Inspector General, shall reimburse the Treasury, out of unobligated balances for the Forest Service for the fiscal year in which the fund were provided. . . .

Essentially, we are doing an audit. If there is any misuse of funds, if they are used for anything other than fire suppression, then the Forest Service in the Department of Agriculture shall essentially take those funds out of their hide and deal with the situation that way.

That is the first part of the amendment.

The second part of the amendment that I am offering is entitled, "Community Protection And Burned Area Restoration." It says, in general:

> During fiscal years 2004 through 2008, the Secretaries [the Secretary of Agriculture who has jurisdiction over the Forest Service and the Secretary of the Interior] shall carry out a joint program to reduce the risk of wildfire to structures and restore burned areas on non-Federal lands, including country-owned lands, tribal lands, nonindustrial private lands, and State lands, using the authorities available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection Program.

We are talking about funds to do restoration work on land that the Federal Government doesn't own.

The second part of this talks about cost share grants. It says:

> In implementing this section, the Secretaries may make cost-share grants to Indian tribes, local fire districts, municipalities, homeowner associations, and counties, to remove, transport, and dispose of hazardous fuels around homes and property to—
>
> (1) prevent structural damage as a result of wildfire, or
>
> (2) to restore or rehabilitate burned areas on non-Federal lands.

This is still on non-Federal lands. It says the non-Federal contribution may be in the form of cash or in-kind contribution, and then it authorizes the appropriation of $100 million in each of those years, 2004 through 2008, to do their work, to make these grants, to help these non-Federal agencies and entities deal with the problems.

Much of the fire we have seen on television in recent days is, in fact, not on Federal land. They are desperately in need of assistance from the Federal Government. This is assistance that would be of that type and should be in place every year.

I will go through a more complete description of the amendment. The amendment does add two new sections to the bill to provide meaningful new authority and actual resources to protect communities at risk from unnaturally intense catastrophic wildfire. If we are not going to add real resources as part of this bill, we are, in fact, making a false promise to the American people. We can give all the speeches about how we are going to pass the bill, the President is going to sign it, everything is going to be rosy, the clouds are going to clear, and we are going to be in the sunny uplands—the broad sunny uplands, is the way Churchill said it.

The reality is, if we do not provide resources to help, it is a false promise. This amendment will try to help provide those resources.

The first part of the amendment allows the Forest Service to borrow funds from the Treasury to pay for firefighting during the years in which available funds do not cover costs. Someone might say that is a pretty rare occasion, a year when the funds available do not cover the cost. Let me cite the last 3 years: 2001, 2002, and 2003, Forest Service firefighting funding.

We have three columns on my chart: The President's request, what was actually appropriated, and what was actually spent, what we wound up spending out of Federal Government funds to deal with this problem.

In 2001, the President requested the Congress appropriate the budget he sent us of $291 million. Fortunately, through the good offices of Senator COCHRAN and other Members, we did better than that. I very much appreciate that. Senator BYRD deserves credit, as do other Members on the Democratic side. We appropriated $469 million—not quite twice what the President asked for, but it is getting close. The amount that was actually needed was $683 million. So we missed it by a little—we were more than $200 million short of what the Forest Service actually had to spend for firefighting in that year.

In 2002, the President asked for more. He said $291 million was not enough, how about $325 million. This is for the whole country. He said, $325 million ought to be plenty for the whole country. In fact, we appropriated a little less than he asked for, $321 million. What was actually needed was $1.28 billion. So we missed it by not quite $1 billion. That is $1 billion that was spent by the Forest Service of funds not appropriated to them for this firefighting activity.

In 2003, which we just finished, the President said we need $421 million. The Appropriations Committee said no; let's make it $418 million. We spent over $1 billion—$1.02 billion.

There is a shortfall each year. It is a question of whether the shortfall is $1 billion, a couple hundred million, but every year we have done this. At least since this President has been in town, we have seen a significant shortfall. What I am trying to do is begin to address that problem.

The real problem that needs to be addressed with respect to the Forest Service situation is the practice of borrowing. Every time we do this, every time we give them much less money that turns out to be needed for firefighting, they have no choice but to take money from other accounts in order to deal with that problem. They do that.

Let me point out for the year 2002, the year we had the total amount transferred out of other accounts to fight fires was $1.02 billion. What did that come from? It came from different accounts, but a big chunk of it came out of accounts that are the accounts we are saying in the Senate are our highest priority. We want money for forest restoration, we want money for thinning of forests, for getting the underbrush out of the way so we do not have the fires. In fact, that funding is not available to the Forest Service because they are too busy using it to fight fires rather than to get ahead of the problem and deal with that.

There are many examples I will cite of the problem we are dealing with. In my home State of New Mexico, we have a publication, a 1-page sheet the Forest Service issued called "Effects of Transferring Money to Fire Suppression." That is what this chart is reflecting. All of the money on the chart was transferred to fire suppression, to firefighting. This was issued in April by the Forest Service with regard to New Mexico. It says the 2002 fire season was intense. The cost of suppressing these fires was nearly $1.3 billion. The Forest Service transferred $1 billion from other discretionary and mandatory accounts to defray fire suppression costs. Over $55 million was borrowed from national forests in Arizona and New Mexico. Some critical projects in New Mexico were postponed for up to 1 year as a result of fire borrowing. These included wildland/urban interface fuels projects, in the Carson National Forest, in the Gila National Forest, in the Lincoln National Forest, in the Santa Fe National Forest; a contract for construction of a fuel break around the community at risk in the Cibola National Forest was postponed for 6 months.

What they have to do when they shift the money out of these accounts, they have to put that forest thinning or forest restoration project on hold because they cannot afford it. They are too busy fighting fires. We need the money to fight fires. We have caused them to do that every year.

A similar problem exists in many other States. I will indicate a few of those, States that have a great interest in this legislation. I have a document called "Summary of Effects of Transferring Money to Fire Suppression." As a result of recent fire transfers in which money has been transferred from various Forest Service accounts to pay for emergency wildfire suppression, critical Forest Service projects were postponed or canceled throughout the West. There are literally hundreds of examples of unfortunate consequences that resulted, including canceled prescribed burns, thinning projects, timber sales, evasive weed control programs, and emergency burned area rehabilitation projects.

The consequences are felt beyond dangerous forest conditions, and they range from the postponement of dam safety inspection to the inability to finalize a tribal energy development agreement.

I have already given examples from my State of New Mexico. In Idaho, spring burning projects in the Nez Perce National Forest were postponed.

A brush-cutting project in Clearwater National Forest could not be completed.

In Montana, a hazardous fuels reduction project in the wildland/urban interface of the Bitter Root National Forest was postponed and slated for possible cancellation.

In Oregon, watershed assessments and restoration activities associated with the Biscuit Fire were delayed. Numerous timber sales and wildland/urban interface thinning work was postponed.

In Washington, white pine blister rust thinning and pruning projects were deferred.

In California, nearly $6 million was transferred out of forest health vegetation management and ecological restoration accounts in 2003, resulting in having to withdraw stewardship contracts for wildland/urban interface fuels reduction projects and the failure to complete prescribed burns.

So this issue of borrowing is serious. It is one that we need to address as part of this bill.

I commend Senator BURNS and Senator DORGAN, who are the chairman and ranking member of the Interior Appropriations Subcommittee, for their efforts to secure $400 million to repay the accounts from which the agencies have borrowed to fight fires.

Now, what happens each year, when we, in fact, give the Forest Service less money for firefighting than they need, we have to come back the next year in supplemental appropriations and ask for funds with which to pay back those accounts so they can hopefully get back to those projects they had to postpone.

My understanding is that this amount, this $400 million, was included in the conference report that was agreed upon Monday night. I also appreciate Senator BURNS' comments that the $400 million is not the final word. I believe he said this is especially true since the Forest Service alone actually borrowed $695 million from other programs so far in this last year.

However, this year-to-year approach to the fire-borrowing problem is not an adequate solution. Even when our Senate appropriations colleagues do everything they can to make sure these accounts are repaid every year, on-the-ground restoration work is delayed—it is substantially delayed—while the Forest Service waits for Congress to pass a supplemental appropriations bill to once again give them the money they had originally been given but could not use for that purpose. They had to use it for firefighting.

The events that occurred earlier this year are a devastating example of that. I have sort of gone through that on this chart. The Senate approved $289 million in extra wildfire funding in the fiscal year 2003 supplemental spending bill. However, the House dropped it.

On July 28, Senator BURNS correctly stated on the floor:

> . . . without work in the House to help get these funds, we will be facing an even more drastic situation.

Nonetheless, the bill that was sent to the President did not contain these urgently needed funds.

In my State of New Mexico, some critical Forest Service hazardous fuels reduction projects were postponed for up to a year, last year, as a result of borrowing to fight fires. These include projects in all these national forests I have mentioned.

In February 2003, the Missoulian, which I understand is a Montana newspaper—I assume in Missoula—reported that because of fire borrowing, Montana and northern Idaho forests "lost about $80 million, including $25 million intended for the repair and replanting of forests burned two years earlier on the Bitterroot National Forest."

Moreover, as evidenced last year by a $200 million shortfall, the supplemental appropriations often are not sufficient to provide full repayment to the programs that have been raided.

So what you have, as we spend what we have on fighting fires—and there is no choice about that—the Forest Service gives up funds that were intended for other purposes. In many cases, this restoration work, that we all are now saying is so important—and I certainly agree is so important—then we never get around to giving them the full money. We never get around to replacing all the funds that we have taken.

Mr. President, let me talk a little about the second part of my amendment. The second part of the amendment provides $100 million annually to reduce fire risk and restore burned areas on non-Federal lands.

The Forest Service's own researchers state that 77 percent of all high-risk areas are on non-Federal lands. In addition, the National Academy of Public Administration, in their 2002 report, found that 47 percent of acres burned each year are on non-Federal lands. They concluded that decreasing the fuel on all owners' lands is needed to address the large scope of the fire hazard problem.

So the second part of the amendment I am offering provides real assistance to States and to local partners to conduct projects that will complement the work we are trying to do in national forests and on public lands.

If we send a bill to the President which just deals with the issue on Federal lands, and then declare victory, the truth is, we will not have dealt with the biggest part of the problem. Mr. President, 77 percent of all high-risk areas are not on Federal lands; they are on land owned by someone else. This second part of my amendment tries to provide some level of Federal support to those other entities to do the clearing they need to do.

Many communities that are adjacent to national forests are doing their part to better protect themselves from the risk of these catastrophic wildfires.

For example, last year—this, again, is an example from my home State—the village council in Ruidoso, NM, adopted new laws that set fire-resistant construction and landscaping standards and established forest health and fire danger reduction requirements. However, even with these new requirements, just a few months ago homeowners in Ruidoso received notices from insurance companies warning them to thin the trees on their lots or risk losing their coverage altogether.

Clearly, we need to assist these communities and these homeowners to quickly accomplish that needed work. We need to attack the problem in a comprehensive way. If we reduce fuels on public lands, Federal lands, without also treating the adjacent non-Federal lands, we will not adequately protect our communities.

I think anyone who has watched television for the last several days has to believe that is the case. Obviously, many of these subdivisions are not on Federal land. They are, in some cases, adjacent to Federal land, but much of the thinning that has to occur, in order to protect communities, is not thinning on Federal lands.

A lack of adequate funding for forest health projects continues to constrain our efforts to actively manage the forests to reduce the threat of fire and insects and disease.

Three years ago, Congress found that funding was the main obstacle to improving forest health and reducing the threat of unnaturally intense catastrophic fire.

Specifically, we created the National Fire Plan. The National Fire Plan talked about $1.6 billion in new funding for programs to improve forest health conditions. At that time, we all agreed on the need to sustain a commitment to the National Fire Plan over a long enough period to make a difference. We were talking about perhaps 15 years.

That meant, at a minimum, sustaining the fiscal year 2001 funding levels for all components of the fire plan. Unfortunately, we have not followed through. The administration has systematically and continually proposed major cuts from that level. In some cases, they have proposed zeroing out critical programs within the National Fire Plan, including this burned area, restoration, and rehabilitation, the economic action programs, the community and private fire assistance.

The administration proposed these extreme cuts and the elimination of funding, notwithstanding the clearly identified demand for these programs. We hear that demand from communities in all of our States where forest fires have burned in excess in recent years.

This provision, this amendment that I am offering, will also provide actual dollars to restore the burned areas on non-Federal lands. After a fire is extinguished, communities often face equally hazardous threats from landslides and flooding. There has been very little attention to that as yet because the fires continue to burn in California. But once those fires are out, we will start hearing about flooding and landslides. There needs to be assistance to deal with that as well.

In creating the national parklands 3 years ago, Congress provided $142 million for burned area restoration and rehabilitation. Nonetheless, in its fiscal year 2002 budget request, the administration requested $3 million—not $142 million—for burned area restoration and rehabilitation. In fiscal year 2004, they requested no funds for this account.

The amendment I am offering will provide funds for urgent community needs for activities such as soil stabilization after fires occur. The question we are faced with today is: Are we going to legislate solutions that will really make a difference on the ground?

I very much appreciate the provision in the Cochran amendment that authorizes $760 million, but as we all know, authorizing a certain level of funding in the Congress is not an adequate solution. In fact, agency officials tell me under current law there is no ceiling on the amount of money that could be appropriated to address this problem. Providing actual dollars, as my amendment does, clearly is part of the solution.

I urge my colleagues to support both sections of this amendment. This is an important issue. I believe that if we pass this legislation without dealing with both of these issues—the borrowing problem and the problem of not providing funds for work on non-Federal lands—we will be falling far short of where we should be.

I urge my colleagues to support the amendment.

I ask unanimous consent that Senator REID of Nevada be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, after looking at this amendment, I see it clearly increases mandatory spending and, if adopted, would cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. REID. Mr. President, I ask that the applicable sections of the Budget Act be waived.

The PRESIDING OFFICER. Is the Senator making a motion?

Mr. REID. I am.

Mr. COCHRAN. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me speak very briefly to the amendment of the Senator from New Mexico. I will be very brief. It is a debatable motion.

Mr. WYDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Will the Senator yield for an inquiry?

Mr. CRAIG. For a parliamentary inquiry only.

Mr. WYDEN. I ask unanimous consent to be recognized very briefly after Senator CRAIG before we go to a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I will be brief. The Senator from New Mexico makes eminently good sense. There is no question that we have a funding problem. I have spoken with the Assistant Secretary and the Chief. I chair the Forestry Subcommittee and the committee on which the Senator is the ranking member. What I am suggesting we do—because the motion that has just been made in this budget point of order is an appropriate one—is to reexamine the whole funding mechanism of the Forest Service. Your figures are accurate. The kinds of programs that go unfunded now, that would help to begin to correct our forest health problem that is in part driving these fires, is a very real question.

As you know, the Forest Service used to have a cash cow. We called it logging. Those revenues flowed in, and money moved around from different accounts. You could borrow, as we did during fire seasons, and they got replenished. So you raise a very important point. But it is a point that we need to totally reexamine. To actually allow the Forest Service to borrow from the Treasury without going through the appropriating process, in my opinion, doesn't really give us the kind of fiscal control and responsibility we all ought to have.

Certainly as ranking member of the authorizing committee and as a member of the authorizing committee myself, you and I, on an annual basis, ought to aggressively look at this budget, knowing that we have fallen far short, and deal with it in an appropriate way. But we have not done that.

You recognized, appropriately, the Senator from Montana, who chairs the Subcommittee on Interior that funds this, and others. We ought to get at it in an aggressive way. I have already tasked the Assistant Secretary and the Chief to look at a variety of mechanisms that fit the funding shortfalls that we need to create the new mechanisms necessary. But I don't believe that direct ability to borrow from the U.S. Treasury by an agency itself, without the authority of the authorizing committee and the appropriators, is an approach we ought to undertake at this time. It is, however, an issue whose time has come, and we ought to deal with it in the appropriate fashion.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have already indicated I want to make sure the compromise we voted on yesterday does not unravel. I will support the amendment of the Senator from New Mexico because I believe it will allow us to go forward and make sure the work that the bipartisan group did is not in vain.

The bottom line is very simple: To get the money to put the fires out, fire suppression, you have to go out and steal from every single Forest Service program around and then hope that at some point down the road you are going to get repaid. It makes a mockery out of any effort to responsibly budget in this area. In our part of the world, we see, in effect, funds robbed from nonprofit organizations such as Wallowa Resources, a small nonprofit in eastern Oregon.

My only concern about putting this off is that if we don't deal with this issue now, the question is, When will we deal with it? This is an extraordinarily important question. It will not, in my view, unravel the compromise which I will fight like crazy to protect, despite the fact that I think what the Senator from Mississippi and the Senator from Idaho have said has considerable validity as well.

I hope we will support this amendment and then figure out in the course of the afternoon some way in which we can find some common ground on this issue. Today the process of just stealing from every program around to fight fires really becomes almost farcical. The Bingaman amendment responds to that. I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me briefly respond. I know the point of order has been made. A motion has been made to waive the Budget Act.

First, I ask unanimous consent to add Senator CANTWELL as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I appreciate the good intent of my friend from Idaho in saying that this is something on which we ought to start working or on which we ought to work. The reality is, this is our best chance. This legislation is likely to go to the President, likely to be signed into law in some form. If we don't take the opportunity this legislation presents to fix this problem, it will remain unfixed. We can have all of the assurances we want from the administration, but the reality is, the administration is under very severe budgetary restraints as it goes into this next year. We in Congress are under very severe budgetary restraints. Everyone around this place is going to be looking for ways to save money. That means that when it comes to actually providing the resources to fight fires, the course of least resistance is to do what we have always been doing, what President Bush has done in the last several years: Ask for way too little money for firefighting. And then, when it turns out that you need an extra billion dollars, tell the Forest Service to take it out of their other accounts.

That is exactly what we have done in the last several years. We are getting ready to do that again. I, for one, am not persuaded that the concern the Senator from Idaho has expressed here is shared by all in the administration. I am confident he believes the issue is one that should be addressed. But each of us, as we know, has different priorities for what needs to be addressed. I would say this is a fairly low priority for the people putting the administration's budget proposal together, which we are going to receive this next January.

I very much think this issue needs to be addressed as part of this bill. Again, as I said a couple of times in my earlier statement, if we pass this bill without addressing the resource problem and the borrowing problem I am trying to get at in my amendment, we can give all the speeches we want, issue all the press releases, have all the press conferences we want saying what a great thing we have done for the American people, but 77 percent of the areas at highest risk are not going to have any Federal resources available to them.

In addition to that, the thinning activity, much of the forest restoration activity we all say we favor, is not going to be funded. So we need to deal with this as part of this bill.

Frankly, I am sorry to see the decision has been made to try to deal with this as a procedural vote. I think this is an important enough issue that we ought to have an up-or-down vote on it and let people express their point of view. When you raise a Budget Act point of order, basically what you are saying is this is not a big enough priority to justify changing the way the budget now sits. If that is the conclusion of most Members of the Senate, then I think shame on us. If we have the fires going in California, we have all the other problems we all talk about, and we are not willing to put that to the front of the priority list, then I think shame on us.

I very much prefer to see us have an up-or-down vote on this amendment. Obviously, that is not possible now with the Budget Act point of order and the motion to waive the Budget Act.

I will yield the floor, but I urge my colleagues to support the motion to waive the Budget Act.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 60, as follows:

[Rollcall Vote No. 421 Leg.]

YEAS—36

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—4

Edwards
Kerry
Lieberman
Nelson (NE)

The PRESIDING OFFICER. On this vote, the yeas are 36, the are nays 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I would like to ask how long that vote took.

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. REID. Mr. President, I don't know what more we can do here. I want everyone to know we are doing our best over here to move these amendments. We have a lot of them over here. We are trying to move them. We can't do it if we waste a lot of time on these votes. I want everyone within the sound of my voice to know that we cannot finish the bill if these votes take 30 or 40 minutes. Everyone should understand that.

There are going to be people coming and asking: When can we leave? I have a plane. Are we going to have votes tomorrow?

We will have votes for days, the way this is going. We cannot finish this bill tonight with these votes taking as long as they are taking. I am disappointed, frankly, that the majority leader wasn't here to terminate the first vote. If we limit votes to 20 minutes, people would stop straggling in. It is not fair to the Senate.

Mr. COCHRAN. Mr. President, the Senator from Nevada is exactly correct in the fact that we are going to have to have more cooperation to move this bill along. We agreed before this vote that we could cut off votes after 20 minutes. We had the endorsement of that by the majority leader. But because Senators were on their way to vote and people told us they were on their way to vote, the vote dragged out longer than that.

I hope Senators will cooperate with the managers of the bill and leadership and let's get here and vote when the buzzer sounds and not wait until the last minute. These votes are going to be cut short. I hope everyone will cooperate with us.

Mr. REID. Mr. President, with the understanding of the manger of this bill, I ask unanimous consent that the Senator from Montana, Mr. BAUCUS, be recognized for 15 minutes to speak on the bill and whatever else he wishes to speak on; further, the Senator from New Mexico, Mr. BINGAMAN, who still has a number of other amendments that he wishes to be offered be recognized to offer the next amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, first, I thank my friend, the Senator from Nevada, and the managers of the bill for their accommodation.

It is vital that we pass this legislation this year.

Montana recently suffered from devastating wildfires, as have other western States. As the Senator from California, Senator FEINSTEIN pointed out repeatedly, the current news from Southern California is a painful reminder of a very large problem.

Across this country forests are threatened by insects, disease and the build up of hazardous fuels. The impacts of these conditions are real. And they play out year after year, fueling large fires that destroy lives and homes, diminish water and air quality, and destroy wildlilfe habitat.

The cost of containing these large fires is staggering, straining State and Federal budgets and devastating local economies.

There are many reasons for the situation we are in today, ranging from weather and natural cycles to urban sprawl and the fire suppression policies of the past.

We can't do anything to change the weather and we certainly can't change the past, but we can use today's knowledge and the wisdom of our experience to do better.

Neglecting the problem is not the answer; nor is more talk. We have to try a new approach. The compromise healthy forests bill is not perfect, but I believe it offers options to more efficiently address our forest health problems and the consequences they have on real people. I also believe this bill will help put people in rural communities back to work in the woods, especially in my State of Montana.

I have said over and over again that a healthy forests bill must first allow federal agencies and communities to address dangerous fuel loadings on a local level, quickly and efficiently. Second, it must support small, independent mills and put local people to work in the forests and the mills. Third, it must promote and protect citizen involvement and be fair to the principles underlying the federal judicial system. And finally, it must protect and help restore special and sensitive places like wilderness areas.

I think we have achieved that with this legislation.

People impacted by forest health problems don't belong to just one political party.

This is a problem that requires all sides to work together. I would like to commend the tremendous efforts of my Democratic and Republican colleagues, including Senators FEINSTEIN, WYDEN, COCHRAN, CRAIG, CRAPO, MCCAIN and LINCOLN, who along with several other Senators and myself worked very had to put together the compromise on healthy forests that I am proud to support and co-sponsor.

This was no small feat; this bill touches on some very divisive issues that I wasn't sure we would ever find a way to solve. But, we did and that is why we are here today having a serious conversation about actually passing a bill.

I believe the compromise healthy forest bill is responsive to our need to more efficiently reduce the threat of wildfire while ensuring adequate environmental protections, citizen participation, and an independent judiciary.

There is nothing in this legislation that undermines existing environmental laws, or a person's ability to be involved in decisions that impact their public lands. In fact, this legislation requires citizen collaboration beyond existing law—current law does not require the secretary to encourage citizen collaboration or to hold a public meeting on proposed projects.

What I believe this legislation does do is help keep the process open and honest. I ask unanimous consent that an article for today's Missoulian newspaper, from Missoula, MT, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS FILE LAWSUIT OVER KOOTENAI FOREST TIMBER SALE

(By Sherry Devlin)

HARVEST THREATENS WATER, ENVIRONMENTALISTS ARGUE

Environmentalists filed another lawsuit against the Kootenai National Forest on Tuesday, hoping to stop a 12.5 million-board-foot timber sale they believe would pollute an already degraded stream.

At almost the same time, not knowing a lawsuit had been filed, the Forest Service awarded a contract for the Garver timber sale to Riley Creek Lumber Co.—which bid $1.3 million over the advertised price of $230,000.

Filed by Alliance for the Wild Rockies and The Lands Council, the complaint seeks to stop the Garver sale on grounds it violates the Clean Water Act and destroys habitat for species that depend on old-growth trees.

The groups used a similar lawsuit to stop the Lolo National Forest from logging in areas burned by wildfires during the summer of 2000.

In that case, environmentalists successfully argued that the logging would degrade water quality in streams identified as "water-quality impaired" by the state of Montana.

Until the state of Montana sets "total maximum daily load" figures for the streams, the Forest Service cannot adequately judge how much additional sediment the streams can handle, the lawsuit said.

Federal District Judge Don Molloy agreed, shutting down all post-burn logging until TMDL figures are available.

In the Garver sale, the at-risk stream is the West Fork of the Yaak River, which is also listed as water-quality impaired.

Logging caused the West Fork's problems, and more logging will make them worse, said Michael Garrity, executive director of Alliance for the Wild Rockies.

"It is exactly the same issue as in the Lolo," Garrity said. "Instead of wasting the court's time and money, the Kootenai should just follow the judge's ruling."

(The Forest Service has appealed Molloy's decision to the 9th Circuit Court of Appeals.)

At Kootenai forest headquarters, Supervisor Bob Castaneda did not know a lawsuit had been filed until contacted by the Missoulian. He quickly and vigorously defended his staff, which had just awarded the timber sale to Riley Creek Lumber.

"Ever since the Lolo decision, our approach has been to have a good analysis of the watershed and to use best management practices," Castaneda said. "We think through some restoration efforts and by following BMPs, we can improve the current watershed condition."

Would the logging pollute the West Fork of the Yaak? "No," Castaneda said. "I just don't agree with their statement. We worked very closely with the Yaak Valley Forest Council and used a lot of their recommendations in making the decision. They worked closely with us."

The Kootenai forest did a number of water-quality surveys in the Yaak this past summer, he said, and the preliminary results are encouraging.

"They're telling us the water quality is much better than what the state suggested," Castaneda said.

He also rebutted the lawsuit's contention that the timber sale would cut into the Kootenai forest's declining base of old-growth trees.

The forest is, in fact, staying out of designated old-growth areas, Castaneda said.

In the lawsuit, the Alliance and the Lands Council cite the Forest Service's own environmental impact statement, which said the Garver sale would likely have adverse affects on every sensitive old-growth species in the Kootenai: fishers, wolverines, flammulated owls, black-backed woodpeckers, northern goshawks and others.

"It is time for the Forest Service and the Bush administration to start cleaning up our streams and protecting our wildlife instead of subsidizing timber corporations and breaking the law," Garrity said.

News of the lawsuit was a double-blow to Jim Hurst, co-owner of Owens and Hurst Lumber Co. in Eureka. He, too, had bid on the Garver sale but lost out to the north Idaho mill.

Now, he said, the lawsuit has the potential to make things even worse for lumbermen.

"It's just more of the same," Hurst said. "Nothing coming from the environmental community would surprise me anymore."

Another lawsuit filed earlier this year by The Ecology Center stopped several timber sales on the Kootenai forest, some of which were bound for Hurst's Eureka mill.

The Kootenai's timber sale program has decreased by 75 percent since 1989.

Mr. BAUCUS. Mr. President, this article demonstrates why the provisions of this bill would be beneficial to moving fuel reduction projects forward.

This article describes a lawsuit filed to stop a timber sale after the timber sale had been awarded. As I understand the situation, the lawsuit was based on an issue that had not been raised at any time during the environmental review process or the administrative appeals process. It was sprung at the last minute just to delay and stop the sale. It was sprung even after the Forest Service was thanked by other groups for doing a better job to address old growth issues that had been raised earlier.

Now, I know that this article is about a timber sale and not a hazardous fuels project, but the same concerns apply. If someone has particular concerns about the impact of a proposed project, the compromise healthy forests bill very appropriately requires that they raise that issue during the administrative review process before they can file a lawsuit.

No one is saying the public's concerns are not valid and that they should not have every right to raise those concerns, and appeal projects that they do not feel address their concerns. But, they should not be allowed to use the process simply to stop and delay. That's only fair. Particularly when we are talking about projects like those contemplated by the compromise healthy forests bill, which are projects intended to reduce the risks of dangerous fires. The compromise Healthy Forests bill simply requires citizens to be thoughtful and thorough when they oppose projects.

This in turn helps the agencies be more efficient, because they can do a better job of addressing controversial issues—like old growth—earlier in the process, without wondering what might be coming at them from left field. This is a good example of why the compromise bill will have real, positive impacts on the ground.

Keeping Montana's small timber mills and forest workers in business is a top priority for me because of their importance to rural economies. But, the fact, is we also need this industry to accomplish the hazardous fuel reduction work on the ground.

I worked in committee to ensure this legislation provides support for building a thriving forest industry in rural communities. In particular, I worked with Senators CRAPO and LEAHY to develop the Rural Community Forestry Enterprise Program, included in Title VII of the bill. The Rural Community Forestry Enterprise Program, is intended to give a much needed economic boost to small businesses and small mills in rural communities, particularly those in Montana that have been hit hard in recent years.

The Program would establish forest enterprise centers around the country, including one in Montana, that would do the following: Ensure that the Small Business Administration timber set-aside program works better for Montana and other small mills; enhance technical and business management skills training; organize cooperatives, marketing programs, and worker skill pools; facilitate technology transfer for processing small diameter trees and brush into useful products; and enhance the rural forest business infrastructure needed for a fuel reduction program on both private and public lands.

Keeping small mills in Montana in operation is a top priority for me. These businesses are vitally important to rural economies, providing good-paying jobs and revenue to local communities. I support this legislation because I believe we do have a serious problem with hazardous fuel build-up in our National Forests that we must solve sooner rather than later.

I also believe the bi-partisan Healthy Forests bill has the elements necessary to allow local citizens and leaders to make wise decisions that address this problem efficiently and effectively. We need to pass this bill.

This is not a problem that we will solve overnight, or even in the next few years. But, we have to start somewhere, and this is a great place to start.

I am proud to support this compromise. I ask all of my colleagues to take a bold step and support it as well.

Mr. COCHRAN. Mr. President, I ask unanimous consent that, notwithstanding the order previously entered, the distinguished Senator from Maine be recognized up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine, Ms. COLLINS.

Ms. COLLINS. Mr. President, I thank the Senator from Mississippi for his courtesy and also for the extraordinary job he has done in bringing together people of diverse views on this critical issue of forest management. I also thank the Senator from New Mexico for agreeing to let me deliver my comments before he offers his amendment.

Responsible management of our Nation's forests is vital to preventing the highly destructive forest fires that we are seeing plaguing the West and also to protecting our ecosystems. I am very pleased the Senate is moving forward with this important issue which I know matters greatly to the Presiding Officer as well.

No discussion of a responsible forest management system would be complete, however, without addressing another threat to our Nation's working forests and open spaces; that is, suburban sprawl. Sprawl threatens our environment and our quality of life. It destroys ecosystems and increases the risks of flooding and other environmental hazards. It burns the infrastructure of the affected communities, increases traffic on neighborhood streets, and wastes taxpayer money. It leads to the fragmentation of wood lots, reducing the economic viability of the remaining working forests.

Sprawl occurs because the immediate economic value of forests or farmland cannot compete with the immediate economic value of developed land in the areas that are experiencing rapid growth.

No State is immune from the dangers of sprawl. For example, the Virginia State Forester says that since 1992 the Commonwealth of Virginia has lost 54,000 acres of forest land per year to other uses. The Southeastern Michigan Council of Governments recently reported that southeastern Michigan saw a 17-percent increase in developed land between 1900 and 2000.

In my home State of Maine, suburban sprawl has already consumed tens of thousands of acres of forest land. The problem is particularly acute in southern Maine where a 108-percent increase in urbanized land over the past two decades has resulted in the labeling of the greater Portland area as the "sprawl capital of the Northeast."

I am particularly alarmed by the amount of working forest and open space in southern and coastal Maine that has given way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever. Maine is trying to respond to this challenge. The people of my State have approved a $50 million bond to preserve land through the Land For Maine's Future Program, and they contribute their time and their money to preserve important parcels and to support our State's 88 land trusts. It is time for the Federal Government to help support these local community-based efforts.

For these reasons, I will be offering an amendment, along with Senator HARKIN, that establishes a $50 million grant program, the Suburban and Community Forestry and Open Space Program, within the U.S. Forest Service, to support locally driven, market-based land conservation projects that will preserve our working forests and farms.

Locally driven and market based are the essential aspects of this program. This program is locally driven because it encourages communities and nonprofit organizations to work together with landowners to help promote sustainable forestry and public access. The program will allow local governments and nonprofits to compete for funds and hold title to land or easements purchased with programmed funds. Projects funded over this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, the legislation requires that Federal grant bonds be matched dollar for dollar by State, local, or private resources.

This program is market driven because it relies upon market forces rather than government regulations to achieve its objectives. Rather than preserving our working forests and open spaces by zoning or other government regulation at the expense of the landowner, this program will provide the resources to allow a landowner who wishes to keep his or her land as a working farm or wood lot to do so.

The legislation also protects the rights of property owners with the inclusion of a "willing seller" provision that will require the consent of a landowner if a parcel of land is to participate in the program.

The $50 million that would be authorized would help achieve a number of stewardship objectives. First, the amendment would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industry. Second, the resources would be a valuable tool for communities that are struggling to manage growth and to prevent sprawl.

Currently, if a town such as Gorham, ME, or another community is trying to cope with the effects of sprawl and turns to the Federal Government for assistance, they would find there is no program. My proposal would change that by making the Federal Government an active partner in preserving forest land and managing sprawl, while leaving decisionmaking at the State and local level where it belongs.

There is great work being done in Maine and in other States to protect our working forests for future generations. I am grateful for the many organizations that are lending support to this effort and which have also endorsed my legislation. There is a nationwide network of organizations that have endorsed my proposal, including the National Association of State Foresters, the New England Forestry Foundation, the Nature Conservancy, the Trust for Public Lands, the Land Trust Alliance, and many others.

By adopting this proposal and incorporating it into this bill, Congress can provide a real boost to conservation initiatives, help prevent sprawl, preserve special open places, forest lands, and farms, and help sustain natural resource-based industries.

I thank Senator COCHRAN in particular for his assistance on this legislation. It is always a great pleasure to work with him. I hope this proposal will be incorporated into the final bill.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Maine for her contribution to the legislation we have before us today. She has been a leader in this effort, and we always appreciate the opportunity of working with her. I thank her for her kind comments as well.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2035

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2035.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the treatment of slash and other long term fuels management for hazardous fuels reduction projects)

At the appropriate place, insert the following new section:

"SEC. . LONG-TERM FUEL MANAGEMENT.

In implementing hazardous fuels reduction projects, the Secretaries shall ensure that—

(1) a slash treatment plan is completed;

(2) acres are not identified as treated, in annual program accomplishment reports, until all phases of a multi-year project such as thinning, slash reduction, and prescribed burning are completed; and

(3) a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels."

Mr. BINGAMAN. Mr. President, this amendment deals with the issue of the treatment of long-term fuel management and treating what is called slash. Many fuel reduction projects require two or more sequential treatments over several years on the same parcel of land—for example, an initial timber harvest, followed by the piling and burning of slash, which is, obviously, the brush and trees that have been cut down.

Completing these followup slash treatments in a timely manner is a very important part of forest restoration work. It is important because the slash provides fuel for wildfires, and it provides habitat for beetles and other insects.

I think we have some studies that demonstrate the insect disease problem expands where this slash is not properly treated. Everyone agrees it is important to conduct these followup treatments in locations where fuel reduction projects have been completed in order to prevent the area from returning to the condition that puts these locations at high risk of unnaturally intense catastrophic wildfire.

There is a recent GAO analysis in my State that found the Forest Service and the BLM completed about only 19 of 39 followup slash treatments in a timely manner.

In addition, the GAO found the agencies' reported figures for the acres treated were inflated because they had double-counted acres where the same acreage was treated in multiyear phases. Where you have this kind of a slash treatment necessary, we are getting inaccurate accounting by the Forest Service and by the BLM.

This is troubling because it means the Forest Service and the BLM are providing inaccurate data with respect to the number of acres on which this fire threat is actually being addressed. My amendment tries to ensure there is accurate accounting. In my view, it is a simple and straightforward amendment. I do not see why it should be controversial. It is a minor matter in the eyes of some, but the Forest Service's failure to properly manage this slash treatment has worsened the fire risk in some areas. Obviously, the focus of this legislation is to reduce that fire risk.

I think it is an appropriate amendment. I hope this is something the managers of the bill could accept. If not, obviously we can have a vote on it.

Let me just briefly describe the amendment in a little more detail and essentially read it. It says:

> In implementing hazardous fuels reduction projects, the Secretaries—

That is the Secretary of Agriculture and the Secretary of the Interior—

> shall ensure that—
>
> a slash treatment plan is completed;
>
> acres are not identified as treated, in annual program accomplishment reports, until all phases of a multi-year project such as thinning, slash reduction, and prescribed burning are completed; and
>
> a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am advised this amendment would really be a recipe for gridlock in that it mandates new requirements for the Forest Service as well as the Bureau of Land Management—processes they have to carry out and go through before they can engage in any fuel treatment processes.

It would require the Forest Service, for example, to prepare a plan for treatment of slash that contains all of the information and data specified in the amendment of the Senator from New Mexico. It opens up the Forest Service to legal challenges if someone has the opinion that the plan is inadequate for some reason. It forces the Forest Service to set up a new system for tracking the implementation of fuels treatment projects, and any followup treatments to them.

The amendment would add new reporting processes to hazardous fuel work. The amendment calls for the development of a plan which is already required but requires the agencies to develop multiyear treatment plans and report on those plans on an annual basis.

The whole purpose of this legislation is to try to help simplify and get the work done that needs to be done to reduce the chances of devastating fires like we have seen in California, to manage the forests in a more effective way, a safer way, for those who live in those areas, and to get more done in terms of enhancing survivability from insect infestation and generally improve the overall health of our national forest resources.

The Forest Service is going to end up spending more time, the Bureau of Land Management as well, in their offices working on plans, than out doing the work that they were actually hired to do under existing legislation. This amendment is, as I have said before, a recipe for gridlock. I urge that the amendment be opposed.

I don't know of any other Senators who wish to speak on the amendment. I will be prepared to move to table the amendment when those who want to speak have been heard.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just say that I think this amendment is anything but a prescription for gridlock. There is the suggestion that all sorts of new program accomplishment reports are going to be required. Those reports are currently produced. And the real issue is, do we get proper accounting in those reports or do we not? The GAO has told us we do not. Each year they give us an accomplishment report, and they list acreage on which they have not completed the forest restoration work. They have done one of the phases of that forest restoration work, and then the next year they take credit for that acreage again by doing another phase. The next year they take credit for that acreage again by doing another phase.

All we are saying is that acres should not be identified as having been treated in these annual reports, which are already provided, until they have done all of the different phases—the thinning, slash reduction, and the prescribed burning.

We are not requiring additional reports. We are requiring accurate reports. That is not an unreasonable request.

I am somewhat disappointed. This is an amendment we delivered to the managers of the bill yesterday, to their staff. We asked them to review it, to give us suggestions. If they had problems with any aspect of it, they did not get back to us, except to say it is unacceptable. That seems to be the position they are taking with regard to any and all suggested amendments to the bill.

This is intended as a constructive amendment. I see it as a constructive amendment to deal with a specific problem that the GAO has identified as existing with regard to management of the long-term fuel supply.

With that, I yield the floor.

Mr. COCHRAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2035. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 422 Leg.]

YEAS—58

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens

Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—36

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NOT VOTING—6

Domenici
Edwards
Hollings
Kerry
Lieberman
Nelson (NE)

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2036

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2036.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require collaborative monitoring of forest health projects)

At the appropriate place, insert the following new section:

"SEC. . COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, non-profit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds."

Mr. BINGAMAN. Mr. President, this amendment requires the Forest Service and the Bureau of Land Management to establish a collaborative monitoring process in order to assess the environmental and social effects of a representative sampling of projects implemented under this act. There are many forest-dependent communities that support collaborative monitoring of forest projects on public land. This simply means it is collaborative monitoring. That phrase simply means that interested communities and individuals may participate with Federal agencies in monitoring the ecological and social effects of forest health projects.

Proponents of the legislation that we are considering today continually state that they want more collaboration at the beginning of the process. However, unless there is collaborative monitoring of the effects of the projects, we will never be able to rebuild trust between rural communities and these agencies.

Congress enacted a similar requirement when authorizing the Stewardship Contracting Program. In addition, Senator CRAIG and I sponsored the community-based Forest and Public Land Restoration Act. That bill, which was passed by the Senate unanimously, also required collaborative monitoring. This is a simple amendment. I believe it is noncontroversial. I hope this is acceptable to the managers of the bill and can be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from New Mexico for this suggested change to the bill. It actually could be argued it is duplicative of a provision that is already in the bill at the request of Senator WYDEN and Senator FEINSTEIN, but it is not wholly inconsistent. We think it can be worked into the bill and will not cause confusion, so I am prepared to recommend that the Senate accept the amendment. I hope the Senate will vote for the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just very briefly, Chairman COCHRAN has it exactly right. If there is one thing we want to accomplish in the natural resources area, it is to try to move this bill away from confrontation to collaboration. That is what we tried to do in the bipartisan compromise. I think we can reconcile that with the Bingaman amendment. I urge its support.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 2036) was agreed to.

AMENDMENT NO. 2039

Mr. LEAHY. Mr. President, I am soon going to send to the desk an amendment.

The people of my State of Vermont, and Americans across the Nation, mourn with our colleagues, Senator FEINSTEIN and Senator BOXER, and with the people of California, over the tragic loss of life and property from the wildfires in San Diego County.

Today, we lost a firefighter from Novato, CA. These brave men and women on the front lines need to be recognized first in this debate. Our hearts go out to the firefighters' families and friends.

We have all been riveted by the vivid images we have watched, day after day, and by the heart-wrenching stories of loss and of bravery that go with these pictures.

Our hearts go out to all of these families that have lost so much. And our thanks go out to the courageous and diligent firefighters and emergency response team members who are fighting those fires and are doing all they can to protect these communities.

Here in the Congress, we need to do more to protect forests and communities from wildfires. That is why I introduced the Forest and Community Protection Act this summer. This is a bill and an approach that would make a real difference for communities facing this kind of potential devastation.

The bill before us now, unfortunately, would not offer the same level of help.

The bill before us is a well-camouflaged attempt to limit the right of the American people to know and to question what their government is doing on the public's lands.

When you look at the tidal wave of regulatory changes the administration has produced in the last year to cut the public out of the process, it could not be clearer that the administration does not want the public or the independent judiciary looking over its shoulder.

Communities that face wildfire threats need real help, not false promises.

As this chart shows, the administration has been busy creating a broader number of projects that will be excluded from environmental analysis under the National Environmental Policy Act, limiting how, who and when citizens can appeal agency decisions, and even cutting out other agencies, such as the Fish and Wildlife Service, from advising the Forest Service on the impact of the actions on endangered species habitats.

Unfortunately, the bill before us today could be the last in this series of steps that completely erode the public's trust of the Forest Service. Many of us saw the aftermath of the salvage rider on our forests and the public trust. We should not go down that road again.

That is why I am offering an amendment today, along with Senators BINGAMAN, DURBIN, HARKIN and BOXER, to strike sections 105 and 106 of the bill. These sections go too far in undermining the decades of progress we have made in public participation and judicial review.

The administration has worked overtime to try to sell the false idea that environmental laws, administrative appeals and the judicial process are the cause of wildfires. But they have not been able to back up their scapegoating with facts. And the facts themselves contradict their claims.

In May, the GAO issued a study examining delays in all Forest Service fuels reduction projects, from appeals or litigation, during the last 2 fiscal years.

Contrary to what some advocates of this bill will tell you, the results show that neither appeals nor litigation have delayed fuels reduction projects.

As you can see, out of 818 projects, only a quarter were appealed. Of those, even fewer took more than the standard 90-day review period. In fact, only 5 percent of all the projects took more than 90 days.

And they can't honestly blame litigation, either, for the delays. Again, of the 818 projects, only 25 were litigated. Of those, 10 were either settled or ruled in favor of the Forest Service—meaning that only 9 out of 818 projects were delayed by court order.

That is only one percent. Where is the "analysis paralysis" my colleagues like to talk about so much?

On the ground, these appeals had even less effect. Of the 4.8 million acres covered by fuel reduction projects, only 111,000 acres were impacted by litigation. The numbers simply do not back up the administration's assertion that appeals and litigation are delaying projects.

The bill before us today rolls back environmental protections and citizen rights with no justification at all.

Enough about numbers. The bill before us is really a solution looking for a problem. So let's take a closer look at the solution on the table.

First, the bill would make it much more difficult for the public to have any oversight or say in what happens on public lands, undermining decades of progress in public inclusion.

In this new and vague pre-decisional protest process, this bill expects the public to have intimate knowledge of aspects of the project early on, including aspects that the Forest Service might not have disclosed in its initial proposal.

Section 105 gives the Forest Service a real incentive to hide the ball or to withhold certain information about a project that might make it objectionable such as endangered species habitat data, watershed analysis or road-building information.

If concerns are not raised about this possibly undisclosed information in the vaguely outlined predecisional process, the Forest Service can argue to the courts that no claims can be brought on these issues in the future when the agency either through intent or negligence withheld important information from the public.

I want to take a couple of minutes to respond to a couple of statements that my colleagues have made over the last 2 days with regard to appeals and judicial review.

First, my colleagues keep talking about "analysis paralysis." This has become a mantra for those who want to cut the public out of decision-making and blame appeals and litigation.

When the administration went looking for a problem to fit their solution of cutting out appeals and judicial review, they came up with analysis paralysis.

When they went looking for facts to back up this new mantra, they threw together a Forest Service report that argued that 48 percent of decisions were appealed.

But when people starting asking questions about the report though, they found that the Forest Service spent just a few hours gathering information for the report. The so-called data it was based on was just phone conversations made in an afternoon.

In fact, the Forest Service does not actually track appeals. Until the GAO did its independent report, they really had no idea what impact appeals were having on fuel reduction projects.

But they, and many of my colleagues, already had their talking points. As we have seen with many other so-called environmental policies of this administration, facts are never allowed to get in the way of rhetoric.

When the facts did start coming out this spring, with an independent study by Northern Arizona University and the GAO, they showed that only 5 percent of projects are appealed and only 3 percent are litigated.

The report also found that opposition was not a leading factor in slowing fuel reduction projects:

> While the issue of formal public resistance, such as appeals and litigation, has recently been contentious, only a few local land unit officials we visited indicated that this type of resistance had delayed particular fuels reduction treatments.

What the facts do tell is that the main reasons fuel reduction projects could not proceed were due to the weather and the diversion of fuel reduction funds to fight wildfires.

Just this summer, while the President was out in Oregon pushing this bill, the Forest Service was back here cutting fuel reduction projects because the House Republicans refused to pass emergency funding for fire suppression.

Let's cut through the smokescreen and focus on the facts before leaping on board to a solution that will let the administration pick and choose 20 million acres of forestland around the country to cut with little real public accountability.

This is not a problem of analysis paralysis but a problem of situation exaggeration.

Essentially, this provision penalizes citizens and rewards agency staff when the agency does not do its job in terms of basic investigation and information-sharing regarding a project.

The other significant change to judicial review is section 106. Even under the "compromise" version of H.R. 1904, the provisions will interfere with and overload judges' schedules.

This section will force judges to reconsider preliminary injunctions every 60 days, whether or not circumstances warrant it.

In many ways, this provision could backfire on my colleagues' goal of expediting judicial review. It will force judges to engage in otherwise unnecessary proceedings slowing their consideration of the very cases that H.R. 1904's proponents want to fast track.

Moreover, taking the courts' time to engage in this process will also divert scarce judicial resources away from other pending cases.

It is also likely to encourage more lawsuits. Requiring that injunctions be renewed every 60 days, whether needed or not, gives lawyers another bite at the apple. Something they often find hard to resist.

Instead of telling the courts when and how to conduct their business, we should instead be working to find a workable and effective approach to reducing wildfire risks.

This bill does not achieve that, but through sections 105 and 106, it instead poses a real risk to the checks and balances that the American people and their independent judiciary now have on government decisions affecting the public lands owned by the American people.

Sadly, this bill is just a Halloween trick on communities threatened by wildfires. It is not fair to rollback environmental laws, public oversight or judicial review under the guise of reacting to devastating wildfires.

It will do nothing to help or to prevent the kind of devastation that Southern California is facing. It is a special interest grab-bag shrouded behind a smokescreen.

Let us offer real help and real answers, and let us not allow fear to be used as a pretext for taking the public's voice out of decisions affecting the public's lands and for ceding more power to special interests.

I hope my colleagues will join me in striking these provisions.

AMENDMENT NO. 2039

(Purpose: To remove certain provisions relating to administrative and judicial review)

Mr. LEAHY. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY], for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN, proposes an amendment numbered 2039:
>
> Strike sections 105 and 106.

Mr. COCHRAN. Mr. President, there has been considerable attention paid to the provisions of the House-passed bill which was referred to in our Committee on Agriculture. The version the House passed has the same provisions that would change substantially the judicial review and appeals provisions of current law. When we were looking at the bill in our committee, it was decided that while we didn't disagree with the objectives of the House, we thought that there could be more appropriate language which would help ensure that litigation and appeals weren't abused to the extent that they created impasses and gridlock in the process.

I have to give credit to the distinguished Senator from Oregon, Mr. WYDEN, and the distinguished Senator from California, Mrs. FEINSTEIN, for coming up with suggestions for changes that were included in this bill that is now before the Senate. It was included in the language of the compromise that we made to substantially change title I as it relates to the judicial review section of the bill.

Let me point out that it balances risk, which is what this is about. Looking at ramifications of approving or not approving a fuel reduction project can be explained by looking at certain examples from which we have learned. On the Kenai Peninsula in south-central Alaska, for instance, over 300,000 acres of forest have been lost to a spruce bark beetle infestation which we are told could have been avoided but was not because of litigation and appeals that were generated over the project's proposal. The Dixie National Forest has 112,000 acres that have been devastated by the spruce bark beetle as well which could have been prevented with treatment but was slowed by the appeals and litigation in that situation.

Over the last 3 years, bark beetles have ravaged forests around Lake Arrowhead in the San Bernardino National Forest in southern California causing an 80-percent mortality rate and substantially increasing the fuel loads of that forest.

What I am afraid we are going to see if the Leahy amendment is approved is a reversal of efforts that we have made to come to a new approach which we think will improve forest help. We still have rigorous environmental safeguards in place, but the suggestions that courts do not bog down the process with endless appeals and litigation is one of the goals of this legislation.

I don't know if other Senators want to be heard on this amendment. But I would be prepared, after Senators have had an opportunity to express themselves, if they want to debate this issue, to move to table the Leahy amendment.

I move to table the Leahy amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 423 Leg.]

YEAS—62

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—33

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Harkin
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NOT VOTING—5

Edwards
Hollings
Kerry
Lieberman
Nelson (NE)

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CRAPO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. DOMENICI. Mr. President, may I ask the Senator from Wyoming a question.

Mr. THOMAS. Yes.

Mr. DOMENICI. Were you going to offer an amendment?

Mr. THOMAS. No, I am not. I wanted to speak in support of the legislation.

Mr. DOMENICI. I wonder if I might have 5 minutes following the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. DOMENICI. I ask unanimous consent that I follow him for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we have been at this now for a couple of years. I have risen before a number of times and we are back again. I just want to urge the Senate to pass this Healthy Forest legislation and invest more in preventing deadly wildfires. The latest thing we have seen, of course, is in California. That was not unexpected. These woods had insect infestation.

We have to do something. Many of us in the West are continuing to fight this. H.R. 1904 includes carefully crafted bipartisan language. If we oppose that, we are really not serious about reform. The amendments that weaken the appeal process, judicial review, NEPA requirements, would deprive the legislation of some of the very reforms that are needed that we have seen through the years in the West.

I want to see us move forward. I think this is a commonsense approach. We have been at it a very long time. This is not even the first year we have been at it. I hope we can pass it and pass it right away.

I support this legislation and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico, by previous order, is recognized.

GDP GROWTH

Mr. DOMENICI. Mr. President, while what is going on in Russia may be some of the worst news that could beset the free world, including our country, because of the acquisition of majority control of the third largest oil company by the Government of Russia in one sweep today, who knows what that means in terms of oil production and stability. But I rise because, on the other hand, while that bad news is occurring, the announcement today as to the status of the American economy is about the best news we have had in 20 years.

Today it was announced that the economy grew by 7.2 percent in July. That is July, August, September, that quarter. It has been almost 19 years. Not since 1984 has this economy seen such GDP growth. This news was not unexpected. Many have been saying—certainly I have—for some time the policies we have adopted, specifically the tax reductions, would result in this kind of event being announced now or very close to now.

In addition, this was reflected in the morning numbers today which showed personal consumption was at 6.6 percent. Interestingly, since consumption makes up 70 percent of the economy, growth accounted for by consumption would on its own have resulted in the economy growing 4.6 percent all by itself. Equally, if not more importantly, the long-term business investment grew by 11.1 percent in this quarter.

To me, this suggests we will continue to see this growth well into the future as businesses rebuild their investments and their inventories and retool their factories. Government spending, which accounted for most of the growth in earlier parts of this year, was not that important. It represented only 1.4 percent.

Maybe lost in this big news is what really matters, and that is, with reference to growth, the Department of Labor reported initial claims for unemployment declined by 5,000 just this week, affirming a downward trend in unemployment. So the news is good on the home front. The numbers released today indicate a ramp-up to recovery and growth in this quarter and in quarters ahead. Policies we put into place are beginning to take hold.

I commend all of those who have been part of that and commend our President as our leader for asking for most of the tax cuts and other items that have caused this growth to occur.

Still, we have a lot more work to do. We must do more to help create jobs and bring economic recovery to all of our citizens.

We cannot rest therefore on these reports today. We must continue to work toward reducing the cost of doing business in this country in such areas as health care, energy, and litigation costs. We need to remove barriers to investment and economic growth so employers can create new jobs.

Our work here in the Congress must go on with renewed dedication. Today we see first hand the effects of the President's economic policies. But such results should encourage all of us to work even harder to bring economic recovery to the doorstep of every American.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I, of course, am also happy about the growth of the domestic product last quarter. It is very important. But before we get too elated over this economic news, we have to also understand that in addition to the need for growth for corporate America, we need job growth. Last month we lost 46,000 jobs. During the years this man has been President, President Bush, we have lost over 3 million jobs.

I would hope the next quarter, in addition to having good domestic product growth, we also would have job growth. People in Nevada and around the country are more concerned about J-O-B than G-D-P.

The Senator from California is here. She is ready to offer her amendment. She offered two very important amendments yesterday.

I have spoken with Senator COCHRAN and the Senator from Idaho, who is now managing the bill. It is my understanding that the Senator from New Jersey is here.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

UNANIMOUS CONSENT REQUEST—S. 1618

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 282, S. 1618, the 6-month extension of the FAA authorization; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, and further, parliamentary inquiry, I was under the impression the Senator from New Jersey was going to offer an amendment, but he propounded instead this unanimous consent request.

Further reserving the right to object, Mr. President, we have a Federal Aviation Administration conference report that is due for consideration in the House maybe today or early next week. That issue will be coming to the floor of the Senate, I presume, shortly thereafter. It is a 4-year, $60 billion bill that is critical for our airlines, our airports, for general aviation, and for security in aviation. It reminds me of this Healthy Forests bill. A week ago, there were objections to the Healthy Forests bill. This week, with half the State of California on fire, all of a sudden we are going to get this Healthy Forests legislation.

I urge my colleagues to look seriously at this legislation and what it means for this great industry in our country, an important part of our economy—aviation—and for security in aviation before we just say we are going to go with the status quo. If a week from now or a month from now there is an explosion in an airport or a plane is driven into a twin tower somewhere, I would not want to be the one who is not passing this huge FAA reauthorization extension.

Further reserving the right to object, I don't like all that is in this bill either. I am not an advocate of some of the provisions that are in this bill or not in this bill. I am not even necessarily an advocate of privatization. But to threaten to kill this major legislation with an extension over that one issue is very dubious action.

I, with great pleasure, object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if I can obtain the floor, not to bring up an amendment, but rather to have a few minutes to explain what it is that I would like to do. I ask if the Senator from Mississippi, someone with whom I have worked closely on several issues related to this, will enable me, by unanimous consent, to have up to 10 minutes to talk about the issue.

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Senator can speak on any subject he chooses, but the request was made.

Mr. LOTT. If there is going to be a unanimous consent request, I ask that there be an equal amount of time, if needed, for the other side.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, what is the unanimous consent request?

The PRESIDING OFFICER. The request, as modified, is for 10 minutes on each side to talk about the FAA reauthorization bill.

Mr. CRAPO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I had been recognized. I respect the viewpoint of the Senator from Mississippi, but I disagree with it, and I would like to talk about the mission I see in front of us and withdraw my request that the bill be read three times and passed. I want to discuss what we think is coming over soon from the House.

Contrary to the remarks my friend and colleague from Mississippi made, in terms of his objection, I agree totally that we do not want to hold up the funding of this bill. I want to get the money invested. We have to take care of the requirements of our aviation needs. While we want to make sure we get these funds on their way, we want to make sure we don't throw a blanket opportunity out there to terminate 23,000 loyal, hard-working, safety-oriented employees from the FAA control system; that is, those in the towers, those who are service operators, those who are technicians, because we have a system that has been so safe.

We handle over 700 million airline passengers a year. The numbers are incredible. We saw them, when our FAA controllers were called upon on 9/11, bring 5,000 airplanes out of the sky safely. They got everybody on the ground when it looked as if total chaos was raining on our society.

What I propose to do is say let's just have a 6-month extension, not permit the commercialization of the FAA system to take it away from Government hands. I see this as the fifth branch of the military. We are relying on them 24/7. Without a question of doubt, we need those people in their positions.

We are facing a time within the next 10 years when over 10,000 FAA controllers will be retiring; 23,000 jobs are at stake, and we are going to say they are going into commercial hands—Acme Air Service, or whoever it is.

There is something else that is taking place here. We see a vote coming in the House that looks as if it may carry.

Do you know how the votes were obtained? Not on substance but on excluding particular airports from going into private hands and securing votes. That means if you happen to live in one of those areas that is not protected by the sale of a vote, your family could be getting onto an airplane and perhaps not have it handled as perfectly as it could. I know I want my kids and my grandchildren protected to the best of our ability. We have seen it done year after year in the United States with our FAA controllers, with our air control system.

I urge we have a chance to vote on whether we can extend this authorization, have time for discussion to permit the funding and the other elements of the bill. But let's have a serious review. This suddenly has come up as a change in the conference report as a result of a decision by the administration to suddenly change the rules. They want to move toward privatizing the U.S. air traffic control system, but 11 Republican Senators joined me and the remainder of the Democrats, and we had 56 votes in favor of keeping the system in Government hands.

We just recently took the baggage screeners from private hands, from commercial hands, and put them into Government hands. We thought it was a good move. That was 28,000 people. We transferred them over to the Government so we can control them. Those people control the baggage that is going aboard. These people control 700 million lives that fly each and every year. We quickly are saying discard that, forget that, we have our deals, we have our airports protected. We have two in Alaska protected. We have others in other States that are protected and we will worry about the safety later. That is wrong.

I hope people across the country recognize what is happening, that we are putting this on the sale block, that it is part of a scheme to have Government privatized—over 850,000 is the mark—and it should not be done on the backs of safety. That is the issue.

I appreciate the Senator from Mississippi, a very knowledgeable and longtime Government servant, a man who has been responsible for lots of good things, but 71 percent of the Americans who were polled who were asked the question about what they think we ought to be doing with the FAA about keeping it in Government hands or going private with it, 71 percent of the people across this country—and I want everybody to hear it—our constituents, agree we ought to keep the FAA in Government hands.

I am not saying we are going to extend it a long time. I am saying, give us a chance to review it. Let us take it up and have a discussion about it and not simply have something jammed through the House and us be like the second body, here it is, take it or leave it. I would like to see if we can talk to the 11 Senators who voted with us the last time and see if they will vote with us another time. I think it is reasonable in the interest of safety.

I just received a letter dated today. It is signed by a representative of the Consumers Union of the Public Citizens Congress Watch, Consumer Federation of America. It is addressed to me:

> Senator Lautenberg: We commend you for your leadership and strong opposition to the most recent version of the FAA authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts going against the will of the American people and jeopardizing the safety of our skies.

The letter goes on. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 30, 2003.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: We commend you for your leadership and strong opposition to the most recent version of the FAA Authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts, going against the will of the American public and jeopardizing the safety of our skies.

Our air traffic control network is far more complex than any other in the world, with more than nine million flights and nearly 700 million passengers moved through the system annually. We believe that our air traffic control system must remain a federal responsibility, with employees entirely accountable to the public and not a company's bottom line.

It appears the Administration is intent on moving ahead in contracting out air traffic control, as has been clearly demonstrated by the intense pressure it has applied to Congress. Only an explicit prohibition against privatizing air traffic control will assure the flying public that their safety will be secured.

Again, we commend you for your leadership on this critical public safety issue. We urge all Members of Congress to follow your lead and vote against the conference report as currently written.

Sincerely,

ADAM J. GOLDBERG,
Policy Analyst, Consumers Union.
WINIFRED DEPALMA,
Regulatory Affairs Counsel, Public Citizen's Congress Watch.
TRAVIS PLUNKETT,
Legislative Director, Consumer Federation of America.

Mr. LAUTENBERG. I hope we can test the will of the Senate and test the determination of the American people to have it done in a way that satisfies them and their families.

A reference was made by the distinguished Senator about what might happen if there was an accident, a crash, as a result of not having facilities up to snuff because of the bill not being passed.

I will say if we look at the record in the U.K. and Canada about what happened after they turned those operations to business hands, to private hands, we will see that the number of near-misses went up substantially in the U.K. That means near-misses in the air.

Many times I sit in the second seat on a small airplane and I want to tell my colleagues something, to find out where another airplane is at the last moment is a life-remembering event.

In Great Britain, since privatization, near-misses of crashes or other problems have increased by 50 percent.

There is something new of which I think we ought to be fully aware, and that is that the space between airplanes is being narrowed in the interest of taking more airplanes into the sky. This is no time to be saying, turn over our safety function, the maintenance function, to private hands, to Acme Air Service.

I do not ask for a lot, but I ask for it on behalf of the American people, 71 percent of whom said they want to keep these services in Government hands because they know Government can manage it best. I want to be able to bring up an amendment and have it voted upon. I am asking for a 6-month extension, and that is it. Give us a chance to reason in a more comfortable time frame. Right now, there is enormous pressure to conclude our business so we can go home, but I do not want to go home in an airplane that I do not think is the safest place I can possibly be, or my kids flying with me on a vacation or my grandchildren flying with me on a vacation over the Christmas holiday not feeling like we had the best possible people in the towers watching us in our flight.

I hope we will reconsider where we are and have a chance to discuss this at length.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I realize we need to get back to amendments on this legislation so we can complete Healthy Forests so I will try to be brief, but I have to respond to some of the things that were said.

First, the Senator from New Jersey and I have talked about this issue and about this legislation in the past. He knows that I was in hopes we could work out something in this area, but now we are talking about not going forward with the conference report and doing a 6-month extension for what is not in a bill.

We were told there was a problem with the language that was in the bill because it said, by the way, there cannot be any private takings of air traffic controllers. That was in the conference report, that there would be 69 medium and smaller airports that would be subject to possible contract towers. We were told that is a problem. The people did not like the contract tower concept. Others did not like the prohibition, by the way, on privatization of the air traffic controllers. So the conference took those two provisions out.

Basically, the conference says in that area you just had a 6-month extension, extend the current law. What are you gaining? There are a lot of things that are in this bill that make a huge difference that will not go forward if we do not pass the conference report: $60 billion, money that is needed for security in our airports; funds for the first time, over $100 million, that would go to the regional airlines, airport security, expansion, and improvement. We let $500 million go from the airport improvement fund into airport security. This legislation says, no, you cannot do any more of that. The security funds will have to come from other fees, but airport improvement money will go to improve the airports.

It has to do with general aviation, and we have some significant language in there for them. Manufacturers of airplanes from Kansas and Washington and parts suppliers all over America, all of that would be put on hold.

We are behind the curve already. Does anybody really think the airports are secure and that the airlines are secure, and that we have done all we need to do? I am not that critical of TSA. I think they are working hard and I think it is better, but we have a long way to go.

Then we are going to put a timeout on this huge, important part of our infrastructure? We want to create jobs. How about improving our airports and our air service and all the concessionaires that are involved in the airports, all the people who lost their jobs after 9/11 in the aviation industry? If we do that and do the highway bill, we are talking about thousands of jobs in America.

Also, the Senator is suggesting that we have no privatization in FAA at all, not just air traffic controllers but I guess the flight weather service people, the maintenance people, the service people.

Now, I am not particularly an advocate—in the past I have not been—of privatization of air traffic controllers. But some of these? Maintenance service not even being possible to consider for the private sector? It is almost as if the private sector is incompetent; the Federal Government can do it better. I do not think that is usually the case. I think most American people think when the Federal Government does it it gets worse and more expensive.

Then there is one other point. The President of the United States is not going to sign a bill that says there cannot be any privatization anywhere anytime in the FAA. We have tried to be accommodating, to go back to the conference and take out what we thought was the offending language.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. LOTT. If I could, let me complete, and then I will yield for a question, although we prolong this agony, which is not going to achieve anything right now.

If we took out the 69 contract towers, there are a lot of places in America which wouldn't have a tower. In fact, that is bipartisan. The idea of contract towers, I can tell you, came from a Democrat, a well-known one in a previous administration. I thought it made sense.

I don't understand. If we cannot have 100 percent purity, we don't want this bill. We don't want $60 billion. Aviation is about more than just the guy in the air traffic control tower. It is about security on the ground.

I plead with my colleagues to think this through. We are not pulling back and saying we are going to privatize. In fact, there is a letter from the Secretary of Transportation, Norm Mineta—not your basic every-day, run-of-the-mill Republican, a Democrat—the Secretary of Transportation, says we are not going to privatize air traffic controllers.

We are fighting ghosts here. If we don't watch it, we will be creating ghosts. We will talk more about this when this conference report comes up. But I plead with my colleagues. I talked about this with my colleagues. I tried to make sure it was bipartisan. It passed the Senate overwhelmingly. There have been some changes made from that, obviously. But if we leave here this year having not passed a Federal Aviation Administration bill or an Energy bill or a Healthy Forests bill, heaven help us when our constituents get hold of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho, the manager of the amendment, has previous recognition.

Mr. CRAPO. As we move forward on the Healthy Forests legislation, it is my understanding we have worked with all those interested here.

Mr. LAUTENBERG. Mr. President, I ask for no more than 5 minutes to conclude my remarks in response to the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. I will not object.

Mr. LAUTENBERG. I thank the Senator from Idaho.

What I want to ask the Senator from Mississippi—he said: People know when things get in government hands, they are in worse shape. What are we doing with the baggage screeners? We transferred 28,000 of those folks, took them off the line, gave them a raise in pay, took them away from the private handlers and said, No, we want to know our baggage is being thoroughly inspected.

I also remind the Senator in the CR which looms directly in front of us, there is no provision for increased funding for the aviation bill.

When we see what is happening in southern California, our hearts go out to them. The air is full of smog. There is smoke all over the place. You need people on the ground who know exactly how to direct those flights to make sure they travel at appropriate intervals.

When we had the hurricane on the east coast, we had to make sure we were conscious of the fact that weather changes were looming in front of us. This is a different world than we used to know. What a time it would be to turn all of this over to private hands.

Security on the cheap? I know the Senator from Mississippi doesn't really think that is a good idea. But, on the other hand, that is what is going to be happening.

I thank the Senator from Idaho, who is very kind, and my good friend from New Mexico, for their indulgence for these last few remarks.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent the Senator from New Mexico be recognized for the purpose of offering an amendment. Following that, the Senator from California, Senator BOXER, be recognized to offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2042

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2042.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require best-value contracting)

At the appropriate place insert the following—

"SEC. . BEST-VALUE CONTRACTING.

(a) To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally."

Mr. BINGAMAN. Mr. President, this amendment simply gives the Forest Service and the Bureau of Land Management the authority to consider benefit to local communities when determining which company or individual is going to receive a contract to conduct a hazardous fuels reduction effort on the national forests and the public lands.

Currently, the authority the agencies have limits them to accepting only the high bid for a timber sale contract or the low bid for a service contract. Unfortunately, numerous forest-dependent rural communities have discovered this practice means the contracts are often awarded to large companies from urban areas, and in many cases from States other than where those communities are located. In my State of New Mexico, many rural communities are trying desperately to find ways in which they can create and maintain decent jobs. Because these communities are often surrounded by national forests and public lands, I believe that, where possible, we should provide tools to create jobs in these communities by restoring the health of the forests.

Best-value contracting is one such tool. This amendment, as currently drafted—and this is a change from the earlier draft—says that "to conduct a project under this act, the Secretaries"—that is the Secretary of Agriculture and the Secretary of Interior—"may use best-value contracting criteria in awarding contracts and agreements." It goes on to define what best-value contracting criteria include.

I think it is important to realize here that this best-value contracting criterion does include consideration of the benefits to local communities such as ensuring that the byproducts are processed locally.

Congress enacted a very similar requirement when authorizing the Stewardship Contracting Program.

In addition, last year Senator CRAIG and I sponsored the Community-Based Forest and Public Lands Restoration Act. That bill, which was passed by the Senate unanimously, also authorized best-value contracting.

I believe this is a simple amendment. It should be noncontroversial. I hope it can be accepted by all Senators.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, we have reviewed this amendment. We don't find it objectionable. We are prepared to accept it.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 2042) was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to send an amendment to the desk in a moment. Before I do, I wanted to give the Senate an update on what is happening with the fires in California, and pay a very special tribute to a fallen firefighter. As of 3 p.m. today, the fires in California have consumed more than 722,000 acres, or roughly 1,100 square miles. Many of these acres are on public lands. Many are on private lands. More than 2,600 homes have been destroyed, 20 people have been killed, and there are more than 12,000 firefighters battling the flames. These firefighters are very brave. I will show you one of them right now.

I rise with a very heavy heart to pay tribute to a fallen California firefighter. It is an honor for me to do this, but it is a very sad moment for me to do this.

Steven L. Rucker, a fire apparatus engineer from Novato, CA, was just 38 years old. Novato, CA is nowhere near southern California. Novato, CA is in the northern part of our State, in the San Francisco Bay area. But Steven Rucker and others from his fire department risked their lives and, indeed, Steven gave his life, to help our southern California communities. Steven Rucker comes from my home county, a county where I was a supervisor for 6 years before I went to the House of Representatives, in the early 1980s.

He was killed on Wednesday, October 29; at 12:30 p.m., when his unit was overwhelmed by flames as they battled on foot to protect a home threatened by the Cedar Fire in San Diego County.

I want to show you a picture of some of the firefighters and what they are up against. Have you ever seen a more telling picture of what these firefighters are up against, standing close to these flames in air that is so polluted it is beyond description?

Steve fell. He was nicknamed "the Ruckster" by his friends and colleagues. He grew up in Freemont, CA, in the San Francisco Bay Area. He was the youngest of four children. After completing paramedic training in Contra Costa, Mr. Rucker went on to realize his childhood dream of becoming a firefighter in Novato. In his 11 years with the Novato Fire Protection District, Mr. Rucker wore the badge and his honor proudly. His car carried a license plate that read "Fire Ruck." He was known for organizing toy drives and children's events for Christmas and for Easter.

Steve Rucker is a true example of why we call firefighters heroes. He bravely and selflessly risked his life time and time again trying to protect the homes of families he didn't even know in a community far from where he lived. Tragically, he has fallen in one of those battles. It is easy to see why we mourn his loss and why his friends and family are so proud of him.

I send my sincere condolences to his family, to his wife, and their two young children, the communities of Novato which mourns his loss, and all of the firefighters who had the honor of serving with Mr. Rucker over these years. I know they are devastated by this tremendous loss, and I know the loss is reverberating through the fire lines. I know how hard it is for them to cope with this.

In this time of crisis in California, we must carry on, and we will. We always have. People say to me even here in the Senate: Your State always has some kind of crisis, some kind of problem. Why do so many people live there? What draws them there? I always explain that you need to be there to understand the beauty of our State. You need to be there to understand it. You need to be there to understand the incredible diversity of our people. In politics, we reason from one side to the other. Diversity? We have every one. The beauty of our State holds us all together. It has brought us to that State.

We will carry on, but we are not going to forget Steve. We are also not going to forget Doug MacDonald. I send my prayers to Fire Captain Doug MacDonald who is a 17-year veteran of that Novato Fire District. Captain MacDonald suffered severe burns and injuries when he went back into the fire to search for his missing colleague, Steve Rucker. Captain MacDonald is in critical condition at the San Diego Burn Center. We pray and pray that he will come home soon. I know his wife and his two children are with him.

It says something about Captain MacDonald, and it says something about the Novato Fire Department, that Captain MacDonald, a 17-year veteran, went back and risked his own life to save Steve Rucker. It says a lot about Steve Rucker in that he would inspire people to risk their lives to save him. These firefighters are extraordinary heroes.

Yesterday, I was so proud that the Senate overwhelmingly passed my amendment to ensure that those first responders, those firefighters, will receive the best health care available to minimize their injuries when they fight in such natural disasters—fires.

I thank the President at this time. He has now declared Riverside County a Federal disaster area. This is now our fifth county, and we have been asking him to do this. We are very glad he has done this because even though we know in Riverside we have had less loss of homes and property, we have homeowners there who will need the help that such a declaration will bring.

Before I send my amendment to the desk, I wish to make one more point. We still have fires burning out of control in my State. We still need help, particularly in the San Diego area. We now need, according to Deputy Chief Arta, 26 type I strike teams, we need 48 type III strike teams, we need 2 strike teams of dozers, and we need 15 hand crews at the Cedar Fire in San Diego.

For the Paradise Fire—and my understanding is that these fires are about 5 miles apart and the big issue is to stop them from joining. At that Paradise Fire, we need 31 engine strike teams, we need 9 type III strike teams, and we need 33 hand strike crews.

I mention this because we still have work to do to wrap our arms around this. We need this help now. We needed it 2 days ago. We have asked everyone who could help us with this—particularly our FEMA Director who is working hard with us to get this equipment—to get these people to help our 12,000 firefighters.

I want to look at Steve one more time, our firefighter, our 38-year-old firefighter, from Novato, CA, in Marin County, who traveled miles and miles with his colleagues in that department to help people far away from where he lived. In his name, please send the help to 12,000 firefighters. We need to help them. We need to cut through all of the bureaucracy and all of the excuses. We need to get the help there in San Diego.

Look at what is happening. Look at what it looks like. We need help. We are getting a little help from the weather—a little bit of a change, but not enough of a change, in our State. We really do not get the heavy rains in November. In San Diego and Riverside, they do not get that much. We are getting some moist air in from the ocean. That is good. We need more help.

We need to be strong, and we need to get this help. We need to see the end date when we will have these fires 100 percent contained.

This bill that we are working on today does more than current law to prevent this kind of tragedy from happening. It doesn't do as much as I would like. Senator LEAHY wrote a bill which I was proud to co-author that did much more than this bill in front of us. But this bill in front of us is more than current law. It certainly does more than the House bill, which does, in essence, in my view after I have looked at it, hardly anything at all to help these communities—hardly anything at all.

We have an opportunity to make this bill even better.

Then Senator BINGAMAN got a couple of amendments through. I thank Senator WYDEN for helping get some of these amendments through, Senator COCHRAN for supporting some of our amendments, and my colleagues on the other side.

AMENDMENT NO. 2043

(Purpose: To increase the minimum percentage of funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface)

Mrs. BOXER. I send an amendment to the desk and ask that it be read and considered.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California, [Mrs. BOXER] proposes an amendment numbered 2043:

On page 25 of Amendment No. 1828, line 7, strike "50 percent" and insert "70 percent".

Mrs. BOXER. This is a very straightforward amendment. In the underlying bill, 50 percent of the funds are allocated to help communities that are close to areas that are high risk for fire. These are high-risk communities. We have these in our State. We have them up and down the west coast. We have them in the western part of our country. Frankly, we have them in a number of communities. We need to get on top of things before we see this kind of fire. The way to do this is to take as much of the resources as we can and go to these communities—whether they are large or small, it does not matter—and work with them.

In April, Governor Gray Davis, our outgoing Governor, declared several counties that are now burning disaster areas because of the bark beetle. We asked the President to please declare an emergency, a disaster, so we could spend what it would take to get rid of those dying trees that sat out there. We knew they were waiting to burn. We predicted—I hate to say this; there were 12 of us in the bipartisan letter, the two California Senators and a bipartisan team from the House—we predicted in almost an eerie way that we would have uncontrollable fires if we did not have this disaster declared. It did not happen.

Now we have a chance. A lot of my constituents will not have that chance. But now we will have a future chance to protect communities that are at risk by taking funds in this bill, the majority of them, and putting them toward these communities.

I will show a couple of other pictures. The first photo shows what it looks like before the fire engulfs the community. This photo shows what we are dealing with—dreams gone. I have lived in the same house for 38 years in a hillside community. Every time I look at one of these families, I know how I would feel if I lost my home of 38 years with all of my memories—yes, we would move on; we would move ahead, but it is very difficult. Whoever said your home is your castle is right. It does not matter if it is one bedroom or one room or a mansion. It does not matter; your home is your castle. When you are home, this is your domain. This is your place. This is the place for your family.

You lose your home, you lose a sense of order. You lose a sense of security. You lose a sense of peace. This is a very hard time for my State.

What would this amendment do? I hope it is voted on, and I hope we pass it. It would help protect communities from wildfire by directing 70 percent of the funds for wildfire prevention in the wildland/urban interface; in other words, where the wildland and the urban areas interface, where communities face the greatest risk from wildfire.

The amendment happens to be consistent with what the President recommended in his budget for fiscal year 2003. We did not pick this number out of the hat in any way, shape, or form. We actually have precedent for this number.

I ask unanimous consent to have printed in the RECORD the USDA Forest Service fiscal year 2003 President's budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USDA FOREST SERVICE—FY 2003 PRESIDENT'S BUDGET—OVERVIEW

The NFS appropriation also includes $15 million to reimburse Federal agencies responsible for expedited Environmental Species Act consultations, one of the components necessary to ensure the success of the National Fire Plan.

Wildland Fire Management (FY 2003 President's Budget Request—$1,425,723,000).—This appropriation provides funding for Forest Service fire management, presuppression, and suppression on National Forest System lands, adjacent State and private lands, and other lands under fire protection agreements. The Forest Service's program recognizes that fire is a critical natural process and that it must be integrated into land and resource management plans and activities on a landscape scale across agency boundaries. The program also recognizes that wildland fire management must be based on the best available science. The budget continues to place emphasis on economic opportunities for rural communities with a significant threat from wildfire that have also experienced job losses from reductions in Federal timber harvest.

In conjunction with the Department of the Interior, the Forest Service will develop a performance-based preparedness model to replace the current formula that describes preparedness funding in terms of the "Most Efficient Level."

The budget request for wildfire suppression costs is $423 million, which is the average cost per year from 1991–2000. Seventy percent of the funding for hazardous treatment is to be targeted to the wildland-urban interface, to protect communities and reduce suppression costs over time.

Capital Improvement and Maintenance (FY 2003 President's Budget $568,004,000).—The Capital Improvement and Maintenance program provides funding to improve, maintain, and operate the infrastructure of facilities, roads, and trails related to recreation, research, fire, administrative, and other uses. The program emphasizes better resource management decisions based on the best scientific information and knowledge, an efficient and effective infrastructure that supports public and administrative uses, and quality recreation experiences with minimal impact to ecosystem stability and conditions. Infrastructure improvement was established to reduce the rate of accumulation of deferred maintenance, which leads to deterioration of performance, increased repair costs and decreased values of real property assets. The Deferred Maintenance program enhances the facilities, roads and trails programs by specifically directing resources towards critical deferred maintenance projects.

As part of the President's Management Reform Agenda, the agency has established a target of co-locating Forest Service and Bureau of Land Management (BLM) offices at 22 sites for the period FY 2003 through FY 2005. This co-location effort is part of Service First, a joint venture between BLM and the Forest Service to create seamless, citizen-centered service and more efficient land management. The President's budget request for FY 2003 includes $10 million to facilitate co-location activities (such as buying out existing building leases in support of co-locations). In addition, the budget includes funding for facility enhancements for anti-terrorism protection.

Mrs. BOXER. Now, if we pass this amendment, we are coming up with a stronger bill because it is just common sense that the real purpose behind this bill should be protection of our people. That is the real purpose. It should not be to make it easier for big loggers to go deep into the forest and take out old-growth trees. I know we protect them in here but not as far as I would want to. The real purpose of this should be to protect our communities. As I said, the House-passed bill certainly did not do that.

We will hear a lot of talk from the House side, and I encourage my colleagues, Senator COCHRAN, Senator WYDEN, Senator FEINSTEIN, Senator CRAPO, and the others to stand strong for the Senate bill because the House bill would do nothing—I say this sincerely—to help us. It would not have helped in our circumstance. I will explain why.

The House bill fails to emphasize and prioritize removal of flammable vegetation. This is chaparral. This is not what the House bill deals with. The House bill deals with trees. It also does not allow for projects on non-Federal land where many areas are burning. I don't have the exact stats, but we are looking at maybe 50–50 here on Federal land and non-Federal land. Clearly, if we just have a bill that focuses on Federal land, we are missing a lot of other land and our communities could burn.

The bill Senator WYDEN, Senator FEINSTEIN, and Senator COCHRAN worked on does not have that prohibition. We need to have a bill that deals with the chaparral, that deals with this vegetation that is going up in smoke, and that does not just deal with the large trees.

The Senator from Nevada is here. There is certainly a lot of growth like this in his State, including in Lake Tahoe as well.

I ask unanimous consent Senator REID of Nevada be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The House bill fails to focus the limited resources for wildfire prevention projects near at-risk communities where these resources are needed the most. We can see the communities right around here. Many are not that populated, but they are communities that would qualify in the underlying bill. In my amendment, more funds would go here.

By not focusing its resources near at-risk communities, the House-passed bill keeps homes, businesses, and communities in this wildland/urban interface area in harm's way. In other words, where the beautiful wildlands meet the suburban-urban communities, that is where we have our problems. This is what we have been talking about. This is what Senator LEAHY and I have been talking about and why we know we need more funding.

By the way, we have much more funding in that bill. The bill before the Senate is a compromise. It is not enough. It is better, certainly, than where we are, and it is much better than the House bill which actually, to be honest, again, would do absolutely nothing, absolutely nothing to help us in this type of circumstance.

Now, in the bill before us, that I am amending, we know hazardous fuels reduction projects on non-Federal lands would qualify for the funding. This is important. I thank the authors for that. Additionally, the underlying bill emphasizes the thinning and removal of small-diameter trees for wildfire prevention and seeks to implement standards that protect old-growth trees.

Then it says at least 50 percent of the funds should go to these at-risk communities. This is where I am trying to strengthen it and say it ought to be 70 percent. Again, I think this bill is getting better.

I was so happy to tell my firefighters we are going to take care of their health. I was happy to tell my communities that the EPA, if this bill becomes law, will monitor the toxins in the air, not the usual pollutants that we follow, but the toxins that are in the air from these fires. So I am happy about that.

Again, I hope this amendment will be adopted. I really do not know what the end result will be, but clearly, if you increase the percentage of the funds that you can spend in these communities that are at risk, common sense tells you we will not have the type of fires we are seeing in California today.

We cannot waste our resources. We do not have enough resources. In this bill, therefore, the 70 percent ought to be directed here. So we believe there are strong arguments why we need to focus a greater percentage on these high-risk communities.

We believe there is precedent setting for this, given the President's request.

Mr. President, I am so hopeful we will get agreement on this amendment because, again, it will make this a far better bill.

I yield the floor at this time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise to oppose the proposed amendment from the Senator from California, not because I disagree with her point that we need to make sure we adequately protect the wildland/urban interface, but because the bill, as it is currently drafted, not only adequately provides for that but provides even broader flexibility so we can, in addition, protect the watersheds, the water quality for communities. It will actually allow communities to have a greater input into the management decisions relating to the forests that surround them.

The amendment would require that 70 percent of all of the money that is provided in this bill for fuels reduction be expended in the wildland/urban interface. The bill, as drafted, provides that not less than 50 percent of the funds will be allocated for projects in the wildland/urban interface.

Nothing in the bill, as drafted, would prohibit our forest managers from doing exactly what the Senator from California says she thinks they ought to do, if that is the right decision. On the other hand, our bill follows the recommendations of the Western Governors' Association, which allows communities to make proposals to the Forest Service about how the forests in their communities should be managed.

Frankly, the opportunity for communities to say they would like to see management reach out a little further than just a quarter of a mile around their homes, into the forest in general, or into the watershed, so they can protect their watershed as well as their homes, is an opportunity that we believe is one that should be maintained for our communities and for the flexibility of our forest managers.

Now, let me repeat. Nothing in the bill, as drafted, would stop the Forest Service from expending not only 70 percent but even more than 70 percent on the wildland/urban interface if it is determined that is the best place for the allocation of these resources.

What the bill says is, no less than 50 percent must be allocated, but it does not prohibit any allocation above 50 percent if the Forest Service and the affected communities can reach an agreement.

The issue here is one of flexibility. Very often, in Washington, as we put together legislation—whether it be over forests or any other issue—one of the tendencies is for us to try to determine every situation around the country and how best to manage it.

The problem here is, not every circumstance is the same around the country. The need is not the same throughout every forest that will need to be treated. In some forests, I am confident that far more than 70 percent of the resources would go to the wildland/urban interface. In other forests, for example, the one I talked about yesterday, which surrounds Elk City, the residents there are very concerned that the entire watershed is threatening to them, and their one route of exit from their community is threatened along an entire corridor. They would need to seek protection along the entire exit corridor to literally safely protect their lives if they needed to evacuate.

It is because the situation in Elk City is very different from the situation in Los Angeles and different from the situation in other communities which have forest environments that our bill seeks to preserve the flexibility that we need to be able to manage these funds adequately.

I encourage all Senators to reject this amendment and to move forward with the provisions as we have provided them, which, again, gives the Forest Service the flexibility to not have to be bound by the cookie-cutter solutions that we often want to put in place in Washington and have the flexibility to be able to manage as the communities and the fire and forest experts know would be the best way to approach it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my friend with great respect because we do not change a thing about your bill, except change the percentage of 50 to 70. We leave you all the flexibility. If a community says they think it is important to go inside the forest to protect a watershed, to protect the supply of water, or there is bark beetle infestation, that is not a problem. The fact is, we just say that the communities ought to have 70 percent of this rather than 50 percent.

I say to my friend, who is going to show us pictures here—I don't know if he was present—12 of us, in April, wrote the President about the severe danger. We named three of the four counties that are up in smoke. We begged him to declare a disaster, we begged him.

I want you to know who signed that letter: Senator FEINSTEIN and I, Congressman JERRY LEWIS, Congresswoman MARY BONO, and the San Diego delegation—Republicans and Democrats.

We saw this coming a mile away. The importance of this bill is because we do not know what future Presidents might do. We may have the same trouble in the future, and they just don't pay too much attention to it. We can't get our needs taken care of.

This bill is very important, but if we don't take that money and spend it where the people are, then, to me, we have not learned a lesson from these California fires.

I thank my colleague very much. I am disappointed we cannot agree. I understand, but I am disappointed. I hope we will have a good vote for expending funds where the people are because that is what we need to do.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the passion by which the Senator from California approaches this issue. I would like to have her attention for a few moments because she is most sincere in what she says.

Forest scientists—not a year ago—5 years ago, were pleading with us to create activity in our forests and in San Bernardino to stop a catastrophic fire that was going to happen someday. Yet this Senate—and my guess is, the vote of the Senator from California—denied those kinds of actions, a more interactive approach and active thinning and cleaning.

We have been talking about forest health on the floor of this Senate not for 1 year, not for 2 years, not for 3 years, but 5 years. Why?

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. No, I won't yield at this point.

Mrs. BOXER. The Senator is talking about my vote.

Mr. CRAIG. I will not yield at this moment.

Mrs. BOXER. Well, the Senator is talking about me.

Mr. CRAIG. No, I will not yield.

Mrs. BOXER. Well, I think that is fairly rude, but I will wait for my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Let me complete my thought, Senator, and then I will be happy to yield to you.

Mrs. BOXER. That is all right. That is OK.

Mr. CRAIG. I have been in the San Bernardino and so have you. For 15 years that forest has gone relatively untouched.

So I appreciate the Senator's passion. What we have tried to strike here is a balance.

The picture I am demonstrating is not unlike the picture the Senator from California brought. Why aren't the trees burned around the homes that are gone? The reason they are not is because 60-mile-an-hour winds spread fire in many instances a mile or a half a mile beyond where the fire is burning. Embers fell on the roof of the shake roof homes in California, and the homes are gone because the trees in the immediate area stand.

So when the Senator from Oregon and this Senator from Idaho and the other Senator from California were trying to strike a balance, we knew that reaching out as far as we possibly could was where we needed to go, along with recognizing that the urban interface was critical.

We believe we have struck that kind of balance. We want to sustain that balance. The money goes where the people exist.

Let me reference another fire that occurred in early summer. The Senator from California witnessed it, as we all did. It was called Summer Haven on the mountain above Tucson. Summer Haven had been treated. Thinning and cleaning had gone on around that little urban enclave interface. But the community no longer exists today. It burned up in a wildfire. Why? Because the fire started down the canyon in areas that had not been thinned and cleaned, and it swept up the canyon, burned out the areas that had been thinned and cleaned, and took out all the homes.

The point I am making—and I will be happy to respond to a question from the Senator from California—is that we tried to strike a balance. We need to go where the people are. And California cries out for that at this moment.

I hope the Senator will continue to work with us. It isn't just happening on the San Bernardino. Tens of thousands of acres are dead and dying in the Sierras. The Tahoe Basin is in trouble. The Senator from Nevada attempted to address that along with us a few years ago. We are beginning to try to get some active management there. It is a tragedy waiting to happen again. It is happening in thousands of acres of forested lands across this country.

That is why we are trying to strike the balance. Not only do we have bug kill in the urban interface; we have it out there in lands that we have agreed, under a certain process and procedure, we might try to treat. That is my point. That is why I think you can be arbitrary here and have good logic for that arbitrariness. The Senator from California is arbitrary, as are we. She has a set of logic. I am trying to suggest that in a 60-mile-an-hour firestorm, fires do not listen to borders. They do not react to them.

Now if the Senator from California has any questions, I would be more than happy to respond.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the 70-percent number was taken out of President Bush's own budget request. This is not an arbitrary figure. It is a figure that was put in his budget. We have put it in the RECORD.

I don't want to talk about 5 years ago. But I will be happy to discuss the forest plans I have supported, because they always dealt with what the problem is, which is making sure we get rid of the brush, we get rid of the infestation, and we don't use this as a way to say the only way to have a healthy forest is to cut down every tree, particularly old growth. Then you don't have any forest. That is not my idea of healthy forests.

I don't have to go 5 years to prove where I have been. I ask unanimous consent to print in the RECORD this letter, dated April 24, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 24, 2003.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration for Riverside, San Bernardino and San Diego counties relative to the high threat of forest fire in these regions.

Due to drought conditions and infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 415,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures. Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in these areas of Southern California.

Mr. President, we appreciate the various burdens being placed upon you in these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

Sincerely,
Mary Bono, Jerry Lewis, Barbara Boxer, Dianne Feinstein, David Dreier, Duncan Hunter, Joe Baca, Ken Calvert, Randy "Duke" Cunningham, Darrell Issa, Bob Filner, Susan Davis.

Mrs. BOXER. It reads:

> We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration—

Not just for San Bernardino—

> for Riverside, San Bernardino, and San Diego counties relative to the high threat of forest fire in these regions.

We knew that. The people knew that. We were trying to get help. We said:

> Due to the drought conditions and the infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 451,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

This is uncanny.

> Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures.

So we didn't just limit it to removal of the bark beetle. We called for other mitigation measures. We said:

> Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in those areas of Southern California.

We close with this:

> Mr. President, we appreciate the various burdens being placed upon you—
>
> Because this was at the time we were at war with Iraq—
>
> In these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

I say to my colleagues, please, let's not stand up here and point fingers at each other. The fact is, this is a bipartisan group of colleagues begging for help, recognizing the fact that near at-risk communities we have work to do. I am happy this bill is before us today. I am thrilled at that. I thank my friends for helping me protect the health of firefighters and the children and the elderly there, as they did yesterday.

All I am saying is: Please, I don't change one word of your brilliant legislation. I don't take a word. I just say, take it up to 70 percent for the communities that live near these at-risk areas.

I will close by reading the people who signed this letter. By the way, it is a beautiful representation of California politics, from the most liberal to the most conservative. Signing this letter: JERRY LEWIS, MARY BONO, BARBARA BOXER, DIANNE FEINSTEIN, DAVID DREIER, DUNCAN HUNTER, JOE BACA, KEN CALVERT, RANDY DUKE CUNNINGHAM, DARRELL ISSA, BOB FILNER, and SUSAN DAVIS.

This isn't the time to have a finger-pointing argument, while I just lost a firefighter because no one declared this a disaster. That was the way it went. Please, let's not do that. Why don't we use this opportunity to come together across party lines, as my colleagues did with the underlying bill, and just realize that this fire says something to us. What it says to us is that these at-risk communities need more attention.

I guarantee you, if you support this, and we have a bill that really carries out what President Bush said should be the case—70 percent of the money being used at these communities—we will have made a great leap forward.

I hope we won't have a circumstance where we are going: What did you do 7 years ago and 10 years ago and 5 years ago and 4 years ago.

I will tell you what I did. I have been saying we have to clear brush around these communities. We have to clear trees, dead and dying trees in these forests. We have to thin. We have to go after the chaparral. We have a lot of work to do. Let's meet somewhere in the middle between those people who want to see more aggressive logging of old-growth trees. I respect your view. I don't attack you. I just don't agree with you. I don't think that is the answer to protecting our communities. The answer is helping us near these at-risk communities.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the Senator from California for this amendment, and the people who have joined with her, as indicated in the letter, are certainly headed in the right direction. What the Senator from California has stated is we should direct this very important legislation toward people. That is what this amendment is directed toward—toward people, communities, and areas.

Take, for example, this terrible tragedy in California we see every time we turn on the television set. If there had been hazardous fuel treatment around populated areas, some of these fires may have happened, but most of them would not have happened. This amendment is good for the firefighters. It is certainly good for the people who live in these communities.

As generous and as rich as we are in this country, there is not enough money to take down all the dead and dying trees and other trees that need to be taken down to have good forest health. We simply don't have enough money. But certainly we have enough money to take care of the populated areas of our country, and that is why the Senator from California says we have a limited amount of money, so let's put most of it toward protecting people. That is what this amendment does.

I hope this very reasonable amendment which is directed toward people is adopted. It is important.

I again applaud the Senator from California for bringing this to the attention of the Senate, and I am happy to be a cosponsor of this amendment.

Mr. CRAPO. Mr. President, I intend to move to table, so if anybody wants to debate before I do that, I will look around and see if someone wants to speak. I wish to make two quick comments about the debate before I move to table the amendment.

First, it has been suggested the intent of those who want to keep the bill the way it is is to allow cutting of old-growth forests. That is simply not the case. First of all, as everyone who has focused on this bill knows, we have provisions in the bill that protect old growth in the forests.

Second, the fact is, as I will say again, the bill gives communities and the Forest Service managers the flexibility to make the decisions about where the fuel reduction will be most effective to preserve and protect our forests and the people who live near the forests. Certainly, our focus on the Western Governors' proposal and the protection of communities is what we ought to be doing in this legislation.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2043.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 424 Leg.]

YEAS—61

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—34

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Gregg
Harkin
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Reid
Sarbanes
Schumer
Stabenow

NOT VOTING—5

Edwards
Hollings
Kerry
Lieberman
Nelson (NE)

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. STEVENS. Mr. President, I move to lay that motion of the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2030

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have an amendment, No. 2030, at the desk. I call that amendment up, please.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY) proposes an amendment numbered 2030.

Mrs. MURRAY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure protection of old-growth stands)

On page 17, line 16, after "(3)" insert "(4)".

On page 18, line 23, strike "by implementing" and insert "and implement".

On page 19, line 11, strike "by implementing" and insert "and implement".

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as all of us know, the Senate right now is debating the Healthy Forests bill, and I believe we need to do more in this bill to help protect America's old-growth forests.

Old-growth forests are stands of trees that have tremendous historic and cultural value.

I think we need to work hard to clarify a few parts of this bill so that Federal agencies do not misinterpret congressional intent in protecting historic and ecologically important resources.

This evening I am offering a perfecting amendment that will close two loopholes in this bill to ensure that our old-growth forests get the protection they deserve.

Before I turn to the details of my amendment, I want to comment on the horrible devastation we are seeing in California from wildfires. Like all Americans, I have been watching the shocking news coverage. My thoughts and my prayers are with everyone who has been affected. My brother is a firefighter. So I appreciate the sacrifices that are made by these brave men and women.

In my home State of Washington, we have been touched by terrible losses in recent years, including four young firefighters who died in the Thirtymile Fire on July 10, 2001, at Okanogan County.

It is clear that we have to take smart, responsible steps in this bill to reduce the dangerous fuel loads in our forests.

While it is too soon to draw any final conclusions about the fires in California, I think the fires highlight two challenges that ought to be a part of this debate.

First, it is clear that we don't have enough money in the budget to address our firefighting and fire prevention needs. In fact, today the Forest Service is borrowing from its fuel reduction accounts to pay for firefighting operations; that is, robbing Peter to pay Paul. The money reserved for fuel reduction, if it is used wisely, helps to prevent fires in the first place. The current budget is inadequate, and we are going to pay a greater price down the road if we don't address the resource issue.

Second, because the funds are limited, we have to do a better job of prioritizing how we spend the money that we do have. Specifically, we need to give a higher priority to those vulnerable lands in areas where wildlands and urban lands intersect. Those are spots where people and property are threatened.

If we address the hazards there—and if we educate homeowners—we will have a bigger impact with our limited funds.

I am looking for an aggressive plan to reduce the fuel loads in our forests, especially in the urban/wildland areas where people and property are endangered.

Old-growth forests are important for many reasons.

First of all, they represent ecosystems that are unique in nature. These forests are made up of a complex web of plants and animals, and climate and ecological conditions that are extremely different from what is found in younger or plantation forests. Certain animals and plants only live within these old-growth ecosystems.

If we are going to maintain a diverse species, we have to protect their habitat. Old-growth forests also have the cleanest drinking water, they provide structures for good salmon habitat, and they mitigate the effects of flooding and global warming.

Finally, these forests have great historic, recreational, and spiritual value which is important to all of us.

Hiking through an old-growth forest is truly a remarkable experience. I invite any of my colleagues who have not had that kind of experience to come to my State or to another State with a lot of old growth and have that kind of experience. You will understand why those of us who speak out on this floor are so passionate about this issue. In fact, in our old-growth forests perhaps is the only place where you can feel transported back hundreds of years and see what the very first explorers saw when they encountered these cathedral forests. They are a part of our history, and we cannot afford to lose them. Unfortunately, we have already lost many of these unique lands.

Old growth used to sweep across the Pacific Northwest, but recent studies estimate that old growth makes up between 10 and 18 percent of the lands in the Pacific Northwest and a mere 3 percent of lands nationwide. There is very little left today. We have to do all we can to ensure their survival.

I want to recognize my colleagues from Oregon and California who made this bill better by including an old-growth section in title I. As a result, this bill is now much better than what the President and the House first proposed.

But as I read the provisions, I saw two loopholes that we should close.

First of all, the bill lets the Forest Service and the BLM treat dangerous forests, and it provides protection for old-growth stands. Old growth can still be treated. It just has to be treated in a way that protects its unique character.

But if an area has insect infestations or is subject to trees being blown over, then the old-growth stands lose all of their protection. That is a big loophole. Any forest could be subject to strong winds that knock down trees. Any forest could experience insect infestation. Any forest could be subject to disease. Almost any forest could be damaged by an ice storm. It is just one of those things that happen. An old-growth forest could be drastically altered in ways that destroy its unique characteristic.

The underlying bill has a massive loophole in it that threatens old-growth forests and subjects them to unrestrained thinning. My amendment would simply close that loophole by making those lands subject to old-growth protection. My amendment, importantly, allows treatment of old growth. I know that is a concern to other Senators here on the Senate floor. It still allows treatment of old growth. It still must protect characteristics that we all recognize as important.

There is a second loophole that my amendment addresses. This bill has a fine directive to protect the integrity of old-growth stands. That is section 102, subparagraph (e)(2). I think we all can accept that standard. But I am concerned that it won't be carried out because it relies on forest management plans to be implemented.

Here is the problem with that. If the forest has a management plan that is less than 11 years old, that plan will not need to be updated to meet the new standards. That is a big loophole. It could mean that forests with relatively recent management plans don't have to enact the protections we are calling for in the bill. Fortunately, there is an easy way to close that loophole. It involves just changing four words in the bill.

My amendment does two things.

First of all, it ensures that all hazardous fuel reduction projects on Federal lands will protect old-growth forests.

Second, my amendment ensures that the old-growth standard in the bill applies to all Federal forests—not just those with older management plans.

I thank all of my colleagues and their staff who have worked very hard on this legislation.

The chairman and ranking members of the Energy Committee and the Agriculture Committee have been tireless on this bill.

My western colleagues from Idaho, Montana, Oregon, and California have all been looking after the best interests of their States and their constituents. I thank them all, and I appreciate their consideration of my amendment.

Old growth makes up just a fraction of our remaining public lands today. Many of these stands of trees are older than our Union. They are older than the settlement of the West. Some are older than Columbus' arrival in the New World.

We would not be doing our duty here on the floor of the Senate if we didn't do everything we could to protect them for future generations.

The amendment I am offering this evening will strengthen the protection in the underlying bill.

I ask unanimous consent that Senator BOXER and Senator REID of Nevada be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment my colleague, Senator MURRAY, from the great State of Washington and the great job she does on behalf of her State. I appreciate all the hard work she has put into looking toward this amendment and others.

I hope in my opposition to this amendment I can at least provide some comfort that we have looked at trying to make sure the old growth in this Nation is protected. I rise today to oppose this amendment that would apply old-growth restrictions to insect and disease treatments, as well as to clean up after severe weather events. Part of why I do that is, simply, our forests are very different across this land. We want to make sure everyone is participatory in what we are doing in protecting and keeping healthy our forest lands.

Insects do not care about the size of the tree. In fact, as many scientists have stated for years, they prefer older trees that are in poor health. Old growth, as I said, is very relative. In these older stands where trees are stressed for water and nutrients, insects will go after both large and small trees. The idea is to allow forest managers to go there and remove the problem trees, reducing the density of the stressed stands to immediately address the insect or disease problem which in our forests in the South are our most common and immediate problem. Insect and disease treatments are vastly different from preparing for a potential fire somewhere down the road.

I join my colleague from Washington in sending our prayers and thoughts to all of those who are valiantly fighting the wildfires in California and the families and the communities that are affected by those.

Fighting against an insect or disease outbreak is not like preparing for a fire. It is exactly like fighting a slow-moving wildfire. You would not ask firefighters to only fight a fire in certain sections of the forest, would you, and require them to skip around certain stands in the forest? It would seem ludicrous to do that. You could not effectively fight a fire that way.

That simple logic is why Chairmen COCHRAN and DOMENICI, and Senators CRAPO, CRAIG, FEINSTEIN, WYDEN, MCCAIN, KYL, and myself, have worked hard to craft some compromise language. We ensure that when our forest managers treat and prevent the spread of insect and disease outbreaks or attempt to clean up after a severe weather event, they do not have their hands tied to only treating a certain portion of the forest. Managers must be able to treat all of the forest or we are all just going to watch the forests die—both inside old-growth stands and throughout all of the forests of this Nation.

Forests in my State of Arkansas and throughout the country are being affected by unprecedented and catastrophic outbreaks of insect and disease. Whether it is the southern pine beetle in the Southeast, the sudden oak death in California, or the red oak borer in Arkansas, this Nation's public and private forests are under attack.

In Idaho, the Douglas-fir bark beetle is another predator of our forests. This beetle seldom attacks trees that are less than 12 inches in diameter. These bugs like large trees, optimally 24 inches in diameter and larger.

In this case, to prevent or mitigate an infestation, in many circumstances it is absolutely necessary to remove some of the larger trees in order to treat the insect outbreak. The larger trees have been devastated.

The southern United States and the Rocky Mountain West are currently experiencing outbreaks of bark beetles, including the southern pine beetle and the spruce beetle at levels unprecedented in historical times. As Senator MURKOWSKI demonstrated earlier, over 90 percent of the spruce trees have been killed in Alaska's Kenai Peninsula. In the Southwest, the pinion pines have suffered severe mortality. The Lake Arrowhead region is a horrifying example of where forest managers were unable to address the overdense stand conditions in a timely manner.

Right now, on the San Bernardino National Forest, over 230,000 acres, half of the forest land, have more than 40-percent tree mortality because of an outbreak of western pine beetle. This is a case in point where forest managers were unable to actively treat the area and it resulted in a massive insect infestation and right now is at a very high risk of catastrophic wildfires, as well.

In my home State of Arkansas, the red oak borer is attacking older, living oak trees at unprecedented magnitudes. Again, older growth is relative to the forest that you are talking about. This outbreak is rampant throughout the oak forests of Arkansas, Missouri, and Oklahoma affecting roughly one-third of the interior highlands.

The red oak borer complex is the greatest threat to the oak component in the interior highlands in recent history. This is from a native insect never before considered anything other than a minor pest or concern to the forests. These are insects that have been there forever. This is not something new that has just been introduced to our forests.

It is essential that we allow the Forest Service the flexibility it needs to attack this overwhelming problem wherever it happens throughout our forests.

This legislation is about forest health. We have done everything in working to bring about compromises in good conscience that are going to protect the health of our forests. It is about restoring forests to more resilient ecosystems, making these systems less susceptible to disturbances such as wildfire, insects, disease, and invasive species.

In my mind, reducing the flexibility to address these forest health issues will eventually destroy the very trees we have been trying so hard to protect. If we do not enable our forest managers to proactively address insect and disease outbreaks wherever they happen and before they become extensive, you can be sure insects such as the Douglas-fir bark beetle will be certain that there are no old-growth forests to protect.

I urge my colleagues to oppose this amendment and to remember one of the most critical parts when we are talking about old growth; that is, this is the first statutory protection for old growth that we have ever seen. There are protections throughout this bill for old growth, many focusing on smaller trees, but without a doubt, making sure the protections for old growth are there and recognizing this is the first time we have had statutory protection for old growth.

I encourage my colleagues to take a good look at this and to defeat this amendment and rest assured that we have done everything we can in this compromise to make sure we will protect that old growth, particularly with the statutory language we have but ensure the flexibility that we can also protect and save our forests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I rise for a few moments to second the remarks of the Senator from Arkansas and say this amendment, although certainly well intended, is a threat to forests, including old-growth forests in Missouri, Arkansas, and Oklahoma.

We have 300,000 acres of forests in those States that right now, as we speak, are infested with pests such as the red oak borer. The Senate needs to understand what happens when these pests descend upon the forests. The red oak borer will bore into a tree, create a huge gash, a deep hole in the tree. If you have ever seen it, it makes you feel for this tree. It lays its eggs in the tree so it interrupts the tree's ability to pass nutrients up and down the trunk, eventually killing the tree and laying other eggs that burrow deep into the tree or fly out and infest other trees.

The pest is getting stronger because we have not been able to manage it. They used to spawn every 2 years and now they spawn every year. We are in danger of losing whole forests, including old-growth forests.

As the Senator from Arkansas said, it is the older trees that are the most liable and the most vulnerable to this infestation. I don't want that to happen. There is no reason for it to happen. All we have to do is empower our Forest Service to manage the forests to take care of these trees, the old growth as well as the new growth, and prevent the spread of these pests.

I have talked to experts in Missouri. They are sad at what is happening. You cannot observe it without being depressed at what is happening. The trees die. When they die, the deadwood litters the floor of the forests. That is additional fuel which increases the risk of fire not only to the national forests but to the private landholders nearby. That increases the risk of property loss, of loss of life.

We do not want to have happen in Missouri what is happening in other parts of the country. We want to stop those fires that are occurring in California, as well.

This is a very important provision that a number of Senators have worked on for a long time. It is a carefully tailored compromise. It is a good compromise and one we ought to pass.

I respect the purpose of the amendment, but I encourage the Senate to vote against the amendment, and vote to table it if that motion is offered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I do not want to prolong this debate. I know the managers have been here all day long and they want to move to a vote on this amendment.

Let me simply respond to my colleagues from the South and tell them that I understand insect infestation is a key concern in national and private forests.

I know my colleagues from the South face significant insect and disease issues. We certainly face them in the Pacific Northwest. However, I strongly believe we do not need to abandon the old-growth protections in this bill. The bill already allows old-growth stands to be treated for hazardous conditions. They simply must be treated in a manner to protect the old-growth characteristics.

Again, I know in most of the Nation 3 percent of the land is old growth. In the Pacific, it is 18 percent. It is a tremendous part of our heritage. It is something of which I think all of us should be very proud.

We need to be careful we do not take steps this evening with this bill that undo the heritage most of us are very proud of in this country.

With that, Mr. President, I yield the floor. I know my colleague from Idaho wants to move forward with a vote on this matter.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, before I make a motion to table, I thank my colleague, BLANCHE LAMBERT LINCOLN, for her efforts in protecting our forests in this bill against insect infestation. She has been working very hard and very closely with us in building this compromise.

This legislation does a tremendous job of making sure we can address insect infestations throughout our forests. It is a well-crafted compromise. And the legislation will be a significant benefit to our national forests.

With that, Mr. President, I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2030.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 425 Leg.]

YEAS—62

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hatch
Hutchison
Inhofe
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—32

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Harkin
Inouye
Jeffords
Kennedy
Lautenberg
Leahy
Levin
Mikulski
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NOT VOTING—6

Edwards
Hagel
Hollings
Kerry
Lieberman
Nelson (NE)

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as far as we know on this side, there are two more amendments to be offered. If there are more, Senators should come forward and tell us. The amendments remaining are an amendment by the Senator from Washington, Ms. CANTWELL, and the Senator from Iowa, Mr. HARKIN, has an amendment. As far as we know, those are the only two amendments.

When these amendments are disposed of, we will go to final passage, as far as I know.

Mr. COCHRAN. Mr. President, if the Senator will yield, we have a few other amendments being discussed. We think we will be able to clear them. Discussions are underway. Other than those two amendments, I don't think any other amendment will require a vote.

The PRESIDING OFFICER. Who seeks time?

The Senator from Washington.

AMENDMENT NO. 2038, AS MODIFIED

Ms. CANTWELL. Mr. President, I call up amendment No. 2038, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Ms. CANTWELL) proposes an amendment numbered 2038, as modified.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Comptroller General to study the costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements)

In section 104, strike subsection (b).

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senator JEFFORDS be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I thank the Chair.

Mr. President, I know the hour is already late for some Members. I believe we have had much time to discuss this legislation, but I do believe there are a couple of important amendments that are still yet to come that raise issue that are important for Members to understand. I am concerned that the underlying bill amends the National Environmental Policy Act, a benchmark statute that has been on the books since 1969. Because this is an important act, I believe I must stand up and offer this amendment.

I take great pride in the fact that I sit at the desk of Senator Henry M. Jackson who served as chairman of the Senate Interior Committee for many years. He was the prime sponsor and mover behind the National Environmental Policy Act, a landmark piece of national legislation that sets the tone for how our environment should be treated as we review the work of Federal agencies' actions.

I know my colleagues from California, Oregon, and Idaho are trying to move forward on hazardous fuel reduction projects. I am asking them to consider the impact of the major changes that bill proposes to make to the National Environmental Policy Act process with respect to hazardous fuels reduction projects. In addition, the bill before us leaves the door open for further changes in the National Environmental Policy Act in other areas besides hazardous fuel reduction, and that concerns me.

First of all, I really do believe that at the heart of this problem associated with hazardous fuels reduction is funding. It was the case in 2000 when we had a lot of fires throughout the West, and the Western Governors Association came together and said: Let's fund a hazardous fuel reduction account. The problem with the current practice is that Congress provides money for hazardous fuels reduction projects, but the funds are taken out of these accounts and used to fight fires, and the projects are not funded. In addition, we are not providing enough funding for hazardous fuels reduction projects.

I estimate that we need approximately $1 billion a year to do adequate hazardous fuel reduction in wildland-urban interface areas. Unfortunately, the President's budget request for this fiscal year included approximately $300 million for this purpose.

I think all of my colleagues can agree that we have to come together to authorize and appropriate adequate resources to prevent fires ahead of time. We should not short-fund hazardous fuels reduction and take those limited resources to fight fires when they happen.

I applaud my colleagues for their leadership on this issue, particularly the Senator from Oregon, and for putting this legislation forward.

My colleagues on both sides of the aisle are also trying to bring up the fact that they think it is important that hazardous fuel reduction projects proceed smoothly. That is why I would like to point out to my colleagues that the Forest Service does provide categorical exclusions for hazardous fuels projects. According to the U.S. General Accounting Office, sixty percent of projects in 2001–2002 received categorical exclusions. These projects did not require the agency to prepare an environmental impact statement (EIS) or an environmental assessment.

A second group, about 34 percent, has been approved via environmental assessments, which are much shorter than an EIS.

Only 6 percent of the projects have had to go through the full EIS process.

These figures are outlined in an October 2003 GAO report that clearly shows that the National Environmental Policy Act has not held up progress on hazardous fuel reduction. What has held up progress is the failure to provide adequate funding in this area.

So I ask my colleagues why should we change the National Environmental Policy Act, a landmark piece of Federal legislation that has protected the environment since 1969?

Some of my colleagues have suggested that the law's requirement that the Forest Service consider alternatives has delayed hazardous fuels reduction projects. However, numerous court cases have held that in some circumstances two or three action alternatives are adequate to comply with NEPA. Specifically, the Ninth Circuit held that in the cases of Friends of Southeast's Future v. U.S. Forest Service and the Muckleshoot Indian Tribe v. U.S. Forest Service, that two or three alternatives, in addition to the preferred alternative and the no-action alternative, will satisfy NEPA.

The case law does not say that 30 different alternatives must be considered, or 10 different alternatives, or 7 different alternatives, or 6 different alternatives, or even five different alternatives. It is saying that in certain cases, two or three can be adequate.

I think my colleagues are well intentioned. However, I have real concerns about the proposed change to the National Environmental Policy Act, that has been on the books since 1969. The bill before us would limit the number of alternatives to: one, the proposal for hazardous fuel reduction; two, the alternative of doing nothing or; a third alternative, which is the only real alternative. In the case of a proposed fuel reduction project in the Northwest, someone could propose taking no action because we do not have to do that hazardous fuel reduction, and then someone else says, maybe here is an alternative.

Well, my concern is that we are throwing the baby out with the bathwater. If only 6 percent of these cases really have not had the categorical exemption of not having to go through an EIS and only three percent are ending up in court, then the National Environmental Policy Act is not the cause of the holdup.

Washington State has been the subject of many forest fires and many tragedies, most recently the tragic Thirty-mile fire in 2001. Much of eastern Washington is under condition class 2 and condition class 3, and, therefore, could be subject to this bill. My concern is that if a city wants to propose an alternative, it might be precluded from offering an alternative that would address concerns over the impact of the hazardous fuels reduction project on water quality.

So I would say to my colleagues, let us fund the hazardous fuels reduction account. Let us move forward to promote healthier forests. If we truly see that the National Environmental Policy Act delays project, even though only 3 percent of hazardous fuels projects have ever reached court, then let us come back and change the law.

I am truly concerned with the proposed change to the National Environmental Policy Act. What will stop other legislative proposals from coming to the Senate floor to change the National Environmental Policy Act in other areas? Are Members who are going to support this underlying language ready to stop at hazardous fuel reduction, or do they want to change NEPA all across the board?

For example, say one's community has to consider a proposal to build a new gas pipeline. Pipeline safety has been an issue of great controversy in the State of Washington, which had a pipeline explosion several years ago that killed several people. What if only one alternative was considered for the route of a gas pipeline going through one's State? I want to make sure the current law says reasonable alternatives are considered so that no community, no citizen, no organization with standing is left out in the cold.

That is what Henry M. Jackson was thinking about when he wrote the National Environmental Protection Act. He thought about making sure the public had a chance to participate in the process. He wanted to make sure they had the ability to have the issues that they wanted to be addressed and considered.

The Forest Roads Working Group, an organization that has operated with the blessing of the Bush Administration, along with other organizations, has raised similar concerns. These organizations have expressed their support for the public to have a say and to retain the ability to participate in the decision-making process.

I know my colleagues want to move forward on a plan that will make all communities more secure, that will make our forests more healthy. I applaud them for that, but I also hope Members will stop and think about the statistics that GAO has outlined. This dispute is not fundamentally about the EIS process and the number of alternatives. The Forest Service has the ability to proceed via categorical exemptions. It can develop an EIS when it needs to analyze complex proposals. If we start changing NEPA with respect to hazardous fuels projects, where are we going to stop?

I urge my colleagues not to change legislation that has been one of the landmark pieces of environmental law that this body saw fit to pass in 1969, but rather to keep that legislation intact and fund hazardous fuel reductions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senator from Washington has made a number of extremely important points, points with which I certainly agree. Having served as chair of the forestry subcommittee and now ranking minority member, I can tell my colleagues the Senator from Washington is absolutely right with respect to her concern about adequate funding. For example, the bill from the other body provided no funding for the thinning projects. This legislation increases funding 80 percent. So her point with respect to making sure there is funding is dead on correct, and I think not only that point but other points she has made are correct.

In spite of that, I do have to oppose the amendment tonight, and I want to take a couple of moments to say why.

First, let me stress how important public participation was to me and to the other Senators who are involved in putting together this bipartisan compromise. If there is one thing, just one, that I want to stand for in my career in public service, it is the right of citizens to participate. That is why I have open community meetings in all my counties. It is why I have sidewalk office hours. It is why, as so many Senators, I try to make myself available as widely and extensively as I can.

So I come tonight to say with respect to this key issue, this key question of public participation, not one current opportunity for public involvement would be lost under this compromise. I say that again. Not one current opportunity for public comment would be lost under this proposal.

There are three alternatives that people would be part of examining and, in fact, the public would have a right to come forward and offer their own. It seems to me that that gives us a chance to keep the greatness of the National Environmental Policy Act, a statute more than 30 years old, while at the same time allowing us to deal with some of the concerns such as the unnecessary redtape and paperwork.

This proposal in the legislation we are considering cuts the alternatives from five, to nine, essentially to three. I am of the view that, while it is appropriate to have a host of these alternatives under the National Environmental Policy Act, when, say, the Federal Government is building a road, which is a broad purpose concern, I think when you are talking about this area and projects that are narrowly drawn, limited in where they can occur and how, it is appropriate to try to boil down the NEPA alternatives to the three that we have offered in this legislation.

Mr. President, the Senator from Washington makes the argument that, in effect, the Senate will be starting down a slippery slope. I would just say to the Senator from Washington, I am convinced that because there are good people in the Senate, such as the Senator from Washington, that will not be the case. If someone comes forward and tries, for example, to unravel the National Environmental Policy Act, or even apply what we are doing in this area to every area, there will be opposition from a whole host of Senators, including this one. Nobody is talking about doing this in a host of other areas. We are talking about saying in this one area where we have been told by, for example, the Governors, it is not just a question of spending more money, it is a question of how you spend the money, I think this compromise strikes a reasonable balance.

I urge my colleagues to support this compromise. The compromise is dramatically different than the approach the other body takes with respect to the National Environmental Policy Act. The other body basically kicks the public out by predetermining the National Environmental Policy Act alternatives. What is offered in the compromise preserves all opportunities for public input and appeal, while making sure that we deal with the paperwork and some of the unnecessary redtape.

I urge my colleagues to support what is in the compromise because not one current opportunity for public comment would be lost, and all of us want to make sure that on an issue that citizens care so strongly about their right to be heard is preserved. This compromise does that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I join with my colleague from Oregon in opposing this amendment. Let me make a couple of quick points.

First of all, if the Senator from Washington is concerned about the issue of funding, we increase by 80 percent the funding provided for fuel load induction.

With regard to process, the process in this bipartisan amendment will require the agencies work together in collaboration with the public to develop proposed projects.

It will allow the communities to develop community protection fire plans to help land management agencies better understand their individual needs.

It requires the agency to publish a notice of each proposed hazardous fuel reduction project authorized under the act.

It requires the agency to hold public meetings to describe the project and take the public comments on the project.

It requires a NEPA analysis of two action alternatives and one no-action alternative.

It requires the agency to facilitate a predecisional protest process once the project analysis has been completed, and then the publication of a final decision notice.

Finally, it allows the public to pursue a case in the courts if, after all of that, they still do not support the outcome of the decisionmaking process.

Because of this, I believe it is very important that we do not continue to increase the cost and the bureaucracy surrounding the management of these decisions. Therefore, I oppose the proposed amendment.

Mr. President, I move to table this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion to table. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. ROCKEFELLER) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 426 Leg.]

YEAS—57

Alexander
Allard
Allen
Baucus
Bennett
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Daschle
Dayton
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Wyden

NAYS—34

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Conrad
Corzine
DeWine
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Gregg
Harkin
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Reid
Sarbanes
Schumer
Specter
Stabenow

NOT VOTING—9

Bond
Clinton
Edwards
Hollings
Kerry
Lieberman
Nelson (NE)
Rockefeller
Warner

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Senator HARKIN has the last amendment, we are told, and then we can go to third reading. Everyone should understand the regular order following final passage of this. We go to the Foreign Operations appropriations bill.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2045

(Purpose: To provide authority for title I)

Mr. HARKIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa, [Mr. HARKIN], for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN, proposes an amendment numbered 2045:

At the end of title I, add the following:

SEC. 109. AUTHORIZATION.

The authority provided by this title applies during the 5-year period beginning on the date of enactment of this Act.

Mr. HARKIN. Mr. President, I permitted the reading of the amendment to show how simple it is, one sentence. Basically, this amendment provides for a 5-year authorization to title I of the bill. Currently, this bill is drafted as permanent law, which means these provisions continue in perpetuity. I don't believe that should be the case.

This amendment is very reasonable and should not be controversial. It is consistent with past policy on authorizations. For example, the Wyden-Feinstein bill and others introduced in the past several months have always wisely provided for a 5-year timeline. Why this bill does not have a 5-year timeline eludes me.

Most of our major authorizing bills include a specified term of years; for example, the 2002 farm bill, the Agriculture Committee child nutrition bill, which expires every 5 years, the Transportation bill, and on and on with many others. This is particularly true of legislation that attempts to legislate a different approach than what is historical practice or that is controversial in some way. Again, those both apply here.

We are legislating a different approach than what has been historical practice. It is, obviously, somewhat controversial. In doing so, this 5-year timeframe provides a structured mechanism for Congress to review the effectiveness of this new approach. I believe it is the prudent thing to do.

The bill we are debating today would significantly change how we manage millions of acres of public land. It alters the National Environmental Public Act, NEPA, as we have discussed. As we all know, the bill changes the judicial review process in addressing hazardous fuel cases. It changes the Forest Service appeals process as well. It provides well-intended protections for old growth. But these may be lacking in some key respects. And the bill involves actions that will affect public safety and protecting communities throughout the country from wildfire risk.

These are significant changes. It makes perfect sense that Congress will want to review the impact and effectiveness of the legislation after an initial period of 5 years. Indeed, I believe it is our responsibility to do so.

Currently, the legislation's authorities can be used on 20 million acres. That is a cap, and I assume some may argue that is an effective limitation on the bill. Yet this could take much longer than 5 years at the current rate of hazardous fuels reduction.

In fiscal year 2002, the Forest Service reduced fuels on 2.2 million acres of land. If we just keep that process up, you can see that the 20 million acres would not be reached for, well, a minimum of 10 years.

Now, some would argue that simply because we have a cap, that is why we should not include a 5-year authorization. Yet if all is going well, and the agencies have not yet treated the full 20 million acres, certainly the Congress can extend the authorization beyond its initial 5-year period.

We do that all the time. We come here all the time to extend authorizing bills. But it does give the relevant committees a chance to take a look at it and to see whether tweaking needs to be done or whether it needs to be reauthorized for that period of time. It sort of forces us to do our responsibility; that is, to review legislation periodically. Moreover, we can make improvements when the time comes.

Now, again, some will argue that this acreage cap is an effective authorization or a sunset, but it is not. It is simply a cap on acreage, nothing more. So I think adding the 5-year authorization to this bill is a fairly conservative, reasonable, appropriate step to take in line with much of what we do around here in terms of the length of time of legislation.

I know many of us, even those who will ultimately vote for the bill's passage, would be comforted to know in several years' time there will be an opportunity to review its impact, discuss it, and perhaps make improvements.

So, again, I urge my colleagues to support this amendment and kind of keep it in line with most other types of legislation of this nature that we pass around here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, there is no question that what the Senator from Iowa has talked about, the limitations that are built within the legislative process, are there.

He is the reigning member of a full committee that has a forestry subcommittee. I am chairman of another forestry subcommittee. We are going to monitor very closely this bill, if it becomes law. Probably we are 6 to 8 months away from regulation writing alone that will hit the ground and become active. So already we will probably have an operative life of only 4 years, if the amendment of the Senator from Iowa were to become law.

Our job is oversight. The Senator's job is oversight. Because this is a controversial issue, it is incumbent upon us to make sure we monitor it closely. Many of our forest experts across the country who look at the magnitude of the problem of forest health today are going to suggest that even if we can reach our cap limits within 5 years, the public and the resource will cry out that we continue for years to come in a thinning and cleaning process.

So I would hope our colleagues would join in sustaining the bipartisan compromise that is reflected in the legislation that is before us this evening.

Before I close, and because this appears to be the last amendment, I want to make one more comment in the way of an article that was written in the San Jose Mercury News by Paul Rogers and Josh Susong. It appeared, apparently, today. Let me read, very briefly, the first page of this article. I will ask that the entire article be put in the RECORD.

The dateline is: Lake Arrowhead, CA:

> The oil industry had the Exxon Valdez. Nuclear power had Three Mile Island.
>
> Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.
>
> The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.
>
> If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin the nation's overgrown forests. . . .

Well, we are already responding. This article is actually behind, and we are responding with the kind of bipartisan compromise that is before us tonight. But the article goes on to say:

> Flames destroyed more than 300 homes near Lake Arrowhead Wednesday—

That is yesterday—

> with no end in sight.
>
> Forests there would have burned naturally every 20 years, said [a Forest Service expert]. . . . Areas that historically had 50 trees per acre now have 500 [trees per acre].

Well, the article goes on and on, but here is something that it talked about. And, of course, we have not seen the evening news tonight because fires are still burning in the Lake Arrowhead, San Bernardino forest areas.

It says:

> Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.
>
> "This may be a landmark event. This fire could take out 20,000 homes in the next day or two," said . . . a professor of earth sciences at the University of California-Riverside.

And the article goes on and on.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From San Jose Mercury News, Oct. 30, 2003]

LAKE ARROWHEAD: FEARS OF A LANDMARK DISASTER

(By Paul Rogers and Josh Susong)

LAKE ARROWHEAD.—The oil industry had the Exxon Valdez. Nuclear power had three Mile Island.

Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.

The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.

If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin out the nation's overgrown forests, a loss of public confidence in environmental groups that have resisted such logging, and billions more taxpayer dollars spent on fire protection.

Flames destroyed more than 300 homes near Lake Arrowhead Wednesday, with no end in sight.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

"Who's to blame? It depends on which decade you are talking about," said Bonnicksen.

By the 1970s and 1980s, warnings from fire experts went unheeded by homeowners' associations around Lake Arrowhead. They protected their trees to preserve property values.

"You couldn't even cut the limb off a damn tree without getting a permit," said Minnich. "These people have wanted to save every leaf."

The last sawmill in the area closed in the mid-1980s. More recently, environmentalists have pushed hard to limit logging of large trees there.

"The handwriting was on the wall several decades ago," said Bonnicksen. "Anyone in forestry could forecast that the inevitable outcome would be the forest would burn down or the insects would kill it and then it would burn down."

The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

"People didn't move there to be next to a logging operation," said . . .

Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.

"This may be a landmark event. This fire could take out 20,000 homes in the next day or two," said Richard Minnich, a professor of earth sciences at the University of California-Riverside.

WARNINGS OF DANGER

The loss of Lake Arrowhead would be stunning but not entirely surprising. For the past three years, fire experts have described the resort community 100 miles northeast of Los Angeles as a catastrophe waiting to happen.

Four years of drought have hammered the region. The area's weakened ponderosa pine and fir trees became infested with bark beetles, and by this summer millions of trees were dead across 350,000 acres.

Limbs fell on cars and homes. Local residents, facing county citations, paid up to

$1,000 per tree to contractors in a frantic attempt to remove the tinder-like fuels. They barely made a dent.

The reason: The forests are unnaturally thick. Fire crews began putting out fires in the area in the early 1900s, when James Gamble of Proctor & Gamble built a dam to create the lake, and vacation cabins from a growing Los Angeles began to spring up in the 1920s and 1930s.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

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The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

"People didn't move there to be next to a logging operation," said spokesman Matt Mathes.

Mathes said when the trees began to die off from bark beetle infestation, the San Bernardino National Forest increased its budget for fire-thinning from $2 million in 2002 to $12 million this year.

Charles Griego, who's been trimming trees in the area for years, left his home near Lake Arrowhead on Wednesday with his wife and three sons and a pile of family pictures.

He shook his head when he talked about the downed trees and the agencies—federal, state, anybody. "They've known they had a problem for years," he said, "and they didn't do anything."

ANGRY E-MAILS

As the fires burned, angry e-mails began pouring in Wednesday to the offices of environmental groups blaming them for the disaster.

Monica Bond, a wildlife biologist with the Center for Biological Diversity in Idyllwild, said that although her group has appealed and sued to block a government forest-thinning operation in the Sierra Nevada, it had not done so in the San Bernardino Mountains. The trees need to be logged and removed, but large trees should be left for wildlife habitat, she said.

"Some people are shamelessly exploiting this tragedy as an excuse to log big trees in remote areas," she said. "There is no need to do that." Bonnicksen, who has worked with the timber industry, said he supports President Bush's "Healthy Forests Initiative," to thin overgrown national forests and cover the costs by allowing timber companies to take some large, old-growth trees.

"If Lake Arrowhead burns down, there will be a massive reaction," he said. "It will be finger-pointing like you can't believe. I'm more interested in having us understand why it got this way, and preventing it from ever happening again."

On the Senate floor Wednesday, Sen. Dianne Feinstein, D-Calf., held up pictures of California forests. She succeeded in convincing the Senate to pass an amendment to Bush's logging plan that would require 50 percent of thinning to be done near homes, and to provide $760 million to offset the costs.

"Look at these homes. Look at the dead and dying trees," she said of Lake Arrowhead. "Does anyone believe they have a chance of surviving if this forest is not cleaned?"

Mr. CRAIG. Mr. President, what we are about to conclude tonight is a 3- to 4-year effort on the part of many folks of good will on both sides of the aisle to bring some modicum of change. This is not a giant leap forward. This is a cautious, careful step to assure that we can begin to address our forests that are overgrown, that are diseased, that are now caught up in the scenario of wildfire, as we see it playing itself out in southern California today.

Without a doubt this is a national emergency and a national crisis. We are being asked to spend upwards of $1.2 billion a year of taxpayers' money simply to put the fires out, let alone the cleanup and the restoration and the saving of watersheds and wildlife habitat.

So I would hope we could continue this process and monitor it closely. My last hope is that the work tonight can go to the President's desk, can become law, and we can say we, once again, have become reasonable and responsible stewards of our forested lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President. The hour is late. I am going to be very brief.

I am opposed to this amendment. This is not an unlimited bill. It has a 20-million-acre cap. Suffice it to say, we are going to have a lot of oversight in both the Agriculture Committee and the Energy and Natural Resources Committee.

But I also thank the Senator from Iowa with respect to how he has handled this legislation. He has been exceptionally kind and helpful to me. He has had differences of opinion with me on this issue. I thank him for all of his cooperation.

Suffice it to say, Mr. President and colleagues, the West has been watching the last few days, and in a particularly contentious area, the Senate has been able to find an awful lot of common ground. Even on some of the amendments that we have had—the question of the urban interface funding initiative, whether it should be 50 percent or 70 percent—these are areas where reasonable people can differ. It is awfully easy to polarize on this issue, to drive people into rival camps, and to a great extent the Senate has avoided this.

So what is important tonight as we deal with this last substantive amendment—and then we have a couple of procedural matters, colloquies, and that sort of thing to finish—is that we recognize how important it is to get this bipartisan compromise to the President's desk.

The bill that the Senate will pass tonight is the one that I believe ought to become law, and it is absolutely critical that it be the one to get to the President so it can become law.

So I hope Senators will continue to work together on a bipartisan basis and make sure the Senate compromise does not unravel.

In addition to the Senator from Iowa, who has been so helpful throughout this process so we could expedite it, Senator COCHRAN from Mississippi, since the days that we spent those long hours in his office, Senator CRAIG, Senator DOMENICI, Senator CRAPO, and others, a lot of people thought we would never get to this night.

One person who did was the senior Senator from California who I have been so honored to have had on my subcommittee over the years. We wouldn't be on the floor tonight without the senior Senator from California who consistently, when we bumped up against an issue where we couldn't bring people together, it was the Senator from California who broke the gridlock. I want the Senate to know how much this body should appreciate the contribution of Senator FEINSTEIN. This Senator does in particular.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are wrapping up this bill. I think everyone knows that it essentially came from the Agriculture Committee of the Senate. Many of us thought it was going to the Energy and Natural Resources Committee, but it was ruled that it belonged more in the jurisdiction of Agriculture. I feel very good about the results. I am very pleased with Chairman THAD COCHRAN's efforts and those of the Agriculture Committee, in a bipartisan manner, producing this bill and then further negotiations to even make it better.

I am not so sure had it been sent to the Energy and Natural Resources Committee, where in years past we would have thought it should go, that we would have produced as good a bill. With the amendments that have come forth because of efforts after the bill came out of committee, it is truly remarkable that we were able to achieve this. It is almost as if the problem couldn't possibly have existed so long because of the way it has worked out. It is like an overwhelming number of Senators have come to the realization that it is time to fix a broken set of management tools for the forests of our country.

I think we have fixed them. I can tie this into the pending amendment by saying, it certainly isn't anything you are going to fix in 5 years. So for those who might have in mind that we have this bill for 5 years and then we start over, we are probably going to need 15 or 20 years of effort under this bill, with plenty of resources, to get the forests of America back where they should be. Where they ought to be is they ought to be beautiful forests, but they ought not be so susceptible to burning down. We all know that.

It is just incredible that it has taken so long to get where we are. I know what Senator CRAIG read into the RECORD a while ago from the newspaper in California because I read it a while ago. Whoever wrote it is right on. This horror that we lived through was no accident. It is the result of not doing what we ought to do because certain groups in this country didn't want it to be done—plain and simple.

They know who they are and the people know who they are. It happens that every time we turn around and talk about them, there is an excuse now that they really didn't do it; They weren't really against this; They were for fixing the forests all along; They have been for modifying our laws for decades; right?

Well, that just isn't true. We have finally come around, but it surely has taken a long time.

Anybody looking at this Nation on this one would have a real complaint about the slowness of the democratic process. Because it wasn't all of a sudden that this problem came upon us; it has been around. It has been up and down, through the hills, burning the mountains. It leaves millions of acres dry, pieces of wood standing in the air that have been infested. And then still there are people going to court, groups saying, don't cut them down.

These fires cut them down. These fires make them disintegrate. They don't even burn down; they just go poof and there goes a tree. That is about how it goes.

I have seen it. I had one that was bad. Three hundred fifty homes burned down. Probably with the number of homes and the damage, it was the second largest one. But it paled in comparison to this one.

Frankly, before these forests that are dead and should have already been cut down, before it finishes in California, there will be no room for excuses. There is going to be a whole bunch of people who will want it all solved next week, in particular those who have been in the way of fixing it. They are going to be saying: Why isn't it fixed?

We are going to have to pour in three times as much money, in my estimation, as we have been putting in. I don't know if we can find the manpower to put in the Bureau of Land Management and the forests to do the kind of work we have to do. I am not sure we can. It is such a huge job to clean up these forests that I am not sure, if you put down a timeline and said, here is where we ought to be, we would get there. We are going to have to contract it out. We will have to have all kinds of approaches to get in there and just take out all that stuff that is all over the bottom of the forests, under the trees, just waiting to burn. That is no easy job.

For those who are so worried that we were going to log the forests to death, they have watched them burn to death. We were not going to log them to death so we watched them burn to death. That is what happened.

It is high time we fix it. I don't know if I will be a conferee. Maybe they will all be off the Agriculture Committee. If I am, I can pledge that I am in a hurry. I have a lot to do, but I am in a hurry.

Everybody who goes to this conference ought to be in a hurry, not only in a hurry to get a bill but in a hurry to get a bill that can clear the Senate and get the President to sign in the shortest period of time. That is what we ought to be worried about next. It isn't so good to get this done and be at it 6 months and then find that the President doesn't like what we have done because we have changed things so much.

I thank not only Chairman COCHRAN but I thank the staff of the Agriculture Committee. They have been tremendous. We have had the luxury of working with them from our staff. But I can tell you, had it been assigned, we couldn't have done it any better with the full staff. And they have done it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wanted to say a few words. Actually, Senator CRAIG was one of the earliest people with whom we began to work on these issues, from the California perspective, many years ago on the Quincy Library Group. That began to develop kind of an across-the-aisle bond.

Then when Senator WYDEN became ranking member of the Subcommittee on Public Lands and Forests in the Senate Energy Committee, he really took a great interest in this subject as well. So it has been a terrific pleasure for me to work with him as well. He has carried this out in an absolutely superlative way.

I also want to thank Senator DASCHLE, Senator LINCOLN and Senator PRYOR, who have been a crucial part of this legislation, Senator MCCAIN, Senator COCHRAN, Senators CRAPO and DOMENICI. I am looking for people in the Chamber who have been part of this effort.

I hope the American people are proud of us tonight. I believe we have worked as the American people want us to work—not out of mean-spirited partisanship but rather, sitting together and working across the aisle to work out compromises. That is what this bill is. We had to cement certain compromises in order to see that the bill covered the United States fairly and also met the concerns of both sides of the aisle.

This bill is funded. It is about double the amount of money that we have had in the past to treat those lands that are at high risk of catastrophic fire. The House bill is not funded. Additionally, this bill leaves intact a collaborative citizen participation process in an administrative review procedure. It leaves intact the ability for judicial review, but it truncates it in a way that allows us to move more aggressively on the 20 million acres that are encompassed in this bill.

It is interesting to me to hear people say: Oh, they are just going to log all the forests. In fact, that has never been the case. There has always been a set number. In this bill, it is 20 million acres. We have 54 million acres across the United States that is at the highest risk of catastrophic fire. In my State alone, we have 8.5 million acres. It is going to take a new mindset for people if we are going to be able to do what we need to do.

Since Senator CRAIG mentioned the Old Fire, which is currently burning in California, I just wanted to give you all a brief update. Currently, I have my State director at the command center in San Bernardino. I just want to report that with respect to the Old Fire, which is the huge fire they thought would consume all of Lake Arrowhead and a number of other threatened mountain towns where there are 50,000 to 60,000 residential homes, they have had a good day today. It began to rain this morning, the fog is in, and the air remains moist. They couldn't see the smoke for the fog, and for the first time on the fire lines, there is a sense of optimism that these heroic crews are going to be able to get a hold on this fire. Most importantly, they were able to bulldoze a line ahead of that fire. Over five hundred homes have been lost in that particular fire so far. Hopefully, there will not be many more lost, and, hopefully, within a matter of a few days that huge fire can be put under control.

As we know, the town of Julian, which is a gold mining town in the San Diego area, has eight firefighters. All eight firefighters fighting these fires have lost their homes. One distinguished firefighter, Steven Rucker, who came down on mutual aid from the city of Novato in northern California lost his life. I think we all salute him.

There is an enormous lesson in these devastating fires currently burning in my home State, and it is that the land has to be managed. The forests have to be managed. We have to do the right thing for our constituents. We are pushed and we are pulled by conflicting interests. I believe the Senate version of this bill is a good bill. It is a good bill from the interests of the public, and that is what has to count in this matter.

I thank the Chairman of the Agriculture Committee, Senator COCHRAN, who has been instrumental in leading this effort; Senator DOMENICI, my friend and colleague, and Senator HARKIN, the ranking member on the Agriculture Committee. I hope my colleagues will join me in supporting this bill.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to close out my amendment. There were a lot of speeches, but not too many on my amendment.

I would like to bring it back a little bit, anyway. I again point out that the pending amendment is one that basically says we are going to authorize it, but we are going to authorize it for a period of time.

I say to my good friend from Oregon—and he is my good friend—I know he and others worked so hard on this bill and got a good compromise. I understand that, but I don't think that putting a time on this bill violates any compromise. As I pointed out, earlier bills have had a 5-year time limit.

I know my friend from Idaho talked about monitoring, the fact we monitor bills. Of course, we monitor bills. There is that old saying: Nothing focuses one's attention like the hangman's noose. When you find that something is expiring, that is when a committee starts to act, review, and get into it, perform its responsibilities.

It is in that nature I have offered this amendment. I don't think it does anything to hurt the bill or change it. It doesn't change one thing in the bill. All it says is at some point down the track, 5 years—I picked 5 years because that was in earlier bills—the appropriate committee—in this case the Agriculture Committee—will reauthorize it.

Sometimes a reauthorization goes through by unanimous consent. That may be the case with this bill. I don't know. Maybe if this bill works as everyone says it will, it might go by unanimous consent or maybe we will want to change something. At least it will force the committee to do something at that time, and that is in the nature of why I offered this amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I will be very brief. I know Members are here waiting for a vote. I also have to rise in opposition to the amendment. When we first began crafting the legislation in the Agriculture Committee, of which I chaired the Forestry Subcommittee, our first thought was to have no limit on time and no limit on acreage because, frankly, this is a good bill and it provides good management techniques we ought to utilize until we can devise better ones for our forests.

However, in the compromise through the negotiation process, as we were working to make this a strong bipartisan bill and bring it together, we agreed to a 20 million acre cap. I believe that 20 million acre limit is very modest compared to the risk we face. We need to put a perspective on this. The fact is the estimates are that there are 100 million acres at risk in America today, and this bill has a 20 million acre limit.

If anything, we need to be talking about how to consider whether we need to expand the application of this bill rather than to retract it or put more limits on it because we have worked in a bipartisan fashion to put together a good compromise that is going to be good for our forests and good for the people who live near the forests.

I conclude by also thanking those who worked with us to make this truly a bipartisan effort: The chairmen of the two committees, the Agriculture Committee, Senator COCHRAN, and the Energy Committee, Senator DOMENICI; my colleague from Idaho, who is the chairman of the Forestry Subcommittee on the Energy Committee, and Senator LINCOLN, who is the ranking member on my subcommittee who worked so closely with me to draft the first piece that became the underlying language from which we then built this compromise. She has worked very hard and very effectively to make this all happen; Senator FEINSTEIN and Senator WYDEN, who came in and worked with us, with a true and sincere interest to make this a true and strong bipartisan effort; Senator MCCAIN and Senator KYL from Arizona, who became involved; Senator BAUCUS and Senator BURNS from Montana; and Senator THOMAS from Wyoming—all of whom were very integral in working to help make this a broad, successful, bipartisan effort. I am sure I have left some out.

The reason I go through this is to, once again, reiterate how this is the way people in America want the political process to work. They want us to find common ground and build good commonsense solutions to issues that cross party lines and get to the issue on principle rather than on partisanship or personal attacks. That is what this bill is about.

As I move to table this last amendment, I will announce that we will then be going forward after that with a managers' amendment and to final passage. I think tonight we are going to have a very big victory for America.

Mr. REID. Will the Senator yield?

Mr. CRAPO. Yes, I yield.

Mr. REID. Can we voice-vote the managers' package?

Mr. CRAPO. I believe we could.

I move to table the Harkin amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

I remind Senators, per instructions from both sides of the aisle, this will be a 20-minute vote.

The question is on agreeing to the motion to table amendment No. 2045. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 427 Leg.]

YEAS—61

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Pryor
Roberts
Santorum
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—31

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Conrad
Corzine
Dodd
Dorgan
Durbin
Feingold
Graham (FL)
Harkin
Inouye
Jeffords
Kennedy
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NOT VOTING—8

Clinton
Edwards
Hollings
Kerry
Kohl
Lieberman
Nelson (NE)
Shelby

The motion was agreed to.

AMENDMENT NO. 2046

Mr. COCHRAN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2046.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COCHRAN. Mr. President, this is an amendment containing technical changes to the bill and amendments in behalf of the following Senators: Senator COLLINS, Senators CORZINE and SPECTER, Senator CANTWELL, Senator LEAHY, Senators LUGAR and HARKIN, Senator ENSIGN, and Senator ALLARD, all of which have been approved by the managers on both sides.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendments are agreed to.

The amendment (No. 2046) was agreed to.

Mr. CORZINE. Mr. President, I want to take just a few moments of the Senate's time to discuss a provision included in the manager's amendment that will authorize acquisition of open space in the Highlands Forest that runs through New York, Pennsylvania, Connecticut and my state of New Jersey.

First of all, I express my great appreciation to the managers of this bill, Senators COCHRAN and HARKIN, for agreeing to include this amendment. I also recognize and congratulate Congressman RODNEY FRELINGHUYSEN for his success in getting an identical version of this bill passed unanimously by the House Resources Committee yesterday. Congressman FRELINGHUYSEN and I have worked together closely on this matter, and I know he has worked hard for many years on behalf of the Highlands and has played a key role in bringing needed conservation funds to the area.

The amendment included in the managers' package is a modified version of S. 999, the Highlands Stewardship Act, which I introduced earlier this year with Senators LAUTENBERG, SCHUMER, CLINTON, DODD, LIEBERMAN and SPECTER. The goal of this bipartisan legislation is to preserve one of the last open space treasures in our densely populated region, the Appalachian Highlands Forest.

The Highlands region stretches from northwestern Connecticut, across the lower Hudson River valley in New York, through my State of New Jersey and into east-central Pennsylvania. It encompasses more than two million acres of forest, farms, streams, wetlands, lakes and reservoirs. It also includes such historic sites as Morristown National Historic Park, where George Washington had headquarters during the American Revolution, and the United States Military Academy at West Point.

The value of the natural, recreational and scenic resources of the Highlands cannot be overstated. In a study of the New York-New Jersey Highlands region alone, the Forest Service found that 170 million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people. 247 threatened or endangered species live in the New Jersey-New York Highlands region, including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, and great blue heron. According to the U.S. Forest Service, over 14 million people visit the NY-NJ Highlands for outdoor recreation, more than Yellowstone National Park and our most heavily visited natural treasures.

But the values and benefits of the Highlands are not limited to the four states that share them. A 1992 study and recent update by the United States Forest Service describes the Highlands as a region of "national significance"—one that is within 2 hours of travel for 1 in 9 Americans.

Unfortunately, the supply of federal, state, local and private money that has gone to protect the Highlands over the years has not kept pace with development in the area. According to the Forest Service, more than 25,000 acres of forest and farm land in the New York and New Jersey sections of the Highlands have been lost annually to development between 1995 and 2000, and nearly 300,000 acres of land critical to future water supplies remain unprotected.

I represent the most densely populated state in the country. The pressures we face from development are intense. In New Jersey, the Highlands region lies in close proximity to New York City and is valued for housing development. New York, Connecticut and Pennsylvania face similar development pressures. We need to do more to protect this national treasure.

The amendment that I hope the Senate will approve today is modeled after the successful federal-state partnership used to protect much of Sterling Forest, a crown jewel of the Highlands. The legislation would facilitate similar conservation partnerships to protect critical treasures threatened by sprawl throughout the region. The amendment would enable us to build upon the legacy of Sterling Forest, but it will take a strong commitment and partnership between the Highlands states and the Federal Government to safeguard this region.

The amendment calls on the governors of the four states to recommend conservation projects within certain threatened areas identified by the Forest Service. It also would authorize $100 million over the next 10 years for easements or acquisition of land within those areas. As in the preservation of Sterling Forest, the money would come from the Federal side of the Land and Water Conservation Fund.

I would note that the land and water conservation fund generally is not used for open space acquisitions in my state and the other Highlands states. That is because the fund only can support acquisitions to expand existing Federal parks, forests and recreation areas. While this works well for states with a significant amount of federal parks and forests, it does not help states like New Jersey with comparatively less Federal land. This amendment would help to make sure that New Jersey and the other Highlands states get their fair share of open space funding.

The only land to be acquired would be land owned by people who want to sell. This amendment would not force anyone to sell, nor interfere with any other property right. Nor would the amendment interfere with any local zoning ordinance or local government land use plan. Nor would it create any new federal ownership or management responsibilities. Title to the land or easement purchased would belong to the state where it is located.

Finally, the amendment is designed to conserve land that has been identified as having a high conservation value by the Forest Service and which is not currently protected from development under any existing law. This is land that serves as the habitat for animals, or provides a source for water supplies, or that is simply unusual in its natural beauty.

In conclusion, the Highlands are a national treasure, and it is critical that they be preserved. I again thank the managers for their cooperation, and their support of this legislation.

Ms. CANTWELL. Mr. President, I rise today to thank the distinguished chairman and ranking member of the Senate Agriculture Committee, Senators COCHRAN and HARKIN, for including in the managers' package an amendment I filed on the issue of wildland firefighter safety. My heart goes out to my colleagues from California and the people they represent. In Washington, we are well acquainted with catastrophic wildfires and the threat they pose to local communities. Our thoughts are with the people of California, as well as with the families of the firefighters on the job—including crews from my State who are on their way south to join in the effort.

The men and women who fight fires on our public lands serve our Nation bravely. Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. Before the California fires, I believe the toll was 26 individuals this year alone.

And this morning, we were faced with the news of the first firefighter death from the California blazes—an 11-year veteran named Steven Rucker, who perished while trying to save a home. He leaves behind a wife and two children.

As I have read the press accounts and listened to the stories my colleagues have told about the loss of life in California over these past few days, I cannot help but recall a recent tragedy in my State of Washington. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile Fire burned out of control. Four courageous young firefighters were killed. Their names: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service's own report on the Thirtymile Fire, the tragedy "could have been prevented." We know that firefighting is a dangerous job. But despite its inherent danger, we have a responsibility to ensure that no preventable tragedy like Thirtymile Fire ever happens again.

I would like to thank my colleague Senator BINGAMAN, the distinguished ranking member of the Senate Energy Committee, as well as Senator WYDEN, who was then chair of the Subcommittee on Public Lands and Forests. In the wake of the Thirtymile Fire, they agreed to convene hearings on precisely what went wrong that tragic day. We heard from the grief-stricken families. In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what's at stake when we send these men and women into harm's way. I can think of no worse tragedy for a parent than confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of Federal agencies.

At the Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency's safety performance. And almost a year to the day after those young people lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that lead to unnecessary fatalities.

Based on subsequent briefings by the Forest Service, revisions to the agency's training and safety protocols, and even based on what I have heard when I have visited with firefighters over the past two years, I do believe the courage of those families to stand up and demand change has had a positive impact on the safety of the young men and women who today are battling blazes as wildland firefighters. Yet, I believe there is more that Congress can do to express our commitment. Today I offer a modest amendment that will take a few more steps in that direction.

My amendment does three simple things.

First, it will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies' "wildfire preparedness" account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies' commitment to these programs over time—without a separate break-down of these monies.

Second, it will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs. I assure my colleagues who have not spent time dwelling on this issue, that the maze of policy statements, management directives and curricula changes associated with Federal firefighter training is dizzying and complicated.

The agencies have a responsibility to continually revise their policies in the face of new science and lessons learned on the fire line. Meanwhile, this body has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, it would stipulate that Federal contracts with private firefighting crews require training consistent with the training of Federal wildland firefighters. It would also direct those agencies to monitor compliance with this requirement. This is important not just for the private contractor employees' themselves but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

This is actually quite a complex issue about which many of us are just beginning to learn. With the severity of fire seasons throughout the country over the past 2 years—and notwithstanding the Clinton administration's efforts to hire a significant number of new firefighters as part of the National Fire Plan—the number of private contract crews hired by the agencies to help with fire suppression has tripled since 1998. According to Oregon Department of Forestry estimates, the number of contract crews at work has grown from 88 to 1998 to 300 this year, with 95 percent based in the Pacific Northwest. In general, these contract crews have grown up in former timber communities and provide important jobs, especially given the fact the agencies themselves do not at this juncture have the resources to fight the fires entirely on their own. And many of these contractors have been in operation for a decade or more and boast stellar safety records.

Nevertheless, as the number of—and need for—contractors has grown, there are more and more tales of unscrupulous employers that take advantage of workers and skirt training and safety requirements. This is a growing concern for U.S. Forest Service employees and state officials. This summer, the Seattle Times wrote a detailed feature on the issue, quoting internal Forest Service memos as well as evidence from the field.

Among the contractor practices cited in the article: Breaking safety rules and failing to warn other crews on the fire line; falsifying or forging firefighting credentials and ignoring training requirements; hiring illegal immigrants that cannot understand fire line commands—and committing various labor abuses; and rotating a single crew from fire to fire for 50 straight days—while Federal firefighters are not allowed to work more than 14 or 21 days in a row.

The article quoted from a November 2002 memo written by Joseph Ferguson, a deputy incident commander for the Forest Service: "If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters . . . Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having," Ferguson added. "It was apparent that training for most of these crews had been done poorly or not at all."

Paul Broyles, who heads a safety committee for the National Interagency Fire Center added that private crews he has seen have varied from "fantastic to a he[ck] of a lot less than good and some were real safety concerns." He noted that while state government and feds were trying to crack down on violations associated with documentation, "the assumption is, where there's one problem, there's probably more."

This provision is a modest beginning in addressing the challenges posed by integrating private and Federal contract crews—and doing it in a manner that maximizes everyone's safety on the fire line. I understand that the Federal and State agencies are already attempting to push contractors in this direction, and this provision will bolster that momentum.

I had also hoped to include in this amendment a provision that would direct the General Accounting Office to conduct a study of the impacts of the President's outscourcing initiative on wildland firefighter safety. Unfortunately, that provision was opposed by my colleagues on the other side of the aisle.

Now, let me be clear. I oppose the Bush administration's outsourcing initiative. And if I had my way, I would simply declare that this initiative would not apply to the firefighting agencies. However, at the very least, I hope my colleagues will agree that we should take a close look at how outsourcing will affect the ability of our Federal agencies to do their job when it comes to fighting wildfires and their ability to do it safely.

According to the Forest Service Council, which represents 20,000 Forest Service employees across the Nation, some 40 percent of these workers serve dual functions.

Likened to the Reserve or National Guard, they call it the "militia" approach—where qualified employees that perform other jobs for much of the year are dispatched as "first responders" on wildland fires.

From a military perspective in Iraq, we have seen the importance of the National Guard and Reserve in supporting our military efforts. No one here in Congress would contemplate outsourcing the Guard and Reserve.

I hope my colleagues would recognize that it is completely unclear how the outsourcing initiative, with its emphasis on contracting out certain types of jobs, would impact the need for Forest Service employees to perform these collateral duties. I am concerned that the outsourcing initiative will seriously erode the agencies' capacity to fight fires—just as the sponsors of this bill argue these fires are becoming most intense.

Likewise, I have serious concerns that it will disrupt the chain of command on the fire line, especially in instances in which the Forest Service could lose some of its most experienced firefighters as a result of outsourcing. These are my concerns.

While I understand that there were objections on the other side of the aisle to including the GAO study provision—and we have thus removed it from this amendment, to move forward on the other important provisions—I guess we are lucky that such a study does not actually require legislation. I plan to work with a number of my colleagues to request just such a report form the GAO, because I believe it is important we thoroughly understand the way outsourcing would impact Federal agencies' ability to fight fires and fight them safely.

And so I hope my colleagues will support this simple amendment. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm's way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners, and to future wildland firefighters.

My amendment will provide this body with the additional tools it needs to do the job. I thank my colleagues for supporting this amendment.

ADMINISTRATIVE REVIEW PROCESS

Mr. WYDEN. Could the Senator from Mississippi confirm that with respect to section 105(c)(3), it would be the Agriculture Committee's intent that if the agency fails or is unable to make information timely available during the administrative review process, the court should evaluate whether the administrative review process was inadequate for claims or issues to which the information is material?

Mr. COCHRAN. The Senator's understanding is correct.

Mrs. MURRAY. Mr. President, while this bill is not everything I hoped it would be, it is an improvement over what was proposed by the President and passed by the House. The devastating fires in California and throughout the West over the past few years have added great urgency to the need to remove dangerous fuel loads from many of our forests. We need to treat those hazards now, and this bill is really the only relevant legislation that can pass Congress and be signed into law by the President this year. That is why I voted for the bill on final passage.

During the floor debate, I offered an amendment to strengthen the underlying bill's old-growth protections and I also voted for a number of other amendments. It is unfortunate that these amendments were not accepted because they would have reassured a greater portion of our citizens of the real intent of the legislation and would have made it more effective.

We don't have the funding we need to remove all the dangerous fuel loads in our forests. We should have made more funding available and ensured more resources were focused on the wildland urban interface that presents the greatest risk to property and to the lives of our firefighters and citizens.

While the underlying bill will increase authorization levels for fuel reduction activities, it does not guarantee this money will be made available. We should have passed Senator BINGAMAN's amendment that would have guaranteed the funding and stopped the raiding of fuel reduction accounts to pay for fire suppression.

Likewise, the Senate bill is an improvement over the House legislation in directing at least 50 percent of the work be conducted in the wildland urban interface, but we should have strengthened this directive by passing Senator BOXER's amendment that would have raised wildland/urban interface work to 70 percent.

Lastly, the underlying bill made an earnest attempt to provide some protection for old-growth stands in our national forests. Unfortunately, the bill leaves a couple of significant loopholes that, if abused by our forest managers, could threaten these ancient trees. That is why I offered an amendment to close these loopholes and better protect old-growth stands. Unfortunately, my amendment was defeated.

Now that the Senate has spoken on the overall bill, the House should take up this legislation and pass it unaltered. The President should drop his opposition to the increased spending associated in the bill and urge its quick passage by the House. The President's opposition to increased spending presents a real and tangible risk to every community looking to treat forests surrounding their homes, schools, and businesses.

If this bill is signed into law, the burden will shift to the Forest Service and Bureau of Land Management to implement the programs in the most responsible and effective manner possible.

Again, they will need to focus on protecting communities. It will be unacceptable to treat forest stands far from human population while any community's wildland/urban interface remains untreated.

They need to focus on taking out of the forests the materials that truly threaten to generate catastrophic wildfires. We should not see large, fire resistant trees being removed from our forests under the guise of "healthy forests." Any old-growth stands that are treated need to be treated in ways that protect their unique ecosystems.

Finally, in a fiscally responsible manner, the agencies need to maximize the positive economic influence these fuel reduction projects can have on our rural economies. This means not only hiring local workers and companies to conduct the work, but also looking for opportunities to use the resulting material for other economic enterprises.

The bill passed by the Senate has the potential to truly work in a manner nearly everyone can accept. Alteration by the House or poor implementation by the agencies will only threaten our wildfire endangered communities.

I am committed to making this legislation work and stand ready to assist the communities in Washington State protect their families and homes.

Mr. FEINGOLD. Mr. President, I intend to support H.R. 1904, as amended by the Senate. I do so, however, with significant reservations about the bill, and its benefits for Wisconsin, and I want to describe my concerns in detail. Forest fire management is a critical issue for my home State of Wisconsin and for the country. Forest fires burned on approximately 7 million acres across 15 States during last year's fire season, the second worst in 50 years. Fighting those fires cost taxpayers about $1.6 billion. It also cost 23 firefighters their lives. This year's fire season is expected to be as bad as last year's. And though Wisconsin has escaped the season unharmed, my State did face a higher than normal risk of fire this summer due to the relatively dry weather we had the year before.

Moreover, forests are important to Wisconsin economically. Our businesses depend on them as do our recreation and tourism industries. The primary and secondary wood products industry is the second largest employer in Wisconsin and, according to the Wisconsin Division of Forestry, my State leads the Nation in 2002 in the production of fine papers, sanitary paper products, children's furniture, and millwork. Forest resources in Wisconsin are a primary tourism attraction for both residents and visitors.

Given the role and importance of forests in Wisconsin, I wish that the bill focused more on the forests of the Upper Midwest. I am particularly concerned that the bill passed by the House focuses too strongly on the implementation of recommendations made by the Western Governors regarding forest health.

It is worth noting that the Senate has considered these kinds of emergency legislative measures to address forest health in the recent past. As many will recall, an emergency timber salvage rider was attached to and signed into law by President Clinton as part of the 1995 rescissions bill, legislation supposedly designed to reduce Federal expenditures. The salvage rider was extremely controversial, and my constituents were very concerned about its implementation in terms of its fiscal cost, the loss of critical wildlife habitat and endangered species, and the precedent that it set for lawmaking and the separation of powers in this country. The salvage rider suspended the Endangered Species Act, the National Environmental Policy Act, the National Forest Management Act, and "all other applicable Federal environmental and natural resource laws," such as the Clean Water Act.

I opposed the rider because it was too restrictive in scope. The public was blocked from the legal process through which decisions affecting their national forests are made. All sales under the salvage rider were exempt from the administrative appeal process, and judicial review was severely limited to sales deemed "arbitrary and capricious."

So I think it is wise to be careful in crafting this legislation, lest we risk taking too extreme a step in our efforts to address forest health. I agree that the Congress should enact legislation to protect our Nation's forests from catastrophic wildlife and disease. Overall, I think that the substitute offered for title I of the bill by Senators COCHRAN, FEINSTEIN, WYDEN, DASCHLE and others, is an improvement over the underlying bill. I have also supported a number of amendments to try to narrow the bill's scope and improve its provisions. It is my hope that the conferees will adhere to the provisions approved by the Senate when they develop a final bill.

Mr. JOHNSON. Mr. President, today the Senate is considering legislation that will go a long way toward reducing the fire risk to communities throughout the western United States. The Senate is set to pass bipartisan legislation that authorizes federal land managers to treat up to 20 million acres of at-risk public lands while empowering communities with the resources and tools to protect lives and property.

The catastrophic fires in California are only the most recent demonstration of how the Forest Service, state and local communities, and private landowners must actively manage the Nation's forestlands. In South Dakota, fires have endangered the communities of Deadwood and Keystone in recent years, burning nearly one out of every 10 acres of the Black Hills National Forest. I am very supportive of the bipartisan response of the U.S. Senate toward passing aggressive forest legislation.

During the last 2 years, the Congress has debated and discussed the need to actively manage our forestlands, with particular emphasis toward protecting the wildland-urban interface, home to millions of individuals and hundreds of communities. The Black Hills is a stark example of interface and intermix communities, with a patchwork of private landowners scattered through the 1.3 million acre forest. Public land managers and communities need the tools and resources to reduce fire risk, restore forest ecosystems to a more natural balance and protect a vitally important renewable resource. It is overdue—overdue to end the debate and pass legislation.

I believe that the agreement crafted today will address many of the challenges facing public forestlands. There has been a great deal of debate from those on both sides of the spectrum as to the shortcomings and compromises made to craft the Senate bill. I agree that the bill is not perfect, but in crafting the compromise agreement, the Senate has put forward a bipartisan proposal that will enhance the long-term health and sustainability of forestlands.

The Senate plan authorizes fuel reduction projects on up to twenty million acres of National Forest System lands and enhances local participation. In the plan, communities can develop "community wildfire protection plans" to identify areas for hazardous fuel reduction and other treatments necessary to protect the community from wildfire. The collaborative process established in the Senate bill will identify and prioritize fuel treatments and recommend the types and methods of projects on federal and non-federal lands. This provision is a key feature that empowers local communities to craft the proper response to the threat of wildland fire specific to their local areas.

The plan put forward today will allow the Forest Service to focus on its core mission of managing our forest for multiple uses and ease the crush of bureaucratic and administrative appeals. This fall during a tour of the Black Hills, I witnessed the progress made from recent fuel reduction projects thinning insect ravaged trees, and believe more should be done to reduce fire risk throughout the West. I will vote for the Senate compromise because it will finally replace endless talk with constructive action. I encourage the House of Representatives to join the administration in supporting the Senate bill and quickly passing this important and historic plan.

Mr. ENZI. Mr. President, we have all heard the expression many times—"A picture is worth a thousand words." If that is so, I don't think there is any question that the pictures of the wildfires in California are speaking volumes and they have had a dramatic impact on all of the us in the Congress and around the country .The fires continue to burn out West, and the toll continues to mount. The amount of forest land up in flames, the homes destroyed, the lives lost and the people forever changed by what they have experienced will never be known. One thing that is very clear, however, is the importance of taking every possible step to ensure that we minimize this kind of frightening destruction in the future.

It is bad enough that we have had to witness the devastation in California—and I would be remiss if I didn't take a moment to express our appreciation and our gratitude to the brave people who are fighting the fires there without regard for their own safety. They are true American heroes, and we will be keeping them in our prayers.

Take that feeling that comes from seeing all that destruction and despair in California and imagine that you were seeing the reality of a threat that faces you every day of your life. Imagine you wake up every day filled with the fear of knowing that your home, your job, your family, your heritage, and your community could be wiped out in a heartbeat. Imagine the commitment you would have to protecting your family and your cherished possessions, only to be told that you can't do much about it because somebody, far away, whose home is not facing the same kind of threat has decided you aren't worth the effort.

You might think I am exaggerating the problem, but the fact is there are more than 100 million acres of Federal forests lands that now exist under an unnaturally high risk of catastrophic wildfires and large scale insect and disease outbreaks because of unhealthy forest conditions.

For years now, we have been trying everything we can to reduce the risk and make our forests safer and more fire resilient. Every time we have tried, we have had the same response: more environmental reviews, more litigation, and more trees that increase instead of reduce the threat to the land around them.

We now have the images to confirm that our concerns were not fairy tales. We were not just speaking as alarmists, but as people faced with a very real threat.

This situation is particularly acute in western forests where more than 60 years of aggressive fire suppression programs have removed fire as a mitigating factor in maintaining forest health. As a result of these well-meaning efforts, many of our forests suffer from an unnatural accumulation of vegetation on the forest floors. Dense undergrowth, combined with increasingly taller layers of intermediate vegetation have turned western forests into deadly time bombs.

Unlike healthy fires of the past that thinned out the underbrush and left the large trees to grow larger, modern wildfires quickly climb the dense vegetation like a ladder until they top out at the uppermost, or crown, level of the forest and race out of control as catastrophic fires. Because of their high speed and intense heat, these "crown fires" leave an almost sterile environment in their wake. After a crown fire, nothing is left behind: no trees, no wildlife, and no habitat to speak of—with few microorganisms left to rebuild the soil.

Vegetation manipulation, including timber harvest, is therefore necessary to restore our forests, particularly in the West, to conditions that are more resistant to catastrophic disturbances and that are within acceptable ranges of variability. Scientific studies, including the Sierra Nevada Ecosystem Project, SNEP, report, state that timber harvest is a tool that can be used to enhance overall forest resilience to disturbance. The SNEP report states, for example, that "logging can serve as a tool to help reduce fire hazard when slash is treated and treatments are maintained." If conducted on a large enough scale and in a controlled manner, timber harvests can restore our national forests to a point where fire can be returned as a healthy part of the environment.

However, any proposal that prohibits all forms of commercial timber harvest, regardless of the objective, indiscriminately removes an efficient and valuable tool from land managers for restoring forest conditions to a more resilient and sustainable state.

I am tired of sawmills and timber harvesting being seen as ogres. I had a brainstorming session with employees of Wyoming Sawmills and talked about healthy forests. I found them all to be concerned people who can increase the amount of expertise that is used in forest management and can do it in a way that helps our forest managers save money. These employees showed me what can be done with scrub trees in making innovative composite construction housing materials. I am talking about using small trees and stems that were once considered junk trees and were stacked in the forests and burned.

Using the innovative approach developed by Wyoming Sawmills employees is good stewardship. It would be wrong to accuse them of wanting to clear cut the forests. They know what healthy thinning is, and they know what a forest should look like. They know that their livelihood relies on good practices.

So far, we have been lucky in that some of our most dangerous areas in Wyoming have not yet caught fire. One area I am particularly concerned about is just east of Cody on Wyoming's Shoshone National Forest. It lies just next to Yellowstone National Park. It provides crucial habitat to wolves, grizzlies, whooping cranes, elk, bison, mule deer and other animals that spend part of their lives in Yellowstone National Park. The area is also home to a very severe pine beetle infestation that threatens to ignite and cause extreme damage to the park, the forest and surrounding communities.

Other areas in Wyoming have not been as fortunate. I heard a report just a few weeks ago that a number of significant Native American archeological sites no longer exist in Wyoming's Wind River Mountains. When a fire swept through them earlier this year, it didn't just destroy habitat, but it also took some of the last remaining examples of wikiups and wooden sheep traps that were built by Wyoming's Sheepeater Indians. Their handiwork that reflected their place in our history is now gone and only exists in a few pictures that were fortunately taken before the fires swept it all away.

For me, this is an issue that has its roots back in the days when I was a Boy Scout. At the time, I was working on one of the requirements for the rank of First Class that had to be reached if I were to earn my Eagle Scout Award. To be successful, I had to start a campfire with no more than two matches. I got to be very good at starting campfires and was well known for winning water boiling contests at scout camporees. There are a number of tricks people develop in starting campfires, and I had my own system that helped me win, but no matter who you are or what your trick might be, there are three basic elements to every fire: oxygen, fuel, and heat.

Oxygen comes from the air and is readily available. Fuel is found in the wood, particularly dry wood that burns easily when enough heat is applied. Heat comes from a spark, a match, or possibly just friction. The best way to apply enough heat to start a successful campfire is to properly organize the wood in a way that allows the flames to climb up from the bottom of the firepit where you put the smaller, quick-burning sticks and tinder—to the larger, longer burning logs in much the same way as someone would climb a ladder, one rung at a time.

To start a successful fire, I began by carefully putting my wood shavings at the bottom of the fire—this would be my light tinder or first rung of the fire ladder. I then built a small tee-pee of sticks over my tinder as my second rung, and then added larger and larger sticks until I had my largest pieces of wood on top where they could draw the heat from the flames of the intermediate sticks below them. If I did everything correctly, I could start my fire and get a can of water to boil before anyone else did.

You might wonder what this little story of mine has to do with the current state of our national forests.

If we were to head out into the forest right now, and we took a good look around at the density of the ground all around us, we would see that they are laid out just like the campfires I was trained to build and start when I was a Boy Scout. At the bottom of every forest lies a collection of small, dried-out bushes, leaves and fallen bark. Over this pile of tinder is the next rung of the forest fuels ladder which is made up of small to intermediate trees. These intermediate trees are then crowded in below the larger and older trees that make up the top rung or crown of the forest fuels ladder.

This problem wasn't always as bad as it is now. There was a time when Mother Nature and the Native Americans took care of thinning our forests by regularly starting wildfires. Because the fuel loads weren't allowed to grow as dense as they are today, the fuel ladder didn't reach all the way up to the big trees. Fires would burn up the tinder and thin out the intermediate and dead and dying trees. This promoted biodiversity, kept the intensity of the forests down and, in times of drought the competition for limited water resources was dramatically less than it is today. We now have forests that historically have had 40 or 50 tree stems per acre that are now over 200 stems per acre. This is a 300-percent increase. We aren't able to use widespread fire anymore because of the danger it presents to homes, as you are seeing right now in California.

When a fire starts in forests this dense, it quickly climbs the fuel ladder and races out of control. These crown fires are all but impossible to stop. The heat generated from all rungs burning at once sterilizes the soil and leaves nothing but desolation in its wake. This is only made worse with the added factor of drought. By adding to the mix stands of dead trees that are as dry and volatile as the tinder on the forest floor you can just imagine the threat this kind of fire could have on the forests and their surrounding communities.

It is a much better conservation practice, therefore, to step in and duplicate the effect historic, healthy fires had on our forests by using what is called mechanical thinning. This is a practice where our land management agencies can hire experienced timber companies to remove the dense underbrush and carry out the smaller and intermediate trees, thereby leaving a forest that is healthier, more biodiverse, more fire resilient and with a better mix of older and younger trees.

The alternative is to allow Mother Nature to step in and conduct one of her catastrophic clear cuts, and when Mother Nature does a clear cut, she doesn't respect riparian zones or raptor nesting sites, or homes.

Clearly that is a scenario we must make every effort to prevent.

As we do, just imagine how you would feel if you were here today while your family was back home, living in a house that stood in the shadow of one of those forests that is ready to explode in a blaze of flames.

Unfortunately, you don't have to imagine what that would be like anymore. We have seen what it would be like in the pictures of the fires that continue to threaten southern California.

What we have to do now is work toward a goal we should all support—ensuring no one else has to face another wildfire blazing out of control through their homes and neighborhoods because of a policy we could have but did not change.

Mr. BURNS. Mr. President, I want to speak today about the need to pass the Senate's bipartisan amendment to H.R. 1904, the Healthy Forests Restoration Act.

Today there are over 190 million acres of forests at risk of devastating wildfire. The situation is the result of the general degradation of the health of our forests. This degradation is the direct result of past poor management practices, which have resulted in our forests being more susceptible to disease, insect infestation, and hazardous fuels accumulation. These conditions have resulted in at least 10 years of devastating wildfires and the reality that if we don't do something to address these conditions we will see decades of these devastating fires.

The decision we must be willing to make is to change the direction of management, because from where I am sitting, the current method is just not working, and it has not for the last 30 years.

Most people don't realize how much money we spend every year on litigation. Last year alone, taxpayers spent $21 million just on Forest Service litigation. And that doesn't count all the paperwork and time spent on trying to make every project litigation-proof. We know this process is stuck, and it's inefficient, and we're spending a lot of money foolishly, when we could instead be spending it on the ground improving the health of our forests.

Add to that the dollars we spend on fighting fires every year, which can easily reach into the billions. The costs associated with the suppression of these wildfires reaches into the millions per fire, and the billions annually—the cost is high partly because we have allowed the health of the forests to deteriorate to such poor condition. However, the cost of fire suppression is not the only cost associated with disease, insects, and wildfires. There are equally high costs associated with the loss and damage of wildlife and fishery habitat, clean air, and problems associated with the silting of rivers and streams, loss of critical infrastructure, and the loss of tourism.

We must not let the debate over forest health degrade into a political debate of cutting timber. There are people who simply have an objection to cutting down trees, but I wonder why it's all right to burn them down?

The Forest Service timber sale program is the smallest it has been since the 1940's. We are losing more trees, wildlife habitat, and critical healthy watersheds to fire, disease, and insects than we impact through timber sales. Yet, we continue to stand by and do nothing to stop the destruction.

The environmental community can no longer appeal and litigate every project designed to remove hazardous fuels, treat disease, and eradicate insects under the guise of protecting the habitat of fish and wildlife; yet turn a blind eye on the damage that insects, disease, and fire are doing to these same habitats.

We must provide the Federal land managers with the tools needed to address the extreme conditions of our national forests. We must address the issues associated with delays as a result of appeals and litigation.

We have before us a bill that reflects a bipartisan effort to finally provide the land managers with the necessary tools. It reflects a bipartisan effort to streamline the NEPA process, expedite judicial action, treat the wildland-urban interface along with other high risk areas, and address the urgent need to combat the spread of insects and disease in our forests nationwide.

It is time for this body to set aside partisan politics and stand up to the public's expectation that we act responsibly and quickly pass this legislation. We ought not to disappoint the public and we ought not to be responsible for continuing to put our national forests at increasing risk.

Mrs. BOXER. Mr. President, this week, as the California wildfires continue to rage, scorching more than 720,000 acres of land, destroying more than 2,600 homes, and taking the lives of at least 20 people, we have learned the costs of not taking the proper steps to protect our vulnerable communities and forests.

Last April, I wrote to the President and asked him to declare three of our southern counties disasters areas due to bark beetle infestation. There were 12 of us from both parties who asked for fuels reduction to ease our dangerous situation. Unfortunately, that disaster designation did not happen.

In July, I introduced a bill with Senator LEAHY, the Forestry and Community Assistance Act, that would have helped protect our forest and communities from wildfires. The bill would have authorized funding for wildfire prevention projects including thinning, cutting of dense underbrush, and prescribed burning.

The Leahy-Boxer bill would have authorized $1.25 billion for wildfire prevention projects on National Forest System lands, $1.25 billion for projects on Bureau of Land Management lands, and $2.5 billion for projects on tribal, private and State lands. The bill would have required that 85 percent of the funds be given to wildfire prevention projects within one-half mile of communities that are at risk for wildfire, and projects that are necessary to protect a municipal water supply system.

That is the bill I wish we were passing today. We are passing a bill that is far weaker, but it is better than the House bill.

It explicitly authorizes projects that protect at-risk communities, watersheds, and lands with insect infestation.

The bill also provides that 50 percent of the funds authorized for wildfire prevention projects be used toward at-risk communities. Unfortunately, my amendment to increase this percentage to 70 percent failed.

Of particular significance to California, the bill directs the Department of Agriculture to conduct a program encouraging systematic information gathering on insect pests that have caused large-scale damage to forests, including the bark beetle.

Also, I am pleased that the Senate passed my amendment requiring the National Institute for Occupational Safety and Health, NIOSH, to monitor the long-term health conditions of firefighters who fought in my area declared a Federal disaster.

I am also pleased the Senate passed my amendment requiring that the Environmental Protection Agency, EPA, monitor the emission of hazardous pollutants in the air in disaster areas. The provision requires that the EPA accomplish this by providing each of its regional offices with a mobile air pollution monitoring network, and publish its findings on EPA's website daily until the danger has subsided.

This bill could have been made better if we had passed several amendments that I supported. These included: a Bingaman amendment to allow the Forest Service to borrow funds from the General Treasury for firefighting once its funds have been expended. Currently, once the Forest service depletes its funds, it must borrow from other accounts within the Forest Service's budget to pay for firefighting; the Murray amendment to ensure old growth trees on all lands are protected; the Cantwell amendment to require that in undertaking efforts to prevent wildfires, all possible alternatives be considered; and the Harkin amendment to sunset the legislation after 5 years, allowing Congress to review how well the program is doing.

Despite the fact that I wanted a stronger bill, I have decided to support the bill before us, because, while not perfect, it will help make our communities safer.

Mr. BAUCUS. Mr. President, Senator McCAIN and I intended to offer an amendment to H.R. 1904 to establish a permanent revolving fund to address the annual problem of funding emergency fire suppression needs—a problem that essentially robs funds from the very fuel reduction projects H.R. 1904 is designed to promote.

When I was in Montana this summer, I visited with some of the firefighting teams near Glacier National Park. It was absolutely amazing to see the organization and coordination that goes into fighting these fires. We had folks from Federal, State, and local agencies and local volunteer fire departments; local loggers; teams from Australia and New Zealand; and private contractors all working together to protect lives and property.

I can't tell you how impressed and overwhelmed I was by the dedication and professionalism of the firefighters on the ground. These first-rate men and women earned the deep respect and gratitude of the residents of many Montana cities and towns, particularly in West Glacier. I know that my colleagues saw much the same thing in their states, and we are all seeing it now in California.

But, this extraordinary and superior fire-fighting effort costs money—$305 million spent in Montana alone this year to fight the fires that blanketed my state. And as is too often the case, the Forest Service and Bureau of Land Management were once again strapped for fire suppression funds during extreme fire conditions. They had to borrow from other program funds to get the job done in Montana and other states this summer.

The Forest Service and Department of Interior borrowed $860 million last fiscal year to pay fire suppression costs. While recent supplemental funding for the agencies will repay some of these accounts, the agencies will still be short $170 million. Some Forest Service accounts will not be repaid, including accounts to rehabilitate burned areas. This is enormously counterproductive. And, it wastes scarce federal resources. This state of affairs cannot continue.

We have to be smarter about managing this situation in the future. Since we can't accurately predict wildfire suppression needs each year when we provide for appropriations, we need a special funding strategy to account for extreme fire years. The alternative is extreme disruption to Forest Service and Interior budgets and day-to-day responsibilities, important work deferred or canceled, and jobs lost.

Senator McCAIN and I believe we have a responsible solution that is a fair, reasoned, and balanced approach to the problem. It's time we all faced up to our responsibilities to provide adequate and stable funding to the Forest Service and Interior for fire suppression efforts, while ensuring minimal disruption to their current programs and projects and encouraging these agencies to keep their costs under control.

However, Senator McCAIN and I will not offer our amendment because Senator CRAIG and others have agreed to work with us, and with Senator BINGAMAN, to find a solution to this problem as soon as possible. I would like to see H.R. 1904 pass quickly, and I have no interest in delay. I appreciate Senator CRAIG's recognition of the problem and commitment to address it.

Mr. McCAIN. I commend Senator BINGAMAN for his thorough analysis of the budgetary impediments to effective federal action to protect communities and our public forest lands from catastrophic wildfire. I am in agreement with many of the points that he makes because of what I have learned from numerous people in Arizona who have extensive hands-on experience with forest management and wildfire issues.

With the compromise reached on Title I of 1904, we struggled to find common ground in our understanding of the nature of the problem in each of our states. However, the budget issues and inadequacy of funding that Senator BINGAMAN has discussed has not been addressed in this legislation. The practice of borrowing program funds to fight wildfires will continue to undermine our efforts to increase protection of communities in the wildland-urban interface and enhance forest health on at-risk public lands.

Everyone involved in these endeavors at the federal, state, and local levels agrees that bankrupting essential program activities until they can be replenished at a later time with a supplemental is self-defeating. There is no disagreement on this score, it's simply a matter of putting the right funding mechanism in place to accomplish the objective of preserving the integrity of the forest land management agencies' programs.

It is my understanding that Senator CRAIG and Senator BINGAMAN have come to an agreement that the Senate Energy and Natural Resources Committee will carefully consider this issue early next year. I look forward to following these proceedings to develop effective measures to ensure that the federal agencies have adequate resources to maintain essential program activities as well as fighting wildfires that occur with increasing frequency. I thank my colleagues for their commitment to addressing this widely recognized budgeting problem to allow our mutual community protection and forest restoration objectives to be achieved.

Mr. CRAIG. As I told Senator BINGAMAN, I agree that this is a serious issue and I have been working hard on resolving the problem myself. I appreciate the concerns of Senator BAUCUS and McCAIN and thank them for not offering their amendment. This issue will be my top priority once we finish the healthy forests bill. I pledge to work with Senator BAUCUS, Senator McCAIN and the Chairmen and Ranking Members of all the relevant committees to find a workable solution.

Mr. BURNS. I join my colleagues in noting the magnitude and urgency of this issue. As chairman of the Interior Appropriations Subcommittee, which funds wildland firefighting, I know firsthand how disruptive this borrowing cycle can be on federal agencies. Public lands states like my home State of Montana are at risk for both ends of the fire disaster when accounts are not repaid quickly. As we work toward a solution, I believe it is important that we work with the Administration and the relevant Congressional Committees such as the Budget Committee. We should also address the very real concern that firefighting costs continue to escalate year after year. Congress needs to better understand why costs per acre continue to rise and how we can reverse that cycle. Efforts by the Wildland Fire Leadership Council and their current review of firefighting costs can help us with this challenge and we can use their knowledge as a foundation for our future policy decisions.

Mr. DORGAN. Mr. President, I agree with the chairman of the Interior appropriations subcommittee, Senator BURNS, that this yearly problem of borrowing and paying back must be addressed. Those discussions need to include the relevant authorizing committees, the Budget Committee, and, of sources, the Appropriations Committee. As the Ranking Member of the Interior subcommittee, I would be pleased to work with my colleagues any way that I can.

Mr. BAUCUS. I thank all of my colleagues for their commitment to this issue.

Mr. COCHRAN. Mr. President, I thank all Senators who worked hard to put this bill together. They have all been mentioned by each other a number of times. I am grateful for everybody's contribution to this effort. It has truly been a joint effort on both sides of the aisle, across committee lines, across regional lines, and for that I am very grateful. I think we can all be proud of the work the Senate has done this evening.

I also have to mention the work of our staff members. Our great staff includes Hunt Shipman, who is staff director in the Agriculture Committee, and the following staff members who worked hard on this project: Lance Kotschwar, West Higginbotham, Doug MacCleery, Graham Harper, Dave Johnson, as well as the staff of the Senate Energy Committee under the chairmanship of Senator DOMENICI.

I hope all Senators will support the final passage of the bill.

I ask for third reading of the bill.

The PRESIDING OFFICER. The question is agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 14, as follows:

[Rollcall Vote No. 428 Leg.]

YEAS—80

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nickles
Pryor
Reid
Roberts
Santorum
Sarbanes
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—14

Bayh
Biden
Cantwell
Carper
Clinton
Dodd
Durbin
Harkin
Jeffords
Kennedy
Leahy
Reed
Rockefeller
Schumer

NOT VOTING—6

Edwards
Hollings
Kerry
Lieberman
Nelson (NE)
Shelby

The bill (H.R. 1904), as amended, was passed.

The bill will be printed in a future edition of the RECORD.

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

Mr. CRAPO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

The title was amended so as to read:

An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

Mr. MCCONNELL. Madam President, I move to reconsider.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

Feinstein amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1966

Mr. MCCONNELL. Mr. President, I ask for the regular order with respect to the DeWine amendment.

The PRESIDING OFFICER. The regular order has been called for, and the DeWine amendment is once again the pending question.

Is there further debate on the amendment?

The Senator from Ohio.

Mr. DEWINE. Mr. President, Members of the Senate, there are very few times when we have the opportunity to come to the floor when we know that the vote we will cast will save hundreds of thousands of lives.

The amendment we have before us will do that. I am very pleased that we have reached an agreement on the amendment that Senator DURBIN and I have offered to provide an additional $289 million for the fight against global AIDS, malaria, and tuberculosis.

Mr. President, this money will clearly save lives. Adopting this amendment is the right thing to do, and I want to thank so many of my colleagues for their support and their own efforts to fight the global AIDS epidemic.

First, I thank my colleague from Illinois, and the cosponsor of this amendment, Senator DURBIN. Senator DURBIN and I have traveled to Haiti. I have had the opportunity to watch Senator DURBIN hold children who have HIV who are very sick. I have seen how compassionate he is, how much he cares.

This is the third time Senator DURBIN and I have come to the floor and offered amendments to add additional funds to this fight against AIDS. I thank my colleague for his great work.

I thank my colleague, the majority leader, Senator BILL FRIST. No one knows more about this problem. No one has done more about this problem. Many of us had the opportunity, this past August, to go on a trip with Senator FRIST to Africa. It was an educational trip for all of us.

BILL FRIST is a teacher. He is a doctor. He is a leader. He has done a great deal, and I salute him for his great work.

I also thank Senator RICK SANTORUM, who is a compassionate individual and who is passionate about this cause. It was RICK SANTORUM who first began working with the leadership and who first suggested, frankly, the formula that is in front of us today; he came up with these numbers. I salute him for his work.

I thank Senator MITCH MCCONNELL and Senator LEAHY for bringing a very good bill to the floor. This bill will do a tremendous amount of good around the world.

It truly is an instrument of our foreign policy and also provides the resources to help save many, many lives around the world.

Finally, let me thank Senator TED STEVENS for his leadership in this area. We would not be on the floor tonight with this matter worked out without TED STEVENS' work. Let me say, for the Members of the Senate who do not already know this, this is not the first time that TED STEVENS has come forward and provided the necessary money to deal with the AIDS problem. This is, to my knowledge at least, the third time that I am personally aware of that Senator STEVENS has done so. TED STEVENS is someone who is compassionate and who cares. I salute him and thank him.

I thank my colleagues for bringing us to this point. It is significant that today in Columbus, OH, the President of the United States at noon today spoke very eloquently about this problem. He has taken the lead in our efforts to deal with really one of the greatest tragedies of our era. He, once again, spoke about the problem of AIDS. More importantly, he spoke about our obligation and our duty. This is what he said in Ohio today:

> We have duties in this world. When we see disease and starvation and hopeless poverty, America will not turn away. This great, mighty nation is leading the world in confronting a terrible disease on the continent of Africa. This nation is bringing the healing power of medicine to millions of men and women and children now suffering with AIDS. This great land is leading the world in this incredibly important work of human rescue.

I salute President George Bush for his vision and his leadership in this area.

I conclude by thanking everyone for their good work. This is the right thing to do. This will save lives. We will never know the people whose lives this amendment will save. We will not meet them. We will not see them. But we can rest assured, there will be many, many lives saved by what we do tonight.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Ms. SNOWE. Mr. President, I rise today to support the pending amendment by Senator DEWINE to add an additional $289 million to our efforts to combat HIV/AIDS. I am pleased to be able to support this amendment because of the agreement reached to offset this critical spending need within the existing budget.

This funding could not come at a more crucial time, as the continent of Africa faces a most severe crisis. I agree with the President that "in the face of preventable death and suffering, we have a moral duty to act." The United States is beginning to do its part in the battle against HIV/AIDS. In this bill alone, we are providing nearly $1.4 billion for the President's new HIV/AIDS, tuberculosis, and malaria initiative, $250 million of which is available for a contribution to the global fund. The bill also provides $150 million for the President's International Mother and Child HIV Prevention Initiative and $700 million for the Global AIDS Initiative. With this amendment, we will be committing over $2.2 billion toward the global fight against AIDS.

Just 2 short years ago, the Global Fund to Fight AIDS, Tuberculosis, and Malaria was simply an idea that was endorsed by President Bush and U.N. Secretary General Annan. As we stand here today, it has become a reality. President Bush pledged the founding $200 million for the global fund, and our pledge has since risen to $1.6 billion out of the total of $4.7 billion in pledges made to date worldwide. The United States has already provided $623 million to the global fund, more than one-third of total contributions to date. While I am proud of our commitment, I am also disturbed by the lack of commitment from other nations. This is not just a U.S. issue, it is a global issue, and it requires a global response.

U.N. Secretary General Kofi Annan told the Security Council that:

> by overwhelming the continent's [Africa's] health and social services, by creating millions of orphans, and by decimating health workers and teachers, AIDS is causing social and economic crises which in turn threaten political stability . . . in already unstable societies, this cocktail of disasters is a sure recipe for more conflict. And conflict, in turn, provides fertile ground for further infections.

The world recognizes that this has become more than a disease facing the people of Africa, it has become a threat to national security and regional stability. This is a serious epidemic in Africa, capable of toppling foreign governments, touching off ethnic wars and undoing decades of work in developing free-market democracies abroad. In addition, as the U.S. becomes more and more involved in the fight against AIDS, it must also recognize that the methods of contraction need to be addressed on a broader level. Our leadership on AIDS needs to be matched by our efforts on education, gender discrimination, economic development, and conflict resolution.

These are all reasons why I have supported providing the countries of sub-Saharan Africa with the means to provide its people with education, prevention techniques, and health care. In May, I was proud to support passage of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

This comprehensive program has the potential over the next decade to provide life-extending drugs to at least 2 million infected people, give human care to 10 million HIV sufferers and AIDS orphans, and prevent 7 million new HIV infections. The overwhelming bipartisan support for that legislation demonstrates the priority of this need, and with this amendment we take an important step toward meeting the U.S. commitment under that bill. The millions of people in sub-Saharan Africa and around the globe affected by AIDS deserve no less.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1966.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON), is attending a family funeral.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 429 Leg.]

YEAS—89

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Inouye
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—1

Hutchison

NOT VOTING—10

Carper
Domenici
Edwards
Hollings
Jeffords
Kerry
Lieberman
Lott
Nelson (NE)
Shelby

The amendment (No. 1966) was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2047

Mr. DURBIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN], for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, and Ms. STABENOW, proposes an amendment numbered 2047.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To increase assistance to combat HIV/AIDS)
>
> At the appropriate place, insert the following:
>
> SEC. . For an additional amount for the Global AIDS Initiative, $589,700,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Mr. DURBIN. Madam President, first, I commend Senator DEWINE of Ohio. He is an extraordinary person and an extraordinary colleague. It has been my good fortune to work with him on an amendment relative to this issue of global AIDS. Senator DEWINE, by my rough calculation between us, I think we may have added up to $400 million to the fight on global AIDS just with the passage of the last amendment and the two previous efforts, and I commend him. He has worked ceaselessly to get this done, and he has done so well. I was happy to add my name to his effort. He did all the work. He deserves all the credit.

I ask my colleagues now to consider this amendment. For every dollar the last amendment will use to save a life in the war against AIDS, malaria, and tuberculosis, this amendment will provide $2. For every life that can be saved with Senator DEWINE's amendment, this amendment, if passed, will add two more lives that will be saved.

I will tell my colleagues what we do. What we take is the President's promise of $15 billion over 5 years, which comes out obviously to $3 billion per year, and make that our goal in terms of this appropriations bill.

That means adding, to the amount that we just passed, some $589 million. That will bring us to the $3 billion figure that was promised by the President, that was endorsed by the Senate, and, frankly, we will keep our word and our promise to the world. More important, this money is needed, and it is needed desperately right now.

Some have argued that there are a lot of sick people in this world but they can't absorb all this money, these hundreds of millions of dollars that have been sent their way. I urge those who make that statement to consider the following.

CARE is one of the finest charities in the world. My family supports it and many of us do as individuals. Peter Bell, who is the head of CARE, sent a letter to President Bush just a few weeks ago. This is what he said about the need for full funding to $3 billion:

> There are hundreds of organizations, secular and faith-based, ready to expand their response to the HIV/AIDS pandemic. CARE, for example, has spent 15 years fighting HIV/AIDS, working with host governments, international organizations, and local partners. We currently support HIV/AIDS projects in 37 countries around the world with a total annual budget of almost $15 million. If funding were made available, we would double or triple the size of our HIV/AIDS programming. I believe the same is true for many other AIDS organizations.

That is what Peter Bell wrote to President Bush from the CARE organization just a few weeks ago.

Some of you are familiar with the organization World Vision. You can't watch one of their programs without having your heart torn to shreds. These wonderful people involved in World Vision around the world are working day and night with the most poor people on Earth. Richard Sterns sent a letter to President Bush just a few weeks ago. This is what he said:

> Let me assure you, Mr. President, we have the capacity to make a difference now and build for the future. The absorptive capacity is made up of a number of different players, national and local governments, community based organizations, a strong and widespread faith community, and international NGOs.

He then closed by saying this:

> It is my opinion that within these various delivery systems, $3 billion in aid can be effectively delivered to those who desperately need it now.

Richard Sterns, president of World Vision.

This Senate has considered this issue. In July, 78 Members of this body—78 of us—voted in a sense-of-the-Senate resolution for full funding up to the authorized level of $3 billion for AIDS. We said in that sense-of-the-Senate resolution we would stand by that number, even if it meant exceeding the levels authorized in the budget.

I can go through my entire statement, but the hour is late. I will not do that to you because I think you all understand it. Let me just say, if there is an argument that the money I am asking for is outside of the appropriations bill, let me remind you, the amendment we just passed was outside of the appropriations bill as well.

If there is an argument that we really don't owe $3 billion, let me tell you, the world thought our pledge was $3 billion. These heads of charitable organizations around the world are telling us that is what they understand the American commitment to be, and we are almost $600 million short this year.

Let me also add, if the argument is to be made that this money cannot be spent, the experts in the field, the men and women who risk their lives every day in the poorest places on Earth, have told us over and over again they need the money and they need it now.

I close with a reference to something I have been thinking about for some time. There was a movie which most of us have seen called "Schindler's List." You will never forget that movie as long as you live. And you remember that this man in Nazi Germany did everything he could think of—trickery, smooth talking, and guile—to save the lives of Jewish people destined for concentration camps. His success was so great that at the end of the movie, they showed in that factory the hundreds, maybe thousands, of people whose lives had been saved.

As he was about to leave them when the war was over, there was that final scene which none of us can forget. They turned to Schindler to give him a ring, a gold ring made out of the fillings of their teeth, in appreciation for what he had done to save so many lives. He broke down in tears, and he said in that movie:

> I should have done more. I should have done more.

That is where we are tonight. The DeWine amendment has moved us positively toward almost $300 million in this fight against global AIDS. But we should do more, and we can do more.

My colleagues, please, stand together tonight with our promise from our President on this global AIDS epidemic, a bipartisan promise that brings out the best in America. Let us leave with this bill saying: We kept our word. We stand behind you and we are prepared to lead the world. Let us provide the money and never have to say at some future time: We should have done more.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me say for the information of all Senators, the Senator from Nevada and I have been working on how to finish up tonight. I am not going to ask consent yet, but the plan is as follows: To stack three votes, first a vote on or in relation to the Durbin amendment, then on or in relation to the Bingaman amendment, then on or in relation to the Feinstein amendment. After that, we expect to be able to handle everything else by voice vote, including final passage.

Mr. REID. I ask unanimous consent that that be the case, there be no limitations as to time on that but there be no—no limitations as to time.

I would ask if my friend would modify his request. I have spoken to Senator FEINSTEIN, Senator DURBIN, and Senator BINGAMAN. If we could have it in inverse order, Senator FEINSTEIN first, then Senator DURBIN, and then Senator BINGAMAN?

The PRESIDING OFFICER. The Senator from Vermont?

Mr. REID. Would that be OK with the Senator?

Mr. MCCONNELL. I say to my friend that seems fine.

Mr. LEAHY. Reserving the right to object—and I shall not object—there was a discussion you may recall. I also suggested that when we do that, the penultimate vote and the final vote be 10 minutes.

Mr. REID. That is very reasonable. I so modify my request. I hope the manager does on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I also congratulate the Senator from Ohio as well as the majority leader for the tremendous work they have done on this issue in crafting a compromise that will keep within the budget. This DeWine amendment did keep within the budget and meeting the need that is out there in Africa and the Caribbean to address the greatest health crisis that maybe the world has seen.

I respect the Senator from Illinois. I share his passion for trying to do more. But I think we need to look at what, No. 1, our commitment was and, No. 2, what is the best and most prudent way of going about building the capacity, meeting the needs in a responsible way to all involved.

Let me talk first about what our commitment is. The commitment by the President, when he announced his plan—this was before the bill passed the House and Senate and was signed by the President—was to spend $15 billion over the next 5 years and ramp up as capacity would ramp up within those 12 countries in Africa and the 2 in the Caribbean. As capacity would ramp up, we would ramp up funding.

That makes sense for those who have traveled to Africa. I had the opportunity to meet with Ambassador Tobias today, who is in charge of the AIDS effort in Africa. I also had a chance to meet with Richard Feachem, who is in charge of the Global Fund, this afternoon.

I can tell you that while, yes, there are lots of organizations out there, to suggest there is the capacity at this point to take on the amount of money that is being contemplated here I think overstates the case, at least according to the experts, the people who are in charge of distributing this money. In fact, the administration makes a very strong argument that the money that was added to the DeWine amendment may not be able to be spent within the fiscal year. But we believe if there is a potential that that could happen, we would rather put a little bit more money there, just in case they do find that there can be some sort of expansion beyond what they, at this point in time, believe is possible.

We provided that cushion for the administration, and $300 million is not a small cushion. It is a fairly substantial increase in the amount of bilateral aid that is going to be provided by the United States—about a 15-percent increase.

I suggest that we provide that cushion which allows for the expectations of the administration to be on the low side, and be able to grow, if necessary. Obviously, we don't want them to spend money if it is not going to be spent efficiently; it will not really help. We want them to be good stewards of the funds and be able to spend that money to provide treatment, provide prevention, and provide it for taking care of both the old and dying and those who are near death and those who are young.

I suggest that the DeWine amendment accomplishes everything the Senator from Illinois wants to accomplish. The reason, by the way, it accomplishes what the authorization says is because there is now $2 billion for bilateral aid in the appropriations process this year. That is what the authorization says—$2 billion in bilateral aid, and up to $1 billion in matching from the Global Fund.

Let us look at the Global Fund. I just met the Director of the Global Fund. The contribution pledged for next year, as of this moment, is $100 million which was announced yesterday. So it is up to about $770 million. In the appropriations bill that we are going to pass, it is $400 million. Actually, it slightly exceeds the pledge that is in the authorization. For every two dollars of international aid there would be one dollar of U.S. aid. If you take roughly $800 million, it is actually less because $400 million meets the pledge that we said we would provide in the authorization.

To make the suggestion that we haven't in principle met it is just not right.

That is how we came up with the number that was in Senator DEWINE's amendment that was cosponsored by Senator DURBIN. We have met our obligations to the Global Fund. We have met our obligations in the authorization to provide $2 billion in bilateral aid even though the administration doesn't believe we can spend $2 billion efficiently and effectively.

I think we have pushed the envelope. The administration only pledged $200 million to the Global Fund. We have $400 million. We doubled the commitment that the administration said they would provide. We doubled it because we wanted to meet expectations. We have done so.

I suggest that we have met our obligation for bilateral aid. We have met our obligation for the Global Fund.

If, in fact, later when we get into 2004 and the Global Fund ends up raising more money—we have fiscal year 2005, which starts in calendar year 2004—at the end of 2004, and we did provide some more money to increase the match at the end of next year, a lot of money comes in from the other countries on a calendar basis. So we have an opportunity if we need to come up with more money to meet our match in the 2004 calendar year.

But there is no need to further bust the budget or try to bust the budget on something where we have made our commitment in the authorization and exceeded the commitment that the President made when he announced the $15 billion over 5 years. The President is wise. We would be wise if we are going to make the $15 billion commitment. I don't think anyone in this Chamber would argue that $1 spent in 2004 after 4 years of building up capacity, efficiency, and effectiveness is going to be more efficiently and effectively spent than putting more money in year 1. I don't think one can make that argument. We may be able to build capacity quickly and less efficiently and costly, but that money would be used more wisely and efficiently in later years where we can put more money in the hands of people who get those needed drugs and needed care in a much more efficient and broadly based way.

I think we have struck the compromise. I hope the Members of this Chamber will know that in good faith. I appreciate what the Senator from Illinois is doing. I have great sympathy for his cause, but I think we have struck the balance here and I hope this Chamber will vote accordingly.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise in strong support of the Durbin amendment.

First, I thank my colleagues and friend from Illinois for his passion and his eloquence and his persistence over and over on the floor, speaking up for those around the world who have no voice in this Chamber and who desperately need our help.

I also congratulate Senator DEWINE for his leadership in getting us up to this point.

We are talking about 8,500 people being killed by disease every day—8,500 people today, 8,500 people tomorrow, 8,500 people the next day, and 6,500 in

Africa alone. We are seeing HIV/AIDS produce 14,000 new infections every day, and 9,500 which occur in Africa.

If that doesn't tell us there is a sense of urgency to do all that we can do, I don't know what does. When we look at the facts of the more than 30 million people in Africa alone with HIV, only 50,000 have the medicine they need—we hear over and over again from the organizations in Africa that they have the capacity; they just need the resources; they just need our help.

There is no question when you look at the number. Less than 1 in 20 pregnant women have access to services to prevent mother-to-child transmission. The numbers are going on and on.

I urge colleagues to step up and support the promise that we made a few months ago—the promise that we made of $3 billion a year over 5 years, a total of $15 billion, and join together to send a message that we understand the sense of urgency from the people around the world who are so desperate for our help.

I remember just a couple of weeks ago on the Senate floor when we were talking about the Iraqi supplemental and reconstruction, I spoke about delaying a portion of the reconstruction dollars because it was clear from all of the evidence and studies that only $6 billion to $8 billion could be spent the first year. We wanted to divert some of those dollars in another direction for things here at home. We were told on the Senate floor that we needed to keep our full commitment, whether or not the capacity was there, and that we needed to immediately let them know what they had to work with so they could move as quickly as possible. I suggest this is no less; I believe the capacity is there now.

The reality is we need to let the people around the world, and the people of Africa and Americans who are working there desperately trying to make a difference and save lives, know that we in Congress will keep our commitment on behalf of the people of our country.

We are talking about a relatively small amount of dollars for saving literally thousands and thousands of lives.

As the Senator from Illinois said, we have a responsibility to do what we can do. We don't want to be in a position of looking back when the picture is clear about what has been going on and say where were we when we had the chance to save as many lives as possible.

The Durbin amendment needs to be passed, and it needs to be passed now.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I first want to thank my colleague, the Senator from Ohio, for the incredible work he has done. He has been tireless and steadfast on this issue. I was proud to be a cosponsor of his amendment.

I thank my colleague, the Senator from Illinois, for his passion on this issue. I have the greatest respect for what he is trying to accomplish.

Today, I had an opportunity to meet with Ambassador Tobias. We talked about this issue of capacity. He said he was in a warehouse—either in Botswana or South Africa—but he was in a warehouse. The warehouse was full of antiretroviral drugs. They were close to their expiration date. These drugs had been donated by a company. The drugs were there but they didn't have the capacity to get them all out. Those drugs were in danger of being wasted.

We were in South Africa this summer. I was with Leader FRIST and others and dealing with the issue of AIDS. There are 5 million people in South Africa who are HIV positive. There are approximately 20,000 receiving antiretroviral treatment.

We visited Anglo Gold, one of the largest gold mines in the world. They made a commitment to each and every employee to cover the full cost of treatment. Money is not the issue. They believe they have perhaps 30,000 employees HIV positive. They were hoping to get in the first year 10 percent, 3,000 to come in for treatment. They have a third of that and less to date. They said to us: The money is not the issue; we do not have the capacity to do it right. You have to do it right.

I will fight very hard to keep our commitment of $15 billion over 5 years. As my colleague from Pennsylvania said, we have met our commitment that is in the authorization of $2 billion by the DeWine amendment. We have met our commitment to the global fund. We are meeting our commitment. We are doing it the right way. We are going to have to ramp up. The needs are great.

In my own experience, having visited Africa, the capacity is not there. You simply cannot throw money at a problem. We have to do the right thing. We are doing the right thing by the commitments we have made by supporting the DeWine amendment. I oppose the Durbin amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Vermont.

Mr. LEAHY. Mr. President, it is interesting, before I came to the Senate, I recall seeing headlines saying the Congress passed an authorization to do this or an authorization to do that; $100 million to improve the environment somewhere, authorized $1 billion to do this. It was not until I got here that I realized that does not do anything. We could authorize $5 trillion for polio vaccine tonight, but if we did not appropriate some money, it is nothing.

In "Henry IV," Part I—if the Senator from West Virginia were here, he could set me—Part I, Act 3, Scene 1, we all remember that scene very well.

Glyndower says to Hotspur: I can call spirits from the vasty deep.

Hotspur answers: Why, so can I, so can any man; But will they come when you call for them?

We have authorized the money and the President and everybody else had wonderful speeches. I commended him, praising him. He met with all the various religious leaders and everyone else and went to Africa and talked about what we have promised. That was the authorization.

Now it is time to call for the money from the vasty deep. We can find $87 billion we had to send immediately to Iraq with absolutely no indication of whether the capacity was there to spend it when questions were asked. They were never answered. Included were items such as $6,000 telephones that could be bought for $600 in neighboring countries, and so on. But we just told them, we will build the capacity.

What the Durbin amendment, combined with the DeWine amendment—and I was a cosponsor of the DeWine amendment as I am of the Durbin amendment—if you put them together, then we do fulfill the commitment that the President of the United States very rightly said this country would do.

I have traveled to Africa. I have traveled to Haiti, Vietnam, China, and elsewhere. I have seen how AIDS is spreading. Other Senators on both sides of the aisle have seen the same. When you see that these additional funds can be effectively used, we have to ramp up. In all my travels, all my conversations with foreign leaders and public health experts, I have never met anyone who believes the money provided by this amendment could not be well spent today, not a year from now.

I have seen some of the vaccines that some companies donate, just about at their expiration date. Then they take a full tax writeoff even though it will not be used.

Everyone who is working in the field to stop AIDS believes we need the additional funds today.

That is why I praised the President when he promised them. That is why I will support the senior Senator from Illinois tonight to help in carrying out the promise that President Bush made.

You cannot argue $3 billion is too much to spend effectively in combating AIDS in 14 countries. That is not what the United States Leadership Against Aids Act says. Besides, why limit our efforts to 14 countries when five times that many countries are being ravaged by AIDS? Why ignore the other two dozen countries in Africa? Why ignore Russia or China or India where AIDS is spreading out of control? India is going to swamp virtually everywhere else with an AIDS crisis the way it is spreading. China, Russia, we have strategic interests there.

It is a false argument to say we cannot do this. Frankly, when you are the wealthiest nation on Earth, the most powerful nation on Earth, I believe it is an immoral argument. It is not just a fact that we in the United States are threatened by the spread of AIDS in other countries. We actually have a chance to do something about it. We have a chance to do something about it in countries where the yearly income is less than some of us have spent on an evening out with dinner, a show with our spouses; actually, where a yearly income is less than we spend on the time it takes for us to have this debate in most places.

It is in the 14 countries. If we could isolate AIDS to 14 countries, we should sing "Glory, Hallelujah." We cannot. There are dozens of countries that need help, that need to have people trained. We should provide the equipment to support a national prevention and treatment program. Ask anyone who is working those countries. They will tell you.

To argue that we do not have the capacity is not based on fact. It is not based on reality. It is not based on public health. I worry that argument is made because they do not want to spend the money. We are spending an awful lot more money to fight AIDS today than if we faced up to this problem two decades ago, but people did not want to. We wasted two decades. Twenty-five million people died in part because we and others failed to act. People died during that time. It is a population equal to 50 times my own State. Actually it is in population about 50 times the State of the distinguished Presiding Officer.

I commend the Senator from Illinois. I wish the White House would not oppose this amendment. What the Senator from Illinois is trying to do is to call them from the deep, call up the money to back up what the President has promised. The President has been rightly praised by religious leaders, by heads of state, by well-known entertainers such as my good friend Bono, from Ireland, for promising this money. So the White House should not stop us now that they have had the praise, now that everyone has stood up and said the President was right. Now we should not have the White House coming in through the backdoor and saying, don't vote for the money. We want to make the promise. We do not want to spend the money.

I hope everyone will stop and think. We could spend this money. The President was right to promise it. We are right to back the President's promise.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I do not know if there are any other Members who wish to seek recognition on this amendment. If they do, I will wait to speak last.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I wish to clarify a point the Senator from Vermont made about the White House.

I think if the Senator from Vermont will go back and look at the White House's proposal, and how much money they said they would spend when they put the proposal forward—which I think the Senator from Vermont rightly said was praised by the international community—the Senator from Vermont will discover that the President's proposal had less than $3 billion in the first year, actually roughly $2 billion in the first year, and then over the course of the following 4 years it was ramped up to in excess of around $4 billion.

So I think to suggest that the administration announced a plan with one hand and then somehow pulled back with the other is not accurately reflected by the record in this case.

The White House has been clear from the beginning as to what they have believed was the capacity for spending appropriately within the 14 countries they have outlined in the plan. They have stuck to that plan. They have insisted the numbers they put forth in the first place are accurate.

I share the Senator's concern that number may be low, and that is why I worked with Senator DEWINE and Senator FRIST to come up with some additional funds, some $400 million, to see if we could do more bilateral aid as well as provide more money for the global fund. We have accomplished that.

But I just want to set the record straight. The administration has announced their policy, which was warmly received by the international community, a community that understands that the capacity now is not what it will be 5 years from now as a result of the efforts of this administration, and that the money then can and should be ramped over a period of time based on the efficient capacity to be able to distribute, for example, the antiretroviral drugs the Senator from Minnesota talked about today that are sitting in a warehouse with an expiration that is nearing, with no ability to get those drugs out.

That is the current state in many areas in Africa. And to suggest that because the administration recognizes there is a failure of capacity of any areas in Africa is somehow coldhearted or, more importantly, that it has reneged on its promise does not accurately reflect what happened. It does not, in any way, in my opinion, accurately reflect the tremendous compassion and leadership which the administration and this President have shown on this issue.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to close. Would the Senator from Vermont like to be recognized?

Mr. LEAHY. If I could.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I just took this from the quotes of what the President said on July 12 in Nigeria:

> The people of Africa are fighting HIV/AIDS with courage. And I'm here to say, you will not be alone in your fight. In May, I signed a bill that authorizes $15 billion for the global fight on AIDS. This week, a committee of the House of Representatives took an important step to fund the first year of the authorization bill. And the Senate is beginning to take up debate.

He then stated:

> The House of Representatives and the United States Senate must fully fund this initiative, for the good of the people on this continent of Africa. . . .

So I went to what it was the President had signed, the authorization bill of which he spoke. He called upon us to fully fund it, but what it said in the authorization was $3 billion for the first year.

I spoke with the President about this. I told him I thought we could use the money. It is what he in his speech in Africa called upon the Congress to do. He said he would sign this authorization bill, which authorized $3 billion the first year, and he is calling upon us now to carry out our part. He has done his part. He wants us to carry out our part to fund it.

Well, we are trying to carry out our part. I also worked with the Senator from Ohio and the Senator from Illinois, as did Senator MCCONNELL, to find the extra money. It is more money. We have just voted for more money than what the White House said we needed when the bill first came up.

I am glad they are not resisting that extra money. I commend the White House for that. I commend Senator MCCONNELL, Senator DURBIN, and Senator DEWINE for working so hard to find it. But the fact is—the fact is—we have to build capacity. Capacity does not happen overnight. We can use the $3 billion. There is no question, it can be used. Every health official in the world would tell you that. We can use the money. We ought to get it into the pipeline. We ought to spend it.

The President was right. I took the floor of the Senate and praised him when he spoke of the need for this. I praised him publicly, and I praised him privately when I spoke with him about it.

So that is what it is we are trying to do.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, very briefly, and because I know we are about to hear closing comments on this amendment, I have two unanimous consent requests.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2691

Mr. President, I ask unanimous consent that on Monday, November 3, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany H.R. 2691, the Interior appropriations bill, provided that there be 60 minutes of debate equally divided between the chairman and ranking member of the subcommittee, and following the use or yielding back of the time, the Senate proceed to a vote on adoption of the conference report on Monday, at a time determined by the majority leader, after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 150

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of S. 150, the Internet Tax Moratorium, but not before November 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, if the majority leader has finished, I ask unanimous consent that there be 2 minutes equally divided before each of the subsequent votes following the vote on the Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I would further ask, just as a matter of inquiry—I know Senator DURBIN is about to wrap up the debate on his amendment. Senator FEINSTEIN told me she would speak no longer than 5 minutes. And people are calling.

Does the Senator from New Mexico have any idea how long he wishes to speak?

Mr. BINGAMAN. Mr. President, in response, I would be glad to speak for no more than 5 minutes.

Mr. REID. Mr. President, so everyone should be aware that these votes should start in the next 10 minutes or so.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, has the debate now been completed on the Durbin amendment?

Mr. REID. No. The Senator from Illinois wants to finish the debate, but he has just a few more minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I personally thank my colleagues. It is late. People would like to go home. I understand the weariness we all feel because it has been a long and hard week. But I hope you all understand this is not just another issue. For many of us—I think for all of us, frankly—this is an issue which is the challenge of our generation. It is the challenge of our time.

I was one of those Democrats who stood and applauded the President of the United States at his State of the Union Address. I thought he made a spectacular, historic commitment that the United States would lead the world in the fight against the global AIDS epidemic. He included tuberculosis and malaria.

Having visited some of the Third World countries that are victimized by these diseases, I stood and applauded in heartfelt support of the President, proud to be an American and proud of what he said: $15 billion over 5 years. We came back in the Senate and we decided to authorize—a Republican majority and the Democratic minority—$3 billion this year.

So this figure of $3 billion is not my creation. It is the Senate's creation. And it is a number which we ratified in July when 78 Republican and Democrat Senators said: Yes, that is what we are going to spend this year, $3 billion. Regardless of budget consequences, we will keep that commitment.

So this $3 billion figure is not one I have come up with. It is one that the President came up with. It is one that the Senate came up with.

Now, a lot has been said about capacity. Let me explain what I think is a misunderstanding here. One of the Senators said: I saw a warehouse full of vaccine that was about to expire. That is proof positive we don't need to send any more money over there because, frankly, it will be wasted. I guess that is the conclusion.

Let me read to you what the President of the United States said when he announced the global AIDS coordinator just a few months ago:

> We will set up a broad and efficient network to deliver drugs to the farthest reaches of Africa, even by motorcycle or bicycle. We will train doctors and nurses and other health care professionals so they can treat HIV/AIDS patients. Our efforts will ensure that clinics and laboratories will be built, renovated, and equipped. Child care workers will be hired and trained to care for AIDS orphans. People living with AIDS will get home-based care to ease their suffering.

This is what the President said. What we are doing with this money is not just sending medicine to warehouses. We are doing these things. The President has said we are using this money to build the capacity. Doesn't it defy logic for us to say if we need more nurses and health care professionals, it would be better to wait several years before we train them? We need them now so they can deliver the therapies and medicines necessary to save lives during the next 4, 5, and 10 years.

Shortchanging that capital investment, shortchanging that capacity investment on the front end is a guarantee these poor people will continue to die. Why would we stand by and let that occur?

The saddest thing about this amendment, the saddest thing of all is it is likely to be a partisan amendment. When you look at the rollcall, count the no votes. You are likely to see one political party, and the yes votes another political party. Of every issue in the world today which we will consider, this is the one that should not be partisan. This is the one where the President really summoned all of us to stand together in a bipartisan fashion.

I want to say one word in closing. Senator FRIST was here a moment ago. He has left the floor now. He is very busy; I understand. I have such personal admiration for Senator FRIST, though I disagree with him on a lot of political issues, but such personal admiration because this man is not only a political leader in America, he is a moral leader of the Senate. He takes his skills as a doctor to Africa, to the poorest places on earth to help the poorest people. Of all the things that could be said of BILL FRIST, no one can ever question his moral commitment to poor people. That is not only admirable and honorable, but it speaks so well of him and what we can be when all of us understand that when it comes to issues of life and death for the poorest people around the world.

Please, step aside from party label. Step aside from the moment and say: We are going to do what is necessary to save these lives so some future day we don't look back and shake our heads and say: We should have done more.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the only remaining time to be used on the Feinstein amendment be 5 minutes to be used by Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator FEINSTEIN is entitled to 5 minutes.

Mr. MCCONNELL. I understand that. I am locking in the time on this side. I ask unanimous consent that the only time to be used on the Bingaman amendment be 3 minutes to be used by the senior Senator from Kentucky.

The PRESIDING OFFICER. The Senator is referring to his side?

Mr. MCCONNELL. Right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. With regard to the pending Durbin amendment number 2047, it increases spending by $589,700,000. This additional spending would cause the underlying bill to exceed the subcommittee's 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1977

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have 5 minutes on my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 1977.

The PRESIDING OFFICER. The amendment is pending.

Mrs. FEINSTEIN. I thank the Chair.

I ask unanimous consent to add as cosponsors, in addition to Senators SNOWE and MURRAY, Senators CLINTON, JEFFORDS, and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, looking at the scope of the HIV/AIDS tragedy, 40 million people are infected with HIV worldwide and 30 million of these people are from sub-Saharan Africa, approximately 70 percent of the world's total. As of 2001, 21.5 million Africans had died of AIDS, and at least 50 million new cases are projected by 2010 in five countries alone: China, Ethiopia, India, Nigeria, and Russia.

It is estimated that two-thirds of the 45 million new HIV infections expected to occur during this period could be averted with effective prevention. That is where we must go. This amendment does not aim to change the one-third earmark for abstinence until marriage. This amendment aims to provide some flexibility so that the people on the ground have the opportunity of tailoring the most effective prevention program.

The way in which we do it is, first, we reserve at least one-third of funds for the prevention of the sexual transmission of HIV, rather than one-third of all prevention funds, for abstinence-until-marriage programs.

Secondly, our amendment defines an abstinence-until-marriage program as any program that places a priority emphasis on the public health benefits of refraining from sexual activity outside of marriage.

Our amendment gives the administration, local communities, and HIV/AIDS workers on the ground maximum flexibility to design HIV/AIDS prevention strategies that are most effective in stopping the spread of AIDS.

One of the things we know, for example, is that Nevirapine, given to a pregnant woman, can stop the spread of HIV to her unborn child. In removing the one-third earmark from that program, you are able to use prevention dollars in a much wiser way.

Let me be clear: Our amendment does not strike the one-third earmark for abstinence until marriage programs. Rather, it ensures the United States can fund programs that are most successful in increasing abstinence among young people.

We believe this is a pro-abstinence, results-oriented amendment. It balances congressional priorities with public health needs. I urge my colleagues to support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to speak in opposition to the Feinstein amendment. I have deep respect for Senator FEINSTEIN. I have worked with her on a number of issues. I respect her thinking process, her compassion, and her view. However, on this issue, I have to differ with her, and I wanted to articulate several reasons why.

No. 1, we have voted on this issue already. This issue came up earlier when we had the debate on the major initiative put forward by the administration on HIV/AIDS. This was a major issue of debate at that point in time when we were trying to get the authorizing piece of this bill through. This is the appropriations piece. But when we were trying to get the authorizing piece of the bill through, we had a major debate about this.

We had a number of people here at that time talking with us about the role of abstinence. The leading country that has been successful in the major area where we are targeting our efforts in the HIV/AIDS pandemic has been Uganda. The Ugandan model is ABC, and it leads with abstinence. The day of the vote on this, we had the First Lady of Uganda here speaking with a number of us, talking about the central role of abstinence and the historic drop in the level of HIV/AIDS that had taken place in their country.

These are very impressive numbers, best of any country around the world that has had the high infection rates. Their infection rate dropped from 21 percent to 7 percent in just 9 years. She was saying specifically it was the abstinence portion. It was the abstinence focus.

If you want to stop the spread of AIDS, the best way to do it is abstinence. She was here and speaking to us with great clarity about that issue.

We had the debate, and we voted at that point in time with a majority saying we want a certain amount of money to go for the abstinence program.

I have great respect for the Senator from California. The Feinstein amendment would take money away from the abstinence focus in this program. In effect, she would open it up to more areas and dilute the abstinence base funding so that it will be reduced. In effect, we will be changing the course we set in the authorizing language: that we want a certain amount of money, about a third of this pool, to go to abstinence, and we would be changing course and reducing that level from the authorizing language.

The administration and the Ambassador for Global AIDS Coordination, Ambassador Tobias, has written to the Senate Foreign Operations chairman, Senator MCCONNELL, in strong opposition to this amendment. He says in his final paragraph:

> Finally, the effect of this amendment would be to decrease the amount that could be spent on abstinence-until-marriage programs as a prevention model, and I believe that would not be in the interest of best public health practice.

This is the person implementing this legislation, the amount of funding we are putting forward. He thinks the money targeted by the authorizing committee is appropriate and best suited for us to meet the objectives.

Mr. President, my objective is to reduce AIDS infections around the world, and the best model is Uganda. It has gone from 21 percent to 7 percent and the lead program they did it with was abstinence. We have a proven model. We voted on this previously. I urge my colleagues, with all due respect to the Senator from the State of California, not to change minds on this issue but, rather, to stay with what we already discussed and decided on and stay with the funding levels we currently have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mrs. FEINSTEIN. Mr. President, how much of my time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds remaining.

Mrs. FEINSTEIN. Mr. President, with respect to Uganda, I would like to read testimony from a Ugandan HIV/AIDS director before the House regarding the promotion of prevention by the President of Uganda. Let me quote this:

> For some, he promoted a message of delaying sexual debut. For others, he urged them to be faithful to one partner and to use a condom. It was his three-part message that was effective in Uganda. In my personal experience, I believe this three-part message is critical.

Currently, one-third of all prevention funds must be reserved for abstinence until marriage programs. This earmark limits the amount of funds available for other prevention programs, including preventing mother to child transmission. There are literally 5 million to 10 million orphans already from AIDS in Africa, and it is going to be much more.

All we are saying, is that the one-third earmark should not apply to programs that give a pregnant woman a 90 percent chance of preventing the transmission of AIDS to the unborn child. That is all we are doing in this amendment, providing some flexibility.

Remember this overwhelming statistic. The estimates are there will be in excess of 20 million orphans by 2010 in Africa. There should be flexibility. Our amendment allows the people on the ground to design a HIV/AIDS prevention program that is most effective at stopping the spread of HIV/AIDS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BROWNBACK. Mr. President, responding to the good Senator from California, I note the abstinence funding is only 33 percent of the bill. The remaining two-thirds of the money can be used in other models other than the abstinence model. There are other funds in the bill that can't be used for other types of treatment, but we set aside a certain portion for the abstinence model because it has proven to be so effective.

The other point the Senator from California mentions is flexibility. Ambassador Tobias, who runs the global AIDS program, is opposed to this amendment because it restricts his flexibility. I quote from the letter he sent to the appropriations chairman:

> Given the various cultures, traditions, and religions that are reflected in the global HIV/AIDS epidemic, it is essential that we be enabled to work with multiple prevention approaches and partners to affect behavior change. Restricting such flexibility, as this Amendment intends, would undermine our ability. . . .

I urge a vote against the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to take just 30 seconds to speak in support of Senator FEINSTEIN's amendment.

The issue here is not about whether we support abstinence as a method of preventing the transmission of HIV. Obviously, it is one approach, and an important one especially in countries where young girls are extremely vulnerable. Encouraging young people to postpone sexual activity until they are in a monogamous relationship is a key goal of any AIDS prevention strategy. So abstinence is one approach that we need to support along with other prevention strategies.

But the Leadership Against AIDS Act says that 33 percent of all AIDS prevention funds should be spent on abstinence programs. The question, which is not answered in that act, is how to define abstinence, because if it is defined too broadly, it will eat into funds that are crucially needed for other prevention methods, such as HIV testing, and educational and information programs about methods to prevent HIV transmission among people who are sexually active.

This amendment strikes the right balance, and I commend the Senator from California for taking on this difficult but very important issue.

I ask for the yeas and nays on the Feinstein amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the amendment.

AMENDMENT NO. 2048

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I call up amendment No. 2048.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DASCHLE, proposes an amendment numbered 2048.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To make an additional $200,000,000 available for the Global Aids Initiative and reduce the amount available for Millennium Challenge Assistance by $200,000,000)
>
> On page 22, line 7, strike "$700,000,000" and insert "$900,000,000".
>
> On page 45, line 8, strike "$1,000,000,000" and insert "$800,000,000".

Mr. BINGAMAN. Mr. President, let me start by congratulating Senator DEWINE, Senator DURBIN, and all the others who worked so hard on the earlier amendment we adopted to add some funding. The case was extremely persuasive. By adding those dollars, we will be saving tens or perhaps hundreds of thousand of lives. I agreed with that and was very strongly in support of the amendment.

The purpose of this amendment is to make an additional $200 million available for the global AIDS initiative and reduce the amount that is available for the Millennium Challenge Account by $200 million. So this is a transfer of funds from one part of the appropriations bill to another.

Let me talk first about the Millennium Challenge Account, with which we are all familiar, to help developing countries. The administration, in their budget request, asked for $800 million in new obligated funds for this Millennium Challenge Account. That was what the Secretary of State testified to in answer to a question from Senator BIDEN before the Senate Foreign Relations Committee.

Senator BIDEN asked:

> What is the estimate of obligations of $800 million in fiscal year 2004 based on?

Secretary Powell's answer:

> This is an estimate of the proportion of the $1.3 billion budget request which we expect would actually be obligated in 2004 based on the careful selection system we have set up. Thus, we do not believe it likely that all MCA money appropriated in 2004 would be obligated in the fiscal year.

Let me put up one other chart. This chart depicts graphically that the President's budget request was $1.3 billion in budget authority, but only $800 million in funds to be obligated in 2004.

The House, in their appropriations process, took the President at his word and said: OK, you want $800 million for the Millennium Challenge Account; we will give you $800 million.

We have gone an extra $200 million, although the administration itself says this extra $200 million they want for 2005 and later. They do not need it for 2004.

My amendment simply would use that money in 2004 for this AIDS problem about which we are all so concerned. The amendment is inside the budget. It is inside the appropriations caps that the subcommittee has been given.

In my view, this is a much better use of the money than just leaving $200 million in an account somewhere for the next 12 months until we get to 2005. This would be money that would be made available. I do not agree with the notion that we can just postpone and do more good with this money later on. Later on, many of the people we would like to help will be dead. The reality is we need to get this money and assistance to them as quickly as possible and follow through on the promise we have made. So I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we are nearing the end of the debate. There will be three rollcall votes stacked very shortly. Senator LEAHY and I are unaware of any requests for any more rollcall votes. So I think it is safe to say that these three rollcall votes will be the last remaining rollcall votes for the night.

With regard to the Bingaman amendment, this amendment adds $200 million of an existing budget of over $2 billion to fight global AIDS. Just to put that in perspective, this amendment adds more than the entire fiscal year 1999 Clinton global AIDS funding level to this year's level on top of what we have already done. It adds $200 million for HIV/AIDS with an offset, taking away from the Millennium Challenge Account, the President's new initiative. We are spending over $2 billion already this year, as has been repeatedly stated tonight, to combat HIV/AIDS, including nearly $200 million for the Global Fund.

The Millennium Challenge Account is a new initiative that enjoys broad bipartisan support. The MCA provides foreign assistance to developing countries that are doing things the right way, from ruling justly to building free market economies.

The Senate just approved the DeWine amendment 89 to 1. That increases HIV/

AIDS spending by $289 million. It is time to wrap it up on this bill, to not steal money from the Millennium Challenge Account. I urge opposition to the Bingaman amendment.

I am prepared to yield back the remainder of the time on this side and let the Senator from New Mexico wrap it up.

The PRESIDING OFFICER. The Senator yields the remainder of his time.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds remaining.

Mr. BINGAMAN. Mr. President, just to summarize the point. I am in favor of the Millennium Challenge Account. I am proposing that we go ahead and provide the full $800 million that the administration asks to be obligated in 2004. That is exactly what the House of Representatives did. That is exactly what we ought to do.

My only point is that we should not be giving them $200 million that they themselves—that is, the administration itself—say they cannot spend in 2004. They do not plan to spend it in 2004. That money should be made available to fight AIDS. We can do that. It does not bust the budget. It does not bust the limitations that we have on this spending bill. It is a better use of that money, and I urge my colleagues to support that amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico yields back the remainder of his time.

The Senator from Vermont.

Mr. LEAHY. I have great respect for the Senator from Kentucky and the bill that he has put together. Whatever the outcome of the vote, I will strongly support this bill. It is a good bill. Senator McCONNELL has worked in a bipartisan manner to accommodate a number of priorities. This is one disagreement. We have hundreds of issues that we have to resolve in this bill. I think our average is pretty good.

As Senator BINGAMAN pointed out, this is not a vote for or against the Millennium Challenge Account. The MCA could turn out to be a great program. This is a vote about priorities. This amendment is fully offset. The vote is on the following question: Do you want $200 million sitting in the Treasury for a year? Or, do you want to spend if fighting HIV/AIDS?

The administration's own budget documents say that they will spend only $800 million of this money this year. Anything above this level will not be obligated until Fiscal Year 2005. This is precisely why the Republican-controlled House provided $800 million for the MCA. Secretary Powell made this point very clear when he testified before Senate Foreign Relations Committee. He was asked: "Why can you spend only $800 million in Fiscal Year 2004?

He replied—and I am quoting—this figure is "based on the careful selection system we will set up." Secretary Powell continues: This is an innovative approach with no precedent to guide us. We anticipate that it will take some time to develop the first proposals and then hone them into acceptably detailed and accountable contracts. We thus did not believe it likely that all MCA money will be obligated in the fiscal year. We would anticipate that any remaining funding would be obligated in fiscal year 2005 for programs in countries selected in fiscal year 2004.

I know that the White House will figure out a way to say they need this money. But, let me tell my colleagues a couple of other things I know. I know that this additional money will sit in Treasury—their own budget documents show this. Secretary Powell testified to this. I know we do one year appropriations around here. We will revisit this issue next year. I know there is not enough money in this bill to combat the worst public health crisis in 500 years.

The Bingaman amendment gets us more money, which is fully offset, to accomplish this important goal. I urge my colleagues to vote yes.

Also, I thank the staff members who have worked so hard on this bill. Senator McCONNELL and I work in a bipartisan manner and so do the respective staffs. On the Republican side I thank Paul Grove, Brendon Wheeler, Robert Karem. On the Democratic side, I thank Tim Rieser, Mark Lippert, and J.P. Dowd.

The PRESIDING OFFICER. All time has expired on the Bingaman amendment.

VOTE ON AMENDMENT NO. 1977

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 1977 offered by the Senator from California on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 47, as follows:

[Rollcall Vote No. 430 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—47

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—8

Carper
Domenici
Edwards
Hollings
Kerry
Lieberman
Lott
Nelson (NE)

The amendment (No. 1977) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2047

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the motion to waive the Budget Act with respect to amendment No. 2047 by the Senator from Illinois.

Mr. McCONNELL. Mr. President, more than enough has already been said about this budget point of order. We have had this vote at least three different times this year. I hope the budget point of order will be sustained.

Mr. DURBIN. With this amendment, we raise the spending to fight the war on global AIDS, tuberculosis, and malaria to the level that the Senate promised in its own authorization bill, a level that 78 of us voted for on a bipartisan basis.

We know this is the greatest moral challenge of our time. This is our chance to keep our promise to the world to make certain that America's compassionate leadership is meaningful to people around the world.

I ask my colleagues, please, look beyond the Budget Act. Look to the fact that we have a challenge here that is worthy of our vote at this time. I hope you will support this amendment.

I reserve the remainder of my time.

Mr. McCONNELL. I yield the remaining time to the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the DeWine amendment accomplished everything that is absolutely necessary to fight global AIDS at this time. It is $2 billion. The authorization stipulated fully funding the authorization of $2 billion and $400 million to match the $800 million that had been pledged by the international community. As meeting with the authorization, $1 of American for $2 of international. The $2.4 billion, which is in the bill, fully funds our AIDS commitment on the authorization and overfunds what the President requested by $400 million.

Mr. DURBIN. My friends, the authorized level is $3 billion. It is not $2 billion. The $2.4 billion we have reached with the Mike DeWine amendment still leaves us short $589 million. That is the difference this amendment makes.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2047 of the Senator from Illinois. The yeas and nays have been ordered. This is a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 50, as follows:

[Rollcall Vote No. 431 Leg.]

YEAS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Collins
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—8

Carper
Domenici
Edwards
Hollings
Kerry
Lieberman
Lott
Nelson (NE)

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. FRIST. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, for the information of all Senators, this will be the last rollcall vote tonight. Final passage will be on a voice vote. There will be no votes tomorrow. Earlier tonight, we had two unanimous consent agreements. We will say more about Monday's schedule a little bit later, but the plans are to have at least one rollcall vote Monday. It will be around 5:30 or so. That will be on the interior conference report.

AMENDMENT NO. 2048

The PRESIDING OFFICER. There is now a period for 2 minutes of debate equally divided on amendment No. 2048 offered by the Senator from New Mexico.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Very briefly, this amendment would take $200 million out of the President's Millennium Challenge Account and add it to AIDS funding. We have already had a significant amount of debate about AIDS funding. I think we have made a decision on that.

This amendment, I hope, will be opposed.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, first, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, in the bill before us, we have $200 million for the Millennium Challenge Account that the administration says they cannot spend in 2004. They do not plan to spend it. They did not request it.

The House gave the administration $800 million for the Millennium Challenge Account. We are giving them $1 billion.

My amendment would say let's give them the same amount the House is proposing to give them, the $800 million, and let's take that extra $200 million and use that in the fight against HIV/AIDS. It is a much better use of the funds than just putting it in an account for possible use in 2005.

I urge the adoption of the amendment.

Mr. DASCHLE. Mr. President, I rise in strong support of the Bingaman amendment, which would transfer $200 million dollars from the Millennium Challenge Account into programs designed to help us fight our struggle against the spread of HIV/AIDS.

I commend my friend and colleague from New Mexico for his leadership on this critical issue. Along with several of our colleagues, the Senator from New Mexico and I traveled to South Africa, Botswana, Kenya, and Nigeria to look at this heart-wrenching challenge. And I believe his amendment is an important step toward relieving the intense suffering we saw on that trip.

Let me say, too, that I support the Millennium Challenge Account. With the crushing poverty affecting nearly a third of the world's citizens, the MCA is clearly an idea whose time has come. I support it, and that is why I worked hard to ensure that this foreign operations bill contains the legislation to create that important program.

But the bill also includes $200 million more than the President has requested and $200 million more than his Secretary of State has said he can use this year. So rather than have that money sit unused—in the face of the gravest public health crisis the world has ever known—we propose to put that money to use immediately to confront HIV/AIDs.

Less than 4 months ago, the President signed into law a bill authorizing his administration to spend $3 billion a year for the next 5 years on a comprehensive program to combat AIDS.

Congress passed this legislation in response to the President's call for action in his State of the Union Address. Unfortunately, President Bush's own budget request has fallen fall short of his promises, seeking just under $2 billion, more than $1 billion less than what he is authorized to spend.

Nearly 30 million people in sub-Saharan Africa are currently living with the AIDS virus, and the President's emergency plan for AIDS will begin to help those countries that are worst hit.

But the reason we need to invest this additional $200 million—on top of the $289 million we just agreed to—is because the President's emergency plan focuses only on Africa and the Caribbean.

Take one country not addressed in the President's emergency plan. At the end of 2002, over 4.5 million Indians were infected with HIV, making India the nation with the second-highest population of AIDS patients in the world behind South Africa. Experts there warn that the disease has spread from high-risk populations in urban areas into rural India.

As a result, the infection rate will dramatically increase, in much the same pattern it followed in sub-Saharan Africa. A recent United States National Intelligence Council report predicted that India could have 25 million of its citizens infected with HIV/AIDS by the year 2010—less than 7 years from now. Such an incidence of this disease would mean that India will have nearly as many people living with the AIDS virus as the entire sub-Saharan African region does today.

But our investments to fight HIV in India at the moment are less than $40 million per year. By continuing that trend line, we are in effect requiring even more expensive investments within a decade.

I urge my colleagues to support the Bingaman amendment, which follows the recommendation of President Bush regarding the amount of money needed for the Millennium Challenge Account, and devotes the additional resources to a problem that demands our immediate attention.

Mr. BINGAMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

All time has now expired. The question is on agreeing to amendment No. 2048 offered by the Senator from New Mexico. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The result was announced—yeas 41, nays 51, as follows:

[Rollcall Vote No. 432 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Byrd
Cantwell
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Biden
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—8

Carper
Domenici
Edwards
Hollings
Kerry
Lieberman
Lott
Nelson (NE)

The amendment (No. 2048) was rejected.

Mr. McCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senator LEAHY be listed as a cosponsor of amendment No. 2047.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

AMENDMENT NO. 2049

Mr. McCONNELL. Mr. President, I have a technical amendment, which includes language by Senators ALLARD and FEINGOLD to strike amendments Nos. 1995 and 2004, previously adopted, and another technical amendment by Senator SANTORUM. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2049.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Senate Amendment 1968, strike the following:

On page 18, line 10, after "Jordan" insert the following:

, which sum shall be disbursed within 30 days of enactment of this Act.

Strike amendments 1995 and 2004 to H.R. 2800, which were adopted by unanimous consent on October 28, 2003.

At the appropriate place in the bill, insert the following:

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. . (a) Subject to subsection (b), none of the funds appropriated under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

SEC. . TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2049) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2023, AS MODIFIED

Mr. McCONNELL. Mr. President, I send a modification to amendment No. 2023, offered by Senator KENNEDY, to the desk.

I understand the amendment has already been agreed to.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2023), as modified, is as follows:

At the appropriate place, insert the following:

SEC.   . Beginning not later than 60 days after the date of enactment of this Act, the Coordinator should make publicly available (including through posting on Internet web sites maintained by the Coordinator) prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, diagnostic and monitoring tests, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing counties—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

AMENDMENT NO. 2050

Mr. McCONNELL. Mr. President, I send an amendment to the desk by Senator STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. STEVENS, proposes an amendment numbered 2050.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance for democracy programs in Russia)

On page 27, line 4 after the colon, insert the following:

Provided further, That of the funds appropriated under this heading, $500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives:

Mr. McCONNELL. I understand there is no opposition.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2050) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1970

Mr. McCONNELL. Mr. President, I call up amendment No. 1970 on behalf of myself, Senator LEAHY, and Senator McCAIN. The amendment is pending.

The PRESIDING OFFICER. That amendment has already been offered.

Mr. McCONNELL. It is pending but not adopted. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1970) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CLEAN ENERGY TECHNOLOGY EXPORTS INITIATIVE

Mr. BYRD. Mr. President, I have long had an interest in helping to open international energy technology markets and in expanding the export of a range of U.S. clean energy technologies. In October 2002, the Bush administration, at my urging, released a nine-agency plan called the Clean Energy Technology Exports, CETE, Initiative which is intended to carry out such an effort. The participating agencies whose budgets are covered in this bill include U.S. Agency for International Development, USAID, the Export-Import Bank, ExIm, Overseas Private Investment Corporation, OPIC, and the Trade and Development Agency, TDA.

To help coordinate and facilitate that work, funds have been included in the Fiscal Year 2004 Energy and Water bill to establish an interagency center to be located at the Department of Energy in order to increase U.S. efforts abroad and encourage greater public/private partnerships for such projects. It is also important that other agencies with responsibility for foreign assistance and export promotion participate in this initiative.

I hope that the managers of this bill will work with me in conference to include language in the Statement of Managers to strongly urge USAID, ExIm, OPIC, and TDA to participate actively in the CETE Initiative. I want to be sure that these agencies contribute to the center's work, with funds in their existing budgets, to promote U.S. clean energy technologies in developing countries where the demand for energy is increasing dramatically.

Mr. McCONNELL. I am aware of the interest of the ranking member of the Appropriations Committee, the senior Senator from West Virginia, in promoting the export of clean energy technologies, and appreciate knowing about his efforts to establish a center at the Department of Energy for this purpose.

Mr. LEAHY. I also appreciate what my friend Senator BYRD has said, and I will gladly work with him in conference in support of the language he seeks in the Statement of Managers.

GLOBAL TB DRUG FACILITY

Mrs. BOXER. I would like to thank the Senator from Vermont for his outstanding leadership on this bill and especially for his leadership on infectious disease issues. As my colleague well knows, tuberculosis is the greatest curable infectious killer on the planet. TB is also the number one killer of people with HIV/AIDS and the biggest killer of young women.

We must support the highest possible funding level for global TB programs, especially as we scale up AIDS efforts, and we must ensure that these monies have maximum impact—curing as many people of TB as possible. Ensuring access to drugs is a key component in curing TB.

Mr. LEAHY. I agree with my colleague. When countries do not have access to TB drugs, people die needlessly and when TB treatment is interrupted, this leads to the development of more deadly multi-drug resistant TB—which can cost hundreds of thousands of dollars to treat each infected person in the United States.

Mrs. BOXER. To address this issue, the Global TB Drug Facility, which is part of the Stop TB Partnership at the World Health Organization, is a remarkably successful international mechanism that is effectively providing access to high-quality anti-TB drugs in the world's poor nations. The Global TB Drug Facility procures drugs at low cost through a competitive bidding process, distributes drugs to qualified grantees, and works with Stop TB partners to ensure monitoring and evaluation.

In operation just 2 years, the Global TB Drug Facility has reduced the price of anti-TB drugs to just $10 for a full six to eight month course of treatment, and has approved grants to over 40 countries.

The Global TB Drug Facility, GDF is so successful that the World Health Organization is using it as a model for providing anti-retroviral drugs and diagnostics in its campaign to reach 3 million people with anti-retrovirals by 2005.

Yet, despite its immense effectiveness, the GDF is facing a severe funding crisis. It does not have funding to meet existing commitments next year or to make any new grants for drug purchases. It needs $50 million next year and a minimum of $25 million just to meet existing commitments for 2004. If it does not get its minimum funding, at least 1.8 million TB patients will be put at serious risk and many will die, and we will be interrupting supplies of drugs—creating the perfect conditions to develop a dangerous drug resistant strain of the disease.

H.R. 1298, The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, which was passed by the Senate and signed into law by the President, calls for "substantially increased funding for the Global Tuberculosis Drug Facility."

The United States provided only $2 million to the GDF in 2002 and just $3 million in 2003. As a crucial part of our global TB effort, the United States should significantly increase our support for the Global TB Drug Facility in 2004. For example, $15 million provided to the TB Drug Facility could provide TB drugs to treat over 1 million people.

WATER MISSIONS' HONDURAS WATER SUPPLY DEMONSTRATION PROJECT

Mr. GRAHAM of South Carolina. Mr. President I rise to ask the bill's manager, Senator McCONNELL, about a provision in the Fiscal Year 2004 foreign operations bill of particular importance to me. This appropriations bill provides $100 million for water conservation, $1.5 million of which the committee report sets aside for Water Missions International for its safe water supply and wastewater treatment projects for several regional hospitals in Honduras. Water Missions is a faith-based South Carolina organization that delivers potable water engineering systems to towns and villages in developing countries around the world. I ask Senator McCONNELL if he is familiar with Water Missions International and this important demonstration project.

Mr. McCONNELL. Yes, I am familiar with Water Missions International and its work to provide water to communities in developing countries. I am particularly familiar with their current water project in a regional hospital in Honduras. I recently met with Water Missions' founders, George and Molly Greene, to discuss this important project and was impressed by Water Missions International's use of low-cost, appropriate technology for improving drinking water supplies.

Mr. GRAHAM of South Carolina. If I may raise one more issue, I am concerned that United States Agency for International Development, USAID, has at times not followed report recommendations made by the Senate and House Appropriations Committees. Is it the manager's intention that USAID follow the recommendation in the report?

Mr. McCONNELL. Absolutely. I strongly support the report language that was included in Omnibus Appropriations Bill earlier this year, saying that "the managers expect the Department of State and USAID to follow the recommendations in the House and Senate reports, unless those recommendations are modified in the statement of the managers." I am pleased that senior USAID officials recently met with Water Missions to begin the partnership process in implementing this particular recommendation.

Mr. GRAHAM of South Carolina. I thank Senator McCONNELL for his support of Water Missions and its inclusion as an USAID project.

INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT

Mr. McCONNELL. Mr. President, I see the Senators from Virginia and Vermont on the floor, and am wondering if they could provide some additional information on their amendment concerning enforcement of intellectual property laws.

Mr. ALLEN. I thank the Senator from Kentucky. The Allen-Leahy amendment provides $5 million under the "International Narcotics and Law Enforcement" account to improve enforcement of intellectual property laws to combat piracy in developing countries. This is a very important issue, as it relates directly to our economic viability as a nation.

Mr. LEAHY. I agree with the Senator from Virginia. The lack of enforcement of intellectual property laws is a serious problem. It undermines the rule of law in other nations, and it hurts U.S. economic and cultural interests. Perhaps most importantly, it reduces incentives for Americans to be creative. And, we know that American ingenuity is a major reason that the United States is the Nation it is today.

This amendment will help address some of these problems. It will also help developing nations comply with the WTO agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS, and other intellectual property agreements, which is very important.

Some of these nations have problems meeting the most basic needs of their people, and it is safe to say that this assistance could be the difference between the enforcement of these laws or piracy continuing unabated.

Mr. McCONNELL. I thank my good friend from Vermont. I agree with what has been said on this by the Senators from Virginia and Vermont. I think this is a good idea, and would like to ask, for clarification purposes, a question of the Senator form Virginia. How would this money be spent and what type of assistance would be provided by these funds?

Mr. ALLEN. This amendment allows the administration to be extremely flexible in finding an approach. It could involve training, equipment, or a range of other measures.

I do not want to micro-manage this process. I want to leave this in the hands of those in the administration with expertise on this issue. I would defer, in large measure, to State Department officials, especially those posted overseas who are dealing with the problem on a daily basis, to come up with a workable strategy.

However, I do believe that this is a problem that requires a coherent plan and a coordinated approach by the United States Government. And, I believe that the State Department, in close consultation with the United States Trade Representative, USTR, and the Department of Commerce, should formulate a detailed strategy for the use of these funds before they are obligated.

Other agencies, such as the Patent and Trademark Office, the Department of Homeland Security, the Department of Justice, and the Library of Congress, have expertise on this issue. They can be extremely helpful in implementing these programs, especially with respect to training individuals from developing nations.

Mr. McCONNELL. This sounds like a very reasonable approach.

Mr. LEAHY. I agree.

Mr. REID. Mr. President, I want to thank my colleagues, especially Senator LEAHY, Senator McCONNELL, and Senator DASCHLE, for supporting an amendment that was cleared. The amendment will help one of our closest neighbors—the country of Mexico.

We recently approved billions of dollars to begin rebuilding the nation of Iraq and to maintain order in Afghanistan. We approved this aid not only so the people of Iraq and Afghanistan can enjoy the benefits of a free and democratic society; we also approved it because we know it's in our interest to create a stable situation in those countries.

The same thing goes for our southern neighbor, with whom we share a 2,000 mile border, and where economic conditions are particularly bad right now.

Desperate people take desperate measures, and many people in Mexico are desperate. A few years ago, Mexico seemed on the verge of an economic breakthrough. But today, Mexico's growth rate is half what it was in the 1990s. More than half of all Mexicans—over 50 million people—have an annual income of less than about $1,400. Almost one-fourth of all Mexicans have an annual income of about $720—less than $2 per day.

There is little hope for these people in the Mexican countryside, where coffee prices have plummeted and where homes and land values are falling because of a badly broken system of private property ownership. So these desperate people take desperate measures. Maybe they flee to Mexico City—but there isn't much hope there either. Most refugees from the country side wind up in crowded shantytowns, breathing foul air, and living in filth. Maybe they remain on the land, but instead of raising coffee, many turn to illegal crop production, which facilitates a dangerous trade in drugs that poisons our own cities. Perhaps they will put their lives in the hands of unscrupulous "coyotes" who promise to lead them across the desert to the land of plenty. If they don't die trying, they reach the United States, where they place an added burden on our security officials and social services.

I do not condone illegal immigration. But I understand that desperate people do desperate things, and that desperate conditions in Mexico affect the United States.

This amendment extends a helping hand to our neighbor. It provides $10 million for micro credit lending, small business and entrepreneurial development, aid to small farms and farmers, many who have been affected by the collapse of coffee prices, and it calls for programs to support Mexico's private property ownership system, which is in dire need for repair.

The money appropriated pursuant to this amendment won't solve these problems overnight, but we have to start somewhere. Our neighbor needs help, and we can't turn a blind eye.

This is not a handout. It is a commitment to free market-based programs that will spur long-term development and growth in the rural areas of Mexico. By extending a hand to our neighbor, we are also keeping our own Nation strong and secure. I again want to thank my colleagues for supporting this measure.

Mr. MCCONNELL. Mr. President, we all understand and appreciate the importance of information technology. Many of us now regularly use our "blackberries" to communicate with each other and staff on the workings of this body. I want to take a moment to highlight the efforts and vision of Voice for Humanity to utilize information technology—specifically audio digital technology—to maximize the effectiveness of HIV/AIDS awareness and other important development issues abroad.

Using low-cost digital tools, Voice for Humanity proposes to convey HIV/AIDS awareness, prevention, treatment, and medical training among non-literate and oral communicating populations in developing countries. The devices, which fit into the palm of your hand, can provide standardized information to any one group or individual in any language. And the best part is, information can be regularly updated and changed using regular FM radio technology.

The applications of this technology are endless. During elections, this technology can provide critical information to remote parts of a developing country on the basic tenants of democracy and election rules and regulations. Anyone who has observed elections in a transitioning country knows that confusion over process on election day—by voters and poll workers—is not extraordinary. This technology ensures that everyone has the same information, in the same language, at the same time.

I will have more to say on Voice for Humanity at a later date. I intend to include language in the statement of managers accompanying the fiscal year 2004 Foreign Operations Appropriations bill ensuring support for pilot projects.

Lastly, Mr. President, last night the conferees to the emergency supplemental included $100 million for economic assistance for Jordan. This action was strongly supported by the Foreign Operations Subcommittee, and is intended to be in addition to funds made available for Jordan in the fiscal year 2004 Foreign Operations bill.

My friend from Vermont and I wanted to provide Jordan with early disbursal of funds in the pending bill because we have long recognized how good and trusted an ally we have in that country. I was just in Amman—a little over 3 weeks ago—and was again impressed by the solid relationship the United States enjoys with the Hashemite Kingdom.

The inclusion of an additional $100 million for Jordan sends the right message at the right time and provides well earned support for ongoing reforms in Jordan. The technical amendment the ranking member and I offer strikes an earlier one that provided funds for Jordan on an accelerated basis—instead, Jordan's total allocation for economic assistance in fiscal year 2004 will include the budget request for $250 million, and an additional $100 million in the supplemental.

Mr. MCCONNELL. Mr. President, in conclusion, I thank Senator LEAHY and his very capable staff, Tim Rieser and Mark Lippert, and, of course, Chairman STEVENS and his able staff director, Jim Morhard, for his continued support of the subcommittee, and particularly for the additional global HIV/AIDS program allocation.

I also thank USAID counsel Bob Lester who puts in long hours working alongside the subcommittee putting these bills together. I thank Brendon Wheeler and my assistant, Robert Karem, who accompanied me on a recent trip to Iraq and Afghanistan, and Paul Grove, chief counsel of the subcommittee. He has been with me off and on for a number of years. He has done a spectacular job. He had to balance both the emergency supplemental conference downstairs and the foreign operations bill upstairs and chronic sleep deprivation at the same time, and he did all that with admirable poise and remarkable intellectual ability. I appreciate his very fine work.

The PRESIDING OFFICER. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The bill (H.R. 2800), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. DEWINE, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, the Golden Gavel has long served the Senate to mark a Senator's 100th presiding hour and continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the United States Senate, a very important duty. On the evening of Friday, October 17th, Senator JOHN SUNUNU reached his 100th hour of presiding. As a Presiding Officer, his dedication and dependability are to be commended. I am truly grateful for his willingness to preside as scheduling conflicts arise especially on the not-so-popular Fridays and Mondays. He and his enthusiastic scheduling staff make every effort to do their part to carry their share of the presiding load with a smile. It is with sincere appreciation that I announce the second recipient of the golden gavel award for the 108th Congress, Senator JOHN SUNUNU.

TRIBUTE TO E. LINWOOD "TIP" TIPTON

Mr. MCCONNELL. Mr. President, I rise today to honor my friend E. Linwood Tipton. Tip, as he is known by friends, will have devoted 38 years of his life to the dairy industry upon his retirement later this year.

Growing up on his family's farm in Missouri, Tip's interest in agriculture developed at a young age. He attended the University of Missouri where he earned a bachelor's degree in Agriculture and a master's degree in Economics. After serving his country as an officer in the U.S. Army Finance Corp, Tip returned to the dairy industry where his talent and leadership were recognized and he quickly advanced.

In 1987, Tip was appointed president and CEO of the Milk Industry Foundation and the International Ice Cream Manufacturers Association. Under his direction, the International Dairy Show began in 1988 and evolved into the Worldwide Food Expo, an event that currently features over 1,000 exhibitors from 150 different countries. He also created Dairy Forum, a major annual conference for dairy producers and processors. In 1990, he rallied the milk industry to form the International Dairy Foods Association, IDFA, an organization that encompasses the Milk Industry Foundation, the National Cheese Institute, and the International Ice Cream Association. Tip's innovative ideas and strong leadership have stimulated the growth of IDFA. Tip led the way in the creation of the extremely successful " Milk Mustache" and "Got Milk?" marketing campaigns.

His knowledge of the dairy industry and the economy has encouraged Secretaries of Agriculture and U.S. Trade Representatives of both political parties to seek his counsel. In 1984, President Reagan appointed Tip to the National Commission on Agricultural Trade and Export Policy. He has been active on Capitol Hill by testifying numerous times before congressional committees and initiating the annual Capitol Hill Ice Cream Party.

Nondairy organizations have also benefited from Tip's leadership. He founded the International Sweetener Colloquium so sugar and sweetener-using industries could assemble and discuss sugar policy. Tip is a past president and chairman of the board of the National Economists Club and the National Economic Education Foundation. He also has been active in the D.C. community by serving on the "Main Street" restoration project's board of directors.

Tip is truly a visionary in the dairy industry. From regulating dairy food retail packaging to implementing marketing campaigns, he has delved into every aspect of the dairy business. Tip's leadership should be commended and, therefore, I ask each of my colleagues to join me in honoring this remarkable man's dedication to the food industry, his community, and his Nation.

TRIBUTE TO BILL AND MEREDITH SCHROEDER

Mr. MCCONNELL. Mr. President, I pay special tribute to two individuals whose foresight inspired a mecca in America's Heartland. Bill and Meredith Schroeder's interest in quilts has led to an exciting and beneficial business venture for the City of Paducah, KY, and the surrounding area. In 1984, the Schroeder's founded the American Quilter's Society, AQS, after discovering the need for worldwide recognition of the beauty of quilting as an art form and as a statement of our history and society.

The Schroeder's created a multi venue environment to promote the art and craft of quilting. Through the American Quilter's Society, they established a membership organization with participants from every U.S. State and territory, as well as from 80 countries. They created the AQS Quilt Show & Contest, the largest cash-juried contest in the world. Held each April in Paducah, KY, now recognized as "Quilt City USA®", the annual show brings millions of dollars to the tourism industry of western Kentucky. In 1991, the Museum of the American Quilter's Society opened. The museum has hosted hundreds of thousands of quilters and quilt lovers, and has enjoyed a history of growth and development.

Bill and Meredith Schroeder are extraordinary individuals who had a vision and worked hard to bring it to fruition. In appreciation for the Schroeder's commitment to fostering the respect of the general public for quilts and quilt makers, and for their unselfish desire to develop the economy of western Kentucky, I ask my fellow colleagues to join me in recognizing the outstanding contributions they have made to their community, to Kentucky, and to our Nation.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. EDWARDS. Mr. President, I was not present for the vote on S. 139, the Climate Stewardship Act of 2003. Had I been present, I would have voted "yea."●

FOREST FIRE UPDATE

Mrs. FEINSTEIN. Mr. President, I rise today to give the Senate an update on the wildfires sweeping across Southern California—as the Senate continues to debate legislation to change our Nation's forest policy.

The situation in my State is at a critical juncture. If the weather continues to improve—as it is expected—then firefighters may be able to get a handle on the fires which continue to burn. This would be good news indeed.

I would also like to report that FEMA will shortly be announcing 6 permanent field sites where victims of the fire can go for assistance and 4 additional mobile sites.

It is critical that the FEMA centers get opened as soon as possible—so that the help gets where it is needed most.

There are nine large fires currently raging in the State—all of which have caused considerable damage.

In total, these fires have burned over 650,000 acres—about the size of Rhode Island. Twenty people have been killed. This includes a firefighter from Marin County who was killed by a fast moving wall of fire associated with the Cedar fire. Twenty-four hundred homes have been lost in five counties, and thousands more structures have been burned.

There are some 13,000 firefighters waging a battle against the fires. True to form, these firefighters have given everything they have to put out the fires and are exhausted.

Our thoughts and our prayers go out to these men and women—and to the family of the firefighter who died—we know that these firefighters are doing everything possible to save lives, homes, and private property.

Let me now go through some of the fires to let you know what is happening.

The Cedar Fire in San Diego has become the largest wildfire in California history. It has burned 250,000 acres—and 6 days old, it is only 15 percent contained. Thus far, 22 injuries have been reported as a result of this fire, and 7 civilian fatalities confirmed by the San Diego Sheriff's Department. Additionally, 1,300 Structures have been destroyed.

The fire has destroyed 90 percent of the town of Cuyamaca, and today, it threatens the communities of Pine Hills, Mt. Laguna, Ramona and Julian. Plans to aggressively protect the historic town of Julian are in place. Overnight, 300 structures were destroyed in Cuyamaca and Harrison.

The Old Fire in San Bernardino is also burning out of control and continues to pose a major threat to Lake Arrowhead, Big Bear, and other mountain communities. This fire also began 6 days ago. It has consumed 60,000 acres thus far and is only 10 percent contained.

Massive resources have been expended to fight this fire, including 2,175 firefighters, 10 helicopters, 40 fire crews, 280 engines, and 7 air tankers.

There have been three injuries to date and two civilian deaths. Conservative estimates suggest that 550 residential structures and 10 commercial structures have been destroyed. But this is just the tip of the iceberg.

There are 50,000–60,000 homes and 2,000 commercial properties in the area threatened by this fire. More than 50,000 people have been evacuated from communities like Lake Arrowhead and Big Bear. Firefighters are doing what they can to protect these communities from going up in flames, but this is difficult because of the thousands of trees killed by the Bark Beetle, which have become kindling in this fire.

The Grand Prix fires also continues to rage in San Bernardino, near the community of Fontana. This fire has consumed 70,000 acres, destroyed 60 residences and 60 other structures, and has resulted in 27 injuries. This fire began 10 days ago, and is 40 percent contained. Today, 1,600 firefighters, 12 helicopters, 42 fire crews, 159 engines, and 30 bull dozers are committed to this fire.

It is hoped that weather conditions will allow firefighters to get better control of this fire today.

Moving North, the Simi fire threatens the community of Stevenson Ranch. The good news with this fire is that it did not move into the canyons and cut a path toward Malibu. But when the wind shifted, the fire turned toward a sub-development on the northern end of Los Angeles County.

This fire has consumed 105,560 acres and destroyed 16 structures and 64 other buildings. Thus far, there have been 5 injuries as a result of this fire, and the fire is only 35 percent contained.

Now, firefighters are trying to keep this fire away from homes and have thus far been successful. Today is a critical day for this fire. Cooler temperatures may allow a fire line to be completed along Potero Canyon, and this would go a long way toward bringing this fire under control.

Like the other fires, massive resources have been deployed to fight this fire, including: 1,389 firefighters, 9 helicopters, 236 engines, 6 air tankers, and 27 bulldozers.

The Piru fire continues to burn in Ventura county, near the community of Fillmore.

Thus far, 62,000 acres have been consumed, and the fire is only 30 percent contained.

The fire began a week ago, has caused 20 injures and destoyed 8 structures.

But this fire remains dangerous. The fire is moving towards fuel-laden areas in the Los Padres National Forest, and we have to watch this one closely.

The Padua fire—near Claremont, CA—is smaller than the other ones, but it has caused considerable damage nonetheless.

Latest reports show that it has burned almost 10,000 acres, and the good news is that it is 50 percent contained.

This fire has caused 15 injuries, destroyed 59 structures, and threatens 500 homes in the community of Mt. Baldy.

The resources directed at this fire include 691 firefighters, 17 fire crews, 80 engines, and 4 bulldozers.

Some good news from the Whitmore fire, near Shasta, CA.

This fire which has burned approximately 1,000 acres is 80 percent contained. There have been no injuries as a result of this fire, and it is expected to be contained today.

It is my great hope that this happens.

Good news also with the Tuk Fire, 10 miles east of Orick, CA, south of Crescent City.

This fire has burned only 315 acres and is 80 percent contained. Officals are hoping that this fire will be fully contained today as well.

The mountain fire, which burned just under 10,000 acres in Riverside, CA, has been 100 percent contained.

Fire officials will continue to complete burnout operation in near the fire edge, and pending favorable weather, should be completed soon.

This fire was serious—it caused 6 injuries and 61 structures.

Fire crews and equipment are coming in from other States. The governor of New Mexico has offered equipment, and I understand that other States have offered help as well.

As crews become weary and fatigued, it will be increasingly important to get reinforcements from other States—and I will do what I can to make sure this happens.

In terms of victim assistance, help is on its way. As I mentioned, FEMA will be establishing four permanent centers in affected communities, and four mobile centers.

Additionally, if any Californian needs help, they can call my San Diego or Los Angeles office, and we will do anything we can to ensure that they get the appropriate assistance.

This is a terrible time for Californians, but in times of crisis, people pull together and do what they can to help one another.

It is my hope that these fires can be quickly contained—with limited casualties and loss of property.

This event has truly been a wake up call, and I hope that we learn how critical it is to manage our lands, to ensure that catastrophic fires like these can be prevented.

BREAST CANCER AWARENESS MONTH

Ms. COLLINS. Mr. President, October is National Breast Cancer Awareness Month, and, as the month is coming to an end, it is appropriate that we take some time to celebrate the progress we have made against this devastating disease and, at the same time, acknowledge how much further we have to go.

Breast cancer has taken a tremendous toll on far too many Americans and their families. There are very few people in this country who haven't lost a family member, friend or coworker to this cancer. More than 200,000 women will be diagnosed with breast cancer this year alone, and, regrettably, about 40,000 of those diagnosed will die from the disease. Across the country, one woman in eight will develop breast cancer at some point during her life. While we have made great progress, we must continue to work to find new and more effective ways of preventing, detecting and treating breast cancer.

Astoundingly, of the 3 million American women who are living with breast cancer, an estimated 1 million don't know it. Regular screenings and early detection remain the most effective ways to combat breast cancer and improve a woman's chances for successful treatment and survival. It is therefore critical that we take steps to make early detection more common.

For this reason, I am a strong supporter of the Centers for Disease Control and Prevention's National Breast and Cervical Cancer Early Detection Program, which has provided important cancer screening services at low or no cost to more than three million low-income American women who otherwise might not have been able to afford these critically important tests. The Maine Breast and Cervical Health program is funded through this program and provides screening and diagnostic services at 300 sites across the State. Since its inception, more than 20,500 screenings have been conducted through this program in Maine, and 151 cases of breast cancer have been diagnosed. As one Maine woman observed, "This screening program was an answered prayer. I had been concerned about having to skip checkups lately, but there was no way to come up with the money any time soon. I will gladly tell all of my friends about this and will gladly return for follow-up."

Screening must be coupled with treatment if it is to save lives, and that is why I also cosponsored legislation to provide the treatment necessary to save the lives of the women who are diagnosed with cancer through this program. Since the screening program is targeted to low-income women, many of those screened do not have health insurance and many more are under-insured. The Breast and Cervical Cancer Treatment Act, which has been signed into law, gives states the option of providing treatment through the Medicaid program for woman diagnosed with breast or cervical cancer through this screening program. I am pleased to say that Maine is one of 45 states that have elected to take advantage of this option.

Promising research is leading to major breakthroughs in preventing, treating and curing breast cancer. There simply is no investment that promises greater returns for Americans than our investment in research, and I have been a strong proponent of congressional efforts to double our investment in biomedical research over five years. Last year, the National Institutes of Health spent $640 billion on breast cancer research. This year that figure grew to nearly $700 million.

I was also pleased to join my colleague from California, Senator FEINSTEIN, in introducing the National Cancer Act of 2003, which sets out a comprehensive national plan to combat cancer, with substantial and regular increases in the National Cancer Institute's budget. The legislation also includes important provisions to increase access to cancer screening, clinical trials, cancer drugs, and high quality cancer care. I am hopeful that continued funding increases will allow us to accelerate our efforts to find better treatments, a means of prevention, and ultimately a cure for devastating diseases like breast cancer.

As National Breast Cancer Awareness Month comes to a close, we should celebrate life and the progress we are making in the fight against this disease. With determination and patience, we can limit the terrible impact of the disease and bring hope to millions of women and their families.

In closing, I would like to take a moment to acknowledge the tremendous leadership of the senior Senator from Maine on this issue. Senator SNOWE has been a tireless champion and advocate, and has led the battle against breast cancer, first in the House and now in the Senate, on a number of fronts ranging from increased breast cancer research funding at the National Institutes of Health and Department of Defense to landmark legislation prohibiting discrimination on the basis of genetic information. We should all be grateful for her efforts.

Ms. STABENOW. Mr. President, this week marks the close of National Breast Cancer Awareness Month, and today is a time for many of us to reflect on how cancer has touched virtually every American's life. According to the American Cancer Society, one in two men and one in three women will be diagnosed with cancer. We have made important advances in treating cancer victims, but we are not yet at our ultimate goal of finding a cure.

I am pleased to announce that my alma mater, Michigan State University, is one of the leaders in finding a cure for breast cancer. Michigan State was one of only four institutions nationwide to receive a grant from the National Institute of Environmental Health Sciences and the National Cancer Institute to study the prenatal-to-adult environmental exposures that may predispose a woman to breast cancer.

But this is just a down-payment in ending breast cancer. It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. If we can identify those risks, we can stop the disease. More research needs to be done to determine the impact of the environment on breast cancer, which has been understudied in the past.

To do so, I urge my colleagues to support S.983, the Breast Cancer and Environmental Research Act, to ensure that this research continues. This legislation would create a new mechanism for environmental health research and provide a unique process by which centers are selected. Modeled after the Defense Department's Breast Cancer Research Program, which has been so successful, it would also include consumer advocates in the peer review and programmatic review process.

It would be amazing if the research about to be conducted at Michigan State led to a cure for breast cancer. But that dream can only happen if scientists, doctors, and others have the right resources. Let's continue to fight the war against cancer.

Ms. MIKULSKI. Mr. President, this week marks the close of National Breast Cancer Awareness Month. During the month of October, dedicated advocates, breast cancer survivors, and health professionals commemorate the tremendous progress we have made in the fight against breast cancer, as well as raise awareness about the progress we hope to make in the future.

In the last 10 years, we have accomplished many things. We have increased funding for breast cancer research by 700 percent, passed the Breast Cancer Research Stamp Act, which has raised more than $30 million, and made sure that Medicare and Medicaid are required to cover mammograms. We have accomplished a lot, but we must continue to fight.

Breast cancer is second only to lung cancer in cancer deaths among women. An estimated 211,300 new invasive cases of breast cancer are expected to occur among women in the United States during 2003. An estimated 39,800 women will die from breast cancer. While incidence among men is rare, we know that 400 men will also lose their lives this year to breast cancer, an area in which we still have much to learn.

I wrote the Mammography Quality Standards Act more than 10 years ago to save women's lives. Before MQSA became law, there were no national quality standards. Image quality varied widely and there were no inspections. Now, when women get mammograms, they know the equipment meets Federal safety and quality standards. Currently, I am working to reauthorize this important law before Congress adjourns.

In 1990, I fought for the Breast and Cervical Cancer Screening Program to make sure women without health insurance have access to lifesaving tests like mammograms. Also, I fought for the Breast and Cervical Cancer Treatment Act to help these women get the treatment they need if they are diagnosed with breast or cervical cancer. My colleagues and I on both sides of the aisle have worked together, especially the women Senators and the Galahads of the Senate, like Senators KENNEDY, HARKIN, GRASSLEY, and SPECTER.

For all that we have done, there is still more to do. We need to make sure women have the information they need about the importance of screenings, make sure we have the best tools and best trained doctors for diagnosis and treatment, and make sure uninsured women have access to health care. Also, we must be steadfast on research. I came to the U.S. Senate to change lives and save lives. I will continue to fight to eradicate breast cancer.

Today, I commemorate the progress we have made and look towards the future. I will keep fighting to make sure women's health is on the agenda, and breast cancer survivors, and the health professionals can make a difference in the lives of thousands of women. Each one of us can make a difference. Together we make change.

Ms. MURKOWSKI. Mr. President, every 3 minutes, a woman somewhere in the United States is diagnosed with breast cancer.

Every 12 minutes, the same disease steals away another person's mother, wife, companion, or friend.

According to the National Cancer Institute, breast cancer is the most common form of cancer among women in the United States, and second only to lung cancer as the leading cause of cancer deaths.

In my home State of Alaska it was predicted that another 300 women this year would hear their doctor tell them "you have breast cancer".

I don't personally know the thoughts that run through these women's minds at that moment, but I think the best thing that we can do is to make sure that the next thing that doctor can say is "you caught it early enough—we can cure it."

Medical science says that the key to beating this cancer is early detection and early intervention. That's why it's vitally important for women to be aware of this disease.

Women need to be vigilant, and need to follow medical recommendations regarding mammograms and self-exams. We have a number of courageous women in Alaska who fought breast cancer and are sharing their experiences with other women, increasing awareness of the condition.

Alaskan survivors including Carla Williams and world-class dog musher Dee Dee Jonrowe make time in their schedules to come and advocate on behalf of those whose lives have been touched by breast cancer, and they are doing a great job of raising awareness.

We must continue this fight to increase awareness not only during October, National Breast Cancer Awareness Month, but year round, and I thank my colleagues for the chance to speak about National Breast Cancer Awareness Month.

Mr. GRAHAM of South Carolina. Mr. President, I rise today to recognize this month as "National Breast Cancer Awareness Month." This special month is meant to bring awareness to the continued prevalence of breast cancer and the importance of using early detection techniques to help reduce the number of women and men who lose their battle against breast cancer each year.

This year it is estimated that more than 200,000 new cases of breast cancer will be diagnosed. Through the use of early detection, many of these cases will be successfully diagnosed and treated before the cancer spreads. However, breast cancer will also claim close to 40,000 victims in this year alone.

To promote early detection of breast cancer, National Mammography Day is celebrated each October as a part of National Breast Cancer Awareness Month. This year, on October 17, many radiologists provided free or discounted mammograms in an effort to encourage more women to take part in this important screening. Mammography is an important tool to help detect breast cancer while it is still highly treatable.

Unfortunately, not all women have easy access to mammograms either because they are uninsured or their health insurance does not cover this service. Further aggravating this issue is the low reimbursement of mammograms by Medicare, and the fact that not enough assistance is available to train and recruit more radiologists to perform this vital screening. I am proud to be an original cosponsor of the Assure Access to Mammography Act of 2003. This legislation increases the Medicare reimbursement for mammograms and helps in the recruitment of radiologists to perform mammograms. I am hopeful that it will be enacted soon.

Hardly a family or group of friends has not been affected by breast cancer in some way. Events such as the annual "Race for the Cure" in support of breast cancer prove that there is widespread support for finding further treatment options and cures for this disease. I encourage those who are interested to visit the National Breast Cancer Awareness Month website to learn more at www.nbcam.org.

Mr. SMITH. Mr. President, today I rise to speak about breast cancer prevention, detection, and treatment, a cause I have championed throughout my career as a public servant. I am proud to be a sponsor of many bills to assist the breast cancer community in its fight to treat, prevent, and eventually eradicate this disease.

Like many Americans, my family life has been touched by the tragedy of cancer. The impact of this disease on men and women can not be overestimated. Breast cancer is the leading cancer among American women, second only to lung cancer in cancer deaths.

Each year, more than 200,000 Americans receive a diagnosis of breast cancer and nearly 40,000 die. What we must remember when confronted with these overwhelming numbers, however, is that behind each statistic is a personal story of struggle and courage. I have heard many of these stories. Today, I would like to share the story of one Oregonian fighting to survive her own disease.

Life changed for Janet Romine on August 19, 1999. On that day, this enthusiastic and energetic teacher, wife and daughter reported to her doctor for a regularly-scheduled mammogram. Unlike her previous mammograms, however, a lump was detected that required surgical biopsy. Janet wrote the story of her diagnosis for KGW Northwest News online. In recollecting the wait between surgery and receiving the biopsy results, Janet wrote: "After the surgery, deep in my soul I knew this was not a simple little lump. I felt violated, depressed and dark as I waited for the phone call."

In that call, Janet learned that the lump was malignant and would require surgery for its removal and 7 weeks of radiation and drug therapy. Yet, just three days after her diagnosis, Janet participated in the Komen Foundation Race for the Cure in Portland, OR. Janet's friends and teaching colleagues walked the race by her side, having added Janet's name to their banners.

Janet describes her cancer diagnosis as a beginning, and not an ending. Like the thousands of women who were diagnosed before her and the thousands of women who will follow, Janet's life changed forever.

Sadly, stories of coping and courage are no longer rare. However, there is some good news: the mortality rate from breast cancer has declined 2 percent each year for the last 10 years. It is imperative that we fight to continue this trend by supporting increased funding for breast cancer research, prevention, detection and treatment programs.

Mr. VOINOVICH. Mr. President, I rise today to talk about awareness and prevention of breast cancer. My wife Janet and I have always made the early prevention and detection of breast cancer a top priority. During my tenure as Governor of Ohio, the State became one of only four States to create an office within my administration devoted solely to women's health issues. The Office of Women's Health continues to address women's health needs such as early prevention and detection of breast cancer and recommends actions such as legislation or policy development.

I am so proud of Janet who is a champion of detection and prevention procedures to combat breast cancer and that as First Lady she was successful in lobbying the Ohio Legislature to designate the third Thursday in October as Ohio Mammography Day. This year was Janet's eleventh year traveling throughout the State on this day to stress the importance of early breast cancer detection.

For all of Janet's work to promote early prevention and screenings for breast cancer, the Ohio Breast and Cervical Cancer Coalition named an annual award after her. Janet continues to present the "Janet Voinovich Service Award" to recognize an individual's commitment to improving the quality of life for cancer survivors.

Yet, there is more that needs to be done to find a cure for breast cancer and I have been fighting in the Senate to encourage the National Institutes of Health, NIH, to take advantage of new technology to undertake innovative research in this field.

One research initiative that could give women a critical tool in the prevention of breast cancer is the study of environmental effects on the occurrence of the disease. Some studies have suggested that environmental factors like diet, pesticides and electromagnetic fields could play a role in the growth of breast cancer. Yet, to date, there have not been enough comprehensive research initiatives to draw conclusions.

For this reason, in the 107th Congress and again this year, I cosponsored the Breast Cancer and Environmental Research Act to create eight centers throughout the Nation to study the link between environmental factors and breast cancer. While we continue to work on this bill in the Senate, I am so pleased that the NIH and the National Institute of Environmental Health Sciences, NIEHS, have taken the first step in creating four centers for this purpose. I was so proud to be at the University of Cincinnati earlier this month to announce that the University along with the Cincinnati Children's Hospital Medical Center had been chosen to receive a NIH grant to establish one of the four centers. The University of Cincinnati and Children's Hospital have a long history of contribution to the quality of life and health in the Greater Cincinnati region and nationwide, and I am encouraged about the work that is being done to determine the factors that cause breast cancer. We must work to make sure that quality research initiatives like this one continue.

That is why I recently joined my colleagues in a letter of support for the reauthorization of the Breast Cancer Research Stamp program. Since 1998, sales of the stamp have generated more than $34 million for breast cancer research at Federal research facilities. In fact, the Breast Cancer Stamp is the most successful semi-postal in history, and I am confident that its reauthorization will continue to help fund lifesaving breast cancer research over the next several years.

Until we find a cure however, Janet and I will continue to do what we can to promote awareness of breast cancer and help ensure that early detection procedures are available to women who need them most.

Mr. WYDEN. Mr. President, the American Cancer Society estimates that in 2003, there will be 2,600 new cases of breast cancer diagnosed among women in Oregon and that 500 women will die of breast cancer in Oregon. October is Breast Cancer Awareness Month, so it is important that we take stock of where we are in preventing, detecting and treating this disease.

All women are at risk of breast cancer, but when this cancer is found in its early stages, the 5-year survival rate approaches 100 percent. Screening exams are especially important because through early detection, women, in partnership with their health care providers, can significantly reduce deaths due to breast cancer.

A recent study published in the Archives of Surgery found that more cases of breast cancer were detected in women taking part in an Oregon breast cancer screening program than in women who were not part of the program. The Oregon Breast Cancer and Cervical Cancer Program began in 1996 and is a statewide screening program for low-income women with little access to medical services. In this study, Oregon Health Sciences University researchers evaluated 15,730 women who had a total of 23,149 mammograms and 20,396 breast exams between January 1, 1997 and December 31, 2001. The study found the screening program had a detection rate of 12.3 breast cancers per 1,000 women, which is greater than rates of other screening programs. The women in this study diagnosed with breast cancer also had a 97-percent rate of compliance with suggested therapies for their cancer.

Working together, many groups have found that they can maximize their resources and develop more effective partnerships to reach health care consumers and providers in Oregon. Despite the excellent job that is being done, we need to continue to foster this activism and continue to find new ways to fund innovations in detection and treatment and to make them accessible to all women.

In Oregon, the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the Y.W.C.A. and the National Black Leadership Initiative on Cancer, are just a few of the leaders in the community who have worked together and with other organizations to reach out to women in Oregon and their families to improve the health status of women in my home State. I want to thank them for their efforts in helping Oregon families have better information and awareness about this disease as well as helping women as they go through treatment.

I have always been a staunch supporter of Federal funds for breast cancer research, and I will continue to do so. It is gratifying to know we have come so far and to see how we can make progress in fighting this form of cancer.

NOMINATION OF MICHAEL GARCIA

Mr. HATCH. I appreciate Senator COLLINS, Chair of the Governmental Affairs Committee, entering into a colloquy on a matter that concerns the Judiciary Committee. In particular, our colloquy involves the nomination of Michael Garcia to be Assistant Secretary of Homeland Security. Following our statements, I will seek a unanimous consent agreement to refer Mr. Garcia's nomination to the Judiciary Committee.

All committees derive their "respective jurisdictions" from Senate Rule XXV, among other sources. As such the Governmental Affairs Committee, in its responsibility for the "organization and reorganization of the executive branch of the Government," played a crucial role in establishing the new Department of Homeland Security. I would like to compliment Senator COLLINS on her leadership and the significant improvements that have resulted in our nation's security since September 11th.

Also, under Senate Rule XXV, the Committee on the Judiciary has jurisdiction over "Immigration and naturalization." It is important for the immigration and naturalization functions which have been transferred from the Department of Justice and other law enforcement agencies to the Department of Homeland Security to remain under the jurisdiction of the Judiciary Committee.

With the formation of three new bureaus for immigration policy in the Department of Homeland Security, countless situations—from day-to-day immigration services and enforcement to long-term border security planning—will arise in which legislation affecting these bureaus and oversight of these bureaus is an essential role of the Judiciary Committee. I appreciate my colleague taking the time to clarify the confirmation process of Mr. Garcia and the commitment to Senate Rules XXV and XXVI, Section 8 as it affects the Judiciary Committee's jurisdiction.

Ms. COLLINS. I appreciate the Senator's comments and I look forward to working with him. I would also like to assure him that I do not believe the Governmental Affairs Committee's jurisdiction affects in any way the Judiciary Committee's jurisdiction over immigration and naturalization matters, as set forth in Senate rule XXV. The Governmental Affairs Committee was responsible for the Homeland Security Act of 2002 which created the new Department of Homeland Security. The committee has conducted wide-ranging and vigorous oversight of the Department and, this year alone, has reported out six bills that address homeland security concerns. In total, the Governmental Affairs Committee has held over 30 hearing on homeland security matters, thus reflecting the paramount role it plays with respect to these matters.

The committee also has handled the nominations of almost all of the Department's nominees. On June 5th of this year, our committee held a hearing on Mr. Garcia's nomination. We reported his nomination to the full Senate on June 17th. We then agreed to a referral of Mr. Garcia's nomination to the Judiciary Committee. I understand that my colleague, the distinguished Chairman of the Judiciary Committee, now seeks a second referral of the nomination in order to complete its work thereon. I have no objection to my colleagues' request.

Mr. HATCH. I thank the Chair of the Governmental Affairs for her comments and efforts on this matter.

IN HONOR OF THE MEMORY OF PAUL WELLSTONE

Mr. FEINGOLD. Mr. President, I would like to take a moment to remember our friend Paul Wellstone, who died a year ago this month. All of us feel his loss so acutely here in this body. But his voice still echoes in this Chamber, and his spirit and fierce dedication to justice live on. What so many of us loved about Paul was that unparalleled passion he had for doing what was right. That still inspires me today, as it inspires so many others. And it is just one more reason to be thankful to Paul, and to honor his memory.

I think of Paul often as issues come before the Senate about which he cared so deeply. Earlier this month, as we observed Mental Illness Awareness Week, I thought of all Paul did to advocate for mental health parity throughout his time here, and what a vital contribution he made to getting affordable medical treatment to people suffering from mental illnesses. I have been proud to support this issue when it has come to the floor, and last week I joined the entire Democratic caucus in urging the majority leader to take up and pass the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003. We must ensure that mental illnesses are treated the same way as other physical illnesses by insurers.

Paul also fought to stop U.S. companies that move their headquarters to "tax haven" countries to avoid paying U.S. taxes from getting Federal procurement contracts. I am proud to be a part of the effort to move that forward. I also am proud to help carry on Paul's work in the fight for a good public education for every child. Paul believed, as I do, that every child is entitled to a good education no matter his or her circumstances in life. He called this "equality of opportunity." I was proud to work with him on the issue of standardized testing. He and I agreed that over-testing of our public school students is not the cure-all for public education. I hope that my efforts to return authority for decisions about how often to test students to the States and local school districts will, in some small way, build upon Paul's legacy of fighting for a level playing field for all students.

These are just a few of the causes Paul worked on, and just a few of the ways that he lives on in this body, and in the lives of the countless Americans he touched through his lifetime. We can still hear his voice echo in this chamber, urging all of us on to build a more just world. Let us honor Paul's memory by heeding his words, and carrying on the great work of our dear friend.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I will describe one such crime that took place in El Paso, TX. In April 2002, police qualified the murder of Hector Arturo Diaz as a hate crime. Mr. Diaz was shot in the back by an acquaintance, Justen Hall. At the time, Mr. Diaz, a transvestite, was dressed in female clothing.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

10TH ANNIVERSARY OF UNITED STATES HOLOCAUST MUSEUM

Ms. CANTWELL. Mr. President, tomorrow, the United States Holocaust Memorial Museum will mark its 10th anniversary. More than 6,000 Holocaust survivors and family members will visit the museum this weekend to help commemorate the museum's important contributions. Together, these men and women comprise a living legacy of the Shoah. By sharing their memories, these courageous survivors can help ensure that such evil is never again perpetrated against any people, anywhere.

America is a land of immigrants, and our history demonstrates that we are stronger because of our diversity, not in spite of it. But we can only live up to the promise of our diversity if we recognize the inherent rights and freedom of all human life. One of the most powerful ways we can remind each other and our children about the importance of this fundamental principle is to ensure that the Holocaust is never forgotten.

For that reason it is fitting that the Holocaust Memorial Museum is located on the National Mall. Visitors to this cherished landmark can see the Declaration of Independence, the Wright brothers' glider, and some of America's most treasured art; all of them vivid reminders about the capacity of the human spirit and the promise of mankind. Yet it is just as important to teach young people and remind adults about one of the darkest chapters of human history. Although the Holocaust was a terrible tragedy that stained all humanity, it must never be hidden from view.

The Holocaust Memorial Museum plays a special role in teaching our children and grandchildren about this dark chapter in world history. This haunting permanent memorial will ensure that future generations will learn about this tragedy.

Survivors and liberators of the Holocaust have a unique opportunity to share the stories of this awful period. I thank them for having the courage and dignity to survive the horrors of the Holocaust, and for having the bravery to share their experiences with others so that it may never happen again. Their contributions will help all of us build a better America and a better world.

U.S. POLICY TOWARD CUBA

Mr. BAUCUS. Mr. President, I rise today to address an issue of great concern to me—the ban on travel to Cuba.

Last week, the Senate scored an important victory in the fight to bring common sense to U.S. policy toward Cuba. We voted by a wide margin—59 to 36—to suspend enforcement of the travel ban. The House approved the same amendment in September, also by a wide margin.

The wide margin of victory reflects the majority of Americans who want an end to the travel ban.

Over the weekend, editorial writers from a diverse range of newspapers noted and applauded our victory: the Wall Street Journal, the New York Times, the Chicago Tribune, and the Orlando Sentinel-Tribune.

Let me offer just a few quotes: the Chicago Tribune says:

> In an age of very real terrorist threats, Cuba hardly makes the list. For the Department of Homeland Security to redouble its efforts and tie up more money and personnel in enforcing the travel ban against Cuba—as the president proposed two weeks ago—is an incredible waste of resources.

The New York Times points out:

> The proper response to such outrages as the Castro regime's roundup of dissidents and writers earlier this year is to seek to overwhelm the island with American influence.

And the Orlando Sentinel argues:

> The ban on U.S. travel is futile, self-defeating, a waste of scarce resources and inconsistent with other American policies.

These papers spoke out in favor of the Senate's actions because they recognize that the current policy has been a failure and because they know that engagement with Cuba is the best and most effective way to bring democratic change to Cuba.

In my view, the Cuba travel provisions should not even be subject to conference. The House and Senate have passed the same amendment; there is nothing for conferees to discuss.

There are many Members of this body who have worked hard to ease the embargo. Any Treasury-Transportation conference report that does not include the Senate and House-passed language is unacceptable, and we will look at all procedural options to stop this from happening.

That said, I fully expect this amendment to become law. Despite recent incorrect reporting, none of the supporters of this legislation believe that we can't accomplish our goal of lifting the Cuba travel ban.

And I have to say here that I do not believe the President will veto this bill. Of course, the Cuba provisions have overwhelming support, but the appropriations bill itself passed the Senate 90 to 3. The administration knows a veto could be easily overridden.

I do believe that pro-embargo forces see the writing on the wall. Momentum to end the embargo is clearly building. We have had a year filled with success.

Several months ago, Senators ENZI, DORGAN, and I introduced legislation, S. 950, that would permanently lift the travel ban. There are 31 cosponsors of that legislation, and we are adding new cosponsors this week.

The Foreign Relations Committee has committed to vote on that legislation by the end of the year, and I expect the committee to approve it by a large majority.

Recent polls indicate that most Americans oppose the travel ban. In fact, even most Cuban Americans—historically supportive of the embargo—favor lifting the ban.

So the Senate and the House votes are only the latest rebuke of an outdated policy.

Thirteen of the 16 Senate appropriators on the Subcommittee were supportive of the Cuba amendment. And I am confident they will work hard to keep this provision. But I also know they will be under some pressure. I urge them to stand up to those who might try to defy the will of the Congress.

I ask unanimous consent to print in the RECORD the aforementioned editorials.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 27, 2003]

HAVANA CLUB

The Bush Administration, more than most, contains people whose families have paid a personal price for the horror that is Cuban communism. Which is why it's a little unfair, after last week's Senate vote to lift the U.S. travel ban to Cuba, to dismiss the White House objections merely as worry that signing such language would hurt the President's re-election chances in Florida.

Yes, the Cuban-American vote is a big deal, as Bill Clinton recognized when he courted Miami's anti-Castro community and cash in his election runs. And given that the Senate vote approving the lifting of the travel restrictions was less than the two-thirds required to override any veto, we'd be surprised if the White House doesn't make good on its threat. But the tension here reflects what is a genuine argument among conservatives over what is the best way to bring Fidel Castro down.

Otto Reich of the National Security Council staff and Housing Secretary Mel Martinez believe that lifting such restrictions will breathe financial life into a decaying regime. Some of our free market friends in Congress, notably Arizona Republican Jeff Flake, argue that after 40 years of an embargo Fidel is still sitting pretty. So it's time to try something different.

We fall into the latter group, not least because one of the problems with the existing travel ban is that it is applied selectively. Privileged groups of people—academics, journalists, Cuban Americans and left-leaning Christian groups—can and already do travel to Cuba. Jimmy Carter travels there and CNN more or less treats it like a state visit.

But we're also impressed by Oswaldo Paya, leader of Cuba's homegrown answer to Poland's Solidarity movement, who wants to see the U.S. embargo lifted. Mr. Paya points out that the heart of the Cuban crisis isn't the partial embargo the U.S. has imposed on Cuba but is the total embargo Fidel has imposed on his own people: the limits on their speech, their ability to go to church, to run their own enterprises, and so on.

As Mr. Flake has written, Fidel's three most obvious failures are "breakfast, lunch and dinner." The more Americans are able to travel to Cuba, the more will be able to see for themselves the suffering that Fidel and his commissars have wrought.

[From the Orlando Sentinel, Oct. 25, 2003]

Lift Ban on Cuba Travel

Our position: Removing restrictions on U.S. travel would expose Cubans to free ideas.

The U.S. Senate took a courageous and correct stand on Cuba policy last week.

Fifty-nine senators defied a veto threat from President George W. Bush in voting against the ban on U.S. travel to Cuba. Like a majority of U.S. House members, those senators realize that the ban is—if anything—counterproductive.

The ban is political rather than practical. It pleases many Cuban-Americans in Florida, but it and other hard-line measures haven't dislodged dictator Fidel Castro.

Restricting the freedom of U.S. citizens to travel to Cuba limits the communist island's exposure to American ideas. It also helps conceal the extent of repression in Cuba from Americans. Those are both big favors for Mr. Castro.

The greatest threat to any totalitarian government is the free flow of information. That explains why independent journalists and librarians were targeted in the Castro government's brutal crackdown on dissidents earlier this year.

Enforcing the ban on U.S. travel to Cuba also ties up limited resources in both the Homeland Security and Treasury departments. Those resources would be better directed toward fighting terrorism.

Predictably, the White House criticized the Senate vote, saying it would "provide a helping hand to a desperate and repressive regime." But Mr. Bush's hard line on Cuba is contradicted by his continuing engagement with China, another repressive communist regime.

The ban on U.S. travel to Cuba is futile, self-defeating, a waste of scarce resources and inconsistent with other American policies. It's past time to lift it.

[From the New York Times, Oct. 25, 2003]

Congressional Resolve on Cuba

Though normally inclined to follow their president's lead on foreign policy, many Congressional Republicans have now broken ranks on Cuba. By a wide margin, the Senate joined the House on Thursday in voting to ease travel restrictions to Cuba, just two weeks after President Bush vowed to toughen sanctions on the government of Fidel Castro and enforce them more energetically. The renegade Republicans apparently think that Mr. Bush's approach is dictated less by a coherent vision than by electoral concerns involving anti-Castro Republican voters in Florida.

This Congressional resolve is commendable. Four decades of sanctions have allowed Mr. Castro to portray himself, both at home and abroad, as a victim of Yankee imperialism. Mr. Castro would probably be as disappointed as his adversaries in Florida to see the sanctions lifted.

That is one reason he has a knack for provoking a backlash anytime there is a chance of a change in the status quo, which may be the best of all words for Mr. Castro. The dollars sent home from Florida relatives and the money spent by European tourists have kept the rickety Cuban economy afloat since the Soviet collapse. At the same time, sanctions imposed by the United States have kept democratizing influences at bay and provided the regime with a justification for its authoritarian ways.

The proper response to such outrages as the Castro regime's roundup of dissidents and writers earlier this year is to seek to overwhelm the island with American influence—corporate and cultural—and with American tourists and other private visitors. This is the approach we take in trying to democratize other nations.

The Senate's measure, an amendment to a $90 billion spending bill to finance the Treasury and Transportation Departments, is identical to a provision approved overwhelmingly by the House. Such agreement means it will be hard for Republican leaders to try to kill the amendment behind closed doors. That leaves the possibility of a presidential veto, though the White House cannot relish the idea of holding up government spending to placate parochial interests in Florida, no matter how powerful. As the main beneficiary of this failed policy, Mr. Castro may want to call Mr. Bush and encourage him to get that veto pen ready.

[From the Chicago Tribune, Oct. 27, 2003]

Congress' Message on Cuba

Cues that it's time for the United States—and particularly the Bush administration—to abandon the 40-year-old embargo on Cuba got considerably louder on Thursday, when the Senate voted 59–36 to life the ban on travel by U.S. citizens. The Senate measure is identical to one passed by the House a month ago.

The White House, tuned to an altogether different wavelength, threatens to veto any bill loosening the economic and travel sanctions against Cuba. Two weeks ago, President Bush—surrounded by a supportive group of Cuban exiles from Miami—announced measures to tighten the economic noose around the island.

It's no secret that the president wants to nail down the votes of the fervidly anti-Castro Cuban-American community.

But at what cost? Congress supports lifting the embargo, and so do many conservative Republican politicians and business interests—particularly in the Midwest. It is time to end the Cold War sideshow of the Cuban embargo.

Never has the American obsession with Cuba seemed so out of proportion or self-defeating, particularly for a Republican administration, as it does now. This is a question of national interest, not the political interests of the tiny but vociferous Cuban-American community.

Thursday's vote in the senate, on an amendment to the Transportation and Treasury spending bill, was important for several reasons. It showed a significant policy shift in the Senate since 1999, when the upper chamber rejected lifting the travel restrictions on 55–43 vote.

Supporters this time included 19 Republicans, including several from farm states such as Kansas, Oklahoma and Texas. Sen. Dick Durbin voted for the amendment. Sen. Peter Fitzgerald voted against it.

Fitzgerald ought to pay attention. Lifting the travel ban is a critical step toward eventually lifting the U.S. embargo on Cuba and opening the door for more trade. Illinois firms such as Archer Daniels Midland Co. benefit from increased sales of foodstuffs to Cuba, so far conducted on a cash-only basis. Last year total exports to Cuba reached nearly $140 million, but it is estimated if all restrictions were lifted, that figure could increase significantly. Cuba would get better prices—Texas' rice is far closer than China's—and American farmers, strapped for markets, could benefit too.

In an age of very real terrorist threats, Cuba hardly makes the list. For the Department of Homeland Security to redouble its efforts and tie up more money and personnel in enforcing the travel ban against Cuba—as the president proposed two weeks ago—is an incredible waste of resources.

This legislation is likely headed to conference committee, where GOP leaders must make sure the Cuba language doesn't mysteriously disappear. Congress ought to make clear its resolve to end the pointless flogging of Cuba. The embargo only intensifies the misery of the long-suffering Cubans while shortchanging U.S. economic and political interests. That makes no sense at all.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO MRS. LILLIAN S. ROBINSON

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Mrs. Lillian S. Robinson of Mt. Sterling, KY on her selection as a 2003 Experience Works Time Award honoree.

Mrs. Robinson was nominated for this award for her dedication to the educationm of the children of Kentucky. A youthful 83, she serves as the assistant director of the Community Education Program in Montgomery County, where she organizes volunteer programs including Pee Wee Basketball, the Cookie Candy Club and Parent-Child Tea.

The citizens of Kentucky are fortunate to have the leadership of Mrs. Robinson. Her example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

Congratulations, Mrs. Robinson for receiving the 2003 Outstanding Older Workers award. You have my most sincere appreciation for your work and I look forward to your continued service to your of our Commonwealth.•

CONGRATULATIONS TO THE FRENCHBURG JOB CORPS

• Mr. BUNNING. Mr. President, I pay tribute and congratulate the members of the Frenchburg Job Corps of Mariba, KY on their "Make A Difference Day" program.

The Frenchburg Jobs Corps conducted a wide-ranging program of community service in Northern Kentucky. From cleaning parks to building handicap accessible ramps to visiting the elderly, these Kentuckians truly made a difference on October 24, 2003.

The citizens of Kentucky are fortunate to have the leadership of the Frenchburg Job Corps. Their example of dedication, hard work, and compassion should be an inspiration to all throughout the Commonwealth.

They have my most sincere appreciation for this work, and I look forward to their continued service to Kentucky.●

CARL AND FLORENCE CONTER'S 60TH WEDDING ANNIVERSARY

• Mr. KOHL. Mr. President, I rise today to honor Carl and Florence Conter, lifelong residents of Wisconsin, on their 60th wedding anniversary. The country dance they met at began their life together blessed with family and friends to celebrate these years.

The couple was married at Holy Cross Catholic Church in Mishicot on November 6, 1943. Florence joined Carl on his family homestead in Two Creeks where he was born and lived for 85 years. It remained an active dairy farm until the late 1960s. Recently they have moved to Mishicot.

Today, many years after that first country dance at which they met, their story continues. Their children have grown up to be successful adults themselves, providing Carl and Florence with three grandchildren and four great grandchildren. Family life and faith has been a rewarding and sustaining part of their long relationship. Carl supports Florence in her advocacy of senior citizen issues. They both enjoy playing sheepshead and belong to several card clubs.

I join their many friends and their family in celebration as we honor Carl and Florence Conter on their 60th wedding anniversary. They are the very best Wisconsin has to offer, and I wish them continued joy and happiness.●

JAMES "JACK" MEEHAN: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to share with my colleagues the memory of a remarkable man, James "Jack" Meehan of Santa Cruz, CA, who died on Saturday, October 25, 2003. Throughout his life he compiled an extraordinary record of devotion to his family, his community and our Nation. Jack was an 84-year-old longtime Santa Cruz resident, former Santa Cruz City Planning Commissioner and Santa Cruz Port District Commissioner, pilot, space industry pioneer, community volunteer and beloved husband, father and grandfather.

Jack was born and raised in Brooklyn, NY. He married Brenda McGourty in 1942 and she remained his devoted partner for 57 years until her death in 1999. Jack and Brenda had three children: daughter Diana and sons Terry and Tom.

He served as an Army air corps pilot in Europe during World War II. After his plane was shot down, Jack's bravery helped him successfully evade capture. We will always be grateful for Jack's heroic service defending our Nation, our freedoms and our way of life.

During the 1950s, Jack put his aviation skills to use as a Viking rocket designer and tester in New Mexico. He was a pioneer in this field because the Viking rocket was a precursor to the Vanguard rocket which launched America's first satellite.

In 1959, Jack and his family settled in beautiful Santa Cruz. Jack tested satellites at Lockheed Martin in nearby Sunnyvale. He continued to pilot small planes until he gave that up in 1977. But, of course, Jack's irrepressible spirit kept him very active, and he began boating in the Monterey Bay. Like everything Jack did, he gave boating his all and joined the Coast Guard Auxiliary, assisting in sea rescues. He also taught weather forecasting and radio communications.

In 1981, he was appointed to the Santa Cruz Port Commission, a position to which he was twice re-elected over the next 17 years. He also served as a Santa Cruz City Planning Commissioner.

After Jack retired, he was a devoted volunteer for the Santa Cruz County Red Cross. He built HAM radio systems, travelled and practiced his French language skills. Recalls his son Tom, "Sports cars, TV's, HAM radios and computers were all puzzles to be unwrapped with his tools and insight."

His daughter Diana commented, "I most admire that he was brave and loving. He was romantic, tender and funny with my mother. He was a caring father." Throughout his life, Jack was constantly helping anyone in need. As one friend and neighbor explained of Jack and Brenda, "they always served the community."

Jack had a wonderful sense of humor. Even when he was sick and in the hospital, his caregivers would leave the room smiling because of his joking. "He had a quick wit that was kind, playful and relentless. He had a distinctive Jack Meehan laugh and you could find him in airports and crowded restaurants by that laugh," remembered son Terry. Added son Tom, "Whenever asked about his favorite time of life, he would always respond 'right now, and in the future.'"

James "Jack" Meehan is survived by his daughter Diana, sons Terry and Tom and six grandchildren. He was an exceptional man.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1720. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers, to provide by law for the establishment and functions of the Office of Research Oversight in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration; and

H.J. Res. 52. Joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The enrolled bills, previously signed by the Speaker of the House, were signed on today by the President pro tempore (Mr. STEVENS).

At 5:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3365. An act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income.

ENROLLED JOINT RESOLUTION SIGNED

At 7:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House has signed the following enrolled joint resolution:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The enrolled joint resolution, previously signed by the Speaker of the House, was signed on today by the President pro tempore (Mr. STEVENS).

At 7:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

At 8:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1720. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers, to provide by law for the establishment and functions of the Office of Research Oversight in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

The following bill was re-referred to the following committee, by unanimous consent:

S. 139. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limited greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances to the Committee on Environment and Public Works.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2003, she had presented to the President of the United States the following enrolled bills:

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 926. An act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

The enrolled bills previously signed by the Speaker of the House, were signed on today, by the President pro tempore (Mr. STEVENS).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1663. A bill to replace certain Coastal Barrier Resources System maps (Rept. No. 108–179).

H.R. 274. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge (Rept. No. 108–180).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005 (Rept. No. 108–181).

S. 1402. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes (Rept. No. 108–182).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1720. A bill to provide for Federal court proceedings in Plano, Texas.

By Mr. HAGEL, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 58. A concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on October 29, 2003:

By MR. GREGG for the Committee on Health, Education, Labor and Pensions.

*Robert Lerner, of Maryland, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

*Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005.

*Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2008.

*Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Victor E. Renuart, Jr.

Air Force nomination of Lt. Gen. Richard V. Reynolds.

Air Force nomination of Maj. Gen. Charles L. Johnson II.

Air Force nomination of Maj. Gen. Garry R. Trexler.

Army nomination of Maj. Gen. Franklin L. Hagenbeck.

Army nomination of Maj. Gen. Joseph L. Yakovac, Jr.

Army nomination of Maj. Gen. David W. Barno.

Marine Corps nominations beginning Brig. Gen. Tony L. Corwin and ending Brig. Gen. Thomas L. Moore, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Marine Corps nominations beginning Col. John R. Allen and ending Col. Thomas D. Waldhauser, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Marine Corps nomination of Col. James L. Williams.

Navy nominations beginning Rear Adm. (lh) Michael K. Loose and ending Rear Adm. (lh) Robert L. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2003.

Navy nomination of Read Adm. (lh) Robert Ryland Percy III.

Navy nomination of Capt. Henry B. Tomlin III.

Navy nomination of Capt. Gary A. Engle.

Navy nomination of Capt Mark A. Hugel.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Martin Alexis and ending Jerome E. Wizda, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Air Force nomination of Michael A. Mansueto.

Air Force nomination of Ronald C. Danielson.

Air Force nomination of Jefferson L. Severs.

Air Force nomination of Lesa M. Wagner.

Air Force nomination of Francis D. Pombar.

Air Force nomination of Alan T. Parmater.

Army nomination of Michael P. Vinlove.

Army nominations beginning Donald A. Black and ending Debra S. Long, which nominations were received by the Senate and appeared in the Congressional Record on October 14, 2003.

Army nominations beginning Douglas B. Ashby and ending Terry C. Washam, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Curtis J. Alitz and ending Marshall F. Willis, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Debra E. Burr and ending Janice B. Young, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Lionel Baker and ending Warren S. Wong, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nominations beginning John A. Adcock, Jr. and ending Joseph Zuliani, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nominations beginning Michael C. Beckette and ending Robert S. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nominations beginning James C. Taylor and ending Jeffery S. Young, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nomination of Jeffrey D. Dickson.

By Mr. HATCH for the Committee on the Judiciary.

Dora L. Irizarry, of New York, to be the United States District Judge for the Eastern District of New York.

William K. Sessions III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009.

David L. Huber, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

(Nominations without an asterick were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE, and Mr. REED):

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 1799. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the anti-trust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. SARBANES, and Mr. CORZINE):

S. 1800. A bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. CORZINE, Mr. SCHUMER, and Mr. DAYTON):

S. 1801. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 1802. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; to the Committee on Indian Affairs pursuant to the order of May 27, 1988, to the Committee on Banking, Housing and Urban affairs for a period not to exceed 60 days.

By Mr. ENZI:

S. 1803. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. HOLLINGS):

S. 1804. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 255. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. BROWNBACK):

S. Con. Res. 78. A concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 168

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 168, a bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint.

S. 420

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 566

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 566, a bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants.

S. 623

At the request of Mr. WARNER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 632

At the request of Mr. CRAIG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 894

At the request of Mr. WARNER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. DODD), the Senator from New Hampshire (Mr. GREGG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. GRAHAM), the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 950

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 976

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1664

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1736

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 1794

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1794, a bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9 and other parts used in plasma and LCD televisions.

S. 1795

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1795, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1977

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1977 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE and Mr. REED):

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, this Congress has worked towards providing the brave men and women who fight fires the funds and material to better perform their crucial tasks. We all saw brave members of the fire service sacrifice their lives to rescue people from the World Trade Center. But we do not see firefighters in every town in America risking their lives every day to save lives and homes from the ravages of fire. I lost a home to a severe fire, and I saw the herculean efforts of my local firefighters to save it. Too many people die or suffer grievous injuries from home fires. During a recent visit with the firefighters from my home State of South Carolina, they told me that in spite of their best efforts, nearly 40 people die each year from home fires.

In my conversations with fire services across the country, I hear two things. First, the departments need funds for equipment and training. With the Firefighter Investment and Response Enhancement grant program, we are on our way to getting these people the resources they need to do their job. There is more work to do, but this grant program is a start. Second, and most troubling, is that the best-equipped and best-trained fire departments cannot out race most home fires.

A recent FEMA-commissioned study from the National Fire Protection Association reported that 65 percent of our fire departments cannot respond within 4 minutes of receiving an alarm. The fire that engulfed the nightclub in

Rhode Island is an unfortunate example of what we are dealing with in regard to fire fighting and fire safety. The fire department arrived within 5 minutes of the fire starting, which is exceptionally fast, yet 100 people died that night. Most of them died within 2 minutes of the fire starting.

Addressing the equipment and training of the fire service is one very important component to fighting fires. We've begun to address this need in recent years with the Firefighter Investment and Response Enhancement (FIRE) Act, which I co-sponsored and helped move through the Commerce Committee in 2000. This established the FIRE grants that have helped local fire departments across the country acquire the equipment and training to improve their operations. I've also worked with Senator CHRIS DODD, D-CT, on the Staffing for Adequate Fire and Emergency Response (SAFER) Act, which would provide the funding to hire 75,000 new firefighters. The legislation is modeled on the success of the COPS program.

But the soundproofing materials that fed that fire in Rhode Island are identical to ingredients used in furniture in our homes. Indeed, the majority of fire deaths occur in homes. So we must address the underlying causes of home fires, the fuel that feeds them. We need to reduce the ignition potential of household items.

In 1998, residential fires killed 2,660 Americans, and injured 15,260. Senior citizens over 70 and children under 5 are at the greatest risk of dying in a fire; children under the age of 10 accounted for 17 percent of fire-related deaths in 1996. Fires also cause $3.5 billion in residential property loss each year.

It is in this context that Senators JOHN BREAUX, D-LA, OLYMPIA SNOWE, R-ME, BARBARA BOXER, D-CA, BYRON DORGAN, D-ND, LINDSEY GRAHAM, R-SC and I introduce the American Home Fire Safety Act. The Act would establish minimum combustibility standards for mattresses, upholstered furniture, candles and bed clothing. American manufacturers already have cost-effective technology to improve the safety of these products, and are ready to make products that meet the higher standards.

The United States Consumer Product Safety Commission already has the authority to set fire safety standards for these products. Yet, despite overwhelming evidence that new standards would save lives, the Commission has been slow to address this issue. There are some who ask for more time for the Commission to work on this issue. More than 20 years have passed since the Commission has addressed product fire safety. There is no more time to waste.

We have taken great care to select standards that were developed with the best available science and broad input from scientists at NIST and ASTM, fire safety officials, industry and consumers. The Act explicitly asks the EPA to ensure that nothing done in the pursuit of fire safety would harm Americans in other ways. The standards in the Act will improve safety and over time will save many lives.

Companies have the technology right now to address fire safety in an economically responsible way. The number of lives we lose now to home fires can be dramatically reduced by the standards in this legislation. I ask for your support in making this a reality.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Home Fire Safety Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) There were 12,800 candle fires in 1998, resulting in 170 deaths, 1,200 civilian injuries, and $174,600,000 in property damage.

(2) In 1998, mattress and bedding fires caused 410 deaths, 2,260 civilian injuries, and $255,400,000 in property damage.

(3) The United States mattress industry has a long history of working closely with safety officials to reduce mattress flammability. For the past 25 years, mattresses have been subject to a Federal flammability standard that requires mattresses to resist ignition by smoldering cigarettes.

(4) Nevertheless, in 1998, fires involving mattresses and bedding accessories (which include pillows, comforters, and bedspreads) caused 410 deaths, 2,260 civilian injuries, and $255,400,000 in property damage.

(5) In many such fires, the bedding accessories are the first products to ignite. Such products have a material impact on the fire's intensity, duration, and the risk that the fire will spread beyond the room of origin.

(6) Upholstered furniture fires were responsible for 520 deaths in 1998, with little statistical change in the number of fires and deaths since 1994.

(7) While the fire death rates for upholstered furniture fires have dropped during the period 1982 through 1994 for both California and the entire Nation, death rates in California, which has stricter standards, have dropped by a larger percentage than the nation as a whole.

(8) Children, the elderly, and lower income families are at higher risk of death and injury from upholstered furniture fires caused primarily by the in creasing incidents of children playing with matches, candles, lighters, or other small open flames.

(9) In view of the increased incidents of fire, it is important for Congress to establish fire safety standards for candles, mattresses, bed clothing, and upholstered furniture.

(10) The Consumer Product Safety Commission is the appropriate agency to develop and enforce such standards.

(11) The Environmental Protection Agency should continue to review and determine the suitability of any materials used to meet any fire safety standard established as a result of this Act.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect the public against death and injury from fires associated with candles, mattresses, bed clothing, and upholstered furniture; and

(2) to require the Consumer Product Safety Commission to develop and issue comprehensive uniform safety standards to reduce the flammability of candles, mattresses, bed clothing, and upholstered furniture.

SEC. 3. CONSUMER PRODUCT FIRE SAFETY STANDARDS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Consumer Product Safety Commission shall promulgate, as final consumer product safety standards under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), the following fire safety standards:

(1) UPHOLSTERED FURNITURE.—A fire safety standard for upholstered furniture that is substantially the same as the provisions of Technical Bulletin 117, "Requirements, Test Procedure and Apparatus for testing the Flame and Smolder Resistance of Upholstered Furniture)" published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2002.

(2) MATTRESSES.—A fire safety standard for mattresses that is substantially the same as Technical Bulletin 603, "Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open Flame", published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2003.

(3) BEDCLOTHING.—A fire safety standard for bedclothing that is substantially the same as the October 22, 2003, draft for task force review of Technical Bulletin 604, "Test Procedure and Apparatus for the Flame Resistance of Filled Bedclothing", published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, October 2003.

(4) CANDLES.—A fire safety standard for candles that is substantially the same as Provisional Standard PS 59-02, "Provisional Specification for Fire Safety for Candles", ASTM International, as that provisional standard existed on the date of enactment of this Act.

(b) APPLICATION OF CERTAIN PROMULGATION REQUIREMENTS.—The requirements of subsections (a) through (f) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), and section 36 of that Act (15 U.S.C. 2083), do not apply to the consumer product safety standards required to be promulgated by subsection (a) of this section.

Ms. SNOWE. Mr. President, I rise today in support of the American Home Fire Safety Act authored by my colleague Senator HOLLINGS. I am pleased to co-sponsor this legislation along with Senators GRAHAM of South Carolina, BREAUX, BOXER and DORGAN. While the purpose of our bill is to require the Consumer Product Safety Commission to implement national standards for mattresses, upholstered furniture, candles and bedding, our ultimate goal is to save lives.

According to the Consumer Products Safety Commission and the National Fire Protection Association, in 1998, the last year for which statistics are available, American homes suffered over 330,000 fires serious enough to require a response from firefighters. In those fires, more than 2,600 Americans died and another 15,000 suffered injuries requiring medical treatment. The property loss from those fires totaled over $3.5 billion.

Of the many items first ignited in residential fires, upholstered furniture is the product most frequently involved in fire deaths (20 percent) followed by mattresses and bedding (15 percent). Among the different forms of heat involved in the ignition of fires, smoking materials accounted for 30 percent of fire deaths with candles accounting for six percent of the fire deaths, followed by lighters at five percent and matches at three percent.

Effective fire protection depends on redundancy. Public education, building codes, smoke detectors, and automatic fire sprinklers each are important but imperfect tools where they exist—and too often they do not. The fact is that even with these tools available, more than 900 Americans—that's five of our fellow citizens every two days—die every year in fires involving cigarettes, small open flames such as candles, upholstered furniture, mattresses and bedding.

Those are the numbers—but there is a tragedy behind every one of them. Let me speak just for a moment about one such tragedy that visited my state one cold night in January of 2000. That night a young boy of six playing with a lighter ignited the sofa bed he was on and in the ensuing fire he and his two brothers—they were triplets—perished. But the tragedy doesn't stop there because one of the volunteer firefighters who responded that night, Waldo County Sheriff Robert Jones, suffered a fatal heart attack while fighting the blaze. No, Mr. President, this is not just about the numbers—although they are staggering—it is about the human tragedy.

The American Home Fire Safety Act will require the United States Consumer Product Safety Commission to enforce specific fire safety standards for each of these products. These are not new, burdensome standards—in fact, they are standards already established by the American Society of Testing and Materials or the state of California. American manufacturers of mattresses, upholstered furniture, candles and bedding have already developed cost-effective technology and processes to make these household goods less flammable than current products. Collectively—and in combination with existing fire protection technologies—we hope to save hundreds of lives, avoid thousands of serious injuries and billions of dollars in lost property.

Finally, I would like to point out that this legislation has been endorsed by the National Fire Protection Association, the National Volunteer Fire Council, the Western Fire Chiefs Association, the National Association of State Fire Marshals and numerous state Fire Chief's Associations. I urge my colleagues to support this bill to establish national standards for some of the household products at the core of residential fires. By doing so, perhaps we can spare our fellow Americans needless suffering.

By Mr. AKAKA (for himself, Mr. SARBANES, and Mr. CORZINE):

S. 1800. A bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today I am introducing the College Literacy in Finance and Economics or College LIFE Act. I would like to thank my colleagues, Senators SARBANES and CORZINE, for their cosponsorship of this important legislation.

The problem we're working to address with the College LIFE Act is simple. Our college students are many of America's best and the brightest. They hold the promise of our country in their hands and will go on to become leaders—in business, education, politics, the military, the community—any field you can name. It is wonderful that so many people are pursuing and fulfilling their dreams of higher education in numbers that I did not imagine when I was in college. In fact, as reported by the American Council on Education, total college enrollment surged by 3 million or nearly 27 percent over the past 20 years. However, I am gravely concerned, both as a member of this body and particularly as a grandparent and great-grandparent, that our young people are entering college without proper direction or good skills for money management or economic decisionmaking.

As we work on increasing access to higher education, we must give students access to the tools that they need to make sound economic and financial decisions once they are on campus. However, the lack of personal finance and economics State K–12 education standards or implementation of existing standards in K–12 education in a number of States results in many students arriving at college with little understanding of economic concepts like supply and demand or benefits versus costs, or personal finance concepts such as household money management or the importance of maintaining good credit history. Without this basic understanding, college students are not effectively evaluating credit alternatives, managing their debt, and preparing for long-term financial goals, such as saving for a home or retirement.

We can try to imagine what it's like to be a college student's shoes. A young adult leaves his home and travels thousands of miles, as do many Hawaii students attending mainland colleges, to the campus that holds his hopes and dreams. Perhaps farthest from his mind is how little spending money he has for textbooks, a new college sweatshirt, and school supplies. He gets to the campus bookstore and walks out with a bag that includes a preapproved credit card application, which he immediately fills out and mails. Months later, he has joined many other credit card-holding college student who, on average, have a credit card bill balance above $3,000. His sophomore year rolls around and, instead of conferring with his parents about the details of his renewal FAFSA for student financial aid or master promissory note, he is saddled with another $10,000 loan. According to The College Board, average college tuition and fees in 2003–04 increased to $19,710 for a four-year private institution and to $4,694 for a 4-year public institution. The same scenario repeats itself for his junior and senior years. Finally, after successfully completing all of his coursework, he graduates, finds an entry-level job, and realizes that, after servicing his debt, he has little money left for basics such as food, transportation, and rent, much less new career clothing or social outings. His lack of knowledge about how to properly use credit has led him to anxiety-causing financial missteps. With appropriate financial and economic literacy, he may have known what debt load to anticipate and made wiser financing and spending decisions while in school.

Rather, he may be on the road to true financial trouble. Dan Iannicola, Jr., Deputy Assistant Secretary of the Treasury for Financial Education, testified before a House subcommittee on Tuesday, that 40 percent of Americans say they live beyond their means, with the average American household having $8,900 in credit card debt in 2002—up from $3,200 just 10 years earlier. In 2001, more people filed for bankruptcy than graduated from college. Furthermore, the most recent Federal Reserve Bulletin reported that Americans currently pay 13.3 percent of after-tax income to service their debts, which increases to 18.1 percent when we add other recurring liabilities such as rent and auto leases. We must ensure that our youth make the right decisions to follow a better financial path, especially considering a report cited by Mr. Iannicola noting that youth spent more than $172 billion in a recent year, and figures from MarketResearch.com noting that typical 8- to 14-year-olds now spend—from allowances, jobs, and gifts—about $1,294 a year or $25 a week.

The College LIFE (Literacy in Finance and Economics) Act represents a comprehensive approach to assist upcoming generations of Americans. It proposes four new grant programs that provide resources to encourage experimentation with delivery systems—innovation methods used in or out of the classroom to increase college students' financial literacy. Another grant would allow higher education institutions to share best practices about or create personal finance courses where none exist. A third grant would assist efforts that are looking at the best ways to integrate personal finance and economic education into basic educational subjects, which is especially important as schools are facing challenges under the No Child Left Behind Act and are tempted to focus on subjects being tested for Annual Yearly Progress. The final grant would train teachers and high school counselors toward increasing financial and economic literacy in grades K–12 so that our college students are prepared when they arrive at college campuses.

The bill also proposes a pilot program for five higher education institutions to encourage students to take a personal finance course and participate in preventive annual credit counseling, working in conjunction with state or local public, private, and nonprofit entities selected by the local education agency or the school, and measuring the effectiveness of efforts in any behavioral changes that may result. It promotes greater collaboration with and support from Federal agencies in the higher education arena with respect to economic and financial literacy. Finally, it emphasizes the importance of personal finance and economic education and counseling by authorizing these activities as allowable uses in existing Higher Education Act programs, such as TRIO, GEAR UP, and Title III and Title V Serving Institutions.

Furthermore, I intend the reach of this bill to be beyond the traditional college student. Our returning college students are a vital part of society—many who are already community leaders and breadwinners for their families who have already gained valuable work experience that they may use as they learn a new field or continue their undergraduate study in the pursuit of a graduate or doctoral degree. In addition, older adults who are entering higher education for the first time can also be lauded for their enterprising spirit in wanting to better their lives by earning an associates or bachelors degree. I anticipate that the assistance provided through the College LIFE Act will work to provided needed help to many of these students as well.

I have been working on this bill over the better part of this year with several organizations in the higher education and economic and financial literacy community. I ask unanimous consent to have printed in the RECORD after my statement letters of support for the legislation from the National Council on Economic Education, Jump$tart Coalition for Personal Financial Literacy, and Family, Career and Community Leaders of America. I thank these and other organizations for their constant efforts in this area. For example, the National Council for Community and Education Partnerships (NCCEP) supports a provision including economic and financial literacy and counseling as allowable activities for the GEAR–UP program, which provides comprehensive mentoring, counseling, outreach, and supportive services to cohorts of disadvantaged students. Emphasis on economic and financial literacy as included in the bill would complement NCCEP'S current GEAR–UP activities that underscore the importance of the college-going experience and pursuit of postsecondary education—including discussions about financial aid, debt, grants vs. loans, savings, and tax credits—and involving parents or guardians to inform them on the costs of college and how to prepare for their child's entry into college. I will continue to work with these and other organizations toward increasing literacy in finance and economics for our students before they enter higher education and once they arrive on college campuses.

I am looking forward to continuing to work with my colleagues to have the College LIFE Act passed or included in the upcoming Higher Education Act reauthorization. I encourage my colleagues' support for this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the Material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL
ON ECONOMIC EDUCATION,
Washington, DC, October 1, 2003.

Hon. DANIEL K. AKAKA,
U.S. Senator,
Washington, DC.

DEAR SENATOR AKAKA: For over 50 years, the National Council on Economic Education (NCEE), through its nationwide network of State Councils and University Centers for Economic Education, has been the nation's premier organization for promoting effective economic education, by training teachers to get basic economic knowledge and decision-making skills into the heads and hands of our young people, K–12.

NCEE's mission is to ensure the effective teaching of the real-life skills people need to succeed in an increasingly complex world: to be able to think and choose knowledgeably as consumers, savers, and investors, responsible citizens, members of the workforce, and effective participants in the global economy.

Because of our nationwide university and college base, we at the National Council on Economic Education (NCEE) strongly endorse the College LIFE (Literacy in Finance and Economics) Act.

The College LIFE (Literacy in Finance and Economics) Act, which seeks to provide university students with personal finance counseling, and to prepare teachers and high school counselors to equip our young people with personal finance knowledge and skills, could not come at a better time.

This is a time of growing public interest in personal finance education. Parents everywhere want their children to know how the world works before they go to work in it, and to possess the basic knowledge and decision-making skills that will help them to become productive and responsible citizens, employees, consumers, savers and investors. Any legislation that advances that effort in a sustained, systematic way has our support.

The NCEE is pleased to support the College LIFE (Literacy in Finance and Economics) Act. Please keep us informed of its progress.

Yours sincerely,

ROBERT F. DUVALL,
President & Chief Executive Officer.

JUMP$TART COALITION,
Washington, DC, October 9, 2003.

Senator DANIEL K. AKAKA,
Hart Building,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the Jump$tart Coalition for Personal Financial Literacy (a coalition of 150 organizations promoting personal finance education for youth), we thank you for sponsoring the College Literacy in Finance and Economics (College LIFE) Act.

The passage of this Act would signify an elevation in importance of the issue of youth financial literacy by Higher Education. The problems related to financially illiterate young adults need to be addressed. We cannot continue the ten-fold increase in young adults filing bankruptcy that we have seen in the past five years. Nor can we afford to have young adults dropping out of college due to heavy credit card debt or not understanding the importance of investing for their retirement.

In light of these distressing problems, it is imperative that we start to embed personal finance and economic education more widely into our college and university curricula. Currently the percentage of college students having the opportunity to enroll in such classes is small considering their lack of promotion and availability.

The good news is that education is the answer and the solution is found through existing resources. A wide selection of curricula (many free or low cost) in addition to teacher training networks and guest speaker supplements are available. The remaining obstacle lies in opening the doors of Higher Education to this invaluable instruction.

Therefore, Jump$tart wholeheartedly supports Senator Akaka's College LIFE Act for its emphasis on a subject and skill that is invaluable to surviving in today's complex financial marketplace.

The Jump$tart Coalition thanks you for your continuing support of financial and economic education.

Sincerely,

DARA DUGUAY,
Executive Director.

FAMILY, CAREER AND
COMMUNITY LEADERS OF AMERICA,
Reston, VA, October 29, 2003.

Senator DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA, Family, Career and Community Leaders of America is a dynamic and effective national student organization with a membership of over 227,000 that helps young men and women become leaders and address important personal, family, work, and societal issues through Family and Consumer Sciences Education (FACS). One of those important issues is financial responsibility, which is a part of the FACS discipline.

FCCLA Advisers are FACS teachers who use the FCCLA Financial Fitness national peer education program to promote youth teaching other young people how to make, save, and spend money wisely. Its goals are to sharpen young people's skills in money management, consumerism, and financial planning; as well as provide youth an opportunity to teach others and develop financial literacy, communication, and leadership skills. This program includes educational tools and recognition for chapter projects.

We strongly support the College LIFE (Literacy in Finance and Economics) Act, as it shares the goals of the FCCLA Financial Fitness program. The importance of consumer education that FCCLA introduces to its youth will be able to be carried on to higher education with the passage of this Act. Skills learned through personal finance and economic education courses will better prepare students for success in their careers and their lives.

FCCLA is grateful to you for your enduring advocacy of financial and economic education through the College LIFE Act.

Sincerely,

ALAN T. RAINS, Jr.,
Executive Director.

S. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Literacy in Finance and Economics (College LIFE) Act".

SEC. 2. AREAS OF EMPHASIS.

Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

"SEC. 123. AREAS OF EMPHASIS.

"In carrying out activities under this Act related to improving financial and economic literacy, education, and counseling, the Secretary shall emphasize, among other elements, basic personal income and household money management and financial planning skills, and basic economic decision making skills, including how to—

"(1) create household budgets, initiate savings plans, and make strategic investment decisions for education, employment, retirement, home ownership, wealth building, or other savings goals;

"(2) manage credit and debt effectively, including student financial aid and credit card debt, and understand the merits of establishing and maintaining excellent credit history;

"(3) understand, evaluate, and compare fair and favorable financial products, services, and opportunities, and avoid abusive, predatory, or deceptive financial products, services, and opportunities;

"(4) complete tax returns and understand tax consequences when making certain financial decisions, such as placing an investment or purchasing a home;

"(5) identify economic problems, alternatives, benefits, and costs;

"(6) analyze the incentives at work in an economic situation;

"(7) examine the consequences of changes in economic conditions and public policies;

"(8) collect and organize economic evidence, including understanding, evaluating, and making strategic decisions using economic indicators;

"(9) compare benefits with costs; and

"(10) improve financial and economic literacy and education through all other related skills.".

SEC. 3. COORDINATION.

In carrying out the financial and economic literacy activities authorized under this Act and the amendments made by this Act, the Secretary of Education, to the greatest extent practicable, shall coordinate such activities with the financial and economic literacy efforts of a Federal commission comprised of members from the Department of Education, the Department of the Treasury, and other entities the President, the Secretary of Education, and the Secretary of the Treasury determine appropriate.

SEC. 4. ENHANCEMENT OF FINANCIAL LITERACY AND ECONOMIC LITERACY.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 201(a)(3), by inserting "personal finance," after "economics,";

(2) in section 311(c)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.";

(3) in section 316(c)(2)—

(A) by redesignating subparagraphs (G) through (L) as subparagraphs (H) through (M), respectively;

(B) by inserting after subparagraph (F) the following:

"(G) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;"; and

(C) in subparagraph (M), as redesignated by subparagraph (A), by striking "subparagraphs (A) through (K)" and inserting "subparagraphs (A) through (L)";

(4) in section 317(c)(2)—

(A) in subparagraph (G), by striking "and" after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(I) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.";

(5) in section 323(a)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.";

(6) in section 326(c)—

(A) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;";

(7) in section 503(b)—

(A) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.";

(8) in section 402B(b)—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(B) by inserting after paragraph (2) the following:

"(3) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;"; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)";

(9) in section 402C—

(A) in subsection (b)—

(i) by redesignating paragraphs (2) through (12) as paragraphs (3) through (13), respectively;

(ii) by inserting after paragraph (1) the following:

"(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;"; and

(iii) in paragraph (13), as redesignated by clause (i), by striking "paragraphs (1) through (11)" and inserting "paragraphs (1) through (12)"; and

(B) in subsection (e), by striking "subsection (b)(10)" and inserting "subsection (b)(11)";

(10) in section 402D(b)—

(A) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(B) by inserting after paragraph (1) the following:

"(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;"; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)";

(11) in section 402E(b)—

(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(B) by inserting after paragraph (6) the following:

"(7) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;";

(12) in section 402F(b)—

(A) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively;

(B) by inserting after paragraph (3) the following:

"(4) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;"; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)";

(13) in section 404D(b)(2)(A)(ii), by striking "and academic counseling" and inserting "academic counseling, and financial literacy and economic literacy education or counseling";

(14) by striking section 418A(c)(1)(B)(i) and inserting the following:

"(i) personal, academic, career, and economic education or personal finance counseling as an ongoing part of the program;";

(15) in section 428F(b), by inserting at the end the following: "Where appropriate, such program shall include making available financial and economic education materials for the borrower.";

(16) in section 432(k)(1), by striking "and offering" and all that follows through the period and inserting ", offering loan repayment matching provisions as part of employee benefit packages, and providing employees with financial and economic education and counseling.";

(17) in section 441(c)—

(A) in paragraph (1), by inserting "financial literacy and economic literacy," after "social services,"; and

(B) in paragraph (4)(C), by striking the period at the end and inserting "and counseling for the purposes of improving financial literacy and economic literacy.";

(18) in section 485—

(A) in subsection (a)(1)(D), by striking the semicolon at the end and inserting ", including the merits of taking a personal finance course, if the institution offers such a course, and of the student reviewing the student's personal credit profile not less frequently than once a year;";

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in clause (i), by striking "and" after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

"(iii) if it is determined during the counseling that the borrower is not connected to a mainstream financial institution, information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank."; and

(ii) by adding at the end the following:

"(3) PILOT PROGRAM.—

"(A) AUTHORIZATION.—

"(i) IN GENERAL.—The Secretary shall establish a pilot program that awards a total of 5 grants to 5 different institutions of higher education that are located in geographically different parts of the United States to enable the institutions to provide annual personal finance counseling for students enrolled at such institutions.

"(ii) MINORITY SERVING INSTITUTIONS.—In awarding grants under this paragraph, the Secretary shall award not less than 2 of the 5 grants to institutions of higher education that are eligible to receive assistance under title III or title V.

"(B) APPLICATION.—An institution of higher education that desires to receive a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(C) USE OF FUNDS.—

"(i) COUNSELING.—

"(I) IN GENERAL.—In addition to making available exit counseling under paragraph (1), an institution of higher education that receives a grant under this paragraph shall through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title at the commencement of the borrower's course of study at the institution, not less frequently than once annually while the borrower is enrolled at the institution, and not later than 30 days after completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution.

"(II) CONTENT.—The counseling required under subclause (I) shall include the average anticipated monthly repayments, a review of the repayment options available, the total amount of interest that would be paid over a range of possible interest rates and the amount of interest in the monthly payments, information on the availability and content of a personal finance course if such course is offered by the institution and if not already completed by the individual, and such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness, which may be implemented in partnership with State or local public, private, and nonprofit entities approved by the local educational agency that serves schools in the area where the institution is located, or a campus committee formed for the purpose of evaluating the qualifications of such entities. If it is determined during the counseling that the borrower is not connected to a mainstream financial institution, the counseling shall include information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank.

"(ii) PERMISSIVE USE.—Grant funds received under this paragraph may be used to pay for additional financial aid personnel or for training for existing financial aid personnel.

"(iii) STUDY.—

"(I) IN GENERAL.—An institution of higher education that receives a grant under this paragraph shall conduct a study to evaluate the impacts, if any, of the financial and economic literacy and counseling activities on students' levels of savings and indebtedness, and creditworthiness, and such activities' effectiveness in reducing the incidence of problems with handling credit, including bankruptcy filing and student financial loan default.

"(II) ASSISTANCE.—An institution of higher education may conduct the study under subclause (I) with the assistance of appropriate Federal agencies or other entities approved by the Secretary.

"(III) REPORT.—Not later than 6 months after completion of the study under subclause (I), the institution of higher education shall report the results of such study to the Secretary, the Secretary of the Treasury, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives.

"(D) DURATION.—Grants awarded under this paragraph shall be for a period of 3 years.

"(E) AMOUNT.—The Secretary shall award grants of not more than $1,000,000 annually to each institution of higher education awarded a grant under this paragraph. The Secretary may determine the grant award amount based on the number of students to be counseled at the institution of higher education.

"(F) REPORT.—Not later than 90 days after the date of completion of the pilot program under this paragraph, the Secretary shall submit a report to Congress on the effectiveness of the program.

"(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for each of fiscal years 2005 through 2009."; and

(C) in subsection (c), by adding at the end the following: "Appropriate Federal agencies shall provide material developed by such agencies for the purpose of financial education, to financial assistance information personnel at institutions of higher education for the use of such personnel in financial aid counseling."; and

(19) in section 491(d)(8), by inserting ", including those related to financial literacy activities," after "resources and services".

SEC. 5. GRANT PROGRAMS.

(a) INNOVATIVE DELIVERY SYSTEMS.—

(1) DEFINITIONS.—In this subsection:

(A) DELIVERY SYSTEM.—The term "delivery system" means any range of media or methods that institutions of higher education use to instruct or to convey information to the students enrolled at such institutions.

(B) ELIGIBLE ENTITY.—The term "eligible entity"—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(C) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(D) SECRETARY.—The term "Secretary" means the Secretary of Education.

(2) AUTHORIZATION.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to develop or sponsor experimental financial literacy delivery systems.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENT.—An application submitted under subparagraph (A) shall include—

(i) a description of the plan for the development or sponsorship of the financial literacy delivery system the eligible entity intends to support with grant funds received under this subsection;

(ii) information on the students expected to be served by such system; and

(iii) information on the means by which the effectiveness of such system will be measured.

(4) AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall—

(A) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(B) consider—

(i) the quality of the proposed financial literacy delivery system and the degree to which such system may be used as a model for adoption by other institutions of higher education;

(ii) the resources, if any, that the eligible entity intends to dedicate to the implementation of the plan for the development or sponsorship of such system;

(iii) the degree to which technology is to be used in the implementation of such plan; and

(iv) the degree to which the eligible entity will collaborate with other entities in implementing such plan.

(5) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the grant funds—

(A) to develop or sponsor an experimental financial literacy delivery system; and

(B) for activities that explore and assess the effectiveness of various delivery systems in delivering personal financial education and counseling to students and in increasing student personal financial literacy.

(6) Obligation.—Grant funds received under this subsection shall be available for obligation for a period of not more than 4 years.

(7) Technical assistance.—From not more than 5 percent of the funds appropriated to carry out this subsection, the Secretary shall make technical assistance available to eligible entities that receive grants under this subsection.

(8) Report.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the financial literacy delivery system; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the financial literacy delivery system.

(9) Regulations.—The Secretary shall promulgate regulations to carry out this subsection.

(10) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

(b) Personal Finance Course.—

(1) Definitions.—In this subsection:

(A) Eligible entity.—The term "eligible entity"—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(B) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) Secretary.—The term "Secretary" means the Secretary of Education.

(2) Authorization.—From funds appropriated under paragraph (8), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to—

(A) if such entities do not offer a course in personal finance, create a course in personal finance; or

(B) if such entities offer a course in personal finance, share best practices and related information with other institutions of higher education about successful personal finance courses.

(3) Application.—

(A) In general.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) Content.—An application submitted under subparagraph (A) shall include—

(i) if the entity intends to create a course in personal finance with grant funds received under this subsection, information on the number of students who could enroll in such course and the expected outcomes of the course; or

(ii) if the entity already offers a course in personal finance, information on how the institution will share its best practices with other institutions.

(4) Awarding of grants.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus.

(5) Obligation.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(6) Report.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course.

(7) Regulations.—The Secretary shall promulgate regulations to carry out this subsection.

(8) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

(c) Integration.—

(1) Authorization.—From funds appropriated under paragraph (6), the Secretary of Education (referred to in this subsection as the "Secretary") shall award a grant, on a competitive basis, to a nonprofit organization, or a consortium of nonprofit organizations, working in partnership with relevant Federal agencies, educational organizations, and other nonprofit organizations, to study and recommend the best ways to integrate personal finance and economics into basic educational subjects.

(2) Application.—A nonprofit organization, or consortium of nonprofit organizations, that desires to receive the grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) Awarding of grants.—In awarding the grant under this subsection, the Secretary shall—

(A) give priority to an applicant that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics; and

(B) consider—

(i) the previous record of work of the applicant in improving the quality of student understanding of personal finance and economics; and

(ii) the degree to which the applicant has collaborated with other entities that have as their primary purpose the improvement of the quality of student understanding of personal finance and economics.

(4) Report.—Not later than 2 years after the grant funds have been distributed under this subsection, the nonprofit organization, or consortium of nonprofit organizations, that receives the grant under this subsection shall submit to the Secretary and the appropriate committees of Congress a report on the best ways to integrate personal finance and economics into basic educational subjects.

(5) Regulations.—The Secretary shall promulgate regulations to carry out this subsection.

(6) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2005 through 2007.

(d) Teacher and Counselor Training.—

(1) Definitions.—In this subsection:

(A) Eligible entity.—The term "eligible entity"—

(i) means—

(I) an education department of an institution of higher education; or

(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching; and

(ii) includes a partnership of the entities described in clause (i).

(B) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) Secretary.—The term "Secretary" means the Secretary of Education.

(D) State.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) Authorization.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to fund—

(A) preservice teacher training programs in the instruction of economics and personal finance in elementary schools and secondary schools; and

(B) programs to provide preservice and inservice training of secondary school counselors in advising students on the importance of improving their economic and personal financial literacy.

(3) Application.—

(A) In general.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) Content.—An application submitted under subparagraph (A) shall include information on—

(i) the number of individuals who would be served by the eligible entity if awarded a grant under this subsection; and

(ii) the expected outcomes of the proposed training.

(4) Awarding of grants.—

(A) In general.—In awarding grants under this subsection, the Secretary shall—

(i) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(ii) consider the applicant's past record of success in carrying out similar training programs.

(B) Grants to all states.—For any fiscal year for which the amount appropriated to carry out this paragraph is more than $25,000,000, the Secretary shall award not less than 1 grant to an eligible entity in each State.

(5) Coordination with existing programs.—In carrying out programs funded under this subsection, an eligible entity may coordinate activities with other training programs, including programs authorized under the Excellence in Economic Education Act of 2001 (20 U.S.C. 7267 et seq.).

(6) Supplement, not supplant.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds available to the eligible entity for the purpose of carrying out similar training programs.

(7) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(8) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of training teachers and counselors in instructing and advising students on personal finance; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of training teachers and counselors in instructing and advising students on personal finance.

(9) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2005 through 2009.

SEC. 6. EVALUATION.

Not later than 6 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives, an evaluation of the range and effectiveness of financial and economic education and financial aid counseling activities of institutions of higher education, lenders, servicers, and guaranty agencies as emphasized by the Secretary of Education pursuant to section 123 of the Higher Education Act of 1965.

Mr. CORZINE. Mr. President, I am proud to join Senator AKAKA as a cosponsor of the College LIFE (Literacy in Finance and Economics) Act.

Unfortunately, when it comes to personal finances, most American college students do not have the skills they need to spend and save wisely. Most do not understand the details of managing a checking account, paying their taxes, or even using a credit card sensibly. College students must be given the tools they need to maintain good credit and make informed decisions about investments and savings so that they can ensure themselves a successful future.

The importance of financial education cannot be understated, and this bill effectively addresses this critical issue by establishing grants that would allow institutions of higher education to provide their students with personal finance counseling and planning services. The bill also contains provisions that would encourage colleges to develop personal finance courses, giving students greater access to financial education. Finally, the bill would create a three-year pilot program in five institutions of higher education across the Nation to provide annual counseling for financial aid recipients.

Financial literacy has been a priority of mine since the start of my tenure in the U.S. Senate. Indeed, I believe that financial literacy should be a lifelong goal. Last Congress, I successfully added a provision to the No Child Left Behind Act to give elementary and secondary schools access to funds that will allow them to include financial education as part of their basic educational curriculum. This Congress, I have introduced the Education for Retirement Security Act of 2003, which would provide grants to non-profit organizations and State and local agencies for programs that would enhance financial and retirement knowledge for America's seniors. The bill also aims to reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud. Finally, I am the sponsor of a bill that would provide welfare recipients with greater access to financial literacy skills in order to help them achieve self-sufficiency.

I know that Senator AKAKA has a deep interest in this issue as well, and I am honored to join him in introducing the College LIFE Act, to ensure that college students have access to the financial knowledge that they need to make the right decisions about their futures.

By Mrs. MURRAY (for herself, Mr. CORZINE, Mr. SCHUMER, and Mr. DAYTON):

S. 1801. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security and Financial Empowerment Act" or the "SAFE Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

Sec. 101. Purposes.
Sec. 102. Entitlement to emergency leave for addressing domestic or sexual violence.
Sec. 103. Existing leave usable for addressing domestic or sexual violence.
Sec. 104. Emergency benefits.
Sec. 105. Effect on other laws and employment benefits.
Sec. 106. Conforming amendments.
Sec. 107. Effective date.

TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Sec. 201. Purposes.
Sec. 202. Unemployment compensation and training provisions.

TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY

Sec. 301. Short title.
Sec. 302. Purposes.
Sec. 303. Prohibited discriminatory acts.
Sec. 304. Enforcement.
Sec. 305. Attorney's fees.

TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Discriminatory acts prohibited.
Sec. 404. Insurance protocols for subjects of abuse.
Sec. 405. Reasons for adverse actions.
Sec. 406. Life insurance.
Sec. 407. Subrogation without consent prohibited.
Sec. 408. Enforcement.
Sec. 409. Effective date.

TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT

Sec. 501. Credit for costs to employers of implementing workplace safety programs.

TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

Sec. 601. National clearinghouse on domestic and sexual violence in the workplace grant.

TITLE VII—SEVERABILITY

Sec. 701. Severability.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Domestic violence crimes account for approximately 15 percent of total crime costs in the United States each year.

(2) Violence against women has been reported to be the leading cause of physical injury to women. Such violence has a devastating impact on women's physical and emotional health and financial security.

(3) According to a recent National Institutes of Health-Centers for Disease Control and Prevention study, each year there are 5,300,000 non-fatal violent victimizations committed by intimate partners against women. Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. About ⅓ of female murder victims, and about 4 percent of male murder victims, were killed by an intimate partner.

(4) According to recent government estimates, approximately 987,400 rapes occur annually in the United States, 89 percent of the rapes perpetrated against female victims. Since 2001, rapes have actually increased by 4 percent.

(5) Approximately 10,200,000 people have been stalked at some time in their lives. Four out of every 5 stalking victims are women. Stalkers harass and terrorize their victims by spying on the victims, standing outside their places of work or homes, making unwanted phone calls, sending or leaving unwanted letters or items, or vandalizing property.

(6) Employees in the United States who have been victims of domestic violence, dating violence, sexual assault, or stalking too often suffer adverse consequences in the workplace as a result of their victimization.

(7) Victims of domestic violence, dating violence, sexual assault, and stalking are particularly vulnerable to changes in employment, pay, and benefits as a result of their victimizations, and are, therefore, in need of legal protection.

(8) The prevalence of domestic violence, dating violence, sexual assault, stalking, and

other violence against women at work is dramatic. About 36,500 individuals, 80 percent of whom are women, were raped or sexually assaulted in the workplace each year from 1993 through 1999. Half of all female victims of violent workplace crimes know their attackers. Nearly 1 out of 10 violent workplace incidents are committed by partners or spouses. Women who work for State and local governments suffer a higher incidence of workplace assaults, including rapes, than women who work in the private sector.

(9) Homicide is the leading cause of death for women on the job. Husbands, boyfriends, and ex-partners commit 15 percent of workplace homicides against women.

(10) Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusive partners.

(11) According to a 1998 report of the General Accounting Office, between ¼ and ½ of domestic violence victims surveyed in 3 studies reported that the victims lost a job due, at least in part, to domestic violence.

(12) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.

(13) Abusers frequently seek to control their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting the access of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.

(14) More than ½ of women receiving welfare have been victims of domestic violence as adults and between ¼ and ⅓ reported being abused in the last year.

(15) Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of over 32,000 full-time jobs and 5,600,000 days of household productivity.

(16) Sexual assault, whether occurring in or out of the workplace, can impair an employee's work performance, require time away from work, and undermine the employee's ability to maintain a job. Almost 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(17) More than 35 percent of stalking victims report losing time from work due to the stalking and 7 percent never return to work.

(18)(A) According to the National Institute of Justice, crime costs an estimated $450,000,000,000 annually in medical expenses, lost earnings, social service costs, pain, suffering, and reduced quality of life for victims, which harms the Nation's productivity and drains the Nation's resources.

(B) Violent crime accounts for $426,000,000,000 per year of this amount.

(C) Rape exacts the highest costs per victim of any criminal offense, and accounts for $127,000,000,000 per year of the amount described in subparagraph (A).

(19) Violent crime results in wage losses equivalent to 1 percent of all United States earnings, and causes 3 percent of the Nation's medical spending and 14 percent of the Nation's injury-related medical spending.

(20) The Bureau of National Affairs has estimated that domestic violence costs United States employers between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity, while other reports have estimated the cost at between $5,800,000,000 and $13,000,000,000 annually.

(21) United States medical costs for domestic violence have been estimated to be $31,000,000,000 per year.

(22) Surveys of business executives and corporate security directors also underscore the heavy toll that workplace violence takes on women, businesses, and interstate commerce in the United States.

(23) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.

(24) Forty-nine percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs.

(25) Only 25 States have laws that explicitly provide unemployment insurance to domestic violence victims in certain circumstances, and none of the laws explicitly cover victims of sexual assault or stalking.

(26) Only 6 States provide domestic violence victims with leave from work to go to court, to the doctor, or to take other steps to address the domestic violence in their lives, and only Maine provides such leave to victims of sexual assault and stalking.

(27) No States prohibit employment discrimination against victims of domestic violence, sexual assault, or stalking. Five States provide limited protection to some victims under certain circumstances.

(28) Employees, including individuals participating in welfare to work programs, may need to take time during business hours to—

(A) obtain orders of protection;

(B) seek medical or legal assistance, counseling, or other services; or

(C) look for housing in order to escape from domestic violence.

(29) Domestic and sexual violence victims have been subjected to discrimination by private and State employers, including discrimination motivated by sex and stereotypic notions about women.

(30) Domestic violence victims and third parties who help them have been subjected to discriminatory practices by health, life, disability, and property and casualty insurers and employers who self-insure employee benefits who have denied or canceled coverage, rejected claims, and raised rates based on domestic violence. Although some State legislatures have tried to address these problems, the scope of protection afforded by the laws adopted varies from State to State, with many failing to address the problem comprehensively. Moreover, Federal law prevents States from protecting the almost 40 percent of employees whose employers self-insure employee benefits.

(31) Existing Federal law does not explicitly—

(A) authorize victims of domestic violence, dating violence, sexual assault, or stalking to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning activities;

(B) address the eligibility of victims of domestic violence, dating violence, sexual assault, or stalking for unemployment compensation;

(C) prohibit employment discrimination against actual or perceived victims of domestic violence, dating violence, sexual assault, or stalking; or

(D) prohibit insurers and employers who self-insure employee benefits from discriminating against domestic violence victims and those who help them in determining eligibility, rates charged, and standards for payment of claims; nor does it prohibit insurers from disclosure of information about abuse and the victim's location through insurance databases and other means.

SEC. 3. DEFINITIONS.

In this Act, except as otherwise expressly provided:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(2) COURSE OF CONDUCT.—The term "course of conduct" means a course of repeatedly maintaining a visual or physical proximity to a person or conveying verbal or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(3) DATING VIOLENCE.—The term "dating violence" has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(4) DOMESTIC OR SEXUAL VIOLENCE.—The term "domestic or sexual violence" means domestic violence, dating violence, sexual assault, or stalking.

(5) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(6) DOMESTIC VIOLENCE COALITION.—The term "domestic violence coalition" means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the domestic violence programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of domestic violence intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out domestic violence programs within a State, territory, political subdivision, or area under Federal authority.

(7) ELECTRONIC COMMUNICATIONS.—The term "electronic communications" includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager.

(8) EMPLOY; STATE.—The terms "employ" and "State" have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(9) EMPLOYEE.—

(A) IN GENERAL.—The term "employee" means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(B) BASIS.—The term includes a person employed as described in subparagraph (A) on a full- or part-time basis, for a fixed time period, on a temporary basis, pursuant to a detail, as an independent contractor, or as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

(10) EMPLOYER.—The term "employer"—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more individuals; and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(11) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(12) FAMILY OR HOUSEHOLD MEMBER.—The term "family or household member" means a spouse, former spouse, parent, son or daughter, or person residing or formerly residing in the same dwelling unit.

(13) PARENT; SON OR DAUGHTER.—The terms "parent" and "son or daughter" have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(14) PERSON.—The term "person" has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(15) PUBLIC AGENCY.—The term "public agency" has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(16) PUBLIC ASSISTANCE.—The term "public assistance" includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency.

(17) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(18) REPEATEDLY.—The term "repeatedly" means on 2 or more occasions.

(19) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(20) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(21) SEXUAL ASSAULT COALITION.—The term "sexual assault coalition" means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the sexual assault programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out sexual assault programs within a State, territory, political subdivision, or area under Federal authority.

(22) STALKING.—The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear bodily injury, sexual assault, or death to the person, or the person's spouse, parent, or son or daughter, or any other person who regularly resides in the person's household, if the conduct causes the specific person to have such distress or fear.

(23) VICTIM OF DOMESTIC OR SEXUAL VIOLENCE.—The term "victim of domestic or sexual violence" includes a person who has been a victim of domestic or sexual violence and a person whose family or household member has been a victim of domestic or sexual violence.

(24) VICTIM SERVICES ORGANIZATION.—The term "victim services organization" means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or an organization providing assistance through the legal process.

TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

SEC. 101. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment leave, addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce;

(6) to further the goals of human rights and dignity reflected in instruments such as the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; and

(7) to accomplish the purposes described in paragraphs (1) through (6) by—

(A) entitling employed victims of domestic or sexual violence to take leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from their employers; and

(B) prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 102. ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

(a) LEAVE REQUIREMENT.—

(1) BASIS.—An employee who is a victim of domestic or sexual violence may take leave from work to address domestic or sexual violence, by—

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(2) PERIOD.—An employee may take not more than 30 days of leave, as described in paragraph (1), in any 12-month period.

(3) SCHEDULE.—Leave described in paragraph (1) may be taken intermittently or on a reduced leave schedule.

(b) NOTICE.—The employee shall provide the employer with reasonable notice of the employee's intention to take the leave, unless providing such notice is not practicable.

(c) CERTIFICATION.—

(1) IN GENERAL.—The employer may require the employee to provide certification to the employer that—

(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(B) the leave is for 1 of the purposes enumerated in subsection (a)(1).

The employee shall provide a copy of such certification to the employer within a reasonable period after the employer requests certification.

(2) CONTENTS.—An employee may satisfy the certification requirement of paragraph (1) by providing to the employer—

(A) a sworn statement of the employee;

(B) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

(C) a police or court record; or

(D) other corroborating evidence.

(d) CONFIDENTIALITY.—All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(1) requested or consented to by the employee in writing; or

(2) otherwise required by applicable Federal or State law.

(e) Employment and Benefits.—

(1) Restoration to position.—

(A) In general.—Except as provided in paragraph (2), any employee who takes leave under this section for the intended purpose of the leave shall be entitled, on return from such leave—

(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) Loss of benefits.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) Limitations.—Nothing in this subsection shall be construed to entitle any restored employee to—

(i) the accrual of any seniority or employment benefits during any period of leave; or

(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(D) Construction.—Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.

(2) Exemption concerning certain highly compensated employees.—

(A) Denial of restoration.—An employer may deny restoration under paragraph (1) to any employee described in subparagraph (B) if—

(i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(ii) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(B) Affected employees.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(3) Maintenance of health benefits.—

(A) Coverage.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) Failure to return from leave.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of leave under this section if—

(i) the employee fails to return from leave under this section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than—

(I) the continuation, recurrence, or onset of domestic or sexual violence, that entitles the employee to leave pursuant to this section; or

(II) other circumstances beyond the control of the employee.

(C) Certification.—

(i) Issuance.—An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

(ii) Contents.—An employee may satisfy the certification requirement of clause (i) by providing to the employer—

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;

(III) a police or court record; or

(IV) other corroborating evidence.

(D) Confidentiality.—All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(i) requested or consented to by the employee; or

(ii) otherwise required by applicable Federal or State law.

(f) Prohibited Acts.—

(1) Interference with rights.—

(A) Exercise of rights.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) Employer discrimination.—It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(C) Public agency sanctions.—It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(2) Interference with proceedings or inquiries.—It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual—

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(g) Enforcement.—

(1) Civil action by affected individuals.—

(A) Liability.—Any employer or public agency that violates subsection (f) shall be liable to any individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, public assistance, or other compensation has not been denied or lost to the individual, any actual monetary losses sustained by the individual as a direct result of the violation;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II), except that if an employer or public agency that has violated subsection (f) proves to the satisfaction of the court that the act or omission that violated subsection (f) was in good faith and that the employer or public agency had reasonable grounds for believing that the act or omission was not a violation of subsection (f), such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under subclauses (I) and (II), respectively; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(B) Right of action.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more affected individuals for and on behalf of—

(i) the individuals; or

(ii) the individuals and other individuals similarly situated.

(C) Fees and costs.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(D) Limitations.—The right provided by subparagraph (B) to bring an action by or on behalf of any affected individual shall terminate—

(i) on the filing of a complaint by the Secretary in an action under paragraph (4) in which restraint is sought of any further delay in the payment of the amount described in subparagraph (A)(i) to such individual by an employer or public agency responsible under subparagraph (A) for the payment; or

(ii) on the filing of a complaint by the Secretary in an action under paragraph (2) in which a recovery is sought of the damages described in subparagraph (A)(i) owing to an affected individual by an employer or public agency liable under subparagraph (A),

unless the action described in clause (i) or (ii) is dismissed without prejudice on motion of the Secretary.

(2) Action by the Secretary.—

(A) Administrative action.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of subsection (f) in the same manner as the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) Civil action.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (1)(A)(i).

(C) Sums recovered.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each individual affected. Any such sums not paid to such an individual because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(3) Limitation.—

(A) In general.—Except as provided in subparagraph (B), an action may be brought under this subsection not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) Willful violation.—In the case of such action brought for a willful violation of subsection (f), such action may be brought within 3 years after the date of the last event constituting the alleged violation for which such action is brought.

(C) Commencement.—In determining when an action is commenced by the Secretary under this subsection for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(4) Action for injunction by secretary.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of subsection (f), including the restraint of any withholding of payment of wages, salary, employment benefits, public assistance, or other compensation, plus interest, found by the court to be due to affected individuals; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(5) Solicitor of labor.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.

(6) Employer liability under other laws.—Nothing in this section shall be construed to limit the liability of an employer or public agency to an individual, for harm suffered relating to the individual's experience of domestic or sexual violence, pursuant to any other Federal or State law, including a law providing for a legal remedy.

SEC. 103. EXISTING LEAVE USABLE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under section 102.

SEC. 104. EMERGENCY BENEFITS.

(a) In General.—A State may use funds provided to the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-term emergency benefits to an individual for any period of leave the individual takes pursuant to section 102.

(b) Eligibility.—In calculating the eligibility of an individual for such emergency benefits, the State shall count only the cash available or accessible to the individual.

(c) Timing.—

(1) Applications.—An individual seeking emergency benefits under subsection (a) from a State shall submit an application to the State.

(2) Benefits.—The State shall provide benefits to an eligible applicant under paragraph (1) on an expedited basis, and not later than 7 days after the applicant submits an application under paragraph (1).

(d) Conforming Amendment.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:

‘‘(l) Authority To Provide Emergency Benefits.—A State that receives a grant under section 403 may use the grant to provide nonrecurrent short-term emergency benefits, in accordance with section 104 of the Security and Financial Empowerment Act, to individuals who take leave pursuant to section 102 of that Act, without regard to whether the individuals receive assistance under the State program funded under this part.’’.

SEC. 105. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) More Protective Laws, Agreements, Programs, and Plans.—Nothing in this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides—

(1) greater leave benefits for victims of domestic or sexual violence than the rights established under this title; or

(2) leave benefits for a larger population of victims of domestic or sexual violence (as defined in such law, agreement, program, or plan) than the victims of domestic or sexual violence covered under this title.

(b) Less Protective Laws, Agreements, Programs, and Plans.—The rights established for victims of domestic or sexual violence under this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

SEC. 106. CONFORMING AMENDMENT.

Section 1003(a)(1) of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7(a)(1)) is amended by inserting ‘‘title I or III of the Security and Financial Empowerment Act,’’ before ‘‘or the provisions’’.

SEC. 107. EFFECTIVE DATE.

This title and the amendment made by this title take effect 180 days after the date of enactment of this Act.

TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

SEC. 201. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to laying and collecting taxes, providing for the general welfare, and regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such victimization and participate in the criminal and civil justice processes without fear of adverse economic consequences;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, loss of employment, health care costs, and employer costs, caused by domestic or sexual violence including intentional efforts to frustrate the ability of women to participate in employment and interstate commerce;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in unemployment insurance, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination; and

(5) to accomplish the purposes described in paragraphs (1) through (4) by providing unemployment insurance to those who are separated from their employment as a result of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 202. UNEMPLOYMENT COMPENSATION AND TRAINING PROVISIONS.

(a) Unemployment Compensation.—Section 3304 of the Internal Revenue Code of 1986 (relating to approval of State unemployment compensation laws) is amended—

(1) in subsection (a)—

(A) in paragraph (18), by striking ‘‘and’’ at the end;

(B) by redesignating paragraph (19) as paragraph (20); and

(C) by inserting after paragraph (18) the following new paragraph:

‘‘(19) compensation shall not be denied where an individual is separated from employment due to circumstances resulting from the individual's experience of domestic or sexual violence; and’’; and

(2) by adding at the end the following new subsection:

‘‘(g) Construction.—

‘‘(1) In general.—For purposes of subsection (a)(19), an individual's separation from employment shall be treated as due to circumstances resulting from the individual's experience of domestic or sexual violence if the separation resulted from—

‘‘(A) the individual's reasonable fear of future domestic or sexual violence at or en route to or from the individual's place of employment;

‘‘(B) the individual's wish to relocate in order to avoid future domestic or sexual violence against the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

‘‘(C) the individual's need to obtain treatment to address the physical, psychological, or legal effects of domestic or sexual violence on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

"(D) the employer's denial of the individual's request for leave from employment to address domestic or sexual violence and its effects on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act), including leave authorized by section 102 of the Family and Medical Leave Act of 1993 or by title I of the Security and Financial Empowerment Act;

"(E) the employer's termination of the individual's employment due to actions, including absences, taken by the individual that were necessary to protect the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) from domestic or sexual violence;

"(F) the employer's termination of the individual due to circumstances resulting from the individual's being, or being perceived to be, a victim of domestic or sexual violence; or

"(G) any other circumstance in which domestic or sexual violence causes the individual to reasonably believe that separation from employment is necessary for the future safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

"(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.—For purposes of subsection (a)(19), if State law requires the individual to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the individual—

"(A) sought protection from, or assistance in responding to, domestic or sexual violence, including calling the police, obtaining services from a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), or seeking legal, social work, medical, clerical, or other assistance;

"(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the individual actually obtained such refuge or accomplished such relocation; or

"(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

"(3) ACTIVE SEARCH FOR EMPLOYMENT.—For purposes of subsection (a)(19), if State law requires the individual to actively search for employment after separation from employment as a condition for receiving unemployment compensation—

"(A) such requirement shall be treated as met where the individual registers for work (the individual is not otherwise required to seek employment on a weekly basis); and

"(B) such law may not categorize an employment opportunity as suitable work for the individual unless such employment opportunity reasonably accommodates the individual's need to address the physical, psychological, legal, and other effects of domestic or sexual violence.

"(4) PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.—

"(A) IN GENERAL.—In determining if an individual meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an individual is requesting unemployment compensation by reason of subsection (a)(19) may require the individual to provide certification that the separation from employment was due to circumstances resulting from the individual's, or the individual's family or household member's (as such term is defined in section 3 of the Security and Financial Empowerment Act), experience of domestic or sexual violence.

"(B) SATISFACTION OF CERTIFICATION REQUIREMENT.—An individual may satisfy the certification requirement of subparagraph (A) by providing to the unemployment agency—

"(i) a sworn statement of the individual;

"(ii) documentation from an employee, agent, or volunteer of a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), an attorney, a member of the clergy, or a medical or other professional, from whom the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) has sought assistance in addressing domestic or sexual violence and the effects of that violence;

"(iii) a police or court record; or

"(iv) other corroborating evidence.

"(C) CONFIDENTIALITY.—All information provided to the unemployment agency pursuant to this paragraph, including a statement of an individual or any other documentation, record, or corroborating evidence, and the fact that an individual has applied for, inquired about, or obtained unemployment compensation available by reason of subsection (a)(19) shall be retained in the strictest confidence by the individual's former or current employer and the unemployment agency, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing; or

"(ii) otherwise required by applicable Federal or State law.".

(b) UNEMPLOYMENT COMPENSATION PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) Such methods of administration as will ensure that—

"(A) applicants for unemployment compensation and individuals inquiring about such compensation are adequately notified of the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

"(B) claims reviewers and hearing personnel are adequately trained in—

"(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986); and

"(ii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined) to ensure that—

"(I) requests for unemployment compensation based on separations stemming from such violence are reliably screened, identified, and adjudicated; and

"(II) full confidentiality is provided for the individual's claim and submitted evidence; and".

(c) TANF PERSONNEL TRAINING.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

"(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.—A certification by the chief officer of the State that the State has established and is enforcing standards and procedures to—

"(A) ensure that applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of—

"(i) the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

"(ii) assistance made available by the State to victims of domestic or sexual violence;

"(B) ensure that case workers and other agency personnel responsible for administering the State program funded under this part are adequately trained in—

"(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986);

"(ii) State standards and procedures relating to the prevention of, and assistance for individuals who experience, domestic or sexual violence (as so defined); and

"(iii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined);

"(C) if a State has elected to establish and enforce standards and procedures regarding the screening for and identification of domestic violence pursuant to paragraph (7), ensure that—

"(i) applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of options available under such standards and procedures; and

"(ii) case workers and other agency personnel responsible for administering the State program funded under this part are provided with adequate training regarding such standards and procedures and options available under such standards and procedures; and

"(D) ensure that the training required under subparagraphs (B) and, if applicable, (C)(ii) is provided through a training program operated by an eligible entity (as defined in section 202(d)(2) of the Security and Financial Empowerment Act).".

(d) DOMESTIC AND SEXUAL VIOLENCE TRAINING GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") is authorized to award—

(A) a grant to a national victim services organization in order for such organization to—

(i) develop and disseminate a model training program (and related materials) for the training required under section 303(a)(4)(B) of the Social Security Act (42 U.S.C. 503(a)(4)(B)), as added by subsection (b), and under subparagraphs (B) and, if applicable, (C)(ii) of section 402(a)(8) of the such Act (42 U.S.C. 602(a)(8)), as added by subsection (c); and

(ii) provide technical assistance with respect to such model training program; and

(B) grants to State, tribal, or local agencies in order for such agencies to contract with eligible entities to provide State, tribal, or local case workers and other State, tribal, or local agency personnel responsible for administering the temporary assistance to needy families program established under part A of title IV of the Social Security Act in a State or Indian reservation with the training required under subparagraphs (B) and, if applicable, (C)(ii) of such section 402(a)(8).

(2) ELIGIBLE ENTITY DEFINED.—For purposes of paragraph (1)(B), the term "eligible entity" means an entity—

(A) that is—

(i) a State or tribal domestic violence coalition or sexual assault coalition;

(ii) a State or local victim services organization with recognized expertise in the dynamics of domestic or sexual violence whose primary mission is to provide services to victims of domestic or sexual violence, such as a rape crisis center or domestic violence program; or

(iii) an organization with demonstrated expertise in State or county welfare laws and implementation of such laws and experience with disseminating information on such laws and implementation, but only if such organization will provide the required training in partnership with an entity described in clause (i) or (ii); and

(B) that—

(i) has demonstrated expertise in both domestic and sexual assault, such as a joint domestic violence and sexual assault coalition; or

(ii) will provide the required training in partnership with an entity described in clause (i) or (ii) of subparagraph (A) in order to comply with the dual domestic violence and sexual assault expertise requirement under clause (i).

(3) APPLICATION.—An entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such form and manner, and containing such information as the Secretary specifies.

(4) REPORTS.—

(A) REPORTS TO CONGRESS.—The Secretary shall annually submit a report to Congress on the grant program established under this subsection.

(B) REPORTS AVAILABLE TO PUBLIC.—The Secretary shall establish procedures for the dissemination to the public of each report submitted under subparagraph (A). Such procedures shall include the use of the Internet to disseminate such reports.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There are authorized to be appropriated—

(i) $1,000,000 for fiscal year 2004 to carry out the provisions of paragraph (1)(A); and

(ii) $12,000,000 for each of fiscal years 2005 through 2007 to carry out the provisions of paragraph (1)(B).

(B) THREE-YEAR AVAILABILITY OF GRANT FUNDS.—Each recipient of a grant under this subsection shall return to the Secretary of Health and Human Services any unused portion of such grant not later than 3 years after the date the grant was awarded, together with any earnings on such unused portion.

(C) AMOUNTS RETURNED.—Any amounts returned pursuant to subparagraph (B) shall be available without further appropriation to the Secretary of Health and Human Services for the purpose of carrying out the provisions of paragraph (1)(B).

(e) DEFINITION OF DOMESTIC OR SEXUAL VIOLENCE.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

"(u) DOMESTIC OR SEXUAL VIOLENCE.—For purposes of this chapter, the term 'domestic or sexual violence' means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.".

(f) EFFECTIVE DATE.—

(1) UNEMPLOYMENT AMENDMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—

(i) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by this section (excluding the amendment made by subsection (c)), such amendments shall apply in the case of compensation paid for weeks beginning after the earlier of—

(I) the date the State changes its statutes or regulations in order to comply with such amendments; or

(II) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall such amendments apply before the date that is 180 days after the date of enactment of this Act.

(ii) SESSION DEFINED.—In this subparagraph, the term "session" means a regular, special, budget, or other session of a State legislature.

(2) TANF AMENDMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by subsection (c) shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendment made by subsection (c), the State plan shall not be regarded as failing to comply with the requirements of such amendment on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY

SEC. 301. SHORT TITLE.

This title may be cited as the "Victims' Employment Sustainability Act".

SEC. 302. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting the civil and economic rights of victims of domestic or sexual violence, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce; and

(6) to accomplish the purposes described in paragraphs (1) through (5) by prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 303. PROHIBITED DISCRIMINATORY ACTS.

(a) IN GENERAL.—An employer shall not fail to hire, refuse to hire, discharge, or harass any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner), and a public agency shall not deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner), because—

(1) the individual involved—

(A) is or is perceived to be a victim of domestic or sexual violence;

(B) attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for, a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual, or the family or household member of the individual, was a victim; or

(C) requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence, regardless of whether the request was granted; or

(2) the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual, or the individual's family or household member.

(b) DEFINITIONS.—In this section:

(1) DISCRIMINATE.—The term "discriminate", used with respect to the terms, conditions, or privileges of employment or with respect to the terms or conditions of public assistance, includes not making a reasonable accommodation to the known limitations of an otherwise qualified individual—

(A) who is a victim of domestic or sexual violence;

(B) who is—

(i) an applicant or employee of the employer (including a public agency); or

(ii) an applicant for or recipient of public assistance from the public agency; and

(C) whose limitations resulted from circumstances relating to being a victim of domestic or sexual violence;

unless the employer or public agency can demonstrate that the accommodation would impose an undue hardship on the operation of the employer or public agency.

(2) QUALIFIED INDIVIDUAL.—The term "qualified individual" means—

(A) in the case of an applicant or employee described in paragraph (1)(B)(i), an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires; or

(B) in the case of an applicant or recipient described in paragraph (1)(B)(ii), an individual who, with or without reasonable accommodation, can satisfy the essential requirements of the program providing the public assistance that the individual receives or desires.

(3) REASONABLE ACCOMMODATION.—The term "reasonable accommodation" may include an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence.

(4) UNDUE HARDSHIP.—

(A) IN GENERAL.—The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) FACTORS TO BE CONSIDERED.—In determining whether a reasonable accommodation would impose an undue hardship on the operation of an employer or public agency, factors to be considered include—

(i) the nature and cost of the reasonable accommodation needed under this section;

(ii) the overall financial resources of the facility involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility;

(iii) the overall financial resources of the employer or public agency, the overall size of the business of an employer or public agency with respect to the number of employees of the employer or public agency, and the number, type, and location of the facilities of an employer or public agency; and

(iv) the type of operation of the employer or public agency, including the composition, structure, and functions of the workforce of the employer or public agency, the geographic separateness of the facility from the employer or public agency, and the administrative or fiscal relationship of the facility to the employer or public agency.

SEC. 304. ENFORCEMENT.

(a) CIVIL ACTION BY INDIVIDUALS.—

(1) LIABILITY.—Any employer or public agency that violates section 303 shall be liable to any individual affected for—

(A) damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation, and the interest on that amount calculated at the prevailing rate;

(B) compensatory damages, including damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment or life, and other nonpecuniary losses;

(C) such punitive damages, up to 3 times the amount of actual damages sustained, as the court described in paragraph (2) shall determine to be appropriate; and

(D) such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more individuals described in section 303.

(b) ACTION BY DEPARTMENT OF JUSTICE.—The Attorney General may bring a civil action in any Federal or State court of competent jurisdiction to recover the damages or equitable relief described in subsection (a)(1).

SEC. 305. ATTORNEY'S FEES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting "the Victims' Employment Sustainability Act," after "title VI of the Civil Rights Act of 1964,".

TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION

SEC. 401. SHORT TITLE.

This title may be cited as the "Victims of Abuse Insurance Protection Act".

SEC. 402. DEFINITIONS.

In this title:

(1) ABUSE.—The term "abuse" means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) HEALTH CARRIER.—The term "health carrier" means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for, or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—The term "insured" means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization, or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) INSURER.—The term "insurer" means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third-party administrators; and employers who provide or make available employment benefits through an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 102(3)). The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) POLICY.—The term "policy" means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) SUBJECT OF ABUSE.—The term "subject of abuse" means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

SEC. 403. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) PROHIBITION ON LIMITATION OF CLAIMS.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) PROHIBITION ON TERMINATION.—

(1) IN GENERAL.—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) PAYMENT OF PREMIUMS.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant's or insured's status as a family member, employer, associate, or person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant's or insured's mailing address or telephone number or the mailing address and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) AUTHORITY OF SUBJECT OF ABUSE.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

SEC. 404. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents, and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

SEC. 405. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

SEC. 406. LIFE INSURANCE.

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

SEC. 407. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. 408. ENFORCEMENT.

(a) FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) CEASE AND DESIST ORDERS.—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses.

(3) STATUTORY DAMAGES.—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of $5,000 for each violation.

SEC. 409. EFFECTIVE DATE.

This title shall apply with respect to any action taken on or after the date of enactment of this Act.

TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT

SEC. 501. CREDIT FOR COSTS TO EMPLOYERS OF IMPLEMENTING WORKPLACE SAFETY PROGRAMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

“SEC. 45G. WORKPLACE SAFETY PROGRAM CREDIT.

“(a) IN GENERAL.—For purposes of section 38, the workplace safety program credit determined under this section for the taxable year is, for any employer, an amount equal to 40 percent of the domestic and sexual violence safety and education costs paid or incurred by such employer during the taxable year.

“(b) DEFINITIONS.—For purposes of this section—

“(1) DOMESTIC AND SEXUAL VIOLENCE SAFETY AND EDUCATION COST.—

“(A) IN GENERAL.—The term ‘domestic and sexual violence safety and education cost’ means any cost certified by the Secretary of Labor to the Secretary as being for the purpose of—

“(i) ensuring the safety of employees from domestic or sexual violence,

“(ii) providing assistance to employees and the spouses and dependents of employees with respect to domestic or sexual violence,

“(iii) providing legal or medical services to employees and the spouses and dependents of employees subjected to, or at risk from, domestic or sexual violence,

“(iv) educating employees about the issue of domestic or sexual violence, or

“(v) implementing human resource or personnel policies initiated to protect employees from domestic or sexual violence or to support employees who have been victims of domestic or sexual violence.

“(B) TYPES OF COSTS.—Such term includes costs certified by the Secretary of Labor to the Secretary as being for the purpose of—

“(i) the hiring of new security personnel in order to address domestic or sexual violence,

“(ii) the creation of buddy systems or escort systems for walking employees to parking lots, parked cars, subway stations, or bus stops, in order to address domestic or sexual violence,

“(iii) the purchase or installation of new security equipment, including surveillance equipment, lighting fixtures, cardkey access systems, and identification systems, in order to address domestic or sexual violence,

“(iv) the establishment of an employee assistance line or other employee assistance services, in order to address domestic or sexual violence, for the use of individual employees, including counseling or referral services undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

“(v) the retention of an attorney to provide legal services to employees seeking restraining orders or other legal recourse from domestic or sexual violence,

“(vi) the establishment of medical services addressing the medical needs of employees who are victims of domestic or sexual violence,

“(vii) the retention of a financial expert or an accountant to provide financial counseling to employees seeking to escape from domestic or sexual violence,

“(viii) the establishment of an education program for employees, consisting of seminars or training sessions about domestic or sexual violence undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

“(ix) studies of the cost, impact, or extent of domestic or sexual violence at the employer's place of business, if such studies are made available to the public and protect the identity of employees included in the study,

“(x) the publication of a regularly disseminated newsletter or other regularly disseminated educational materials about domestic or sexual violence,

“(xi) the implementation of leave policies for the purpose of allowing or accommodating the needs of victims of domestic or sexual violence to pursue counseling, legal assistance, or safety planning, including leave from work to attend meetings with attorneys, to give evidentiary statements or depositions, and to attend hearings or trials in court,

"(xii) the implementation of flexible work policies for the purpose of allowing or accommodating the needs of employees who are victims of domestic or sexual violence, or employees at risk with respect to such crimes, to avoid assailants,

"(xiii) the implementation of transfer policies for the purpose of allowing or accommodating the needs of employees subjected to domestic or sexual violence to change office locations within the company in order to avoid assailants or to allow the transfer of an employee who has perpetrated domestic or sexual violence in order to protect the victim, including payment of costs for the transfer and relocation of an employee to another city, county, State, or country for the purpose of maintaining an employee's safety from domestic or sexual violence, or

"(xiv) the provision of any of the services described in clauses (iv) through (viii) to the spouses or dependents of employees.

"(C) NOTIFICATION OF POSSIBLE TAX CONSEQUENCES.—In no event shall any cost for goods or services which may be included in the income of any employee receiving or benefiting from such goods or services be treated as a domestic and sexual violence safety and education cost unless the employer notifies the employee in writing of the possibility of such inclusion.

"(2) DOMESTIC OR SEXUAL VIOLENCE.—The term 'domestic or sexual violence' means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.

"(3) DOMESTIC VIOLENCE COALITION; SEXUAL ASSAULT COALITION.—The terms 'domestic violence coalition' and 'sexual assault coalition' have the meanings given the terms in section 3 of the Security and Financial Empowerment Act.

"(4) EMPLOYEE.—The term 'employee' means a person who is an employee, as defined in section 3(9) of the Security and Financial Empowerment Act, except that the person may be employed by any employer described in paragraph (5).

"(5) EMPLOYER.—The term 'employer' means a person who is an employer, as defined in section 3(10) of such Act, determined without regard to the number of individuals employed.

"(c) COORDINATION WITH OTHER PROVISIONS.—No credit or deduction shall be allowed under any other provision of this title for any amount for which a credit is allowed under this section.".

(b) TREATMENT AS GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following:

"(16) the workplace safety program credit determined under section 45G.".

(2) TRANSITIONAL RULE FOR CARRYBACKS.—Subsection (d) of section 39 of such Code (relating to transitional rules) is amended by adding at the end the following:

"(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the workplace safety program credit determined under section 45G may be carried back to a taxable year beginning before January 1, 2004.".

(3) DEDUCTION FOR UNUSED CREDITS.—Subsection (c) of section 196 of such Code (relating to deduction for certain unused business credits) is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting ", and", and by adding at the end the following:

"(11) the workplace safety program credit determined under section 45G.".

(c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—The allowance of a credit under section 45G of the Internal Revenue Code of 1986 (as added by this section) shall not absolve employers of their responsibilities under any other law and shall not be construed as a defense to any legal action (other than legal action by the Secretary of the Treasury under such Code).

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 45G. Workplace safety program credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

SEC. 601. NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT.

(a) AUTHORITY.—The Attorney General may award a grant in accordance with this section to a private, nonprofit entity or tribal organization that meets the requirements of subsection (b), in order to provide for the establishment and operation of a national clearinghouse and resource center to provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence, in their efforts to develop and implement appropriate responses to assist those victims.

(b) GRANTEES.—Each applicant for a grant under this section shall submit to the Attorney General an application, which shall—

(1) demonstrate that the applicant—

(A) has a nationally recognized expertise in the area of domestic violence, dating violence, sexual assault, and stalking, and a record of commitment and quality responses to reduce domestic violence, dating violence, sexual assault, and stalking; and

(B) will provide matching funds from non-Federal sources in an amount equal to not less than 10 percent of the total amount of the grant awarded under this section; and

(2) include a plan to maximize, to the extent practicable, outreach to employers (including private companies, as well as public entities such as universities, and State and local governments) in developing and implementing appropriate responses to assist employees who are victims of domestic or sexual violence.

(c) USE OF GRANT AMOUNT.—A grant under this section may be used for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to assemble, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information on and appropriate responses to domestic violence, dating violence, sexual assault, and stalking, including—

(1) training to promote a better understanding of appropriate assistance to employee victims;

(2) conferences and other educational opportunities;

(3) development of protocols and model workplace policies;

(4) employer- and union-sponsored victim services and outreach counseling; and

(5) assessments of the workplace costs of domestic violence, dating violence, sexual assault, and stalking.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2004 through 2008.

TITLE VII—SEVERABILITY

SEC. 701. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

By Mr. ENZI:

S. 1803. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, this Friday, October 31, families all over America will be celebrating a special holiday that has become a family tradition. On that day, our children will be dressing up as their favorite characters and clowns and heading down the street to scour the neighborhood in search of their favorite candies and sweets. As each group of witches, goblins and ghouls patrols the neighborhood, the cries of "Trick or Treat" will be heard everywhere along with the shouts of joy and excitement from each participant as they bring home a bag full of all sorts of candy to share with the whole family.

Although it is a great holiday, there has always been one great concern about it—the safety of our children. It is a concern that stems from the time change that occurs the weekend before Halloween. Unfortunately, when Congress passed legislation authorizing the use of daylight saving time, we drew the lines one week short of Halloween. Instead of including it in the time change boundaries, Congress drew the finish line for daylight saving time one week short, so that it ended the weekend before, instead of after the night so many of our children will be out walking the streets of their neighborhood in pursuit of their favorite holiday treats.

That is why I am pleased to introduce the Halloween Safety Act of 2003. Its purpose is to extend the end date of daylight saving time from the last Sunday in October to the first Sunday in November. This simple, but important, change will ensure that the protections of daylight saving time extend through Halloween.

The idea of extending daylight saving time was introduced to me by Sharon Rasmussen, a second grade teacher from Sheridan, WY and her students. Twelve years ago Mrs. Rasmussen's class began writing to Wyoming's representatives expressing their wish to have an extra hour of daylight on Halloween to ensure the safety of small children. Each year since then I have received a packet of letters from Mrs. Rasmussen's class encouraging my support for this reasonable proposal.

Legislation has been introduced in the past to extend daylight saving time. Although many of the bills sought to change both the starting date and the ending date, the legislation I introduced today would simply extend it for one week.

The reason why such a change needs to be made is readily apparent. According to the Insurance Institute for Highway Safety, over four thousand eight hundred people died in 2001, that is an average of 13 deaths per day. Fatal pedestrian-motor vehicle collisions occur most often between 6 and 9 p.m. Unfortunately, these general trends are highly magnified on Halloween given the considerable increase in pedestrians, most of whom are children. A study by the National Center for Injury Prevention and Control concluded that the occurrence of pedestrian deaths for children ages 5 to 14 is four times higher on Halloween than any other night of the year. School and communities encourage children and parents to use safety measures when children venture out on Halloween and the Halloween Safety Act can further help protect our nation's youth.

When students take an interest in improving our Nation's laws, especially when it would serve to protect other children, I believe it is our duty to pay close attention to their needs and respond if possible. If children concerned about their own safety suggest a reasonable approach to making their world a little bit safer, I believe that accommodating their request is not too much to ask. The fact that second and third grade students in Sheridan, WY have been working on this legislation for years shows that protecting the children of our country is a primary concern of theirs, and it should be for all of us as lawmakers. If one life can be saved or one accident avoided by extending Daylight Saving Time, it would be worthwhile.

I encourage all my colleagues to support this act for the important benefits the Halloween Safety Act of 2003 would have for children and their parents.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. HOLLINGS):

S. 1804. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, I rise today to introduce the Sport Fishing Restoration and Boating Safety Act of 2003. The legislation, cosponsored by Senator LOTT and Senator HOLLINGS is funded through the Aquatic Resources Trust fund, which I am honored to know is commonly referred to as the Wallop-Breaux Trust Fund (Wallop-Breaux). This bill reauthorizes activities funded by two of the Nation's most effective "user-pay, user-benefit" programs—the Sport Fish Restoration Fund and the Recreational Boating Safety Fund—which constitute the "Wallop-Breaux" program.

In 1984, when I was a member of the House of Representatives, I had the privilege of sponsoring, along with then Senator Malcolm Wallop, what I consider to be the most significant legislation for anglers and boaters to have passed the Congress. We guided through the House and Senate legislation that greatly increased funds for fishery and boating and related programs in virtually every State of our Nation. In 1985, the first year that the Wallop-Breaux amendments were effective, their impact caused the funding for fishing and boating programs to increase from approximately $35 million to $100 million. Funded by a Federal manufacturers' excise taxes on fishing equipment and a percentage of the Federal fuel tax attributed to use in motor boats and small engines, Wallop-Breaux will this year alone provide to the States approximately $450 million to the greatest of outdoor recreations—fishing and boating. It is sometimes difficult to fathom, but over the past nineteen years, Wallop-Breaux has disbursed upwards of $5 billion to the States to improve recreational boating and fishing, promote conservation, protect the environment and to conserve wetlands.

As my colleagues know, Wallop-Breaux and other important programs funded through the Highway Trust Fund received a five-month extension, awaiting consideration of full term reauthorization. Over the last two years, I have met with the American League of Anglers and Boaters (ALAB), the constituent group comprised of 34 organizations representing the spectrum of fishing and boating interests. The purpose of these meetings has been to prepare for introduction of this reauthorization legislation. I am pleased to report that ALAB support the legislation I bring before you today.

Foremost on everyone's agenda was the need to secure a stable and predictable funding base for boating safety grants to the states. The challenge was to increase the funding and dependability of delivery of boating safety grants to the States.

I pledged my support to these Wallop-Breaux constituent groups to enact improvements to the overall program. After countless meetings and considerable deliberation, I am pleased to report that the legislation I am introducing today reflects a general consensus on improving Wallop-Breaux to the benefit of all stakeholders. I want to stress that this would not have been possible without the leadership of Senator LOTT, Senator HOLLINGS and other key members of the committees having joint-jurisdiction over Wallop-Breaux programs. Under the legislation, Boating Safety Grants will now have guaranteed and increased funding. This program will now receive 18 percent of the total Wallop-Breaux, increasing present funding from $64 million to $95 million in the first year of enactment.

The legislation also dissolves the Boat Safety account. The balance currently in the account plus the interest, approximately $87 million, will be distributed over the next five years to accounts in the fund.

State boat safety grants will now have a 3 to 1 match, the same as the Sport Fish Restoration grants, enabling state funds to go farther by reimbursing them 75 cents for every Federal dollar.

And lastly, all programs funded through Wallop-Breaux will be assigned a percentage of the total fund to allow a simpler and fairer process. When the amount of funds increase or decrease so will all of the programs based upon their percentage.

The growing popularity of recreational boating and fishing has created safety, environmental, and access needs that have been successfully addressed by the two Wallop-Breaux programs—Recreational Boating Safety and Sport Fish Restoration. The reauthorization is important for the safety of boaters, the continued enjoyment of fishermen, and improvement of our wetlands and waterways.

This reauthorization will allow continued funding of programs that benefit boating safety, coastal wetland protection and restoration and sportfish restoration, as well as Clean Vessel Act grants that help to keep our waterways clean.

I appreciate the opportunity to discuss the positive impact of Wallop-Breaux programs in years past, as well as presenting significant improvements contained in the legislation that I am introducing today. I ask that my colleagues join Senator LOTT, Senator HOLLINGS and me in cosponsoring this landmark legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD as follows:

S. 1804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sport Fishing and Recreational Boating Safety Act".

TITLE I—FEDERAL AID IN SPORT FISH RESTORATION ACT AMENDMENTS

SEC. 101. AMENDMENT OF FEDERAL AID IN FISH RESTORATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3 (16 U.S.C. 777b) is amended—

(1) by striking "the succeeding fiscal year." in the third sentence and inserting "succeeding fiscal years."; and

(2) by striking "in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation." and inserting "to supplement the 55.3 percent of each annual appropriation to be apportioned among the States, as provided for in section 4(b) of this Act.".

SEC. 103. DIVISION OF ANNUAL APPROPRIATIONS.

Section 4 (16 U.S.C. 777c) is amended—

(1) by striking subsections (a) through (d) and redesignating subsections (e), (f), and (g) as subsections (b), (c), and (d);

(2) by inserting before subsection (b), as redesignated, the following:

"(a) In General.—For fiscal years 2004 through 2009, each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed as follows:

"(1) Coastal wetlands.—18 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.).

"(2) Boating safety.—18 percent to the Secretary of Homeland Security for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) Clean vessel act.—1.9 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(4) Boating infrastructure.—1.9 percent to the Secretary of the Interior for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

"(5) National outreach and communications.—1.9 percent to the Secretary of the Interior for the National Outreach and Communications Program under section 8(d) of this Act. Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary for that program may be expended by the Secretary under subsection (b) of this section.

"(6) Set-aside for expenses for administration of this chapter.

"(A) In general.—2.1 percent to the Secretary of the Interior for expenses for administration incurred in implementation of this Act, in accordance with this section, section 9, and section 14 of this Act.

"(B) Apportionment of unobligated funds.—If any portion of the amount made available to the Secretary under subparagraph (a) remains unexpended and unobligated at the end of a fiscal year, that portion shall be apportioned among the States, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (b) of this section, within 60 days after the end of that fiscal year. Any amount apportioned among the States under this subparagraph shall be in addition to any amounts otherwise available for apportionment among the States under subsection (b) for the fiscal year.";

(3) by striking "of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), (c), and (d), respectively, and after deducting amounts used for grants under section 14, shall apportion the remainder" in subsection (b), as redesignated, and inserting "shall apportion 55.3 percent";

(4) by striking "per centum" each place it appears in subsection (b), as redesignated, and inserting "percent";

(5) by striking "subsections (a), (b)(3)(A), (b)(3)(B), and (c)" in paragraph (1) of subsection (d), as redesignated, and inserting "paragraphs (1), (3), (4), and (5) of subsection (a)"; and

(6) by adding at the end the following:

"(e) Transfer of Certain Funds.—Amounts available under paragraphs (3) and (4) of subsection (a) that are unobligated by the Secretary after 3 fiscal years shall be transferred to the Secretary of Homeland Security and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

SEC. 104. MAINTENANCE OF PROJECTS.

Section 8 (16 U.S.C. 777g) is amended—

(1) by striking "in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or, recreation." in subsection (b)(2) and inserting "to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act."; and

(2) by striking "subsection (c) or (d) of section 4" in subsection (d) (3) and inserting "paragraph (5) or (6) of section 4(a)".

SEC. 105. BOATING INFRASTRUCTURE.

Section 7404(d)(1) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)(1)) is amended by striking "section 4(b)(3)(B)" and inserting "section 4(a)(4)".

SEC. 106. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

Section 9 (16 U.S.C. 777h) is amended—

(1) by striking "section 4(d)(1)" in subsection (a) and inserting "section 4(a)(6)"; and

(2) by striking "section 4(d)(1)" in subsection (b)(1) and inserting "section 4(a)(6)".

SEC. 107. PAYMENTS OF FUNDS TO AND COOPERATION WITH PUERTO RICO, THE DISTRICT OF COLUMBIA, GUAM, AMERICAN SAMOA, COMMONWEALTH OF THE NORTHERN MARINA ISLANDS, AND VIRGIN ISLANDS.

Section 12 (16 U.S.C. 777k) is amended by striking "in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation." and inserting "to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act.".

SEC. 108. MULTISTATE CONSERVATION GRANT PROGRAM.

Section 14 (16 U.S.C. 777m) is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following: "(a) In General.

"(1) Amount for grants.—For each of fiscal years 2004 through 2009, 0.9 percent of each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.";

(2) by striking "section 4(e)" each place it appears in subsection (a)(2)(B) and inserting "section 4(b)"; and

(3) by striking "Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—" in subsection (e) and inserting "Of amounts made available under section 4(a)(6) for each fiscal year—".

TITLE II—AMENDMENTS TO THE TRUST FUND CODE

SEC. 201. TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.

Paragraph (4) of section 9503(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)) is amended—

(1) by striking so much of that paragraph as precedes subparagraph (C) and inserting the following:

"(4) Transfers from the trust fund for motorboat fuel taxes.

"(A) Transfer to land and water conservation fund.

"(i) In general.—The Secretary shall pay from time to time from the Highway Trust Fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 2003, and before October 1, 2009.

"(ii) Limitation.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $1,000,000.

"(B) Excess funds transferred to sport fish restoration account.—Any amounts received in the Highway Trust Fund—

"(i) which are attributable to motorboat fuel taxes, and

"(ii) which are not transferred from the Highway Trust Fund under subparagraph (A),

shall be transferred by the Secretary from the Highway Trust Fund into the Sport Fish Restoration Account in the Aquatic Resources Trust Fund."; and

(2) By striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 202. EXPENDITURES FROM THE BOAT SAFETY ACCOUNT.

Section 9504(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(c)) is amended to read as follows:

"(c) Expenditures From Boat Safety Account.—Amounts in the Boat Safety Account on the date of enactment of the Sport Fishing and Recreational Boating Safety Act, and amounts thereafter credited to the Account under section 9602(b), shall be available, without further appropriation, in the following amounts:

"(1) In fiscal year 2004, $28,155,000 shall be distributed—

"(A) under section 4 of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777c) in the following manner:

"(i) $11,200,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) $1,245,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) $1,245,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) $1,245,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) $12,800,000 to be added to funds available under subsection (b) of that section, and

"(B) under section 14 of that Act (16 U.S.C. 777m), $420,000, to be added to funds available under subsection (a)(1) of that section.

"(2) In fiscal year 2005, $22,419,000 shall be distributed—

"(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(i) $8,075,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) $713,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) $713,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) $713,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) $11,925,000 to be added to funds available under subsection (b) of that Act, and

"(B) under section 14 of that Act (16 U.S.C. 777m), $280,000 to be added to funds available under subsection (a)(1) of that section.

"(3) In fiscal year 2006, $17,139,000 shall be distributed—

"(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(i) $6,800,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) $333,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) $333,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) $333,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) $9,200,000 to be added to funds available under subsection (b) of that section, and

"(B) under section 14 of that Act (16 U.S.C. 777m), $140,000, to be added to funds available under subsection (a)(1) of that section.

"(4) In fiscal year 2007, $12,287,000 shall be distributed—

"(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(i) $5,100,000 to be added to funds available under subsection (a)(2) of that section,

"(ii) $48,000 to be added to funds available under subsection (a)(3) of that section,

"(iii) $48,000 to be added to funds available under subsection (a)(4) of that section,

"(iv) $48,000 to be added to funds available under subsection (a)(5) of that section, and

"(v) $6,900,000 to be added to funds available under subsection (b) of that section, and

"(B) under section 14 of that Act (16 U.S.C. 777m), $143,000, to be added to funds available under subsection (a)(1) of that section.

"(5) In fiscal year 2008, all remaining fiends in the Account shall be distributed under section 4 of that Act (16 U.S.C. 777c) in the following manner:

"(A) one-third to be added to funds available under subsection (b), and

"(B) two-thirds to be added to funds available under subsection (h).".

TITLE III—CLEAN VESSEL ACT AMENDMENTS

SEC. 301. GRANT PROGRAM.

Section 5604(C)(2) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

TITLE IV—RECREATIONAL BOATING SAFETY PROGRAM AMENDMENTS

SEC. 401. STATE MATCHING FUNDS REQUIREMENT.

Section 13103(b) of title 46, United States Code, is amended by striking "one-half" and inserting "75 percent".

SEC. 402. AVAILABILITY OF ALLOCATIONS.

Section 13104(a) of title 46, United States Code, is amended—

(1) by striking "2 years" in paragraph (1) and inserting "3 years"; and

(2) by striking "2-year" in paragraph (2) and inserting "3-year".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "Secretary of Transportation under paragraphs (2) and (3) of section 4(b)" and inserting "Secretary under subsections (a)(2) and (e) of section 4"; and

(2) by inserting "a minimum of" before "$2,000,000".

SEC. 404. MAINTENANCE OF EFFORT FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

(a) IN GENERAL.—Chapter 131 of title 46, United States Code, is amended by inserting after section 13106 the following:

"§ 13107. Maintenance of effort for State recreational boating safety programs

"(a) IN GENERAL.—The amount payable to a State for a fiscal year from an allocation under section 13103 of this chapter shall be reduced if the usual amounts expended by the State for the State's recreational boating safety program, as determined under section 13105 of this chapter, for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year. The reduction shall be proportionate, as a percentage, to the amount by which the level of State expenditures for such previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year.

"(b) REDUCTION OF THRESHHOLD.—If the total amount available for allocation and distribution under this chapter in a fiscal year for all participating State recreational boating safety programs is less than such amount for the preceding fiscal year, the level of State expenditures required under subsection (a) of this section for the preceding fiscal year shall be decreased proportionately.

"(c) WAIVER.—

"(1) IN GENERAL.—Upon the written request of a State, the Secretary may waive the provisions of subsection (a) of this section for 1 fiscal year if the Secretary determines that a reduction in expenditures for the State's recreational boating safety program is attributable to a non-selective reduction in expenditures for the programs of all Executive branch agencies of the State government, or for other reasons if the State demonstrates to the Secretary's satisfaction that such waiver is warranted.

"(2) 30-DAY DECISION.—The Secretary shall approve or deny a request for a waiver not later than 30 days after the date the request is received.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 131 of title 46, United States Code, is amended by inserting after the item relating to section 13106 the following:

"13107. Maintenance of effort for State recreational boating safety programs.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—SUPPORTING THE NATIONAL RAILROAD HALL OF FAME, INC., OF GALESBURG, ILLINOIS, IN ITS ENDEAVOR TO ERECT A MONUMENT KNOWN AS THE NATIONAL RAILROAD HALL OF FAME

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 255

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of railroads, especially in the United States, and (3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of all persons interested in railroading; and

Whereas the National Railroad Hall of Fame, Inc., is planning to erect a monument known as the National Railroad Hall of Fame to honor the men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

Resolved, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

SENATE CONCURRENT RESOLUTION 78—CONDEMNING THE REPRESSION OF THE IRANIAN BAHÁ'Í COMMUNITY AND CALLING FOR THE EMANCIPATION OF IRANIAN BAHÁ'ÍS

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í Faith;

Whereas in those resolutions and in numerous other appeals, Congress has deplored the religious persecution by the Government of Iran of the Bahá'í community and has condemned the execution by Iran of more than 200 Bahá'ís and the disruptive imprisonment of thousands of others solely on account of their religious beliefs;

Whereas Iranian Bahá'ís are not permitted to elect their leaders, assemble or organize as a community, operate religious schools, or conduct other religious community activities that are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General

Assembly Resolution 217(A)(III) of December 10, 1984;

Whereas the continued denial of Bahá'í property rights by the Iranian Government is demonstrated by the confiscation by the Iranian Government of a multitude of Bahá'í community and private properties;

Whereas the Government of Iran continues to deny individual Bahá'ís access to higher education and government employment, in addition to denying recognition and religious rights to the Bahá'í community;

Whereas because Bahá'ís have been banned from teaching and studying at Iranian universities since the Islamic Revolution, Bahá'ís established the Bahá'í Institute of Higher Education, or Bahá'í Open University, to provide educational opportunities to Bahá'í youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October of 1998, officers of the Ministry of Information, the intelligence agency of the Iranian Government, arrested 36 faculty members of the Open University;

Whereas on July 19, 2002, Iranian Revolutionary Guards systematically disrupted student qualifying examinations for the Open University in 9 different districts by videotaping the proceedings, questioning the students, and confiscating examination papers and Bahá'í books;

Whereas the use of arbitrary arrests, suspended sentences, and short-term detentions against the Iranian Bahá'ís have become widespread;

Whereas as of June 2003, 4 Bahá'ís remain in Iranian prisons solely because of their religious beliefs: 1 serving a life sentence on charges of apostasy, 1 serving 4 years on charges of participation in Bahá'í activities, and 2 sentenced to 15 years imprisonment on charges of association with Bahá'í institutions;

Whereas on October 10, 2003, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2003 to Shirin Ebadi for her efforts involving democracy and human rights, including advocating equal rights for the Bahá'í community in Iran;

Whereas the conclusions contained in the report of October 13, 2003 by the General Affairs and External Relations Council of the European Union, conveyed the continuing concern of the European Union about the violations of the Bahá'ís' right to freedom of religion, and urged the Iranian Government to comply with both the recommendations made in June 2003 by the United Nations Working Group on Arbitrary Detention and with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination concerning injustice, particularly in relation to education, property rights, and employment; and

Whereas in the 2003 General Affairs and External Relations Council report, the European Union urged the Government of Iran to expedite reform on many fronts, while recognizing the meetings held in 2003 and the planned meetings that have been welcomed by the Government of Iran, to be an important step toward progress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international agreements guaranteeing the civil and political rights of Iranian citizens;

(2) condemns the repressive anti-Bahá'í policies and actions of the Government of Iran, including the denial of legal recognition to the Bahá'í community and the basic rights to organize, elect leaders, educate youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Bahá'ís continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to permit Bahá'í students to attend Iranian universities and Bahá'í faculty to teach at Iranian universities, to return the property confiscated from the Bahá'í Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Bahá'í community made by the United Nations Working Group on Arbitrary Detention and also to comply with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination;

(6) urges the Government of Iran to extend to the Bahá'í community the rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants of human rights, including the freedoms of thought, conscience, and religion, and equal protection of the law;

(7) calls upon the President to continue to—

(A) assert the concerns of the United States Government regarding—

(i) the violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(ii) the support by the Iranian Government of international terrorism; and

(iii) the efforts of the Iranian Government to develop nuclear weapons and acquire weapons of mass destruction;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

Mr. LIEBERMAN. Mr. President, it is with continued concern that my respected colleagues and I bring to the Senate's attention for the ninth time in 21 years the continuing persecution of a minority religious group in Iran, the Bahá'í, by submitting today the Bahá'í Emancipation Act of 2003.

I fervently believe that the persistent maltreatment of the Bahá'í as well as other minority religious groups in Iran epitomizes the perilous state of affairs in the country of Iran. Thus, it is with a genuine compassion for all of the people of Iran but particularly for the followers of the Bahá'í faith that my colleagues and I are submitting this resolution highlighting the continuing abuse of this segment of the Iranian population. We are urging that the Bahá'í not only remain at the center of our attention, but that we join forces with other like-minded nations to put pressure on the Government of Iran to make permanent and lasting changes that will allow not only the followers of the Bahá'í faith but all people to live in peace and prosperity in Iran. Consistent attention of the nature represented by this resolution and its predecessors is necessary in order to achieve full emancipation for this peaceful, law-abiding community.

Although it appears that the overt measures used by the Government of Iran to harass and oppress the members of the Bahá'í faith since 1979 have diminished, research by my staff indicates that a multitude of covert practices have been sustained and in many cases heightened over the past few years. Members of the Bahá'í community continue to be subject to various forms of harassment including arbitrary arrest and short-term detainment, confiscation of their public and private property, and disruption of their educational and religious gatherings. Moreover, the Bahá'í community continues to be deprived of many rights such as the right to elect their leaders, assemble as a community, access higher education, acquire government employment, receive due legal process, and practice the faith of their preference. As of June of this year, four Bahá'í practitioners were in Iranian prisons solely because of their religious beliefs: one on charges of apostasy who is serving a life sentence, one on charges of participation in Bahá'í activities who is serving four years, and two on charges of associations with Bahá'í institutions who have been sentenced to 15 years of imprisonment. This was unacceptable in the 18th, 19th, and 20th centuries and it certainly is unacceptable in the 21st century.

I would like to emphasize the idea of religious freedom because I strongly feel that each human being should have the right to choose and practice the faith of his or her choice. Iran has traditionally been designated a Country of Particular Concern in the Congressionally-mandated annual report as required by the International Religious

Freedom Act. But, rather than being satisfied that the Government of Iran is reprimanded in this report, we need to take proactive steps to publicize the continued mistreatment of the Bahá'í faithful in Iran and to urge the Government of Iran to make the necessary changes. Legislation such as this is an important first step, but we must also work with others, including the European Union, to push for this objective. This legislation urges that the Administration do just that.

I would also like to take this opportunity to bring to the Senate's attention two related pieces of legislation, both of which I have joined as a cosponsor. The first is S. Res. 244 submitted by Senator BOXER that congratulates Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for a lifetime of work promoting democracy and human rights. Shirin Ebadi is a very courageous woman who has risked her life to advocate for universal human rights and on many occasions specifically advocated equal rights for the Bahá'í community in Iran. I commend her global efforts and encourage the spreading of her convictions in order to attain a world of equal rights for all.

The second related piece of legislation that I am co-sponsoring is S. Con. Res. 73 submitted by Senator FEINSTEIN that expresses Congress's deep concerns over Iran's apparent efforts to develop nuclear weapons in contravention of its Nuclear Non-proliferation Treaty obligations and urging international pressure on Iran to abandon its nuclear weapons program. I am aware of the progress that has been made in recent days with the Iranian government's statements of intended cooperation with both the International Atomic Energy Agency's request that Iran sign an additional protocol to the Non-Proliferation Treaty and the recent negotiations involving the European Union but I remain wary of their actual intentions and I believe that we should not rest until the words that have been spoken have been followed up with concrete action.

Iran needs to be aware that it must make significant changes in the way it treats its own population and in the manner in which it conducts itself internationally if it wants to become a respected member on the world stage. These requests include but are not limited to cooperating with the European Union and potentially the United Nations, dealing appropriately with the infiltration of suspected terrorists and criminals along their border, halting all forms of terrorist support, cooperating with the U.S. and others on suspected terrorists and intelligence in conjunction with the global war on terror, and especially to provide human rights for each man, woman, and child in Iran regardless of creed or color. Iran must alter their enduring ways in order to earn international respect and to create better lives for all Iranians. A world where Iran is a respected and integral participant, where its inhabitants can co-exist and pursue happiness without constraint is not beyond our grasp but it will take continued focus and determination. I urge passage of the Bahá'í Emancipation Act of 2003 and recommend this administration to use all of the tools in its diplomatic toolbox to work through the United Nations, the IAEA, and with our friends and allies to strongly advise the government of Iran to exploit its full potential as a member of the international community.

AMENDMENTS SUBMITTED & PROPOSED

SA 2030. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

SA 2031. Mr. BINGAMAN (for himself, Mr. REID, and Ms. CANTWELL) proposed an amendment to the bill H.R. 1904, supra.

SA 2032. Mr. SANTORUM (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2033. Ms. COLLINS (for herself, Mr. REED, Mr. HARKIN, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table.

SA 2034. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2035. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2036. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2037. Mr. BAUCUS (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2038. Ms. CANTWELL (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill H.R. 1904, supra.

SA 2039. Mr. LEAHY (for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, supra.

SA 2040. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2041. Mr. ENSIGN (for himself, Ms. CANTWELL, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2042. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2043. Mrs. BOXER (for herself and Mr. REID) proposed an amendment to the bill H.R. 1904, supra.

SA 2044. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2045. Mr. HARKIN (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, supra.

SA 2046. Mr. COCHRAN proposed an amendment to the bill H.R. 1904, supra.

SA 2047. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, Ms. STABENOW, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

SA 2048. Mr. BINGAMAN (for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, supra.

SA 2049. Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2050. Mr. McCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 2800, supra.

TEXT OF AMENDMENTS

SA 2030. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 17, line 16, after "(3)" insert "(4)"

On page 18, line 23, strike "by implementing" and insert "and implement"

On page 19, line 11, strike "by implementing" and insert "and implement"

SA 2031. Mr. BINGAMAN (for himself, Mr. REID, and Ms. CANTWELL) proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following two new sections:

SEC. . BORROWING AUTHORITY FOR FIRE SUPPRESSION.

(a) In General.—The Secretary of the Treasury shall, upon the request of the Secretary of Agriculture, make available to the Secretary of Agriculture, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary in each fiscal year to carry out fire suppression activities. The Secretary of Agriculture may make such request only if fire suppression costs exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

(b) Audit.—Not later than 180 days after the Secretary of Agriculture exercises the authority provided by this section, the Inspector General of the Department of Agriculture shall submit to the Secretary and to the Congress an audit of expenditures of funds provided under this section. Upon a determination by the Inspector General that specific amounts of such funds were used for purposes other than fire suppression, or upon a determination that specific expenditures of such funds were both unreasonable and excessive, the Secretary, not later than 30 days after receiving the audit of the Inspector General, shall reimburse the Treasury, out of unobligated balances for the Forest Service for the fiscal year in which the funds were provided, for the amounts so identified by the Inspector General.

SEC. . COMMUNITY PROTECTION AND BURNED AREA RESTORATION.

(a) In General.—During fiscal years 2004 through 2008, the Secretaries shall carry out a joint program to reduce the risk of wildfire to structures and restore burned areas on non-Federal lands, including county-owned lands, tribal lands, nonindustrial private lands, and State lands, using the authorities available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection program.

(b) Cost Share Grants.—In implementing this section, the Secretaries may make cost-share grants to Indian tribes, local fire districts, municipalities, homeowner associations, and counties, to remove, transport, and dispose of hazardous fuels around homes and property to—

(1) prevent structural damage as a result of wildfire, or

(2) to restore or rehabilitate burned areas on non-Federal lands.

(c) Non-Federal Contribution.—The non-Federal contribution may be in the form of cash or in-kind contribution.

(d) Appropriation and Availability of Funds.—The Secretary of the Treasury shall make available to the Secretaries out of any money in the Treasury not otherwise appropriated $100,000,000 for each of fiscal years 2004 through 2008 to carry out this section, which shall remain available until expended.

SA 2032. Mr. SANTORUM (for himself and Mr. Biden) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

SA 2033. Ms. COLLINS (for herself, Mr. Reed, Mr. Harkin, and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8 . SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) Suburban and Community Forestry and Open Space Program.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

"(a) Definitions.—In this section:

"(1) Committee.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

"(2) Eligible entity.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

"(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

"(B) the State forester, in consultation with the Committee, determines—

"(i) has the abilities necessary to acquire and manage interests in real property; and

"(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

"(3) Eligible project.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

"(4) Indian tribe.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) Nonprofit organization.—The term 'nonprofit organization' means any organization that is—

"(A) described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

"(6) Private forest land.—The term 'private forest land' means land that is—

"(A) capable of producing commercial forest products; and

"(B) owned by—

"(i) a private entity; or

"(ii) an Indian tribe.

"(7) Program.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

"(8) Secretary.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) Establishment.—

"(1) In general.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

"(2) Purpose.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

"(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

"(B) provide communities a means by which to address significant suburban sprawl.

"(c) Grant Program.—

"(1) Identification of eligible private forest land.—

"(A) Criteria.—

"(i) National criteria.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

"(ii) State criteria.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

"(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

"(II) the identification of eligible entities.

"(B) Conditions for eligible private forest land.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

"(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

"(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

"(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

"(II) is threatened by present or future conversion to nonforest use.

"(2) Grants.—

"(A) Eligible projects.—

"(i) In general.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

"(ii) Public access.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

"(B) Application; stewardship plan.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

"(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

"(ii) a stewardship plan that describes the manner in which—

"(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

"(II) the stewardship plan will be implemented; and

"(III) the public benefits to be achieved from implementation of the stewardship plan.

"(C) Assessment of need.—With respect to an application submitted under subparagraph (B), the State forester shall—

"(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

"(ii) submit to the Secretary—

"(I) the application submitted under subparagraph (B); and

"(II) the assessment of need.

"(D) Approval or disapproval.—

"(i) In general.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

"(I) review the application; and

"(II)(aa) award a grant to the applicant; or

"(bb)(AA) disapprove the application; and

"(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

"(ii) Considerations; priority.—In awarding grants under this section, the Secretary shall—

"(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

"(II) give priority to applicants that propose to fund eligible projects that promote—

"(aa) the preservation of suburban forest land and open space;

"(bb) the containment of suburban sprawl;

"(cc) the sustainable management of private forest land;

"(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

"(ee) community and school education programs and curricula relating to sustainable forestry.

"(3) Cost sharing.—

"(A) In general.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

"(B) Assurances.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

"(C) Form.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

"(d) Use of Grant Funds for Purchases of Land or Easements.—

"(1) Purchases.—

"(A) In general.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

"(B) Sales at less than fair market value.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

"(2) Title.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

"(A) a State;

"(B) a unit of local government; or

"(C) a nonprofit organization.

"(3) Termination of easement.—

"(A) In general.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

"(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

"(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

"(B) Conveyance to another unit of local government or nonprofit organization.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

"(e) Administrative Costs.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

"(f) Report.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $50,000,000 for fiscal year 2004; and

"(2) such sums as are necessary for each fiscal year thereafter.".

(b) Forest Legacy Program.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking "subsection (b)" and inserting "this section";

(3) in subsection (j)(1), by inserting "(other than by donation)" after "acquired";

(4) in subsection (k)(2), by striking "the United States or its" and inserting "the United States, a State, or other entity, or their"; and

(5) in subsection (l), by adding at the end the following:

"(3) State authorization.—

"(A) Definition of state forester.—The term 'State forester' has the meaning given the term in section 4(k).

"(B) In general.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

"(C) Eligibility.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

"(D) Monitoring and enforcement.—

"(i) In general.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

"(ii) Contingent rights.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

"(iii) Amendments.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

"(E) Termination of easement.—

"(i) In general.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

"(I) the qualified organization fails to enforce the terms of the conservation easement;

"(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

"(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

"(ii) Conveyance to another qualified organization.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

"(F) Implementation.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.".

SA 2034. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8 . SOIL AND FOREST CARBON SEQUESTRATION PROGRAM

(a) Definitions.—In this section:

(1) ADVISORY PANEL.—The term "Advisory Panel" means the Soil and Forestry Carbon Sequestration Panel established under subsection (d).

(2) ELIGIBLE FOREST CARBON ACTIVITY.—The term "eligible forest carbon activity" means a forest management action that—

(A)(i) helps restore forest land that has been underproducing or understocked for more than 5 years; or

(ii) maintains natural forest under a permanent conservation easement;

(B) provides for protection of a forest from nonforest use;

(C) allows a variety of sustainable management alternatives;

(D) maintains or improves a watershed or fish and wildlife habitat; or

(E) demonstrates permanence of carbon sequestration and promotes and sustains native species.

(3) FOREST CARBON RESERVOIR.—The term "forest carbon reservoir" means carbon that is stored in aboveground or underground soil and other biomass that are associated with a forest ecosystem.

(4) FOREST CARBON SEQUESTRATION PROGRAM.—The term "forest carbon sequestration program" means the program established under subsection (b).

(5) FOREST LAND.—

(A) IN GENERAL.—The term "forest land" means a parcel of land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term "forest land" includes—

(i) land on which forest cover may be naturally or artificially regenerated; and

(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

(6) FOREST MANAGEMENT ACTION.—

(A) IN GENERAL.—The term "forest management action" means an action that—

(i) applies forestry principles to the regeneration, management, use or conservation of forests to meet specific goals and objectives;

(ii) demonstrates permanence of carbon sequestration and promotes and sustains native species; and

(iii) maintains the ecological sustainability and productivity of the forests or protects natural forests under a permanent conservation easement.

(B) INCLUSIONS.—The term "forest management action" includes management and use of forest land for the benefit of aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, or other forest values.

(7) REFORESTATION.—

(A) IN GENERAL.—The term "reforestation" means the reestablishment of forest cover naturally or artificially.

(B) INCLUSIONS.—The term "reforestation" includes planned replanting, reseeding, and natural regeneration.

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(9) SOIL CARBON SEQUESTRATION PROGRAM.—The term "soil carbon sequestration program" means the program established under subsection (c).

(10) STATE.—The term "State" includes a political subdivision of a State.

(11) WILLING OWNER.—The term "willing owner" means a State or local government, Indian tribe, private entity, or other person or non-Federal organization that owns forest land and is willing to participate in the forest carbon sequestration program.

(b) FOREST CARBON SEQUESTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service and in collaboration with State foresters, State resource management agencies, and interested nongovernmental organizations, shall establish a forest carbon sequestration program under which the Secretary, directly or through agreements with 1 or more States, may enter into cooperative agreements with willing owners of forest land to carry out forest management actions or eligible forest carbon activities on not more than a total of 5,000 acres of forest land holdings to create or maintain a forest carbon reservoir.

(2) ASSISTANCE TO STATES.—

(A) IN GENERAL.—The Secretary shall provide assistance to States for the purpose of entering into cooperative agreements with willing owners of forest land to carry out eligible forest carbon activities on forest land.

(B) REPORTING.—As a condition of receiving assistance under subparagraph (A), a State shall annually submit to the Secretary a report disclosing the estimated quantity of carbon stored through the cooperative agreement.

(3) BONNEVILLE POWER ADMINISTRATION.—Each of the States of Washington, Oregon, Idaho, and Montana may apply for funding from the Bonneville Power Administration for purposes of funding a cooperative agreement that meets the fish and wildlife objectives and priorities of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), but only to the extent the cooperative agreement also meets the objectives of this subsection.

(c) SOIL CARBON SEQUESTRATION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service and in cooperation with the Consortium for Agricultural Soils' Mitigation of Greenhouse Gases, shall carry out 4 or more pilot programs to—

(i) develop, demonstrate, and verify the best management practices for enhanced soil carbon sequestration on agricultural land; and

(ii) evaluate and establish standardized monitoring and verification methods and protocols.

(B) CRITERIA.—The Secretary shall select a pilot program based on—

(i) the merit of the proposed program; and

(ii) the diversity of soil types, climate zones, crop types, cropping patterns, and sequestration practices available at the site of the proposed program.

(2) REQUIREMENTS.—A pilot program carried out under this subsection shall—

(A) involve agricultural producers in—

(i) the development and verification of best management practices for carbon sequestration; and

(ii) the development and evaluation of carbon monitoring and verification methods and protocols on agricultural land;

(B) involve research and testing of the best management practices and monitoring and verification methods and protocols in various soil types and climate zones;

(C) analyze the effects of the adoption of the best management practices on—

(i) greenhouse gas emissions, water quality, and other aspects of the environment at the watershed level; and

(ii) the full range of greenhouse gases; and

(D) use the results of the research conducted under the program to—

(i)(I) develop best management practices for use by agricultural producers;

(II) provide a comparison of the costs and net greenhouse effects of the best management practices; and

(III) encourage agricultural producers to adopt the best management practices; and

(ii) develop best management practices on a regional basis for use in watersheds and States not participating in the pilot programs.

(d) SOIL AND FORESTRY CARBON SEQUESTRATION PANEL.—

(1) ESTABLISHMENT.—The Secretary (acting through the Chief of the Forest Service and the Natural Resources Conservation Service) shall establish a Soil and forestry Carbon Sequestration Panel for the purposes of—

(A) advising the Secretary in the development and updating of guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions and agricultural best management practices;

(B) evaluating the potential effectiveness (including cost effectiveness) of the guidelines, in verifying carbon inputs and outputs and assessing impacts on other greenhouse gases from various forest management strategies and agricultural best management practices;

(C) estimating the effect of proposed implementation of the guidelines on—

(i) carbon sequestration and storage; and

(ii) the net emissions of other greenhouse gases;

(D) providing estimates on the rates of carbon sequestration and net nitrous oxide and methane impacts for forests and various plants, agricultural commodities, and agricultural practices for the purpose of assisting the Secretary in determining the acceptability of the cooperative agreement offers made by willing owners;

(E) proposing to the Secretary the standardized methods for—

(i) measuring carbon sequestered in soils and in forests; and

(ii) estimating the impacts of the forest carbon sequestration program and the soil carbon sequestration program on other greenhouse gases; and

(F) assisting the Secretary in reporting to Congress on the results of the forest carbon sequestration program and the soil carbon sequestration program.

(2) MEMBERSHIP.—The Advisory Panel shall be composed of the following members with interest and expertise in soil carbon sequestration and forestry management, appointed jointly by the Secretary:

(A) 1 member representing national professional forestry organizations.

(B) 1 member representing national agriculture organizations.

(C) 2 members representing environmental or conservation organizations.

(D) 1 member representing Indian tribes.

(E) 3 members representing the academic scientific community.

(F) 2 members representing State forestry organizations.

(G) 2 members representing State agricultural organizations.

(H) 1 member representing the Environmental Protection Agency.

(I) 1 member representing the Department of Agriculture.

(3) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) a member of the Advisory Panel shall be appointed for a term of 3 years.

(B) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—

(i) 1 member appointed under each paragraphs (B), (D), (F), and (H) shall serve an initial term of 1 year; and

(ii) 1 member appointed under each of paragraphs (A), (C), (E), (G), and (I) shall serve an initial term of 2 years.

(C) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Advisory Panel shall be filled in the manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of the term.

(iii) SUCCESSIVE TERMS.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(4) EXISTING COUNCILS.—The Secretary may use an existing council to perform the tasks of the Advisory Panel if—

(A) representation on the council, the terms and background of members of the council, and the responsibilities of the council reflect those of the Advisory Panel; and

(B) those responsibilities are a priority for the council.

(e) STANDARDIZATION OF CARBON SEQUESTRATION MEASUREMENT PROTOCOLS.—

(1) ACCURATE MONITORING, MEASUREMENT, AND REPORTING.—

(A) IN GENERAL.—The Secretary, in collaboration with the States, shall—

(i) develop standardized measurement protocols for—

(I) carbon sequestered in soils and trees; and

(II) impacts on other greenhouse gases;

(ii)(I) develop standardized forms to monitor sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program; and

(II) distribute the forms to participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(iii) at least once every 5 years, submit to the appropriate committees of Congress a report on the forest carbon sequestration program and the soil carbon sequestration program.

(B) CONTENTS OF REPORT.—A report under subparagraph (A)(iii) shall describe—

(i) carbon sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program;

(ii) carbon sequestration practices on land owned by participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(iii) the degree of compliance with any cooperative agreements, contracts, or other arrangements entered into under this section.

(2) EDUCATIONAL OUTREACH.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, and in consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall conduct an educational outreach program to collect and disseminate to owners and operators of agricultural and forest land research-based information on agriculture and forest management practices that will increase the sequestration of carbon, without threat to the social and economic well-being of communities.

(3) PERIODIC REVIEW.—At least once every 2 years, the Secretary shall—

(A) convene the Advisory Panel to evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest management and soil sequestration actions; and

(B) issue revised recommendations for reporting, monitoring, and verification of carbon storage from forest management actions and agricultural best management practices as necessary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2035. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following new section:

"SEC. . LONG-TERM FUEL MANAGEMENT.

In implementing hazardous fuels reduction projects, the Secretaries shall ensure that—

(1) a slash treatment plan is completed;

(2) acres are not identified as treated, in annual program accomplishment reports, until all phases of a multi-year project such as thinning, slash reduction, and prescribed burning are completed; and

(3) a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels."

SA 2036. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following new section:

"SEC. . COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, non-profit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds."

SA 2037. Mr. BAUCUS (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8 . BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Bureau of Land Management emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of the Interior; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of the Interior, the Secretary of the Treasury shall transfer from the Fund to the Secretary of the Interior such amounts as the Secretary of the Interior determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of the Interior shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $160,000,000 for emergency wildland fire suppression activities carried out by the Bureau of Land Management that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of the Interior for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SEC. 8 . FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Forest Service emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of Agriculture; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of Agriculture shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $510,000,000 for emergency wildland fire suppression activities carried out by the Forest Service that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of Agriculture for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SA 2038. Ms. CANTWELL (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

In section 104, strike subsection (b) and insert the following:

(b) STUDY OF THE ANALYSIS OF ALTERNATIVES.—

(1) IN GENERAL.—The Comptroller General of the United States shall study the environmental and economic costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) prepared for any authorized hazardous fuel reduction project, including the extent to which the analysis of alternatives delays or otherwise affects the preparation and completion of authorized hazardous fuel reduction projects.

(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit a report describing the results of the study under paragraph (1) to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Resources of the House of Representatives;

(C) the Committee on Agriculture of the House of Representatives;

(D) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(E) the Subcommittee on Interior of the Committee on Appropriations of the Senate; and

(F) the Subcommittee on Interior and Related Agencies of the Committee on Appropriations of the House of Representatives.

SA 2039. Mr. LEAHY (for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

Strike sections 105 and 106.

SA 2040. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 8 . WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

SA 2041. Mr. ENSIGN (for himself, Ms. CANTWELL, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8 . ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

"(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.";

(3) in subsection (e) (as redesignated by paragraph (1)), by striking "(c)" and inserting "(d)";

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking "(a), (b), or (c)" and inserting "(a), (b), (c), or (d)"; and

(B) by striking "1 year" and inserting "2 years";

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

"(g) INVESTIGATIONS.—

"(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

"(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

"(3) WARRANTS.—

"(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

"(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

"(4) STORAGE OF ANIMALS.—

"(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

"(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

"(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

"(ii)(I) keep the remaining animals at the location where the animals were seized;

"(II) provide for the humane care of the animals; and

"(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

"(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

"(6) FORFEITURE.—

"(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

"(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

"(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

"(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

"(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

"(D) CLAIM TO PROPERTY.—

"(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

"(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

"(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

"(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain."; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: "(including a movement to, from, or within land under the jurisdiction of an Indian tribe)"; and

(B) in paragraph (3), by striking "telephone, radio, or television" and inserting "telephone, the Internet, radio, television, or any technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking "SEC. 23. The Secretary" and inserting the following:

"SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

"(a) FEES.—The Secretary"; and

(2) by striking the third sentence and inserting the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

SA 2042. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place insert the following—

SEC. . BEST-VALUE CONTRACTING.

(a) To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally.

SA 2043. Mrs. BOXER (for herself and Mr. REID) proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 25 of Amendment No. 1828 (previously agreed to), line 7, strike "50 percent" and insert "70 percent".

SA 2044. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PUERTO RICO KARST CONSERVATION.

(a) Short Title.—This section may be cited as the "Puerto Rico Karst Conservation Act of 2003".

(b) Findings.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) Purposes.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) Definitions.—In this section:

(1) Commonwealth.—The term "Commonwealth" means the Commonwealth of Puerto Rico.

(2) Forest legacy program.—The term "Forest Legacy Program" means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) Fund.—The term "Fund" means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) Karst region.—The term "Karst Region" means the areas in the Commonwealth generally depicted on the map entitled "Karst Region Conservation Area" and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) Land.—The term "land" includes land, water, and an interest in land or water.

(6) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(e) Conservation of the Karst Region.—

(1) Federal cooperation and assistance.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) Funding sources.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) Management.—

(A) In general.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) Failure to manage as required.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) Willing sellers.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) Relation to other authorities.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) Puerto Rico Karst Conservation Fund.—

(1) Establishment.—There is established in the Treasury an interest-bearing account to be known as the "Puerto Rico Karst Conservation Fund".

(2) Credits to fund.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) Use of fund.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) Miscellaneous Provisions.—

(1) Donations.—

(A) In general.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) Conflicts of interest.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) Applicable law.—Public Law 95-442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) Relation to forest legacy program.—

(A) In general.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) Cost sharing.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2045. Mr. HARKIN (for himself, Mr. Lautenberg, Mr. Kennedy, Mrs. Boxer, Mr. Leahy, and Mr. Durbin) proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 109. AUTHORIZATION.

The authority provided by this title applies during the 5-year period beginning on the date of enactment of this Act.

SA 2046. Mr. COCHRAN proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 5 of Amendment No. 1828 previously agreed to (END03.775), line 23, strike "Urban Wildlife" and insert "Wildland Urban".

On page 7 of Amendment No. 1828, line 9, strike "natural resources department" and insert "agency responsible for forest management".

On page 17 of Amendment No. 1828, strike lines 6 through 8 and insert the following:

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

On page 18 of Amendment No. 1828, line 23, insert "in carrying out a covered project" after "paragraph (2)".

On page 19 of Amendment No. 1828, line 5, insert "for the purpose of carrying out covered projects" before the period.

On page 19 of Amendment No. 1828, line 11, insert "in carrying out a covered project" after "paragraph (2)".

On page 20 of Amendment No. 1828, line 12, strike "period described in clause (ii)" and insert "applicable period described in subparagraph (A)".

Beginning on page 20 of Amendment No. 1828, strike line 24 and all that follows through page 21, line 2, and insert the following:

(II) ending on the earlier of—

(aa) the date the Secretary completes the action required by subparagraph (B) for the standards; or

(bb) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by subsequent Act of Congress) is reached.

On page 21 of Amendment No. 1828, strike lines 3 through 12.

On page 21 of Amendment No. 1828, lines 13 and 14, strike "Subject to subsection (e), the" and insert "Except in old growth stands where the standards are consistent with subsection (e)(2), the".

On page 25 of Amendment No. 1828, lines 20 and 21, strike "authorized".

On page 28 of Amendment No. 1828, strike lines 22 through 25.

On page 33 of Amendment No. 1828, line 6, strike "Nothing" and insert "For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing".

On page 80 of the Committee amendment, strike lines 1 through 9 and insert the following:

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking "$49,000,000" and inserting "$54,000,000".

On page 85 of the Committee amendment, line 11, strike "The" and insert "In the case of a participating State, the".

On page 85 of the Committee amendment, line 22, insert "in participating States" after "officials".

On page 85 of the Committee amendment, line 24, insert "to participating States" after "provided".

On page 86 of the Committee amendment, line 5, insert "participating" after "official of a".

On page 106 of the Committee amendment, strike lines 15 and 16 and insert the following:

(C) an agreement of not more than 99 years.

On page 107 of the Committee amendment, line 14, strike "agreement and easement, and their" and insert "agreement, and".

Beginning on page 108 of the Committee amendment, strike line 9 and all that follows through page 109, line 21, and insert the following:

(a) AGREEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an agreement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the agreement, less the fair market value of the land encumbered by the agreement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the agreement.

On page 111 of the Committee amendment, line 1, strike "and easements".

On page 118 of the Committee amendment, line 1, insert "and collaboration" after "incentives".

On page 121 of the Committee amendment, line 2, insert "and" after the semicolon.

On page 121 of the Committee amendment, line 3, strike the semicolon and insert a period.

On page 121 of the Committee amendment, strike lines 4 through 9.

On page 121 of the Committee amendment, line 20, strike "COORDINATION" and insert "CONSULTATION".

On page 121 of the Committee amendment, line 21, strike "coordinate" and insert "consult".

On page 122 of the Committee amendment, strike lines 1 through 4 and insert the following:

(D) 1890 institutions;

(E) research stations and laboratories of the Forest Service;

(F) other agencies of the Department of Agriculture that administer rural development programs; and

(G) private nonprofit organizations.

On page 123 of the Committee amendment, strike lines 3 through 20 and insert the following:

(c) FOREST ENTERPRISE CENTERS.—

(1) IN GENERAL.—The Secretary shall establish Forest Enterprise Centers to provide services to rural forest-dependent communities.

(2) LOCATION.—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least 1 center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(3) DUTIES.—A Center shall—

(A) carry out eligible projects; and

(B) coordinate assistance provided to small forest products businesses with—

(i) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(ii) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture;

(iii) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration; and

(iv) research stations and laboratories of the Forest Service.

Beginning on page 124 of the Committee amendment, strike line 21 and all that follows through page 126, line 22, and insert the following:

SEC. 801. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

"SEC. 17. FOREST INVENTORY AND MANAGEMENT.

"(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands on—

"(1) units of the National Forest System; and

"(2) private forest land, with the consent of the owner of the land.

"(b) MEANS.—The Secretary shall carry out the program through the use of—

"(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

"(2) emerging geospatial capabilities in research activities;

"(3) validating techniques, including coordination and reconciliation with existing data through field verification, using application demonstrations; and

"(4) integration of results into pilot operational systems.

"(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

"(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

"(2) loss or degradation of forests;

"(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

"(4) quantification of carbon uptake rates;

"(5) management practices that focus on preventing further forest degradation; and

"(6) characterization of vegetation types, density, fire regimes, post-fire effects, and condition class.

"(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

"(1) isolate and treat a threat before the threat gets out of control; and

"(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

"(e) ADMINISTRATION.—To carry out this section, the Secretary shall—

"(1) designate a facility within Forest Service Region 8 that—

"(A) is best-suited to take advantage of existing resources to coordinate and carry out the program through the means described in subsection (b); and

"(B) will address the issues described in subsection (c), with a particular emphasis on hardwood forest stands in the Eastern United States; and

"(2) designate a facility in the Ochoco National Forest headquarters within Forest Service Region 6 that will address the issues described in subsection (c), with a particular emphasis on coniferous forest stands in the Western United States.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

On page 134 of the Committee amendment, line 20. strike "each of fiscal years 2004 through 2008" and insert "each fiscal year".

On page 134 of the Committee amendment, between lines 20 and 21, insert the following:

SEC. 805. EMERGENCY FUEL REDUCTION GRANTS.

(a) In General.—The Secretary of Agriculture shall establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service.

(b) Eligible Projects.—To be eligible to be carried out with a grant under the program, a hazardous fuel reduction project shall—

(1) be surrounded by or immediately adjacent to the boundary of a national forest;

(2) be determined to be of paramount urgency, as indicated by declarations to that effect by both local officials and the Governor of the State in which in the project is to be carried out; and

(3) remove fuel loading that poses a serious threat to human life, as determined by the Forest Service.

(c) Uses of Grants.—A grant under the program may be used only—

(1) to remove trees, shrubs, or other potential fuel adjacent to a primary evacuation route;

(2) to remove trees, shrubs, or other potential fuel that are adjacent to an emergency response center, emergency communication facility, or site designated as a shelter-in-place facility; or

(3) to conduct an evacuation drill or preparation.

(d) Revolving Fund.—

(1) In general.—In the case of a grant under the program that is used to carry out a project on private or county land, the grant recipient shall deposit in a revolving fund maintained by the Secretary any proceeds from the sale of timber or biomass as a result of the project.

(2) Use.—The Secretary shall use amounts in the revolving fund to make other grants under this section, without further appropriation.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $50,000,000 for each fiscal year.

At the appropriate place insert:

SEC. XX. EASTERN NEVADA LANDSCAPE COALITION.

(a) In General.—(i) The Secretary of Agriculture and the Secretary of Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(ii) Notwithstanding sections 6301 through 6308 of title 31, United States Code, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

On page 134 of the Committee amendment, line 21, strike "**805**" after "**807**".

At the end of title VIII, add the following:

SEC. 8 . SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) Suburban and Community Forestry and Open Space Program.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

"(a) Definitions.—In this section:

"(1) Committee.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

"(2) Eligible entity.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

"(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

"(B) the State forester, in consultation with the Committee, determines—

"(i) has the abilities necessary to acquire and manage interests in real property; and

"(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

"(3) Eligible project.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

"(4) Indian tribe.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) Nonprofit organization.—The term 'nonprofit organization' means any organization that is—

"(A) described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

"(6) Private forest land.—The term 'private forest land' means land that is—

"(A) capable of producing commercial forest products; and

"(B) owned by—

"(i) a private entity; or

"(ii) an Indian tribe.

"(7) Program.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

"(8) Secretary.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) Establishment.—

"(1) In general.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

"(2) Purpose.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

"(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

"(B) provide communities a means by which to address significant suburban sprawl.

"(c) Grant Program.—

"(1) Identification of eligible private forest land.—

"(A) Criteria.—

"(i) National criteria.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

"(ii) State criteria.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

"(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

"(II) the identification of eligible entities.

"(B) Conditions for eligible private forest land.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

"(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

"(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

"(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

"(II) is threatened by present or future conversion to nonforest use.

"(2) Grants.—

"(A) Eligible projects.—

"(i) In general.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

"(ii) Public access.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

"(B) Application; stewardship plan.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

"(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

"(ii) a stewardship plan that describes the manner in which—

"(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

"(II) the stewardship plan will be implemented; and

"(III) the public benefits to be achieved from implementation of the stewardship plan.

"(C) Assessment of need.—With respect to an application submitted under subparagraph (B), the State forester shall—

"(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

"(ii) submit to the Secretary—

"(I) the application submitted under subparagraph (B); and

"(II) the assessment of need.

"(D) Approval or disapproval.—

"(i) In general.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

"(I) review the application; and

"(II)(aa) award a grant to the applicant; or

"(bb)(AA) disapprove the application; and

"(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

"(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

"(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

"(II) give priority to applicants that propose to fund eligible projects that promote—

"(aa) the preservation of suburban forest land and open space;

"(bb) the containment of suburban sprawl;

"(cc) the sustainable management of private forest land;

"(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

"(ee) community and school education programs and curricula relating to sustainable forestry.

"(3) COST SHARING.—

"(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

"(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

"(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

"(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

"(1) PURCHASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

"(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

"(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

"(A) a State;

"(B) a unit of local government; or

"(C) a nonprofit organization.

"(3) TERMINATION OF EASEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

"(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

"(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

"(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

"(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

"(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $50,000,000 for fiscal year 2004; and

"(2) such sums as are necessary for each fiscal year thereafter.".

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking "subsection (b)" and inserting "this section";

(3) in subsection (j)(1), by inserting "(other than by donation)" after "acquired";

(4) in subsection (k)(2), by striking "the United States or its" and inserting "the United States, a State, or other entity, or their"; and

(5) in subsection (l), by adding at the end the following:

"(3) STATE AUTHORIZATION.—

"(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

"(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

"(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary; acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

"(D) MONITORING AND ENFORCEMENT.—

"(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

"(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

"(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

"(E) TERMINATION OF EASEMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

"(I) the qualified organization fails to enforce the terms of the conservation easement;

"(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

"(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

"(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

"(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.".

At the end, add the following:

TITLE —HIGHLANDS REGION CONSERVATION

SEC. 01. SHORT TITLE.

This title may be cited as the "Highlands Conservation Act".

SEC. 02. FINDINGS.

Congress finds the following:

(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) The Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

(4) More than 1,400,000 residents live in the Highlands region.

(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner.

(6) Continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

(8) The national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001-2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Great Swamp National Wildlife Refuge;

(M) the proposed Crossroads of the Revolution National Heritage Area;

(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(O) the Farmington River Wild and Scenic Area in Connecticut;

(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

SEC. 03. PURPOSES.

The purposes of this title are as follows:

(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States.

(2) To authorize the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(3) To continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

SEC. 04. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term "Highlands region" means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term "Highlands State" means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any Highlands State.

(3) LAND CONSERVATION PARTNERSHIP PROJECT.—The term "land conservation partnership project" means a land conservation project located within the Highlands region identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term "non-Federal entity" means any Highlands State, or any agency or department of any Highlands State with authority to own and manage land for conservation purpose, including the Palisades Interstate Park Commission.

(5) STUDY.—The term "study" means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term "update" means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. 05. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

(b) CONSIDERATION OF PROJECTS.—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) that are eligible to receive financial assistance under this section.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share required under subsection (d);

(3) describes the management objectives for the land that will assure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(A) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(B) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in the following:

(A) Important Areas portion of the Forest Service study.

(B) Conservation Focal Areas portion of the Forest Service update.

(C) Conservation Priorities portion of the update.

(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the update.

(d) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 06. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—In order to meet the land resource goals of, and the scientific and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

(b) DUTIES.—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research as appropriate in the Highlands region consistent with the purposes of this title;

(2) communicate the findings of the study and update and maintain a public dialogue

regarding implementation of the study and update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for each of the fiscal years 2005 through 2014.

SEC. 07. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Nothing in this title shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this title shall be construed to require the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this title.

(e) PURCHASE OF LANDS OR INTERESTS IN LANDS FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this title shall be used to purchase lands or interests in lands only from willing sellers.

At the end of the bill, add the following:

SEC. 8 . WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

At the appropriate place, insert the following:

GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled 'Green Mountain Expansion Area Map I' and 'Green Mountain Expansion Area Map II', each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service Washington this act shall be considered to be the boundaries of the national forest as of January 1, 1965.

At the appropriate place, insert the following:

SEC. . PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the "Puerto Rico Karst Conservation Act of 2003".

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term "Commonwealth" means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term "Forest Legacy Program" means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term "Fund" means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term "Karst Region" means the areas in the Commonwealth generally depicted on the map entitled "Karst Region Conservation Area" and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term "land" includes land, water, and an interest in land or water.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the "Puerto Rico Karst Conservation Fund".

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act.

At the end of title VIII, add the following:

SEC. 8 . ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

"(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.";

(3) in subsection (e) (as redesignated by paragraph (1)), by striking "(c)" and inserting "(d)";

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking "(a), (b), or (c)" and inserting "(a), (b), (c), or (d)"; and

(B) by striking "1 year" and inserting "2 years";

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

"(g) INVESTIGATIONS.—

"(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

"(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

"(3) WARRANTS.—

"(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

"(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

"(4) STORAGE OF ANIMALS.—

"(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

"(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

"(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

"(ii)(I) keep the remaining animals at the location where the animals were seized;

"(II) provide for the humane care of the animals; and

"(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

"(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

"(6) FORFEITURE.—

"(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

"(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

"(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

"(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

"(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

"(D) CLAIM TO PROPERTY.—

"(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

"(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

"(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

"(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain."; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: "(including a movement to, from, or within land under the jurisdiction of an Indian tribe)"; and

(B) in paragraph (3), by striking "telephone, radio, or television" and inserting "telephone, the Internet, radio, television, or any technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking "SEC. 23. The Secretary" and inserting the following:

"SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

"(a) FEES.—The Secretary"; and

(2) by striking the third sentence and inserting the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

At the end of title VIII, add the following:

SEC. 8 . INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) in the second sentence, by striking "no more than $1,000" and inserting "as provided in title 18, United States Code,"; and

(2) by inserting after the second sentence the following: "In the case of a regulation

issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(b) NATIONAL PARK SYSTEM LANDS.—

(1) FINES.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking "That the Secretary" at the beginning of the section and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary";

(B) by striking "$500" and inserting "$10,000"; and

(C) by inserting after the first sentence the following: "In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking "He may also" the first place it appears and inserting the following:

"(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may";

(B) by striking "He may also" the second place it appears and inserting "The Secretary may"; and

(C) by striking "No natural," and inserting the following:

"(c) LEASE AND PERMIT AUTHORITIES.—No natural".

(c) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking "$500" and inserting "$10,000"; and

(2) by inserting after the first sentence the following: "In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

SA 2047. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, Ms. STABENOW, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . For an additional amount for the Global AIDS Initiative, $589,700,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2048. Mr. BINGAMAN (for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, line 7, strike "$700,000,000" and insert "$900,000,000".

On page 45, line 8, strike "$1,000,000,000" and insert "$800,000,000".

SA 2049. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In Senate Amendment 1968, strike the following:

On page 18, line 10, after "Jordan" insert the following: ", which sum shall be disbursed within 30 days of enactment of this Act".

Strike amendments 1995 and 2004 to H.R. 2800, which were adopted by unanimous consent on October 28, 2003.

At the appropriate place in the bill, insert the following:

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. . (a) Subject to subsection (b), none of the funds appropriated under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

At the appropriate place insert the following:

SEC. . TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

SA 2050. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 4 after the colon, insert the following: "*Provided further*, That of the funds appropriated under this heading, $500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives:".

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "DOD's Improper Use of First and Business Class Airline Travel." The Subcommittee's hearing will focus on a recently completed General Accounting Office investigation of the Department of Defense's use and monitoring of premium airline travel during fiscal years 2001 and 2002. The hearing will identify the types of abuse, discuss the causes, determine the magnitude of the problem, and identify what corrective action is required. The hearing objective is to conduct continuing oversight over the use of government-issued travel cards to ensure that expected cost savings are realized.

The hearing will take place on Thursday, November 6, 2003, at 2 p.m, in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel of the Subcommittee, at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 30, 2003, at 10 a.m., to conduct a hearing on "The Treasury's Department's Report to Congress on International Economic and Exchange Rate Policy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on October 30, 2003, at 10 a.m., on universal service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families and Committee on Foreign Relations, Subcommittee on African Affairs be authorized to meet for a hearing on "A Morale Imperative: Frist Report on the HIV/AIDS Codel to Africa" during the session of the Senate on Thursday, October 30, 2003, at 3 p.m., in S211.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 30, 2003, at 10 a.m. in Dirksen Room 226.

Agenda:

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; Dora L. Irizarry to be U.S. District Judge for the Eastern District of New York; William K. Sessions III to be a Member of the U.S. Sentencing Commission; D. Michael Fisher to be U.S. Circuit Judge for the Third Circuit; Janice R. Brown to be U.S. Circuit Judge for the District of Columbia Circuit; David L. Huber to be U.S. Attorney for the Western District of Kentucky.

II. Bills: S. 1720, a bill to provide for Federal court proceedings in Plano, Texas [Cornyn]; S. 710, Anti-Atrocity Alien Deportation Act of 2003 [Leahy, Hatch]; S. Con. Res. 58, Expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month [DeWine, Biden, Feinstein]; S. Con. Res. , Recognizing that November 2, 2003, shall be dedicated to "A tribute to survivors" at the United States Holocaust Memorial Museum [Hatch].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, October 30, 2003, at 2:00 p.m., on "Monopsony Issues in Agriculture: Buying Power of Processors in Our Nation's Agricultural Markets," in the Dirksen Senate Office Building Room 226.

Witness list:

"Monopsony Issues in Agriculture: Buying Power of Processors in Our Nation's Agricultural Markets" Thursday, October 30, 2003, 2:00 p.m., SD–226.

Panel I: The Honorable R. Hewitt Pate, Assistant Attorney General for Antitrust, U.S. Department of Justice, Washington, DC.

Panel II: Dr. Dee Von Bailey, Professor and Extension Economist, Department of Economics, Utah State University, Logan, UT; Dr. Ronald W. Cotterill, Professor of Agricultural and Resource Economics, University of Connecticut, Storrs, CT; Professor Peter Carstensen, George H. Young-Bascom Professor of Law, University of Wisconsin-Madison, Madison, WI.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 9 a.m. to hold a hearing on Syria: U.S. Policy Directions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a sub committee hearing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a sub committee hearing on Combating Transnational Crime & Corruption in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 30, 2003, for a hearing to consider the nominations of Cynthia R. Church, to be Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs, and Robert N. McFarland, to be Assistant Secretary of Veterans Affairs for Information and Technology. The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on Elder Justice and Protection: Stopping the Financial Abuse during the session of the Senate on Thursday, October 30, 2003, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 30 at 10 a.m. The Purpose of the hearings is to receive testimony on the following bills: S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska; S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River Watershed of the States of New Hampshire and Vermont; S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 30 at 2:30 p.m. The purpose of the hearing is to examine S. 1097, a bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Bridget Lipscomb, a member of my staff, be given the privilege of the floor during the consideration of Judge Pickering's nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Mary Guillot, of my office staff, be granted the privileges of the floor for the remainder of the consideration of H.R. 1904.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 2004

Mr. STEVENS. I ask unanimous consent that the Senate now proceed to the consideration of H.J. Res. 75, the continuing resolution. I further ask consent that the resolution be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 75) was read the third time and passed.

HEALTHY FORESTS RESTORATION ACT OF 2003

AMENDMENT NO. 2046, AS MODIFIED

Mr. FRIST. I ask unanimous consent that notwithstanding the passage of H.R. 1904, the previously agreed upon amendment No. 2046 be modified with the changes which are at the desk.

The PRESIDING OFFICER. Without objection, the modification is agreed to.

The amendment (No. 2046), as modified, was agreed to, as follows:

On page 50 and 51, strike all language and insert the following:

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II," each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the Green Mountain National Forest, as adjusted by this Act, shall be considered to be the boundaries of the national forest as of January 1, 1965.

A TRIBUTE TO SURVIVORS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 76 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) recognizing that November 2, 2003, shall be dedicated to A Tribute to Survivors at the United States Holocaust Memorial Museum.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 76) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 76

Whereas, in 1945, American soldiers and other Allied forces, defeated Nazi Germany, ending World War II in Europe and the systematic murder of Europe's Jews and other targeted groups;

Whereas 6,000,000 Jews were killed during the Holocaust, and after World War II hundreds of thousands of survivors immigrated to the United States, where in spite of their enormous suffering, they rebuilt their lives, and embraced and enriched their adopted homeland;

Whereas, in 1978, President Jimmy Carter created the President's Commission on the Holocaust to make a recommendation regarding "the establishment . . . of an appropriate memorial to those who perished in the Holocaust";

Whereas President Carter said: "Out of our memory . . . of the Holocaust we must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world . . . fail to act in time to prevent this terrible crime of genocide. . . . [W]e must harness the outrage of our own memories to stamp out oppression wherever it exists. We must understand that human rights and human dignity are indivisible.";

Whereas, in 1979, the Commission recommended "a living memorial that will speak not only of the victims' deaths but of their lives, a memorial that can transform the living by transmitting the legacy of the Holocaust";

Whereas, in 1980, the United States Congress unanimously passed legislation authorizing the creation of the United States Holocaust Memorial Museum as a "permanent living memorial" on Federal land in the Nation's Capital;

Whereas, in 1983, Vice President George Bush designated the Federal land on which the United States Holocaust Memorial Museum would be built;

Whereas Vice President Bush said: "Here we will learn that each of us bears responsibility for our actions and our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries navigate the future.";

Whereas, in 1985, Holocaust survivors participated in the groundbreaking ceremony at the site of the future United States Holocaust Memorial Museum;

Whereas, in 1988, President Ronald Reagan dedicated the cornerstone of the United States Holocaust Memorial Museum;

Whereas President Reagan said: "We who did not go their way owe them this: We must make sure that their deaths have posthumous meaning. We must make sure that from now until the end of days all humankind stares this evil in the face . . . and only then can we be sure it will never arise again.";

Whereas, in 1992, replicas of 2 of the milk cans that hid the Oneg Shabbat archive under the Warsaw Ghetto were buried beneath the Museum's Hall of Remembrance, with a Scroll of Remembrance signed by Holocaust survivors;

Whereas, in 1993, President Bill Clinton opened the United States Holocaust Memorial Museum;

Whereas President Clinton said: "[T]his museum will touch the life of everyone who enters and leave everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality.";

Whereas, in 2001, President George W. Bush delivered the keynote address at the first Days of Remembrance ceremony after he assumed office.

Whereas President Bush said: "When we remember the Holocaust and to whom it happened, we must also remember where it happened . . . The orders came from men who . . . had all the outward traits of cultured men, except for conscience. Their crimes showed the world that evil can slip in, and blend in, even amid the most civilized surroundings. In the end, only conscience can stop it. And moral discernment, decency, tolerance—these can never be assumed in any time, or any society. They must always be taught.";

Whereas the United States Holocaust Memorial Museum has had more than 19,000,000 visitors in the first 10 years of its existence;

Whereas, in 2003, the United States Holocaust Memorial Museum, on the occasion of its 10th Anniversary, wishes to pay tribute to America's Holocaust survivors, who worked tirelessly to help build the Museum and whose committed support and involvement continue to make the institution such as extraordinary memorial and a vital part of life in the United States; and

Whereas the United States Holocaust Museum has a sacred obligation to preserve and transmit the history and lessons of the Holocaust and, together with the Holocaust survivors, must ensure that the legacy of the survivors is passed on to each new generation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation's Holocaust survivors, as well as their liberators and rescuers, and their families;

(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.

UNANIMOUS CONSENT AGREEMENT—H.R. 3289

Mr. FRIST. I ask unanimous consent that at 11 a.m. on Monday, November 3, the Senate proceed to the consideration of the conference report to accompany H.R. 3289, the Iraq-Afghanistan supplemental. I further ask that the time until 5 p.m. be equally divided between the chairman and ranking member of the committee, with the minority time allocated as follows: Senator BYRD, 60 minutes; Senator DURBIN, 30 minutes; Senator KENNEDY, 30 minutes; Senator DORGAN, 15 minutes; Senator DAYTON, 10 minutes; Senator DASCHLE, 30 minutes. I further ask unanimous consent that at 5 p.m. the conference report be adopted with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask the distinguished majority leader to amend the time of the minority to have Senator DAYTON, 15 minutes; Senator DASCHLE, 20 minutes; Senator HARKIN, 5 minutes. It all works out to the same amount of time.

The PRESIDING OFFICER. Without objection, the request, with the modification, is agreed to.

ORDERS FOR FRIDAY, OCTOBER 31, 2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, October 31. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, tomorrow the Senate will be in a period of morning business. There will be no rollcall votes during tomorrow's session.

The hour is late, but it is well worth it. We completed action on both the Healthy Forests legislation today, and the Foreign Operations appropriations bill.

On Monday, we will debate the Iraq supplemental. However, that conference report will be agreed to without a vote. We will also consider the Interior appropriations conference report on Monday, and Members can expect a vote on that sometime between 5 p.m. and 6 p.m. We will have more to say tomorrow about the schedule.

I congratulate the managers of both bills that were completed today. It has been a very long and very productive day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:44 p.m., adjourned until Friday, October 31, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 30, 2003:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. CURRAN, 6656

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WALTER B. MASSENBURG, 1394

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TIMOTHY J. MCGEE, 8695

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES MILITARY ACADEMY, IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

LANCE A. BETROS, 9298

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3063:

To be colonel

THOMAS B. SWEENEY, 1535

To be lieutenant colonel

ELLIS G. BROCKMAN, 6536
SHARALYN W. BROWN, 2490
KENNETH E. COZZIE, 2631
PAU7L J. FAMELI, 6884
DANIEL L. JOHNSON, 1563
FREDERICK N. KAWA, 0091
SARAH H. PERRY, 0888
DARYL S. REY, 6578
LEON R. WILSON III, 2236

To be major

TODD K. ALSTON, 4043
CHRIS L. ANDREWS, 7424
RALPH D. ARCHETTI, 3657
JACQUELINE BAEHLER, 2956
EARL C. BEDFORD, 3355
JONATHAN D. BERRY, 1428
JOHN D. BEURY, 2590
CHRISTINA M. BLOSS, 8445
ROBERT E. BUZAN JR., 3943
KEITH BYRD, 6848
JESS H. CAPEL, 9282
ROGER D. CARSTENS, 3492
DONALD R. CECCONI, 6130
JOHN M. CREAN, 6515
GREGORY L. DEDEAUX, 3745
SONIA R. DEYAMPERT, 8382
ERIC P. EHRMANN, 3203
JOHN M. ESPOSITO III, 45337
ALAN L. GUNNERSON, 7723
JOSEPH J. HAYDON JR., 8979
DAVID E. HECKERT, 1391
CARL G. HERRMANN, 3930
TINA L. HOLT, 7873
JACQUELINE C. HOWELL, 8809
WILLIAM S. HUSING, 1161
ROBERT L. HUTCHISON, 7197
RONALD D. JACK, 7525
NATHAN C. JOSEPH, 9110
PETER K. KEMP, 3445
VERNER M. KIERNAN, 1860
CHARLES D. KIRBY 4252
MARK R. KOVACEVICH, 2041
CHARLES P. LITTLE, 9912
DARRYL. L. LONG, 4675
SHEILA H. LYDON, 7242
MARK A. MCCOMBS, 8124
ROBERT G. MCNEIL, 5326
GERARD J. MESSMER III, 4608
MARTIN L. MORFORD, 8996
ROBERT M. MURRAY, 9502
STEVEN C. PEDERSEN, 5796
JOHN W. PENREE, 2461
SANTOMERO V. RILEY, 1578
JOHN N. RIOS, 5766
PAUL G. SCHLIMM, 1806
DOVER SEAWRIGHT, 9476
TERRY L. SIMPSON, 5059
MARK A. SMITH, 0313
PHILIP W. STANLEY, 1431
MICHAEL A. STEVENS, 8134
SCOT N. STOREY, 7581
MICHAEL G. THILGES, 5919
DONALD S. TRAVIS, 3457
NATHAN E. WALLACE, 1143
LISA M. WEIDE, 8994
JOSEPH E. WICKER, 1868
JOHN F. WINTERS, 0100
MACHIELLE WOOD, 8677
PAUL L. ZANGLIN, 9287

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID B. MOREY, 9644

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PATRICK J. MORAN, 0873

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LAWRENCE J. CHICK, 8928

EXTENSIONS OF REMARKS

REMEMBERING ROBERT SIMS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. TANNER. Mr. Speaker, I rise today in honor of an American veteran, a tireless public servant, an outstanding citizen and a dear friend, Mr. Robert Bell Sims. Bob will be laid to rest next month at Arlington National Cemetery.

During Bob's long and distinguished career in the United States Navy, he served as a communications officer under two Secretaries of the Navy, then as the Deputy Chief of Information for the Department of the Navy. He also served on the National Security Council and the National Defense University.

Bob retired from the Navy in 1984 at the rank of Captain but did not end his service to our nation's defense. He served in the White House as Deputy Press Secretary for Foreign Affairs and was later nominated and confirmed to the post of Assistant Secretary of Defense for Public Affairs.

In 1987, Bob turned to his background in magazine and newspaper publishing, when he began fourteen years of service at the National Geographic Society. For thirty years, he was the owner and publisher of The Crockett Times. The work of his family and staff at the newspaper has long been important to Bob's hometown of Alamo, Tennessee, and indeed to all of us in Crockett County.

Bob is survived by his wife, Patricia, four children and seven grandchildren. My wife, Betty Ann, and I have long cherished our friendship with Bob and Pat Sims and are greatly saddened by Bob's passing. He will be missed. We know, however, that the legacy he leaves behind will never be forgotten.

Mr. Speaker, please join with me in honoring the long service, dedication and friendship of Bob Sims.

HONORING AUSTIN TOXEN

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a young hero in my Fifth Congressional District of Florida. Throughout our current situation in Iraq and our continued War on Terror we have had occasion to honor many heroes. Today I want to take the time to honor a very special young man who, just like our troops overseas, acted bravely and selflessly to protect the safety of another person.

This summer while playing outside with friends, Austin Toxen, a fifth-grader at Forest Ridge Elementary School in Citrus County, noticed smoke coming from his neighbor's home. Acting quickly and keenly, Austin ran into his own home, grabbed a fire extinguisher, asked his mother to call 911, and ran into his neighbor's home to help put out the blaze.

The fire, which started in the home's kitchen, would have almost certainly quickly spread throughout the entire structure had it not been for Austin's swift intervention. Austin was able to help contain the fire to the kitchen saving the home from burning entirely. The owner, Janeen Hall, has called Austin a hero and credits him with saving her home.

According to friends and family, Austin has remained very humble about his bravery. Though many have marveled at the fact that he had the composure to act so heroically, he says he just did the right thing.

We all know that Austin's actions truly are worthy of praise and so Mr. Speaker I ask you and my colleagues to join with me in honoring Austin Toxen today. He truly is a brave young man and a fine example of courage and selflessness.

OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. OSE. Mr. Speaker, I rise today to honor October as National Breast Cancer Awareness Month. Cancer is a growing and tragic epidemic that has undoubtedly touched loved ones, affecting mothers, sisters, daughters, as well as friends. The campaign emphasizes the importance of early detection of the disease through mammograms, clinical breast examination, as well as breast self-examination.

During 2003, over 211,000 new cases of breast cancer are expected to occur among women in the United States and breast cancer remains as the leading cause of cancer death in women in the United States. Alarmingly, every 2 hours, on average, a California woman dies of breast cancer.

I am honored to promote breast cancer awareness and research by urging my colleagues to reauthorize the Breast Cancer Research program for 2 more years. Millions of people have purchased the Breast Cancer Research stamp, a program that was first introduced in July 1998, generating over $34.5 million for research and development.

The Breast Cancer Research stamp is especially important to me because my constituent, Dr. Ernie Bodai of Carmichael, CA, was the leading force behind the program. After 14 visits to Washington within 2 years, as well as spending $100,000 of his personal savings, he succeeded, creating a leading for Breast Cancer fundraising. Dr. Bodai is the pioneer of the Breast Cancer stamp, Chief of General Surgery for Kaiser Permanente, and CEO of CureBreastCancer, Inc.

Driving through Sacramento, he can be easily detected by his car, which is adorned by its license plate—PL 105–41—the title of the public law that made the breast cancer fundraising stamp official.

Mr. Speaker, as Members of Congress, let's do our part to protect our constituents, promote breast cancer research and education, and reauthorize the Breast Cancer Stamp program.

HONORING FRANK BIERWILER OF SPRING HILL, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a great public servant, a charitable giver, and a selfless hero in my Fifth Congressional District, Mr. Frank Bierwiler.

Frank Bierwiler first served his community in New York for many years as a State Police Officer. Then, after a multiple sclerosis diagnosis in 1974 forced him to retire from the force, Frank Bierwiler pledged to do something good with his life.

It was a few years later, Mr. Speaker, that he moved to Florida and started Daystar Hope Center, an organization giving food, clothing, and assistance with bills to central Floridians in need.

For nearly 20 years, the center has served as an example of the power and impact of benevolence and kindness. Its doors have welcomed thousands of Floridians in need and Mr. Bierwiler's perseverance and generosity have for so long ensured that those doors stay open.

Unfortunately, after 20 years of helping so many, the Daystar Hope Center is closing.

While it is unfortunate that the center is ceasing operations, many other charitable organizations, came into existence because of the success of the Daystar Hope Center. Frank's leadership fostered these other organizations and he always worked well with them.

I want to take this opportunity today to first commend Frank Bierwiler for his work in my district and to, second, draw attention to the extraordinary things that can happen when one determined, individual pledges himself to greatness.

Mr. Speaker, I ask you and all of my colleagues in this body to join me in honoring Frank Bierwiler and offering our sincere admiration for his work, life, and accomplishments.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE BRAVE FIREFIGHTERS OF CALIFORNIA AND THE 3RD CONGRESSIONAL DISTRICT

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. OSE. Mr. Speaker, I rise today to express my deep sympathy to the victims of the fires that have been plaguing southern California this past week and even now continue to rage. I would also like to recognize the emergency assistance that has been mobilized to help the counties of Ventura, Los Angeles, San Diego, and San Bernardino. The scope of the devastation this disaster has delivered is vast. It has viciously taken at least 14 lives, destroyed over 1,500 homes, and burned over 500,000 acres of land. In addition, over 50,000 people have been evacuated from their homes.

I would like to take this opportunity to recognize and thank the men and women from my district who, where capable, have dedicated their time to helping combat the fires in southern California. Calaveras County has donated 5 fire engines along with 15 fire fighters. Amador County has donated an entire team consisting of 2 engines and nine people, including one fire chief. In addition, Solano and Sacramento Counties have each dedicated significant resources to assist in the firefighting effort, including over three fire strike teams and two trucks. These mobilizations are fighting to alleviate the impact of this disaster even as I speak. It is my sincere hope that these brave men and women will be able to safely and swiftly contain these fires. My thoughts and prayers are with them.

TAIWAN NATIONAL DAY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. SOLIS. Mr. Speaker, I rise before you today to honor and congratulate the people of the Taiwan on their Double Ten: National Day. Earlier this month, on October 10, 2003, Taiwan celebrated its National Day. This special day for Taiwan is celebrated to commemorate the 1911 Wuch'ang uprising, which marked the beginning of a struggle towards political democracy.

On October 10, fireworks lighted the skies of Taiwan, and the streets were filled with large parades. This celebration is much like our 4th of July celebrations. Taiwan is a shining example of economic success and democratization. Taiwan's accomplishments are numerous, and its success is attributed to its people.

In August of this year I had the pleasure of meeting Taiwan's Vice President, Madame Annette Lu in Los Angeles. Vice President Lu is the first female vice president to serve Taiwan. She has devoted her time and efforts to promoting human rights, democracy, and technology. She has made countless contributions to the advancement of women in Taiwan. With her efforts and many other women like her, the women of Taiwan have progressed in education, business, politics, and society in general. Vice President Lu is a true dynamic democratic leader. She represents her people and her country well.

Once again, my best wishes and congratulations to the people of Taiwan on their Double Ten National Day.

RECOGNIZING THE 20TH ANNIVERSARY OF PHELPS HOSPICE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the achievements of Phelps Hospice and to congratulate it on its 20th anniversary. Since 1983, Phelps Hospice has provided end of life care and comfort throughout Westchester County, NY, helping to relieve the physical, emotional, and spiritual pain of more than 2,000 patients and their loved ones.

An essential element of this care is the personalized service that Phelps Hospice provides to meet the unique needs of each patient and his or her loved ones. Working with the patient's primary care physician, Phelps Hospice develops a plan of care that matches the family's needs with the abilities of its medical director, nurses, social workers, home health aids, spiritual counselors, psychologists, nutritionists, volunteers, therapists, and bereavement counselors.

Through support groups and memorial services, Phelps Hospice has offered bereavement counseling for the families of hospice patients, as well as for members of the community.

In addition, since 2002, Phelps Hospice has provided complementary care consisting of massage, music, pet and art therapy, making it one of the first hospices in Westchester County to incorporate complementary care into its list of services.

To aid in the care of patients, Phelps Hospice has trained hundreds of selfless volunteers in the past 20 years.

And, of course, the numerous services offered by Phelps Hospice are provided to all patients regardless of race, religion, color, national origin, sex, disability, age, sexual preference, or ability to pay.

I am honored to have this opportunity to congratulate Phelps Hospice on its 20th anniversary. Westchester County is undoubtedly a better place thanks to the tireless work of its staff and volunteers. I wish them the best of luck in the next 20 years—and more—of service to our community.

HONORING MARGARET "WEENIE" ROGERS GHIOTTO, BROOKSVILLE, FLORIDA'S "GREAT BROOKSVILLIAN"

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a woman who has for many years been an outstanding businesswoman and citizen in my hometown of Brooksville, Florida. Margaret Rogers Ghiotto, known as "Weenie" to her close friends and family, was recently honored as a "Great Brooksvillian" for her work on behalf of the community.

Aside from owning and managing Rogers' Christmas House Village and the Jennings House, which is on the National Register of Historic Places, Mrs. Ghiotto has a background in education, having taught children about the environment and the value of trees for many years.

At a ceremony in city hall this week as part of Brooksville's Founders' Week Celebration, Mrs. Ghiotto was honored with a plaque, reception, and many kind words. This weekend she will be the Grand Marshal of the Brooksville Founder's Day Parade.

While this most recent honor is certainly a laudable one, it is not the first such accolade Mrs. Ghiotto has received. Over the years, she has been named the Hernando County Chamber of Commerce's "Citizen of the Year," AWBA's "Business Associate of the Year," and the Lions Club's "Outstanding Citizen." She even has awards named after her—the University of Florida Lambda Chi Alpha chapter gives an annual leadership award to a distinguished member, called "The Margaret Rogers Ghiotto Award" and the city of Brooksville honors businesses and individuals with the "Margaret Rogers Ghiotto Beautification Award."

Mr. Speaker, I ask that you and my colleagues in this body join me in honoring this great woman and great citizen. We should all be so lucky as to have a Margaret Rogers Ghiotto in each of our districts.

HONORING THE SERVICE AND SACRIFICE OF HANK MASON

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. PEARCE. Mr. Speaker, I rise today to recognize Mr. Hank Mason of Los Lunas, New Mexico for his distinguished service to our country during the Vietnam War. Mr. Mason is a great American, and recognition for his service to our country is long overdue. I thank him for his commitment to freedom and the sacrifices he endured while serving in Vietnam.

Mason earned, but never received, several war and service medals from the United States Army for his 3 years of service, including a tour in Vietnam. Mason says he has made many attempts for more than 3 decades to receive the medals that were due to him, with no avail. On Saturday, October 25, 2003, I was proud to present Mr. Mason with the military service medals he has been waiting for more than 34 years.

We must always recognize the men and women of our Armed Forces who have valiantly defended our American values throughout our Nation's history. These remarkable individuals have helped to make America secure and have advanced the cause of freedom worldwide. By answering the call of duty, our veterans have risked their lives to protect their fellow countrymen. Individuals like Hank Mason have inspired our Nation with their courage, patriotism and dedication.

INTRODUCTION OF H.R. 3387

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. EVANS. Mr. Speaker, I rise today to introduce H.R. 3387, the Veterans Health Programs Improvement Act of 2003. Mr. Speaker, many of the provisions in the bill I am introducing with my colleague, the ranking member of the Health Subcommittee of the Committee on Veterans' Affairs, Mr. RODRIGUEZ, are supported by the administration and have been offered to us previously in its request for draft legislation. Specifically, sections 2 through 6 of this bill are found in the draft bill, Omnibus Veterans Health Care and Benefits Act of 2003 requested by Secretary Principi on August 15, 2003.

Other provisions of this bill extend authorities or reports which already exist in law, but which are expiring. I believe it is critical that some of these activities continue to be mandated and carefully overseen by Congress.

VA has asked for the authority to provide up to 14 days of care to the newborn infants of women veterans. This allows VA to provide a more complete spectrum of care to women—particularly the younger women who are now serving in the military in record numbers. VA may, under current law, offer all maternity care, including labor, delivery and recovery, but once the infant is born, VA is forced to find other payers—often Medicaid if the mother has no other health care benefits—to finance the care of the child. The cost of providing this benefit to the newborn infants of women veterans is negligible.

VA has also asked for authority to provide certain rehabilitative services under its medical care authority. A vital part of therapy for many of VA's homeless, psychiatric, and substance use disorder recovery programs is the vocational activity. Successfully engaging in productive activity is viewed as a critical part of therapy and integral to complete rehabilitation. Although VA does offer a range of training programs, often VA must shuttle veterans between programs to meet all the veterans' needs. This makes case management difficult. Instead of allowing one person to work through job training, placement and support, veterans could be forced to work through several agencies and multiple points-of-contact adding complexity and confusion when veterans are already at a vulnerable turning point in their rehabilitation. This provision allows VA medical personnel to provide continuous care throughout vocational training.

Last year the clock ran out on special health care eligibility for herbicide-exposed veterans of the Vietnam-era and also for our Persian Gulf veterans. I spent much of my early tenure here fighting for compensation for veterans who believed their illnesses were associated with exposure to Agent Orange and other herbicides. Learning from that experience, Congress gave veterans who served in the first Gulf war more of the benefit of the doubt by allowing them to be compensated for vaguely defined conditions and illnesses that are not generally related to military service, but for which they seem to be at high risk. There seems to be a pretty serious schism between what we are doing to compensate veterans and the provision of care for conditions which they believe may be associated to their service. Without this special priority, some veterans who have not previously sought VA health care, may never be able to receive it. VA wants to continue to offer priority specialized treatment to veterans in these special priorities, and I fully support them in this effort.

VA would also like to require veterans to provide information from their health insurers. Too often these private-sector payers are raking in the cost-sharing from veterans or their spouses without paying toward their VA treatment. Veterans should be willing to share this information if they are receiving care at VA facilities and their health plans should be willing to reimburse VA as the veterans' provider-of-choice. It is only fair to ask veterans to offer this information as VA continues to mull tough choices of limiting services and those it will serve.

Finally, VA also requested permission to extend its authority to provide acquired properties to homeless service providers. These partners can purchase VA-acquired properties at discounts ranging from 20 to 50 percent. Through fiscal year 2002, 188 properties have been sold to homeless providers under the program, including two that were sold to a VA medical center for the compensated work therapy program. The shelters established in these properties have provided approximately 372,000 nights of shelter to homeless veterans. The VA has also entered into 52 leases with homeless providers. Most of these were subsequently converted into sales to homeless providers. I hope that we can support VA's efforts to continue to offer these properties to homeless providers.

In addition to the VA-requested provisions, I am proposing several extensions of reports and additional authorities that I strongly believe we must continue. Congress created two advisory committees—one that advises the Under Secretary on Health exclusively about Post-Traumatic Stress Disorder and one that makes recommendations for a variety of programs serving Severely Mentally Ill veterans. We have relied on the reports of these Committees to ensure Congress that these mental health programs are receiving adequate attention as VA continues to reform its health care delivery. It has become clear that since 1996, and likely before, VA has continued to pare back the resources it commits to its mental health programs. Congress is still awaiting the report due last Spring that demonstrates VA's maintenance of these programs' capacity in fiscal year 2002. These Committees serve as much needed internal spokespeople and advocates for their programs and are particularly vital in more fiscally constrained times. I am hopeful that my colleagues will agree that we continue to require the oversight of these internal watchdogs.

In addition to extending these reporting requirements, I would like to see Congress committed to allowing Vietnam-era veterans to continue to seek readjustment counseling at Vet Centers. As a Vietnam-era veteran myself, I have seen too many of my peers have significantly delayed reactions to the traumatic events of long ago. Many World War II veterans continue to struggle with the past we might have suspected they left long ago—look at how many veterans from that war had strong emotional reactions to Saving Private Ryan. As we all recall, there were unique challenges to returning home from service during the Vietnam War—a war that did not enjoy public support. While we've learned from this experience to "love the warrior, if not the war" I would like to ensure that Vet Centers remain accessible to Vietnam-era veterans who had unique adjustment challenges upon their return to service.

Finally, my bill would eliminate the sunset of authority for VA's sexual trauma counseling program currently set to expire December 31, 2004. Surveys from a few years ago continued to demonstrate that women in the Armed Services are at a high risk for sexual harassment and, even sexual assault. Sadly, it is apparent that sexual trauma will continue occurring in military service and elsewhere. VA has served as a valuable outlet to women who have believed the military and the government had otherwise abandoned them. We must ensure that VA's programs continue to exist to serve for the indefinite future.

Mr. Speaker, this bill supports proven programs that are already offering invaluable assistance to the veterans that are able to avail themselves of them. I want veterans to continue to be able to rely upon them.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PALLONE. Madam Speaker, I rise today in support of H. Res. 409 that condemns recent anti-Semitic remarks by the Prime Minister Dr. Mahathir Mohamad of Malaysia.

Unfortunately, rather than openly condemn the Prime Minister for his remarks, many in the global community have remained largely silent on this issue. By not taking a stand against hateful speech, the international community is showing that it is okay for world leaders to promote bigotry and violence. By not taking a stand, members of the European

Union and other world leaders are showing that other acts of hate speech will be allowed to continue without consequence.

That is why it is critical that Congress takes a stand and denounces these remarks and I urge my colleagues to support this resolution. It is important that we go on record to show that this type of hatred and bigotry is unacceptable—especially by world leaders who are expected to set an example for their people.

By allowing these hateful remarks to go unacknowledged, that makes it that much more difficult to bring opposing sides together in the Middle East and puts us that much further from an eventual peace agreement.

Madam Speaker, I urge my colleagues to support H. Res. 409.

HONORING DR. JOHN ATANASOFF ON THE ONE HUNDREDTH ANNIVERSARY OF HIS BIRTH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. LATHAM. Mr. Speaker, on October 30, 31 and November 1, 2003, Iowa State University in Ames, Iowa, will hold a landmark event that will be the Nation's tribute to the late John Vincent Atanasoff's 100th birthday (October 4, 2003). Dr. Atanasoff, along with electrical engineering graduate student, Clifford Berry, developed the world's first electronic digital computer from 1939 to 1942 while serving as a physics and mathematics professor at Iowa State University. Known as the Atanasoff-Berry Computer, the invention was Atanasoff's solution to finding a better, more efficient way for his students to learn. It was the principles of his invention that changed the face of technology forever.

The university is organizing the International Symposium on Modern Computing, October 30–November 1 in celebration of his life's accomplishments. Leaders in the computing field, internationally renowned academic researchers, and college and university students from across the Nation will come together to discuss the newest technologies and research that have the potential to change the world as dramatically as did the principles that Dr. Atanasoff's invention established. Dr. Atanasoff is a recipient of the Nation's highest award for innovation, the National Medal of Technology, which was presented to him by President George Bush in 1990. Dr. Atanasoff died in 1995.

PERSONAL EXPLANATION

HON. MAX BURNS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. BURNS. Mr. Speaker, I rise today to provide an explanation for my absence during votes yesterday evening.

During yesterday's votes, I was traveling back to Washington from a Congressional Delegation trip to Iraq. I appreciate the opportunity to visit our troops serving overseas and to witness firsthand the situation in Iraq. Our delegation arrived into the Washington area after votes had concluded.

FREEDOM FOR DR. MARCELO CANO RODRÍGUEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to speak about Dr. Marcelo Cano Rodríguez, a prisoner of conscience in totalitarian Cuba.

Dr. Cano Rodríguez is a Medical Doctor. As a physician, he has chosen to devote his life and his abilities to healing the sick, mending the lame, and easing the suffering of his patients. However, as Dr. Cano Rodríguez quickly learned, easing the suffering of the Cuban people is not a goal of Castro's dictatorship.

The longer Dr. Cano Rodríguez worked within the totalitarian healthcare system, the more he noticed medical resources being taken from the Cuban people and redirected towards tourists who could pay with hard foreign currency. Dr. Cano Rodríguez, no longer able to work within a system that abandons citizens in favor of tourists, became the National Coordinator for the Cuban Independent Medical Association.

The Cuban Independent Medical Association is comprised of physicians who joined forces to set up independent clinics where equipment and drugs prescribed by doctors are distributed without charge. As Dr. Cano Rodríguez searched for ways to make his group more effective, he approached the Cuban Commission for Human Rights and National Reconciliation for guidance. After learning of the Commission's professed goal of basic human rights, he became an important member of that group.

Unfortunately for Dr. Cano Rodríguez, his being associated with two groups who profess to work to provide the Cuban people with their basic rights and their basic medicine proved to be too much for Castro and his machinery of repression. On March 25, 2003, Dr. Cano Rodríguez was arrested in Las Tunas. The "illegal" activities cited by Castro's puppet prosecutor in the sham trial were that he visited prisoners as part of his work with the Cuban Commission for Human Rights and National Reconciliation and that he maintained ties to Doctors Without Borders. Dr. Cano Rodríguez was sentenced to 18 years in Castro's dungeons.

Mr. Speaker, I want to repeat that, Dr. Cano Rodríguez was sentenced to 18 years in Castro's gulag for visiting prisoners and maintaining ties to Doctors Without Borders.

My colleagues, every one of us should be totally appalled that a physician who attempts to aid the oppressed and heal the sick is languishing in a dungeon for his merciful actions. My colleagues, we must demand immediate freedom for Dr. Marcelo Cano Rodríguez.

HONORING ALEX SPANOS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. DOOLITTLE. Mr. Speaker, today I wish to congratulate my friend, Alex Spanos, as he will soon receive the STARBRIGHT Foundation's Heart of Gold Award for his selfless efforts on behalf of children with serious illnesses and their families, and for his extensive contributions to all children and youth.

Alexander Gus Spanos was born to loving parents in 1923 in Stockton, California. In 1942, he rendered service to his country by joining the Air Army. Six years later, he wed his life-long sweetheart, Faye Papfaklis.

In 1951, Alex quit his job at the family bakery, secured an $800 loan and bought a panel truck to start his own company, the A.G. Spanos Agricultural Catering. Soon, this new venture became the largest catering business of farm laborers in the United States. Alex began investing in real estate and, by 1956, he had become a millionaire. This allowed him to semi-retire and take on golf, in which he became a pro amateur within six years.

When changing farm labor regulations signaled the end of his catering business, Alex launched A.G. Spanos Construction. After building his first apartment complex in Stockton, California, in 1960, Alex expanded the company into neighboring states and across the southwestern and southern states. By 1977, his firm was the number one builder of apartments in the nation.

His family of businesses now includes: A.G. Spanos Construction, A.G. Spanos Development, Inc., A.G. Spanos Management, Inc., A.G. Spanos Enterprises, Inc., The Spanos Corporation, AGS Financial Corporation, A.G. Spanos Realty, Inc., A.G. Spanos Securities, and A. G. Spanos Ventures. He also owns the Spanos Jet Center and the National Football League's San Diego Chargers.

Mr. Speaker, not only is Alex Spanos a successful businessman, but he is also a successful human being. His family has always taken center stage in his life. He and Faye enjoy the time they share with their four children and 15 grandchildren. It is telling that his companies continue to be family owned and operated, as he has shared management responsibilities with his sons, Dean and Michael.

A noted philanthropist, he has reached out to those in need and given of his resources to help whenever and wherever he could. Over the years, he has contributed to his own community and to causes around the world by donating millions of dollars to charities, churches, hospitals, educational institutions, and civic and athletic organizations.

It is fair to say that Alex G. Spanos' outlook on life is best reflected in the title of his new book, Sharing the Wealth. The communities and individuals he has touched throughout his life would attest to that.

Mr. Speaker, it gives me great pleasure to commend this distinguished citizen for his countless acts of service to his community, California, and the country.

EXPRESSING GRATITUDE TO MEMBERS OF U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 291 to offer my gratitude, for myself and on behalf of the constituents of the 18th Congressional District, to the soldiers who fell and who served our country in "Operation Restore Hope."

"Operation Restore Hope" was a 1993 United Nations peacekeeping venture to restore order in the East African country of Somalia, characterized by its nomadic society. The Operation was launched with guarded optimism but went tragically awry on Oct. 3, 1993 when 18 U.S. soldiers were killed in a firefight with Somali gunmen. A decade later, the Bush Administration now contemplates taking military action against alleged terrorist groups in Somalia who might have been responsible for the tragedy.

Man-made famine prompted the massive foreign intervention in Somalia. This famine was caused by a drought made murderous by a civil war that sent gunmen across the country's most fertile agricultural areas. At the famine's peak, more than 300 people starved to death each day in hard-hit towns like Baidoa and Baardheere because militia fighters first disrupted the lives of herdsmen and farmers, then stole the food aid sent to relieve their suffering. Throughout the worst of the crisis, gun-toting young militiamen looted most of the relief food as spoils of war or blocked its entry into the country through port cities by demanding extortionate amounts from aid ships waiting to dock. In order to break the famine in Somalia, we had to break the stranglehold of the gunmen and allow aid to flow unimpeded. The 100 elite U.S. infantrymen, who tried to capture and defeat a Somali warlord in his home, suffered 70 percent casualties—a figure sadly compared to a 1965 massacre in Vietnam's la Drang Valley. So badly pinned down were the Americans in Mogadishu that they could not evacuate their wounded, including Ranger commander Lt. Col. Danny McKnight, for nine hours. The biggest problem in that situation was the thousands of young men floating around the country laying in wait for our American troops.

Since then President George Bush ordered more than 25,000 U.S. troops to intervene in Somalia in December 1992 to help stop deaths from starvation, exacerbated by clan warfare, 30 Americans died in combat and 175 were wounded. There also were six noncombat deaths, and seven soldiers were killed and one missing off the Kenyan coast in a crash this month of an AC–130 Specter gunship. In addition, about 68 U.N. soldiers were killed and 262 wounded, according to U.N. figures, making this the bloodiest peacekeeping operation since the Congo crisis three decades ago.

This situation is similar to that experienced by our troops today in Iraq. I visited the As-Sayliyah Central Command Base in Doha, Qatar on October 13, 2003 and heard the concerns of the troops from their own mouths. Leaders of the units keep a warm smile and upbeat attitude to keep their troops feeling positive despite the compound feeling of homesickness due to the failure of our government to timely relieve them and the feeling of vulnerability due to the lack of a sufficient number of trained MP's. I heard testimony about how a ground soldier watched his partner and the operator of a military vehicle get tossed out as the vehicle was thrown airborne by a land mine. "Why did you hit this mine," I asked. "It was just one of those mines that was missed in the sweep . . .," said the soldier. Because there isn't enough personnel or specialists to assign to technical tasks, unskilled or untrained technicians frequently get asked to do jobs that they have not mastered enough to guarantee the lives of those who must traverse the sands of Baghdad. He misses his wife and newborn baby dearly. Because there hasn't been a change in the personnel on the front lines in several months, many reservists and active duty servicemen and women have spent a longer time in Iraq than was promised by the Administration. May 1, 2003 was supposed to have been a day of hope and homecoming; instead, it was a sham. Some of these troops feel like "sitting ducks" out in the foreign terrain. They don't speak Arabic. They don't know Tikrit like they know their hometowns. When I asked them if they have seen any troops of other coalition nations, they responded, "what coalition troops?" They need support and they need continuous relief.

Many of the vulnerabilities that led to the death of the 18 soldiers in "Operation Restore Hope" affect our troops in "Operation Iraqi Freedom." I value the service that our troops of "Operation Restore Hope" provided, and I am honored to support this important legislation to commemorate them.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. EMANUEL. Madam Speaker, I rise as a cosponsor and in strong support of H. Res. 409, a resolution to repudiate the Malaysian Prime Minister for racist comments harmful not only to the global Jewish community but to the advancement of peace in the Middle East and global tolerance of racial and ethnic diversity.

The speech by Prime Minister Mahathir Mohamad to a gathering of Muslim leaders earlier this month has been described by other world leaders of democratic and free nations—including President Bush during his recent trip to Asia—as offensive and anti-Semitic. Rhetoric of this nature, which embodies age-old stereotypes, can be neither excused nor rationalized. It only serves to incite further sectarian violence and should be condemned universally.

Even more disturbing is that none of 57 national representatives attending the Organization of the Islamic Conference, including some U.S. allies, have raised their voices in protest. In fact, many demonstrated complicity in spreading this message of hate and incitement against Jews by applauding the Prime Minister's remarks. The standing ovation he received and the subsequent defense of his remarks by almost all the participants at this meeting of Muslim leaders reminds us that anti-Semitic beliefs remain prevalent throughout the world, even in moderate states like Malaysia.

I was proud to be one of 80 Members of the House who signed a letter to the Prime Minister of Malaysia condemning his remarks and calling upon him to clarify or retract his statements. I also commend the Senate for passing a resolution condemning the statement and requesting that President Bush condemn the remarks during his meeting with the Malaysian Prime Minister in Bangkok during Asia-Pacific Economic Cooperation (APEC) summit.

Mr. Speaker, we must always take a stand against hatred and bigotry by world leaders whose rhetoric threatens to make peace in the Middle East and around the world more elusive. I am pleased to be a cosponsor of this important resolution and urge my colleagues to support it today.

20TH ANNIVERSARY OF THE BROTHER BENNO FOUNDATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. ISSA. Mr. Speaker, on Wednesday, October 29, the Oceanside community will celebrate the 20th anniversary of the Brother Benno foundation.

The foundation was established by Harold and Kay Kutler in 1983 based on the work of a Benedictine monk, Brother Benno Garrity, from the Prince of Peace Abbey in Oceanside, CA. Brother Benno died in 1992 after dedicating his life to feeding the poor and homeless.

The foundation began with a small soup kitchen at 307 Minnesota Street in Oceanside. It has since grown into a ministry addressing many types of social problems in San Diego County including hunger, homelessness, and alcohol and drug addiction.

Anyone needing help can come to Brother Bennos and register for services provided by the foundation. In their 20 years of service the foundation has provided 132,000 nights of lodging, more than 434,000 articles of clothing, 18,900 blankets and medical and dental care.

On behalf of all the people whose lives have been touched by the Brother Benno Foundation I want to recognize the volunteers and support staff at the Brother Benno Foundation. Thank you for 20 years of service.

CONGRATULATING THE NEW CHAPTER OF THE COLLEGE REPUBLICANS AT SOUTHERN UNIVERSITY

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. VITTER. Mr. Speaker, I rise today to honor a new organization on the Southern University campus. A new chapter of the College Republicans has been created at this Historically Black University in Baton Rouge, Louisiana. This is a welcome event for all Louisiana Republicans.

My heartfelt congratulations are extended to all of the members of the Southern University College Republicans, and especially club president Gene Tinner, for their hard work in founding this new organization. I am confident that this chapter will earn respect on the Southern Campus and throughout Louisiana, and become a valuable addition to the state Republican Party. I am honored to share this affiliation with such a bright group of young Louisianians from one of our great educational institutions.

My best wishes go forth to this new group for their vision and leadership, and to the Southern University campus for their support.

100TH ANNIVERSARY OF TRAVELERS PROPERTY CASUALTY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. HART. Mr. Speaker, I am privileged to have the opportunity to pay tribute to a leading Insurance Provider that serves Western Pennsylvania. October 24, 2003 marks the 100th anniversary of Travelers Property Casualty, a leading provider of a broad range of insurance products.

Travelers Property Casualty, located in Pittsburgh since 1903, currently employs more than 225 individuals. Travelers provides a wide range of insurance products including workers compensation, integrated disability, property, liability specialty lines and broiler and machinery. The company is the third largest commercial lines insurer and has been rated the second largest writer of homeowners and auto insurance through independent agents.

I applaud Travelers Property Casualty for their long-standing dedication to serving the people of Western Pennsylvania and all of their insurance needs.

I ask all of my colleagues in the House of Representatives to join me in honoring this successful business for their 100 years of service.

TRIBUTE TO THE FRED C. FISCHER LIBRARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. MCCOTTER. Mr. Speaker, I rise today to pay tribute to the Fred C. Fischer Library of Belleville, Michigan, as it celebrates its 50th anniversary this year.

Serving the residents of Belleville, Sumpter Township, and Van Buren Township, the Fischer Library was built in 1953, when the public library outgrew its space at the J.C. Pullen Furniture store, and 3 other locations.

From 1953 until 1992 the Fred C. Fischer Library remained the quaint and homey 3,500 square foot library it was built to be. Meanwhile, the population of the area grew from 12,400 to over 35,000. The library became increasingly crowded and more bookshelves were needed to accommodate the growing collection.

Thanks to contributions from the Belleville Rotary Club's Charles B. Cozadd Foundation, the Simester estate, many smaller individual contributions, federal grants, and the commitment of the City of Belleville, Sumpter and Van Buren Townships, the Fischer Library was able to triple the size of the library, expand its catalog to include just about everything from books to DVDs, as well as offer public internet access, and events for patrons of all ages.

The Fred C. Fischer Library continues to live up to its mandate of "making the library an attractive place for all users, young people particularly."

Mr. Speaker, I hope my colleagues will join me in thanking the Fred C. Fischer Library for its outstanding service to the people of Michigan, and wish them well in the next 50 years.

A BILL TO CLARIFY THE TAX TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. HERGER. Mr. Speaker, I am introducing legislation today to ensure that burdensome regulation does not add unnecessarily to the cost of housing.

The need for this legislation is brought about because the Department of Treasury has issued regulations to provide guidance on the definition of contributions in aid of construction, so called CIAC, as enacted under the Small Business Job Protection Act of 1996. Despite the fact that Congress specifically removed language concerning "customer services fees" in its amendment in 1996, the Department added the language back into the proposed regulation specifying that such fees are not CIAC. They then defined the term very broadly to include service laterals, which traditionally and under the most common state law treatment would be considered CIAC.

Because state regulators require all of the costs of new connections to be paid up front, these regulations will force water and sewerage utilities to collect the federal tax from homeowners, builders, and small municipalities. Because they collect it up front, the utility is forced to "gross up" the tax by collecting a tax on the tax on the tax, resulting in an over 55 percent effective tax rate.

This bill will clarify prospectively that water and sewerage service laterals are included in the definition of contributions in aid of construction (CIAC). It clarifies current law by specifically stating that "customer service fees" are CIAC, but maintains current treatment of service charges for stopping and starting service (not CIAC).

Mr. MATSUI and Mrs. JOHNSON along with many of our colleagues here in the chamber, worked hard over the course of a number of years to restore the pre-1986 Act tax treatment for water and sewage CIAC. In 1996, we succeeded in passing legislation. It was identical to pre-1986 law with three exceptions. Two of the changes were made in response to a Treasury Department request. The third removed the language dealing with "service connection fees" primarily because of potential confusion resulting from the ambiguity of the term. The sponsors of the legislation were concerned that the IRS would use this ambiguity to exclude a portion of what the state regulators consider CIAC.

As part of our efforts, we developed a revenue raiser in cooperation with the industry to make up any revenue loss due to our legislation, including the three changes. This revenue raiser extended the life, and changed the method, for depreciating water utility property from 20-year accelerated to 25-year straight-line depreciation. As a consequence of this sacrifice by the industry, our CIAC change made a net $274 million contribution toward deficit reduction.

What is most important to keep in mind is that this unnecessary tax of over 55 percent is passed directly on to homeowners and local governments. I urge my colleagues to join with us in sponsoring this important legislation in order to ensure that American homeowners do not face further burdens.

FEDERAL EMPLOYEE STUDENT LOAN ASSISTANCE ACT

SPEECH OF

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. UPTON. Mr. Speaker, I commend my colleagues for this needed legislation, which ensures the federal government's deep commitment to a highly trained, diverse workforce. But we should go even further. In order to best maximize federal government resources, we should encourage competition in all aspects of the student loan program, including consolidation loans.

In order to instill such competition, we will need to make sure that during the reauthorization of the Higher Education Act, which is currently moving through the Education and the Workforce Committee, we repeal the single holder rule. I want to thank Chairman

BOEHNER and Congressman MCKEON, for their efforts to keep college costs under control during consideration of this important legislation. It will be part of my commitment to them as well as Federal agencies, students and families everywhere that they can have the benefit of competition from the more than one thousand qualified lenders in the program when they consolidate their loans and, thus, allow them to take advantage of historically low fixed interest rates.

A TRIBUTE TO REV. ROBERT M. WATERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Rev. Robert M. Waterman for his devout commitment to his congregation and dedication to his community.

Rev. Robert M. Waterman, the son of a Pentecostal preacher, was born in Brooklyn, New York. As a young man, he was reared in Hemingway, South Carolina, and steeped in both the Pentecostal and Baptist traditions.

In 1985, he was licensed to preach by Abundant Life Tabernacle. Rev. Waterman also served as the Associate Pastor and Youth Pastor at Union Baptist Church in White Plains, New York under the pastoral guidance of Reverends Robert L. Mason and Verlin D. Williams. He began his work at Antioch on November 4, 2001, and was officially installed as the church's reverend in May of 2003. During this time, Reverend Waterman graduated from the New York Theological Seminary with a Master of Divinity.

Rev. Waterman has brought many talents to Antioch including a youthful exuberance, a commitment to getting the job done, and a quiet yet ebullient spirituality. With his leadership, new seats and carpet have been installed in the balcony, an after school homework program was created, the Wednesday night bible study was revived, and a large influx of new worshippers have come to the church. Since his installation, Reverend Waterman has worked closely with the youth ministry, forming Teens United for Fellowship (TUFF). He has also established leadership classes and retreats, reinstituted the Christian education department, spearheaded the purchase of a state-of-the-art sound system in the sanctuary, and revived the Antioch Community Service program for youth and seniors. He has also been instrumental in the building fund for the elevator project.

Spiritually, Reverend Waterman is known as "The Preacher of Thunder" as he encourages his congregation to know God so that hearts, and thereby lives, can be changed. His commitment to Antioch is demonstrated by his relocation to the Bedford-Stuyvesant community.

As Antioch Baptist Church celebrates its 85th anniversary, the church is stronger than ever with the guidance and leadership of Reverend Waterman.

Mr. Speaker, in a short time, Rev. Robert M. Waterman has already made a positive difference in the lives of the Antioch Baptist Church congregation and the Bedford-Stuyvesant community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

RECOGNIZING MATTHEW FISH FOR ACHIEVING THE AWARD OF GOLD MEDAL OF ACHIEVEMENT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Fish, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers of Northern Missouri and in earning the most prestigious award, the Gold Medal of Achievement.

Matthew has been very active with his troop, participating in many scout activities. Over the 10 years Matthew has been involved with the Rangers, he has held numerous leadership positions, serving as Patrol Guide and Senior Patrol Guide. He also was involved in Frontiersmen Camping Fellowship, Fine Arts Youth Department, and elected as National Scout.

Mr. Speaker, I proudly ask you to join me in commending Matthew Fish for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of Gold Medal of Achievement.

HONORING THOMAS J. SERRA ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join in paying tribute to one of Connecticut's finest school administrators and community activists. People like Thomas Serra are what make our communities strong. From his important work educating the young people of Middletown for the past 30 years to his involvement in many other settings, he has dedicated his life to public service.

I often speak of our Nation's need for talented, creative, enthusiastic teachers who are ready to help our children learn and grow. Tom Serra is just that kind of educator. Throughout his career, he has touched the lives of thousands of children—ensuring that they had the skills and tools necessary to be successful in their adult lives. Tom began as an English instructor at Vinal Technical High School where he would later take on the role of athletic coordinator. Fourteen years ago, Tom moved into administration becoming the school's assistant director and for the last six years, he has been leading Vinal as the Director.

Public education is the cornerstone of the American dream, leveling the playing field and providing every child with the opportunity to make the most of his or her talents. It is talented professionals like Tom who truly shape the leaders of tomorrow. He is dedicated to the positive development of not only our children's intellect, but their character development as well. In speaking to Tom, his remarkable commitment and dedication to his students and Vinal is undeniable and I am sure his presence will be missed.

As a lifelong resident of Middletown, Tom is deeply involved in the life of his community. In serving one term as Mayor, actively participating on the Democratic Town Committee, the City Council, the Police Commission, as well as a myriad of other municipal committees and local service organizations, he has become one of Middletown's most respected and highly-regarded leaders. I am confident that even in his retirement he will remain a strong and vocal advocate for Middletown and its residents.

Today, as Tom celebrates his retirement, I would like to express my deepest thanks and appreciation for his tireless efforts on behalf of the City of Middletown. He is a leader who is second to none, and his talent and commitment have enriched our lives. It is with great pleasure that I join his wife, Maryann; his children, Jason and Christopher; as well as the many family, friends, and community members who have gathered this evening to wish Tom many more years of health and happiness.

HONORING ST. BARNABUS EPISCOPAL SCHOOL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of St. Barnabas Episcopal School in Deland, Florida for the accomplishment of being chosen as a "National No Child Left Behind Blue Ribbon School of Excellence." St. Barnabas has been an exceptional example of how the "No Child Left Behind" program ensures that every child learns, and that no child will ever be forgotten.

Since its conception in 1982, by the United States Secretary of Education under President Reagan, the Blue Ribbon School of Excellence has identified public and private schools throughout the country that exhibit extraordinary teaching and learning techniques. The Blue Ribbon award is given to a school in recognition of exemplary performance in the fields of both education and community service. This year, the United States Department of Education recognized 176 public and 47 private schools as Blue Ribbon Schools. St. Barnabas was the only Episcopal School to be recognized for this award this year. In order to be recognized as a National Blue Ribbon School, an intense, research-based list of criteria must be met. A Blue Ribbon School must excel in all areas of academic leadership, teaching, faculty and parent involvement, student achievement levels, as well as safety and discipline levels. With standardized test scores constantly in the top 10 percent of the nation, St. Barnabas qualified by submitting their application for the National Blue Ribbon.

Founded in 1971, St. Barnabas is also accredited by the Florida Council of Independent Schools. The school has an enrollment of 344 students ranging from Pre-Kindergarten to 8th Grade. What makes St. Barnabas excellent is the school's drive for excellence both in and out of the classroom by stressing the growth of the student's character as well as intellect. The school focuses on academic excellence, as well as sound moral values and high self esteem. As an Episcopal School, St. Barnabas also stresses a strong relationship with God and the community in order to build well-rounded students and citizens.

On a more personal note, my grandmother, Nora Walker, was a principal, so education runs in my family. I understand the difficulties of teaching and raising young children, especially in today's society. That is why I firmly believe in the President's "No Child Left Behind" plan for education and believe it is the best course of action for our nation's schools. I am very pleased to see St. Barnabas Episcopal School following the President's plan in becoming a "No Child Left Behind Blue Ribbon School of Excellence."

Mr. Speaker, St. Barnabas should be an inspiration to us all and I am honored to recognize them today in front of the entire Congress as pillars of the community as well as leaders in the field of education.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. SCHAKOWSKY. Mr. Speaker, on rollcall no. 570, Basic Pilot Extension Act of 2003, had I been present, I would have voted "nay."

A TRIBUTE TO DR WALDABA H. STEWART, JR., PH.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Waldaba H. Stewart, Jr. for his commitment to public service and active involvement in New York's civic affairs for more than 40 years.

While Dr. Waldaba H. Stewart, Jr. is a native of Panama, he has been a vital asset to the Brooklyn community for more than four decades. Starting with the Unity Democratic Club in 1960, he worked as an Election District Captain and Campaign Manager for the late Thomas R. Fortune, Executive Member. Dr. Stewart was a diligent member of the Unity Democratic Club advising and supporting in all political elections.

In 1968, he began his own political career as a successful candidate for State Senate, where he served for four years. From 1968–1969, he served as Statewide Chairman of the NAACP Political Action and Voter Registration Committee. He was also one of the founding members of the Board of Directors of the Commerce, Labor, and County of Kings Corporation that converted the Brooklyn Navy Yard into an industrial park. Additionally, Dr. Stewart was a member of the New York State Governor Mario Cuomo's Advisory Committee on Black Affairs and a New York State delegate to President Jimmy Carter's White House Conference on Small Business.

Dr. Stewart has been very active in ensuring a strong future for Kings County Hospital. From 1984–1990, Dr. Stewart served as chairperson of the Community Advisory Board of Kings County Hospital and a member of the Medical Board. In 1984, he began a campaign for the rebuilding and modernization of Kings County Hospital, resulting in the current rebuilding program of more than $100 million, which was completed in 2002. In the community, Dr. Stewart has also served as the Chairperson of the Program Development Committee of the Community Advisory Board from 1980–1984, and 1991–1998.

Currently, Dr. Stewart is the director of the Southern Diaspora Research and Development Center (SDRDC), which is a non-governmental organization. The executive members, officers and all of the members of Unity Democratic Club salute Dr. Waldaba Stewart for his enduring and strong support.

Mr. Speaker, in a short time, Dr. Waldaba H. Stewart, Jr. has been a dedicated public servant for more than 40 years, demonstrating a real commitment to the community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

RECOGNIZING ANDREW STAFFORD FOR ACHIEVING THE AWARD OF GOLD MEDAL OF ACHIEVEMENT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Stafford, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers of Northern Missouri and in earning the most prestigious award, the Gold Medal of Achievement.

Andrew has been very active with his troop, participating in many scout activities. Over the 11 years Andrew has been involved with the Rangers, he has held numerous leadership positions, serving as Patrol Guide and Senior Patrol Guide. He also was involved in Frontiersmen Camping Fellowship and Fine Arts Youth Department.

Mr. Speaker, I proudly ask you to join me in commending Andrew Stafford for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of Gold Medal of Achievement.

HONORING THE HONORABLE GUIDO CALABRESI AS HE IS HONORED WITH THE CHARLES A. RAPALLO AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. DELAURO. Mr. Speaker, It is with great pride that I rise today to join the Columbian Lawyers Association in paying tribute to one of the New Haven community's most outstanding citizens, and my dear friend, the Honorable Guido Calabresi. In recognition of his contributions, Judge Calabresi will be honored with the thirty-eighth annual Charles A. Rapallo Award.

The first Italian-American appointed to the New York State Court of Appeals, Charles A. Rapallo has served as an example to many young law professionals. Each year, the Columbian Lawyers Association, a professional organization of Italian-American attorneys, honors an individual who has demonstrated a unique commitment to the field of law. Though he has been recognized with a myriad of honorary degrees, awards, and commendations—both in the United States and abroad—the Charles A. Rapallo Award is a true reflection of the many invaluable contributions Guido has made to the judiciary and the bench.

Born in Milan, Italy, Judge Calabresi has become one of New Haven's most respected scholars in the field of Law. Graduating from Yale University, Oxford University, and Yale Law School, where he was first in his class, his impressive career has spanned nearly half a century. From clerking for United States Supreme Court Justice Hugo Black, to serving as Dean and Sterling Professor at Yale Law School, to his judicial appointment to the United States Court of Appeals—his has been a career that will leave a legacy which is sure to inspire generations to come. He has lived the American Dream.

Throughout his life, Judge Calabresi has also demonstrated a unique commitment to his community. As a professor, he continues to touch the lives of hundreds. Though appointed to the United States Appeals Court nearly a decade ago, Judge Calabresi continues to serve as a member of the faculty of Yale Law School as Sterling Professor Emeritus and Professional Lecturer. Those he has trained will go on to teach others, for his is not just a legacy of books and articles but of ideas and inspiration.

I have known Judge Calabresi for many years and consider myself fortunate to call him my friend. It is with great pleasure that I stand today to join his wife, Anne, family, friends, and colleagues in extending my congratulations to Judge Guido Calabresi on this very special occasion. Friend, teacher, public servant—he has left an indelible mark on this community and we have been fortunate to benefit from his brilliance and unparalleled generosity.

HONORING LESLIE AND RITA GORENFLO, 2002 ANGELS IN ADOPTION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. SHAW. Mr. Speaker, I rise today to recognize Leslie and Rita Gorenflo, my 2002 Angels in Adoption.

Every year the Congressional Coalition on Adoption asks Members of Congress for an honoree(s) from their congressional district that has made a remarkable difference in the area of adoption. Last year the Children's Home Society of Florida informed me of a very special family in Palm Beach County, the Gorenflos.

Mr. Speaker, Leslie and Rita Gorenflo have blessed the lives of six children who they have adopted. All of the children in their home have special needs, most of them medical. Rita is a registered nurse, but no longer works outside the home because she practices her nursing skills with her children. Along with giving out medication, administering tube feedings and breathing treatments, Rita hands out much love and encouragement. Les works long and hard so that Rita can stay at home to care for the children and be their advocate.

Not only is Rita a wonderful advocate for her children, she is always the first to volunteer to speak publicly to share her story and encourage others to adopt. It is not unusual to see this family's picture in the newspaper, or on television, telling the world what an honor and privilege it is to be an adoptive parent. The smiles on the faces of the children tell how blessed they are to be members of this loving family.

Mr. Speaker, November is National Adoption Month, and as our nation honors both adoptive parents and children, we salute those who have made a loving family environment for so many children. I am honored to have this wonderful family as constituents in my congressional district and I am proud to recognize them as Angels in Adoption.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. SCHAKOWSKY. Mr. Speaker, on rollcall No. 569, rule to recommit the Conference Report on H.R. 2215, rollcall No. 571, Markey motion to Instruct Conferees on H.R. 6, rollcall No. 572, Woolsey Motion to Instruct Conferees on H.R. 1308, rollcall No. 5731, Brown (OH) Motion to Instruct Conferees on H.R. 1, had I been present, I would have voted "yea."

A TRIBUTE TO RAUL KING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. TOWNS. Mr. Speaker, I rise to honor Raul King for his success in the realty business, which has earned him the Thomas R. Fortune Business Award.

Raul King was born on March 17, 1946 in the Dominican Republic. The son of Rosa and Pedro King, and the second of five children, Raul came from modest and humble beginnings. At an early age, Raul learned the value of hard work.

He worked as a boiler mechanic on a locomotive train that would cross the town of Sanchez where he lived. In the summer of 1963, at the age of 17, Raul enlisted into the navy, earning the rank of Officer Petty Class.

In 1970, Raul made his first trip to the United States, where he arrived in New York. Once in New York he worked as a mechanic and obtained his G.E.D. at Bushwick High School.

In 1981, Raul got involved in real estate investments and through perseverance and trial and error, he became a promising real estate salesperson. By 1990, Raul obtained his license in real estate and became a licensed Realty Broker.

For the past decade, Raul has shown a passion for the realty business and he has no plans to retire.

Raul and his wife Beebis King have been married for 23 years. They now have four children and five grandchildren.

Mr. Speaker, from humble beginnings, Raul King has come to this country and has become a successful realtor through hard work and dedication. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

RECOGNIZING JASON BREWER FOR ACHIEVING THE AWARD OF GOLD MEDAL OF ACHIEVEMENT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jason Brewer, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers of Northern Missouri and in earning the most prestigious award, the Gold Medal of Achievement.

Jason has been very active with his troop, participating in many scout activities. Over the eleven years Jason has been involved with the Rangers, he has held numerous leadership positions, serving as Patrol Guide and Senior Patrol Guide. He also was involved in Frontiersmen Camping Fellowship.

Mr. Speaker, I proudly ask you to join me in commending Jason Brewer for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of Gold Medal of Achievement.

HONORING THE CLIFFORD W. BEERS GUIDANCE CLINIC ON THEIR 90TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join with staff, clients, and the Greater New Haven community in celebrating the 90th Anniversary of the Clifford W. Beers Guidance Clinic of New Haven, Connecticut. This is a milestone for a special organization.

"A pen rather than a lance has been my weapon of offense and defense; for with its point I have felt sure that I should one day prick the civic conscience into a compassionate activity, and thus bring into a neglected field earnest men and women who should act as champions for those afflicted thousands least able to fight for themselves." This passage, taken from Clifford W. Beers' A Mind That Found Itself, has and continues to be the guiding principle of the clinic and its staff. Since its inception in 1913, the clinic has strived to address the critical needs of the mentally ill and has expanded its mission to assist children and families who face such crises as violence, teenage suicide, drug use, homelessness, physical and sexual abuse, and the impact of AIDS on children.

Clifford Whittingham Beers, one of the first mental health advocates in America, founded the clinic as a compassionate alternative to early psychiatric institutions where the mentally ill were treated. His own battle with mental illness inspired Beers to the belief that those suffering from "diseases of the mind" would have the best chance to become healthy and productive if they received treatment and understanding in their own communities. His work and unparalleled advocacy changed the face of American psychiatry.

Today, the clinic, working with local agencies and organizations, is able to provide a multitude of programs to those most in need. The partnerships they have established allow them to provide comprehensive services to their clients—making a real difference in the lives of thousands of children and families. Just recently, I had the opportunity to visit the Clifford Beers Clinic and was touched by the story of a man whose children received care at the clinic. The pure gratitude that this man expressed to the clinic and its staff for being there for him and his family is indescribable. In building upon the vision of Clifford Beers, the clinic has been able to provide one of life's most precious gifts—hope.

Through its gift of hope, the Clifford Beers Clinic has left an indelible mark on our community and the thousands of lives they have touched. For its many invaluable contributions to our community and for all of their work on behalf of our children and families, I am proud to stand today and extend my sincere congratulations to the Clifford W. Beers Guidance Clinic on their 90th Anniversary.

IN HONOR OF BILL AND TRICIA MANNING—THE 2003 ANGELS OF ADOPTION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. SHAW. Mr. Speaker, I rise today to recognize Bill and Tricia Manning, my 2003 Angels of Adoption.

Every year the Congressional Coalition on Adoption asks Members of Congress for an honoree(s) from their district who has made a remarkable difference in adoption. This year, Place of Hope, located in Palm Beach Gardens, Florida, made me aware of a very special family in Palm Beach County, the Mannings.

Bill and Tricia Manning have been members of Place of Hope for many years. Place of Hope is a family-style community that fosters children in group homes. The Mannings caught the vision and began helping even prior to the arrival of foster children into Place of Hope's unique campus and family cottages.

Tricia is employed at Place of Hope as a Relief Cottage Parent, providing consistent weekly relief care at the Brett Harris Weinstein Family Cottage for six foster girls. She also owns her own business, and is a certified MAPP trainer for foster and adoptive families. Although her husband Bill works full-time, he also recently completed a Masters Degree and volunteers countless hours, along with their two children, at Place of Hope supporting Tricia and the efforts of Place of Hope.

When the Mannings started working with Place of Hope, they had already adopted a boy from Romania. In addition, the Mannings were foster/adoptive parents in the state of Florida. They later adopted another boy through the public child welfare system.

Bill and Tricia are always there for children in need. They continue to provide foster care, currently for two more beautiful children in need. They have hearts for children and it shows through their dedication and commitment to them. Bill and Tricia make a great team and provide a wonderful balance for each other. Bill and Tricia Manning are very appreciated for all that they do each day for hurting children within our South Florida community.

Mr. Speaker, as we recognize the month of November as National Adoption Month, I am honored to have this wonderful family as constituents in my congressional district. It gives me great privilege to nominate them as Angels of Adoption.

A TRIBUTE TO HARRY T. PINCHBACK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Harry T. Pinchback for his long-time public service and commitment to the Brooklyn community.

A descendant of P.B.S. Pinchback, the first African American to become a state governor, Harry T. Pinchback was born and raised in the Bedford-Stuyvesant neighborhood of Brooklyn. In his late teens, he moved to the Brownsville section of Brooklyn. He and his wife Peggy have been married for 45 years, and they have a daughter Angela and a grandson named Paris.

"Pinch," as he is universally known throughout Brooklyn, graduated from Alexander Hamilton High School in Brooklyn and would later attend John Jay College of Criminal Justice for two years.

Before entering public service, Pinch first pursued a career as a professional singer and then as a professional baseball player, where he played left field for the St. Louis Cardinal minor league organization.

Back in Brooklyn, Pinch joined the New York City Police Department (NYPD) in 1967. He was the first supervisor of the summer youth program for the 75th Precinct in Brooklyn, which took children on recreational and educational field trips. He was also the first supervisor of the cadet program for the 75th Precinct, which was a training program for those who wanted to enter the police force. Pinch was also the first coordinator of the school crossing guard program for the 75th Precinct.

Additionally, he risked his life on the force in several dangerous situations, working on the narcotics unit in Brooklyn and on undercover assignments throughout New York City.

Pinch was also the first African-American selected to the NYPD softball team and one of the first African-Americans selected to the NYPD football team.

After retiring from the NYPD in 1988, he returned to public service, working as a Special Assistant for Congressman Ed Towns, where he still continues to serve.

Mr. Speaker, Harry T. Pinchback has had a long and distinguished career serving the people of Brooklyn, first as a police officer and then in the Office of Congressman Ed Towns. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

RECOGNIZING KARL CULLEN FOR ACHIEVING THE AWARD OF GOLD MEDAL OF ACHIEVEMENT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Karl Cullen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers of Northern Missouri and in earning the most prestigious award, the Gold Medal of Achievement.

Karl has been very active with his troop, participating in many scout activities. Over the 10 years Karl has been involved with the Rangers, he has held numerous leadership positions, serving as Patrol Guide and Senior Patrol Guide. He also was involved in Frontiersmen Camping Fellowship and Fine Arts Department Youth at the National Level.

Mr. Speaker, I proudly ask you to join me in commending Karl Cullen for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of Gold Medal of Achievement.

A TRIBUTE TO REV. RICHARD A. HATCHER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Rev. Richard A. Hatcher for his exemplary and distinguished service to his congregation, which has earned him the Thomas R. Fortune Pastor of the Year Award.

Rev. Hatcher was born in Slab Fork, West Virginia to the late Letcher and Eva Hatcher. In 1959, he moved to New York City where he met Susie Clarke, who after an extensive courtship would later become his wife. Their union resulted in three children, Kecia, Nicole and Richard Hatcher, Jr.

While devoutly serving in Christian fellowship at the Mount Pleasant Baptist Church, Rev. Hatcher received the calling to God's ministry. After intensive studies at the Manhattan Bible Institute, he became a licensed minister. Shortly thereafter, Rev. Hatcher was ordained. He furthered his education, earning a Bachelor of Arts degree from the College of New Rochelle.

Rev. Hatcher pastored at Bethenia Baptist Church for 15 years. Through his leadership and with God's blessings, the church was able to acquire adjoining property which led to the expansion and renovation of the church, including the installation of new pews, purchasing a new piano, construction of new office space, and creating a learning room for the youth and a room solely designed for prayer. The renovation also included a complete face-lift of the main sanctuary. Weekly bible study and the "Hour of Power" prayer service were instituted to further serve as a spiritual base for Bethenia's members.

Although the loss of his beloved wife, Susie, was devastating, it did not weaken his faith or commitment to his calling. On July 9, 2000, Rev. Hatcher preached his initial sermon as Pastor-Elect of Bethesda Memorial Baptist Church. Although it has been only three years, Rev. Hatcher has proved to be a spiritual leader, teacher and motivator. His accomplishments are already numerous. They include getting the day care functioning again, installing a bathroom in the daycare, enlarging the pastor's office, opening a trustee room, and establishing a music room. Marble floors have been installed in the lobby and several of the church's windows have been replaced and upgraded. The Rev. Hatcher also started a Food for Survival and Food Bank Program as well as a soup kitchen, which feeds up to 150 people.

Mr. Speaker, Rev. Richard A. Hatcher has been an exemplary pastor to his congregation, serving as a spiritual leader and teacher for the community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

RECOGNIZING MICHAEL KINCHELO FOR ACHIEVING THE AWARD OF GOLD MEDAL OF ACHIEVEMENT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Michael Kinchelo, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers of Northern Missouri and in earning the most prestigious award, the Gold Medal of Achievement.

Michael has been very active with his troop, participating in many scout activities. Over the eleven years Michael has been involved with the Rangers, he has held numerous leadership positions, serving as Patrol Guide and Senior Patrol Guide. He also was involved in Frontiersmen Camping Fellowship.

Mr. Speaker, I proudly ask you to join me in commending Michael Kinchelo for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of Gold Medal of Achievement.

A TRIBUTE TO LENA SCARBOROUGH-GATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Lena Scarborough-Gates for her commitment to the education of our children.

Lena Scarborough-Gates was born in Brooklyn, New York. She attended Brooklyn College where she received her Bachelor's of Arts Degree and Master's of Arts Degree, both in Early Childhood Education. She was accepted into the Assistant Principal's Internship program, sponsored by the Department of Education where she was awarded four supervisory licenses, Principal, Assistant Principal, Education Administrator and Early Childhood Supervisor. She began work on her doctorate degree at New York University.

Lena started her teaching career at the Emanuel Day Care Kindergarten at Emanuel Baptist Church. She then moved on to become Group Teacher at the Faith Hope and Charity #1. After a few years at Faith Hope and Charity #1, she began her career at the New York City Department of Education, Community School 21 as a kindergarten teacher. At Community School 21, she also served as a first grade teacher, Community School Coordinator and staff developer.

She furthered her professional career by moving to Public School 5 as an Assistant Principal. Later, she would become Principal of Public School 5.

Lena is a member of the Antioch Baptist Church where she serves as the chairperson of the Board of Trustees and as a member of the Antioch Music Ministry. She is a member of the Antioch Community Service Corporation and founder of Caring Educators in Action. She is also a member of the Stuy Park Lion's Club International.

Lena is a member of the Ebony Ecumenical Ensemble, which has afforded her to travel throughout the country. The Ebony Ecumenical sings as one of its featured songs, a song written by Dr. James A. Forbes, senior minister of the Riverside Church called "Love My Children." Lena, who has a passion for children, says that this song is a tribute to children everywhere.

Lena is married to James Gates and that union has been blessed with twin sons, Jaime Derrell and Jarrarie Darryl.

Mr. Speaker, Lena Scarborough-Gates has dedicated her professional career to educating our children. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

SPEECH OF

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. CANTOR. Madam Speaker, today I rise in support of H. Res. 409—Repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive, sponsored by my good friend Representative Roy Blunt.

Prime Minister Mahathir Mohamad has repeatedly crossed the line voicing offensive and inappropriate criticism of Jews. Instead of speaking about fighting terrorism or furthering peaceful cooperation, he chooses to preach hate. Mahathir's verbal attacks on Jews lent credence and legitimacy to the hateful message of terrorists.

Today the Congress will do the right thing by condemning Mahathir's remarks and by making military aid to Malaysia conditional on religious freedom, including greater tolerance of Jews.

Malaysian Foreign Minister Syed Hamid Albar this afternoon complained that the religious freedom vote was an example of the United States trying to "discipline the world in their own mold."

To the Malaysian Foreign Minister, I respond, you are absolutely correct. In America a person is not judged because of who they worship and they are not persecuted by the government for believing in the wrong God. For over 200 years America has been a beacon of hope and freedom for the rest of the world. We have stood the test of time; defending the rights of the individual to pursue happiness as they choose. America has an obligation to aid nations that further peace through tolerance and freedom, Malaysia needs to understand that.

Europe and The Organization of the Islamic Conference needs to issue a strong and real renunciation of Prime Minister Mahathir's remarks. The renunciation of these hateful comments would do more to create a safe and secure world than all the hate-filled rhetoric ever will.

TRIBUTE TO DICK AND DORIS ALAIMO

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Dick and Doris Alaimo, who have been chosen as this year's recipients of the Lloyd Ritter Community Service Award given by the Volunteer Center of Burlington County, NJ.

Dick and Doris are well-known throughout southern New Jersey for their outstanding history of community service and involvement in local organizations, and have been personal friends for many, many years, during which time we have worked together on many projects for the benefit of our community.

The Alaimos work in tandem with Memorial Hospital of Burlington County's Foundation, the Burlington County Chapter of the Boy Scouts of America and the Rancocas Valley Education Foundation. They also serve on the committee for Mount Holly Pro Day, an event which brings illustrious sports figures such as Mount Holly native Franco Harris into the limelight in effort to raise funds for local children in need, a cornerstone of much of their work through the years.

Successful in careers, business, and in life, Dick and Doris Alaimo have generously shared their success, time, money, energy and most importantly, care and concern with the community, always striving to make our hometown a better place to live and work.

It is for these reasons they have been selected to receive this prestigious award, and for these reasons I pay tribute to them today. May their legacy of volunteerism continue through their children, grandchildren, and the community they so love.

A FAIR FIGHT IN THE PHILIPPINES

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. FEENEY. Mr. Speaker, this Member commends to his colleagues the October 18, 2003, New York Times op-ed by Brett Decker titled "A Fair Fight in the Philippines." I particularly note that American aid to the Philippine military has wound up on the black market or in the hands of Islamic radicals. America can't pursue its War on Terrorism by practicing the old ways of doing business.

[From the New York Times, Oct. 18, 2003]

A FAIR FIGHT IN THE PHILIPPINES

(By Brett M. Decker)

President Bush is in Manila today to visit his ally in the war against terror, President

Gloria Macapagal Arroyo of the Philippines. Mr. Bush has already announced some $340 million in aid to the Philippines this year, and President Arroyo has said she plans to request additional military assistance to fight terrorism. There's only one problem with this alliance:

American aid hasn't improved the Philippine military so far, and in many ways it has benefited the Islamic militants it seeks to combat.

In August, Gen. Narciso Abaya, chief of the Philippine armed forces, made an alarming statement about the condition of his military: "I admit there is graft and corruption at all levels." A significant share of the military budget is lost to graft. Selling military hardware on the black market is another common practice. Recent raids of bases of the separatist Moro Islamic Liberation Front have turned up caches of arms with Philippine military markings.

Even American assistance is siphoned away. Testimony before the Philippine Congress in the past several months revealed that American M-16's provided to the Philippine armed forces have been recovered in camps belonging to Abu Sayyaf, a band of guerrillas and kidnappers. Assault rifles, grenade launchers and other American arms have been used by Muslim radicals against Philippine troops—the very troops United States funds are supposed to assist.

American aid to help fight Islamic radicals is often offset by bribes soldiers take from terrorists to let them get away. Operatives affiliated with Al Qaeda have escaped from maximum-security military prisons, once using a helicopter.

If Washington and Manila are serious about eliminating Abu Sayyaf, the United States Special Forces should be given the assignment. The terrorist group consists of about 100 poorly trained amateurs. They would be no match for American soldiers already in the Philippines, but they are still eluding Filipino troops.

The Philippine Constitution does not allow foreign troops to wage combat missions on Filipino soil. It does, however, allow the United States to come to the defense of the Philippines if the islands are attacked. Such an action can be justified in the present case because the terrorist groups get foreign money.

The mission could win support on Capitol Hill because the situation in the Philippines is precisely what the one in Iraq is not: there is a known enemy of limited ability and numbers on a few small, isolated islands with scant local support. There is minimal risk of escalation because the country is only about 5 percent Muslim. Perhaps more important, fellow Filipino Muslims do not support Abu Sayyaf. Separatist Moros view them as a for-profit gang of thugs rather than a religious movement to defend Islam. The provincial governor of the Autonomous Region of Muslim Mindanao ordered his security force to cooperate in the hunt for Abu Sayyaf.

Unless the integrity of arms transfers to the Philippine military can be guaranteed, which is not likely, the United States should consider cutting off military aid to the Philippines and replacing it with economic support to help develop the poor Muslim islands in the south.

There has been some success in winning local "hearts and minds" already.

After building a few roads, bridges, sewers and wells last year, American soldiers were cheered by appreciative Muslims as the troops pulled out of Mindanao. More aid for infrastructure could go a long way to soothing centuries of resentment derived from being shut out of the national economy.

A reorientation of American aid would have the added benefit of helping bolster Philippine democracy. The military has instigated coups in every administration except one since 1965. Withholding support from the Philippine brass sends the message that Washington—the nation's most important ally—expects the military to keep its hands off the civilian institutions of government.

The White House should carefully assess what course will best help stabilize one of its most reliable allies in Asia. Despite the inevitable complications, the Philippines is worthy of American assistance.

IN HONOR OF THE SILICON VALLEY MANUFACTURING GROUP'S 25TH ANNIVERSARY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. LOFGREN. Mr. Speaker, my colleagues, Representative ESHOO and Representative HONDA and I rise to honor the Silicon Valley Manufacturing Group on its 25th anniversary, an organization that has effectively advocated on behalf of the residents and businesses of California's Silicon Valley.

The Silicon Valley Manufacturing Group was founded by David Packard, who during the summer of 1977, asked a number of his fellow Silicon Valley CEOs to join him in building an organization that would create a proactive voice for Silicon Valley businesses. The formation in 1978 of the Manufacturing Group was the result of those discussions. The 33 charter members believed that business should work with the community and government to find innovative solutions to the challenges that faced their employees, including energy, transportation, education, and housing.

Today, the Manufacturing Group represents a variety of Silicon Valley businesses from software and manufacturing companies, to health care and education organizations. The 190 member-companies of the Manufacturing Group represent over 200,000 employees in the Silicon Valley.

During the quarter century since it was first founded, the Manufacturing Group has had a tremendous impact on the quality of life in Silicon Valley. They've brought leaders together to discuss the critical issues of our time and create solutions to these challenges. They've been at the forefront of the creation of affordable housing, improving and increasing transportation options, and being key players in addressing California's energy concerns. Today, member-companies do their part by conserving through increased efficiency, and working with regulators and energy companies to find solutions to the State's energy problems.

The Manufacturing Group was a key force in the creation of the Housing Trust of Santa Clara County and played a major role in the Trust being able to raise over $20 million in its first 2 years. This funding, raised during a time when corporate donations began to wane, is an extraordinary achievement, producing housing for first-time home buyers and stands as a model in our country. With the Manufacturing Group's leadership, the Housing Trust will return the investment ten-fold and assist families to realize their dream of homeownership.

The Manufacturing Group's track record on public transportation projects in the Valley has been extraordinary. Their first major initiative was in 1984 when they launched the effort to win the approval of improvements of Highways 85, 237 and 101. The project funded by the Measure A half-cent sales tax proposal was completed ahead of schedule and under budget, and most importantly it was accountable to the people who passed it. The Manufacturing Group went on to spearhead other critical transportation measures in 1992, 1996, 2000 and 2002, all of which were successful, even after the law required a two-thirds voter approval.

With the outstanding leadership of Carl Guardino, the Manufacturing Group's President and CEO, annual forums are held to predict economic and infrastructure trends and the examination of what inhibits producing and keeping jobs in Silicon Valley.

Mr. Speaker, we are exceedingly proud of the work and the achievements of the Silicon Valley Manufacturing Group. The organization has been a catalyst for important change and because of its leadership, the quality of life and the vitality of businesses have been enhanced.

We ask our colleagues to join us in saluting the Silicon Valley Manufacturing Group on its 25th anniversary and the great achievements they have brought about, making Silicon Valley known and admired around the world and a source of pride to our entire nation.

HONORING JOHN CALVELLI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. ENGEL. Mr. Speaker, it is a pleasure for me to announce that my former Administrative Assistant, John Calvelli, is turning 40. It is hard to believe that the lanky kid I met when 19 is now older than Jack Benny always claimed to be. I guess it makes me realize that I am that much older too, although I constantly remind John that he has more grey hair than me.

I won my first primary election for Congress on September 15, 1988, the day John turned 25. I told him that evening "John, we're going to Washington together" and indeed we did. During those first months in Washington, we would sometimes walk outside, gaze at the Capitol dome and say to each other, "Do you believe we're really here?" I think that at 25, John was the youngest AA on the hill, but he rapidly turned into one of the most effective and well-liked staffers in Washington. Everybody got to know John. Even as a young person, he had what we in New York call the best "gift of gab" I ever heard. He always had that little extra something. He served as my AA for more than 11 years, and our working relationship and friendship during that time could not have been better. In fact, I often refer to John as the kid brother I never had.

During the course of my Congressional terms, John and I would often develop strategy for legislation, committee assignments, and many other things essential to a successful congressional career. We traveled cross country and overseas many times. Our first trip was probably one of the most memorable. It came that first summer in 1989, when I visited the three "I's" of New York City politics, Israel, Italy and Ireland, as well as Egypt. We came back from that trip with a picture of the Pope, stories about Egyptian fruit, grape leaves and the "Kinjedom" down in Luxor. John's complete fluency in Italian made him a great person to travel with. In fact, whenever we met Italian-speaking tour groups, in the many different countries we visited, nobody would believe that John was from New York and not from Italy.

I want to tell John that now that he is 40, one of the age categories in my newsletter this year will read, age 40 to 56, and in honor of his birthday we will talk about "Quattro formaggi" in Italian, "Political Party" in English, and the 40-hour work week being sacrosanct. I know that John's family is as proud of him as I am. His wife Maria and son John Domenico, as well as his parents Rose and John, and brother and sister-in-law Louis and Angela all share in his happiness on this special day.

John continues to remain active with many Italian American organizations, including NIAF and FIERI, a group in which he was one of the founders. John and Maria were married ten years ago at Fordham University, John's alma mater. John is an attorney by trade but since leaving my office he has been a Senior Vice President at the Wildlife Conservation Society also known as the Bronx Zoo. To this day in Washington I get many people asking me, how is John doing?

It is a pleasure to honor John as he turns 40, and whether his future lies in politics or elsewhere I am sure that the phrase "you ain't seen nothing yet" applies to my "kid brother" John Calvelli.

FULL FUNDING URGED FOR HELP AMERICA VOTE ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. LARSON of Connecticut. Mr. Speaker, today I rise to recognize a tremendous turning point in our country's voting rights history. One year ago today, the Help America Vote Act (HAVA), which was overwhelmingly passed with bi-partisan support, became a federal law.

The 2000 elections proved to be frustrating for both candidates and voters alike. Sadly, it highlighted issues in our voting system that needed improvement. Thanks to the leadership of the bill's sponsor, my House Administration colleague, Chairman BOB NEY, and the support of former Ranking Member STENY HOYER, we now have the foundation for a much more efficient voting system.

During the past year, this foundation has indeed started to take shape. As a result of HAVA, a program has been established to pay states to replace their punch card and lever voting machines. Last month, my home state of Connecticut unveiled a pilot project with four different types of electronic voting machines that will be used in eight towns next week on Election Day. This is a remarkable advancement for Connecticut voters, who have been using lever voting machines almost exclusively for over 50 years.

What makes HAVA so notable is that it is not solely about financial support. It takes into account the entire voting experience before, during, and after citizens enter polling places. HAVA educates voters on voting procedures as well as on their rights; makes polling places more accessible to people with disabilities; creates statewide voter registration databases that can be more effectively managed and updated; improves ballot review procedures, allowing voters to ensure that the ballots they cast are accurate; and creates provisional balloting systems to guarantee that no eligible voter is ever turned away at the polls.

On Monday, the Senate Rules Committee held a hearing to confirm the four Election Assistance Commissioners nominated by President Bush, who are responsible for implementing HAVA. One of the four nominees, Gracia Hillman was recommended by Democratic Leader NANCY PELOSI, and I wholeheartedly support the Leader's selection. Gracia Hillman, has effectively handled both domestic and international issues. Her areas of expertise include nonprofit management, public policy and program development, political services, the interests and rights of women and minorities; citizen participation in the development of public policy and community affairs; and elections related issues, including voting rights.

I believe we would be hard-pressed to find someone more dedicated than Ms. Hillman to strengthening the voices of all citizens, including those who are disabled. I hope that Ms. Hillman and the rest of the nominees are confirmed by the full Senate before they adjourn for the year.

I urge full funding of the Help American Vote Act to ensure that the 2004 elections do not repeat the trouble-plagued elections of 2000. The act of voting for our government representatives is a sacred right of all Americans. It is our duty, through HAVA, to inspire them to use that right. President Lyndon Johnson most succinctly stated this duty as he spoke to Congress on March 15, 1965, to implore them to pass the Voting Rights Act of 1965: "There is no duty which weighs more heavily on us than the duty we have to ensure that right (to vote)."

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, October 28, 2003, for official business. As a result, I was not recorded for rollcall votes No. 569, No. 570, No. 571, No. 572 and No. 573. Had I been present, I would have voted "aye" on rollcall No. 569, "aye" on No. 570 and no on rollcalls No. 571, No. 572 and No. 573.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. ISAKSON. Mr. Speaker, due to an illness yesterday I was unable to vote for the following rollcall votes and I have listed how I would have voted on them if I had been present.

Rollcall 569: "Yes;" rollcall 570: "yes;" rollcall 571: "no;" rollcall 572: "no;" and rollcall 573: "no."

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. McCOLLUM. Mr. Speaker, due to my participation in an International Relations Committee delegation to Iraq, I was unable to vote on rollcall 569 to 573. Had I been present, I would have voted the following:

On rollcall vote 569, the rule to recommit the Conference Report on H.R. 2115—the FAA Reauthorization Act, I would have voted "yes."

On rollcall vote 571, the Marked motion to instruct conferees on H.R. 6—the Energy conference report, I would have voted "yes."

On rollcall vote 572, the Woolsey motion to instruct conferees on H.R. 1308—the Tax Relief, Simplification and Equity Act, I would have voted "yes."

On rollcall vote 573, the Brown motion to instruct conferees on H.R. 1, the Medicare Prescription Drug bill, I would have voted "yes."

On rollcall vote 570, H.R. 2359—the Basic Pilot Extension Act of 2003, I would have voted "no."

The Basic Pilot Program currently enables participating employers in various industries to verify if employees are legally authorized to work in the United States. H.R. 2359 goes much further than a simple extension of the program.

In fact, this bill would enable states and local governments to use the databases to obtain citizenship and immigration status information on anyone—citizen or immigrant—for any purpose within their purview. This would expand the pilot program far beyond the context of employment and close to a national ID program with no privacy protections or safeguards against abuse by individuals within state and local governments.

This bill would also expand the availability of the program from just 6 states to all 50, without first addressing the many privacy and inaccuracy concerns in the current program. For example, the immigration databases used to verify work authorization are inaccurate and outdated. In some cases, workers with authorization have been fired because of incorrect data in the system. Moreover, some employers have inappropriately used the database to pre-screen employees, without providing an opportunity for the prospective employee to challenge the accuracy of the data.

Additionally, the House Judiciary Committee did not hold any hearings or mark-ups on the changes contained in H.R. 2359 despite the fact that this bill makes significant changes to existing law. For these reasons, I would have voted "no" on H.R. 2359, the Basic Pilot Extension Act of 2003.

I ask for unanimous consent that this be inserted into the RECORD.

25TH ANNIVERSARY OF NATIONS ASSOCIATION CHARITIES OF FORT MEYERS, FLORIDA

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. GOSS. Mr. Speaker, I rise today to recognize the 25th Anniversary of the Nations Association Charities of Fort Myers, Florida. This grass roots organization has been successfully meeting the needs of the poor and destitute in Southwest Florida, and for that we are grateful.

I have personally supported and followed the development of the Nations Association since its founding in 1978 by the Reverend Doctor Israel Suarez, his wife Ruth, and a small group of dedicated citizens. Israel and Ruth have unselfishly committed their lives to this labor of love, reaching out to the less fortunate in our area. They have touched hundreds of people with their kindness and caring, and they have inspired countless others to become involved in ministering to the poor.

The Nations Association provides emergency food, hundreds of hot holiday meals at Thanksgiving and Christmas for the homeless, free furniture for families in crisis, job placement services, Survival English classes, free immigration law services, and recreational activities for disadvantaged youth and many more services too numerous to name.

The Nations Association has touched the lives of over 11 thousand individuals with only a small paid staff and 144 volunteers who provide over 7000 hours of service annually to the community. In 1990 the Association was deservedly named the 276th Point of Light by President George H. W. Bush.

After 25 years, the Nations Association is going strong—its energies dedicated to making a real difference in the lives of hundreds of families and individuals everyday. I pay tribute today to the tremendous work of Israel and Ruth Suarez and the staff and volunteers of the Nations Association. Theirs is a shining example of the true American spirit of helping others.

TRIBUTE TO THE LATE CAPTAIN RICHARD C. YEEND, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to the service and sacrifice of Captain Richard C. Yeend, Jr. Capt. Yeend was serving as the co-pilot of an HH-3E, "Jolly Green Giant" helicopter sent to rescue a Marine pilot when the helicopter was shot down over Laos on June 9, 1968. Captain Yeend was listed as killed in action/body not recovered until his remains, along with the rest of the crew, were identified and returned home in September. He was buried September 28, 2003, thirty-five years after his helicopter was shot down.

Captain Yeend was raised in Mobile, Alabama, as the second of five children. He was a member of the Air Force ROTC at Auburn University and went on to flight school. After flying B–52s for several years, he volunteered for helicopter flight school as the Vietnam conflict escalated. Captain Yeend was deployed to Vietnam in February of 1968. His service to our country is evidenced by the awards he was awarded posthumously, including the Silver Star, the Distinguished Flying Cross with two oak leaf clusters, the Air Medal with four oak leaf clusters, and the Purple Heart.

On October 11, 2003, on what would have been his 65th birthday, hundreds gathered at the Lower Alabama Vietnam Veterans Memorial at Battleship Memorial Park in Mobile to pay tribute to Captain Yeend, a man whose heroic efforts have not been forgotten. Retired Navy Rear Admiral Jeremiah Denton, who was a prisoner of war for over seven years during Vietnam, was the featured speaker. Admiral Denton praised Captain Yeend for his service and the Yeend family for its continued devotion to their country throughout their years of hardship, waiting while their loved one's remains were unaccounted for. He praised Captain Yeend along with all the Vietnam veterans in the audience for their service and assured everyone that their efforts were appreciated by all.

Captain Richard Yeend was a man whose honor and devotion to his family and his country were seen in his daily acts of courage and his willingness to take on heroic acts. A man of great character and respect, Captain Yeend was a leader in all aspects of his life. His siblings looked to him for guidance and support. With his remains now returned home and at rest, may they have some peace and closure and know that he will be honored for his heroic actions. His sacrifice is a tribute to everyone that fought and those who continue to fight for the betterment of others and for the spirit of freedom which so many people throughout the world still yearn for.

I urge my colleagues to join me in paying tribute to Captain Yeend and in offering our condolences to his family for their loss and their struggle through the years as they awaited his final trip home.

RECOGNIZING MR. BILL G. HARTLEY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. HALL. Mr. Speaker, I rise to recognize a truly great American, influential leader and dear friend—Mr. Bill Hartley, Chairman of the Board and President and CEO of Southside Bank. On October 23, 2003, Texas College, in Tyler, Texas, honored Mr. Hartley for his dedicated service as a member of their Board of Trustees, and as his friend and fellow member of the Board, I honor him with this tribute today.

Bill G. Hartley was born in Mount Pleasant, Texas and attended Mount Pleasant High School. He entered the Texas National Guard in 1948 and concluded his service in 1956 with the rank of Master Sergeant.

Mr. Hartley has enjoyed a long and distinguished career in the banking industry, working first at the Guaranty Bond State Bank in Mount Pleasant, then at the Texas Banking Department in Austin, Texas. He presently serves as Chairman of the Board and CEO of the company he founded in 1960—Southside Bancshares, Inc., Southside Bank in Tyler, Texas. As Southside's, CEO—Bill expressed his support of education—and those who sought knowledge—by approving and making student loans in huge numbers—while other institutions were reluctant to do so.

Mr. Hartley is married to Billie Boyd, formerly of Chandler, Texas, and they were blessed with two children, Jane Hartley Coker and Patrick Hartley. Their hearts were broken when Patrick died. He will always be loved and remembered. Bill is affiliated with Marvin United Methodist Church and is an active participant on the Church's Administrative Committee.

Among his many professional and civic responsibilities and memberships are his positions as State Membership Chairman for the American Bankers Association, Chairman of the Texas Bankers Insurance Services Company in Austin, Texas, and Claims and Underwriting Committee Member for BancInsure in Oklahoma City. At the local level, he serves as Director and Past President of the Tyler, Texas Chamber of Commerce, a Trustee for the R.W Fair Foundation, Director and Executive Committee Member for the University of Texas at Tyler, Development and Council Member at the University of Texas Health Center at Tyler, Trustee and Executive Committee Member for the Texas Chest Foundation, and a Development Council Member for Tyler Junior College Foundation.

Additionally, Mr. Hartley gives his time as Director of the East Texas Medical Center Regional Health Facilities and the East Texas Medical Center Regional Healthcare System, Director and Past President of the Texas Rose Festival in Tyler, Texas, an Advisory Council Member for the Patent Service Center, Inc., Director of the Smith County Industrial Development Corporation, and as Director for the Tyler-Smith County Library Foundation, Inc.

Mr. Hartley is involved with numerous philanthropic deeds, but among these, his exemplary service as a trustee and member of the executive committee of the Texas College Board of Trustees is being recognized today. He has been instrumental in bringing major gifts to the College during a very critical fundraising period, and in 1996 alone, Mr. Hartley secured more than $600,000 for Texas College's retirement debt. It is generous efforts like these that warranted his receipt of the T.B. Butler Award—Tyler's Most Outstanding Citizen award in 1992.

Sometimes when an individual is so noted, has such a high community, state, and national profile, is sought out for support from everyone who makes a precinct race—on up to our own fine President George W. Bush—their human traits are lost in the hustle and bustle of guiding a huge and successful financial empire, serving on Boards and Committees, traversing our nation for speeches, meetings, and organizations—sometimes we miss out on the human aspect of a great one among us. Bill Hartley has always taken the time, and still takes the time, to put family first. He is a kind and loving Father to Jane, her husband Michael, and his grandson Hartley. He spent unending days and hours with Patrick during his lifetime—giving of himself, with Billie—and remembers Patrick's lifetime by organizing and supporting a trust fund in Patrick's memory. You will never say "Bill Hartley did so and so"—you always say "Bill and Billie did so and so."

As we near the end of this Congressional year—let us adjourn in honor of and in appreciation of one who fits the overused term—he's a "giver" and not a "taker." God Bless Bill Hartley and those he holds dear.

HONORING DORTA SCOTT FOR HER CONTRIBUTION TO THE ARKANSAS STATE COIN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. ROSS. Mr. Speaker, I rise today to congratulate an exceptional artist from Arkansas's Fourth Congressional District, Ms. Dortha Scott of Mount Ida. Out of more than 9,300 entries, Ms. Scott's outstanding sketch has been selected to be used by the U.S. Mint for the Arkansas Quarter. The U.S. Mint will produce the Quarter for 10 weeks, and between 650–750 million quarters will be put into circulation across the United States.

Our Quarter incorporates several elements that truly reflect Arkansas. This is a coin that helps everyone in our nation understand why Arkansas is so proudly called "The Natural State." The background of the Quarter represents the abundance of natural resources that our state encompasses. Elements of the Quarter, including a mallard duck soaring above the water with trees in the background, symbolizes Arkansas's reputation as one of the most popular states in the country for hunting and fishing, and as a state with a high-abundance of forest land. The rice on the left side of the Quarter signifies the important role rice and other agricultural crops play in Arkansas's economy, as agriculture has historically been a way of life for so many working families. Arkansas leads the country in rice production.

The centerpiece of the Quarter is a diamond, representing the Crater of Diamonds State Park near Murfreesboro. The Crater of Diamonds State Park is not only home to the largest diamond ever to be unearthed in the United States, but is also the eighth largest diamond deposit in the world, and the only diamond mine in the world where the public can search for diamonds. The Crater of Diamonds State Park is a leading source for Arkansas pride and tourism.

I am honored that the Arkansas Quarter is one that truly showcases the state and all it has to offer. I hope that everyone will take time to reflect upon Arkansas's treasures and history, and join us in celebrating our new state coin. I am so pleased to have the opportunity to properly recognize Ms. Dortha Scott before the United States Congress for her beautiful artwork that truly depicts our great state, which will be viewed by millions of Americans as they earn and spend the Arkansas Quarter.

HONORING ELECTRIC BOAT'S DISTINGUISHED SHIPBUILDERS

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to recognize 67 men and women who work at Electric Boat, in Groton, Connecticut. These individuals have worked at Electric Boat for 40 or more years and due to their length of service have earned the title: Distinguished Shipbuilder.

Kenneth Guarneri, William Ferguson, Richard Morgan, Thomas Nunes, John Prokop, Alexander Fraser, Reed Davignon, Robert Rosso, Mary Sousa, Pauline Passarello, Patricia Rossi, Walter Greenhalgh, Ernest Currier, Paul Losacano, Fred Vocatura, Richard Sobanski, Robert Ness, Ernest Messier, Jeffrey Pritchard, Jackson Morgan, John Burbine, Denzel Andrews, Stanley Menitz, Robert Collins, Carl Kvist, Ronald Drounin, William Vaiciulis, Vincent Nadolny, Paul Terry, Larry Yering, Stephen Wells, Keith Bradshaw, John Haberek, Ralph Lodyko, Ronald Leuchner, Gerald Gent, Brent Weimer, Ronald DeCarolis, Arnold Kortick, James Welch, Richard Sears, Anthony Falcone, Norman Laroche, Robert Boyle, Donald Noel, Edward Goode, William Bak, Joseph Woycik, Richard Supernant, Janis Pike, Brian Lumnah, Alfred Malchiodi, Ronald Meadows, Edward Haik, Manuel Arruda, Donald Bartlett, John Bashaw, James Brown Jr., Everett Church, Dominic Cirioni Jr., James Cunningham, Hedrick Facas, Richard Lambert, Robert Mayor, David Matthews, Robert Panciera, and Roy Rock.

When we think in terms of national defense these are not names that spring immediately to mind. But the work they have done and the things they have accomplished over the past four decades were essential to the United States winning the Cold War.

These are the men and women who helped design and construct the submarines that kept our Nation safe and free. Today they are designing and constructing a new generation of submarines that will help America win the war on terrorism.

These individuals have truly earned the title Distinguished Shipbuilder. Over the decades, Electric Boat has rightly won a reputation for constructing the best submarines in the world. For the men and women who design and build these incredibly complex ships, unsolvable problems have proven to be nothing more than tremendous opportunities to use their knowledge and skill.

Today Electric Boat continues to provide the United States Navy with the best ships ever to go to sea. They are an integral part of America's national security strategy. As the crews of our submarines protect America's freedom and security around the globe the men and women of Electric Boat can take great satisfaction in knowing that they are essential members of our national security team.

Those who expect to enjoy the blessings of freedom must engage in the hard work of defending it. In synchronization with the men and women in the Navy, the men and women at Electric Boat engage in that demanding work—and we in this chamber and everyone all across America benefit from their labor. When it comes to Electric Boat and the business of designing and constructing submarines, price is what you pay; value is what you get.

I am proud that Electric Boat is in my district—the Second District of Connecticut—and I am proud to share the names of these tireless and dedicated workers with you. They have provided the United States Navy with the most advanced, the most stealthy, the safest and the most lethal vessels ever to go to sea. I ask you to join me in recognizing their contributions to America.

HONORING MAJOR GENERAL PAUL D. MONROE, JR.

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mrs. NAPOLITANO. Mr. Speaker, it is with tremendous pride that I rise today to honor Major General Paul D. Monroe, Jr., the Adjutant General of the California National Guard for his 46 years of military service. He is a credit to his country and the National Guard. General Monroe's leadership and vision have brought the Guard into the 21st century and made the 22,000 soldiers and airmen under his command better prepared than ever before.

Since September 11, General Monroe has mobilized nearly 10,000 soldiers and airmen to fight in the war on terrorism, both at home and abroad. He has deployed soldiers and airmen to serve in Operation Enduring Freedom as well as in missions to secure our borders, bridges and airports.

General Monroe has also helped the Guard reconnect with the communities in California. During his tenure, the Guard has partnered with numerous agencies and organizations to provide successful anti-drug programs and youth education initiatives. The General truly understands the need to give back to the community, and he, along with the extraordinary men and women who serve under him, have made invaluable contributions to cities and towns throughout California.

Recognizing the hard work and dedication of his soldiers and airmen, General Monroe had made "member care" a top priority, working tirelessly to provide high quality services for his troops. He has also established the California National Guard as an exemplary model for diversity and equal opportunity for guard members.

General Monroe began his military career as an enlisted soldier in the U.S. Army in 1957 and joined the California Army National Guard in 1961. He has served in Infantry, Signal, and Military Police Commands, and every level of command from platoon through brigade. He has been honored with over one dozen awards for his service with our Armed Forces.

Mr. Speaker, I ask my colleagues to join me in honoring a true American hero, Major General Paul D. Monroe, Jr. I extend my best wishes to the General, his wife Laura, their two children and their three grandchildren.

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. FORD. Mr. Speaker, regrettably, I was not present for rollcall vote Nos. 569–573 because of a previously scheduled commitment to serve as co-chair and co-host of the National Civil Rights Museum's annual Freedom Awards Banquet in my district in Memphis. The Freedom Awards Banquet was specifically scheduled to occur weeks after the target adjournment date.

Had I been present, I would have voted "yea" on rollcall vote Nos. 569, 571, 572, 573 and "nay" on rollcall vote 570.

FIFTY-FIRST ANNIVERSARY OF DETONATION OF THE WORLD'S FIRST THERMONUCLEAR DEVICE AT ENEWETAK ATOLL IN THE MARSHALL ISLANDS

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. CASE. Mr. Speaker, this week we recognize the 51st anniversary of the detonation by our country of the world's first thermonuclear device at Enewetak Atoll in today's Republic of the Marshall Islands. And as we pause to remember that event, it is also an opportune time for us to recall both the contributions of the people of Enewetak and other atolls of the Marshalls to the security of our country and world, and the difficult legacy which that and subsequent tests have left to their residents and so many others.

This story was told so well last year in an article in the Honolulu Weekly by Honolulu journalist Bev Keever entitled "Fallout: Enewetak Atoll, 50 Years Ago This Week." Subsequently recognized by the Society of Professional Journalists (Hawaii Chapter) for this work, Ms. Keever reminds us about the human impact of "Mike," as the device was known, and counsels us to remember this legacy as we address crucial foreign policy challenges today and the future.

The text of Ms. Keever's article follows:

FALLOUT: ENEWETAK ATOLL, 50 YEARS AGO THIS WEEK

(By Bev Keever)

[From the Honolulu Weekly, Oct. 30, 2002]

National and media anniversaries of signal events like Sept. 11 help to form the collective memory that, over time and across generations, shapes what a society remembers—or what it forgets.

An anniversary that serves as a news peg for journalists re-ignites powerful emotional connections for those who lived through the event, communication scholar Jill Edy writes, and may be even more influential for those who did not live through the event because it "creates a world they never experienced." Even more important, Edy notes, anniversary journalism "impacts whether we remember our past at all."

An un-remembered part of the U.S. past occurred 50 years ago on Enewetak atoll in the Marshall Islands, some 3,000 miles west of Honolulu. On Nov. 1, 1952, at 7:15 a.m., the U.S. government detonated the world's first thermonuclear device, code-named "Mike," the most powerful man-made explosion in history up to that time. In layperson's terms, it was the prototype for the "hydrogen bomb."

Mike unleashed a yield of 10.4 megatons, an explosive force 693 times more powerful than the atomic bomb that had annihilated Hiroshima in 1945 and the fourth most powerful "shot" of the 1,054 acknowledged nuclear tests in U.S. history. Ushering in the thermonuclear era, the Mike shot raised to a new level the capacity for mass destruction that had been inaugurated by humans with atomic weapons only seven years earlier. Because of this new dimension in the power of nuclear weapons, President Eisenhower observed in 1956, "Humanity has now achieved, for the first time in its history, the power to end its history."

The Mike shot was controversial. Debate raged within the scientific community over detonating the so-called super bomb. One camp warned that the atmospheric chain-reaction from the thermonuclear explosion would immolate the entire planet, University of Hawai'i's environmental coordinator John Harrison reports. Calling such fears farfetched, those in the second camp, led by influential physicist Edward Teller, prevailed. The public was not told in advance about the shot for fear that it would influence the presidential election held just three days before. Sixteen days after the Mike shot, U.S. officials announced a thermonuclear experiment, but provided no details.

Mike was a proto-bomb; in fact, it was more like a building, Harrison explains as he studies a sepia-toned photograph of the cylindrical Mike device, about 20 feet in height and 8 to 10 feet in diameter. Weighing 82 tons and standing vertically like the shiny innards of a giant thermos bottle, the cylinder dwarfs a scrawny, shirtless man sitting in a chair, elbows cocked on his knees and staring at the ground on Elugelab island, Enewetak atoll. The cylinder is attached to large tubes to keep its contents of hydrogen fuel, liquid deuteride, refrigerated below its boiling point of minus 417.37 degrees Fahrenheit.

More than 11,000 civilians and servicemen worked on or near Enewetak to prepare for the blast. They left Enewetak by ship before the Mike device was remotely detonated from 30 miles away. The energy from the splitting of atoms with heavy nuclei like plutonium produced temperatures on the order of those at the core of the sun that were necessary to kick-start the fusion of the liquid deuteride with other lightweight hydrogen nuclei. This fusion produced even greater energy, so much that, as physicist Kosta Tsipis writes, "An exploding nuclear weapon is a miniature, instantaneous sun."

The Mike test vaporized the island of Elugelab. Researcher Leona Marshall Libby wrote at the time that Mike's detonation created a fireball that swooshed outward and upward for three miles in diameter and turned millions of gallons of lagoon water to steam. It left behind a 1.2-mile-wide crater and a deeply fractured reef platform. Harrison notes that in the aftermath of a subsequent, adjacent thermonuclear test—the Koa shot in 1958—the weakened seaward wall of the reef next to the Mike crater cleaved away and plummeted into the ocean depths.

EPIPHANY OF A "NUCLEAR HOLOCAUST"

Harrison, who lived at Enewetak for five years beginning in 1978 while serving as a UH administrator and senior research scientist there, says the destructiveness of the Mike shot defies human comprehension. He recalls the scores of times he guided his outboard motorboat across segments of the choppy aquamarine waters of Enewetak's 388-acre lagoon encircled by the 42 coral islands so pristine and lovely "they are God's gift to the entire world." His boat would slice into the shallower turquoise waters that overlay the close-in reefs and "then all of a sudden into the deeper, more cloudy waters that delineated or that filled this enormous, enormous round circle that was the Mike crater."

Each time Harrison made that journey, he says, "it changed my life." He would struggle to understand the cataclysm of that instant that had transformed an island into a massive hole in the reef. "Then and now and to the day I die," he says, "I could not, I cannot and I will never wrap my mind around the significance of that.

"There is no way that the mind can grasp that amount of force," he elaborates. "We have nothing to compare it with." Even so, once in the middle of the Mike crater, he sensed that he had experienced "the ultimate epiphany of what a nuclear holocaust is all about."

A rare snapshot of the havoc caused by the Mike shot is provided by a survey made of Enewetak by a scientific research team from the University of Washington and written up in a report archived by Harrison. The greatest radioactivity in fish was found to be concentrated in the digestive tract, followed by the liver and muscle; in rats and some birds radioactivity was concentrated in bones. Even algae that had been scrubbed with a brush and detergent retained "specks" of fallout, the report says, indicating most of the "radioactivity is actually present within the alga." Lastly, spotlighting the significance of color in absorbing the heat of the fireball, the team notes, "Birds with dark-colored feathers were burned more severely than were the white fairy terns."

A 1978 study of 476 Enewetak rats by environmental scientists from Bowling Green State University, M. Temme and W. B. Jackson, noted possible genetic effects caused by radiation. They hypothesized that radiation effects may have caused deformations in an important inherited marker of some rats—the ridge of the roof of the mouth. The scientists described these ridges as exemplifying "expressions of genes affecting development." Since 1978, Jackson told Honolulu Weekly, follow-up studies have supported the notion of possible radiation-induced genetic effects.

HIDING 8,580 HIROSHIMA-SIZE BOMBINGS IN 16 YEARS

Most of the atmospheric testing on the U.S. side was conducted in the Pacific, but the full extent of these tests has become clear only in the past decade with the lifting of official secrecy. Only in December 1993 did the U.S. release information about the yield of 44 of the 66 U.S. nuclear weapons tests in the Marshall Islands.

In 1994, the most recent and comprehensive list of all 1,054 U.S. nuclear weapons tests worldwide was made public, allowing scholars to calculate for the first time the full extent of the entire U.S. nuclear testing program that ceased in 1992. These documents show that nearly three-quarters of the yield of all 1,054 U.S. nuclear tests worldwide occurred during only 82 tests conducted in the U.S.-administered Pacific Islands or over Pacific waters during the 16 years of the U.S. Pacific nuclear testing between 1946 to 1962. This prolonged secrecy, even beyond the collapse of the Soviet Union, hid for decades the yield of Pacific tests, which amounted to at least 128,704 kilotons—a destructive force equal to detonations of 8,580 Hiroshima-size bombs.

The atolls of Bikini, Enewetak and Johnston, plus Pacific waters, served as sites for nuclear weapons experiments far too powerful and unpredictable to be conducted on the U.S. Mainland. The yield of what The New York Times described as the mightiest nuclear explosion within the continental United States, which was the explosion of the first hydrogen device in Nevada in 1962, was less than 1 percent of the magnitude of the most powerful Pacific test, later disclosed as the 15-megaton Bravo shot of 1954. In serving as sites for such immense infernos, these Pacific atolls and their people sacrificed enormously for U.S. superpower status. And, they contributed to the global restraint—and the retreat from overt nuclear hostilities during decades of the most dangerous political confrontation in history, the Cold War. Recent revelations regarding the Cuban missile crisis are chillingly reflective of that nuclear brink.

Ten months after the Mike detonation, in August 1953, U.S. officials detected the first Soviet hydrogen explosion and announced the event to the world. The Eisenhower administration then set up a deliberate policy to confuse the public about the escalating order of magnitude between atomic and thermonuclear weapons, Jonathan Weisgall writes in his pathbreaking book, Operation Crossroads: The Atomic Tests at Bikini Atoll (U.S. Naval Institute; 1994). "Keep them confused," Eisenhower told the Atomic Energy Commission. "Leave 'thermonuclear' out of press releases and speeches. Also 'fusion' and 'hydrogen.'" The agency complied. Only decades later, in 1979, did the public learn of this obfuscation.

Six months after the Soviet H-bomb, on March 1, 1954, U.S. bomb-makers caught up by unleashing from Bikini atoll the country's first deliverable hydrogen weapon, code-named Bravo. Its 15 megatonnage made it nearly one-and-a-half times the yield of the Mike shot. Bravo was the most powerful U.S. bomb ever detonated, equivalent to 1,000 Hiroshima-sized bombs, according to U.S. government documents released in 1994. Weisgall observes, "Hiroshima paled in comparison to Bravo, which represented as revolutionary an advance in explosive power over the atomic bomb as the atomic bomb had over the conventional weapons of World War II."

NUCLEAR VICTIMIZATION OF "OUR OWN PEOPLE"

Bravo also introduced the word fallout to everyday language worldwide when snowlike radioactive particles dusted 236 residents of nearby Rongelap island, 28 U.S. servicemen and 23 crewmen on a Japanese fishing trawler. In fact, the thermonuclear era produced radioactive components and fallout that encircled the globe, settling silently from the heavens. Beginning particularly with the Mike shot, "the chemical signature of our bones changed," Harrison told Honolulu Weekly. The atmospheric weapons tests that proliferated in scale with the Mike shot dispersed radioactive forms of iodine, cesium, strontium and other elements. As a result, Harrison notes, all organisms, including humans, carry the watermark of the nuclear era woven into their tissues.

The Mike shot marked an acceleration of the man-made proliferation and escalation of weapons of mass destruction. The ensuing nuclear age transformed the planet and its inhabitants. As award-winning journalist Eileen Welsome writes in her book, The Plutonium Files: America's Secret Medical Experiments in the Cold War (Dial Press; 1999): "The radioactive debris found its way into starfish, shellfish and seaweed. It covered alfalfa fields in upstate New York, wheat fields in North Dakota, corn in Iowa. It seeped into the bodies of honeybees and birds, human fetuses and growing children. The atom had split the world into 'preatomic' and 'postatomic' species."

Moreover, the "postatomic" species must live with the effects of the nuclear age for generations and centuries to come. Environmental radioactivity derived from some nuclear weapons components like plutonium will persist for up to 500,000 years and may be hazardous to humans for at least half that time.

Fallout and other residual radioactivity from atmospheric nuclear testing conducted by all nations have caused or will cause through infinity an estimated 3 million cancer fatalities, researchers Arjun Makhijani and Stephen I. Schwartz wrote in the monumental study, Atomic Audit (Brookings Institution; 1998). That number of casualties is nearly five times the 617,389 U.S. servicemen killed in World War I and II, the Korean War, the Vietnam War and the Gulf War combined.

In 1980, a congressional oversight committee report titled "The Forgotten Guinea Pigs" concluded, "The greatest irony of our atmospheric nuclear testing program is that the only victims of U.S. nuclear arms since World War II have been our own people." The House report included in its conclusion—but only in an obscure footnote—mention of Pacific Islanders, whose ancestral homelands had sustained the most U.S. nuclear firepower.

A 33-YEAR EXILE

U.S. Pacific nuclear testing that began in July 1946 required U.S. officials to evacuate 170 Bikinians and 142 Enewetakese, thus transforming them into so-called "nuclear nomads," which the Bikinians remain today.

The Enewetakese, when evacuated from their homeland in December 1947, were told by a senior official, Capt. John P.W. Vest, that they would be able to return to their atoll within three to five years. Instead, for the next 33 years they were exiled on the smaller, desolate Ujelang atoll, 150 miles to the southwest.

Other official U.S. commitments made then are contained in documents once classified as top secret that Honolulu attorney Davor Pevec now uses in representing the islanders. The Enewetakese "will be accorded all rights which are the normal constitutional rights of the citizens under the Constitution, but will be dealt with as wards of the United States for whom this country has special responsibilities," according to a memorandum from the Atomic Energy Commission attached to President Truman's Directive of Nov. 25, 1947, to the Secretary of Defense.

The 142 Enewetakese (and their descendants) on Ujelang suffered greatly because of logistical problems, inclement weather, bureaucratic negligence and the island's desolation. Even the Department of Interior, in a letter dated Jan. 13, 1978, acknowledged that during their 33-year exile on Ujelang the Enewetakese "have suffered grave deprivations, including periods of near starvation."

An anthropologist who lived among them on Ujelang and spoke Marshallese, Laurence M. Carucci, wrote that the stories of this period told to him over and over by elders focused on famine and hunger, near starvation and death from illness, poor fishing conditions, epidemics of polio and measles and rat infestation.

One Enewetak woman in her 40s told Carucci in 1978 about these difficult days. She described the stomachs of children as being "stuck out like they were bloated and you would never think they were hungry," but in fact they were. Then, she continued: "They would get hot fevers, then cold chills; hot fevers, then cold and sweaty. And then, in just a moment, they would be gone. Dead, they would never move again. Their life was gone. And, in those days, the wailing across the village was constant."

Their hardship was so severe that in 1969 they commandeered a supply ship and demanded they be returned home. Their ancestral atoll was too contaminated with radioactivity for their return, but the U.S. government did begin an extensive cleanup and rehabilitation so that on Oct. 1, 1980, some islanders returned home.

Upon their return, they found a far different atoll, a far different Enewetak. The Mike shot and 42 other detonations had devastated Enewetak so severely that more than half of the land and pockets of the lagoon today remain contaminated by radiation. The islanders who do reside there cannot live off of much of their land and must rely on imported food.

MOONSCAPING ENEWETAK

The Mike shot was the eighth of 43 nuclear weapons tests at Enewetak that transformed a placid atoll into a moonscape. The Enewetak people, now numbering 1,500, are still pleading with the U.S. government for $386 million in land and hardship damages and other compensation awarded to them by an official tribunal established by the U.S. and Marshallese governments. This panel ruled in April 2000 that after serving as Ground Zero for 43 weapons tests and receiving fallout from other shots, the Enewetak atoll: Was uninhabitable on 49 percent of its original land mass, or 949.8 acres of 1,919.49 acres; was habitable on only 43 percent of its land area, or 815.33 acres; was vaporized by 8 percent, or 154.36 acres.

The lingering effects of U.S. Pacific nuclear tests are visible today in the numerous kinds of cancers and other diseases and the degraded homelands that are determined by an official panel established by the U.S. and Marshallese governments to result from the U.S. experiments of decades ago. Compensation for these damages is paid for from a $150 million trust fund that is now too depleted to pay fully current personal and property claims. Since 1946, researchers write in Atomic Audit, the U.S. government has paid at least $759 million in nuclear-related compensation to the Marshallese. But medical, cleanup and resettlement costs continue to mount, and Marshallese want more U.S. funding.

The Marshallese prospects for immediate help from U.S. officials in Washington seem dim, congressional sources in Washington, D.C., told the Weekly. Enewetak's $386 million in land claims is not included in the budget Congress is considering for the fiscal year that began this Oct. 1. Nor are funds for a medical program that in 2001 ceased to address Marshallese health needs that have been urgent enough to warrant sending a six-person delegation to Washington last month to plead with congressional leaders and staff.

Provisions of the Compact of Free Association set to expire next year are being negotiated with the Bush administration, but any agreement must then be acted on by Congress, which is soon to adjourn. Arguing that U.S. assistance provided in past agreements is "manifestly inadequate," Marshallese officials in September 2000 petitioned Congress for increased U.S. medical and other assistance to meet the mounting costs of damages to persons and property presumed to be caused by U.S. nuclear testing. That petition is still being studied by the Bush administration, and no congressional measure on it is pending.

FROM CRATER TO CRYPT

Much of the plutonium-contaminated soil removed in the operation to clean up Enewetak was dumped into one of the atoll's smaller craters on Runit island. This crater was created May 5, 1958, during the 18-kiloton test shot code-named Cactus. The crater, 30 feet deep and 350 feet wide, was filled with about 111,000 cubic yards of radioactive soil and other materials and then entombed beneath a dome of 358 concrete panels, each 18 inches thick. Researchers in "Atomic Audit" report that the unprecedented job, completed in 1980, took three years and about $239 million.

Soon afterward, a delegation from the National Academy of Sciences inspected the dome and, John Harrison recalls, issued a report noting the inadequacies of the dome, specifically that the predicted longevity of the containment structure was at best 300 years. Yet, the plutonium-laced debris encased in the dome will remain radioactive for 500,000 years and hazardous to humans for at least half that time.

The Runit island entombment is of special interest because a nuclear-waste crypt is now being finished 800 miles from Honolulu to bury plutonium-laced materials under a cap of coral soil at Johnston Island, where four failed nuclear-tipped missile shots in 1962 showered the atoll and waters with radioactive debris.

From test site to dump site, the Runit island crypt eerily symbolizes the legacy of the thermonuclear age that has caused the Marshallese to suffer disproportionately in adverse health, environmental and cultural conditions.

The 50th anniversary of the Mike shot and its aftermath begs for reflection from a nation so riveted on a purported nuclear threat in the Middle East and North Korea that it ignores the era of mass destruction introduced by the United States on Enewetak with the world's first thermonuclear explosion.

INTRODUCTION OF NEW PARTNERSHIP FOR HAITI ACT OF 2003

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. LEE. Mr. Speaker, today I am introducing H.R. 3386, The New Partnership for Haiti Act of 2003, which will help Haitians overcome the many social, economic, and physical challenges currently facing the country.

Today in Haiti only 45% of Haitians have access to safe water and 28% have access to sanitation. Seventy-six percent of Haiti's children under the age of five are underweight, or suffer from stunted growth and 63% of Haitians are undernourished. Eighty percent of the population lives in abject poverty and the unemployment rate is estimated to be around 60%.

My longstanding interest in ending the AIDS pandemic has brought focus on Haiti, with 90% of all HIV/AIDS cases in the Caribbean. As we combat global HIV/AIDS, malaria and tuberculosis, maternal and child mortality, and many other life threatening diseases, we must address the long-term effect of dilapidated physical and health infrastructure and abject poverty throughout the world, including in Haiti.

My bill, the New Partnership for Haiti Act of 2003 offers a comprehensive plan for future engagement between the U.S. and Haitian Government. This legislation partners Haitians and Americans together to execute an environmentally sound approach to rebuilding Haiti. Its major provisions are aimed at developing basic sanitation, water, and other health infrastructures in Haiti.

The New Partnership for Haiti Act would bring the U.S. Army Corp of Engineers to train and educate Haitians on how to rebuild, pave, and maintain roads to provide access to rural and urban areas and to health clinics. It will commission environmental impact studies for these projects, focusing on long term, environmentally sound solutions—not short term remedies.

Haiti needs assistance in addressing its long-term health infrastructure development. The most basic of these needed development challenges is water. How can Haiti begin to combat its enormous health problems without basic clean and safe water?

Haiti's water quality is life-threatening. In a study released in May of 2003, Haiti ranked last in the world for water quality. The New Partnership for Haiti Act will provide funds and expertise through USAID to partner with Haiti on rebuilding of sanitation, water purification projects, and education for Haitians on how to maintain these systems themselves in the future. This bill will help Haitians build and maintain safer, quality sewage systems and safe water delivery for both urban and rural communities.

The New Partnership for Haiti Act will start a pilot program for American Health Professionals and also Engineers who are interested in going to Haiti and helping with the development process.

It is my hope that a transfer of knowledge from U.S. professionals in the fields of health and engineering to Haitians will ensure long term development and guarantee the success of the programs similar to the success of the Global Fund and other international initiatives. By widening the knowledge base of non-governmental organizations and professionals in Haiti, the U.S. will take advantage of a unique opportunity and obligation towards Haiti's future.

We worked together to get the humanitarian loans, which had been held up by the Inter-American Development Bank officially released on May 9, 2003. It is my hope that we can continue to push for the full release of these loans and the potential for future humanitarian grants through the IDB. I also believe we must move forward on establishing a health infrastructure for efficient delivery of these health and social sector funds.

Today I submit this legislation, and thank all of my original cosponsors: Reps. DONNA CHRISTENSEN, ELIJAH CUMMINGS, BENNIE THOMPSON, AL WYNN, DONALD PAYNE, SHEILA JACKSON-LEE, JUANITA MILLENDER-MCDONALD, ROBERT WEXLER, JOHN CONYERS, CORRINE BROWN, and MAJOR OWENS.

I look forward to the support of my colleagues and the Administration.

PRESCRIPTION DRUGS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. SANDERS. Mr. Speaker, I want to take this opportunity to share with you the attached letter, which I recently received from the Vermont Association of Hospitals and Health Systems in support of my and my colleagues' legislative efforts to enable Americans to access prescription drugs from Canada. I would like this letter included in the CONGRESSIONAL RECORD.

VERMONT ASSOCIATION OF
HOSPITALS AND HEALTH SYSTEMS,
Montpelier, VT, September 29, 2003

The Honorable BERNARD SANDERS,
House of Representatives,
Rayburn Building, Washington, DC.

DEAR CONGRESSMAN SANDERS: On behalf of the hospitals in Vermont, I am writing to extend our support for your efforts to allow for the re-importation of prescription drugs from Canada. As you well know, access to safe, affordable medication is an issue for many Americans. In our rural state, patients of all ages travel to Canada to purchase FDA-approved, less expensive medications. That option should be available to all patients seeking more affordable prescription drug coverage.

Our hospitals are committed to ensuring that our patients have access to affordable, quality healthcare. We applaud your efforts and the efforts of your colleagues on this very important issue.

Sincerely,

THOMAS HUEBNER,

Board Chair.
M. BETRICE GRAUSE,
President & CEO.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. NETHERCUTT. Mr. Speaker, on October 28, 2003, I was unavoidably detained for rollcall vote nos. 569–573.

Had I been present I would have voted as follows: On rollcall 569, "yea;" on rollcall 570," yea;" on rollcall 571, "yea;" on rollcall 572, "nay;" and on rollcall 573, "nay."

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Tuesday, October 21, 2003, I was unavoidably detained due to a prior obligation.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows: rollcall no. 566: "no" (on H. Res. 407); rollcall no. 567: "yes" (on the Obey motion to instruct conferees); and rollcall no. 568: "yes" (on H.J. Res. 73).

EXTENDING AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. CUMMINGS. Madam Speaker, I rise to thank my colleagues for their support of the "Martin Luther King, Junior, National Historic Site Land Exchange Act," H.R. 1616 and the bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., S. 470. These bills extend the authority for and make possible the construction of a national memorial commemorating the achievements of the late Dr. Martin Luther King Jr. and his commitment to the struggle of civil rights for all Americans.

Dr. King dedicated his life to the realization of full equal and civil rights for all Americans irrespective of race, ethnicity, gender, and sexual orientation. He stood on the front lines in the struggle against social injustice, discrimination, and inequality, often at great risk to himself. Despite numerous death threats, Dr. King never wavered in that commitment.

Madam Speaker, the Lewis and Sarbanes bills are a win-win situation for all parties involved. The National Park Service currently owns a vacant lot that does not have any significant historic value. The City of Atlanta would like to acquire this land for the sole purpose of encouraging commercial development within its city limits. In addition, the land on which the National Historic Site Visitor Center and Museum currently sits is land-locked and lacks adequate emergency access. Exchanging this land within the Martin Luther King, Junior, National Historic Site for property in which the National Park Service could establish easy access to the Visitor Center and Museum would be mutually beneficial to both parties. This would simultaneously resolve the National Park Service's access issue and give the City of Atlanta much needed commercial space.

Madam Speaker, once again I am proud to support both bills the Martin Luther King, Jr., National Historic Site Land Exchange Act and the bill to extend the authority for construction of the MLK Memorial. I would like to give a special thanks to my colleagues Mr. LEWIS and Senator SARBANES for their leadership in sponsoring these important pieces of legislation and in helping to keep the dream alive.

HONORING BILL AND SUE GROSS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. COX. Mr. Speaker, I rise today on behalf of the Orange County Department of Education to thank two outstanding individuals, Bill and Sue Gross, whose unparalleled commitment to teachers in California is an inspiration in the field of education.

Each year more than fifty public, private, and community college teachers from Orange County, California, are recognized for their outstanding contributions and dedicated efforts in the field of education. The Orange County Department of Education, led by Superintendent William M. Habermehl, coordinates the annual selection and recognition of these teachers.

During the last dozen years, the Teachers of the Year program has had the additional support and generosity of two local residents, Bill and Sue Gross. In 1991, the Grosses established the Dr. James Hines Foundation in memory of a teacher who had positively influenced Sue Gross' life. In the ensuing 12 years, through the Foundation, the Grosses have given over $1 million in cash awards to these exemplary teachers. This year, as an added surprise, Bill and Sue Gross invited all one hundred 2003 and 2004 Teachers of the Year nominees to be their guests on a 10-day cruise to Alaska.

Orange County residents Bill and Sue Gross are champions of teaching excellence, deserving of special commendation and recognition by the Congress of the United States of America. Today, I ask my colleagues to join me in honoring Bill and Sue Gross for their years of commitment to California's educators.

92ND NATIONAL DAY CELEBRATION OF TAIWAN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. BERKLEY. Mr. Speaker, I rise today to celebrate the 92nd National Day celebration of Taiwan. The Republic of China on Taiwan is a flourishing democracy of 23 million citizens who, like us, cherish their constitutional guarantees of freedom and human rights.

Over the years, Taiwan has transformed itself from a one-party dictatorship to a vibrant multiparty democracy. Free and fair elections are held at all levels of government—elections in which nearly 70 percent of Taiwan's citizens participate. The Taiwanese enjoy many freedoms including the right of assembly, expression and association, freedom of religion and freedom of the press. Human rights are well-established and protected. Taiwan is committed to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of the 1993 Vienna Conference on Human Rights.

Taiwan has the world's 12th largest economy and is the United States 8th largest trading partner. Its GDP of $386 billion is the 23rd largest in the world. However, perhaps more impressive is the fact that only 1 percent of its population live below the poverty line. Its thriving, market-based economy has enabled it to contribute generously to international aid efforts. In the first half of 2001, Taiwan provided nearly $700,000 through its International Cooperation and Development Program. The Republic of China-Central American Economic Development Fund has also enabled it to solidify cooperative relationships with Central American nations and reflects Taiwan's growing interest in that area.

Last year, Secretary of State Colin Powell praised Taiwan, stating that it has become "a resilient economy, a vibrant democracy and a generous contributor to the international community." He called it a "success story" for Asia and the world—words with which I heartily agree.

It is particularly important at this time to recognize and to thank nations that have been our unswerving friends for many years. We must also acknowledge those democracies that have stood as our allies. I take great pleasure in congratulating Taiwan on its National Day celebration and look forward to a continuation of our mutually beneficial relationship.

HONORING THE LIFE AND TIMES OF SENATOR PAUL WELLSTONE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. CUMMINGS. Mr. Speaker, I rise to speak about a great man, a man who died before his time, the late Senator Paul Wellstone.

On October 25, 2002, the people of Minnesota, the Senate and our nation lost a beloved colleague and humanitarian. Paul

Wellstone was a man of deep convictions who cared deeply for those around him. A champion of working families, the poor, the disenfranchised, the forgotten, the voiceless, and the disabled, Paul Wellstone was a liberal Democrat in the truest sense of the term during a time when liberalism was not politically fashionable.

Mr. Speaker, Senator Wellstone took stands on issues of principle. He voted against the Resolution authorizing the use of military force in Iraq and the 1996 Welfare Reform Act. He was the only Democrat to vote against the Democratic version of the estate tax repeal; opposed the Administration's national missile defense program and was against permanent normal trade relations with China. Paul Wellstone was not ashamed of voting his conscience, even if this meant that he would often stand alone. For this, Senator Wellstone won the accolades of his colleagues on both sides of the aisle.

Mr. Speaker, as the son of immigrant Russian Jews, Paul Wellstone believed in the promise of America. Prior to his entry into the United States Senate, this plain-spoken man was a devoted and beloved associate professor of political science at Carleton College in Northfield, Minnesota, where he taught for 21 years. And although diagnosed with a mild case of multiple sclerosis, Paul did not let it incapacitate him. He continued to fight for those issues dear to his heart: affordable universal health care, mental health parity, family leave, veterans affairs, and environmental protection.

Mr. Speaker, I am truly blessed to have known Paul Wellstone. On that fateful day 1 year ago on October 25, 2002, I lost a beloved friend and colleague and the world lost a fearless and selfless public servant and tireless advocate for justice. He has left a deep void in this institution and is truly missed. He is often remembered for a particular saying—that "people yearn for a 'politics of the center', not 'the center' so widely discussed by politicians and pundits in Washington, but, rather, a politics that speaks to the center of people's lives." On this 1-year anniversary of the death of this courageous and principled man I urge my colleagues to commit themselves to his legacy and fight for the things to which Paul Wellstone dedicated his life. I know I will.

A TRIBUTE TO CHIEF OF POLICE ELVIN G. MIALI ON THE OCCASION OF HIS RETIREMENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. COX. Mr. Speaker, I rise today to pay tribute to an outstanding official of the city of Fountain Valley, California. Chief of Police Elvin G. Miali has devoted almost four decades of his life in service to his community and to his country. Chief Miali has excelled in his many law enforcement assignments over the years beginning in the city of San Gabriel and culminating in the city of Fountain Valley.

The experience, commitment and professionalism which Chief Miali brings to the leadership of a major law enforcement organization is highly respected and commended by his peers throughout Orange County and the State of California. Setting high standards for himself and all his department personnel and staff, he is known for achieving exceptional results under the most demanding of situations. The trademark of his leadership is "first class, the first time, every time."

Chief Miali began his law enforcement career on February 27, 1967, with the city of San Gabriel, California, where he rose through the ranks and achieved the position of Captain. During this time his assignments included the Detective Bureau for 12 years, six of which dealt with robbery and homicide. In August 1986, he was selected Chief of Police for the Fountain Valley Police Department. His community contributions during 17 years as Chief of Police include active efforts to combat drug abuse, child abuse, and drinking and driving, as well as promoting charitable efforts such as helping underprivileged children at Christmas. Before it had a name, Chief Miali introduced the Community-Oriented Policing philosophy.

A most distinguished police officer with an undergraduate degree in Police Science, a master's degree in Public Administration, and a graduate of the POST Command College and the FBI Law Enforcement Executive Development Program, Chief Miali is known throughout Fountain Valley and Orange County as one of the city's principal ambassadors.

Chief Miali, together with his wife Charli and their two children, Elvin and Carla, are proud citizens of Fountain Valley, a city which can rightfully look to Chief Miali for making its motto "A Nice Place to Live" happen every day.

Mr. Speaker, as Chief Miali completes his 36 years of devoted public service in law enforcement, and sets his course for new and ever challenging community involvement, I am sure my colleagues will join me in saluting him and thanking him for the exemplary job "well done"—for Fountain Valley, for California, and for America.

SYRIA ACCOUNTABILITY ACT

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of the Syria Accountability and Lebanese Sovereignty Act. This important legislation takes a strong and decisive stand against international terrorism. It also demonstrates the firm resolve of the United States in opposing those who support terrorism or provide funding and safe harbor for its perpetrators.

Syria continues to be a major sponsor of international terrorist groups, and has been listed by the State Department as a sponsor of terrorism since the inception of the terrorist list in 1979. Numerous terrorist groups, including Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and at least seven more, have headquarters in Damascus. In addition to offices, these groups maintain training camps and other facilities on Syrian territory. Hizballah, referred to referred to as the "A-team of terrorism" by Deputy Secretary of State Richard Armitage, operates in areas of Lebanon occupied by Syria and receives supplies from Iran through Syria. In doing so, Syria is in clear violation of UN Security Council Resolution 1373 which directs all states to "refrain from providing any form of support" for terrorism. Furthermore, their attacks on Israel, launched with the acquiescence of the Syrian government, harm innocent civilians and risk leading to a wider regional war.

In addition to its harboring of international terrorism, Syria's 20,000 strong occupation force has continued to occupy Lebanese territory, denying Lebanon its independence and political sovereignty. This occupation has also prevented Lebanon from fulfilling its obligation under UN Security Council Resolutions 425 and 520 to deploy its troops to southern Lebanon. As a result, southern Lebanon is under the control of the terrorist group Hizballah, which has positioned thousands of katyusha rockets opposite Israel's northern border.

During our recently concluded campaign in Iraq, Syria aided the regime of Saddam Hussein, allowing arms and military equipment to be transported across the border into Iraq. When Baghdad fell, a number of high-ranking Iraqi officials from the defeated regime were sighted transiting through Syria and it is continuing to permit "volunteers" and others to enter Iraq for the purpose of attacking and killing Americans.

These actions are not those of an ally nor are they the work of a nation friendly to the United States. As we work toward a more stable and peaceful Middle East, we must be clear that nations that support terrorism will be held accountable. This legislation is clear in its intent and accomplishes just that.

I urge its full support and its immediate passage.

TRIBUTE TO LT. COL. STEPHEN TWITTY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to honor Lt. Col. Stephen Twitty, who led the only infantry battalion—1,000 soldiers strong—in the initial attack on Baghdad, Iraq, this past April. His 15th Infantry Regiment of the 3rd Battalion was fearless in the face of the heaviest fighting of the campaign and successfully completed their mission.

Lt. Col. Twitty witnessed casualties among his troops, and continued to lead his soldiers through the perils of suicide bombers, snipers, rocket-propelled grenades and a variety of other dangerous assaults. Later he had to keep his troops focused on their mission after the death of NBC reporter David Bloom, who was embedded with his regiment. He faced many potentially fatal situations by being on the frontline of American servicemen. As a result of his gallantry, he received the U.S. Army's third highest medal, the Silver Star, and is most likely on his way to becoming a colonel.

Lt. Col. Twitty is a native of Chesnee, SC, and graduated with a bachelor's degree in criminal justice from South Carolina State University in Orangeburg, my alma mater, where he will serve as a grand marshal of this year's Homecoming Parade. He is in good company among the military ranks of SCSU graduates. The University currently has four alumni who are generals on active duty, one of whom was just named Commanding Officer of Fort Jackson.

Lt. Col. Twitty later received a master's in public administration from Central Michigan University. He has been stationed in both Belgium and Germany but now resides in Fort Stewart, GA.

This tour of duty isn't Lt. Col. Twitty's first time in combat. He is a veteran of Operation Desert Storm, in which he was a member of the first infantry division to cross the Kuwait-Iraq border into enemy territory. He has also received decorations like the Legion of Merit and Bronze Star for his service to his nation in the most trying of situations. His interests in the military date back to his experiences in South Carolina State's Reserve Officer Training Corps. He now has aspirations to attend the Army War College next year.

Mr. Speaker, I ask you and my colleagues to join me in commending Lt. Col. Stephen Twitty for his extraordinary dedication and his exemplary military service. He is an inspiration to the soldiers he commands and the next generation of soldiers to follow.

NATIONAL BREAST CANCER AWARENESS MONTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mrs. LOWEY. Mr. Speaker, this year an estimated 40,000 mothers, sisters, daughters, friends and loved ones will die of breast cancer, and more than 210,000 new cases will be diagnosed. Throughout the month we have remembered those that have fallen victim to this disease, celebrated those who have survived it, raised awareness about the progress we've made, and called on scientists to aggressively continue the search for a cure.

Today, Democrats and Republicans, men and women alike are on the House floor to say—while we have made progress, further gains require a sustained commitment to expanding the national investment in cancer research, prevention, treatment, and outreach programs.

It is hard to believe, but when I was first appointed to the Appropriations Committee in 1991, the Federal government was spending just $133 million on breast cancer each year. That investment has increased dramatically—to more than $1.3 billion—between spending at the National Institutes of Health and Department of Defense.

This is remarkable, but all of the research in the world won't make a difference unless it is put into practice. That is why we must continue to invest in the Centers for Disease Control's Breast and Cervical Cancer screening program and better mammogram training and oversight to improve radiologists' ability to interpret mammograms.

We must also ramp-up efforts to find new and superior ways to detect breast cancer and study the relationship between breast cancer and the environment.

Mr. Speaker, I believe, while the government cannot cure cancer, it can put the resources in the hands of scientists who will. Together—along with advocates, survivors, scientists, and doctors—we can go the distance and stop this disease.

TITLE II—COMPACTS OF FREE ASSOCIATION WITH THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF THE MARSHALL ISLANDS

SPEECH OF

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Ms. WATSON. Madam Speaker, President Clinton gave me the privilege to represent the American people as Ambassador to the Federated States of Micronesia. I have a deep respect for the Island nations, and I am pleased that we have passed the new compact legislation out of the House.

Although most of the contentious issues in the compact have been addressed, the funding allocated for education concerns me. The RMI and FSM children have only just begun to benefit from the establishment of an integrated education system. I am very pleased to know that authorization for educational programs is included in the bill.

In my former profession of teaching I have witnessed the impact of early structured education. Young students are much better equipped to enter the educational system when they are exposed to education at an early age. The educational appropriations that Chairman REGULA has offered to support is critical to keep effective programs in place.

I also strongly support those provisions in this compact that provide for continued Pell grant eligibility for the FAS. It will bolster the ability of the FAS to cultivate education. The elimination of Pell grant assistance would have decimated the college system in the FAS altogether. A large portion of the operating funds for the College of Micronesia are obtained through Pell grants.

One other important area that I would like to point out is the reinstatement of FEMA assistance. It has been placed back into the Compact for infrastructure purposes and major catastrophes. USAID is not equipped to deal with all of the problems that arise on small islands nor do they have the ready response to help in a timely fashion. As we move forward with our unique relationship with the FAS I hope the U.S. Congress will be supportive and receptive to the needs of our friends.

In conclusion, I urge my colleagues to understand the importance of the FAS. I support this bill and look to endorse the final product as the other body considers the Compact.

HONORING GEORGE S. POFOK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of George S. Pofok, upon the occasion of his retirement from Cleveland Public Power (CPP).

George Pofok has spent the last 30 years in service to the city of Cleveland. Mr. Pofok started his career as an electrical engineer, and rose to become company's commissioner.

During Mr. Pofok's tenure as the commissioner, from 1985–1995, he was able to initiate one of the most productive periods of growth for Cleveland's power. He helped build the customer base from 50,000 to 80,000, as well as increasing the company's revenue to $130 million per year. These strategies have left a legacy of high growth for the company, and low costs to customers. Since 1985, customers of Cleveland Public Power have saved more than $320 million.

Mr. Pofok leaves a great legacy, none more important than the continuation of the tradition and strengthening the exercise of public power in the city of Cleveland.

Mr. Speaker and colleagues, please join me in honor and recognition of George S. Pofok for his dedication to Cleveland Public Power, and the welfare of the city of Cleveland.

HONORING CHIEF EDWARD J. CHAVEZ

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. CARDOZA. Mr. Speaker, I rise today to honor Mr. Edward J. Chavez who is retiring as the Chief of Police for the city of Stockton, California. It is truly an honor to recognize all of his achievements as a dedicated law enforcement officer in our community. He has served the people of my district with integrity and he will truly be missed.

Chief Chavez has shown his dedication to serving our community and our country in countless ways. As a member of the U.S. Air Force from 1962–1970, Mr. Chavez demonstrated this very commitment.

Through hard work and a commitment to furthering his education, Mr. Chavez earned a Bachelor of Arts from California State University, Sacramento, a Master of Science from California State Polytechnic University, Pomona, and graduated from the prestigious Federal Bureau of Investigation Academy.

In 1973, Chief Chavez became a police officer and his prestigious career began. As a leader in the Department, Edward Chavez rose through the ranks to become a Captain and Deputy Chief of Police in 1990, and finally to become the Stockton Police Department's Chief of Police in 1993. As a role model to law enforcement officials, Chief Chavez has served the city of Stockton with the utmost respect and honor for residents and coworkers alike.

Not only has Chief Chavez been a leader to the Stockton Police Department, but has served his community by being a member of over twenty civic and professional organizations. He has been affiliated with the Board of Trustees for Humphreys College School of Law, Stockton Rotary, Hispanics for Political Action, Greater Stockton Chamber of Commerce, International Association of Chiefs of Police, California Peace Officers Association, and on the selection committee for the Stocktonian of the Year.

Mr. Speaker, the city of Stockton has been greatly strengthened by the effort and dedicated service of Chief Chavez. I ask my colleagues to help honor Chief Edward J. Chavez today for his service to this great Nation. It is a privilege to represent him, and to call him my friend.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mrs. CAPPS. Mr. Speaker, on October 17, 2003, I submitted a personal explanation for rollcall votes No. 553–No. 561. In that personal explanation, I inadvertently listed incorrectly how I would have voted on rollcall No. 558, rollcall No. 560 and rollcall No. 561. I respectfully request that the RECORD now reflect how I would have voted on the following rollcall votes:

Rollcall No. 558—"yes"; rollcall No. 560—"no"; and rollcall No. 561—"yes."

SENATE—*Friday, October 31, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our strength and refuge, who shows us unfailing love, we see Your majesty in the beauty of the Earth and the glory of the skies. Your voice speaks in the thunder and You form the mighty oak. You reign as King forever, blessing Your people with peace.

Lord, protect us from destructive forces and rescue us from setbacks that ambush our dreams. Rise and help us, and we will sing about Your power. Let the world come to know Your faithfulness, which is as enduring as the heavens.

Teach our Senators to walk in Your ways and to trust Your promises, which cannot fail. Bless the members of their families, who share the challenges of their work. We wait upon You to supply our needs and to quench our thirst for purpose. Blessed be Your name forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be in a period of morning business to allow Senators to speak for up to 10 minutes each. As I announced last night, there will be no rollcall votes during today's session.

Last evening, after a lengthy session with 14 rollcall votes, we were able to finish work on a number of items. We were able to pass the Healthy Forests bill as well as complete action last night on the Foreign Operations appropriations bill. We were also able to reach agreements on a number of other important matters, including the Iraq-Afghanistan supplemental, the Interior appropriations conference report, the continuing resolution, as well as the Internet tax moratorium legislation.

Earlier in the day, the Senate considered the climate change bill and failed to invoke cloture on the nomination of Charles Pickering.

As a reminder, the next vote will occur on Monday at some point, most likely between 5:30 and 6 o'clock. That vote will be on the adoption of the conference report to accompany the Interior appropriations. Also on Monday, the Senate will consider the Iraq supplemental conference report; however, that conference report will be completed without a rollcall vote.

I also remind my colleagues that earlier in the week we reached a consent on a fair credit reporting bill. I expect the Senate would turn to that measure on Tuesday.

I mentioned a few moments ago the Internet tax moratorium bill. What we agreed to last night was that we would address that bill next week, and as part of that agreement, that we would not address it prior to Thursday. With the current extension expiring, it was my hope that the Senate could have finished that bill last night or today, prior to that deadline, but a few Members have raised concerns and desire amendments. Thus, it will be our intent to finish that bill at the end of next week, rather than this week. The agreement, again, will lead us to turn to that on Thursday, and I expect, after giving Senators the opportunity to offer, hopefully, relevant amendments, that we would move that bill toward passage on either Thursday or Friday.

Another item that will demand the Senate's attention next week is the Syria accountability bill. Senator SANTORUM has been working on getting that measure cleared, and we hope to schedule that vote very early next week.

Finally, I add we will continue to consider the available appropriations conference reports as they become available.

Having said all that, you can see that next week is shaping up to be another very active week of floor action. With Members' continued cooperation, we can finish our business and still adjourn at the earliest opportunity this year. I do thank Members for their cooperation and participation in allowing us to proceed with the business of the Senate.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The deputy Democratic leader.

Mr. REID. Mr. President, one question I have gotten over here several times, and I have raised this issue on the floor, Senator McCONNELL has said on two separate occasions that a week from this Monday, we will be working. People are changing schedules and all.

My personal feeling is we should be working. I hope the leader, whatever the final decision—I understand the preliminary decision is we would be working a week from Monday, more so than just 5 o'clock at night.

If we are to have any hope of getting out of here in time for important events such as people's birthdays and events of that nature, we have to really move forward. I say that actually recognizing the Presiding Officer has a very important date coming up—it is the 18th or 20th, or something like that.

Seriously, if we can have a signoff on what you are going to do that day, it would be important to everybody.

Mr. FRIST. Mr. President, in response, through the Chair, the intention right now is to work Monday, make that a full working day. As we finished last night at about midnight, a lot of people were saying we can't work any harder than what we are doing right now in terms of taking these bills one by one, and that is the way we are going to have to work, unfortunately—or fortunately—in order to complete what we have before us; thus the intentions for the day before Veterans Day.

The real issue, obviously, for our colleagues, because they understand, but for others who are listening to understand, Veterans Day is a day we want to be able to honor, and a lot of people will have to change their plans because they have to be flying to the west coast. But I want to make it clear our intention is to stay here and work. In truth, that is what the people around the country expect us to do. We have work right now. We have the Nation's business before us, in terms of the appropriations bills, the many conference reports that we are waiting for, the very important conference in terms of energy and Medicare, which is underway. So it is critical that we continue work on that Monday.

It is my intention, of course, on Veterans Day, to be able to respect that day accordingly, as we go forward. I think we will be able to announce more about that in the early part of next week. The schedule constantly changes. I was very hopeful we could complete this Internet tax issue. That was really our goal. We worked very hard, but, again, out of consideration for our Members, we have had to move that forward a week. We intend to finish that the end of next week, and it is critical we do so.

It is important for our colleagues to understand because about this time of the year everybody is sort of sitting and waiting to see who is going to make the next move. At this point, we are trying to wrap everything up for the session. It means everybody needs to recognize decisions have to be made, very tough decisions. I am speaking in part to the conferees who are addressing issues right now. There are one or two outstanding issues in these conferences. Now is the time to make those decisions. If not, we will be here all the way up to Thanksgiving, and after Thanksgiving, and up to the December holidays. That is really unacceptable to me. But now is the time to wrap things up, over these next several weeks.

Mr. REID. Mr. President, I have said on the floor previously that the veterans of America recognize how important our work is here. So much that we do reflects on these different programs. I also think if things are as difficult as they appear, we may have to do something on that Tuesday. That will certainly be up to the leader. But I also recognize that other than Senator FRIST and Senator DASCHLE, no one has had a more difficult job these last few weeks than the Presiding Officer and Senator BYRD. Trying to marshal through these appropriations bills is extremely difficult.

But we have made really good progress. To think we have been able in just the last few weeks to do as much as we have here on the Senate floor with the appropriations bills is significant. Debating the Interior appropriations conference report this coming Monday is also important. I think there is light at end of the tunnel. With the chairman cajoling, along with the Presiding Officer, we can continue to make progress.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECALL THE IRAQI ARMY

Mr. LEVIN. Mr. President, last week a memorandum on the war on terrorism from Secretary of Defense Rumsfeld to his top subordinates was leaked to the press. In that memo, Secretary Rumsfeld asked a number of questions, including the following: Is our current situation such that "the harder we work, the behinder we get?" Then he asked: "What else should we be considering?"

Well, I am dismayed that Secretary Rumsfeld says publicly something so differently than what he has said privately. I am glad he is looking for new direction since our post-Saddam policy is not working well, given the sustained and increasing attacks on our forces.

Secretary Rumsfeld asked—again—"What else should we be considering?" Well, the President of the Iraqi Governing Council has made a specific recommendation for us to consider: that the regular Iraqi Army units be called up to assist our troops in providing security for the reconstruction of their country.

Surely it is worthy of our consideration, when Iyad Alawi, this month's serving President of the Iraqi Governing Council—the 25-member body selected by the United States to represent the Iraqi people—is making a suggestion to change course.

He wrote an important opinion piece entitled "America Must Let Iraq Rebuild Itself," which was published by the New York Times on October 19. The main premise of the article is that "ultimately, only Iraqis themselves can restore security, rebuild national institutions, enact a constitution and elect a democratic government."

I believe all of us would agree with that premise. For Mr. Alawi, the vital step is to "call up the Iraqi Army and the national police force [for] at least up to the mid-officer level" to deal with the insecurity and chaos in the country.

Mr. Alawi believes the Iraqi officer corps will have to be vetted to remove those who have committed crimes under the old regime. He points out that most of the Iraqi Army's soldiers are "Iraqi patriots who chose not fight for Saddam Hussein" and "would probably return to their units and contribute to their country's future." He argues that it would be "much easier and quicker to retrain and reequip them within their existing organizational structure than to start from scratch."

Mr. Alawi argues that these steps would not only relieve the burden on American troops but also would gain substantial good will among Iraqis.

Tom Friedman, writing in the New York Times, on October 23, is of a similar mind. He urges the administration to declare the following: "We thank all the nations who offered troops, but we think the Iraqi people can and must secure their own country. So we're inviting all former Iraqi Army soldiers (not Republican Guards) to report back to duty. For every two Iraqi battalions that return to duty (they can weed out their own bad apples), we will withdraw an American one. So Iraqis can liberate themselves. Our motto is Iraq for the Iraqis."

That is from Tom Friedman, who has been a very strong supporter of the administration's military actions in Iraq and the decision to attack Iraq.

The administration and the Coalition Provisional Authority have taken a different tack in reorganizing Iraqi security, particularly with regard to the Iraqi Army. They are essentially starting from scratch to build a completely new Army of 40,000 people who are being trained and equipped as a motorized infantry.

The goal is to form nine brigades by the end of 2004, but thus far only one battalion of 750 soldiers has been trained and equipped.

Additionally, the Coalition Provisional Authority is creating an Iraqi border patrol force, only 5,000 to date, with the need to expand to more than 20,000 sometime in the future. A 20,000-person Facilities Protection Service is intended to take over security at fixed site locations from coalition forces, and an Iraqi civil defense corps of 6,600, expanding to more than 15,000 in 2004, is being integrated into coalition military units to provide local intelligence and help with security patrolling.

While I have some questions regarding the need for four distinct security forces, including a new Iraqi Army, in addition to a new national police force, I am open to arguments that this approach to building a new army may be desirable in the long run. A better educated, trained, equipped, and motivated army, whose members are more representative of the diverse Iraqi population, and which was created expressly to serve the people of the new Iraqi state, may be more ideal.

However, in the short term, I believe Mr. Alawi's recommendation to reconstitute units of the old regular army is surely worthy of consideration. No one, including Mr. Alawi, argues for a continued role for those portions of the old army that were part of the repressive security apparatus of the Saddam regime—units such as the Special Security Guards, the Special Republican Guards, and the Fedayeen Saddam.

In fact, those units were created by Saddam because he did not trust his regular army. In that portion of the State Department-sponsored "The Future of Iraq Project," dealing with Iraqi Armed Forces, the Working Group that wrote this part of the report, discussed this issue.

They noted the following: "Saddam Hussein realized, with his sense of security, that he will not be able to earn the loyalty and trust of the army with its varied character in spite of many attempts to purify or clean the army from the disloyal elements—as he called them—in order for the army to become an army of ideology to protect the party and the revolution and defend the nation's values." They added that "Thus the army remained a source of worry, suspicion and threat to Saddam; in spite of the fact that the army got into its many wars because Saddam desired it. There are some who think that the army was pushed into these wars to keep it continuously busy confronting outside aggressions." Finally and in view of these findings, the Woking Group concluded that "In any event we think it necessary to keep the basic structure of the army, which can be easily rehabilitated. . . ."

That regular army, below the midofficer level, after vetting, could serve a useful role by putting trained Iraqi forces into the field to more quickly enhance overall security. The regular Iraqi Army was a sizable force of approximately 80,000 officers, 130,000 noncommissioned officers, and 400,000 conscript soldiers."

We probably made a mistake in formally disbanding the Iraqi army in May. I wonder if Ambassador Bremer doesn't tacitly believe the same, given the quick decision that was made by him shortly thereafter by agreeing to pay monthly allowances to officers and noncommissioned officers after the unrest that was unleashed by that decision.

Beginning in July, monthly payments were made according to a rank-based scale, ranging from $50 for a noncommissioned officer to $150 for a general, somewhat below the base pay for the various ranks. Additionally, a one-time $40 stipend was paid to former conscripts. Since July, the Coalition Provisional Authority has paid from Iraqi funds approximately $78 million to about 260,000 individuals and just over $15 million to approximately 375,000 conscripts. The estimated cost for the stipend during the next year will be $190 million, if payments continue throughout the year.

In other words, we know where the men and women—mainly men—in the Iraqi regular army are located. They came for those payments, and we know how to locate them, should we make a decision to reconstitute units of that Iraqi army.

That money was well spent. There is ample evidence from other conflicts that unemployed former soldiers can be a destabilizing and a disruptive influence, as some believe is currently the case in Iraq today. In view of the $156 billion that is likely to be appropriated for U.S. military forces in Iraqi reconstruction in fiscal years 2003 and 2004, paying those sums to members of the old regular Iraqi army would be a modest expenditure.

But would it not make more sense to pay those sums to soldiers who are actually doing something? Would it not make sense to quickly reconstitute recently disbanded Iraqi regular army units to take on security tasks that are within their capabilities? Would it not be possible that recently disbanded Iraqi army units would be able to more quickly assume duties for which the border patrol, the facilities protection service, and the civil defense corps are intended, including patrolling Iraqi streets with our own soldiers? Would this not more quickly give Iraqis the responsibility for and a stake in securing their own country? And, more importantly, wouldn't it be better for all concerned if primarily Iraqi soldiers and not Americans were acting to restore security in Iraq and dealing with those who would seek to disrupt it?

The Governing Council President thinks so.

I ask unanimous consent that an article written by the current President of the Iraqi Governing Council, Iyad Alawi, entitled "America Must Let Iraq Rebuild Itself," which appeared in the New York Times on October 19, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. I asked Ambassador Bremer when we met with him: At a minimum, would he not raise this issue with the Governing Council to see whether or not the views of the President of the Governing Council, that the Iraqi army regular units should be reconstituted, represent the views of the Governing Council itself. We surely should listen to those views. These are the folks we put in office there as representing the Iraqi people. At a minimum, I urged Ambassador Bremer to find out formally from that Governing Council whether or not the President's views, as represented by this article in the New York Times—that the regular units of the army, properly vetted to make sure we don't hire old members of the Saddam leadership—should be reconstituted to help us maintain order and security in Iraq.

I believe Ambassador Bremer will in fact make that request of the Governing Council—not the request to reconstitute the army, because I don't think Ambassador Bremer is there yet, but the request of the Governing Council to see if they agree that it would be wise for those units below the mid-level officer level to be reconstituted, properly vetted, to help us on the streets of Baghdad and in the areas which are very dangerous, and to take some of the pressure off our troops to make us less of a target and to have Iraqis gradually but more quickly take over their own security so that we are not a lightning rod for the folks who are trying to destroy us.

I look forward to the response of the Governing Council of Iraq to Ambassador Bremer's request. We know that as a new Iraqi army is formed, some of the existing units will be retrained and equipped to expand that army. But it is critically important that we have this question put before that Governing Council. The creation of a new Iraqi army is going very slowly. We are at less than a thousand. We must move more quickly.

The question is, since most of the members who we are hiring for that new army are members of the old army in any event, would it not be much quicker to reconstitute the units of that old army—again, below the mid-officer level, so we don't have the Saddam regime involved—would it not be much quicker to follow the suggestion of the President of the Governing Council, reconstitute the units and move on from there?

The Secretary of Defense asked, in his leaked memorandum, if what the U.S. is doing is enough and what else should be considered. I am glad he asked those questions. As I said before, I am sorry he has not said publicly what he said privately in terms of his doubts and concerns. But having said that, I am glad he is raising questions. I am glad he is asking questions about whether we should change course in some way.

I have written to the Secretary of Defense to solicit his views on Mr. Alawi's proposal. Again, I hope Ambassador Bremer does consult with the Iraqi Governing Council, seek their recommendations on this issue, and not only solicit their recommendations but seriously consider ways to formulate an integrated and comprehensive plan to move more quickly to involve Iraqis in their own security and in their overall governance.

EXHIBIT 1

[From the New York Times, Oct. 19, 2003]

AMERICA MUST LET IRAQ REBUILD ITSELF

(By Iyad Alawi)

BAGHDAD, IRAQ.—No Iraqi will ever forget the momentous April day when a crowd of hundreds of cheering Baghdadis, helped by an American armored vehicle, pull the huge statue of Saddam Hussein to the ground. With this act, we tore down three decades of tyranny and repression and began building in its place a foundation for freedom, democracy and a better future for our children.

To see that this goal is achieved, the Bush administration has challenged me and my colleagues on the Iraqi Governing Council to draft a permanent constitution within six months and to move as quickly as possible to hold internationally monitored, free elections. We gladly accept that challenge, and welcome the vital assistance of the United Nations, through the Security Council resolution passed on Thursday, to see through to completion the enormous task ahead.

But we also realize that there are obstacles on Iraq's march toward democracy. In the months since Iraq was liberated, jubilation has given way to insecurity and chaos. When my fellow Iraqis finally go to the polls to elect their government, they must have confidence that state institutions are not only legitimate and independent, but robust enough to guarantee safety and civil rights. That is why the coalition and the council must take several immediate steps to establish these necessary conditions for the constitutional process to succeed.

First, it is vital to call up the Iraqi Army and the national police force, at least up to mid-officer level. The coalition's early decision to abolish the army and police was well intended, but it unfortunately resulted in a security vacuum that let criminals, diehards of the former regime and international terrorist flourish. And the coalition's plan to build a 20,000-member lightly armed force mostly responsible for security and border control could make poor use of a valuable resource: the 300,000 Iraqi soldiers who simply went home with their weapons in the face of the American-led invasion.

Most of these soldiers are Iraqi patriots who chose not to fight for Saddam Hussein. Americans should not confuse the Iraqi Army with the hated Republican Guard, which Saddam Husseim created precisely because he distrusted the legitimate military. In one simple process, the coalition authority can support the governing council to call the army back to its barracks for retraining and, ultimately, for redeployment. Most soldiers and their officers will proudly return to their units and contribute to their country's future.

The coalition and the Iraqi Interior Ministry can vet officers to remove those who committed crimes under the old regime, and then rapidly redeploy the most capable units to work with, and progressively relieve, American troops of security duties. Iraqi Army units have an established chain of command and esprit de corps. Not only can they be recalled to barracks immediately, but it would be much easier and quicker to retrain and re-equip them within their existing organizational structure than to start from scratch.

By supporting the recall of army units, the United States would not only speed the process of relieving the burden on its troops, it would also gain substantial good will in Iraq. In contrast, any American-led military presence, even if complemented by the United Nations, will never have the credibility and legitimacy that the Iraqi Army has among the people.

In addition, the Iraqi national police must also be recalled. Most Iraqi policemen—as opposed to Saddam Hussein's feared intelligence and security organs—are dedicated to law and order. The United States does not have the time or money to create a police force from the ground up, nor is it necessary, because we have a large, organized force that is ready and willing to serve.

Many other Iraqi governing institutions should also be reactivated by the governing council, with the support of the coalition authority. Special priority must be given to the Ministries of Interior, Justice, Finance, Oil and Education. The Iraqi bureaucracy must also be called back to work, although of course after screening to disqualify serious offenders of the former regime. Together, the council and the coalition leaders can modernize the state apparatus, phase out obsolete policies and practices, and encourage a new mindset of transparency and efficiency.

Finally, as security improves, Iraqi institutions are re-established and the constitutional drafting process is completed, the United States should support international recognition of Iraqi sovereignty. Then a recognized interim government could quickly present a popular referendum, under United Nations monitoring, on the new national constitution. It would be a grave mistake for the United States to hold out sovereignty and international recognition as the reward for passage of a constitution. Rather, making Iraqis once again a part of the international system is the prerequisite of successful reconstruction and a durable democratic system.

Iraqis are grateful for the tremendous efforts and sacrifices the United States is making on our belief. Yet, ultimately, only Iraqis themselves can restore security, rebuild national institutions, enact a constitution and elect a democratic government. America must not rebuff Iraqis who are eager to have a stake in this intimate national process. Like any free people, we want to ensure that we are in control of our own destiny.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. DEWINE. Madam President, a week ago today, I came to the Senate floor to honor and to remember a young Ohio soldier who lost his life while bravely serving our Nation in Iraq. That young man, PFC Branden Oberleitner, had served proudly in the Army's 101st Airborne Division, based out of Fort Campbell, KY.

Today, I come again to the floor of the Senate to honor and to remember another young Ohio soldier who served proudly in the 101st Airborne Division, another young soldier who lost his life bravely defending our Nation and fighting to give a better life, freedom, and liberty to the people of Iraq.

Madam President, SGT Brett Thomas Christian was born on December 5, 1975. Growing up, Brett's life was not always easy. Like a lot of families, he and his mother Tess and brothers Sloan and Derek moved around a lot. As a young child, Brett was in and out of a number of schools, leaving old friends and making new ones each time. The family eventually settled in the Cleveland, OH, area, where, for a time, Brett attended Richmond Heights High School.

Brett adapted well to new environments and knew how to quickly make new friends. People liked Brett; they were drawn to him. He had a great sense of humor and an easy-going demeanor. The first thing people remember about Brett is his whit, his smile, his charm. His brother Derek said, "You couldn't be sad around him. He was just a funny guy."

But Brett also had a serious side. He was a smart person, a smart kid. He read a lot. In fact, he started reading at a very early age and ended up 2 years ahead in school. As his brother Sloan said, "He was always so smart. He blew away all the tests he took."

Brett was also a hard worker. His uncle remembers how he took a physically demanding job at a tropical fish farm. Each day, Brett would travel on his bike 5 miles there and 5 miles back. Rain or shine, Brett road those 10 miles to and from work, laboring tirelessly to get the job done and, yes, done well. He dreamed of opening a restaurant one day with his Richmond Heights High School buddy, Jonathan Wilke.

Brett completed his GED and decided to enlist in the U.S. Army. Brett's mom Tess said he was born to serve; that he always wanted to be a soldier. She said, "My son believed in honor, loyalty, good character, all those things."

Brett was assigned to Company C, 2nd Battalion of the 502nd Infantry of the 101st Airborne Division. He trained to be a sniper and served a year in Korea before being called to Iraq.

Brett's job in Iraq was to drive a 2½-ton diesel carrier. It was grueling and dangerous work. SGT Shane Harris described Brett as one of his most dependable drivers. He was able to log 20-hour days moving soldiers, loads of ammunition, thousands of gallons of fuel, and pallets of bottled water, MREs, and other supplies.

Brett was one of the first American soldiers to cross the line into Iraq. SGT John Ryan recalled how he sent Brett in to push a line forward to secure a bridge. He said that he chose Brett because he was certainly up for it:

> He believed in what we were there for. He knew what needed to be done. He knew how to lead from the front. He was sniper-qualified. He was mission-responsible. He was good under stress. He had a good head on his shoulders. He could always analyze and develop a course of action quickly.

On that same mission, it was later learned that some of our trucks got lost in Iraq after crossing the line. Not surprisingly, it was Brett who found them and, yes, got them out.

On July 23, 2003, SGT Brett Christian was killed and seven others were wounded near Mosul, Iraq, when his convoy was ambushed by rocket-propelled grenades and small arms fire. He was 27 years old.

Madam President, Brett Christian was buried on the hollowed ground of Arlington National Cemetery on August 7, 2003. At that service, MAJ Douglas Fenton called Brett an American hero. He received a Purple Heart and Bronze Star.

There is no question that Brett Thomas Christian was a good man, a good son, brother, grandson, friend, and soldier. He was kind. He was compassionate. As his mother said:

> They say the eyes are the windows of the soul. His eyes swelled with emotion. They were bright and welcoming.

At a memorial service for Brett in Ohio, Pastor Rick Duncan movingly described the kind of man Brett Christian became. This is what he said:

> He was resourceful. He was gracious, never malicious. He never showed any sort of prejudice about anyone. He was responsible, uplifting, and thoughtful. He was a man of action. He was a charmer.

Ultimately, Brett Christian was a true warrior. Brett Christian made a lot of choices in his life. He chose to look at the positive, not the negative. He chose to see the good things in life and in people, not the bad. He chose to face fear and adversity head on and fight against the evil in our world. According to Brett's grandmother Eileen, the last time he was home he explained to his younger brother, who had indicated an interest in joining the military, exactly why he joined the Army. He wanted his brother to understand that he believed in what he was doing, that he believed in helping people and serving our country.

Let me conclude with something Sloan said about his beloved brother:

> Brett had the most potential of anyone in the family—anyone I know. He's a beautiful soul who could have changed so much of the world. He had the love and ability to change a lot of the world.

Madam President, Brett Christian did change the world. Brett Christian did make a difference.

Brett's family—his mother Tess; his brothers Derek and Sloan; his grandparents Thomas and Eileen—remain in my thoughts and my prayers.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ECONOMIC GROWTH

Mr. BENNETT. Madam President, one of the facts that those of us who live in the Washington area have grown accustomed to is that the world looks different through the eyes of the reporters for the Washington Post and the reporters for the Washington Times. My wife and I sometimes play the little game of opening both papers simultaneously and looking at the two headlines side by side. Usually, the Washington Times says things that sound good from the Republican point of view and the Washington Post says things that sound good from the Democratic point of view.

The interesting thing this morning is that both papers covered the same story, and both papers said basically the same thing.

I went into the cloakroom, and I gathered some other papers to see if the headlines were the same there as well. I have them here. Let's start with the Washington Times and the Washington Post.

The Washington Times says:

> Growth Erupts in Summer Order. Consumers, Businesses, Go on a Spending Spree.

Out of the Washington Post—they treat that not quite as enthusiastically, but they say:

> U.S. Economic Growth Surges. Output Rises at the Highest Rate Since 1984, but Jobs Still Decline.

So the Washington Post puts in a little bash there for the President that the Washington Times does not.

If we go to the Wall Street Journal, which some think of as a mouthpiece for the Republican National Committee, their headline is:

> Higher Gear. Economy Turned in its Best Quarter in Nearly Two Decades. GDP Surged 7.2 Percent in Quarter on Broad Based Gains. Bush Team Trumpet Data.

To balance that from the Wall Street Journal, let's go to the newspaper some consider the house organ of the Democratic National Committee, the New York Times, and their headline is:

> Economy Records Speediest Growth Since the Mid-80's. Is Good News Here for Good? Bush Hopes So. Third Quarter Data Surge in Spending Helped by Rebates May Not Persist.

Then I picked up USA Today, the screaming headline:

> 7.2 Percent GDP Growth, Fastest in 19 Years. Economists Credit Tax Relief and Shoppers.

For one day at least, everybody agrees that the No. 1 story is the tremendous performance turned in by the American economy in the third quarter, and the headlines trumpet the numbers, 7.2 percent GDP growth.

I would like to go behind the numbers. I would like to add a few numbers and do what I can to try to put this performance in perspective.

No. 1, we have to recognize what even the New York Times has recognized, which is this is an extraordinary accomplishment, and this is a sign of very good times.

I notice a quote from Howard Dean, who is running for President on the Democratic side, that indicates he is a little disappointed in this; he is a little unhappy that Americans are earning more money, that disposable income is up, that the economy is booming. Perhaps he was hoping he could ride into the White House on a wave of consumer dissatisfaction. If that is his hope, at least the third-quarter numbers say he has to find something else for which to hope.

But it is true that the numbers we have here are not sustainable long term, and that is not necessarily bad because what we are looking for is not a single quarter of extraordinary growth. What we are looking for is a sustained period of recovery. The signs are there that we are, indeed, in such a period. It is not just the 7.2 percent growth in GDP we need to pay attention to; it is some other numbers. Let me address some of those numbers.

They are in the newspaper stories, some of them buried a little further than I would do it if I were writing the story, but the first number that is of significance is the growth in business investment. Yes, as the headlines indicate, the tax relief and the shoppers are responsible for this, but the tax relief is, indeed, something of a one-time phenomenon. The mailing out of the checks for the child tax credit put more money in the hands of parents just before back-to-school shopping, and that showed up in the shopping figures.

Furthermore, the combination of the lowering of withholding rates along with the child tax credits causes people to go out and make some very significant purchases. New cars went up as a significant part of this performance in the third quarter, and you don't buy a new car every quarter. Undoubtedly, you will see some tapering off of some of these major purchases. So we can say that the fourth quarter will not be at the 7.2 percent level as far as GDP is concerned.

One of the newspapers says it will fall all the way down to 4 percent. Madam President, 4 percent on an annual basis is very robust and wonderful growth for an economy as mature as ours. If we could maintain a 4 percent average for the next 2 or 3 years, we would all be very happy about that. So those who are saying the 7.2 won't last and we will fall all the way down to 4 percent should remember there was a time not far distant in our history when we would have been very happy with 3.5 percent. I will take 4 percent any day as a steady, stable growth in the economy.

Let's go back to the business investment number, the number that did not get as much attention as the 7.2 percent GDP number. Business investment grew at 11.1 percent, up from 7.3 percent the previous quarter. The thing to remember is that 7.3 percent is, in and of itself, considered a very strong indication of further growth, and this is the number that holds the promise of future jobs because if business is investing, business eventually is going to have to start hiring.

Let me put the 7.3 percent number in some perspective. As I say, in historic terms, 7.3 percent would be a good number, but we have seen business investment go down, not a positive number of any kind, a negative number for 9 out of the last 11 quarters. To have it come out of negative territory, be so strongly positive as to be at 7.4 percent, and then see the next quarter come in at 11.1, this is as strong a signal as we are going to get that the economy, which has been in recovery but struggling ever since the recession ended, is now in a period of takeoff for sustained growth for the coming year.

One of the other numbers the economists always look at is the question of inventories: How many goods do you have on the shelf, Mr. or Mrs. business person? How many goods do you have that are waiting to be sold? If the shelves are full, you are probably not going to be buying any more until they start to come down, until your inventories start to fall. Usually when you have a period of growth like we have experienced in the third quarter, your inventories go up because people are stocking their shelves as the sales are strong.

Inventories went down in the third quarter. The sales were so strong that they not only took everything we could produce but they reduced inventories that were already low even further, which means that for the fourth quarter and into the next year—first, second, and third quarters—businesses have a major challenge to restock those depleted inventories, which is another sign that there will be growth, another sign that there will be jobs, another sign that this recovery is well underway and has firm traction.

Take the three numbers and put them together: 7.2 percent increase in GDP, substantially more than anybody anticipated; 11.1 percent increase in business investment, substantially more than anybody had anticipated; and a reduction in inventory of .67 percent from the previous level, and you have the profile of a recovery that is very robust.

What caused this recovery? Certainly, one can say it was due. Certainly one can say this was part of the business cycle reasserting itself. We had the excesses of the 1990s that felt so wonderful while we were in them but that were so excessive that the reaction to them felt painful when it came.

It now appears we have worked through most of those excesses. We have paid the price for the bubble of the late 1990s and we are beginning to get back on solid footing. However, one must credit President Bush's initiative in pushing tax cuts at the right time and at the right level to accelerate this growth.

Virtually every one of these papers I have gone through at one place or another in the story will admit, triumphantly in the case of the Washington Times, grudgingly in the case of the New York Times, that the Bush tax cut made a significant contribution to this growth.

I have already recited how it works with respect to consumer spending, but the consumer spending could be a one-time phenomenon and not hold if it is indeed tied to the receipt of checks such as the child credit. However, if the consumer spending has been accelerated by virtue of the reduction in withholding rates, something President Bush insisted on over and over again and that had the greatest resistance in this Chamber, we can say that portion of the tax cuts will, in fact, have a permanent impact on the growth; that that is a gift that will, in fact, keep on giving and we will see continued consumer spending as people have more money left in their paychecks.

What is the outlook in terms of the other political number we hear over and over again in this Chamber, which is the deficit? One of the greatest arguments that was made as we were debating the Bush tax cut was it would make the deficit swell and soar beyond all comprehension and ultimately leave us bankrupt as a nation.

There is another interesting number, one that has not received this kind of headline throughout the country but that is very important. At one point, as the economists were making their projections with respect to the deficit, they said the deficit for this fiscal year, the year that ended September 30, 2003, would be as high as $455 billion. That was a number that came out of the Office of Management and Budget at one point, as they made their guess as to what the economy would be doing and how much money would be available.

We have heard that $455 billion figure repeatedly, particularly from those who were opposed to the President's tax cut and who have been opposed to the supplemental appropriation for Iraq. They are saying we have a $455 billion deficit and we are going to try to add $87 billion on top of it; that is irresponsible; we cannot possibly do that.

Well, an interesting thing happened on the way to the closing of the books. With a stronger economy and with spending coming in at lower levels, we began to see higher revenues and, therefore, lower estimates. As the year got nearer to its close, some economists were saying the deficit might even be as low as $400 billion instead of the $455 billion; we might even be below the magic $400 billion number. I do not know what is magic about the $400 billion number, but it sounds good to pick that number.

Then we began to hear from the Congressional Budget Office: yes, the deficit will clearly be below $400 billion. How much? It could be as much as $20 billion below $400 billion. It could be as low as $380 billion.

The numbers are now in. The books have been tentatively closed, and it is $374 billion. It is $26 billion below the $400 billion mark and it is $81 billion below the $455 billion that was being talked about just a few months ago.

It is purely a coincidence—there is no connection whatsoever—but it is interesting that the actual number below the highest amount that was forecast is almost identical to the $87 billion of the Iraq supplemental. In other words, if we take the actual number of $374 billion and add the $87 billion, we come to the theoretical number close to the $455 billion we were talking about.

All of us would love to sponsor legislation that could cut $80 billion a year out of the deficit. We would stand before our constituents and take enormous credit. We would say, are we not wonderful? We have eliminated $80 billion of the deficit.

The economy did it for us. I think we have to credit the combination of the Bush tax cuts with the growth of the economy in the business cycle, with making us a little bit humble, of telling the politicians we do not control the events nearly as much as we pretend to in our speeches.

The most important thing to remember is it is the economy itself that creates all Federal revenue. Money does not come from the budget. Money comes from the economy. Our job is to do whatever we can to get out of the way of intelligent market forces and allow the economy to grow as strongly as it can on its own. I think that is what Alan Greenspan has done at the Federal Reserve. I think that is what President Bush has led us to do in the Congress with the tax cuts, and I think the unanimous statements out of all of the papers today indicate it is working.

I send my congratulations to Chairman Greenspan, my congratulations to President Bush, and my best wishes for all of us that this will, in fact, continue.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I send a resolution to the desk and ask it be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

(The remarks of Mr. BIDEN pertaining to the submission of S. Res. 256 are printed in today's RECORD under "Submitted Resolutions.")

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECENT ACCOMPLISHMENTS IN THE SENATE

Mr. FRIST. Mr. President, I wanted to take this opportunity while we are in the quorum call to come to the floor and comment briefly on what we have done in the last several days and look ahead as to next week. We won't actually be closing here for a little bit as we are working on a couple of issues.

I want to thank everybody formally for the hard work they put forward this week. It was an aggressive week in terms of what we set out to accomplish, and we were able to finish everything we said we were going to do, with one exception, and that is set up to complete at the end of next week. People worked very late last night, with 14 rollcall votes, finishing close to midnight. I thank everybody for that commitment manifested over the last several days.

The days have been very long. Everybody's schedules are full with activities not just on the floor. There is this constant balancing act. We had to deal with three or four issues and bills at the same time. It seems to individual schedulers of Senators that things are somewhat discombobulated. Despite all that, we were able to finish a number of issues.

The Healthy Forests legislation was accelerated into the schedule because we had not planned exactly when we were going to do that. That took a lot of cooperation. We were able to take it to the floor and complete it, which is especially important with the recent fires that are and have been burning in California. As we have watched those images, we could not help but extend our prayers to the families, for the individuals who are so directly affected in that part of the country and also by fires in other States. With those images now that we see every morning, every night, and over the course of the day, we extend our heartfelt prayers to those affected.

On the Foreign Operations bill, our majority whip did a tremendous job in ushering that bill through. We had the bill on the floor. We came to a point where we had certain challenges in terms of funding and paying for a particular very important amendment on HIV/AIDS, and the cooperation there on both sides of the aisle in being able to move off that bill for a period of time while that was resolved with the President pro tempore, chairman of the Appropriations Committee, Senator TED STEVENS, coming forward and working out a proposal that allowed us to reach out and send a strong message across the world that this little virus, HIV/AIDS, is something we are going to beat over time; and then, with all that cooperation, coming back to the floor and passing that amendment, and ultimately the Foreign Operations bill last night, gives me a great deal of satisfaction because it shows cooperation, partnership, working together, and the attention to people's schedules on the floor, an efficient use of everyone's time.

I congratulate Senator McCONNELL, the majority whip, who did a superb job in that regard.

The nomination of Michael Leavitt, now Administrator of the Environmental Protection Agency, was an issue we addressed, and it took a lot of work both behind the scenes and on the floor of the Senate. We were able to vitiate cloture and we were able to give him an up-or-down vote, which I would like to see more of in other nominations, and we will continue to fight for that. Michael Leavitt, now Administrator, got that up-or-down vote. That stresses the importance of having that sort of process of an up-or-down vote for all of the President's nominees.

In the Leavitt debate, there were disagreements on various policy issues, but we had a qualified nominee at the time. He deserved that vote and he got it, and I was pleased that he was confirmed by a large bipartisan vote.

The Iraq supplemental is coming to a close, and through the agreement last night, we will deliver on the President's request in terms of supporting our military women and men overseas and doing everything we possibly can from a legislative and financial standpoint to ensure their safety, but to maximize the safety of the Iraqi people and the reconstructive efforts promoted aggressively and entirely consistent with what Ambassador Bremer told us was necessary, our military leaders told us was necessary, our Commander in Chief told us was necessary.

There are a number of issues we debated in terms of how we monitor the spending of this money, which has been resolved, and whether it should be grants versus loans. There was a lot of good debate, and the issue was ultimately resolved right where the President said it would be most useful. We will complete that Monday. There will be no rollcall vote because both sides of the aisle have agreed to that, but we will talk further about the issue Monday. By Monday early evening or late afternoon, that bill will pass and that will bring that issue to a close.

We will spend a little time on the Interior conference report on Monday, and we will have a vote on that late Monday afternoon, somewhere between 5 and 6, probably 5:30 to 6 p.m.

We have the fair credit reporting bill on which we have agreement to bring to the floor, and that will probably be Tuesday.

Then we have the Internet tax moratorium which, as I said earlier this morning, I would have liked to have addressed today or last night, but because there are a number of Members who feel very strongly that we have to have a different time for debate, we all agree we will be doing that bill probably Thursday of next week. As I expressed this morning, my intention is to finish that either Thursday or Friday.

Last night, we did act on the continuing resolution, and that will fund our Governmental operations until November 7, and that will allow us to continue our work on the remaining business.

I also spoke earlier this morning about the urgency that I feel, which I want to express to my colleagues, to stay focused, to complete the appropriations process, as well as the work in the various conferences so we can adjourn at a reasonable time.

All of this work—again, most of this is just from the last several days—means that we have had to work throughout the day each day this past week and into the evening.

Also, because a lot of things we handle in wrap-up, and people are not generally aware because they are not done with a lot of fanfare but are done by unanimous consent of the entire body, I find it useful each evening when I close, but especially at the end of the week, to look at some of those bills.

This week the Senate passed S. 1194, Senator MIKE DEWINE's Mentally Ill Offender Treatment and Crime Reduction Act. I mentioned earlier that Senator DEWINE was instrumental in putting together the amendment on HIV/AIDS to the foreign operations bill, which we passed as well.

The bill S. 1768, the National Flood Insurance Program Reauthorization Act, which was introduced by Senator BUNNING, was passed.

We are still hoping today to make progress on the military tax fairness bill. This bill is intended to hopefully level the playing field with respect to tax policy for many members of the Armed Forces. I know there is currently an objection, but I encourage those people who objected to in the next few minutes or hours, whatever it takes, look at that bill and hopefully be able to clear that as soon as possible.

Senator INHOFE's bill, S. 1757 relating to the Kennedy Center reauthorization, was just cleared by both sides. There was another bill from Senator SPECTER and the Veterans' Committee, S. 1132, the veterans benefits bill, an important bill that we need to finish as we approach November 11. That will be finalized shortly.

The point is, we are able to proceed in a bipartisan manner, and we are making progress. We must continue to do that to get the needed work done as we try to work out or work through the host of complicated issues which are inevitable when we deal with legislation.

We will continue to work across the aisle to do the necessary work of this body as we move through these final days.

Again, we will not close the Senate until we work through a few remaining items of business, but I say thanks to my colleagues. We are making progress. We have a lot of work to do over the coming days, but we are going to be able to adjourn in a reasonable period of time if we stay focused and stay disciplined as we go forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PLASTIC GUN OR TOY GUN

Mr. LEVIN. Mr. President, yesterday the Cannon House Office Building was temporarily evacuated when a staff member apparently carried a toy plastic gun past a Capitol Police security check point. This incident reminds us of how important it is that we maintain adequate security in our public buildings. Even though I raised this issue last week, I want to take this opportunity to highlight the importance of the Terrorist Firearms Detection Act, a bill introduced last week by Senator KENNEDY. Originally passed in 1988, and sometimes called the "plastic gun" law, this Federal law makes it illegal for any person to manufacture, import, ship, deliver, possess, transfer or receive any firearm that is not detectable by walk-through metal detectors or the type of x-ray machines commonly used at airports.

Since September 11, 2001, Congress has worked hard to improve the security of our borders, airports, Government buildings, and communities. In just over a month, on December 10, the plastic gun law is set to expire. The Terrorist Firearms Detection Act would permanently reauthorize this law. I support this bill because plastic guns, whose production has been endorsed by the National Rifle Association, should only be used by our military and intelligence agencies.

This legislation has the support of major gun safety organizations, including the Brady Campaign to Prevent Violence United with the Million Mom March, Americans for Gun Safety, and the Violence Policy Center. The Department of Justice, while failing to endorse Senator KENNEDY's permanent ban, has indicated its support for extending the current ban.

I urge my colleagues in Congress to act quickly to pass the Terrorist Firearms Detection Act, so that hopefully President Bush can sign it into law.

THE BATTLE OF MIDWAY IN 1942

Mr. INOUYE. Mr. President, I would like to share with my colleagues a fascinating article by Dr. James Schlesinger, who served our Nation in a number of prestigious positions, such as Secretary of Defense, Secretary of Energy, and Director of the Central Intelligence Agency. The article, "Underappreciated Victory," was published in the October 2003, issue of the Naval History magazine, a publication of the Naval Institute Proceedings. The article calls for the recognition of the world-historic significance of the Battle of Midway in 1942 because it was the turning point in our Nation's war in the Pacific, which, in turn, proved critical to our efforts in the European theater of war. Yet the Battle of Midway, which played such a crucial strategic role for both the European and Pacific war, scarcely gets mentioned in the history books. I wish to submit a copy of Dr. Schlesinger's article to be printed in the RECORD. This brilliant article sets the record straight.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Naval History Magazine, Oct. 2003]

UNDERAPPRECIATED VICTORY

(By James Schlesinger)

As we honor those who turned the tide of World War II with a victory over ostensibly overwhelming force at the Battle of Midway in 1942—61 years ago—too few of us understand the battle's world-historic significance. It is essential, therefore, for us to go forth and proselytize.

I continue to be puzzled over the fact that it comes as something of a revelation to many people that this battle played such a crucial strategic role for the war in Europe. So the question before us is: Why is Midway not recognized as the crucial battle for the West in World War II, just as Stalingrad is recognized as a crucial battle for the Soviet Union? The comparative neglect of Midway is a great historical puzzle and, in a sense, a great injustice.

In relation to what British Prime Minister Winston Churchill and others called Grand Strategy, Midway was far more than a decisive naval victory. It was far more than the turning of the tide in the Pacific war. In a strategic sense, Midway represents one of the great turning points of world history. And in that role, the battle remains underappreciated.

Consider the Grand Strategy of the Allies, which Churchill naturally preferred and President Franklin D. Roosevelt was eager to endorse. It was, quite simply, to deal with Adolf Hitler and with the German threat in Europe first. It has been embraced shortly after the Japanese attack on Pearl Harbor, at the Arcadia Conference. President Roosevelt clearly recognized and acted on the conviction that the Third Reich was the greater menace. Dramatic as the Japanese advance after Pearl Harbor had been, it was into slightly developed colonial regions—to be sure, those possessing rubber and tin. Yet, at its base, it was far less dangerous than Hitler's continuing advance, crushing and then organizing the industrial nations of Europe, while to that point almost entirely obliterating far more formidable resistance. But it was Japan that had attacked the United States, and it was Japan on which the anger of the American people had focused.

Though Churchill could almost automatically concentrate on Europe, it required considerable courage for President Roosevelt to carry through on the Grand Strategy. Germany's declaration of war on the United States on 8 December 1941 provided a small opening. Yet, had it not been for Midway, President Roosevelt could not have persevered with a Europe-first policy. Public opinion would not have allowed it. Indeed, even after Midway, he paid a substantial political price. In the mid-term election of 1942, the Democrats lost 44 seats in the House of Representatives, barely retaining control, with comparable losses elsewhere. In a subsequent poll of all the Democratic congressional candidates, the principal reason given for the debacle: "frustration" and fury at Roosevelt's Germany-first strategy, which translated into failure to punish the Japanese more aggressively for Pearl Harbor.

Nonetheless, despite the inclinations of the public, President Roosevelt recognized that the larger threat lay elsewhere, and he was prepared to pay the domestic political price for that larger national objective, defined by his Grand Strategy.

Consider the overall military situation in spring 1942, Japan was on a roll. The Philippines had fallen, including the final outposts of Bataan and Corregidor. The Japanese had swept through the Malay Peninsula from French Indochina, and on 15 February the supposedly "impregnable fortress" of Singapore had fallen to numerically inferior Japanese forces. The Dutch East Indies had been captured. Japanese forces were advancing into Burma and threatening India. Even Australia appeared to be a target. U.S. naval forces significantly weakened by the attack at Pearl Harbor, appeared vastly inferior to the armada that Japan was gathering to advance eastward in the Pacific toward Midway—then possibly to the Hawaiian Islands or even to the U.S. West Coast. Additional Japanese victories would have made it politically impossible for President Roosevelt to continue to pursue the Grand Strategy of Europe-first.

Then came Midway. Through an extraordinary combination of the skill and courage of our pilots, splendid intelligence, prudent risk-taking by our commanders that paid off, and sheer good luck, the apparently inferior U.S. forces were victorious. This victory occurred despite inferior aircraft, ineffective torpedoes, the substantial absence of backup surface ships, and our overall numerical inferiority. The rest is well known. Four Japanese carriers had been sunk, confirming the dictum of Otto von Bismarck: "the Lord God has special providence for fools, drunkards, and the United States of America." The Japanese offensive had been blunted. The Japanese fleet turned back toward the home islands, their opportunity for victory lost forever. President Roosevelt could then execute his Grand Strategy, with all that was to imply regarding the condition of postwar Europe.

After Midway, the United States could, to the chagrin of General Douglas MacArthur, turn its primary attention back to the European theater. After the stunning surrender of Tobruk, which appeared to jeopardize both Cairo and the Suez Canal, President Roosevelt thus could accommodate the somewhat distraught Churchill's request for 300 of the new Sherman tanks to bolster the defenses in Northeast Africa, ultimately leading to the victory at El Alamein. The Battle of the Atlantic gradually turned with the steady improvement in antisubmarine warfare, thereby helping to ease the shipping shortage. By the fall, Operation Torch, the landings in North Africa, initiated offensive operations that ultimately led to the destruction of Field Marshal Erwin Rommel's Afrika Korps. The invasion of Sicily soon followed, succeeded by the invasion of Italy and eventually the landings in Normandy.

Had these events not taken place or been much delayed, it is possible the Soviet Union would not have survived. But if it had, and succeeded in its march westward, the face of postwar Europe would have been vastly different. Soviet forces would have deployed farther to the west. Germany likely would have been occupied in its entirety. The West's foothold in Europe would have shrunk, perhaps dramatically. The ability of France and Italy to survive communist pressures, precarious as it was in 1947, would have been much reduced. In brief, it was Midway, a battle in the distant Pacific, that shaped the face of postwar Europe.

Despite its crucial historic role, Midway gets scarcely more attention in our history books than the War of 1812 naval battles on Lake Champlain or Lake Erie—let alone the scant attention Europeans have paid to it. Let us reflect on a few other notable battles that turned the tide of history.

In 480, B.C., Athens had fallen to the Persian army, but Athens had in a sense survived in the form of its 200 naval vessels that Athens, prodded by Themistiocles, an early apostle of naval construction, had created. On 28 September in the straits of Salamis, before the very eyes of the Emperor Xerxes, the combined Greek naval force delivered a devastating blow, sinking some 200 Persian ships, with the loss of only 40 of their own. Xerxes, as Herodotus describes, had wanted to rule Europe as well as Asia. Fearing an attack on its bridges over the Hellespont, the Persian army largely withdrew. Greek (and European) civilization had been preserved. Indeed, begging pardon for a lapse from political correctness, Europe had been saved from Oriental Despotism. It was a naval battle that decided the fate of a civilization, a turning point in history.

Each year, the English-speaking world celebrates Trafalgar. Yet, it is not clear that even in the absence of victory England would not have survived. Midway, at a minimum, was the most decisive naval victory since Trafalgar, and perhaps the most strategically decisive victory since Salamis.

What of the crucial battles here in the United States? The Revolutionary War Battle of Yorktown is, of course, celebrated appropriately. Yet, after the Battle of the Capes, Yorktown was but the frosting on the cake, an almost inevitable triumph. The Battle of Saratoga, by contrast, is seen rightly as the turning point of the Revolution.

One is no doubt obliged to speak also of the Civil War Battle of Gettysburg. Yet, while Gettysburg may have been the high-water mark of the Confederacy, the outcome of the war was never much in doubt. Just recall the remarks of that military logistician, Rhett Butler, at the beginning of Gone With the Wind, when he rebukes some Southern hotheads by pointing to the overwhelming industrial domination of the North.

They why, if Midway had such world-historic strategic significance, has it received so much less attention than it deserves? A recent documentary supposedly detailing the Pacific War, produced by Steven Spielberg and Stephen Ambrose, moves smoothly from Pearl Harbor to island hopping in the western Pacific, with scarcely a mention of Midway. How could such a momentous victory come to be overshadowed? There are, I believe, three prominent reasons.

First, the Europeans are quite naturally even more Eurocentric than we are. For them, the crucial battle for the European theater had to begin the European theater itself and not some remote spot in the Pacific. There is still little sense in Europe of what a vast enterprise the war in the Pacific was. El Alamein continues to be celebrated in the United Kingdom. Similarly, the Battle of the Bulge is celebrated annually here. But the outcomes of both those battles were almost foreordained by the balance of forces.

Moreover, the most prominent, indeed almost the canonical, history of World War II was written by Winston Churchill himself. And where would Churchill look? Not to some purely American engagement in the distant Pacific. Midway is mentioned only in Churchill's six-volume history, with no indication of how it shaped the outcome in Europe.

Second, Midway always has lain in the shadow of D-Day, which occurred 2 years later, but which has an anniversary that coincides with Midway in the calendar year. D-day, which was truly touch-and-go, deserves all the attention it has received. But it should not come at the detriment of Midway itself. For without Midway, there would have been no D-Day on 6 June 1944, with all that that implies about the condition of postwar Europe.

Third, it is also in a sense the fault of the U.S. Navy itself. The Navy (take no offense) is both too shy in blowing its own horn and too complacent. Naming a carrier after a battle, for example, is considered so high an honor that nothing more needs to be said.

Midway may be the victim of intraservice politics or more exactly, intertribal fights. If one glorifies what was so dramatically a carrier victory, it might be interpreted to the detriment of the surface Navy and/or the submarine force. So tact required a relatively discreet silence. Thus, regarding the crucial significant of Midway in world history, more than the submarine force has been the "Silent Service."

Our British allies perennially have demonstrated a masterly touch in displaying, not to say marketing, their armed forces and their accomplishments. Go to London. See the centrality of Trafalgar Square in the city. Observe that obelisk for Admiral Horatio Nelson towering over the Square. It all provides a setting and reinforcement for the annual celebration of the naval battle itself. By contrast, Farragut Square in Washington is a very dim competitor. And where, pray tell, is Midway? It is, of course, the Midway, a part of Chicago, named after the 1893 World's Fair—or a nearby airport, a transition point halfway across the United States.

Now hear this! It is time to go forth and proselytize and underscore the world-historic role of Midway. The battle and its veterans deserve no less.

THE VETERANS BENEFITS ENHANCEMENTS ACT OF 2003

Mr. SPECTER. I have sought recognition today to explain briefly the provisions of S. 1132, the proposed Veterans Benefits Enhancements Act of 2003. This legislation, which was approved by the Committee on Veterans' Affairs on September 30, 2003, incorporates provisions drawn from 13 different bills that were considered by the Committee on Veterans' Affairs over the course of the first session. S. 1132, as so amended, is a lengthy bill—almost 50 pages—and so I will not endeavor in this statement to explain in detail each and every provision of the bill. Rather, I will discuss the highlights in this statement, and refer my colleagues to the committee report that accompanied approval of the bill for a more extended explanation of the bill.

The starting point for S. 1132, as reported, was S. 1132, the proposed "Veterans' Survivors Benefits Enhancements Act of 2003," which I introduced on May 22, 2003. That bill, as its title indicates, focused on the needs of the surviving families of veterans who were gravely injured or killed in war. It contained provisions to increase widows' and orphans' educational assistance benefits, and to increase dependency and indemnity compensation (so-called "DIC") benefits—benefits provided to the widows and surviving children of service members whose deaths are service related—in cases where the widow has at home at least one dependent child. The bill, as introduced, would have also extended eligibility for burial in a VA national cemetery to all surviving spouses of veterans, including a group now denied eligibility—service members' widows who are remarried at the time of their deaths. And finally, S. 1132, as introduced, would have extended benefits now provided to spina bifida-afflicted children of Vietnam veterans who were exposed to Agent Orange to the children of veterans who served in another area where Agent Orange was widely used in 1967–1969, the Korean demilitarized zone, and who are afflicted with the same birth defect.

I am pleased that the Committee on Veterans' Affairs approved all but one of these provisions; one provision—the proposed increase in DIC benefits for widows with dependent children—was, unfortunately, too costly to proceed with at this time. I am pleased, as well that at mark up, the committee's members approved the addition of a number of other measures which were drawn from other bills that had been referred to the committee for consideration. Among those provisions are the following:

Provisions derived from bills introduced by Senators MURRAY (S. 517), CRAIG (S. 1239), and GRAHAM of Florida (S. 1281) to improve medical care and compensation benefits afforded to former prisoners of war;

Provisions derived from administration-requested legislation (S. 1213) to increase benefits afforded to Filipinos who fought alongside U.S. troops in World War II;

Provisions derived from administration-requested legislation (S. 1133) to improve the VA's educational assistance, life insurance, and State cemetery grant programs; and

Provisions derived from a bill introduced by Committee Ranking Member, BOB GRAHAM, (S. 1281) to authorize further funding and oversight of the Department of Defense and Institute of Medicine activities to identify the causes of, and treatments for, injuries related to exposures to Agent Orange, radiation, and other environmental dangers by service members.

The bill also contains various measures to assure that, despite the enactment of the significant improvements contained within the bill, the bill will nonetheless be in compliance with Budget Enforcement Act strictures against the enactment of "mandatory account" spending measures without accompanying "pay-go" offsets.

S. 1132, as amended, is good legislation that is supported, on a bipartisan basis, by all of the members of the Committee on Veterans' Affairs. Further, its key provisions are supported by VA Secretary Anthony J. Principi and by the major veterans' service organizations. I ask that the Senate approve it.

NOMINATION FOR THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. KENNEDY. Mr. President, the nomination of Mr. Stuart Ishimaru to be a member of the Equal Employment Opportunity Commission in the Department of Labor was approved today by the Health, Education, Labor and Pensions Committee, and I look forward to prompt confirmation of this qualified nominee by the full Senate.

Mr. Ishimaru brings a distinguished legal background and a demonstrated commitment to public service to the position.

For 10 years he served as counsel to the House Judiciary and Armed Services Committees and was a counsel and deputy assistant Attorney General in the Justice Department's Civil Rights Division under Attorney General Janet Reno.

Through these positions he has helped enforce the great civil rights laws we have enacted over the last 50 years, from protections for the elderly, to protections for people with disabilities, to protection from discrimination in the workplace. And he has done so with a sense of fairness, compassion, and integrity that has earned him wide respect. I know he will continue his excellent work by enforcing our Nation's employment laws at the EEOC.

I urge my colleagues to support this well qualified nominee to the EEOC.

THE NATION'S HOSPITALS

Mr. ALLARD. Mr. President, hospitals in the United States have enormous responsibility. The Nation's hospitals care for patients, perform surgeries, train interns, research cures to diseases, and provide millions of dollars annually for the uninsured. Their services improve Americans' health and lives and better our communities. I laud their service to Colorado and the Nation.

Recently Solucient, a company that provides health care data to improve health care results, published its list of the Nation's 100 top hospitals. Four of Solucient's designees are Colorado hospitals: Saint Joseph Hospital in Denver, Rose Medical Center in Denver, Swedish Medical Center in Englewood, and Lutheran Medical Center in Wheat Ridge. Solucient determines its selection of top hospitals according to hospitals' consistent and superior quality care, financial performance, and efficient delivery of care. According to Solucient, the Top 100 hospitals treat more, and sicker, patients with better survival rates and fewer complications.

I am pleased to acknowledge Solucient's selection of Colorado hospitals for its quality service, dedication, and commitment to providing quality health care for Colorado, the Nation, and the world. First, Solucient has recognized Saint Joe's Hospital in Denver in its studies of orthopedic and intensive care units. According to the hospital, Saint Joe delivers more babies than any other Colorado hospital, serves more patients in gastroenterology, general surgery, pulmonology, cardiac care, nephrology and rheumatology than any other acute care hospital in the Denver metropolitan area, and for the past 5 years the hospital has cared for more cardiology and open heart surgery patients than any other acute care hospital in the metro area.

Second, Exempla Lutheran Medical Center specializes in cardiology, oncology, orthopedic services, and women's health care. Lutheran Medical also provides special care to the community through its community clinics, special programs and services for the elderly, and hospice care. In addition, Lutheran Medical Center's Emergency Department has the second highest patient load in the Denver metropolitan area.

Third, with a mission of commitment to patients, Rose Medical Center in Denver asserts a reputation for high quality health care and quality customer service. Rose Medical Center specializes in women's health services, general surgery, internal medicine, pediatric care, and emergency services. Rose Medical Center also partners with philanthropic organizations to help offer services to the Colorado community. Further, Rose Medical Center is the official health care provider for the Denver Nuggets professional basketball team and the Colorado Avalanche professional hockey team.

Fourth, Solucient recognized a teaching hospital in Englewood, Colorado, Swedish Medical Center, which has six "Centers of Excellence:" the Colorado Neurological Institute, adult & pediatric trauma services, advanced radiology capabilities, cardiology services, cancer treatment services, and women's and children's services. In addition, Swedish is a Level I Trauma Center and is a leading referral center for neurotrauma. Swedish also offers services for the elderly, emergency medical service education, and has a Family Medicine Residency Program.

I am pleased these Colorado hospitals have been recognized as leaders in quality, efficiency, and financial responsibility in institutional health care. I laud their work and am expectant for their continued high quality of care and progress for Colorado and the Nation.

ADDITIONAL STATEMENTS

HONORING DR. MARTHA RHODES ROBERTS

• Mr. GRAHAM of Florida. Mr. President, today I pay tribute to a fine humanitarian and Floridian, Dr. Martha Rhodes Roberts, who is retiring on October 31. Throughout her 34-year career with the Florida Department of Agriculture and Consumer Services, Dr. Martha Rhodes Roberts has contributed to Florida's agriculture food safety industry as a scientific authority, industry counselor, strategist, and partner in the endeavors of Florida agricultural producers. She has become an expert on minimizing food contamination for consumers, by helping to develop safer standards in food processing. Dr. Rhodes Roberts' dedication to safe food practices has enriched the lives of Floridians and Americans.

Since beginning her career with the Florida Department of Agriculture and Consumer Services as a microbiologist in the Food Laboratory in 1968, Dr. Roberts has been a tireless advocate to ensure the food Americans eat is safe and abundant while at the same time helping the agricultural community to minimize their impacts on the environment. In addition to these achievements, she has the distinction of serving as the first female Assistant Commissioner of Agriculture for a State agency in the country. During her tenure at the Florida Department of Agriculture and Consumer Services, Dr. Roberts was instrumental in Florida's food safety program becoming one of the preeminent State food safety programs in the country. She also has overseen the divisions of pesticides, fertilizers, seeds, agricultural water policy, soil and water conservation, animal feeds, aquaculture and dairy and animal industries during her long career with the department.

Dr. Roberts has served on several Federal advisory groups for the U.S. Food and Drug Administration, the U.S. Department of Agriculture, and the U.S. Chamber of Commerce and she has served as president of the Association of Food and Drug Officials, comprised of all States, FDA and USDA. She was instrumental in organizing the Conference for Food Protection, a national body to set food safety standards for all States. Dr. Roberts is a member of the Institute of Food Technologists' Science Advisory Board, which provides scientific review and analysis of issues in food safety, food processing and human health. Dr. Roberts has utilized her expertise in food safety to assist producers, packers and processors in implementing new technologies designed to minimize food contamination, ensuring the highest quality and safest food products for consumers.

In 1996, recognizing that natural resource management was critical for Florida agriculture's long term viability, Dr. Roberts advocated the creation of the Office of Agricultural Water Policy within the Department of Agriculture and Consumer Services. Today it remains the only water policy office housed within a State department of agriculture. She also spearheaded the formation of the Suwannee River Basin Nutrient Management Working Group, a 26-member public-private partnership formed to assess nutrient loadings to the Suwannee River Watershed and effect reductions via voluntary, incentive-based programs. This innovative approach has resulted in dramatic environmental benefits to the watershed as a whole. Dr. Roberts was instrumental in the establishment of the Commissioner of Agriculture's Ag-Environmental Leadership Awards Program. This program, now in its ninth year, annually recognizes those Florida growers and ranchers who employ innovative management practices designed to optimize the protection of wildlife, effectively manage pesticides and nutrients, protect water quality, and conserve soil and water.

Dr. Roberts has been recognized with numerous awards and commendations for her efforts. In 2003, she received Florida's agriculture industry's highest honor when she was inducted into the Florida Agricultural Hall of Fame. Dr. Roberts has been a strong advocate of using a common sense approach when implementing a regulatory program. She helped win passage of Florida's country of origin labeling law in 1979 and worked to see this law become a Federal reality in 2002. For her many years of service ensuring the food Americans eat is safe, abundant and affordable, I am proud to acknowledge the work of Dr. Martha Rhodes Roberts.●

MESSAGE FROM THE PRESIDENT

A message for the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate a massage from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House has signed the following enrolled bills:

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building";

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office";

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office";

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building";

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building";

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal Hill, California, as the "Stephen Horn Post Office Building";

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building";

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office";

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building";

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building";

H.R. 2746. An act to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building"; and

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".

The enrolled bills, previously signed by the Speaker of the House, was signed on today, October 31, 2003, by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1805. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

S. 1806. A bill to prohibit civil liability actions from being brought or continued against manufactures, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4948. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Sault Saint Marie, MI" (MB Doc. No. 02–83) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4949. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Conway, SC" (MB Doc. No. 03–110) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4950. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b) and 73.606(b), Table of Allotments, DTV and TV Broadcast Stations, Pittsburgh, PA" (MM Doc. No. 01–276) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4951. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b) and 73.622(b), Table of Allotments, DTV and TV Broadcast Stations, Asheville, NC and Greenville, SC" (MB Doc. No. 02–363) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4952. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Farmington, Grass Valley, Jackson, Lindon, Placerville, and Fair Oaks, CA, and Carson City and Sun Valley, NV" (MM Doc. No. 90–189) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4953. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM

Broadcast Stations, Macon, Mississippi" (MM Doc. No. 01-38) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4954. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Wapanucka, OK, Comanche, TX, Hollis, OK, Santa Anna, TX, Mooreland, OK, Junction, TX, Alton, MO, Taos, NM, McCamey, Dickens, and Hamlin, TX" (MM Doc. No. 01-181, -190, -217, -220, -226, -228, -233, -282, -283, -284, -285) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4955. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Auburn, Northport, Tuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orrville, Goodwater, Pine Level, Jemison, and Thomaston, AL" (MM Doc. No. 01-104) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4956. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Depoe Bay, Garibaldi, Cottage Grove, Veneta, and Toledo, Oregon)" (MM Doc. No. 02-255) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4957. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Roundup, Montana)" (MB Doc. No. 02-127) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4958. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Sugar Hill and Taccoa, GA)" (MM Doc. No. 98-162) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4959. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Archer City, Texas)" (MM Doc. No. 03-116) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4960. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Othello and Basin City, Washington)" (MB Doc. No. 03-25) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4961. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Orange, Midlothian, and South Hill, VA and Reidsville, NC)" (MB Doc. No. 03-47) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4962. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Glens Falls, Indian Lake, Malta and Queensbury, New York)" (MB Doc. No. 03-105) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4963. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Magnolia, Arkansas, and Oil City, Louisiana)" (MB Doc. No. 02-199) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4964. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Okmulgee and Glenpool, OK)" (MB Doc. No. 02-15) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4965. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Cadiz and Oak Grove, KY)" (MB Doc. No. 93-314) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4966. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Old Fort, Fletcher, and Asheville, NC; Surgoinsville, TN and Augusta, GA)" (MB Doc. No. 01-175) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4967. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Washington and Watkinsville, GA)" (MB Doc. No. 01-281) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4968. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Kernville, CA)" (MB Doc. No. 03-111) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4969. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Marion and Johnston City, IL)" (MB Doc. No. 03-13) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4970. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Savannah, Springfield, and Tybee Island, GA)" (MB Doc. No. 03-119) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4971. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Cedar Bluff, Virginia and Gary, West Virginia)" (MB Doc. No. 02-316) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4972. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Quartzite, AZ)" (MB Doc. No. 03-131) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4973. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Saint Joseph, Clayton, Ruston, and Wisner, LA)" (MB Doc. No. 01-19) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4974. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Daisy, AR, Trona, CA, Muldrow, OK, and Rattan, OK)" (MB Doc. No. 03-42) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4975. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Ozone and Iraan, TX)" (MB Doc. No. 02-261) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4976. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Buffalo, OK)" (MB Doc. No. 02-383) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4977. A communication from the Senior Legal Advisor to the Bureau Chief, Media

Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Crisfield, MD; Belle Haven, Exmore, Nassawadox, and Poquoson, VA)" (MM Doc. No. 02-76) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4978. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Broken Bow, OK)" (MM Doc. No. 01-209) received in October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4979. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (DeRidder, DeQuincy, and Merryville, LA and Newton, TX)" (MM Doc. No. 02-56) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4980. A communication from the Deputy Division Chief, Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 68.4 of the Commission's Rules Governing Hearing Aid-Compatible Telephones" (FCC03-168) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4981. A communication from the Chief of Staff, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order on Reconstruction" (FCC03-46) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4982. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co Frequency with GSO and Terrestrial Systems in the Ku Band Frequency Range (Second Memorandum Opinion and Order)" (FCC03-25) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4983. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report a rule entitled "Amendment of Parts 2, 25, and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz" (FCC03-69) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

DISCHARGED NOMINATIONS

The Senate Committee on Rules and Administration was discharged from further consideration of the following nominations and the nominations were:

Paul S. DeGregorio, of Missouri, to be a Member of the Election Assistance Commission for a term of two years.

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term of two years.

Raymundo Martinez III, of Texas, to be a Member of the Election Assistance Commission for a term of four years.

Deforest B. Soaries, Jr., of New Jersey, to be a Member of the Election Assistance Commission for a term of four years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 1805. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; read the first time.

By Mr. CRAIG:

S. 1806. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; read the first time.

By Mr. McCAIN (for himself, Mr. REED, Mr. DEWINE, Mr. LIEBERMAN, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 1807. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mrs. DOLE, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 1808. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1809. A bill to provide grants for mental health and substance abuse services for women and children who have been victims of domestic or sexual violence; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1810. A bill to amend the Public Health Service Act to improve treatment for the mental health abuse and substance abuse needs of women with histories of trauma, including domestic and sexual violence; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1811. A bill to expand research for women in trauma; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. BROWNBACK, Mr. DODD, and Mr. HAGEL):

S. Res. 256. A resolution observing the 50th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, affirming the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea, and thanking the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1664

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself, Mr. REED, Mr. DEWINE, Mr. LIEBERMAN, Mr. CHAFEE, Mr.

LAUTENBERG, and Mr. SCHUMER):

S. 1807. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I take a backseat to no one in my support of Second Amendment rights. But this right, which Americans have fought and died for, does not extent to terrorists, criminals and illegal aliens. That is why I am pleased to announce today a landmark agreement on gun show legislation that I have reached with Senators JACK REED, MIKE DEWINE, and JOE LIEBERMAN.

The bill accomplishes two critical goals: It protects gun shows as a viable business and ongoing enterprise, and it slams the door on criminals, terrorists and illegal aliens who have successfully exploited a loophole in our gun safety laws to acquire firearms at gun shows for nefarious purposes.

I know the gun safety issue is controversial in Congress and that there is a great deal of passion on both sides. This legislation replaces passion with pragmatism. It stakes out a sensible middle ground to solve the real problem of criminals and terrorists getting guns at gun shows without burdening gun show operators with punishing paperwork or treating enthusiasts who attend these shows as pariahs.

For gun rights advocates like myself, this bill does not retreat one inch in the battle to protect our Second Amendment rights. It treats gun show operators and patrons with respect and requires simply that background checks be performed on all firearms sales at gun shows. For those who are rightly concerned about gun violence, this bill simply and straightforwardly accomplishes the goal of closing a loophole that has fueled illegal gun trafficking in America.

I am a gun owner and I have attended many gun shows in my state of Arizona. More than most people, I know that the majority of gun show patrons and sellers are honest, law abiding citizens. But I also know that there is a sinister element that attends these shows and exploits this loophole.

Defenders of gun shows, like myself, cannot ignore the staggering statistic that gun shows are the second leading source of firearms recovered in illegal gun trafficking investigations conducted by ATF. Just this week, the St. Louis Post-Dispatch reported that ATF agents seized 572 firearms from five unlicensed sellers who were exploiting the gun show loophole in ways that threaten the safety of American citizens. The same article quoted an ATF agent saying "crime guns do originate at gun shows. That's been documented."

The fact that gun shows are a leading source of crime guns is reason enough to close the gun show loophole, but we also know of at least three cases where alleged terrorists used the gun show loophole to purchase firearms and that makes closing this loophole imperative.

On September 10, 2001, a Federal court in Detroit convicted Ali Boumelhem, a known member of the terrorist group Hezbollah on seven counts of weapons charges for smuggling shotguns, ammunition, flash suppressors, and assault weapons parts to Lebanon.

FBI agents followed Boumelhem to at least three Michigan gun shows in October 2000. According to the Middle East Intelligence Bulletin, the shipment in which he was finally arrested was part of a pattern—Boumelhem "traveled frequently to gun shows to buy arms and then hid them in cargo crates bound for Lebanon." According to the Associated Press, "Federal agents say they watched Boumelhem, a resident of Detroit and Beirut, travel to gun shows to buy gun parts and ammunition for shipment overseas."

On October 30, 2001, Muhammad Asrar, a Pakistani national with suspected al-Qaeda ties, pleaded guilty in Federal court in Texas to firearms-related charges. He was convicted of illegally possessing 50 rounds of 9mm ammunition. He was also convicted on an immigration charge—illegally overstaying his student visa since 1988.

Asrar was arrested after an anonymous informant told authorities that Asrar had asked him whether he would smuggle a foreign national across the border from Mexico. Asrar also allegedly asked the informant if he would take pictures of tall buildings for him during his travels. Police seized several photos of tall buildings from Asrar's store.

Asrar admitted to authorities that he had bought and sold a variety of guns at Texas gun shows over the previous 7 years, including a copy of a Sten submachine gun, a Ruger Mini-14 rifle, two handguns, and a hunting rifle.

Despite the final adjudication of the ammunition and immigration charges, which can carry a penalty of up to 10 years in prison, Asrar remains under investigation by a Federal grand jury. According to the New York Times, Asrar is being investigated for possible links to al-Qaeda.

Connor Claxton is an Irish national and an admitted member of the Irish Republican Army who is currently serving a prison term for attempting to smuggle guns bought in Florida to Ireland. At his trial he testified about how he came to the United States on IRA orders to buy weapons and ammunition for shipment back to Ireland and that he chose to come to Florida because "we don't have gun shows in Ireland, and you see things here like you never imagined."

According to his co-conspirator Siobhan Browne, Claxton "spent more than $100,000 off the books on semi- and fully automatic weapons in sales from private dealers" who are not required to perform background checks. Browne also said that Mickey Couples, a senior IRA leader, told her that "the gunrunning mission had been going on for four years and that there were 50 IRA volunteers involved."

In an era where America is right to be concerned about security, it is absolutely imperative that we close this dangerous loophole that allows criminals, terrorists, and illegal aliens to claim a right that they don't deserve.

The McCain-Reed-DeWine-Lieberman bill requires instant criminal background checks for all firearm sales at gun shows. For licensed dealers selling at gun shows, this bill creates no new burdens. For unlicensed sellers, they will simply need to have an instant background check performed before they transfer a firearm. The instant check could be performed by a licensed dealer, local law enforcement, or by a new entity created by this bill called a special licensee—an individual or gun show employee who may perform instant background checks at gun shows only.

The bill also defines a gun show in a fair and rational way. Any public event where 75 or more firearms are offered for sale is defined in the legislation as a gun show. Collectors who sell their own guns from their own homes are exempt. In addition, private hunt clubs that buy, sell, or trade firearms between members are also free from the requirements of this bill.

Paperwork requirements under the bill are the minimum necessary to ensure compliance with the law. I made sure that gun show operators would not be buried under an avalanche of paper.

Finally, the bill allows States to seek a waiver to make the instant check even quicker for unlicensed sellers at gun shows once that State has automated the records necessary to make the check as accurate as possible. I am aware that some sellers are concerned that the law allowing up to three business days to complete a background check is burdensome for weekend gun shows.

Currently, because of improvements made by Attorney General John Ashcroft, 91 percent of all background checks are completed within five minutes and 95 percent are completed within two hours. For all intents and purposes, we now have a viable instant check system. But I would like to get that 95 percent success rate up to 100 percent and this bill will help entice States to get their felony, domestic violence and mental health records in order so that no one has to wait days to be approved or denied a firearm under instant check.

This legislation should appeal to all but those who either hate guns and believe that no one should own them or those who believe that even terrorists, criminals and illegal aliens are protected under the Second Amendment. In 1999, every member of the Senate voted for some form of a bill to close the gun show loophole, but neither side was willing to compromise for the sake of America. Let's stop playing politics with guns and support a bill that closes a serious loophole while respecting the rights of those who enjoy gun shows. This is our chance.

Mr. REED. Mr. President, I rise to join my colleague Senator McCAIN in introducing the Gun Show Loophole Closing Act of 2003. We offer this legislation to strengthen our Nation's gun laws by closing a loophole that has allowed criminals to buy firearms at gun shows for far too long. I look forward to working with Senator McCAIN and our fellow cosponsors to offer this legislation to the first appropriate vehicle that comes before the Senate. In particular, it is our intention to offer this bill as an amendment to the gun industry immunity bill, S. 659. If the Senate is going to consider granting immunity from civil liability to the firearms industry—an industry that Congress already exempted from the consumer product safety laws that apply to virtually every other product sold in this country—it is critical that we protect the American people by improving law enforcement oversight of commerce in firearms.

The Bureau of Alcohol, Tobacco and Firearms reported to Congress in 2000 that gun shows are a major gun trafficking channel responsible for more than 26,000 illegal firearms sales during the 18-month period ATF studied. The FBI and ATF tell us again and again that convicted felons, domestic abusers, and other prohibited purchasers are taking advantage of the gun show loophole. At least three suspected terrorists that we know of have also exploited this loophole to acquire firearms, including one suspected al Qaeda member.

Under Federal law, Federal Firearms Licensees are required to maintain careful records of their sales, and under the Brady Act, to check a purchaser's background with the National Instant Criminal Background Check System before transferring any firearm. However, a person does not need a Federal firearms license—and the Brady Act does not apply—if the person is not "engaged in the business" of selling firearms pursuant to Federal law. These unlicensed sellers make up one quarter or more of the sellers of firearms at thousands of gun shows in America each year. Consequently, felons and other prohibited persons who want to avoid Brady Act checks and records of their purchases buy firearms at gun shows.

Four years ago, Eric Harris and Dylan Klebold killed 13 people at Columbine High School with weapons purchased from an unlicensed seller at a gun show. The woman who purchased those guns on behalf of Harris and Klebold testified to the Colorado legislature that she never would have purchased the weapons had she been required to undergo a background check.

We have united behind this bipartisan legislation—which brings together provisions from several previous gun show bills—to make gun show transactions safer for all Americans. The bill would require Brady Law background checks on all firearms transactions at any event where 75 or more guns are offered for sale. Three years after enactment, States could apply to the Attorney General for certification for a 24-hour background check for unlicensed sellers at gun shows. In order to be eligible for 24-hour certification, a State would be required to have 95 percent of its disqualifying records automated and searchable under NICS, including 95 percent of all domestic violence misdemeanor and restraining order records dating back 30 years. Before certifying any State for 24-hour background checks, the Attorney General would be required to establish a toll-free telephone number to enable State and local courts to immediately notify the NICS system any time a domestic violence restraining order is filed, and courts within a certified State would be required to use the telephone number immediately upon the filing of such an order. The bill also directs the Attorney General to work with States to encourage the development of computer systems that would allow courts to provide electronic records to NICS immediately. The Bureau of Justice Statistics would conduct an annual review of all certified States to ensure they continue to meet the conditions for 24-hour background check certification.

Some will say that this legislation is an attempt to end gun shows, but the experience of States that have closed the gun show loophole proves otherwise. California, for example, requires not only background checks at gun shows but a 10-day waiting period for all gun sales, yet gun shows continue to thrive there. No, we are not trying to end gun shows. What we are trying to end is the free pass we're giving to terrorists and convicted felons that allows them to simply walk into a gun show, find a private dealer, buy whatever weapons they want and walk out without a Brady background check.

In overwhelming numbers, the American people believe that background checks should be required for all gun show sales. The people of Colorado confirmed this after the Columbine tragedy when they approved a ballot initiative to close the gun show loophole. I urge my colleagues to support the Gun Show Loophole Closing Act of 2003 so that we can finally close this loophole in every State and make sure that convicted felons, domestic abusers, and other prohibited persons do not use gun shows to purchase firearms without a Brady background check.

Mr. DEWINE. Mr. President, I rise today as an original co-sponsor of the Gun Show Loophole Closing Act of 2003. I would like to thank Senators McCAIN, LIEBERMAN and REED for also sponsoring this common sense piece of legislation that aims to keep guns out of the hands of criminals and out of the hand of kids. It is a good bill—an important bill.

Gun ownership rights are clearly established in the United States Constitution. And, I am a firm supporter of the Second Amendment. I also strongly believe that we have an obligation to protect the safety of law-abiding citizens and the safety of our most precious resource, our children.

As a former county prosecutor, I learned that the best way to reduce the illegal and often fatal use of guns is to pass and enforce tough laws that severely punish criminals who use them. That is why I consistently have supported measures that keep firearms from getting into the wrong hands in the first place and that increase the punishment of those who use firearms in the commission of a crime. The Gun Show Loophole Closing Act helps achieve that goal.

Under the existing Brady law, when a purchaser buys a gun from a licensed dealer, he or she must undergo a background check through the Federal Government's National Instant Criminal Background Check System ("NICS"), into which States feed records of certain criminals and others not qualified to own a gun. NICS has up to three days to inform the dealer as to whether the buyer is qualified to purchase a gun. If the dealer receives no response by the end of the three-day period, the dealer is allowed to the sell the gun to that buyer. Ninety-five percent of NICS checks, however, do not take three days. They come up with an instant or near instant response.

This bill we are introducing today simply applies the same common-sense checks to gun show sales. Right now, there is no statute requiring that all sellers at gun shows run NICS checks on potential gun buyers; however, according to Federal officials, gun shows are the second leading source of illegal guns recovered from gun trafficking investigations. By leaving this loophole open—by not requiring all gun show sellers to run NICS checks—we are presenting gun traffickers and other criminals with a prime opportunity to acquire firearms. This is terrifying and this is unacceptable. Only last week, Federal authorities arrested a Georgia man who sold large quantities of firearms at Georgia gun shows. These firearms have been recovered in subsequent crimes in New York, New Jersey, Michigan, and here in Washington, DC.

Furthermore, following the attacks on September 11th, it came to light that Al Qaeda produced a handbook in which it advised terrorists to purchase firearms at gun shows in the United States. In fact, at least three suspected terrorists have exploited this loophole to acquire firearms. Therefore, it is imperative, now more than ever, to enact legislation to protect our citizens from this potential area of terrorist exploitation.

This bill is common sense. The laws for purchasing firearms at gun shows and stores should be the same. We have the same responsibility to make sure that gun owners are qualified—regardless of where they buy their guns. This bill closes the gun show loophole in a way that respects the Second Amendment and honest, law-abiding Americans' right to buy and sell guns and attend gun shows. That's good law. That's good policy. That's why we should pass this bill.

Mr. LIEBERMAN. Mr. President, I am proud to join Senators McCAIN, REED, DEWINE, LAUTENBERG, SCHUMER and CHAFEE in introducing this important legislation. This bill aims to build common ground on gun violence—a problem that has too often divided Members of Congress. As citizens of this great Democracy, we have rights and we have responsibilities. We have the right to own guns, but we have a responsibility not to sell them to criminals. That is the simple but important set of values on which the legislation we introduce today is founded.

For several decades, our Nation has had a clear policy against allowing convicted felons to buy guns, because we know that mixing criminals and guns far too often yields violent results. Through the Brady law, we established what seems like an obvious corollary to that policy—a requirement that those selling guns determine whether someone trying to buy a firearm isn't supposed to get one before they sell it to them. The Brady law has been an enormous success. Since its enactment, background checks have stopped almost one million gun sales to those who by law aren't allowed to own guns—convicted felons, spouse abusers, fugitives from justice, among others. This has saved an untold number of our citizens from the violence, injury or death the sale of many of these guns would have brought.

But the Brady law contained an unfortunate loophole that has since been exploited to allow convicted felons and other people who shouldn't own guns to evade the background check requirement by buying their guns at gun shows. The problem is that Brady applies only to Federal Firearms Licensees, so-called FFLs—people who are in the business of selling guns. Brady explicitly exempts from the background check requirement anyone "who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms." As a result, any person selling guns as a hobby or only occasionally, whether at a gun show, flea market or elsewhere, need not obtain a Federal license and therefore has no obligation to conduct a background check. This means that any person wanting to avoid a background check can go to a gun show, find out which vendors are not FFLs, and buy a gun. This situation is dangerous not only because it allows convicted felons and other prohibited persons to buy guns, but also because—in contrast to FFLs—non-FFLs have no obligation to keep records of the transaction, thereby depriving law enforcement of the ability to trace the gun if it later turns up at a crime scene.

Our bill will change that. We will make sure that no one will be able to buy a gun at a gun show without it first being determined whether that person is a convicted felon, a spouse abuser or a member of one of the other categories of people we all agree should not be allowed to buy guns.

Our bill does this, though, by taking into account some of the concerns that were expressed about previous efforts to close this loophole.

First, our bill has a simple definition of a gun show—an event where 75 or more guns are offered or exhibited for sale—and we make clear that that definition doesn't include sales from a private collection by nonlicensed sellers out of their homes.

Second, to respond to the argument that previous proposals made it too difficult for nonlicensed sellers to fulfill the background check requirement, our bill makes sure that nonlicensed sellers will have easy access to someone who can initiate background checks for them, by creating a new class of licensee whose sole purpose will be to initiate background checks at gun shows.

Third, we have tried to respond to those who say that a three-day check is too long for gun shows, because those events only last a couple of days. It is worth noting that the length allowed for the check doesn't affect the overwhelming majority of gun purchasers, because over 90 percent of checks are completed almost instantly. But to allay the concerns that have been expressed, we have come up with a compromise that authorizes a State to move to a 24-hour check for nonlicensed dealers at gun shows when the State can prove that a 24-hour check is feasible. A State can prove that by showing that 95 percent of the records that would disqualify people in that State from buying guns are computerized and searchable by the NICS system. And, because of the particular need to keep guns out of the hands of spouse abusers, the bill specifically provides that a State must have computerized 95 percent of its domestic violence misdemeanor and restraining order records dating back 30 years before it is eligible to go to a 24-hour check at gun shows.

One significant difference between the bill Senator McCAIN and I introduced last Congress and the one we introduce today is that my colleague from Rhode Island, Senator REED, has worked with us to craft a single gun show loophole closing bill. I am truly pleased that we can now all go forward together in a unified effort to bring greater responsibility to our gun laws.

. Now I know that there are many, including President Bush, who argue that what we need to solve the gun violence problem are not new laws but the enforcement of existing ones. I agree with part of that statement, and firmly support efforts to crack down on those who violate our gun laws. But I believe we must go farther than that, because we will never be able to enforce existing laws unless we close the loopholes in them that criminals exploit. And we all know that there is a big loophole in the provision saying that felons and spouse abusers aren't supposed to buy guns, and that is that criminals know that if they go to a gun show, they will be able to avoid the background check that was set up to keep them from getting guns.

Gun crime remains a critical public safety problem. For too long, differences over finding a solution to that problem have unnecessarily divided the Congress, and the American people have been left to suffer the violent consequences. But the reality is that most of us agree on most of the critical questions. We agree that the laws on the books should be enforced, that the rights of law-abiding gun owners should be protected, and that convicted felons and spouse abusers shouldn't be able to get guns. The bill we are introducing today would write those principles into law. I hope all of my colleagues support it.

By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mrs. DOLE, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 1808. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges and universities; to the Committee on Energy and Natural Resources.

Mr. SESSIONS. Mr. President, today I rise to re-introduce legislation to help preserve the heritage of seven historic women's colleges and universities. The legislation would authorize the Secretary of Housing and Urban Development to provide restoration and preservation grants for historic buildings and structures at seven historically women's public colleges or universities. The bill directs the Secretary to award $14 million annually from fiscal years 2004 through 2008 to the seven institutions.

The sweeping changes of the industrial revolution prompted Congress in 1862, with further action in 1887 and 1890, to provide Federal support for the establishment of agricultural and mechanical colleges with growing emphasis on industrial and technical education. Unfortunately, these "land-grant" schools were only for men, leaving women untrained as they entered the expanded work force. Women's advocates, such as Miss Julia Tutwiler in Alabama, immediately recognized the need for institutions where women could receive an equal education. Beginning in 1884, seven institutions in seven separate States were established as industrial schools for women. These institutions include the Mississippi University for Women, the University of Montevallo in Alabama, Georgia College and State University, Winthrop University in South Carolina, University of North Carolina at Greensboro, Texas Women's University, and the University of Science and Arts of Oklahoma. These seven institutions remain open, providing a liberal arts education for both men and women, but retain significant historical and academic features of those pioneering efforts to educate women. Despite their continued use, many of the structures located on these campuses are facing destruction or closure because preservation funds are not available. My legislation would enable these buildings to be preserved and maintained by providing funding for the historic buildings located at the colleges and universities I have identified. No more than $14 million would be available and would be distributed in equal amounts to the seven institutions. My bill also requires a 20 percent matching contribution from non-Federal sources and assures that alterations to the properties using the funds are subject to approval from the Secretary of Housing and Urban Development and reasonable public access for interpretive and educational purposes.

These historically women's colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for women, many of whom would not have had the opportunity otherwise. I believe it is our duty to do all we can to preserve these historic institutions, and I ask my colleagues for their support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 256—OBSERVING THE 50TH ANNIVERSARY OF THE MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA; AFFIRMING THE DEEP COOPERATION AND FRIENDSHIP BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PEOPLE OF THE REPUBLIC OF KOREA, AND THANKING THE REPUBLIC OF KOREA FOR ITS CONTRIBUTIONS TO THE GLOBAL WAR ON TERRORISM AND TO THE STABILIZATION AND RECONSTRUCTION OF AFGHANISTAN AND IRAQ

Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. BROWNBACK, Mr. DODD, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 256

Whereas October 1, 2003, marked the 50th anniversary of the signing of the Mutual Defense Treaty between the United States of America and the Republic of Korea, signed at Washington October 1, 1953, and entered into force November 17, 1954 (hereinafter referred to as the "Mutual Defense Treaty");

Whereas the United States and the Republic of Korea have formed a bond through the common struggle against communist aggression;

Whereas more than 34,000 Americans lost their lives fighting in the Korean War, and approximately 37,000 men and women of the United States Armed Forces are still deployed on the Korean peninsula, enduring separation from their families and other hardships in the defense of freedom;

Whereas the Mutual Defense Treaty has been instrumental in securing peace on the Korean peninsula and providing an environment in which the Republic of Korea has become an economically vibrant, free, democratic society;

Whereas the foundation of the Mutual Defense Treaty rests not only on a common adversary, but more importantly on a shared interest in, and commitment to, peace, democracy, and freedom on the Korean peninsula, in Asia, and throughout the world;

Whereas the United States and the Republic of Korea are working closely together to find a diplomatic solution to the threat posed by North Korea's pursuit of nuclear weapons and the export by North Korea of ballistic missiles;

Whereas the Republic of Korea is making valuable contributions to the global war on terrorism, including the contribution of logistics support for international forces operating in Afghanistan;

Whereas the Republic of Korea has pledged $260,000,000 and has already sent 700 military engineers and medical personnel to assist in the United States-led effort to stabilize and reconstruct Iraq; and

Whereas South Korea President Roh Moohyun pledged on October 18, 2003, to dispatch additional troops to work alongside United States and coalition forces in Iraq: Now, therefore, be it

Resolved, That the Senate—

(1) observes the 50th anniversary of the Mutual Defense Treaty between the United States of America and the Republic of Korea, signed at Washington October 1, 1953, and entered into force November 17, 1954;

(2) reaffirms the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea; and

(3) thanks the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq.

Mr. BIDEN. Mr. President, this resolution is cosponsored by my distinguished colleague, the chairman of the Committee on Foreign Relations, Senator LUGAR, as well as Senators KERRY, BROWNBACK, DODD, and HAGEL. It recognizes the 50th anniversary of the United States-Republic of Korea Mutual Defense Treaty and is thanking the Republic of Korea for its contributions to the global war on terrorism.

The United States has no better friend in Asia than the Republic of Korea. South Koreans have been there for us time and again, just as we have been for them.

Our alliance has paid dividends on and off the Korean Peninsula. Most recently, South Korea has aided the U.S. effort in Afghanistan and Iraq. South Korea has already sent 700 military engineers and medical personal to Iraq, and President Roh pledged on October 18 to dispatch additional troops to work alongside U.S. forces there. South Korea has also pledged $260 million in grants to help reconstruct Iraq.

The resolution I offer today observes the 50th anniversary of our alliance, thanks South Korea for its contributions to the global war on terrorism, and reaffirms the deep cooperation and friendship that exists between our two countries.

That cooperation and friendship are sorely needed now, given the challenges posed by North Korea. North Korea today is on the verge of becoming a nuclear bomb factory. The United States needs to redouble its diplomatic efforts to persuade North Korea to change its course.

President Bush, I note, has repeatedly called for a "peaceful, diplomatic" solution to this crisis, and has worked with our friends and allies in that region toward that goal. I believe President Bush's instincts are correct on this issue.

Last week President Bush told the leaders of Asia that the United States is prepared to provide security assurances to North Korea if North Korea takes tangible steps to dismantle its nuclear program. I find that very encouraging. But in my view we need to do more. That is essentially where we left off at the end of the last administration, when we were working within the Agreed Framework.

What we need to do is have more contact with North Korea. There were only 40 minutes of one-on-one dialog with North Korea last August in Beijing. That, with the translation requirements in such an exchange, is barely enough time to clear one's throat.

Second, we should use the combination of carrots and sticks to convince North Korea to change its course. The sticks are in play, including the proliferation security initiative and a coordinated crackdown on the North's elicit activities, including narcotics trafficking and counterfeiting, among others.

We need to identify as well some incentives for the good behavior that would come if, in fact, there is a verifiable North Korean effort along the path toward nuclear disarmament. This is not giving in to blackmail. It is a positive reinforcement, and there is a huge difference between the two.

Third, we need to sustain and consider increasing humanitarian food and medical aid to North Korea. Nothing about this crisis will be improved by having more hungry or sick North Korean children. This year, the United States provided only 40,000 tons of food aid to the North a generous donation, to be sure, but a pittance against the world program appeal of more than 600,000 tons is needed, and far below the food aid levels the United States has provided in previous years.

I note there is some dispute about the access of this food aid to the people of North Korea, people we need to help. The fact is the World Food Program and the director have reported significant progress towards monitoring delivery of food and ensuring that the aid reaches those most in need. Further, the food aid we have provided we seem fairly well assured is in fact getting where it is intended.

Finally, we need to speak with one voice. The administration has yet to fully resolve the deep internal divisions over the direction of the President's policy. Some senior officials in the administration continue to argue against this policy of engagement. As a matter of fact, they seem to occasionally look forward to tweaking the North Koreans. I might add there is very little social redeeming value in the policies of Kim Jong Il in North Korea. I am not arguing he is a particularly reasonable man, but it seems to me there should be one voice and one policy coming out of the administration. Prospects for diplomatic solutions are in direct proportion to one voice.

To state the obvious, as I know the Presiding Officer knows, time is not our ally in this crisis. The United States needs to communicate both the risks of North Korea's current path and the benefits North Korea could enjoy if it chooses to verifiably abandon its pursuit of nuclear weapons and its export of ballistic missiles. Since the United States first confronted North Korea with allegations about its illegal program to produce highly enriched uranium last October, the North has ended its safeguards agreement with the International Atomic Energy Agency, withdrawn from the Nuclear Non-Proliferation Treaty, taken its plutonium reprocessing plant out of mothballs, begun to reprocess at least some of its 8,000 spent-fuel rods, and has activated its Yongbyon nuclear reactor to produce still more spent fuel.

I am not suggesting we should not have pointed out their violation. I am not suggesting their response is remotely approaching anything rational. What I am suggesting is a sense of urgency and a requirement for us to be on the same page with our South Korean and Japanese friends as well as continuing to engage the Chinese and the Russians in attempting to come to a resolution here.

The North's pursuit of nuclear weapons poses a great threat to the interests not only of the United States but to the entire region. As the North's stockpile of fissile material grows, the likelihood the North will test a nuclear weapon and prove the viability of its design increases, as does the difficulty of securing the North's fissile material in any crisis. Moreover, we have no guarantee North Korea will not export fissile material. All we know for certain is if the North puts a nuke on the auction block, the bidders are not likely to be our friends.

Finally, the North's nuclear ambitions could prompt other countries in the region—notably Japan and South Korea—to rethink their own opposition to nuclear arms. I don't only think that is probable but I think that is likely. As we all know, once Japan made that decision, it would be a matter of months before Japan would be a nuclear armed power. We think that would be a very bad idea. That, in my view, is why the Chinese have become so engaged now in helping us put some pressure on these multilateral talks with South Korea to get them to change their behavior. I believe China understands that if North Korea continues down this path, there is almost a certainty Japan will. Japan becoming a nuclear power would change the dynamic and the equation for the Chinese, and the race will be on.

The President has the right goal—to complete verifiable and irreversible dismantlement of the North's nuclear weapons program. The only debate is how do we get there. I think the way we get there is the President should either endow Assistant Secretary of State James Kelly with more authority to drive North Korean policy or, alternatively, appoint a special envoy with access to the President to represent the United States in future negotiations. Second, we should strive for a noncoercive negotiating environment.

This means that North Korea should freeze its reactor, cease all reprocessing and uranium enrichment activities, and place under safeguards any fissile material that it has acquired since the Agreed Framework of 1994 was signed. For our part, the United States should reiterate that it has no hostile intent toward North Korea and pledge not to launch any military strikes or seek new sanctions so long as the freeze remains in place and talks to resolve the crisis continue.

Finally, we should pursue a phased, reciprocal, verifiable agreement to eliminate North Korea's nuclear weapons program, terminate its export of ballistic missiles, and more closely integrate the North into the community of nations.

Some say North Korea cannot be trusted. They are right. Modifying President Reagan's maxim, we should mistrust, and verify.

But the alternatives to negotiating are grim. Our current approach leads to one of two undesirable outcomes: Either the United States will essentially acquiesce to the North's serial production of nuclear weapons or we may find ourselves in a military confrontation with a desperate, nuclear-armed regime. Any preemptive military strike option would place millions of South Koreans and tens of thousands of Americans at risk.

How do we go to war with the North if the South does not support it, if that were the second option?

Negotiations with North Korea are not easy, but they offer us the best chance—I believe the only chance—to avoid a nuclear nightmare on the Korean peninsula.

I would like to submit a bipartisan staff report by the members of the Senate Foreign Relations Committee who traveled to North Korea immediately following the six-party talks in Beijing in August. I ask unanimous consent that it be printed in the RECORD following my marks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. Mr. President, let me conclude by saying today's paper carries the news that the quixotic and unreliable and often inscrutable actions of the North Koreans have brought the Supreme Leader of North Korea to the position where he is now saying he will engage in multilateral talks again and resume those talks, and that he is ready to consider what has been rejected before.

That is the sense of the article.

I have no inherent faith that we can rely upon the President of North Korea. But it seems to me we have everything to gain and nothing to lose by continuing to pursue these talks. We give nothing, and at a minimum what we do is put ourselves in the position where the most isolated remaining country in the world at least is exposed to the notions of other major nations in the world, including China, Russia, South Korea, Japan, and the United States as to what we consider to be appropriate behavior. Hopefully, that will have a salutary impact on the willingness to negotiate an end to these programs.

The alternative of not pursuing that is bleak. Therefore, I encourage the President of the United States to continue down this path and to continue down the path more quickly than we have thus far.

EXHIBIT 1

SIX PARTY TALKS AND THE NORTH KOREAN NUCLEAR ISSUE

OCTOBER 14, 2003.

Hon. RICHARD LUGAR,
Chairman, Committee on Foreign Relations.
Hon. JOSEPH R. BIDEN,
Ranking Member, Committee on Foreign Relations.

DEAR SENATORS LUGAR AND BIDEN: In late August, Keith Luse and Frank Jannuzi traveled to China and North Korea, and Mr. Jannuzi traveled to South Korea, to examine the prospects for a peaceful negotiated solution to the North Korean nuclear issue and to follow-up on an earlier set of visits to North Korea in an effort to gain greater transparency on food aid issues. Throughout the course of the visit, the staff delegation received commendable support from U.S. Diplomatic personnel. The delegation enjoyed high level access to Chinese, North Korean, and South Korean government officials, and also met with numerous academics, think tank specialists, and employees of non-governmental organizations concerned with developments on the Korean Peninsula. Our key findings, including some recommendations for next steps on the Korean Peninsula, are reported below.

Sincerely,

KEITH LUSE,
Professional Staff Member, Majority Staff, East Asian and Pacific Affairs, Senate Foreign Relations Committee.
FRANK JANNUZI,
Professional Staff Member, Minority Staff, East Asian and Pacific Affairs, Senate Foreign Relations Committee.

SUMMARY

Senate Foreign Relations Committee (SFRC) staff members Keith Luse and Frank Jannuzi traveled to Northeast Asia August 21–September 2 to examine the prospects for a peaceful negotiated solution to the North Korean nuclear issue and to follow-up on their earlier set of visits to North Korea designed to push for greater North Korean transparency and accountability on food aid and humanitarian relief. The delegation expresses its appreciation to U.S. diplomatic personnel at Embassies Beijing and Seoul who helped set up productive meetings and coped with the vagaries of arranging travel to and from the Democratic People's Republic of Korea (DPRK).

Over the course of three days in Pyongyang, the delegation held a variety of meetings with officials representing the DPRK, the United Nations, and non-governmental organizations (see list of interlocutors, attached). The delegation told senior DPRK officials that the United States views North Korea's nuclear ambitions as a grave threat to international peace and stability and urged the DPRK to seek a peaceful, negotiated solution to the crisis through multilateral dialogue. The delegation visited select humanitarian relief operations, making the point that such efforts are tangible proof that the United States has no hostile intent toward North Korea. SFRC staff strongly advised DPRK officials that they should permit greater transparency for food aid deliveries under the auspices of the World Food Program and various non-governmental organizations. The delegation pressed DPRK officials to adhere to international standards of human rights, including respect for religious freedom, and emphasized that the United States' concern for the human rights situation in North Korea reflects the deeply held convictions of the American people.

KEY FINDINGS

Six party talks in Beijing helped improve coordination among the five nations trying to reign in North Korea's nuclear ambitions, but DPRK officials left the talks unconvinced that the United States genuinely seeks a peaceful, negotiated solution to the crisis. DPRK officials told the staff delegation that they believe the true aim of the United States is "regime change," and that de-nuclearization is just the first step toward that objective.

Under pressure from China, the DPRK probably will come to another round of multilateral talks. However, China's encouragement for DPRK's participation will be contingent on the United States outlining specific steps it will take once the DPRK pledges to dismantle/eliminate its nuclear program. Talks could easily be derailed should North Korea decide to launch a ballistic missile or even test a nuclear weapon. Moreover, North Korea might scuttle the talks in response to the appropriate and necessary U.S. efforts to enforce the Proliferation Security Initiative (PSI) and the Illicit Activities Initiative, both of which the North interprets as attempts to "strangle" the regime.

Some North Korean officials believe that the United States continues to station nuclear weapons in South Korea.

Decision-making in the DPRK is centralized and ultimate authority rests with Kim Jong-il.

Top officials in North Korea are carefully monitoring polling data reflecting opinion on domestic politics in the United States, Japan and South Korea.

The World Food Program has taken some small, but significant steps in recent months to enhance its operations in the DPRK and reduce the likelihood of diversion of food aid. The significant reduction in U.S. food aid to North Korea (from a high of more than 300,000 tons/year to this year's 40,000 tons) may have undercut United States leverage in pressing for greater transparency on food aid. North Korean officials are convinced the United States is using food as a weapon.

Humanitarian operations run by non-governmental organizations—such as the Nautilus Institute's Village Wind Power Pilot Project and the Eugene Bell Foundation's tuberculosis treatment programs—are making important contributions to the welfare of the North Korean people and help allay DPRK suspicions about the intentions of the United States, thereby contributing to an overall political environment conducive to resolution of sensitive security issues.

After extensive discussion with the delegation, Vice Minister Kim Gye Gwan advised the DPRK would allow NGO access to some prison camps on a "case by case" basis.

There were two key differences to our earlier trips. While we were not allowed to make purchases, street vendors were present throughout Pyongyang and in Nampo, selling food and other small items. Additionally, the DPRK military appeared to be at a higher state of alert. More soldiers were armed than during our previous visits.

DISCUSSION

North Korea isolated . . .

Over the course of three days in North Korea, the staff delegation found DPRK officials to be disappointed by the six party Beijing talks, which they described as "five against one." In both formal meetings and informal settings, DPRK officials described the Beijing talks as "pointless" and cast doubt upon whether the North would be willing to engage in future rounds of multiparty dialogue. DPRK officials were critical of the fact that they had only 40 minutes of "direct" dialogue with U.S. Assistant Secretary of State James Kelly over the course of three days of talks in Beijing, and said they had been misled into believing the multilateral talks would provide a venue for substantive one-one-one discussions with the U.S. envoy.

In one particularly blunt exchange, DPRK Vice Foreign Minister Kim Gye Gwan told the staff delegation that the Beijing talks had "confirmed" the North's assessment that the United States has no intention of changing its "hostile policy." Kim said the DPRK, "had no choice but to maintain and reinforce its nuclear deterrent."

The SFRC delegation conveyed their personal views that a North Korean decision to enhance its nuclear weapons capabilities would be viewed by the United States as a grave threat to international peace and security and would be interpreted by Americans as a hostile act. The delegation urged the DPRK to proceed with multiparty dialogue and to refrain from any provocative actions.

DPRK officials were non-committal with respect to any future dialogue, but after the staff delegation's departure, the DPRK Foreign Ministry issued a statement claiming that the North remains "equally prepared for dialogue and for a war." This statement represented a slight softening of the stance articulated immediately after the Beijing talks, and certainly leaves the door open to another round of multi-party talks in Beijing or some other venue.

With strong encouragement from China (a senior delegation from China visited the DPRK in late September), the DPRK may agree to another round of six-party talks, if only to avoid being held directly responsible for a breakdown of the diplomatic process. It remains unclear what stance the DPRK will take at any future talks, and at what level they will be represented. Decision-making in the DPRK is highly centralized, with Kim Jong-il wielding the ultimate authority. Junior level DPRK officials such as Kim Yong-il, who represented the DPRK in Beijing in August, often are unable to engage in substantive dialogue, a fact which argues for the United States to try to elevate the talks to engage officials with real authority and the ear of Kin Jong-il.

. . . and wary of U.S. intentions

The difficult of communicating with the North Koreans was evident throughout the staff delegation's visit to Pyongyang, highlighting the risk that conflict could arise from miscalculation or mis-communication. North Korean officials with whom we met had an imperfect understanding of United States security policy, especially the recently issued National Security Strategy and Nuclear Force Posture Review. They repeatedly expressed their belief that both documents called for pre-emptive nuclear strikes against North Korea, and said the North's own nuclear program was necessary to counter this United States "nuclear threat."

Sometimes, confusion arose out of the imprecision of different English terms. DPRK officials asked the staff delegation to clarify the different meanings "simultaneous," "synchronous," "phased," and "reciprocal." Attention to such detail suggests the DPRK is actively studying how the nuclear issue might be resolved given what they characterized as the "zero trust" which exists between the two parties.

DPRK officials took note of recent U.S. efforts to curtail North Korean involvement in narcotics trafficking, counterfeiting, and other illicit activities. DPRK officials flatly denied North Korean involvement in such illicit activities, and alleged that the United States had trumped up the charges as part of a more general campaign to "stifle" the DPRK.

Food aid: slow progress on transparency and accountability

The staff delegation met with the Flood Damage Rehabilitation Committee (FDRC) director Jong Yun-hyong, who oversees agricultural reconstruction as well as foreign food aid programs. The delegation explained to Yum that it as essential for the DPRK to enhance transparency for food aid, to open up counties currently off-limits, and to provide random access to WFP monitors seeking to verify food aid deliveries. The delegation told Yum that the level of monitoring requested by WFP was consistent with international norms, and that the DPRK could not expect donors and potential donors to contribute food aid if they did not have high confidence that the aid was reaching its intended recipients.

Yun said that security issues are paramount for the DPRK, and that the military would not permit international access to certain sensitive regions of the country. He also said that monitoring had greatly improved since food aid began to flow during the North Korean famine of the mid-1990's. Yun specifically cited the recent U.N. nutritional survey, and reported that "security officials" had initially objected to the survey, but that FDRC officials had prevailed in an inter-agency battle in order to permit the survey to be conducted. Yun argued that recent significant reductions in WFP food aid—just 300,000 metric tons in 2002, down from 811,000 tons in 2001—had made it more difficult for him to push for greater numbers of monitors and greater access for international observers. Nonetheless, Yun promised progress on monitoring in the future, and invited the international community to shift its humanitarian aid strategy away from food donations and toward "sustainable development," including agricultural reforms, new seek varieties and planting techniques, and "food for work."

The delegation met with World Food Program country director Rick Corsino, who reported slow, but significant progress toward enhanced monitoring of food aid and ensuring that aid reaches those most in need. These are the highlights:

First, WFP has terminated food aid to 17 of 21 districts of the capital city of Pyonghang after concluding that residents of the capital are on average better fed than those of outlying areas. This is an important step, both symbolically, and substantively.

Second, with the full knowledge and support of DPRK authorities, WFP is conducting Korean language training for food aid personnel stationed inside the DPRK. The DPRK continues to object to WFP bringing in Korean-speaking experts from overseas, but the growing language facility of WFP's foreign staff allows for smoother interaction with DPRK officials and higher quality monitoring in the field.

Third, WFP has increased the number of monthly inspection visits and now has approximately 50 international staff in residence in Pyongyang and at five sub-offices located in Sinuiju, Wonson, Hamhung, Chongjin, and Hyesan. WFP is the only international agency working in the country with international staff permanently placed outside the capital.

Fourth, WFP has sustained its access to 162 of 206 total counties in North Korea. WFP does not deliver food aid to those counties that remain off limits, most of which are concentrated along the sparsely populated mountainous "spine" of the country and along the DMZ (see attached map).

Finally, through its inspection visits, WFP is gradually building a detailed database of schools, hospitals, orphanages, and other institutions receiving WFP assistance. Although the DPRK still has not provided a comprehensive list of aid recipients—a list long requested by WFP officials—the WFP is essentially building its own list with each inspection visit.

NGO's making contribution to welfare of average North Koreans

Although WFP is the largest humanitarian organization working in North Korea, they are not the only international organization operating in North Korea. The staff delegation made a point of visiting two humanitarian operations supported by U.S. non-governmental organizations; the Village Wind Power Pilot Project run by the Nautilus Institute (with significant financial support provided by the W. Alton Jones Foundation) and a tuberculosis treatment hospital and mobile van sponsored by the Eugene Bell Foundation. These initiatives have fostered good will on a "people-to-people" basis, and have measurably improved the quality of life for the North Korean beneficiaries.

Wind power

The US-DPRK Village Wind Power Pilot Project was the first attempt by a United States NGO to work side-by-side with North Koreans in cooperative development. Previously, non-governmental organizations had been limited by both Washington and Pyongyang to delivering food aid to North Korea. The project installed seven technologically advanced wind turbine towers in a rural village on the west coast of North Korea near the port of Nampo. This region is known as a bread basket for North Korea, rich in arable land and other natural resources, including steady breezes off of the Korea Bay. The turbines provide clean, renewable energy to the village's medical clinic, kindergarten, and 67 households. In addition, a wind-powered water pump irrigates the village's fields, and has significantly boosted yields, according to villagers. The combined generating capacity of the turbines is 11.5kW.

Since the wind power project was completed in 1999, it has had its share of ups and downs. At present, the delegation found that the facility was not operating at full capacity due to maintenance problems with two inverters and damaged batteries. North Korea lacks adequately trained technicians to service the equipment, and the nuclear stand-off has disrupted visits by foreign experts needed to assess the maintenance requirements and make needed repairs.

Despite these difficulties, the DPRK participants in the project remain enthusiastic about it as a model for rural electrification, and hope to press ahead with a major wind-power survey project along the west coast in coming months. DPRK authorities told the visiting Senate staff delegation that deciding to proceed with the wind power survey requires approval from military officials worried about the collection of militarily sensitive meteorological information. Notwithstanding the sensitive nature of the data to be collected, DPRK officials believe the project will move ahead. Wind power projects could alleviate severe shortages of power in rural areas, and have the advantage of not requiring major upgrades in North Korea's electric power grid—a grid that experts have found to be in need of major overhaul before it could accommodate the introduction of large new power plants such as the light water nuclear reactors contemplated under the Agreed Framework.

Tuberculosis treatment

Since 1995, the Eugene Bell Foundation has been working inside North Korea to fight deadly diseases like tuberculosis (TP). Eugene Bell foundation currently coordinates the delivery of TB medication, diagnostic equipment, and supplies to 1/3 of the North Korean population and approximately 50 North Korean treatment facilities (hospitals and care centers). The staff delegation visited one such hospital in Pyongyang, and also inspected one of the 17 mobile x-ray vehicles designed to navigate the North's antiquated road network.

The delegation found the Eugene Bell project to be characterized by high standards of transparency and efficiency. The foundation conducts regular site visits (more than 60 since 1995) and is able to donate goods directly to recipients rather than through third parties or government intermediaries. Staff at the hospital we visited appeared well trained and highly motivated. They were deeply appreciative of the support they receive from the United States and recognized that this humanitarian outreach occurs even at a time when the two nations do not maintain normal diplomatic relations. The Eugene Bell foundation supports 16 TB hospitals and 64 TB care centers in the DPRK. More than 200,000 patients have been treated. Moreover, serving as a conduit, the Eugene Bell foundation is currently responsible for sending tuberculosis medicine, medical aid, and equipment for approximately 1/3 of the North Korean population.

Joint recovery operations

The staff delegation met with Sr. Col. Kwak Chol-hui of the Korean People's Army, the director of the Joint Recovery Operation searching for the remains of U.S. servicemen left behind after the Korean War. The United States estimates that as many as 8,000 remains of U.S. servicemen are on DPRK soil. So far, only 378 of these remains have been recovered. More than 200 remains were found as the result of unilateral DPRK searches and returned to the United States. Just over 170 sets of remains have been recovered through the joint recovery operation.

The recovery operations are laborious. Historical records can indicate likely search areas, but only eye witnesses can pinpoint the possible locations for remains. As the population ages and the terrain of North Korea is shaped by construction, erosion, flooding, and other forces, it is becoming increasingly difficult to locate remains. Even after likely sites are identified, time-consuming excavations and careful forensic work are necessary to find and identify remains. U.S. and North Korean military personnel work side by side in the field during the recovery operations. According to U.S. participants in the operation, this interaction in the field has been constructive, deepening our understanding of the Korean People's Army.

Colonel Kwak told the delegation that the DPRK would like to expand the joint recovery operation, employing as many as 2,700 investigators to scour the country to conduct interviews with those elderly North Korean who might have knowledge of the location of U.S. remains. He indicated that the DPRK's commitment to the recovery operations is independent of the nuclear issue, and, in his opinion, should remain so. It is unclear, however, what role the DPRK envisions for U.S. forces in such an expanded operation. The staff delegation believes that any expansion should be made contingent on greater U.S. access to those North Korean citizens claiming to have first-hand knowledge of the whereabouts of remains.

STAFF CONCLUSIONS

So as to reduce what we believe is a significant risk of conflict arising out of miscalculation or mis-communication, the United States should greatly expand dialogue with North Korea, both within the framework of multi-party talks, as well as through informal or "Track II" bilateral negotiations.

The United States should appoint a senior official to represent the United States solely on issues related to the Korean Peninsula. Alternatively, the Administration should endow the current negotiator, Assistant Secretary of State James Kelly, with greater authority to direct and coordinate the President's North Korea policy and gain access to more senior North Korean officials.

The United States should acknowledge recent improvements in WFP operations and continue food aid to the DPRK under UN auspices. The United States should also consider funneling a portion of future U.S. food aid through non-governmental organizations, some of which have been able to achieve strong monitoring capability for their humanitarian relief.

The U.S. should search for ways to expand outreach efforts by NGOs in the fields of rural energy development, agriculture, and public health.

The Joint Recovery Operation to identify the remains of U.S. servicemen from the Korean War affords the United States valuable contact inside North Korea. Any expansion of the operation, however, should be made contingent upon greater U.S. access to those North Korean citizens claiming to have first-hand knowledge of the whereabouts of remains.

LIST OF INTERLOCUTORS

In Beijing, China

- Michael Green, Director Asian Affairs, National Security Council
- David Straub, Korea Desk, U.S. Department of State
- Wang Yi, Vice Foreign Minister, Chinese Ministry of Foreign Affairs
- Fu Ying, Director General, Asian Department, Chinese Ministry of Foreign Affairs
- He Yafei, Director General, North American Department, Chinese Ministry of Foreign Affairs
- Liu Jinsong, First Secretary, Asian Department, Chinese Ministry of Foreign Affairs
- Piao Jianyi, Executive Director, Center for Korean Peninsula Issues, Chinese Academy of Social Sciences
- Gu Guoliang, Director, Center for Arms Control and Nonproliferation Studies, Deputy Director, Institute of American Studies, Chinese Academy of Social Sciences
- Wang Jisi, Director, Institute of International Strategic Studies, Central Party School
- Wu Baiyi, Deputy Director, Research Division, China Institute of Contemporary International Relations
- Yang Mingjie, Director, Division of Arms Control and Security Studies, China Institute of Contemporary International Relations
- Wei Zonglei, Deputy Director, Center of U.S.-European Studies, China Institute of Contemporary International Relations
- Shi Yinhong, Director, Center for American Studies, People's University
- Ruan Zongze, Vice President, China Institute of International Studies
- Liu Xuecheng, Director of American Studies, China Institute of International Studies
- Shen Dingli, Deputy Director, Center for American Studies, Fudan University
- Zhu Feng, Director of International Security Program, Beijing University

In North Korea

- Kim Gye Gwan, Vice Minister of Foreign Affairs
- Jong Dong-hok, First Secretary, United States Department, Ministry of Foreign Affairs
- Lee Yong Chol and Kim Yong Nam, United States Department, Ministry of Foreign Affairs
- Jong Yun-hyong, Director Flood Damage, Reconstruction Committee
- Sr. Col. Kwak Chol-hui, Director, Joint Recovery Operation, Korean People's Army
- Lt. Col. Li Jong Sop, Deputy Director, Joint Recovery Operation, Korean People's Army
- Lt. Col. Byon Sol-hok, Joint Recovery Operation
- Kim Song, Secretary General, Korean National Peace Committee
- Richard Corsino, Country Director, World Food Program

In South Korea

- Wi Sung-lac, Director General, North American Affairs, Ministry of Foreign Affairs
- Park Joeong-nam, Deputy Director, North American Affairs, Ministry of Foreign Affairs
- Yang Chang-suk, Director of International Cooperation, Ministry of Unification
- Park Ro-Byug, Chief, Policy Coordination Bureau, National Security Council, Blue House
- Kim Taewoo, Nuclear Policy Specialist, Korean Institute for Defense Analyses
- Pak Yeong-tae, Korea Institute for Defense Analyses

HEALTHY FORESTS RESTORATION ACT OF 2003

On Thursday, October 30, 2003, the Senate passed H.R. 1904, as follows:

H.R. 1904

Resolved, That the bill from the House of Representatives (H.R. 1904) entitled "An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuel reduction projects.
Sec. 103. Prioritization.
Sec. 104. Environmental analysis.
Sec. 105. Special administrative review process.
Sec. 106. Judicial review in United States district courts.
Sec. 107. Effect of title.
Sec. 108. Authorization of appropriations.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
Sec. 205. Improved biomass use research program.
Sec. 206. Rural revitalization through forestry.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purposes.
Sec. 302. Watershed forestry assistance program.
Sec. 303. Tribal watershed forestry assistance.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

Sec. 401. Findings and purpose.
Sec. 402. Definitions.
Sec. 403. Accelerated information gathering regarding forest-damaging insects.
Sec. 404. Applied silvicultural assessments.
Sec. 405. Relation to other laws.
Sec. 406. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Restoration plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Protections and measures
Sec. 507. Involvement by other agencies and organizations.
Sec. 508. Authorization of appropriations.

TITLE VI—PUBLIC LAND CORPS

Sec. 601. Purposes.
Sec. 602. Definitions.
Sec. 603. Public Land Corps.
Sec. 604. Nondisplacement.
Sec. 605. Authorization of appropriations.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

Sec. 701. Purpose
Sec. 702. Definitions.
Sec. 703. Rural community forestry enterprise program.

TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT

Sec. 801. Short Title.
Sec. 802. Monitoring of firefighters in disaster areas.

TITLE IX—DISASTER AIR QUALITY MONITORING ACT

Sec. 901. Short Title.
Sec. 902. Monitoring of air quality in disaster areas.

TITLE X—HIGHLANDS REGION CONSERVATION

Sec. 1001. Short title.
Sec. 1002. Findings.
Sec. 1003. Purposes.
Sec. 1004. Definitions.
Sec. 1005. Land conservation partnership projects in the Highlands region.
Sec. 1006. Forest Service and USDA programs in the Highlands region.
Sec. 1007. Private property protection and lack of regulatory effect.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Forest inventory and management.
Sec. 1102. Program for emergency treatment and reduction of nonnative invasive plants.
Sec. 1103. USDA National Agroforestry Center.
Sec. 1104. Upland Hardwoods Research Center.
Sec. 1105. Emergency fuel reduction grants.
Sec. 1106. Eastern Nevada landscape coalition.
Sec. 1107. Sense of Congress regarding enhanced community fire protection.
Sec. 1108. Collaborative monitoring.
Sec. 1109. Best-value contracting.
Sec. 1110. Suburban and community forestry and open space program; Forest Legacy Program.
Sec. 1111. Wildland firefighter safety.
Sec. 1112. Green Mountain National Forest boundary adjustment.
Sec. 1113. Puerto Rico karst conservation.
Sec. 1114. Farm Security and Rural Development Act.
Sec. 1115. Enforcement of animal fighting prohibitions under the Animal Welfare Act.
Sec. 1116. Increase in maximum fines for violation of public land regulations and establishment of minimum fine for violation of public land fire regulations during fire ban.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

In this title:

(1) AT-RISK COMMUNITY.—The term "at-risk community" means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice entitled "Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire" issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

(2) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT.—The term "authorized hazardous fuel reduction project" means the measures and methods described in the definition of "appropriate tools" contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) COMMUNITY WILDFIRE PROTECTION PLAN.—The term "community wildfire protection plan" means a plan for an at-risk community that—

(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsible for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and

(C) recommends measures to reduce structural ignitability throughout the at-risk community.

(4) CONDITION CLASS 2.—The term "condition class 2", with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (RMRS–87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(5) CONDITION CLASS 3.—The term "condition class 3", with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(6) DAY.—The term "day" means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(7) DECISION DOCUMENT.—The term "decision document" means—

(A) a decision notice (as that term is used in the Forest Service Handbook);

(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and

(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).

(8) FIRE REGIME I.—The term "fire regime I" means an area—

(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.

(9) FIRE REGIME II.—The term "fire regime II" means an area—

(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.

(10) FIRE REGIME III.—The term "fire regime III" means an area—

(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and

(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.

(11) IMPLEMENTATION PLAN.—The term "Implementation Plan" means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–64) (and subsequent revisions).

(12) MUNICIPAL WATER SUPPLY SYSTEM.—The term "municipal water supply system" means

the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.

(13) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(14) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(15) THREATENED AND ENDANGERED SPECIES HABITAT.—The term "threatened and endangered species habitat" means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

(16) WILDLAND-URBAN INTERFACE.—The term "wildland-urban interface" means—

(A) an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan; or

(B) in the case of any area for which a community wildfire protection plan is not in effect—

(i) an area extending ½-mile from the boundary of an at-risk community;

(ii) an area extending more than ½-mile from the boundary of an at-risk community, if the land adjacent to the at-risk community—

(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community; or

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top, within ¾-mile of the nearest at-risk community boundary; and

(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—

(1) Federal land in wildland-urban interface areas;

(2) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(4) Federal land on which windthrow or blowdown, ice storm damage, or the existence of disease or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land;

(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—

(A) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LAND.—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(3) a Wilderness Study Area.

(e) OLD GROWTH STANDS.—

(1) DEFINITIONS.—In this subsection and subsection (f):

(A) COVERED PROJECT.—The term "covered project" means an authorized hazardous fuel reduction project carried out under paragraph (1), (2), (3), or (5) of subsection (a).

(B) OLD GROWTH STAND.—The term "old growth stand" has the meaning given the term under standards used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(C) STANDARDS.—The term "standards" means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(2) PROJECT REQUIREMENTS.—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

(3) NEWER STANDARDS.—

(A) IN GENERAL.—If the standards for an old growth stand were established during the 10-year period ending on the date of enactment of this Act, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards.

(B) AMENDMENTS OR REVISIONS.—Any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2) for the purpose of carrying out covered projects.

(4) OLDER STANDARDS.—

(A) IN GENERAL.—If the standards for an old growth stand were established before the 10-year period described in paragraph (3)(A), the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards—

(i) during the 2-year period beginning on the date of enactment of this Act; or

(ii) if the Secretary is in the process of revising a resource management plan as of the date of enactment of this Act, during the 3-year period beginning on the date of enactment of this Act.

(B) REVIEW REQUIRED.—During the applicable period described in subparagraph (A) for the standards for an old growth stand under a resource management plan, the Secretary shall—

(i) review the standards, taking into account any relevant scientific information made available since the adoption of the standards; and

(ii) revise the standards to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the resource management plan.

(C) REVIEW NOT COMPLETED.—

(i) IN GENERAL.—If the Secretary does not complete the review of the standards in accordance with subparagraph (B), during the applicable period described in subparagraph (A), the Secretary shall not carry out any portion of a covered project in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping.

(ii) PERIOD.—Clause (i) applies during the period—

(I) beginning on the termination of the applicable period for the standards described in subparagraph (A); and

(II) ending on the earlier of—

(aa) the date the Secretary completes the action required by subparagraph (B) for the standards; or

(bb) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by subsequent Act of Congress) is reached.

(f) LARGE TREE RETENTION.—Except in old growth stands where the standards are consistent with subsection (e)(2), the Secretary shall carry out a covered project in a manner that—

(1) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(2) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands and the purposes of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

(g) MONITORING AND ASSESSING FOREST AND RANGELAND HEALTH.—

(1) IN GENERAL.—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—

(A) monitor the results of the projects authorized under this section; and

(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(2) CONSISTENCY OF PROJECTS WITH RECOMMENDATIONS.—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.

(3) SIMILAR VEGETATION TYPES.—The results of a monitoring report shall be made available in, and (if appropriate) used for, a project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.

(4) MONITORING AND ASSESSMENTS.—From a representative sample of authorized hazardous fuel reduction projects, for each management unit, monitoring and assessment shall include a description of the effects on changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—

(A) pretreatment conditions;

(B) historical fire regimes; and

(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.

(5) TRACKING.—For each management unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).

(6) MONITORING AND MAINTENANCE OF TREATED AREAS.—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.

SEC. 103. PRIORITIZATION.

(a) IN GENERAL.—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.

(b) COLLABORATION.—

(1) IN GENERAL.—The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.

(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Federal agency involvement in a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE.—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) FUNDING ALLOCATION.—

(1) FEDERAL LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) APPLICABILITY AND ALLOCATION.—The funding allocation in subparagraph (A) shall apply at the national level, and the Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).

(2) NON-FEDERAL LAND.—In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(2) other applicable laws.

(b) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS.—

(1) IN GENERAL.—The Secretary shall prepare an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) for any authorized hazardous fuel reduction project.

(2) ALTERNATIVES.—In the environmental assessment or environmental impact statement prepared under paragraph (1), the Secretary shall study, develop, and describe—

(A) the proposed agency action;

(B) the alternative of no action; and

(C) an additional action alternative, if the additional alternative—

(i) is proposed during scoping or the collaborative process; and

(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

(3) MULTIPLE ADDITIONAL ALTERNATIVES.—If more than 1 additional alternative is proposed under paragraph (2)(C), the Secretary shall—

(A) select which additional alternative to consider; and

(B) provide a written record describing the reasons for the selection.

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized hazardous fuel reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.

(f) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.

SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.

(a) INTERIM FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.

(2) PERIOD.—The predecisional administrative review process required under paragraph (1) shall occur during the period—

(A) beginning after the completion of the environmental assessment or environmental impact statement; and

(B) ending not later than the date of the issuance of the final decision approving the project.

(3) EFFECTIVE DATE.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the interim final regulations have been published and reasonable time has been provided for public comment.

(c) ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—

(A) the administrative review process established by the Secretary of Agriculture under this section; or

(B) the administrative hearings and appeals procedures established by the Department of the Interior.

(2) ISSUES.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).

(3) EXCEPTION.—An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.

SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.

(a) VENUE.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for the district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

(b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination

on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(c) INJUNCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.

(2) RENEWAL.—

(A) IN GENERAL.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

SEC. 107. EFFECT OF TITLE.

(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) NATIONAL FOREST SYSTEM.—For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $760,000,000 for each fiscal year to carry out—

(1) activities authorized by this title; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States for activities authorized by law.

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds that—

(1)(A) thousands of communities in the United States, many located near Federal land, are at risk of wildfire;

(B) more than 100,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future; and

(C) the accumulation of heavy forest and rangeland fuel loads continues to increase as a result of fire exclusion, disease, insect infestations, and drought, further raising the risk of fire each year;

(2)(A) more than 70,000,000 acres across all land ownerships are at risk of higher than normal mortality during the 15-year period beginning on the date of enactment of this Act because of insect infestation and disease; and

(B) high levels of tree mortality from insects and disease result in—

(i) increased fire risk;

(ii) loss of older trees and old growth;

(iii) degraded watershed conditions;

(iv) changes in species diversity and productivity;

(v) diminished fish and wildlife habitat;

(vi) decreased timber values; and

(vii) increased threats to homes, businesses, and community watersheds;

(3)(A) preventive treatments (such as reducing fuel loads, crown density, ladder fuels, and hazard trees), planting proper species mix, restoring and protecting early successional habitat, and completing other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health, maintenance, and enhancement by creating a mosaic of species-mix and age distribution; and

(B) those vegetation management treatments are widely acknowledged to be more successful and cost-effective than suppression treatments in the case of insects, disease, and fire;

(4)(A) the byproducts of vegetative management treatment (such as trees, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangeland represent an abundant supply of—

(i) biomass for biomass-to-energy facilities; and

(ii) raw material for business; and

(B) there are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities; and

(5) the United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through vegetation treatment activities relating to hazardous fuels reduction, disease, and insect infestation;

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities; and

(C) promote research and development to provide, for the by-products, economically and environmentally sound—

(i) management systems;

(ii) harvest and transport systems; and

(iii) utilization options.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term "biomass" means trees and woody plants (including limbs, tops, needles, other woody parts, and wood waste) and byproducts of preventive treatment (such as wood, brush, thinnings, chips, and slash) that are removed—

(A) to reduce hazardous fuels;

(B) to reduce the risk of or to contain disease or insect infestation; or

(C) to improve forest health and wildlife habitat conditions.

(2) PERSON.—The term "person" includes—

(A) an individual;

(B) a community (as determined by the Secretary);

(C) an Indian tribe;

(D) a small business, microbusiness, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(3) PREFERRED COMMUNITY.—The term "preferred community" means—

(A) any town, township, municipality, Indian tribe, or other similar unit of local government (as determined by the Secretary) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land that—

(I) is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) suffers from disease or insect infestation; or

(B) any area or unincorporated area represented by a nonprofit organization approved by the Secretary, that—

(i) is not wholly contained within a metropolitan statistical area; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land—

(I) the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) that suffers from disease or insect infestation.

(4) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Federal land under the jurisdiction of the Secretary of the Interior (including land held in trust for the benefit of an Indian tribe).

SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, COMPOST, VALUE-ADDED PRODUCTS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, substitutes for petroleum-based products, wood-based products, pulp, or other commercial products to offset the costs incurred to purchase biomass for use by the facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—

(A) IN GENERAL.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass.

(B) ACCESS.—On notice by a representative of the Secretary, the grant recipient shall afford the representative—

(i) reasonable access to the facility that purchases or uses biomass; and

(ii) an opportunity to examine the inventory and records of the facility.

(b) VALUE-ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary—

(A) may make grants to persons to offset the cost of projects to add value to biomass; and

(B) in making a grant under subparagraph (A), shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary shall select a grant recipient under paragraph (1)(A) after giving consideration to—

(A) the anticipated public benefits of the project;

(B) opportunities for the creation or expansion of small businesses and microbusinesses resulting from the project; and

(C) the potential for new job creation as a result of the project.

(3) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000.

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall comply with applicable endangered species and riparian protections in making grants under this section.

(2) Projects.—Projects funded using grant proceeds shall be required to comply with the protections.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 204. REPORTING REQUIREMENT.

(a) Report Required.—Not later than October 1, 2008, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) Contents of Report.—The report shall include—

(1) an identification of the source, size, type, and the end-use of biomass by persons that receive grants under section 203;

(2) the haul costs incurred and the distance between the land from which the biomass was removed and the facilities that used the biomass;

(3) the economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations; and

(4) the environmental effects of the activities described in this section.

SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.

(a) Uses of Grants, Contracts, and Assistance.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—

"(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

"(i) the cost to deliver varying quantities of wood to a particular location; and

"(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

"(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

"(i) capable of being used on land without significant adverse effects on the land;

"(ii) capable of handling large and varied landscapes;

"(iii) adaptable to handling a wide variety of tree sizes;

"(iv) inexpensive; and

"(v) adaptable to various terrains; and

"(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).".

(b) Funding.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking "$49,000,000" and inserting "$54,000,000".

SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

"(d) Rural Revitalization Technologies.—

"(1) In general.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

"(A) to accelerate adoption of technologies using biomass and small-diameter materials;

"(B) to create community-based enterprises through marketing activities and demonstration projects; and

"(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

"(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.".

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) Purposes.—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

"SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

"(a) Definition of Nonindustrial Private Forest Land.—In this section, the term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(1) has existing tree cover or that is suitable for growing trees; and

"(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

"(b) General Authority and Purpose.—The Secretary, acting through the Chief of the Forest Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, and officials of the Cooperative State Research, Education, and Extension Service for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

"(c) Technical Assistance To Protect Water Quality.—

"(1) In general.—The Secretary, in cooperation with State foresters, officials of the Cooperative State Research, Education, and Extension Service, or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

"(2) Purpose of program.—The program under this subsection shall be designed—

"(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

"(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

"(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

"(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

"(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

"(3) Implementation.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

"(d) Watershed Forestry Cost-Share Program.—

"(1) In general.—The Secretary shall establish a watershed forestry cost-share program—

"(A) which shall be—

"(i) administered by the Forest Service; and

"(ii) implemented by State foresters or equivalent State officials in participating States; and

"(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

"(2) Watershed forestry projects.—The State forester, State Research, Education and Extension official, or equivalent State official of a participating State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

"(3) Project elements and objectives.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

"(A) the use of trees as solutions to water quality problems in urban and rural areas;

"(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

"(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

"(D) watershed-scale forest management activities and conservation planning; and

"(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

"(ii) the establishment of riparian vegetative buffers.

"(4) COST-SHARING.—

"(A) FEDERAL SHARE.—

"(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

"(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

"(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

"(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

"(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

"(A) lead statewide programs; and

"(B) coordinate watershed-level projects.

"(e) DISTRIBUTION.—

"(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

"(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

"(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

"(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

"(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

"(B) the miles of riparian buffer needed;

"(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

"(D) the number of owners of nonindustrial private forest land in each State; and

"(E) water quality cost savings that can be achieved through forest watershed management.

"(f) WILLING OWNERS.—

"(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

"(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2004 through 2008.".

SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary"), acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

(c) WATERSHED FORESTRY PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a watershed forestry program to be administered by Indian tribes.

(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(C) watershed-scale forest management activities and conservation planning;

(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) DISTRIBUTION.—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning on the ground to Indian tribes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

(A) increased fire risk;

(B) loss of old trees and old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.

(b) PURPOSES.—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. DEFINITIONS.

In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—

(A) IN GENERAL.—The term "applied silvicultural assessment" means any vegetative or other treatment carried out for a purpose described in section 403.

(B) INCLUSIONS.—The term "applied silvicultural assessment" includes (but is not limited to) timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) 1890 INSTITUTION.—

(A) IN GENERAL.—The term "1890 Institution" means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) INCLUSION.—The term "1890 Institution" includes Tuskegee University.

(3) FOREST-DAMAGING INSECT.—The term "forest-damaging insect" means—

(A) a Southern pine beetle;

(B) a mountain pine beetle;

(C) a spruce bark beetle;

(D) a gypsy moth;

(E) a hemlock woolly adelgid;

(F) an emerald ash borer;

(G) a red oak borer;

(H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.

(a) INFORMATION GATHERING.—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation, prevention, and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) CERTAIN TREATMENT PROHIBITED.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) PEER REVIEW.—

(A) IN GENERAL.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) EXISTING PEER REVIEW PROCESSES.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) ADMINISTRATION.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) MAXIMUM CATEGORICAL EXCLUSION.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) NO ADDITIONAL FINDINGS REQUIRED.—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

SEC. 405. RELATION TO OTHER LAWS.

The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) COORDINATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing, State-listed species, or special concern species.

(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

(d) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) METHODS OF ENROLLMENT.—

(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year agreement; or

(C) an agreement of not more than 99 years.

(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) ENROLLMENT PRIORITY.—

(1) SPECIES.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing, State-listed species, or special concern species.

(2) COST-EFFECTIVENESS.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

SEC. 503. RESTORATION PLANS.

(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture.

(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

SEC. 504. FINANCIAL ASSISTANCE.

(a) AGREEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an agreement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the agreement, less the fair market value of the land encumbered by the agreement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the agreement.

(b) 30-YEAR AGREEMENT.— In the case of land enrolled in the healthy forests reserve program using a 30-year agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the agreement; and

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements) under the healthy forests reserve program.

(b) TECHNICAL SERVICE PROVIDERS.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 506. PROTECTIONS AND MEASURES

(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this title, the Secretary of Agriculture may consult with—

(1) nonindustrial private forest landowners;

(2) other Federal agencies;

(3) State fish and wildlife agencies;

(4) State forestry agencies;

(5) State environmental quality agencies;

(6) other State conservation agencies; and

(7) nonprofit conservation organizations.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $25,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2008.

TITLE VI—PUBLIC LAND CORPS

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to carry out, in a cost-effective and efficient manner, rehabilitation, enhancement, and beautification projects;

(2) to offer young people, ages 16 through 25, particularly those who are at-risk or economically disadvantaged, the opportunity to gain productive employment and exposure to the world of work;

(3) to give those young people the opportunity to serve their communities and their country; and

(4) to expand educational opportunities by rewarding individuals who participate in the Public Land Corps with an increased ability to pursue higher education or job training.

SEC. 602. DEFINITIONS.

In this title:

(1) ALASKA NATIVE CORPORATION.—The term "Alaska Native Corporation" means a Regional Corporation or Village Corporation, as defined in section 101(11) of the National and Community Service Act of 1990 (42 U.S.C. 12511(11)).

(2) CORPS.—The term "Corps" means the Public Land Corps established under section 603(a).

(3) HAWAIIAN HOME LANDS.—The term "Hawaiian home lands" means that term, within the meaning of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(4) INDIAN LANDS.—The term "Indian lands" has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(5) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(6) SERVICE AND CONSERVATION CORPS.—The term "service and conservation corps" means any organization established by a State or local government, nonprofit organization, or Indian tribe that—

(A) has a demonstrable capability to provide productive work to individuals;

(B) gives participants a combination of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values through service to their communities and the United States.

(7) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

SEC. 603. PUBLIC LAND CORPS.

(a) ESTABLISHMENT.—There is established a Public Land Corps.

(b) PARTICIPANTS.—The Corps shall consist of individuals who are enrolled as members of a service or conservation corps.

(c) CONTRACTS OR AGREEMENTS.—The Secretaries may enter into contracts or cooperative agreements—

(1) directly with any service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects; or

(2) with a department of natural resources, agriculture, or forestry (or an equivalent department) of any State that has entered into a contract or cooperative agreement with a service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects.

(d) PROJECTS.—

(1) IN GENERAL.—The Secretaries may use the members of a service and conservation corps to perform rehabilitation, enhancement, or beautification projects authorized by law.

(2) INCLUDED LAND.—In addition to Federal and State lands, the projects may be carried out on—

(A) Indian lands, with the approval of the applicable Indian tribe;

(B) Hawaiian home lands, with the approval of the relevant State agency in the State of Hawaii; and

(C) Alaska native lands, with the approval of the applicable Alaska Native Corporation.

(e) PREFERENCE.—In carrying out this title, the Secretaries shall give preference to projects that will—

(1) provide long-term benefits by reducing hazardous fuels on Federal land;

(2) instill in members of the service and conservation corps—

(A) a work ethic;

(B) a sense of personal responsibility; and

(C) a sense of public service;

(3) be labor intensive; and

(4) be planned and initiated promptly.

(f) SUPPORTIVE SERVICES.—The Secretaries may provide such services as the Secretaries consider necessary to carry out this title.

(g) TECHNICAL ASSISTANCE.—To carry out this title, the Secretaries shall provide technical assistance, oversight, monitoring, and evaluation to—

(1) State Departments of Natural Resources and Agriculture (or equivalent agencies); and

(2) members of service and conservation corps.

SEC. 604. NONDISPLACEMENT.

The nondisplacement requirements of section 177(b) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)) shall apply to activities carried out by the Corps under this title.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

SEC. 701. PURPOSE

The purpose of this title is to assist in the economic revitalization of rural forest resource-dependent communities through incentives and collaboration to promote investment in private enterprise and community development by—

(1) the Department of Agriculture;

(2) the Department of the Interior;

(3) the Department of Commerce;

(4) the Small Business Administration;

(5) land grant colleges and universities; and

(6) 1890 Institutions.

SEC. 702. DEFINITIONS.

In this title:

(1) 1890 INSTITUTION.—The term "1890 Institution" has the meaning given the term in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a unit of State or local government;

(B) an Indian tribe;

(C) a nonprofit organization;

(D) a small forest products business;

(E) a rural forest resource-dependent community;

(F) a land grant college or university; or

(G) an 1890 institution.

(3) ELIGIBLE PROJECT.—The term "eligible project" means a project described in section 703 that will promote the economic development in rural forest resource-dependent communities based on—

(A) responsible forest stewardship;

(B) the production of sustainable forest products; or

(C) the development of forest related tourism and recreation activities.

(4) FOREST PRODUCTS.—The term "forest products" means—

(A) logs;

(B) lumber;

(C) chips;

(D) small-diameter finished wood products;

(E) energy biomass;

(F) mulch; and

(G) any other material derived from forest vegetation or individual trees or shrubs.

(5) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under 501(a) of that Code.

(6) PROGRAM.—The term "program" means the rural community forestry enterprise program established under section 703.

(7) SMALL FOREST PRODUCTS BUSINESS.—The term "small forest products business" means a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is classified under subsector 113 or code number 115310 of the North American Industrial Classification System.

(8) RURAL FOREST RESOURCE-DEPENDENT COMMUNITY.—

(A) IN GENERAL.—The term "rural forest resource-dependent community" means a community located in a rural area of the United States that is traditionally dependent on forestry products as a primary source of community infrastructure.

(B) INCLUSIONS.—The term "rural forest resource-dependent community" includes a community described in subparagraph (A) located in—

(i) the northern forest land of Maine;

(ii) New Hampshire;

(iii) New York;

(iv) Vermont;

(v) the Upper Peninsula of Michigan;

(vi) northern California; and

(vii) eastern Oregon.

(9) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Forest Service a program to be known as the "Rural Community Forestry Enterprise Program".

(2) CONSULTATION.—In carrying out the program, the Secretary shall consult with—

(A) the Small Business Administration;

(B) the Economic Development Administration;

(C) land grant colleges and universities;

(D) 1890 institutions;

(E) research stations and laboratories of the Forest Service;

(F) other agencies of the Department of Agriculture that administer rural development programs; and

(G) private nonprofit organizations.

(b) PURPOSES.—The purposes of the program are—

(1) to enhance technical and business management skills training;

(2) to organize cooperatives and marketing programs;

(3) to establish and maintain timber worker skill pools;

(4) to establish and maintain forest product distribution networks and collection centers;

(5) to facilitate technology transfer for processing small diameter trees and brush into useful products;

(6) to develop, where support exists, a program to promote science-based technology implementation and technology transfer that expands the capacity for small forest product businesses to work within market areas;

(7) to promote forest-related tourism and recreational activities;

(8) to enhance the rural forest business infrastructure needed to reduce hazardous fuels on public and private land; and

(9) to carry out related programs and activities, as determined by the Secretary.

(c) FOREST ENTERPRISE CENTERS.—

(1) IN GENERAL.—The Secretary shall establish Forest Enterprise Centers to provide services to rural forest-dependent communities.

(2) LOCATION.—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least 1 center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(3) DUTIES.—A Center shall—

(A) carry out eligible projects; and

(B) coordinate assistance provided to small forest products businesses with—

(i) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(ii) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture;

(iii) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration; and

(iv) research stations and laboratories of the Forest Service.

(d) FOREST ENTERPRISE TECHNICAL ASSISTANCE AND GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Forest Enterprise Centers established under subsection (c), shall establish a program to provide technical assistance and grants to eligible entities to carry out eligible projects.

(2) CRITERIA.—The Secretary shall work with each Forest Enterprise Center to develop appropriate program review and prioritization criteria for each Research Station.

(3) MATCHING FUNDS.—Grants under this section shall—

(A) not exceed 50 percent of the cost of an eligible project; and

(B) be made on the condition that non-Federal sources pay for the remainder of the cost of an eligible project (including payment through in-kind contributions of services or materials).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT

SEC. 801. SHORT TITLE.

This title shall be referred to as the "Firefighters Medical Monitoring Act of 2003".

SEC. 802. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

TITLE IX—DISASTER AIR QUALITY MONITORING ACT

SEC. 901. SHORT TITLE.

This title shall be referred to as the "Disaster Air Quality Monitoring Act of 2003".

SEC. 902. MONITORING OF AIR QUALITY IN DISASTER AREAS.

(a) IN GENERAL.—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) DISASTER AREAS.—The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) CONTINUOUS MONITORING.—The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in Public Law 95–95, section 112(b).

(d) AUTHORIZATION.—To carry out this title, there are authorized to be appropriated $8,000,000.

TITLE X—HIGHLANDS REGION CONSERVATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Highlands Conservation Act".

SEC. 1002. FINDINGS.

Congress finds the following:

(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) The Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

(4) More than 1,400,000 residents live in the Highlands region.

(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner.

(6) Continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

(8) The national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Great Swamp National Wildlife Refuge;

(M) the proposed Crossroads of the Revolution National Heritage Area;

(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(O) the Farmington River Wild and Scenic Area in Connecticut;

(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

SEC. 1003. PURPOSES.

The purposes of this title are as follows:

(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States.

(2) To authorize the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(3) To continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

SEC. 1004. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term "Highlands region" means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term "Highlands State" means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any Highlands State.

(3) LAND CONSERVATION PARTNERSHIP PROJECT.—The term "land conservation partnership project" means a land conservation project located within the Highlands region identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term "non-Federal entity" means any Highlands State, or any agency or department of any Highlands State with authority to own and manage land for conservation purpose, including the Palisades Interstate Park Commission.

(5) STUDY.—The term "study" means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term "update" means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. 1005. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

(b) CONSIDERATION OF PROJECTS.—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) that are eligible to receive financial assistance under this section.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share required under subsection (d);

(3) describes the management objectives for the land that will assure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(A) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(B) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in the following:

(A) Important Areas portion of the Forest Service study.

(B) Conservation Focal Areas portion of the Forest Service update.

(C) Conservation Priorities portion of the update.

(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the update.

(d) Non-Federal Share Requirement.—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 1006. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) In General.—In order to meet the land resource goals of, and the scientific and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

(b) Duties.—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research as appropriate in the Highlands region consistent with the purposes of this title;

(2) communicate the findings of the study and update and maintain a public dialogue regarding implementation of the study and update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for each of the fiscal years 2005 through 2014.

SEC. 1007. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) Access to Private Property.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) Liability.—Nothing in this title shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority to Control Land Use.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners.—Nothing in this title shall be construed to require the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this title.

(e) Purchase of Lands or Interests in Lands From Willing Sellers Only.—Funds appropriated to carry out this title shall be used to purchase lands or interests in lands only from willing sellers.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

"SEC. 17. FOREST INVENTORY AND MANAGEMENT.

"(a) In General.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands on—

"(1) units of the National Forest System; and

"(2) private forest land, with the consent of the owner of the land.

"(b) Means.—The Secretary shall carry out the program through the use of—

"(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

"(2) emerging geospatial capabilities in research activities;

"(3) validating techniques, including coordination and reconciliation with existing data through field verification, using application demonstrations; and

"(4) integration of results into pilot operational systems.

"(c) Issues To Be Addressed.—In carrying out the program, the Secretary shall address issues including—

"(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

"(2) loss or degradation of forests;

"(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

"(4) quantification of carbon uptake rates;

"(5) management practices that focus on preventing further forest degradation; and

"(6) characterization of vegetation types, density, fire regimes, post-fire effects, and condition class.

"(d) Early Warning System.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

"(1) isolate and treat a threat before the threat gets out of control; and

"(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

"(e) Administration.—To carry out this section, the Secretary shall—

"(1) designate a facility within Forest Service Region 8 that—

"(A) is best-suited to take advantage of existing resources to coordinate and carry out the program through the means described in subsection (b); and

"(B) will address the issues described in subsection (c), with a particular emphasis on hardwood forest stands in the Eastern United States; and

"(2) designate a facility in the Ochoco National Forest headquarters within Forest Service Region 6 that will address the issues described in subsection (c), with a particular emphasis on coniferous forest stands in the Western United States.

"(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 1102. PROGRAM FOR EMERGENCY TREATMENT AND REDUCTION OF NONNATIVE INVASIVE PLANTS.

(a) Definitions.—In this section:

(1) Interface community.—The term "interface community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(2) Intermix community.—The term "intermix community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(3) Plant.—The term "plant" includes—

(A) a tree;

(B) a shrub; and

(C) a vine.

(4) Program.—The term "program" means the program for emergency treatment and reduction of nonnative invasive plants established under subsection (b)(1).

(5) Secretaries.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(b) Establishment.—

(1) In general.—The Secretaries shall establish a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area.

(2) Coordination.—In carrying out the program, the Secretaries shall coordinate with such Federal agencies, State and local governments and agencies, and conservation districts as are affected by projects under the program.

(c) Eligible Land.—A project under the program shall—

(1) be carried out only on land that is located—

(A) in an interface community or intermix community; or

(B) in such proximity to an interface community or intermix community as would pose a significant risk in the event of the spread of a fire disturbance event from the land (including a risk that would threaten human life or property in proximity to or within the interface community or intermix community), as determined by the Secretaries;

(2) remove fuel loads determined by the Secretaries, a State or local government, a tribal government, or a private landowner to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area; and

(3) involve the removal of nonnative invasive plants.

(d) Use of Funds.—Funds made available for a project under the program shall be used only for—

(1) the removal of plants or other potential fuels that are—

(A) adjacent to or within the wildland urban interface; or

(B) adjacent to a municipal watershed, river, or water course;

(2) the removal of erosion structures that impede the removal of nonnative plants; or

(3) the replanting of native vegetation to reduce the reestablishment of nonnative invasive plants in a treatment area.

(e) Revolving Fund.—

(1) In general.—In the case of a grant provided to a willing owner to carry out a project on non-Federal land under this section, the

owner shall deposit into a revolving fund established by the Secretaries any proceeds derived from the sale of timber or biomass removed from the non-Federal land under the project.

(2) USE.—The Secretaries shall use amounts in the revolving fund to make additional grants under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 1103. USDA NATIONAL AGROFORESTRY CENTER.

(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.";

and

(2) in subsection (a)—

(A) by striking "SEMIARID" and inserting "USDA NATIONAL"; and

(B) by striking "Semiarid" and inserting "USDA National".

(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by inserting "local governments, community organizations, the Institute of Tropical Forestry and the Institute of Pacific Islands Forestry of the Forest Service," after "entities,";

(2) in paragraph (1), by striking "on semiarid lands";

(3) in paragraph (3), by striking "from semiarid land";

(4) by striking paragraph (4) and inserting the following:

"(4) collect information on the design, installation, and function of forested riparian and upland buffers to—

"(A) protect water quality; and

"(B) manage water flow;";

(5) in paragraphs (6) and (7), by striking "on semiarid lands" each place it appears;

(6) by striking paragraph (8) and inserting the following:

"(8) provide international leadership in the worldwide development and exchange of agroforestry practices;";

(7) in paragraph (9), by striking "on semiarid lands";

(8) in paragraph (10), by striking "and" at the end;

(9) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(10) by adding at the end the following:

"(12) quantify the carbon storage potential of agroforestry practices such as—

"(A) windbreaks;

"(B) forested riparian buffers;

"(C) silvopasture timber and grazing systems; and

"(D) alley cropping; and

"(13) modify and adapt riparian forest buffer technology used on agricultural land for use by communities to manage stormwater runoff.".

SEC. 1104. UPLAND HARDWOODS RESEARCH CENTER.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an Upland Hardwood Research Center.

(b) LOCATION.—The Secretary of Agriculture shall locate the Research Center in an area that, as determined by the Secretary of Agriculture, would best use and study the upland hardwood resources of the Ozark Mountains and the South.

(c) DUTIES.—The Upland Hardwood Research Center shall, in conjunction with the Southern Forest Research Station of the Department of Agriculture—

(1) provide the scientific basis for sustainable management of southern upland hardwood forests, particularly in the Ozark Mountains and associated mountain and upland forests; and

(2) conduct research in all areas to emphasize practical application toward the use and preservation of upland hardwood forests, particularly—

(A) the effects of pests and pathogens on upland hardwoods;

(B) hardwood stand regeneration and reproductive biology;

(C) upland hardwood stand management and forest health;

(D) threatened, endangered, and sensitive aquatic and terrestrial fauna;

(E) ecological processes and hardwood ecosystem restoration; and

(F) education and outreach to nonindustrial private forest landowners and associations.

(d) RESEARCH.—In carrying out the duties under subsection (c), the Upland Hardwood Research Center shall—

(1) cooperate with the Center for Bottomland Hardwood Research of the Southern Forest Research Station of the Department of Agriculture, located in Stoneville, Mississippi; and

(2) provide comprehensive research in the Mid-South region of the United States, the Upland Forests Ecosystems Unit of the Southern Forest Research Station of the Department of Agriculture, located in Monticello, Arkansas.

(e) PARTICIPATION OF PRIVATE LANDOWNERS.—The Secretary of Agriculture shall encourage and facilitate the participation of private landowners in the program under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each fiscal year.

SEC. 1105. EMERGENCY FUEL REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Agriculture shall establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service.

(b) ELIGIBLE PROJECTS.—To be eligible to be carried out with a grant under the program, a hazardous fuel reduction project shall—

(1) be surrounded by or immediately adjacent to the boundary of a national forest;

(2) be determined to be of paramount urgency, as indicated by declarations to that effect by both local officials and the Governor of the State in which in the project is to be carried out; and

(3) remove fuel loading that poses a serious threat to human life, as determined by the Forest Service.

(c) USES OF GRANTS.—A grant under the program may be used only—

(1) to remove trees, shrubs, or other potential fuel adjacent to a primary evacuation route;

(2) to remove trees, shrubs, or other potential fuel that are adjacent to an emergency response center, emergency communication facility, or site designated as a shelter-in-place facility; or

(3) to conduct an evacuation drill or preparation.

(d) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant under the program that is used to carry out a project on private or county land, the grant recipient shall deposit in a revolving fund maintained by the Secretary any proceeds from the sale of timber or biomass as a result of the project.

(2) USE.—The Secretary shall use amounts in the revolving fund to make other grants under this section, without further appropriation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $50,000,000 for each fiscal year.

SEC. 1106. EASTERN NEVADA LANDSCAPE COALITION.

(a) IN GENERAL.—(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Notwithstanding sections 6301 through 6308 of title 31, United States Code, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1107. SENSE OF CONGRESS REGARDING ENHANCED COMMUNITY FIRE PROTECTION.

It is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 473)).

SEC. 1108. COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data, using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, nonprofit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds.

SEC. 1109. BEST-VALUE CONTRACTING.

To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally.

SEC. 1110. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COMMITTEE.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

"(A) the Secretary determines, in accordance with the criteria established under subsection *(c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and*

"(B) the State forester, in consultation with the Committee, determines—

"(i) has the abilities necessary to acquire and manage interests in real property; and

"(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

"(3) ELIGIBLE PROJECT.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

"(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

"(A) described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

"(6) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

"(A) capable of producing commercial forest products; and

"(B) owned by—

"(i) a private entity; or

"(ii) an Indian tribe.

"(7) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

"(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

"(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

"(B) provide communities a means by which to address significant suburban sprawl.

"(c) GRANT PROGRAM.—

"(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

"(A) CRITERIA.—

"(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

"(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

"(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

"(II) the identification of eligible entities.

"(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

"(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

"(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

"(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

"(II) is threatened by present or future conversion to nonforest use.

"(2) GRANTS.—

"(A) ELIGIBLE PROJECTS.—

"(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

"(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

"(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

"(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

"(ii) a stewardship plan that describes the manner in which—

"(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

"(II) the stewardship plan will be implemented; and

"(III) the public benefits to be achieved from implementation of the stewardship plan.

"(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

"(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

"(ii) submit to the Secretary—

"(I) the application submitted under subparagraph (B); and

"(II) the assessment of need.

"(D) APPROVAL OR DISAPPROVAL.—

"(i) IN GENERAL.—Subject to clause (ii); as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

"(I) review the application; and

"(II)(aa) award a grant to the applicant; or

"(bb)(AA) disapprove the application; and

"(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

"(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

"(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

"(II) give priority to applicants that propose to fund eligible projects that promote—

"(aa) the preservation of suburban forest land and open space;

"(bb) the containment of suburban sprawl;

"(cc) the sustainable management of private forest land;

"(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

"(ee) community and school education programs and curricula relating to sustainable forestry.

"(3) COST SHARING.—

"(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

"(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

"(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

"(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

"(1) PURCHASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

"(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

"(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

"(A) a State;

"(B) a unit of local government; or

"(C) a nonprofit organization.

"(3) TERMINATION OF EASEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

"(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

"(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

"(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

"(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

"(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"(g) AUTHOPIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $50,000,000 for fiscal year 2004; and

"(2) such sums as are necessary for each fiscal year thereafter.".

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking "subsection (b)" and inserting "this section";

(3) in subsection (j)(1), by inserting "(other than by donation)" after "acquired";

(4) in subsection (k)(2), by striking "the United States or its" and inserting "the United States, a State, or other entity, or their"; and

(5) in subsection (l), by adding at the end the following:

"(3) STATE AUTHORIZATION.—

"(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

"(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

"(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

"(D) MONITORING AND ENFORCEMENT.—

"(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

"(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

"(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

"(E) TERMINATION OF EASEMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

"(I) the qualified organization fails to enforce the terms of the conservation easement;

"(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

"(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

"(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

"(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.".

SEC. 1111. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

SEC. 1112. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II", each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the Green Mountain National Forest, as adjusted by this Act, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 1113. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the "Puerto Rico Karst Conservation Act of 2003".

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term "Commonwealth" means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term "Forest Legacy Program" means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term "Fund" means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term "Karst Region" means the areas in the Commonwealth generally depicted on the map entitled "Karst Region Conservation Area" and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term "land" includes land, water, and an interest in land or water.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the *discretion of the Secretary, vest in the United States.*

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the "Puerto Rico Karst Conservation Fund".

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1114. FARM SECURITY AND RURAL INVESTMENT ACT.

Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act.

SEC. 1115. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

"(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell: buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.";

(3) in subsection (e) (as redesignated by paragraph (1)), by striking "(c)" and inserting "(d)";

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking "(a), (b), or (c)" and inserting "(a), (b), (c), or (d)"; and

(B) by striking "1 year" and inserting "2 years";

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

"(g) INVESTIGATIONS.—

"(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

"(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

"(3) WARRANTS.—

"(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

"(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

"(4) STORAGE OF ANIMALS.—

"(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

"(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

"(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

"(ii)(I) keep the remaining animals at the location where the animals were seized;

"(II) provide for the humane care of the animals; and

"(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

"(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

"(6) FORFEITURE.—

"(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

"(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

"(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

"(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

"(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

"(D) CLAIM TO PROPERTY.—

"(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

"(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

"(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

"(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain."; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: "(including a movement to, from, or within land under the jurisdiction of an Indian tribe)"; and

(B) in paragraph (3), by striking "telephone, radio, or television" and inserting "telephone, the Internet, radio, television, or any technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking "SEC. 23. The Secretary" and inserting the following:

"SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

"(a) FEES.—The Secretary"; and

(2) by striking the third sentence and inserting the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

SEC: 1116. INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) in the second sentence, by striking "no more than $1,000" and inserting "as provided in title 18, United States Code,"; and

(2) by inserting after the second sentence the following: "In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.".

(b) NATIONAL PARK SYSTEM LANDS.—

(1) FINES.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking "That the Secretary" at the beginning of the section and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary";

(B) by striking "$500" and inserting "$10,000"; and

(C) by inserting after the first sentence the following: "In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking "He may also" the first place it appears and inserting the following:

"(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may";

(B) by striking "He may also" the second place it appears and inserting "The Secretary may"; and

(C) by striking "No natural," and inserting the following:

"(c) LEASE AND PERMIT AUTHORITIES.—No natural".

(c) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking "$500" and inserting "$10,000"; and

(2) by inserting after the first sentence the following: "In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.".

Amend the title so as to read: "An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.".

UNANIMOUS CONSENT REQUEST—H.R. 3365

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3365, the Fallen Patriot's Tax Relief Act; that the McCain-Baucus-Grassley amendment, which is at the desk, be agreed to; the bill, as amended, be read the third time and passed; the title amendment be agreed to; the motions to reconsider be laid upon the table en bloc; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, this is H.R. 3365, is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, Senator LANDRIEU has objected to this. I am told that she has been working with the committee on a sense-of-the-Senate resolution that should resolve this. I hope that can be done quickly.

I ask that people direct their attention to Senator LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable choice bill. I further ask unanimous consent that all after the enacting clause be stricken; that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable choice bill as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, as some will remember, we on this side are ready to pass this bill with the amendments and send it over to the House for their consideration. The majority insists on going to conference and we object to this part of the consent only. Therefore, I object for the reasons previously stated.

The PRESIDING OFFICER. The objection is heard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's calendar: Calendar Nos. 430, 431, 432. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term ending July 1, 2005.

Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2008.

Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2007.

NOMINATIONS DISCHARGED

Mr. McCONNELL. Mr. President, I also ask consent that the following nominations be discharged from the Rules Committee and be placed on the calendar: Paul S. DeGregorio, Gracie Hillman, Raymundo Martinez, Deforest Soaries, Jr., and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 1805

Mr. McCONNELL. I understand S. 1805, which was introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1805) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Mr. McCONNELL. I now ask for its second reading and object to further proceedings on the matter.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

MEASURE READ THE FIRST TIME—S. 1806

Mr. McCONNELL. Mr. President, I understand S. 1806, introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1806) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Mr. McCONNELL. I now ask for its second reading and object to further proceeding on the matter.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

FOREIGN OPERATIONS APPROPRIATIONS

VITIATION OF ACTION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the agreement to amendments numbered 1995 and 2004 to H.R. 2800 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCEAN AND COASTAL OBSERVATION SYSTEMS ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 319, S. 1400.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1400) to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Ocean Observation and Coastal Systems Act".

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—The Congress finds the following:

[(1) The 95,000-mile coastline of the United States is vital to the Nation's homeland security, transportation, trade, environmental and human health, recreation and tourism, food production, scientific research and education, historical and cultural heritage, and energy production.

[(2) More than half the Nation's population lives and works in coastal communities that together make up 11 percent of its land and its most ecologically and economically important regions, supporting approximately 190 sea ports, containing most of our largest cities, and providing access to coastal waters rich in natural resources.

[(3) More than 95 percent of the Nation's trade moves by sea and nearly half of all goods, including energy products, carried in maritime commerce are hazardous materials.

[(4) The rich biodiversity of marine organisms provides society with essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

[(5) The oceans drive climate and weather factors causing severe weather events and threatening the health of coastal ecosystems and communities by creating or affecting both natural and man-made coastal hazards such as hurricanes, tsunamis, erosion, oil spills, harmful algal blooms, and pollution, which can pose threats to human health.

[(6) Each year, the United States Coast Guard relies on ocean information to save 4,380 people, conducts over 65,000 rescue missions, and carries out more than 11,680 environmental cleanups and responses to pollution.

[(7) Safeguarding homeland security requires improved monitoring of the Nation's ports and coastline, including the ability to track vessels and to provide rapid response teams with real-time environmental conditions necessary for their work.

[(8) Advances in ocean technologies and scientific understanding have made possible long-term and continuous observation from space and in situ of ocean characteristics and conditions.

[(9) Many elements of an ocean and coastal observing system are in place, though in a patchwork manner that is fragmented, intermittent, incomplete, and not integrated.

[(10) Important coastal uses, such as tourism, recreation, and fishing, require assurance of healthy coastal waters, and while the interagency National Coast Condition Report provides an annual assessment of the status and quality of coastal waters, substantial data gaps exist that could be reduced through measurement of coastal quality through a coordinated observing system that incorporates Federal, State, and local monitoring programs.

[(11) National investment in a sustained and integrated ocean and coastal observing system and in coordinated programs of research would assist this Nation and the world in understanding the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen management of marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

[(b) PURPOSES.—The purposes of this Act are to provide for—

[(1) development and maintenance of an integrated system that provides for sustained ocean and coastal observations from in situ, remote, and vessel platforms, and that promotes the national goals of assuring national security, advancing economic development, conserving living marine resources, protecting quality of life and the marine environment, and strengthening science education and communication through improved knowledge of the ocean;

[(2) implementation of a research and development program to enhance security at United States ports and minimize security risks; and

[(3) implementation of a data and information system required by all components of an integrated ocean and coastal observing system and related research.

[SEC. 3. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

[(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, (hereinafter referred to as the "Council"), shall establish and maintain an integrated system of marine monitoring, data communication and management, data analysis, and research designed to provide data and information for the rapid and timely detection and prediction of changes occurring in the marine environment that impact the Nation's social, economic, and ecological systems. Such an integrated ocean and coastal observing system shall provide for long-term and continuous observations of the oceans and coasts for the following purposes:

[(1) Strengthening homeland security.

[(2) Improving weather forecasts and public warnings of natural disasters and coastal hazards and mitigating such disasters and hazards.

[(3) Understanding, assessing, and responding to human-induced and natural processes of global change.

[(4) Enhancing the safety and efficiency of marine operations.

[(5) Supporting efforts to protect, maintain, and restore the health of and manage coastal and marine ecosystems and living resources.

[(6) Enhancing public health.

[(7) Monitoring and evaluating the effectiveness of ocean and coastal environmental policies.

[(8) Conducting focused research to enhance the national understanding of coastal and global ocean systems.

[(9) Providing information that contributes to public awareness of the condition and importance of the oceans.

[(b) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

[(1) serve as the lead entity providing oversight of Federal ocean and coastal observing requirements and activities;

[(2) adopt and maintain plans for the design, operation, and improvement of such system;

[(3) establish an interagency planning office to carry out the duties described in subsection (c);

[(4) coordinate and administer a program of research and development under the National Oceanographic Partnership Program (10 U.S.C. 7901) to support the operation of an integrated ocean and coastal observing system and advance the understanding of the oceans;

[(5) establish a joint operations center to be maintained by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with other Federal agencies; and

[(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs and in consultation with the Secretary of State to coordinate relevant Federal activities with those of other nations.

[(c) INTERAGENCY PROGRAM OFFICE.—There is established under the Council an interagency planning office. It shall—

[(1) promote collaboration among agencies;

[(2) promote collaboration among regional coastal observing systems established pursuant to subsection (f);

[(3) prepare annual and long-term plans for consideration by the Council for the design and implementation of an integrated ocean and coastal observing system, including the regional coastal observing systems and taking into account the science and technology advances considered ready for operational status;

[(4) provide information for the development of agency budgets;

[(5) identify requirements for a common set of measurements to be collected and distributed;

[(6) establish standards and protocols for quality control and data management and communications, in consultation with the Joint Operations Center established pursuant to subsection (d);

[(7) work with regional coastal observing entities, the National Sea Grant College Program, and other bodies as needed to assess user needs, develop data products, make effective use of existing capabilities, and incorporate new technologies, as appropriate; and

[(8) coordinate program planning and implementation.

[(d) JOINT OPERATIONS CENTER.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Oceanographer of the Navy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Commandant of the Coast Guard, the Under Secretary for Science and Technology of the Department of Homeland Security, and any other member of the National Ocean Research Leadership Council as the Council may, by memorandum of agreement, select—

[(1) shall report to the National Ocean Research Leadership Council;

[(2) shall maintain a joint operations center that reports to the Council; and

[(3) is authorized, without limitation—

[(A) to acquire, integrate, and deploy required technologies and provide support for an ocean and coastal observing system based on annual long-term plans developed by the interagency planning office;

[(B) to implement standards and protocols developed in consultation with the interagency planning office for—

[(i) network operations and data access;

[(ii) quality control and assessment of data and design;

[(iii) data access and management, including data transfer protocols and archiving;

[(iv) testing and employment of forecast models for ocean conditions; and

[(v) system products;

[(C) to migrate science and technology advancements from research and development to operational deployment based on the annual and long-term plans of the interagency program office;

[(D) to integrate and extend existing programs into an operating coastal and ocean and coastal observing system based on the annual and long-term plans of the interagency program office;

[(E) to coordinate the data communication and management system;

[(F) to provide products and services as specified by national, regional, and international users;

[(G) to certify that regional coastal observing systems meet the standards established in subsection (f) and to ensure a periodic process for review and recertification of the regional coastal observing systems; and

[(H) to implement standards to ensure compatibility and interoperability among existing and planned system components.

[(e) SYSTEM ELEMENTS.—

[(1) IN GENERAL.—The integrated ocean and coastal observing system shall consist of the following closely linked components:

[(A) A global ocean system to make observations in all oceans (including chemical, physical, and biological observations) for the purpose of documenting, at a minimum, long-term trends in sea level change, ocean carbon sources and sinks, and heat uptake and release by the ocean; and to monitor ocean locations for signs of abrupt or long-term changes in ocean circulation leading to changes in climate.

[(B) The national network of observations and data management that establishes reference and sentinel stations, links the global ocean system to local and regional observations, and provides data and information required by multiple regions.

[(C) Regional coastal observing systems that provide information through the national network and detect and predict conditions and events on a regional scale through the measurement and dissemination of a common set of ocean and coastal observations and related products in a uniform manner and according to sound scientific practice using national standards and protocols.

[(2) SUBSYSTEM LINKAGE.—The integrated ocean and coastal observing system shall link 3 subsystems for rapid access to data and information:

[(A) An observing subsystem to measure, manage, and serve a common set of chemical, physical, geological, and biological variables required to achieve the purpose of this Act on time scales required by users of the system.

[(B) An ocean data management and assimilation subsystem that provides for organization, cataloging, and dissemination of data and information to ensure full use and long term archival.

[(C) A data analysis and applications subsystem to translate data into products and services in response to user needs and requirements.

[(3) RESEARCH AND DEVELOPMENT.—A research and development program for the integrated ocean and coastal observing system shall be conducted under the National Oceanographic Partnership Program and shall consist of the following elements:

[(A) Coastal, relocatable, and cabled sea floor observatories.

[(B) Focused research projects to improve understanding of the relationship between the oceans and human activities.

[(C) Applied research to develop new observing technologies and techniques, including data management and dissemination.

[(D) Large scale computing resources and research to improve ocean processes modeling.

[(E) Programs to improve public education and awareness of the marine environment and its goods and services.

[(f) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration, through the Joint Operations Center, shall work with representatives of entities in each region that provide ocean data and information to users to form regional associations. The regional associations shall be responsible for the development and operation of observing systems in the coastal regions extending to the seaward boundary of the United States Exclusive Economic Zone, including the Great Lakes. Participation in a regional association may consist of legal entities including, research institutions, institutions of higher learning, for-profit corporations, non-profit corporations, State, local, and regional agencies, and consortia of 2 or more such institutions or organizations that—

[(1) have demonstrated an organizational structure capable of supporting and integrating all aspects of a coastal ocean observing system within a region or subregion;

[(2) have prepared an acceptable business plan including research components and gained documented acceptance of its intended regional or sub-regional jurisdiction by users and other parties of interest within the region or sub-region with the objectives of—

[(A) delivering an integrated and sustained system that meets national goals;

[(B) incorporating into the system existing and appropriate regional observations collected by Federal, State, regional, or local agencies;

[(C) responding to the needs of the users, including the public, within the region;

[(D) maintaining sustained, 24-hour-a-day operations and disseminating observations in a manner that is routine, predictable and, if necessary, in real-time or near real-time;

[(E) providing services that include the collection and dissemination of data and data management for timely access to data and information;

[(F) creating appropriate products that are delivered in a timely fashion to the public and others who use, or are affected by, the oceans;

[(G) providing free and open access to the data collected with financial assistance under this Act; and

[(H) adhering to national standards and protocols to ensure that data and related products can be fully exchanged among all of the regional coastal systems and will be accessible to any user in any part of the nation.

[(3) For purposes of determining the civil liability under section 2671 of title 28, United States Code, any regional observing system and any employee thereof that is designated part of a regional association under this subsection shall be deemed to be an instrumentality of the United States with respect to any act or omission committed by any such system or any employee thereof in fulfilling the purposes of this Act.

[(g) PILOT PROJECTS.—

[(1) IN GENERAL.—The Administrator, in consultation with the interagency planning office, shall initiate pilot projects through the National Oceanographic Partnership Program. A pilot project is an organized, planned set of activities designed to provide an evaluation of technology, methods, or concepts within a defined schedule and having the goal of advancing the development of the sustained, integrated ocean observing system. The pilot projects will—

[(A) develop protocols for coordinated implementation of the full system;

[(B) design and implement regional coastal ocean observing systems;

[(C) establish mechanisms for the exchange of data between and among regions and Federal agencies;

[(D) specify products and services and related requirements for observations, data management, and analysis in collaboration with user groups; and

[(E) develop and test new technologies and techniques to improve all three subsystems to more effectively meet the needs of users of the system.

[(2) INFRASTRUCTURE CAPITAL PROJECTS.—The pilot projects shall include one or more projects to capitalize the infrastructure for the collection, management, analysis, and distribution of data and one or more projects where the basic infrastructure and institutional mechanisms already exist for ongoing coastal observations, to fund the operations necessary for the collection of the common set of observations approved by the interagency planning office.

[SEC. 4. INTERAGENCY FINANCING.

[The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program (10 U.S.C. 7901), including support for a common infrastructure and system integration for an ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[(a) OBSERVING SYSTEM AUTHORIZATION.—For development and implementation of an integrated ocean and coastal observing system under section 3, including financial assistance to regional coastal ocean observing systems and in addition to any amounts previously authorized, there are authorized to be appropriated to—

[(1) the National Oceanic and Atmospheric Administration, $83,000,000 in fiscal year 2004, $87,250,000 in fiscal year 2005, $91,500,000 in fiscal year 2006, $96,000,000 in fiscal year 2007, and $100,000,000 in fiscal year 2008;

[(2) the National Science Foundation, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

[(3) the National Aeronautics and Space Administration, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, and $34,750,000 in each of fiscal years 2007 and 2008;

[(4) the United States Coast Guard, $8,000,000 in fiscal year 2004, $8,400,000 in fiscal year 2005, $9,700,000 in fiscal year 2006, $9,500,000 in fiscal year 2007, and $9,750,000 in fiscal year 2008;

[(5) the Office of Naval Research, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

[(6) the Office of the Oceanographer of the Navy, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, $34,750,000 in fiscal year 2007, and $36,500,000 in fiscal year 2008; and

[(7) other Federal agencies with operational coastal or ocean monitoring systems or which provide funds to States for such systems, $15,000,000 in each of fiscal years 2004 through 2008.

[(b) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration shall make at least 51 percent of the funds appropriated pursuant to subsection (a)(1) available as grants for the development and implementation of the regional coastal observing systems based on the plans adopted by the Council and may be used to leverage non-Federal funds.

[(c) AVAILABILITY.—Sums authorized to be appropriated by this section shall remain available until expended.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean and Coastal Observation Systems Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The 95,000-mile coastline of the United States is vital to the Nation's homeland security, transportation, trade, environmental and human health, recreation and tourism, food production, scientific research and education, historical and cultural heritage, and energy production.

(2) More than half the Nation's population lives and works in coastal communities that together make up 11 percent of its land and its most ecologically and economically important regions, supporting approximately 190 sea ports, containing most of our largest cities, and providing access to coastal waters rich in natural resources.

(3) More than 95 percent of the Nation's trade moves by sea and nearly half of all goods, including energy products, carried in maritime commerce are hazardous materials.

(4) The rich biodiversity of marine organisms provides society with essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

(5) The oceans drive climate and weather factors causing severe weather events and threatening the health of coastal ecosystems and communities by creating or affecting both natural and man-made coastal hazards such as hurricanes, tsunamis, erosion, oil spills, harmful algal blooms, hypoxia, and pollution, which can pose threats to human health.

(6) Each year, the United States Coast Guard relies on ocean information to save 4,380 people, conducts over 65,000 rescue missions, and carries out more than 11,680 environmental cleanups and responses to pollution.

(7) Safeguarding homeland security requires improved monitoring of the Nation's ports and coastline, including the ability to track vessels and to provide rapid response teams with real-time environmental conditions necessary for their work.

(8) Advances in ocean technologies and scientific understanding have made possible long-term and continuous observation from space and in situ of ocean characteristics and conditions.

(9) Many elements of an ocean and coastal observing system are in place, though in a patchwork manner that is fragmented, intermittent, incomplete, and not integrated.

(10) Important coastal uses, such as tourism, recreation, and fishing, require assurance of healthy coastal waters, and while the interagency National Coast Condition Report provides an annual assessment of the status and quality of coastal waters, substantial data gaps exist that could be reduced through measurement of coastal quality through a coordinated observing system that incorporates Federal, State, and local monitoring programs.

(11) National investment in a sustained and integrated ocean and coastal observing system and in coordinated programs of research would assist this Nation and the world in understanding the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen management of marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) development and maintenance of an integrated system that provides for sustained ocean and coastal observations from in situ, remote, and vessel platforms, and that promotes the national goals of assuring national security, advancing economic development, conserving living marine resources, protecting quality of life and the marine environment, and strengthening science education and communication through improved knowledge of the ocean;

(2) implementation of a research and development program to enhance security at United States ports and minimize security risks; and

(3) implementation of a data and information system required by all components of an integrated ocean and coastal observing system and related research.

SEC. 3. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, (hereinafter referred to as the "Council"), shall establish and maintain an integrated system of marine monitoring, data communication and management, data analysis, and research designed to provide data and information for the rapid and timely detection and prediction of changes occurring in the marine environment that impact the Nation's social, economic, and ecological systems. Such an integrated ocean and coastal observing system shall provide for long-term and continuous observations of the oceans and coasts for the following purposes:

(1) Strengthening homeland security.

(2) Improving weather forecasts and public warnings of natural disasters and coastal hazards and mitigating such disasters and hazards.

(3) Understanding, assessing, and responding to human-induced and natural processes of global change.

(4) Enhancing the safety and efficiency of marine operations.

(5) Supporting efforts to protect, maintain, and restore the health of and manage coastal and marine ecosystems and living resources.

(6) Enhancing public health.

(7) Monitoring and evaluating the effectiveness of ocean and coastal environmental policies.

(8) Conducting focused research to enhance the national understanding of coastal and global ocean systems.

(9) Providing information that contributes to public awareness of the condition and importance of the oceans.

(b) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the lead entity providing oversight of Federal ocean and coastal observing requirements and activities;

(2) adopt and maintain plans for the design, operation, and improvement of such system;

(3) establish an interagency planning office to carry out the duties described in subsection (c);

(4) coordinate and administer a program of research and development under the National Oceanographic Partnership Program (10 U.S.C. 7901) to support the operation of an integrated ocean and coastal observing system and advance the understanding of the oceans;

(5) establish a joint operations center to be maintained by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with other Federal agencies; and

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs and in consultation with the Secretary of State to coordinate relevant Federal activities with those of other nations.

(c) INTERAGENCY PROGRAM OFFICE.—There is established under the Council an interagency planning office. It shall—

(1) promote collaboration among agencies;

(2) promote collaboration among regional coastal observing systems established pursuant to subsection (f);

(3) prepare annual and long-term plans for consideration by the Council for the design and implementation of an integrated ocean and coastal observing system, including the regional coastal observing systems and taking into account the science and technology advances considered ready for operational status;

(4) provide information for the development of agency budgets;

(5) identify requirements for a common set of measurements to be collected and distributed;

(6) establish standards and protocols for quality control and data management and communications, in consultation with the Joint Operations Center established pursuant to subsection (d);

(7) work with regional coastal observing entities, the National Sea Grant College Program, and other bodies as needed to assess user needs, develop data products, make effective use of existing capabilities, and incorporate new technologies, as appropriate; and

(8) coordinate program planning and implementation.

(d) JOINT OPERATIONS CENTER.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Oceanographer of the Navy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Commandant of the Coast Guard, the Under Secretary for Science and Technology of the Department of Homeland Security, and any other member of the Council as the Council may, by memorandum of agreement, select—

(1) shall operate and maintain a joint operations center that reports to the Council; and

(2) is authorized—

(A) to acquire, integrate, and deploy required technologies and provide support for an ocean and coastal observing system based on annual long-term plans developed by the interagency planning office;

(B) to implement standards and protocols developed in consultation with the interagency planning office for—

(i) network operations and data access;

(ii) quality control and assessment of data and design;

(iii) data access and management, including data transfer protocols and archiving;

(iv) testing and employment of forecast models for ocean conditions; and

(v) system products;

(C) to migrate science and technology advancements from research and development to operational deployment based on the annual and long-term plans of the interagency program office;

(D) to integrate and extend existing programs into an operating ocean and coastal observing system based on the annual and long-term plans of the interagency program office;

(E) to coordinate the data communication and management system;

(F) to provide products and services as specified by national, regional, and international users;

(G) to certify that regional coastal observing systems meet the standards established in subsection (f) and to ensure a periodic process for review and recertification of the regional coastal observing systems; and

(H) to implement standards to ensure compatibility and interoperability among existing and planned system components.

(e) SYSTEM ELEMENTS.—

(1) IN GENERAL.—The integrated ocean and coastal observing system shall consist of the following closely linked components:

(A) A global ocean system to make observations in all oceans (including chemical, physical, and biological observations) for the purpose of documenting, at a minimum, long-term trends in sea level change, ocean carbon sources and sinks, and heat uptake and release by the ocean; and to monitor ocean locations for signs of abrupt or long-term changes in ocean circulation leading to changes in climate.

(B) The national network of observations and data management that establishes reference and sentinel stations, links the global ocean system to local and regional observations, and provides data and information required by multiple regions.

(C) Regional coastal observing systems that provide information through the national network and detect and predict conditions and events on a regional scale through the measurement and dissemination of a common set of ocean and coastal observations and related products in a uniform manner and according to sound scientific practice using national standards and protocols.

(2) SUBSYSTEM LINKAGE.—The integrated ocean and coastal observing system shall link 3 subsystems for rapid access to data and information:

(A) An observing subsystem to measure, manage, and serve a common set of chemical, physical, geological, and biological variables required to achieve the purpose of this Act on time scales required by users of the system.

(B) An ocean and coastal data management and assimilation subsystem that provides for organization, cataloging, and dissemination of data and information to ensure full use and long term archival.

(C) A data analysis and applications subsystem to translate data into products and services in response to user needs and requirements.

(3) INTEGRATION OF EXISTING CENTERS.—The integrated ocean and coastal observing system shall integrate the capabilities of the Coast Services Center and the National Coastal Data Development Center of the National Oceanic and Atmospheric Administration, and other appropriate centers.

(4) RESEARCH AND DEVELOPMENT.—A research and development program for the integrated ocean and coastal observing system shall be conducted under the National Oceanographic Partnership Program and shall consist of the following elements:

(A) Coastal, relocatable, and cabled sea floor observatories.

(B) Focused research projects to improve understanding of the relationship between the oceans and human activities.

(C) Applied research to develop new observing technologies and techniques, including data management and dissemination.

(D) Large scale computing resources and research to improve ocean processes modeling.

(E) Programs to improve public education and awareness of the marine environment and its goods and services.

(f) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration, through the Joint Operations Center, shall work with representatives of entities in each region that provide ocean data and information to users to form regional associations. The regional associations shall be responsible for the development and operation of observing systems in the coastal regions extending to the seaward boundary of the United States Exclusive Economic Zone, including the Great Lakes. Participation in a regional association may consist of legal entities including, research institutions, institutions of higher learning, for-profit corporations, non-profit corporations, State, local, and regional agencies, and consortia of 2 or more such institutions or organizations that—

(1) have demonstrated an organizational structure capable of supporting and integrating all aspects of a coastal ocean observing system within a region or subregion;

(2) have prepared an acceptable business plan including research components and gained documented acceptance of its intended regional or sub-regional jurisdiction by users and other parties of interest within the region or sub-region with the objectives of—

(A) delivering an integrated and sustained system that meets national goals;

(B) incorporating into the system existing and appropriate regional observations collected by Federal, State, regional, or local agencies;

(C) responding to the needs of the users, including the public, within the region;

(D) maintaining sustained, 24-hour-a-day operations and disseminating observations in a manner that is routine, predictable and, if necessary, in real-time or near real-time;

(E) providing services that include the collection and dissemination of data and data management for timely access to data and information;

(F) creating appropriate products that are delivered in a timely fashion to the public and others who use, or are affected by, the oceans;

(G) providing free and open access to the data collected with financial assistance under this Act; and

(H) adhering to national standards and protocols to ensure that data and related products can be fully exchanged among all of the regional coastal systems and will be accessible to any user in any part of the nation.

(3) For purposes of determining the civil liability under section 2671 of title 28, United States Code, any regional observing system and any employee thereof that is designated part of a regional association under this subsection shall be deemed to be an instrumentality of the United States with respect to any act or omission committed by any such system or any employee thereof in fulfilling the purposes of this Act.

(g) PILOT PROJECTS.—

(1) IN GENERAL.—The Administrator, in consultation with the interagency planning office, shall initiate pilot projects through the National Oceanographic Partnership Program. A pilot project is an organized, planned set of activities designed to provide an evaluation of technology, methods, or concepts within a defined schedule and having the goal of advancing the development of the sustained, integrated ocean observing system. The pilot projects will—

(A) develop protocols for coordinated implementation of the full system;

(B) design and implement regional coastal ocean observing systems;

(C) establish mechanisms for the exchange of data between and among regions and Federal agencies;

(D) specify products and services and related requirements for observations, data management, and analysis in collaboration with user groups; and

(E) develop and test new technologies and techniques to improve all three subsystems to more effectively meet the needs of users of the system.

(2) INFRASTRUCTURE CAPITAL PROJECTS.—The pilot projects shall include one or more projects to capitalize the infrastructure for the collection, management, analysis, and distribution of data and one or more projects where the basic infrastructure and institutional mechanisms already exist for ongoing coastal observations, to fund the operations necessary for the collection of the common set of observations approved by the interagency planning office.

SEC. 4. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program (10 U.S.C. 7901), including support for a common infrastructure and system integration for an ocean and coastal observing system. Funds may be transferred among such departments *and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.*

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) OBSERVING SYSTEM AUTHORIZATION.—For development and implementation of an integrated ocean and coastal observing system under section 3, including financial assistance to regional coastal ocean observing systems and in addition to any amounts previously authorized, there are authorized to be appropriated to—

(1) the National Oceanic and Atmospheric Administration, $83,000,000 in fiscal year 2004, $87,250,000 in fiscal year 2005, $91,500,000 in fiscal year 2006, $96,000,000 in fiscal year 2007, and $100,000,000 in fiscal year 2008;

(2) the National Science Foundation, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

(3) the National Aeronautics and Space Administration, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, and $34,750,000 in each of fiscal years 2007 and 2008;

(4) the United States Coast Guard, $8,000,000 in fiscal year 2004, $8,400,000 in fiscal year 2005, $9,700,000 in fiscal year 2006, $9,500,000 in fiscal year 2007, and $9,750,000 in fiscal year 2008;

(5) the Office of Naval Research, $25,000,000 in fiscal year 2004, $26,250,000 in fiscal year 2005, $27,500,000 in fiscal year 2006, $29,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

(6) the Office of the Oceanographer of the Navy, $30,000,000 in fiscal year 2004, $31,500,000 in fiscal year 2005, $33,000,000 in fiscal year 2006, $34,750,000 in fiscal year 2007, and $36,500,000 in fiscal year 2008; and

(7) other Federal agencies with operational coastal or ocean monitoring systems or which provide funds to States for such systems, $15,000,000 in each of fiscal years 2004 through 2008.

(b) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration shall make at least 51 percent of the funds appropriated pursuant to subsection (a)(1) available as grants for the development and implementation of the regional coastal observing systems based on the plans adopted by the Council and may be used to leverage non-Federal funds.

(c) HIGH-FREQUENCY SURFACE WAVE RADAR.—The Administrator of the National Oceanic and Atmospheric Administration may make available $3,000,000 of the funds appropriated pursuant to subsection (a)(1) for fiscal year 2004 to demonstrate the capabilities of shore-based high-frequency surface wave radar to measure real-time wave height, wave velocity, wave period, tidal velocity, and wind speed within and beyond the Exclusive Economic Zone of the United States.

(d) AVAILABILITY.—Sums authorized to be appropriated by this section shall remain available until expended.

Ms. SNOWE. Mr. President, I thank you for allowing the Senate to consider S. 1400, the Ocean and Coastal Observation Systems Act of 2003. I would also like to thank several of my colleagues for co-sponsoring this bill, including Senators KERRY, MCCAIN, HOLLINGS, BREAUX, INOUYE, LOTT, BOXER, and COLLINS.

Those familiar with the challenges of trying to monitor and predict ocean and marine environmental conditions—whether for marine science, resource management, and maritime transportation and safety—are aware of our tremendous need for better collection of basic ocean data. This bill, the Ocean and Coastal Observation Systems Act of 2003, would develop and formalize an integrated network of ocean observing systems around our Nation's coastlines, thereby allowing comprehensive and consistent ocean data to be gathered and fulfilling this critical information need. It would revolutionize our Nation's efforts in collecting, processing, and communicating ocean and coastal data.

Like other coastal states, Maine has an enduring connection to the ocean. We are highly dependent on the fisheries resources and other essential services provided to us by the sea, and we understand that our lives and livelihoods are firmly rooted in how well we understand and adapt to ocean conditions. This became much easier to do in 2001, when the Gulf of Maine Ocean Observing System, or GoMOOS, deployed ten observation buoys in the Gulf of Maine. This prototype system has transformed how we gather information about the ocean and track ocean conditions over time. On the surface, these buoys measure currents, temperature, salinity, turbidity, dissolved oxygen, and other key environmental variables. By modifying the instrumentation, other data can be gathered from these platforms.

What sets the GoMOOS observation system apart from the traditional data gathering approach, however, is that it takes all these ocean and surface condition measurements on an hourly basis through a network of linked buoys, and these near real-time measurements can be monitored and accessed by the general public through the internet. GoMOOS thereby provides a tremendous public service.

The need for this type of ocean data gathering and access is not limited to the Gulf of Maine. The U.S. coastline spans 95,000 miles, and all States that border our oceans and Great Lakes would benefit from this service. Ocean and coastal observing systems have been planned or developed for other coastal regions, many in conjunction with the National Oceanic and Atmospheric Administration, State coastal management agencies, universities, and other regional partners. These systems, however, use different approaches for collecting, managing, processing, and communicating data through their network, and these data are often incompatible with data from other regions. As a result, we lose a valuable opportunity to develop a comprehensive picture of coastal and ocean conditions around the Nation.

S. 1400, the Ocean and Coastal Observation Systems Act, seeks to solve this problem. This bill would coordinate ocean and coastal observation efforts with the support of the Federal Government. It would help develop regional observation systems, link them through a nationwide network, and provide public access to the information so anyone can better understand and track ocean and coastal conditions. It would call on the National Ocean Research Leadership Council to design, operate, and improve a Nationwide observation system, as well as administer an ocean data research and development program. This Council would plan these activities through a collaborative interagency planning office and carry them out through a joint operations center.

The American public—over half of which lives along our coastlines—will be very well served through the many uses and applications of this system. Fisheries, scientists, and managers can use this information to predict ocean conditions that affect productivity and utilize this information in resource management. Fishermen, sailors, Coast Guard search-and-rescue units, the military, and others who traverse the ocean can better predict safe sea conditions, and shippers can transport goods more efficiently, Ocean scientists and regulators can better understand, predict, and rapidly respond to marine pollution. Educators and students can learn more about marine science. Clearly, anyone who relies upon the ocean stands to benefit from this Nationwide observation system.

Mr. President, as Chair of the Subcommittee on Oceans, Fisheries, and Coast Guard and as a coastal State Senator, I am extremely proud to sponsor and support this bill. Considering the tremendous public good and services that these systems provide, it is imperative that we in Congress facilitate the development and funding of a national, integrated, and sustained ocean observation network. We can do this by passing the Ocean and Coastal Observation Systems Act. Following action by the Senate, I encourage the House of Representatives to take action on this bill to facilitate its passage into law. I am confident that this bill, once enacted, will serve the public well by facilitating better understanding of our Nation's oceans and coasts, and I thank my colleagues for supporting it.

Mr. McCONNELL. Mr. President, I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1400), as amended, was passed.

AUTHORIZING APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 348, S. 1757.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1757) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

[Strike the part shown in the black brackets and insert the part shown in italic.]

S. 1757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

"(1) $17,000,000 for fiscal year 2004; and

"(2) $18,000,000 for each of fiscal years 2005 through 2008.

"(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section (4)(a)(1)—

["(1) $16,000,000 for fiscal year 2004; and

["(2) $18,000,000 for each of fiscal years 2005 through 2008.".]

"(1) $16,000,000 for fiscal year 2004;

"(2) $18,000,000 for each of fiscal years 2005 and 2006; and

"(3) $12,000,000 for fiscal years 2007 and 2008.".

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendment be agreed to the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1757), as amended, was read the third time and passed, as follows:

S. 1757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

"(1) $17,000,000 for fiscal year 2004; and

"(2) $18,000,000 for each of fiscal years 2005 through 2008.

"(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section (4)(a)(1)—

"(1) $16,000,000 for fiscal year 2004;

"(2) $18,000,000 for each of fiscal years 2005 and 2006; and

"(3) $12,000,000 for fiscal years 2007 and 2008.".

CAPTIVE WILDLIFE SAFETY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 320, S. 269.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 269) to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Act".

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

["(k) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means any live lion, tiger, leopard, cheetah, jaguar, or cougar.".]

"(g) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means—

"(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

"(B) any live hybrid of any of those species.".

SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ", or" at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting "or" after the semicolon at the end; and

(iii) by adding at the end the following:

"(C) any prohibited wildlife species (subject to subsection (e));";

(B) in paragraph (3)(B), by inserting "or" after the semicolon at the end; and

(C) in paragraph (4), by striking "paragraphs (1) through (4)" and inserting "paragraphs (1) through (3)"; and

(2) by adding at the end the following:

"(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

"(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

"(A) any [zoo, circus,] *exhibitor or* research facility licensed or registered and inspected by a Federal agency[, or aquarium;]

["(B) any person accredited by the Association of Sanctuaries or the American Sanctuary Association;]

"(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

"(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

"(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

"(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

"(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

"(iv) does not—

"(I) allow unescorted public visitation or direct contact between the public and wild animals; or

"(II) take animals from a sanctuary or enclosure for exhibition; and

"(v) maintains exceptional standards of animal care;

"(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

["(D) any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals;

"(E) any federally-licensed and inspected breeder or dealer that is conducting any breeding or dealing activity with a person referred to in this paragraph; or]

"(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

"[(F)] *(E)* any person having custody of a wild animal solely for the purpose of *expeditiously* transporting the animal to a person referred to in this paragraph.

"(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, *in cooperation with the Director of the Animal and Plant Health Inspection Service and* in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

"(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.".

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, the bill, as amended, be read three times and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 269), as amended, was read the third time and passed, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Act".

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

"(g) Prohibited wildlife species.—The term 'prohibited wildlife species' means—

"(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

"(B) any live hybrid of any of those species.".

SEC. 3. PROHIBITED ACTS.

(a) In General.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ", or" at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting "or" after the semicolon at the end; and

(iii) by adding at the end the following:

"(C) any prohibited wildlife species (subject to subsection (e));";

(B) in paragraph (3)(B), by inserting "or" after the semicolon at the end; and

(C) in paragraph (4), by striking "paragraphs (1) through (4)" and inserting "paragraphs (1) through (3)"; and

(2) by adding at the end the following:

"(e) Nonapplicability of Prohibited Wildlife Species Offense.—

"(1) In general.—Subsection (a)(2)(C) does not apply to—

"(A) any exhibitor or research facility licensed or registered and inspected by a Federal agency;

"(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

"(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

"(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

"(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

"(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

"(iv) does not—

"(I) allow unescorted public visitation or direct contact between the public and wild animals; or

"(II) take animals from a sanctuary or enclosure for exhibition; and

"(v) maintains exceptional standards of animal care;

"(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

"(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

"(E) any person having custody of a wild animal solely for the purpose of expeditiously transporting the animal to a person referred to in this paragraph.

"(2) Regulations.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in cooperation with the Director of the Animal and Plant Health Inspection Service and in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

"(3) State authority.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.".

(b) Application.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

MARINE TURTLE CONSERVATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 313, S. 1210.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1210) to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1210) was read the third time and passed, as follows:

S. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Turtle Conservation Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp's ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;

(6) because marine turtles are flagship species for the ecosystems in which marine turtles are found, sustaining healthy populations of marine turtles provides benefits to many other species of wildlife, including many other threatened or endangered species;

(7) marine turtles are important components of the ecosystems that they inhabit, and studies of wild populations of marine turtles have provided important biological insights;

(8) changes in marine turtle populations are most reliably indicated by changes in the numbers of nests and nesting females; and

(9) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of marine turtles will require the joint commitment and effort of—

(A) countries that have within their boundaries marine turtle nesting habitats; and

(B) persons with expertise in the conservation of marine turtles.

(b) Purpose.—The purpose of this Act is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(2) Conservation.—The term "conservation" means the use of all methods and procedures necessary to protect nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats, including—

(A) protection, restoration, and management of nesting habitats;

(B) onsite research and monitoring of nesting populations, nesting habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

(D) enforcement and implementation of CITES and laws of foreign countries to—

(i) protect and manage nesting populations and nesting habitats; and

(ii) prevent illegal trade of marine turtles;

(E) training of local law enforcement officials in the interdiction and prevention of—

(i) the illegal killing of marine turtles on nesting habitat; and

(ii) illegal trade in marine turtles;

(F) initiatives to resolve conflicts between humans and marine turtles over habitat used by marine turtles for nesting;

(G) community outreach and education; and

(H) strengthening of the ability of local communities to implement nesting population and nesting habitat conservation programs.

(3) FUND.—The term "Fund" means the Marine Turtle Conservation Fund established by section 5.

(4) MARINE TURTLE.—

(A) IN GENERAL.—The term "marine turtle" means any member of the family Cheloniidae or Dermochelyidae.

(B) INCLUSIONS.—The term "marine turtle" includes—

(i) any part, product, egg, or offspring of a turtle described in subparagraph (A); and

(ii) a carcass of such a turtle.

(5) MULTINATIONAL SPECIES CONSERVATION FUND.—The term "Multinational Species Conservation Fund" means the fund established under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of marine turtles for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of marine turtles may be submitted to the Secretary by—

(A) any wildlife management authority of a foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or

(B) any other person or group with the demonstrated expertise required for the conservation of marine turtles.

(2) REQUIRED ELEMENTS.—A project proposal shall include—

(A) a statement of the purposes of the project;

(B) the name of the individual with overall responsibility for the project;

(C) a description of the qualifications of the individuals that will conduct the project;

(D) a description of—

(i) methods for project implementation and outcome assessment;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(E) an estimate of the funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other Federal officials, as appropriate; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other Federal officials, as appropriate, shall—

(A) consult on the proposal with the government of each country in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and

(C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs.

(e) PROJECT SUSTAINABILITY.—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats.

(f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary may require) that include all information that the Secretary, after consultation with other government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 5. MARINE TURTLE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund a separate account to be known as the "Marine Turtle Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 6; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expend not more than 3 percent, or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 6. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The Advisory Group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2005 through 2009.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3288, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3288) to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3288) was read the third time and passed.

DECLARING EMPORIA, KANSAS, TO BE THE FOUNDING CITY OF THE VETERANS DAY HOLIDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H. Con. Res. 159 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 159) declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I wish to recognize the city of Emporia, KS, for its significant role in the establishment of Veterans Day. The people of Emporia take great pride in their city's contribution to the founding of this national holiday, and, while they may be modest, I would like to trumpet the work of my fellow Kansans.

As all of us in this Chamber are aware, Veterans Day was once Armistice Day, a day set apart by this Congress to commemorate the end of World War I, which our Nation once hoped would be "the war to end all wars." Just a few years after Armistice Day was made a legal holiday, our Nation was engulfed in the Second World War. Shortly thereafter our soldiers were fighting bravely to repel the communist advance on the Koran Peninsula. These two conflicts added millions to the number of war veterans in the United States. Certainly, it seemed appropriate that these new veterans, like the veterans of World War I, should be honored for their service to our country.

The man who initiated the effort to honor all of these veterans was a Kansan. Congressman Ed Rees, a native of Emporia, acted on the call of his constituents, particularly that of his fellow Emporian, Alvin J. King, to introduce legislation to officially change Armistice Day to Veterans Day. In 1954, another Kansan, President Dwight D. Eisenhower, signed this legislation into law.

Since 1954, Veterans Day has been a day set apart to honor the valor and sacrifice of all America's veterans. At all times our Nation relies on the courage and selflessness of the members of our Armed Forces, so I am thankful that Congressman Ed Rees, at the behest of his fellow Emporians, worked so diligently to establish one special day when all our veterans are recognized for their faithful service to the United States. I thank the people of Emporia, and I thank the millions of war veterans who inspired them.

Mr. ROBERTS. Mr. President, this resolution declares Emporia, KS, to be the founding city of Veterans Day. In addition, the resolution recognizes the contributions of Alvin J. King and Representative Ed Rees from Emporia, KS, to the enactment into law of the observance of Veterans Day.

On October 8, 1954, President Dwight D. Eisenhower, also a Kansan, signed into law a bill changing Armistice Day to Veterans Day. President Eisenhower stated, "On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain."

With the soon-to-be return of our service men and women from the war in Iraq, Veterans Day takes on a new meaning. These men and women who serve in Iraq today, join the other millions that have come before them. I am proud that President Eisenhower, Representative Rees, and Alvin King, all from the great state of Kansas, took the idea for the celebration of Veterans Day from conception to fruition.

Emporia, KS, organized and celebrated Veterans Day in 1953, one year before the rest of the United States. Alvin J. King, the man behind the idea, was a shoe cobbler in Emporia. Mr. KING befriended many veterans, thus realizing that we needed a national holiday to commemorate all veterans of all wars, not just those of World War I. With support from the community of Emporia, Mr. KING took his idea to Washington. There, he found a close ally in Representative Ed Rees, who introduced a bill to change the holiday. Mr. Rees said, "The United States has now been involved in many great military efforts, and each has produced its number of veterans. We all realize that it would not be feasible to establish a national holiday to commemorate the closing of each war. This legislation does not establish a new holiday. Rather it expands an existing holiday so that we may honor all veterans at the same time."

On November 11 of each year, we pay tribute to our veterans. Americans, as in all wars have rallied behind the men and women who went off to defend the American way of life. And, as some of those soldiers returned, we embraced and thanked them for their sacrifice. And for those that did not come home we remembered them in somber ceremonies, silent prayers, and grieving moments. On November 11 we pay reverence to anyone that has wore the uniform. We should, also, recognizes the shoe cobbler from Emporia, who had a vision for a national holiday; a representative, who listened to his hometown; and a President, who a veteran himself, saw the completion of this idea.

I urge my colleagues to pass this resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

VETERANS' BENEFITS ENHANCEMENTS ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item No. 316, S. 1132.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1132) to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Veterans' Survivors Benefits Enhancements Act of 2003".

[SEC. 2. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

[(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 of title 38, United States Code, is amended—

[(1) in subsection (a)—

[(A) in paragraph (1), by striking "at the monthly rate of" and all that follows and inserting "at the monthly rate of $985 for full-time, $740 for three-quarter-time, or $492 for half-time pursuit."; and

[(B) in paragraph (2), by striking "at the rate of" and all that follows and inserting "at the rate of the lesser of—

[“(A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay; or

[“(B) $985 per month for a full-time course.”;

[(2) in subsection (b), by striking “$670” and inserting “$985”; and

[(3) in subsection (c)(2), by striking “shall be” and all that follows and inserting “shall be $795 for full-time, $596 for three-quarter-time, or $398 for half-time pursuit.”.

[(b) CORRESPONDENCE COURSES.—Section 3534(b) of that title is amended by striking “$670” and inserting “$985”.

[(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) of that title is amended—

[(1) by striking “$670” and inserting “$985”; and

[(2) by striking “$210” each place it appears and inserting “$307”.

[(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) of that title is amended by striking “shall be $488 for the first six months” and all that follows and inserting “shall be $717 for the first six months, $536 for the second six months, $356 for the third six months, and $179 for the fourth and any succeeding six-month period of training.”.

[(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2003, and shall apply with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date.

[(2) No adjustment in rates of monthly training allowances shall be made under section 3687(d) of title 38, United States Code, for fiscal year 2004.

[SEC. 3. MODIFICATION OF DURATION OF EDUCATIONAL ASSISTANCE.

[Section 3511(a)(1) of title 38, United States Code, is amended by striking “45 months” and all that follows and inserting “45 months, or 36 months in the case of a person who first files a claim for educational assistance under this chapter after the date of the enactment of the Veterans' Survivors Benefits Enhancements Act of 2003, or the equivalent thereof in part-time training.”.

[SEC. 4. ADDITIONAL DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN.

[(a) ADDITIONAL DEPENDENCY AND INDEMNITY COMPENSATION.—Section 1311 of title 38, United States Code, is amended by adding at the end the following new subsection:

[“(e)(1) Subject to paragraphs (2) and (3), if there is a surviving spouse with one or more children below the age of eighteen, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $250, regardless of the number of such children.

[“(2) Dependency and indemnity compensation shall be increased for a month under this subsection only for months occurring during the five-year period beginning on the date of death of the veteran on which such dependency and indemnity compensation is based.

[“(3) The increase in dependency and indemnity compensation of a surviving spouse under this subsection shall cease beginning with the first month commencing after the month in which all children of the surviving spouse have attained the age of eighteen.

[“(4) Dependency and indemnity compensation under this subsection is in addition to any other dependency and indemnity compensation payable by law.”.

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

[SEC. 5. ELIGIBILITY OF SURVIVING SPOUSES WHO REMARRY FOR BURIAL IN NATIONAL CEMETERIES.

[(a) IN GENERAL.—Section 2402(5) of title 38, United States Code, is amended by striking “(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)” and inserting “(which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage)”.

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after January 1, 2000.

[SEC. 6. BENEFIT FOR CHILDREN WITH SPINA BIFIDA OF VETERANS OF CERTAIN SERVICE IN KOREA.

[(a) IN GENERAL.—Chapter 18 of title 38, United States Code, is amended—

[(1) by redesignating subchapter III, and sections 1821, 1822, 1823, and 1824, as subchapter IV, and sections 1831, 1832, 1833, and 1834, respectively; and

[(2) by inserting after subchapter II the following new subchapter III:

[“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

[“§ 1821. Benefits for children of certain Korea service veterans born with spina bifida

[“(a) BENEFITS AUTHORIZED.—The Secretary may provide to any child of a veteran of covered service in Korea who is suffering from spina bifida the health care, vocational training and rehabilitation, and monetary allowance required to be paid to a child of a Vietnam veteran who is suffering from spina bifida under subchapter I of this chapter as if such child of a veteran of covered service in Korea were a child of a Vietnam veteran who is suffering from spina bifida under such subchapter I.

[“(b) SPINA BIFIDA CONDITIONS COVERED.—This section applies with respect to all forms and manifestations of spina bifida, except spina bifida occulta.

[“(c) VETERAN OF COVERED SERVICE IN KOREA.—For purposes of this section, a veteran of covered service in Korea is any individual, without regard to the characterization of that individual's service, who—

[“(1) served in the active military, naval, or air service in or near the Korean demilitarized zone (DMZ), as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969; and

[“(2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to a herbicide agent during such service in or near the Korean demilitarized zone.

[“(d) HERBICIDE AGENT.—For purposes of this section, the term ‘herbicide agent’ means a chemical in a herbicide used in support of United States and allied military operations in or near the Korean demilitarized zone, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969.”.

[(b) CHILD DEFINED.—Section 1831 of that title, as redesignated by subsection (a), is further amended by striking paragraph (1) and inserting the following new paragraph (1):

[“(1) The term ‘child’ means the following:

[“(A) For purposes of subchapters I and II of this chapter, an individual, regardless of age or marital status, who—

[“(i) is the natural child of a Vietnam veteran; and

[“(ii) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

[“(B) For purposes of subchapter III of this chapter, an individual, regardless of age or marital status, who—

[“(i) is the natural child of a veteran of covered service in Korea (as determined for purposes of section 1821 of this title); and

[“(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section.”.

[(c) NONDUPLICATION OF BENEFITS.—Section 1834(a) of that title, as redesignated by subsection (a), is further amended by adding at the end the following new sentence: “In the case of a child eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter III of this chapter, a monetary allowance shall be paid under the subchapter of this chapter elected by the child.”.

[(d) CONFORMING AMENDMENT.—(1) Section 1811(1)(A) of that title is amended by striking “section 1821(1)” and inserting “section 1831(1)”.

[(2) The heading for chapter 18 of that title is amended to read as follows:

“CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS”.

[(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of that title is amended by striking the items relating to subchapter III and inserting the following new items:

[“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

[“1821. Benefits for children of certain Korea service veterans born with spina bifida.

[“SUBCHAPTER IV—GENERAL PROVISIONS

[“1831. Definitions.

[“1832. Applicability of certain administrative provisions.

[“1833. Treatment of receipt of monetary allowance and other benefits.

[“1834. Nonduplication of benefits.”.

[(2) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part II of such title, are each amended by striking the item relating to chapter 18 and inserting the following new item:

[“18. Chapter 18—Benefits for Children of Vietnam Veterans and Certain Other Veterans .... 1802”.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans' Benefits Enhancements Act of 2003”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—SURVIVOR BENEFITS

Sec. 101. Benefits for children with spina bifida of veterans of certain service in Korea.

Sec. 102. Alternative beneficiaries for National Service Life Insurance and United States Government Life Insurance.

Sec. 103. Applicability to certain members of the National Guard of authority for extension of eligibility for survivors' and dependents' educational assistance.
Sec. 104. Increase in rates of survivors' and dependents' educational assistance.
Sec. 105. Repeal of two-year limitation on payment of accrued benefits at death.

TITLE II—BURIAL BENEFITS

Sec. 201. Burial plot allowance.
Sec. 202. Eligibility of surviving spouses who remarry for burial in national cemeteries.
Sec. 203. Permanent authority for State cemetery grants program.
Sec. 204. Provision of markers for privately marked graves.

TITLE III—OTHER MATTERS

Subtitle A—Miscellaneous Benefits Matters

Sec. 301. Two-year extension of round-down requirement for compensation cost-of-living adjustments.
Sec. 302. Presumptions of service-connection relating to diseases and disabilities of former prisoners of war.
Sec. 303. Repeal of requirement for minimum period of internment of prisoners of war for dental care.
Sec. 304. Rounding down of certain cost-of-living adjustments on education assistance.
Sec. 305. Termination of education loan program.
Sec. 306. Termination of authority to guarantee loans to purchase manufactured homes and lots.
Sec. 307. Increase in loan fee for subsequent loans closed before October 1, 2011.
Sec. 308. Reinstatement of minimum requirements for sale of vendee loans.
Sec. 309. Operation of Native American Veteran Housing Loan Program.
Sec. 310. Time limitations on receipt of claim information pursuant to requests of Department of Veterans Affairs.
Sec. 311. Clarification of applicability of prohibition on assignment of veterans benefits to agreements requiring payment of future receipt of benefits.
Sec. 312. Three-year extension of income verification authority.
Sec. 313. Forfeiture of benefits for subversive activities.
Sec. 314. Clarification of notice of disagreement for appellate review of Department of Veterans Affairs activities.

Subtitle B—Benefits for Philippine Veterans

Sec. 321. Rate of payment of benefits for certain Filipino veterans and their survivors residing in the United States.
Sec. 322. Burial benefits for new Philippine Scouts residing in the United States.
Sec. 323. Extension of authority to operate regional office in the Philippines.

Subtitle C—Exposure to Hazardous Substances

Sec. 331. Radiation Dose Reconstruction Program of Department of Defense.
Sec. 332. Study on disposition of Air Force Health Study.
Sec. 333. Funding of Medical Follow-Up Agency of Institute of Medicine of National Academy of Sciences for epidemiological research on members of the Armed Forces and veterans.

Subtitle D—Other Matters

Sec. 341. Four-year extension of Advisory Committee on Minority Veterans.
Sec. 342. Veterans' Advisory Committee on Education.
Sec. 343. Temporary authority for performance of medical disabilities examinations by contract physicians.
Sec. 344. Technical amendment.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—SURVIVOR BENEFITS

SEC. 101. BENEFITS FOR CHILDREN WITH SPINA BIFIDA OF VETERANS OF CERTAIN SERVICE IN KOREA.

(a) IN GENERAL.—Chapter 18 is amended—

(1) by redesignating subchapter III, and sections 1821, 1822, 1823, and 1824, as subchapter IV, and sections 1831, 1832, 1833, and 1834, respectively; and

(2) by inserting after subchapter II the following new subchapter III:

"SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

"§ 1821. Benefits for children of certain Korea service veterans born with spina bifida

"(a) BENEFITS AUTHORIZED.—The Secretary may provide to any child of a veteran of covered service in Korea who is suffering from spina bifida the health care, vocational training and rehabilitation, and monetary allowance required to be paid to a child of a Vietnam veteran who is suffering from spina bifida under subchapter I of this chapter as if such child of a veteran of covered service in Korea were a child of a Vietnam veteran who is suffering from spina bifida under such subchapter.

"(b) SPINA BIFIDA CONDITIONS COVERED.—This section applies with respect to all forms and manifestations of spina bifida, except spina bifida occulta.

"(c) VETERAN OF COVERED SERVICE IN KOREA.—For purposes of this section, a veteran of covered service in Korea is any individual, without regard to the characterization of that individual's service, who—

"(1) served in the active military, naval, or air service in or near the Korean demilitarized zone (DMZ), as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969; and

"(2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to a herbicide agent during such service in or near the Korean demilitarized zone.

"(d) HERBICIDE AGENT.—For purposes of this section, the term 'herbicide agent' means a chemical in a herbicide used in support of United States and allied military operations in or near the Korean demilitarized zone, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969.".

(b) CHILD DEFINED.—Section 1831, as redesignated by subsection (a) of this section, is further amended by striking paragraph (1) and inserting the following new paragraph (1):

"(1) The term 'child' means the following:

"(A) For purposes of subchapters I and II of this chapter, an individual, regardless of age or marital status, who—

"(i) is the natural child of a Vietnam veteran; and

"(ii) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

"(B) For purposes of subchapter III of this chapter, an individual, regardless of age or marital status, who—

"(i) is the natural child of a veteran of covered service in Korea (as determined for purposes of section 1821 of this title); and

"(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section.".

(c) NONDUPLICATION OF BENEFITS.—Section 1834(a), as redesignated by subsection (a) of this section, is further amended by adding at the end the following new sentence: "In the case of a child eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter III of this chapter, a monetary allowance shall be paid under the subchapter of this chapter elected by the child.".

(d) CONFORMING AMENDMENTS.—(1) Section 1811(1)(A) is amended by striking "section 1821(1)" and inserting "section 1831(1)".

(2) The heading for chapter 18 is amended to read as follows:

"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS".

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 is amended by striking the items relating to subchapter III and inserting the following new items:

"SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

"1821. Benefits for children of certain Korea service veterans born with spina bifida.

"SUBCHAPTER IV—GENERAL PROVISIONS

"1831. Definitions.
"1832. Applicability of certain administrative provisions.
"1833. Treatment of receipt of monetary allowance and other benefits.
"1834. Nonduplication of benefits.".

(2) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

"18. Chapter 18—Benefits for Children of Vietnam Veterans and Certain Other Veterans .... 1802".

SEC. 102. ALTERNATIVE BENEFICIARIES FOR NATIONAL SERVICE LIFE INSURANCE AND UNITED STATES GOVERNMENT LIFE INSURANCE.

(a) NATIONAL SERVICE LIFE INSURANCE.—Section 1917 is amended by adding at the end the following new subsection:

"(f)(1) Following the death of the insured and in a case not covered by subsection (d)—

"(A) if the first beneficiary otherwise entitled to payment of the insurance does not make a claim for such payment within two years after the death of the insured, payment may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first beneficiary had predeceased the insured; and

"(B) if, within four years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received any notice in writing that any such claim will be made, payment may (notwithstanding any other provision of law) be made to such person as may in the judgment of the Secretary be equitably entitled thereto.

"(2) Payment of insurance under paragraph (1) shall be a bar to recovery by any other person.".

(b) UNITED STATES GOVERNMENT LIFE INSURANCE.—Section 1952 is amended by adding at the end the following new subsection:

"(c)(1) Following the death of the insured and in a case not covered by section 1950 of this title—

"(A) if the first beneficiary otherwise entitled to payment of the insurance does not make a claim for such payment within two years after the death of the insured, payment may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first beneficiary had predeceased the insured; and

"(B) if, within four years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received any notice in writing that any such claim will be made, payment may (notwithstanding any other provision of law) be made to such person as may in the judgment of the Secretary be equitably entitled thereto.

"(2) Payment of insurance under paragraph (1) shall be a bar to recovery by any other person.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2004.

(d) Transition Provision.—In the case of a person insured under subchapter I or II of chapter 19 of title 38, United States Code, who dies before the effective date of the amendments made by subsections (a) and (b), as specified by subsection (c), the two-year and four-year periods specified in subsection (f)(1) of section 1917 of title 38, United States Code, as added by subsection (a), and subsection (c)(1) of section 1952 of such title, as added by subsection (b), as applicable, shall for purposes of the applicable subsection be treated as being the two-year and four-year periods, respectively, beginning on the effective date of such amendments, as so specified.

SEC. 103. APPLICABILITY TO CERTAIN MEMBERS OF THE NATIONAL GUARD OF AUTHORITY FOR EXTENSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) In General.—Section 3512(h) is amended by inserting "or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32," after "title 10,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of September 11, 2001.

SEC. 104. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) Survivors' and Dependents'' Educational Assistance.—Section 3532 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "at the monthly rate of" and all that follows and inserting "at the monthly rate of $788 for full-time, $592 for three-quarter-time, or $394 for half-time pursuit."; and

(B) in paragraph (2), by striking "at the rate of" and all that follows and inserting "at the rate of the lesser of—

"(A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay; or

"(B) $788 per month for a full-time course.";

(2) in subsection (b), by striking "$670" and inserting "$788"; and

(3) in subsection (c)(2), by striking "shall be" and all that follows and inserting "shall be $636 for full-time, $477 for three-quarter-time, or $319 for half-time pursuit.".

(b) Correspondence Courses.—Section 3534(b) is amended by striking "$670" and inserting "$788".

(c) Special Restorative Training.—Section 3542(a) is amended—

(1) by striking "$670" and inserting "$788"; and

(2) by striking "$210" each place it appears and inserting "$247".

(d) Apprenticeship Training.—Section 3687(b)(2) is amended by striking "shall be $488 for the first six months" and all that follows and inserting "shall be $574 for the first six months, $429 for the second six months, $285 for the third six months, and $144 for the fourth and any succeeding six-month period of training.".

(e) Effective Date.—The amendments made by this section shall take effect on July 1, 2004, and shall apply with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date.

SEC. 105. REPEAL OF TWO-YEAR LIMITATION ON PAYMENT OF ACCRUED BENEFITS AT DEATH.

(a) Repeal.—Section 5121(a) is amended—

(1) in the matter preceding paragraph (1), by striking "for a period not to exceed two years";

(2) in paragraph (4), by striking "and" at the end;

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following new paragraph (5):

"(5) Upon the death of a child claiming benefits under chapter 18 of this title, to the surviving parents; and".

(b) Technical Amendment.—That section is further amended in the matter preceding paragraph (1) by striking "or decisions," and inserting "or decisions".

TITLE II—BURIAL BENEFITS

SEC. 201. BURIAL PLOT ALLOWANCE.

(a) In General.—Section 2303(b) is amended—

(1) in the matter preceding paragraph (1), by striking "a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war" and inserting "burial in a national cemetery under section 2402 of this title"; and

(2) in paragraph (2), by striking "(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)" and inserting "is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran".

(b) Conforming Amendment.—Section 2307 is amended in the last sentence by striking "and (b)" and inserting "and (b)(2)".

SEC. 202. ELIGIBILITY OF SURVIVING SPOUSES WHO REMARRY FOR BURIAL IN NATIONAL CEMETERIES.

(a) In General.—Section 2402(5) is amended by striking "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)" and inserting "(which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage)".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 203. PERMANENT AUTHORITY FOR STATE CEMETERY GRANTS PROGRAM.

(a) Permanent Authority.—Subsection (a) of section 2408 is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

(b) Conforming Amendment.—Subsection (e) of such section is amended by striking "Sums appropriated under subsection (a) of this section" and inserting "Amounts appropriated to carry out this section".

SEC. 204. PROVISION OF MARKERS FOR PRIVATELY MARKED GRAVES.

(a) In General.—Section 502(d) of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103; 38 U.S.C. 2306 note) is amended by striking "September 11, 2001" and inserting "November 1, 1990".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 502 of the Veterans Education and Benefits Expansion Act of 2001.

TITLE III—OTHER MATTERS

Subtitle A—Miscellaneous Benefits Matters

SEC. 301. TWO-YEAR EXTENSION OF ROUND-DOWN REQUIREMENT FOR COMPENSATION COST-OF-LIVING ADJUSTMENTS.

Sections 1104(a) and 1303(a) are each amended by striking "2011" and inserting "2013".

SEC. 302. PRESUMPTIONS OF SERVICE-CONNECTION RELATING TO DISEASES AND DISABILITIES OF FORMER PRISONERS OF WAR.

Subsection (b) of section 1112 is amended to read as follows:

"(b)(1) For the purposes of section 1110 of this title and subject to the provisions of section 1113 of this title, in the case of a veteran who is a former prisoner of war—

"(A) a disease specified in paragraph (2) which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service; and

"(B) if the veteran was detained or interned as a prisoner of war for not less than thirty days, a disease specified in paragraph (3) which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.

"(2) The diseases specified in this paragraph are the following:

"(A) Psychosis.

"(B) Any of the anxiety states.

"(C) Dysthymic disorder (or depressive neurosis).

"(D) Organic residuals of frostbite, if the Secretary determines that the veteran was detained or interned in climatic conditions consistent with the occurrence of frostbite.

"(E) Post-traumatic osteoarthritis.

"(3) The diseases specified in this paragraph are the following:

"(A) Avitaminosis.

"(B) Beriberi (including beriberi heart disease).

"(C) Chronic dysentery.

"(D) Helminthiasis.

"(E) Malnutrition (including optic atrophy associated with malnutrition).

"(F) Pellagra.

"(G) Any other nutritional deficiency.

"(H) Cirrhosis of the liver.

"(I) Peripheral neuropathy except where directly related to infectious causes.

"(J) Irritable bowel syndrome.

"(K) Peptic ulcer disease.".

SEC. 303. REPEAL OF REQUIREMENT FOR MINIMUM PERIOD OF INTERNMENT OF PRISONERS OF WAR FOR DENTAL CARE.

Section 1712(a)(1)(F) is amended by striking "and who was detained or interned for a period of not less than 90 days".

SEC. 304. ROUNDING DOWN OF CERTAIN COST-OF-LIVING ADJUSTMENTS ON EDUCATION ASSISTANCE.

(a) Basic Educational Assistance Under Montgomery GI Bill.—Section 3015(h) is amended by inserting "down" after "rounded".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3564 is amended by inserting "down" after "rounded".

SEC. 305. TERMINATION OF EDUCATION LOAN PROGRAM.

(a) TERMINATION OF EDUCATION LOAN PROGRAM.—No loans shall be made under subchapter III of chapter 36 of title 38, United States Code, after the date of the enactment of this Act.

(b) DISCHARGE OF LIABILITIES.—Effective as of the date of the transfer of funds under subsection (c)—

(1) any liability on an education loan under subchapter III of chapter 36 of title 38, United States Code, that is outstanding as of such date shall be deemed discharged; and

(2) the right of the United States to recover an overpayment declared under section 3698(e)(1) of such title that is outstanding as of such date shall be deemed waived.

(c) TERMINATION OF LOAN FUND.—(1) Effective as of the day before the date of the repeal under this section of subchapter III of chapter 36 of title 38, United States Code, all monies in the revolving fund of the Treasury known as the "Department of Veterans Affairs Education Loan Fund" shall be transferred to the Department of Veterans Affairs Readjustment Benefits Account, and the revolving fund shall be closed.

(2) Any monies transferred to the Department of Veterans Affairs Readjustment Benefits Account under paragraph (1) shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in that account.

(d) USE OF ENTITLEMENT TO VETERANS EDUCATIONAL ASSISTANCE FOR EDUCATION LOAN PROGRAM.—Section 3462(a) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (4) as paragraph (2).

(e) REPEAL OF EDUCATION LOAN PROGRAM.—Subchapter III of chapter 36 is repealed.

(f) CONFORMING AMENDMENTS.—(1) Section 3485(e)(1) is amended by striking "(other than an education loan under subchapter III)".

(2) Section 3512 is amended by striking subsection (f).

(g) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 is amended by striking the items relating to subchapter III.

(h) EFFECTIVE DATES.—(1) The amendments made by subsection (d) shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (e), (f), and (g) shall take effect 90 days after the date of the enactment of this Act.

SEC. 306. TERMINATION OF AUTHORITY TO GUARANTEE LOANS TO PURCHASE MANUFACTURED HOMES AND LOTS.

Section 3712 is amended by adding at the end the following new subsection:

"(m) The authority of the Secretary to guarantee loans under this section shall expire on December 31, 2003.".

SEC. 307. INCREASE IN LOAN FEE FOR SUBSEQUENT LOANS CLOSED BEFORE OCTOBER 1, 2011.

(a) INCREASE IN LOAN FEE.—The loan fee table in section 3729(b)(2) is amended in subparagraph (B)(i), relating to subsequent loans described in section 3701(a) of title 38, United States Code, to purchase or construct a dwelling with 0–down, or any other subsequent loan described in such section (closed on or before October 1, 2011), by striking "3.00" both places it appears and inserting "3.50".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2004.

SEC. 308. REINSTATEMENT OF MINIMUM REQUIREMENTS FOR SALE OF VENDEE LOANS.

(a) IN GENERAL.—Section 3733(a) is amended—

(1) by striking paragraph (2) and redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively; and

(2) in subparagraph (B)(i) of paragraph (3), as so redesignated, by striking "paragraph (5) of this subsection" and inserting "paragraph (4)".

(b) INCREASE IN MAXIMUM PERCENTAGE.—Section 3733(a)(1) is amended—

(1) by striking "65 percent" in the first sentence and inserting "85 percent"; and

(2) by striking the second sentence.

(c) STYLISTIC AMENDMENTS.—Section 3733 is further amended by striking "paragraph (1) of this subsection" each place it appears and inserting "paragraph (1)".

SEC. 309. OPERATION OF NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) RESTORATION FOR FISCAL YEAR 2003 TO FISCAL YEAR 2002 LEVEL.—In carrying out the pilot program provided by subchapter V of chapter 37 of title 38, United States Code, under which the Secretary of Veterans Affairs is authorized to make direct housing loans to Native American veterans, the Secretary shall during fiscal year 2003 carry out that program without regard to the proviso under the heading "Native American Veteran Housing Loan Program Account" in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003 (division K of Public Law 108–7; 117 Stat. 476), and such proviso shall be treated as being of no force or effect.

(b) SAVINGS PROVISION.—Any action taken by the Secretary of Veterans Affairs before the enactment of this Act that is inconsistent with the proviso referred to in subsection (a) is hereby ratified with respect to such inconsistency.

SEC. 310. TIME LIMITATIONS ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUESTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) INFORMATION TO COMPLETE CLAIMS APPLICATIONS.—Section 5102 is amended by adding at the end the following new subsection:

"(c) TIME LIMITATION.—(1) If information that a claimant and the claimant's representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

"(2) This subsection shall not apply to any application or claim for Government life insurance benefits.".

(b) CONSTRUCTION OF LIMITATION ON INFORMATION TO SUBSTANTIATE CLAIMS.—Section 5103(b) is amended by adding at the end the following new paragraph:

"(3) The limitation in paragraph (1) shall not be construed to prohibit the Secretary from making a decision on a claim before the expiration of the period referred to in that subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).

SEC. 311. CLARIFICATION OF APPLICABILITY OF PROHIBITION ON ASSIGNMENT OF VETERANS BENEFITS TO AGREEMENTS REQUIRING PAYMENT OF FUTURE RECEIPT OF BENEFITS.

(a) IN GENERAL.—Section 5301(a) is amended—

(1) by inserting "(1)" after "(a)";

(2) by designating the last sentence as paragraph (2) and indenting such paragraph, as so designated, two ems from the left margin; and

(3) by adding at the end the following new paragraph:

"(3)(A) This subsection is intended to clarify that, in any case where a beneficiary entitled to compensation, pension, or dependency and indemnity compensation enters into an agreement with another person under which agreement such other person acquires for consideration the right to receive payment of such compensation, pension, or dependency and indemnity compensation, as the case may be, whether by payment from the beneficiary to such other person, deposit into an account from which such other person may make withdrawals, or otherwise, such agreement shall be deemed to be an assignment and is prohibited.

"(B) Notwithstanding subparagraph (A), nothing in this subsection is intended to prohibit a loan to a beneficiary under the terms of which the beneficiary may use some of the benefits to repay the loan, so long as each of the periodic payments made to repay the loan is separately and voluntarily executed by the beneficiary at the time such periodic payment is made.

"(C) Any agreement or arrangement for collateral for security for an agreement that is prohibited under subparagraph (A) is also prohibited and is void ab initio.".

(b) EFFECTIVE DATE.—Paragraph (3) of section 5301(a) of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to any agreement or arrangement described in that paragraph that is entered into on or after the date of the enactment of this Act.

SEC. 312. THREE-YEAR EXTENSION OF INCOME VERIFICATION AUTHORITY.

(a) IN GENERAL.—Section 5317(g) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

(b) CONFORMING AMENDMENT.—Section 6103(l)(7)(D) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2008" and inserting "September 30, 2011".

SEC. 313. FORFEITURE OF BENEFITS FOR SUBVERSIVE ACTIVITIES.

(a) ADDITION OF CERTAIN OFFENSES.—Section 6105(b)(2) is amended by striking "sections 792, 793, 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105 of title 18" and inserting "sections 175, 229, 792, 793, 794, 798, 831, 1091, 2332a, 2332b, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105 of title 18".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims filed after the date of the enactment of this Act.

SEC. 314. CLARIFICATION OF NOTICE OF DISAGREEMENT FOR APPELLATE REVIEW OF DEPARTMENT OF VETERANS AFFAIRS ACTIVITIES.

(a) CLARIFICATION.—Section 7105(b) is amended by adding at the end the following new paragraph:

"(3) A document that meets the requirements of the second sentence of paragraph (1) and the first sentence of paragraph (2) shall be recognized as a notice of disagreement for purposes of this section unless the Secretary finds that the claimant has disavowed a desire for appellate review.".

(b) EFFECTIVE DATE.—(1) Except as specifically provided otherwise, paragraph (3) of section 7105(b) of title 38, United States Code (as added by subsection (a) of this section), shall apply to any document—

(A) filed under section 7105 of such title on or after the date of the enactment of this Act; or

(B) filed under section 7105 of such title before the date of the enactment of this Act and not treated by the Secretary of Veterans Affairs as a notice of disagreement pursuant to section 20.201 of title 38, Code of Federal Regulations, as of that date.

(2) In the case of a document described in paragraph (3) of this subsection, the Secretary shall, upon the request of the claimant or the Secretary's own motion, order the document treated as a notice of disagreement under section 7105 of such title as if the document had

not been rejected by the Secretary as a notice of disagreement pursuant to section 20.201 of title 38, Code of Federal Regulations.

(3) A document described in this paragraph is a document that—

(A) was filed as a notice of disagreement under section 7105 of such title during the period beginning on March 15, 2002, and ending on the date of the enactment of this Act; and

(B) was rejected by the Secretary as a notice of disagreement pursuant to section 20.201 of title 38, Code of Federal Regulations.

(4) A document may not be treated as a notice of disagreement under paragraph (2) unless a request for such treatment is filed by the claimant, or a motion is made by the Secretary, not later than one year after the date of the enactment of this Act.

Subtitle B—Benefits for Philippine Veterans

SEC. 321. RATE OF PAYMENT OF BENEFITS FOR CERTAIN FILIPINO VETERANS AND THEIR SURVIVORS RESIDING IN THE UNITED STATES.

(a) RATE OF PAYMENT.—Section 107 is amended—

(1) in the second sentence of subsection (b), by striking "Payments" and inserting "Except as provided in subsection (c), payments"; and

(2) in subsection (c)—

(A) by inserting "and subchapter II of chapter 13 (except section 1312(a)) of this title" after "chapter 11 of this title";

(B) by striking "in subsection (a)" and inserting "in subsection (a) or (b)"; and

(C) by striking "of subsection (a)" and inserting "of the applicable subsection".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning after that date.

SEC. 322. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.

(a) BENEFIT ELIGIBILITY.—Section 107 is amended—

(1) in subsection (b)(2)—

(A) by striking "and" and inserting a comma; and

(B) by inserting ", 23, and 24 (to the extent provided for in section 2402(8))" after "(except section 1312(a))";

(2) in the second sentence of subsection (b), as amended by section 321 of this Act, by inserting "or (d)" after "subsection (c)";

(3) in subsection (d)(1), by inserting "or (b), as applicable," after "subsection (a)"; and

(4) in section (d)(2), by inserting "or whose service is described in subsection (b) and who dies after the date of enactment of the Veterans' Benefits Enhancements Act of 2003," after "November 1, 2000,".

(b) NATIONAL CEMETERY INTERMENT.—Section 2402(8) is amended by inserting "or (b)" after "section 107(a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 323. EXTENSION OF AUTHORITY TO OPERATE REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) is amended by striking "December 31, 2003" and inserting "December 31, 2008".

Subtitle C—Exposure to Hazardous Substances

SEC. 331. RADIATION DOSE RECONSTRUCTION PROGRAM OF DEPARTMENT OF DEFENSE.

(a) REVIEW OF MISSION, PROCEDURES, AND ADMINISTRATION.—(1) The Secretary of Veterans Affairs and the Secretary of Defense shall jointly conduct a review of the mission, procedures, and administration of the Radiation Dose Reconstruction Program of the Department of Defense.

(2) In conducting the review under paragraph (1), the Secretaries shall—

(A) determine whether any additional actions are required to ensure that the quality assurance and quality control mechanisms of the Radiation Dose Reconstruction Program are adequate and sufficient for purposes of the program; and

(B) determine the actions that are required to ensure that the mechanisms of the Radiation Dose Reconstruction Program for communication and interaction with veterans are adequate and sufficient for purposes of the program, including mechanisms to permit veterans to review the assumptions utilized in their dose reconstructions.

(3) Not later than 90 days after the date of the enactment of this Act, the Secretaries shall jointly submit to Congress a report on the review under paragraph (1). The report shall set forth—

(A) the results of the review;

(B) a plan for any actions determined to be required under paragraph (2); and

(C) such other recommendations for the improvement of the mission, procedures, and administration of the Radiation Dose Reconstruction Program as the Secretaries jointly consider appropriate.

(b) ON-GOING REVIEW AND OVERSIGHT.—The Secretaries shall jointly take appropriate actions to ensure the on-going independent review and oversight of the Radiation Dose Reconstruction Program, including the establishment of the advisory board required by subsection (c).

(c) ADVISORY BOARD.—(1) In taking actions under subsection (b), the Secretaries shall jointly appoint an advisory board to provide review and oversight of the Radiation Dose Reconstruction Program.

(2) The advisory board under paragraph (1) shall be composed of the following:

(A) At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program.

(B) At least one expert in radiation health matters.

(C) At least one expert in risk communications matters.

(D) A representative of the Department of Veterans Affairs.

(E) A representative of the Defense Threat Reduction Agency.

(F) At least three veterans, including at least one veteran who is a member of an atomic veterans group.

(3) The advisory board under paragraph (1) shall—

(A) conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction Program and of decisions by the Department of Veterans Affairs on claims for service connection of radiogenic diseases;

(B) assist the Department of Veterans Affairs and the Defense Threat Reduction Agency in communicating to veterans information on the mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program; and

(C) carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretaries shall jointly specify.

(4) The advisory board under paragraph (1) may make such recommendations on modifications in the mission or procedures of the Radiation Dose Reconstruction Program as the advisory board considers appropriate as a result of the audits conducted under paragraph (3)(A).

SEC. 332. STUDY ON DISPOSITION OF AIR FORCE HEALTH STUDY.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in accordance with this section, carry out a study to determine the appropriate disposition of the Air Force Health Study, an epidemiologic study of Air Force personnel who were responsible for conducting aerial spray missions of herbicides during the Vietnam era.

(b) STUDY THROUGH NATIONAL ACADEMY OF SCIENCES.—Not later than sixty days after the date of the enactment of this Act, the Secretary shall seek to enter into an agreement with the National Academy of Sciences, or another appropriate scientific organization, to carry out the study required by subsection (a).

(c) ELEMENTS.—Under the study under subsection (a), the National Academy of Sciences, or other appropriate scientific organization, shall address the following:

(1) The scientific merit of retaining and maintaining the medical records, other study data, and laboratory specimens collected in the course of the Air Force Health Study after the currently-scheduled termination date of the study in 2006.

(2) Whether or not any obstacles exist to retaining and maintaining the medical records, other study data, and laboratory specimens referred to in paragraph (1), including privacy concerns.

(3) The advisability of providing independent oversight of the medical records, other study data, and laboratory specimens referred to in paragraph (1), and of any further study of such records, data, and specimens, and, if so, the mechanism for providing such oversight.

(4) The advisability of extending the Air Force Health Study, including the potential value and relevance of extending the study, the potential cost of extending the study, and the Federal or non-Federal entity best suited to continue the study if extended.

(5) The advisability of making the laboratory specimens of the Air Force Health Study available for independent research, including the potential value and relevance of such research, and the potential cost of such research.

(d) REPORT.—Not later than 60 days after entering into an agreement under subsection (b), the National Academy of Sciences, or other appropriate scientific organization, shall submit to the Secretary and Congress a report on the results of the study under subsection (a). The report shall include the results of the study, including the matters addressed under subsection (c), and such other recommendations as the Academy, or other appropriate scientific organization, considers appropriate as a result of the study.

SEC. 333. FUNDING OF MEDICAL FOLLOW-UP AGENCY OF INSTITUTE OF MEDICINE OF NATIONAL ACADEMY OF SCIENCES FOR EPIDEMIOLOGICAL RESEARCH ON MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) FUNDING BY DEPARTMENT OF VETERANS AFFAIRS.—(1) The Secretary of Veterans Affairs shall make available to the National Academy of Sciences in each of fiscal years 2004 through 2013, $250,000 for the Medical Follow-Up Agency of the Institute of Medicine of the Academy for purposes of epidemiological research on members of the Armed Forces and veterans.

(2) The Secretary of Veterans Affairs shall make available amounts under paragraph (1) for a fiscal year from amounts available for the Department of Veterans Affairs for that fiscal year.

(b) FUNDING BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense shall make available to the National Academy of Sciences in each of fiscal years 2004 through 2013, $250,000 for the Medical Follow-Up Agency for purposes of epidemiological research on members of the Armed Forces and veterans.

(2) The Secretary of Defense shall make available amounts under paragraph (1) for a fiscal year from amounts available for the Department of Defense for that fiscal year.

(c) USE OF FUNDS.—The Medical Follow-Up Agency shall use funds made available under subsections (a) and (b) for epidemiological research on members of the Armed Forces and veterans.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts made available to the Medical Follow-Up Agency under this section for a fiscal year for the purposes referred to in subsection (c) are in addition to any other amounts made available to the Agency for that fiscal year for those purposes.

Subtitle D—Other Matters

SEC. 341. FOUR-YEAR EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking "December 31, 2003" and inserting "December 31, 2007".

SEC. 342. VETERANS' ADVISORY COMMITTEE ON EDUCATION.

(a) MEMBERSHIP.—Subsection (a) of section 3692 is amended in the second sentence by inserting ", to the maximum extent practicable," after "The committee shall also".

(b) EXTENSION.—Subsection (c) of that section is amended by striking "December 31, 2003" and inserting "December 31, 2013".

(c) TECHNICAL AMENDMENTS.—That section is further amended—

(1) in subsections (a) and (b), by striking "chapter 106" each place it appears and inserting "chapter 1606"; and

(2) in subsection (b), by striking "chapter 30" and inserting "chapters 30".

SEC. 343. TEMPORARY AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

(a) IN GENERAL.—Notwithstanding the limitation in section 504(b) the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 110 Stat. 3341; 38 U.S.C. 5101 note) and using funds subject to appropriation (other than funds available for compensation and pension), the Secretary of Veterans Affairs may provide for the conduct of examinations with respect to the medical disabilities of applicants for benefits under laws administered by the Secretary by persons other than Department of Veterans Affairs employees.

(b) PERFORMANCE BY CONTRACT.—Examinations under the authority in subsection (a) shall be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

(c) EXPIRATION.—The authority in subsection (a) shall expire on December 31, 2009. No examination may be carried out under the authority in that subsection after that date.

(d) REPORT.—Not later than four years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the utilization of the authority in subsection (a), including an assessment of the effect of examinations under that authority on the cost, timeliness, and thoroughness of examinations with respect to the medical disabilities of applicants for benefits under laws administered by the Secretary.

SEC. 344. TECHNICAL AMENDMENT.

Section 1974(a)(5) is amended by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security".

BENEFITS BUY-OUT SCHEMES

Mr. NELSON of Florida. Mr. President, would the Senator from Florida be willing to engage me in a colloquy?

Mr. GRAHAM of Florida. I would be pleased to engage in a colloquy with my friend from Florida.

Mr. NELSON of Florida. Mr. President, I have come to the floor today to speak about important language included in this year's veterans benefits bill that must be included in the final conference report. This language addresses a situation that I feel demands our immediate attention—the protection of our veterans and their benefits from the predatory lending practices of some unscrupulous businesses.

Mr. President, over a year ago, a group of disabled veterans in Florida brought to my attention the issue of benefits buy-out schemes that target our most vulnerable disabled veterans. These scams offer to advance to a veteran a lump-sum amount of money for access to the veterans' future disability compensation often at outrageous interest rates of 30 percent or more.

I thank the Veterans Affairs Committee and the distinguished chairman, ARLEN SPECTER, and the ranking member, Senator BOB GRAHAM, for their leadership in support of this effort. These Senators and their staffs have worked tirelessly to craft this language in a manner that will stop these scams without adversely affecting a veterans' ability to use credit.

I respectfully request that the distinguished ranking member continue this effort and support this language during conference in the interest of our veterans and the protection of their benefits and pensions.

Mr. GRAHAM of Florida. I would like to add my voice of support and commitment to this important language. I will work to ensure the final conference report includes this language. We can no longer wait to institute these important policies that will serve to protect our veterans from benefits buy-out schemes.

Mr. NELSON of Florida. I would like to thank the distinguished ranking member for his efforts and I look forward to the final conference report on the veterans benefits bill.

Mr. President, I wish to speak about important language included in this year's veterans benefits bill that must be included in the final conference report. This language addresses a situation that I feel demands our immediate attention—the protection of our veterans and their benefits from the predatory lending practices of some unscrupulous businesses.

Over a year ago, a group of disabled veterans in Florida brought to my attention the issue of benefits buy-out schemes that target our most vulnerable disabled veterans. These scams offer to advance to a veteran a lump sum amount of money for access to the veterans' future disability compensation, often at outrageous interest rates of 30 percent or more.

In order to avoid Federal laws prohibiting veterans from assigning their benefits to another party, these scams require the veteran to open a joint account from which the lending company automatically withdraws the veterans benefits.

We can all agree that a law preventing veterans from assigning their benefits to another individual should also bar this type of an arrangement—where money is directly withdrawn before the veteran can access their benefits or pension.

Last May the National Consumer Law Center, NCLC, released a report about financial and commercial scams directed at our military, veterans and their families—this report included an examination of these veterans benefits buy-out schemes.

The NCLC concluded that lump sum pension schemes are illegal under a variety of Federal and State truth in lending, usury or consumer laws, and that remedies exist, but require burdensome and costly court action on the part of the veteran.

I was not surprised to see that they agree with my findings that the assignment of veterans benefits is indeed illegal under current law.

But they also agree that due to a lack of clarity in the law and, therefore, the absence of any enforcement efforts, veterans are left open to unscrupulous exploitation and the loss of their benefits.

The analysis and conclusion in the report by the National Consumer Law Center have removed any doubt about the risk to our disabled veterans and the need for congressional action.

I want to make it abundantly clear that we are not trying to deny veterans access to normal credit systems: credit cards, personal loans, or home loans. We are trying to ensure that loans made to veterans are not out of the reach of State usury laws, which protect all types of consumers.

Greater protection is needed for our most vulnerable veterans—the disabled and the elderly. They are among the most needy and, once ensnared by these schemes, intimidated and threatened with lawsuits.

As you know, I introduced similar legislation last year, cosponsored by Senator MCCAIN and others that would tighten our laws and better protect our veterans from these schemes. Although we adopted this legislation in the Senate as part of last year's veterans benefits bill, the House conferees would not agree to include it in the conference report.

This year, we must ensure that the conference report includes this language and that we are doing all we can to protect veterans from these unscrupulous and predatory practices.

I thank the Veterans Affairs Committee and for Senator SPECTER's and Senator GRAHAM's leadership in support of this effort. I respectfully request that they continue this effort and fight for this language during conference in the interest of our veterans and their benefits.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1132), as amended, was read the third time and passed.

ORDERS FOR MONDAY, NOVEMBER 3, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Monday, November 3. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the consideration of the conference report to accompany H.R. 3289, the Iraq-Afghanistan supplemental appropriations bill, as provided under the previous order; provided that following the disposition of the conference report, the Senate proceed to the consideration of the conference report to accompany H.R. 2691, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, on Monday, the Senate will begin consideration of the conference report to accompany the Iraq-Afghanistan supplemental appropriations bill. There will be 6 hours of debate prior to adopting the conference report; however, that conference report will not require a rollcall vote. Following the disposition of the conference report, the Senate will take up the conference report to accompany H.R. 2691, the Interior appropriations bill. There will be 1 hour of debate prior to a vote on the adoption of the conference report. The vote on the interior appropriations conference report will occur between 5:30 and 6 on Monday, and that vote will be the first vote of Monday's session.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 3, 2003, AT 11 A.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:34 p.m., adjourned until Monday, November 3, 2003, at 11 a.m.

NOMINATIONS

Executive nomination received by the Senate October 31, 2003:

THE JUDICIARY

WALTER D. KELLEY, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE HENRY C. MORGAN, JR., RETIRING.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 2003:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005.

LESLIE SILVERMAN, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2008.

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2007.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

IN HONOR AND IN MEMORY OF SPECIALIST PAUL J. BUECHE OF DAPHNE, AL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. BONNER. Mr. Speaker, this past Monday the First Congressional District of Alabama and indeed, our entire State and Nation, said goodbye to another casualty of the war in Iraq.

Army Specialist Paul Joseph Bueche, a native of Baton Rouge, Louisiana, and longtime resident of Daphne, Alabama, joined the Army National Guard in 2001 and was assigned to Company E of the 131st Aviation Regiment based in Birmingham.

Earlier this year, Paul's unit was activated and deployed to the Kingdom of Kuwait during Operation Iraqi Freedom. In August of this year, his unit was transferred to its new duty station in Balad, Iraq. It was in Balad that, on October 21, 2003, a tire he was changing on an Army MH–60 Blackhawk helicopter exploded, killing Paul and seriously wounding one of his fellow soldiers.

During his 2-year career in the National Guard, Paul set a standard of excellence and displayed the qualities of discipline, devotion and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military. As a result of his hard work in the Middle Eastern Theater, Paul was recently advanced to the rank of Specialist, and he was posthumously awarded the Bronze Star medal and accompanying citation.

Mr. Speaker, as you can imagine, south Alabama is truly mourning the loss of this fine young man. In conversations with his friends and family, the one characteristic that was mentioned time and again when describing Paul was his love for life. As the Rev. Timothy Deasy noted during Paul's funeral mass, "he lived more in 19 years than many of us live in a lifetime. Paul gave his life for all of us."

A devoted brother, son, and grandson, Paul Bueche never waned in his appreciation for the many wonderful gifts of love and friendship that came his way during his brief 19 years. To a person, his fellow students and teachers from McGill-Toolen High School, his minister and fellow parishioners at Christ the King Catholic Church, and his many other family and friends spoke affectionately of Paul's boundless energy and enthusiasm and the genuinely warm feelings he displayed for his fellow man.

A telling story of his generosity came just days before he died. Recently, Paul had won a lottery held within his unit in Iraq which would have allowed him a 2-week furlough back in the United States in December. However, Paul chose to give that pass to a fellow guardsman from the unit, feeling it was more important that he—a husband and father—be at home with a wife and children who needed him more during the holidays.

Mr. Speaker, it is only right for us to pause and give thanks to God that there are still young men like Paul Joseph Bueche. On his handsome, young face, the world can see the very best America has to offer.

I urge my colleagues to take a moment and pay tribute to Specialist Paul Bueche and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are but now in the infant stages of a new life—a new freedom—in their own land.

We should also remember his parents, Emory Paul and Maria Bueche, his sisters Jessica and Melissa, and his grandparents, Sydney and Doris Bueche and Jose and Ilena Alonso. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself." Make no mistake, young Paul Bueche was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero.

In addition to my statement, I ask that an accompanying article from the October 25th Mobile Register, written by Robert Buchanan, be included in this tribute to Paul. May he rest in peace.

A TIME TOO SOON TO COMPREHEND

There is a time for everything,
And a season for every activity under heaven:
A time to be born and a time to die,
A time to plant and a time to uproot,
A time to kill and a time to heal,
A time to tear down and a time to build,
A time to weep and a time to laugh,
A time to mourn and a time to dance,
A time to scatter stones and a time to gather them,
A time to embrace and a time to refrain,
A time to search and a time to give up,
A time to keep and a time to throw away,
A time to tear and a time to mend,
A time to be silent and a time to speak,
A time to love and a time to hate,
A time for war and a time for peace.
—Ecclesiastes 3:1–8

When you cradle your infant in your arms, rocking back and forth while reading to his young ears, more than likely it will be from a book of fairy tales with glorious, happy endings. Surely, though, it's not the time to tell him that the 16 lines from Ecclesiastes sum up the life that he will face. Of course, he couldn't comprehend it, nor would you want him to; life as a baby has its own time for being, for growing and for learning.

A time to be born and a time to die.

It's left to the parents to do the worrying, often quietly, without evidence that there is harm in that infant's way. As he grows to be a toddler, it's the parents who fret about the stumbling boy crashing into furniture, hitting walls, slapping the sofa. The rite of passage into official boyhood comes with its share of nicks and scratches. But a boy he is, and a boy he will be.

The years evaporate, and your baby boy is a man. Your concerns, however, have grown with him. You watched him waddle in a sand box, not thinking that one day his life could end in the sands of an Iraqi village so small that it would be difficult to spot on a map.

It's too soon for a 19-year-old to die.

We humans comprehend this, lacking the understanding of why someone so young should leave this Earth now. It's even more heartbreaking for parents to have a son die before them.

It's not supposed to be this way.

A time to weep and a time to laugh.

The order of life has turned upside down for Emory and Maria Bueche. They have already told stories—terrific stories—about their son, Paul. They have shared them with family, friends and the media. It's a normal therapeutic exercise to keep their minds clear while preparing for funeral services.

Others will share their stories, bringing more laughter and tears. They'll be proud of the people Paul touched in his short life. They'll be proud he died serving his country. The Bueches won't be able to feel it, yet all the parents of our American babies will share in their pain.

Meanwhile, three more American soldiers die in Iraq. Three more sets of parents are experiencing the trauma of children passing too soon. All of us will be suffering along with them.

There is a time for everything.

Paul was a member of the 2002 graduating class of McGill-Toolen Catholic High School. Local television stations grabbed yearbooks from his days at McGill, showing Paul's smiling portrait in a row of students' photos.

A telephone call went to the cherubic looking youngster in the picture to the left of Paul. He's now a young college man, sans the rounded face.

"Paul Bueche died in Iraq," he's told.

"What?" he answers. "I didn't know he was over there. Oh, my God. What happened?"

He is told about the unfortunate circumstances, but the explanation falls flat. A classmate had died; the first member of the 2002 class was gone. It's too incredible for the student to absorb.

"Man, he was cool. We were in the Model U.N. together. I mean . . . I can't believe it. What happened?

"Of all the people over there, that accident, it happened to one of us."

The McGill-Toolen senior class of 2002 was close, unusually close. The Bueches recalled how their house was always full of kids, that it wasn't unusual to wake up and find Paul's friends asleep on the den floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That was the class of 2002.

From house to house, class members found parents with open doors. Now these same parents are sharing the Bueches' ache, along with their young-adult children who are experiencing a type of grief they were not prepared to handle. It's just too soon.

Eventually, though, they will realize that Paul's death was not in vain, for there are few earthly callings higher than sacrificing for one's country, for one's friends back home.

In the meantime, they can pray and take solace that there will be a time for peace.

OCTOBER IS NATIONAL BREAST CANCER AWARENESS MONTH

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Breast Cancer Awareness Month on behalf of the Hampshire County Cancer Coalition. October is Breast Cancer Awareness Month, a disease that will kill an estimated thirty-nine thousand, eight hundred women along with four hundred men in the year 2003 alone. It is through the extensive work of medical experts, as well as awareness groups like the Hampshire County Cancer Coalition, that there is hope to extinguish this horrible disease.

I am proud to recognize two Hampshire County residents, Clara Belle Lee and Nellie Lew, who are the two oldest living breast cancer survivors in our state of West Virginia. Ms. Lee has been a survivor for fifty-two years, and Ms. Lew has been a survivor for fifty-seven years. I was honored to have met these women, along with the rest of the Coalition, at the fourth Annual Breast Cancer Survivors Luncheon and wreath hanging ceremony. Their passion and their enthusiasm for life are characteristics of these two incredible women, who have beaten the odds of this fatal disease.

I would like to take some time to recognize the Hampshire County Cancer Coalition and their work. This organization has been instrumental in the state of West Virginia with educating the general public about cancer, as well as striving to initiate the early detection of cancers among women.

The Hampshire County Cancer Coalition was formed in 1993 under the direction of the Appalachia Leadership Initiative on Cancer, a cooperative agreement between the National Cancer Institute and Mary Babb Randolph Cancer Center, to address cancer control issues in our county. The Coalition has sought to increase public awareness and promote early detection of breast, cervical, and colorectal cancer throughout Hampshire County.

The Coalition has collaborated with various community entities in its cancer awareness efforts. Shortly after its formation, the Coalition sponsored two "Friend to Friend Summits," with one held in Romney and one in Capon Bridge. These summits brought together community members, cancer survivors, doctors and nurses for a sharing of the latest information regarding breast cancer awareness, prevention and treatment.

The Coalition has sponsored the Tower of Hope, which is a photo display of county breast cancer survivors dedicated to a charter member of the Coalition who is now deceased. The Tower is displayed in churches, libraries and the courthouse as a testimony to a courageous fight against a powerful disease.

Another focus area has been community education. Placemats with the warning signs of cancer were used in about twenty restaurants around the county. Business owners as well as patrons reported positive feedback. In addition, the Coalition recently joined forces with the Tobacco Control Coalition to increase opportunities for promoting awareness.

Mr. Speaker, it is with great admiration and pride that I honor this wonderful organization as well as these incredible women and their strides to beat this disease. This disease is the leading cancer sited in women, yet with proper awareness and prevention, this disease does not have to be the leading cause of cancer deaths among women between the ages of forty and fifty-nine years of age. With organizations like the Hampshire County Cancer Coalition, and amazing women survivors, there are rays of hope for people diagnosed with breast cancer.

OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. TIAHRT. Mr. Speaker, I rise today in support of Breast Cancer Awareness Month. I am proud that October can be dedicated to raising awareness of the need for regular mammograms and doctor's visits. A member of my staff has come face to face with this disease, and I am proud to share her story. Hannah's mother was diagnosed with breast cancer in 1990 at the age of 38. Hannah was only 11 years old, with one older brother and two younger sisters, but she remembers being frightened when her parents told her about her mother's cancer. The doctor had found the lump, which was too small for her to feel. If she had not gone to the doctor, it would have spread fast and deadly.

Fortunately, because of awareness, Hannah's mother's cancer was found early, surgery was performed, and she has done great ever since. Fortunately, because of awareness, Hannah only remembers being frightened, but she doesn't have to remember losing her mother to breast cancer because that did not happen. This story is only one of many which emphasize the need for breast cancer awareness. We all need to insist that our mothers, sisters, aunts, grandmothers, wives, and daughters need to get regular mammograms and talk to their doctors about this disease. It is absolutely essential that the information gets out to these women, and that the cancer is caught early. Hannah is grateful that her mother paid attention and has since fostered this awareness in Hannah and her two sisters.

I support reauthorization for the National Breast and Cervical Cancer Early Detection Program. Breast cancer remains the second highest cause of death for women today. This is a reality that can stop only through awareness.

BREAST CANCER AWARENESS MONTH

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. VITTER. Mr. Speaker, I rise today to honor victims, survivors, volunteers, and professionals, who combat breast cancer each day.

The facts are grim, every 2½ minutes someone is diagnosed with breast cancer. An estimated 211,300 women and 1,300 men, in the United States will be diagnosed this year with breast cancer. An estimated 40,200 deaths are anticipated this year from breast cancer. In my home state of Louisiana, 3,800 new female breast cancer cases will be diagnosed this year, and 700 hundred women will lose their battle against the disease.

Breast Cancer Awareness Month provides a special opportunity to recognize these valiant fighters and to educate the public about the importance of monthly breast self-examinations and annual mammograms. Early detection greatly increases victims' chances of survival.

There is hope. When breast cancer is found early, the five-year survival rate is 96 percent. Monthly breast self-examinations and mammograms are the key components of early detection. I join my House colleagues in saluting the breast cancer survivors alive today in the United States.

I salute the volunteers across the country, including the Louisiana Breast Cancer Task Force, for their work to help educate people about the important life-saving measures of early detection. Thank you for taking time today to honor all the victims, survivors, volunteers, and professionals, who combat breast cancer each day.

REGARDING BREAST CANCER AWARENESS MONTH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. ACKERMAN. Mr. Speaker, every 12 minutes a woman in America dies of breast cancer. October is Breast Cancer Awareness Month, but I am not sure that awareness is the right word. Unfortunately, many of us are painfully aware. Many, if not all of us have known someone who has fought against this devastating disease. I would like to express my deep appreciation to the many soldiers in the battle against breast cancer. There are too many to name right now, but their dedication and tireless efforts are critical and so deeply appreciated by us all.

A recent study found that the presence of mutated BRCA–1 or BRCA–2 genes made cancer risk soar. This information proves that passage of legislation such as the Genetic Non-Discrimination in Health Insurance and Employment Act is imperative. Mr. Speaker, I am a cosponsor of this bipartisan legislation, which has 230 cosponsors. By not acting on this legislation, we are placing women's health in jeopardy on a daily basis. Women are not being tested because they fear they will be discriminated against by their insurer should they test positive. This is unconscionable.

This body has begun the job of funding the National Institutes of Health and cancer research over the past five years. However, our work is not done. It is imperative that we are able to fund new research and continue existing research. In order to ensure that progress is not lost and valuable information left uncovered, we must continue to increase funding for the National Institutes of Health.

One of the things I am most proud to have motivated and enacted was the establishment of the Long Island Breast Cancer Study, a comprehensive effort to investigate whether environmental factors are responsible for breast cancer. The historic investigation began in 1993, and was coordinated by the National Cancer Institute and the National Institute of Environmental Health Sciences. When the study was released late last year, I was disappointed to find the study could not identify specific environmental factors from among the three compounds studied as a cause for breast cancer. Many of the other compounds remain to be ruled out; more funding and research are necessary. However, the lessons learned proved very important. Many of the results provided clues for future research. We must build on this information, we must try until we succeed because the alternative is much more costly.

We need to work together to turn "A-wareness" into "A-cure."

THE 40TH ANNIVERSARY OF THE ARECIBO OBSERVATORY

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, this week Puerto Rico is celebrating the 40th Anniversary of the Arecibo Observatory, home of the largest and most sensitive radio telescope in the world. For this occasion, more than 100 scientists from around the world will gather November 1 through the 4th for a series of workshops, including one on the most recent astronomical advances of the giant telescope. For Puerto Rico, there is another reason to celebrate: for the first time since the creation of the observatory in 1963, a Puerto Rican is at its helm. Sixto Gonzalez, who has served as assistant director of special and atmospheric sciences of the observatory since 2001, was named Director of the observatory October 1.

The Arecibo Observatory is part of the National Astronomy and Ionosphere Center (NAIC), a national research center operated by Cornell University under a cooperative agreement with the National Science Foundation (NSF). The NSF is an independent federal agency whose aim is to promote scientific and engineering progress in the United States. NAIC also provides additional support for the National Aeronautics and Space Administration (NASA)

As the site of the world's largest single-dish radio telescope, the Observatory is recognized as one of the most important national centers for research in radio astronomy, planetary radar and terrestrial aeronomy. Use of the Arecibo Observatory is available on an equal, competitive basis to all scientists from throughout the world. Observing time is granted on the basis of the most promising research as ascertained by a panel of independent referees who review the proposals sent to the Observatory by interested scientists. Every year about 200 scientists visit the Observatory facilities to pursue their research project, and numerous students perform observations that lead to their master and doctoral dissertations.

The Arecibo Observatory has its origins as an idea of Professor William E. Gordon, then of Cornell University, who was interested in the study of the Ionosphere. Gordon's research during the 1950's led him to the idea of radar back-scatter studies of the ionosphere. Professor Gordon's persistence culminated in the construction of the Arecibo Observatory, which began in the summer of 1960 and three years later the Arecibo Ionospheric Observatory (AID) was in operation under the direction of Gordon. The formal opening ceremony took place on November 1, 1963.

On October 1, 1969 the National Science Foundation assumed ownership of the facility from the Department of Defense and the Observatory was made a national research center. On September 1971 the AIO became the National Astronomy and Ionosphere Center (NAIC).

The Arecibo Observatory employs about 140 persons in support of the operation. A scientific staff of about 16 divides their time between scientific research and assistance to visiting scientists. Engineers, computer experts, and technicians design and build new instrumentation and keep it in operation.

The Arecibo Observatory is a Puerto Rican landmark. Hundreds of tourists visit it every year and it has been a desired site for recent filming of many movies as well. As this notable landmark appears frequently in films and TV, it is a source of pride for all Puerto Ricans, both as the home of the Arecibo Observatory and as an emblem of the contributions to science from Puerto Rico in general.

Mr. Speaker, today I want to congratulate the people of Puerto Rico, the Arecibo Observatory and its scientists on its 40-year anniversary. Also, congratulations to Director Sixto Gonzalez for his great job and recent ascension to the leadership of the Arecibo Observatory.

HONORING THE WORK OF SISTER LECLARE BERES

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. KIND. Mr. Speaker, I rise today to honor the work of Sister Leclare Beres from La Crosse, Wisconsin, in recognition of her retirement. Sister Leclare has worked tirelessly for many years as a nurse and a nun, aiming to provide all people with access to healthcare.

Sister Leclare grew up in Elroy, Wisconsin. Living on a farm, surrounded by her large family, she learned early the importance of hard work and compassion to others. In the early 90s, Sister Leclare saw the medical needs of refugee immigrants and called upon the four area hospitals to sponsor a free clinic. The Indochinese Screening Clinic later became the St. Clare Health Mission. As the director of the St. Clare Health Mission, Sister Leclare has been a leader in providing health services to the poor in the La Crosse, Wisconsin area. In addition, she has worked in Guam and Jamaica as well as with organizations such as Place of Grace and the Salvation Army.

Moreover, after she retires this fall, her dedication to the poor will live on as she plans to volunteer at the St. Clare Health Mission where she has served as its only director for ten years. I am pleased that her efforts and giving spirit have earned her multiple honors, including the Pope John XXIII Award from Viterbo College, the YWCA Tribute to Outstanding Women in the Medical Field, and the 2002 La Crosse Tribune Person of the Year.

Aside from her amazing gifts in working with persons who are poor and sick, Sister Leclare has impressive organizational talents. She would regularly coordinate the 200 plus medical professionals and community volunteers who came each Tuesday and Thursday evening to serve at the St. Clare Health Mission. In this feat, Sister Leclare was able to bring together a community to address the needs of its neighbors and sought a solution to the limited access to healthcare that many Americans face.

Mr. Speaker and my fellow Members of Congress, I ask that you join me in honoring the dedication and service of Sister Leclare Beres as she retires. She is a role model of service, compassion, and generosity, and we could all learn from her dedication.

Thus, I would like to leave you with the words of Sister Leclare's successor, Sister Dawn Kutt. "Sister Leclare's compassion for the poor and underserved dwells deep within her heart's desire. Her service to the poor is undertaken with joy and tender love as her gentle presence reflects God's love for each of them. She certainly brings the richness out of the poorest of God's poor."

WORLD POPULATION AWARENESS WEEK

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. MICHAUD. Mr. Speaker, the week of October 20–25 has been designated as World Population Awareness Week with the theme of "Water: Our Most Precious Natural Resource." Over the next 20 years the world's population of 6.3 billion is projected to increase to nearly 9 billion before leveling off.

As currently, these 6.3 billion people are dependent on 1 percent of all the water on earth. A recent study revealed that 58 areas of the United States—from Florida and Georgia to western Texas to northern California and southern Oregon, as well as most of heartland U.S.A.—are water stressed. Acting on the global consensus that water scarcity must be a top development priority, the Population Institute has decided to dedicate the 19th World Population Awareness Week to the issue of water and I applaud their efforts.

More than 80 nations, 165 organizations, 127 mayors, and 22 governors, including Governor John Baldacci of Maine, have proclaimed the week of October 20–25 as World Population Awareness Week with the theme "Water: Our Most Precious Natural Resource." I call that proclamation to my colleagues' attention in hopes of promoting the importance of an adequate and safe water supply for future generations.

RECOGNIZING OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize October as National Breast Cancer Month. Today, 3 million American women are living with the disease—2 million who have been diagnosed and 1 million who do not yet know they have it. These women are our sisters, daughters, coworkers, neighbors, and friends.

But there is good news. Due in large part to federally funded research, we know more than ever about what causes breast cancer and how to more effectively treat the disease. In fact, since 1990, we have increased Federal funding for breast cancer research by nearly 600 percent. We also have made tremendous progress in increased access to mammography, which is the most effective way to diagnose breast cancer early. If detected and treated early, breast cancer has one of the highest survival rates.

I also want to pay tribute to the many wonderful organizations that provide support to breast cancer patients and their families, like Y–Me in my home State of Illinois. These organizations offer invaluable services to the millions touched by this disease and have been crucial in bringing this issue to the forefront of the healthcare debate.

October may be National Breast Cancer Awareness Month, but every day of the year this issue deserves our attention. I thank my colleagues for their support, and encourage them to continue to work for the millions touched by this disease.

IN MEMORY OF 1LT DAVID R. BERNSTEIN OF THE U.S. ARMY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of a brave young man, First Lieutenant David R. Bernstein, who made the ultimate sacrifice for our country. He died on Saturday, October 18, 2003, when his patrol was ambushed in Taza, Iraq. First Lieutenant Bernstein was just 24 years old.

For me, the news of David's death was particularly shocking and hard to bear. I had the honor and privilege to nominate this fine young man to the United States Military Academy at West Point, a nomination that he accepted and fulfilled with exceptional honor, ability and accomplishment.

First in his class at Phoenixville High School, where he excelled in swimming as well as academics, David was the Valedictorian of his High School Class of 1997. Upon entering West Point, he continued on his path of personal excellence by maintaining an arduous schedule of academics, training and sports, activities that distinguished him, and earned him the respect and admiration of his superior officers, instructors, and fellow cadets at the Academy. He graduated 5th in his class at West Point, and was one of the brightest stars among an incredible constellation of talent that graduated from the Academy in 2001.

Soon after graduation from West Point, David volunteered for Army Ranger School. He excelled there, acquiring additional skills and advanced training, and became Ranger qualified. Having a pick of assignments based on his standing at West Point, David chose duty close to the hot spots in the world, and joined the Army's 173rd Airborne Infantry Brigade, the storied "911 squad" of Europe, headquartered at Camp Ederle in Italy.

As a member of the 1st of the 508th Regiment of the 173rd, Lieutenant Bernstein, parachuted into Northern Iraq in the early morning darkness on March 27 of this year, one of only approximately 1,000 soldiers from the 173rd sent to secure the Bashur airfield in the north of Iraq. As those who followed the war well know, this small band of soldiers performed magnificently and heroically behind enemy lines to establish the important "second front" in the struggle to liberate Iraq and the world from the grip of Saddam Hussein.

This brave and gifted officer shouldered the burdens of command with uncommon ability, intelligence and grace. He was a natural leader who inspired those in his command, always leading by example and with an unwavering commitment and dedication to his men and to the service of his country.

He last spoke with his parents, Richard and Gail Bernstein, only a week before his death. The call was brief, lasting less than 10 minutes, because of the long line of soldiers waiting their own turn. In that short call David told his parents of the pride he felt for his men and their mission. He also conveyed his own sense of pride in being able to answer the call of duty by serving as an Army officer. As his father has said, David was "a soldier who appreciated serving his country."

In his final moments, even though mortally wounded and under continuous enemy fire, Lieutenant Bernstein maneuvered his way to the driver's seat of his Humvee and moved the vehicle off of a soldier in his command who was trapped under its wheels and badly wounded. His unselfish act of bravery likely saved the life of his comrade.

All of Pennsylvania mourns the loss of this brave and good young man who will be laid to rest this Friday, October 31, 2003 at West Point. Our hearts go out to his parents, Richard and Gail, to his sister Michelle, to his brother Doug, and to all of his friends and loved ones.

Mr. Speaker, First Lieutenant David R. Bernstein, exemplified the spirit of service that has made this nation great. It is proper to remember and honor a man of such worth and character with great respect for what he stood for. Our pride in David shall live on—his life, his courage, his sacrifice and strength of character. The example of his citizenship and dedication to duty will be his enduring legacy. Mr. Speaker, at this time I ask you and my other distinguished colleagues to join me in honoring the memory, life and service of First Lieutenant David R. Bernstein, and in sending our heartfelt condolences to his family, his friends, and community.

MARTIN LUTHER KING, JUNIOR, NATIONAL HISTORIC SITE LAND EXCHANGE ACT

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. CUMMINGS. Madam Speaker, I rise to thank my colleagues for their support of the "Martin Luther King, Junior, National Historic Site Land Exchange Act," H.R. 1616 and the bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., S. 470. These bills extend the authority for and make possible the construction of a national memorial commemorating the achievements of the late Dr. Martin Luther King, Jr., and his commitment to the struggle of civil rights for all Americans.

Dr. King dedicated his life to the realization of full equal and civil rights for all Americans irrespective of race, ethnicity, gender, and sexual orientation. He stood on the front lines in the struggle against social injustice, discrimination, and inequality, often at great risk to himself. Despite numerous death threats, Dr. King never wavered in that commitment.

Madam Speaker, the Lewis and Sarbanes bills are a win-win situation for all parties involved. The National Park Service currently owns a vacant lot that does not have any significant historic value. The city of Atlanta would like to acquire this land for the sole purpose of encouraging commercial development within its city limits. In addition, the land on which the National Historic Site Visitor Center and Museum currently sits is land-locked and lacks adequate emergency access. Exchanging this land within the Martin Luther King, Junior, National Historic Site for property in which the National Park Service could establish easy access to the Visitor Center and Museum would be mutually beneficial to both parties. This would simultaneously resolve the National Park Service's access issue and give the city of Atlanta much needed commercial space.

Madam Speaker, once again I am proud to support both bills—the Martin Luther King, Jr., National Historic Site Land Exchange Act and the bill to extend the authority for construction of the MLK Memorial. I would like to give a special thanks to my colleagues Mr. LEWIS and Senator SARBANES for their leadership in sponsoring these important pieces of legislation and in helping to keep the dream alive.

TRIBUTE TO THE GREATER WILKES-BARRE CHAMBER OF COMMERCE ON CELEBRATING 50 YEARS OF PROGRESS

HON. PAUL E KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the Greater Wilkes-Barre Chamber of Commerce as they celebrate the region's progress over the past 50 years at their annual dinner Thursday, October 30 at the Wachovia Arena in Wilkes-Barre, Pennsylvania.

Mr. Speaker, as I have said many times before, progress doesn't just happen by accident. From the beginning of the creation of the Industrial Fund 50 years ago, it has taken hard work, vision, dedication, and leadership by those who have transformed the area's economy from an aging coal mining town to a diversified economy with a bright future.

These leaders, whose accomplishments will be recognized at the dinner celebration, set the goals of elevating the economy by encouraging and supporting business growth, increasing capital investment in the region, and enhancing the area's quality of life by serving as a catalyst for key community projects. My colleagues, while we need to continue to strive toward these ambitious goals, I would like to pay tribute to the business leaders who make up this Chamber and this community for their success in moving us closer to these goals over the past 50 years.

Mr. Speaker, this organization has a proud and storied history highlighted by individuals who rose to the occasion and helped transform this region. Charles Weissman, William O. Sword, Frank Burnside, Herbert Morris, Edward Schechter, and many more leaders helped build our economy on a proud tradition of doing what it takes to make northeastern Pennsylvania the best it can be by working in partnership with elected officials and volunteers from the business community.

The Greater Wilkes-Barre Chamber is relentlessly working in partnership with local, State and Federal officials to rebuild our region's economic base from the ground up. Whether it is working to reclaim mine-scarred land, building and managing five business parks in the region like the new Innovation Center, promoting key community projects like the Arena, the levee raising and riverfront redevelopment projects, or working on the Downtown revitalization efforts, The Chamber serves as a vocal leader on issues and initiatives—from transportation to education, and from diversity to the knowledge economy—that help to advance the Greater Wilkes-Barre community.

Most recently, the Chamber deserves commendations for reaching out to neighboring organizations to improve on efforts to bring a more regional approach to economic development, which I strongly support.

It has been a pleasure to work with Chamber leaders on many of these important projects during my tenure in office, and I look forward to many more years of productive partnership for the benefit of northeastern Pennsylvania.

Mr. Speaker, it is my sincere honor to recognize the business and community leaders of the Greater Wilkes-Barre Chamber of Commerce as they celebrate 50 years of progress on Thursday evening.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on October 28, 2003. I would like the RECORD to show that had I been present, I would have voted "yea" on rollcall vote 569. I also would have voted "nay" on rolecall vote 570. Further, I would have voted "yea" on rollcall votes 571, 572, and 573.

HONORING JOSEPH CARL NORQUIST

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. LEE. Mr. Speaker, I rise today to honor the memory of a fallen soldier and American patriot, 26-year-old Army Specialist Joseph Carl Norquist, for his unstinting service to the community and devotion to the country. On October 9, 2003, Spc. Norquist, a 26-year-old Oakland man, was in a convoy in Baqubah, Iraq when he was killed in a barrage of grenades and bullets.

Norquist was serving with the 588th Engineering Battalion, based in Fort Hood, Texas. In Iraq, the battalion is assigned to the 4th Infantry Division, also of Fort Hood. The 588th is conducting two separate missions in Baqubah; they are searching for weapons and rebuilding schools.

"Joe believed in the job he was doing in Iraq," his parents said in a statement. "He thought it was worth it for the children, who would have better opportunities for a better life. We deeply mourn the loss of our son."

Norquist, a native of Martinez, attended high school in Benicia, where he played on the football team. He received an associate degree from Diablo Valley College in Pleasant Hill and joined the Army in 2001. He served for a year in Korea before being assigned to his unit in Texas, where he was trained in evaluating obstacles and operating conditions for tank maneuvers.

Joseph was a big, broad-shouldered man who liked to watch wrestling on TV. According to his friends, Joseph liked to spend his spare time in the base gym, working out with weights. In the evenings, he would try out wrestling moves on his Army buddies. He was contemplating enrolling in a pro wrestling school in Austin once his Army days were done. He was recognized for his attention to detail and thoroughness, and will posthumously receive the Bronze Star and Purple Heart medals.

Finally, as we remember Spc. Norquist today, I take great pride in joining Joseph's parents, Carl and Sue, his friends and fellow soldiers to recognize and salute the accomplishments and contributions of Joseph Carl Norquist.

RECOGNIZING WORLD POPULATION AWARENESS WEEK

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. PRICE of North Carolina. Mr. Speaker, the week of October 20–25th has been designated as World Population Awareness Week with the theme of "Water: Our Most Precious Natural Resource." Over the next 20 years, the world's population of 6.3 billion is projected to increase to nearly 9 billion before leveling off. Since the entire population depends on 1 percent of the earth's water, many fear a future where water scarcity will undermine health and security and lead to political and social unrest. Acting on the global consensus that water scarcity must be a top development priority, the Population Institute has decided to dedicate the nineteenth World Population Awareness Week to the issue of water.

More than 80 nations, 165 organizations, 127 mayors, and 22 governors have proclaimed World Population Awareness Week. Governor Michael Easley of North Carolina is among those doing so, and I am pleased to call that proclamation to my colleagues' attention.

BREAST CANCER AWARENESS MONTH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SLAUGHTER. Mr. Speaker, Breast Cancer Awareness Month is an opportunity to celebrate the great strides breast cancer education, treatment, and survival that American women enjoy today. It must also serve as a reminder not to take our health for granted—to schedule a mammogram, perform a breast self-exam, and call a friend to urge her to do the same.

In the United States, every 2½ minutes another woman is diagnosed with breast cancer and every 13 minutes another woman dies from this dreadful disease. Almost one-third of these deaths could have been prevented if the disease had been discovered in the early stages. The lives lost are those of wives, mothers, daughters, and friends.

Thankfully, a breast cancer diagnosis is no longer a sure death sentence. When discovered and treated in the early stages, the five-year survival rate is 97 percent. Today, there are more than two million breast cancer survivors in the United States. These women live to celebrate birthdays, holidays, every day with their families and friends.

Early detection opens the door to beating breast cancer, and mammograms are the key to that door. Mammograms can find 40 percent of cancers not detectable during a breast self-exam or a doctor's exam. It is the most effective method of early detection, yet only 63 percent of American women between the ages of 40 and 64 had a mammogram in the past year. Furthermore, we must search diligently for more effective detection technology to improve upon the mammogram.

Sadly, many women cannot pay for essential screenings. I was proud to be an original cosponsor of the National Breast and Cervical Cancer Early Detection program. Due to this program and other initiatives, a lack of insurance is no longer a barrier to breast cancer survival.

Let's make the most of October, Breast Cancer Awareness Month; let's seize this opportunity to take control of our health and our lives. Every one of us is at risk for breast cancer, regardless of age, health, or family history, simply by being women. Let's say goodbye to needless cancer deaths and hello to breast self-exams, clinical breast exams, and mammograms. Let's say hello to the thousands of women who are here today and will be here tomorrow thanks to early breast cancer detection and treatment.

FALLEN PATRIOTS TAX RELIEF ACT

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to call attention to a bill scheduled to be heard today regarding the military death benefit paid to survivors of military personnel killed in the line of duty. Under current law, the military death benefit provides a surviving spouse $6,000, of which $3,000 is subject to federal tax.

At the tragic time of a death of a service member, it is an unimaginable loss to the family and represents the greatest sacrifice to our nation. To avoid adding insult to injury, we must make the Military Death Benefit fully tax-exempt. Families of our patriots should not be penalized on a benefit meant to express the nation's gratitude. The death benefit has historically been exempt from this taxation, yet an oversight in the tax code—after the benefit was raised to $6,000 in 1991—left half of the payment subject to taxation.

The death benefit was designed to assist surviving family with financial needs following the death of the service member. Unfortunately, the current benefit is not sufficient. We should increase this benefit to $12,000 to cover additional expenses. This bill would make this benefit retroactive for military personnel who have died in battle since September 11, 2001.

As of this morning, 232 American servicemen and women have died in battle in Iraq after the end to' major combat operations in Iraq was announced. This represents 232 cases where a grieving family has had to sustain itself financially with limited funds while suffering the loss of a loved one who will not return home. Let us not let partisan politics get in the way of doing what is right for our fallen soldiers.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO UNITED STATES

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. WU. Mr. Speaker, I rise in strong support of H. Con. Res. 302, and urge my colleagues to support this important resolution.

For the past half-century, Taiwan and its people have been one of the United States' most reliable friends and allies in Asia, and around the world. Our two nations have cultivated many mutual interests, including trade, cultural, security in the Western Pacific Ocean, and democratic development.

On October 31st, President Chen Shui-bian will be visiting the United States. On behalf of the American people, I would like to extend my warmest welcome to the President, and hope that our two nations will continue to deepen various aspects of our relationship.

As we host President Chen, I urge my colleagues to support this important resolution, and urge Congress and the Administration to support Taiwan's efforts to secure meaningful participation in international organizations and forums.

IN HONOR OF THE 50TH ANNIVERSARY OF PEARL BUCK CENTER, EUGENE, OREGON

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. DEFAZIO. Mr. Speaker, it is my distinct privilege and honor to congratulate the Pearl Buck Center in Eugene, Oregon on 50 years of supporting families with special needs in Lane County.

When the Pearl Buck Center opened in 1953, it was one of the only educational programs in Oregon providing educational services to children with mental retardation and other developmental disabilities. The Pearl Buck Center has continued this tradition of leadership in the community, the state, and the nation, providing vocational training, employment, education, and case management services to people with developmental disabilities.

Annually, the Pearl Buck Center provides services to over 400 individuals with developmental disabilities and their children. Since it was founded, the Pearl Buck Center has helped thousands of adults and children meet the challenges of their disabilities and find opportunities to succeed in school and on the job; to succeed as parents and as self-sufficient individuals; and to contribute to the community and society.

I would like to acknowledge the vision and dedication that characterizes this organization. I hope that all Americans will reflect on the commitment of the staff and volunteers of the Pearl Buck Center and on the struggles and successes of the individuals they serve.

October 2003 has been designated as National Disability Employment Awareness Month. In this special month, I extend my deepest appreciation and thanks to the Pearl Buck Center for their efforts, past and present, to help individuals with disabilities more fully realize their abilities, potential, and independence. We are all richer for your half-century of service.

RECOGNIZING THE 2D ANNUAL YOUTH CONFERENCE OF THE ASIAN LIVER CENTER AT STANFORD UNIVERSITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. STARK. Mr. Speaker, I rise in recognition of the 2d annual Youth Conference on Asian and Pacific Islanders' Health being organized by the Asian Liver Center at Stanford University on November 7 through November 9, 2003.

During this 3-day conference, more than 100 high school students and their families from throughout California will discuss a variety of health issues of particular concern to the API community. These issues include youth identity, teen smoking and cultural competency in medicine. A major issue to be addressed is the high vulnerability that Asian and

Pacific Islanders have to hepatitis B and its related effect of liver cancer.

The Asian and Pacific Islanders community comprise over 11% of my home state of California. Unfortunately, many Americans of Asian and Pacific Island background have no awareness of their heightened risk of acquiring hepatitis B. While the rate of hepatitis B infection for all Americans is less than .5%, for API Americans the rate is 7%—14 times higher.

The symptoms of this illness are often not apparent to the individual until the irreversible effects of liver cancer become evident. This silent killer is often spread from unsuspecting mothers to newborn infants at childbirth. It is also spread through child-to-child infection as result of contact with skins sores, small breaks in the skin or such activities as sharing a toothbrush. Luckily, the spread of this awful disease can be prevented through a simple series of vaccinations. But, people need to be educated about the need for such vaccinations.

A major goal of the Youth Conference is to create a cadre of emissaries to go out into the API community to increase awareness of this vulnerability to hepatitis B and liver cancer and to educate the populace on means of prevention and treatment. Many in the API community are not aware that there is a vaccine that offers full protection from hepatitis B. Many are not vaccinated because they simply are not aware of the problem. The unnecessary deaths from this disease must be stopped now.

The Asian Liver Center has it right—increased knowledge is the key to prevention. I commend the students and their families for taking time out of their busy lives to become more knowledgeable about these important health issues and to help spread their knowledge throughout their communities. I also commend the staff of the Asian Liver Center at Stanford University for organizing this conference and for their mission of addressing the high incidence of hepatitis B in the API population through outreach, education and research. This program is clearly one that should be emulated by many other organizations around the country.

REGARDING INDIAN RIVER COMMUNITY COLLEGE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise to pay commendation to Indian River Community College, which serves the east coast of Central Florida and many of my constituents. The school has developed an innovative program to combat a local, state and national problem—the critical teacher shortage. Indian River Community College pioneered the "Bridge to Teaching" program to recruit and train college graduates to embark on careers in teaching.

In addition to the praise of local school officials benefiting from the recent graduates, the accelerated teacher certification program has been selected as a national model of "best practices" for colleges throughout the country by the National Council for Continuing Education and Training.

For their commitment to quality programs and responsiveness to the needs of the community, Indian River Community College and its President, Ed Massey, deserve the congratulations of Congress.

TRIBUTE TO THE 150TH ANNIVERSARY OF BAUSCH AND LOMB

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay tribute to the 150th anniversary of Bausch & Lomb—a community institution, an outstanding corporation, and a global innovator.

In 1853, a German immigrant named John Jacob Bausch started a modest business selling optical goods. He got off to an uneven start, and borrowed $60 in capital from a close friend, Henry Lomb. Bausch promised to make Lomb a full partner if the business prospered. Indeed, the business grew beyond its founders' wildest dreams. Today, Bausch & Lomb is the premiere name, recognized around the world, for excellence in eye health products.

Headquartered in my district of Rochester, New York, Bausch & Lomb employs over 11,000 people and generates annual revenues of almost $2 billion. B&L, as it is affectionately known, is also deeply committed to our community and its future. More than 5,000 schools nationwide participate in the Bausch & Lomb Science Award, which is bestowed on selected high school sophomores for excellence in science. Along with a medal, winners are eligible for a Bausch & Lomb scholarship for study at the University of Rochester, and associated paid summer internships in B&L labs. The B&L science awards and scholarships promote science scholarship and foster the next generation of scientists and researchers.

At its facilities in Rochester, B&L has created some of the most innovative optical equipment and goods in the world. During World War I, B&L produced the special sunglasses for military men. B&L researchers invented the first optical-quality glass. And in 1971, Bausch & Lomb introduced the first soft contact lenses, a product that has improved the quality of life for millions of people around the globe. Today, tens of millions depend upon high quality B&L products to improve and maintain one of their most precious assets: their vision.

Mr. Speaker, I am deeply proud of the fine work done by my constituents at Bausch & Lomb every day. One's sight is a precious thing, and it speaks volumes that more people entrust their vision to Bausch & Lomb than to any other company in the world. I salute Bausch & Lomb—company CEO Ronald Zarrella, his leadership team, and every one of his outstanding employees—on their 150th anniversary. We all look forward with great anticipation to seeing what the coming years bring to and from Bausch & Lomb.

EULOGY FOR CORINNE MICHEL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. HOYER. Mr. Speaker, it's with great regret that I come to the floor today to note the untimely passing on October 22 of Corinne Michel, a friend of so many of us privileged to serve in this House, and the wife of former House Minority Leader Bob Michel of Illinois.

As Mike Johnson, a former Chief of Staff for Bob Michel, told Copley News Service: "[Corinne] was never affected by all the limelight. Bob used to say people in politics have their feet planted in midair. Hers were always planted firmly on the ground."

And as Millie Arends, the city treasurer in the Michel's home city of Peoria, Illinois, noted: "She was well-read on everything. Her husband said she was one his best assets."

Corinne Michel was born in Onida, South Dakota, and was raised in St. Paul, Minnesota, Pittsburgh and Peoria, Illinois, where her father managed the Livestock Market News. In 1943, she graduated from Peoria High School, and then met Bob when the two sang in the a cappella choir at Bradley University.

Corinne was an accomplished classical pianist who graduated with two music degrees and then taught music in the Peoria public schools. In 1948, the Michels were married and eight years later Bob was elected to the House, where he served with distinction for 38 years—including 14 as the Republican leader—before retiring in 1995.

While Bob served his constituents and nation in Washington, Corinne raised the couple's four children back in Peoria. She was active in Peoria Players and Central Illinois Youth Symphony and helped bring opera and ballet to Peoria. She also represented Bob at events in his home District.

In Washington, she was active in Congressional spouse organizations and chaired the Republican Women's Federal Forum.

The Michels' son Scott told the Chicago Tribune: "Music played a huge role in her [his mother's] life and she passed it on [to her children]. I would come home from school and there would be classical music on the stereo and she would be playing the piano."

And said our colleague RAY LAHOOD, a former Chief of Staff for Leader Michel and the successor in his seat, said: "She was one of the loveliest persons I have ever met." A sentiment that all who knew her shared.

He continued: "She never sought the limelight . . . but her husband sought her advice and she gave it to him in her own quiet way."

Mr. Speaker, I want to extend my sincerest condolences to my friend, the former Republican Leader, who not only is a great credit to this institution but also an American of unquestioned patriotism and courage.

Bob Michel, who was wounded as an infantryman in World War II and received two Bronze Stars, the Purple Heart and four battle stars, laid his life on the line so that succeeding generations could experience the freedoms that we enjoy—and too often take for granted—today.

Let's recognize today that while Bob Michel soared to great heights throughout his career, he always had a steady, able partner on that journey—his beloved wife, Corinne, whose loss we mourn today.

I also want to express my condolences to the Michels' sons, Scott, Bruce and Robin; daughter, Laurie; and three grandsons. Our thoughts and prayers are with them.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act. I would like to recognize the very necessary and hard work of my colleagues on the House Veterans Affairs Committee, from both sides of the aisle, and our Chairman Congressman ROB SIMMONS of Connecticut, on this critical issue.

H.R. 1720, as amended, authorizes a new approach to funding VA construction after the Department addresses a number of compelling needs identified throughout the system. Through this measure we have outlined Congressional priorities for the types of projects VA should fund, but would allow VA to identify the locations where there is the most need.

I am particularly interested in VA's plan to address the needs of veterans in far south Texas. Parts of my district have the worst access to hospital care in the country. I am especially pleased that the amended version of H.R. 1720 contains a section that authorizes the development of a strategy by the Secretary of Veterans Affairs to address the great need for hospital care for veterans who reside in far south Texas. Under H.R. 1720, the Secretary of Veterans Affairs would be required to submit findings to the Senate and House of Representatives no later than January 31, 2004.

Mr. Speaker, it is shameful that veterans in McAllen, Texas, just east of my district, must travel up to 6 hours one-way to reach the San Antonio VA Medical Center. Data collected for VA's Capital Assets Realignment for Enhanced Services (CARES) process showed that veterans in one of the area's markets—the Valley Coastal Bend—have the worst access to acute inpatient hospital care of veterans in any other VA market in the United States.

The time has passed for us to address this crisis in access. This bill will put VA on a sure path for doing that, and I will eagerly await the opportunity to respond to VA's recommendations for increasing access for South Texas veterans. This bill is an important step to ensure that VA keeps its promise to veterans.

80TH ANNIVERSARY OF THE TURKISH REPUBLIC

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. SMITH of New Jersey. Mr. Speaker, this week the Turkish Republic, an original participating State of the Organization for Security and Cooperation in Europe, will mark its 80th anniversary. The Turkish Government, led by Prime Minister Recep Tayyip Erdoğan, is working hard toward membership in the European Union. The accession of Turkey to the Union would recognize the important reforms that have already been adopted and accelerate the reform process.

The various constitutional reform packages in recent years have addressed, or begun to address, many longstanding human rights concerns. As Chairman of the Helsinki Commission I am pleased to note that much needed change is beginning to take place. For example, the crucial issue of torture is finally receiving the attention necessary to prevent such abuse and address the legacy of this endemic scourge. Perpetrators of torture are facing punishment by a new generation of state prosecutors. For the first time, police who have committed acts of torture are being brought to justice. However the ongoing use of torture in southeast Turkey in the guise of anti-terrorism is an outrage that Turkey must bring to a halt. It is not enough to pass these reforms or to hold a few show trials. No, all transgressors must be arrested and tried. There must be a zero tolerance policy in place on torture.

Other issues of concern have also benefited from the reform package process. For example, religious communities with "foundation" status may now acquire real property, as well as construct new churches and mosques and other structures for religious use. However, there is a considerable gap between the law and its application.

Also, while the problem of allowing the return of internally displaced persons who fled the internal conflict with the PKK terrorist organization remains. Renewed efforts to address this problem are promising, such as inviting the UN Rapporteur on IDPs to visit and the possibility that Turkey may host an international conference on internally displaced persons. While Turkey still has a long way to go to successfully eradicate human trafficking in its borders, the government has taken some positive steps. While I am pleased Turkey has expanded its cooperation with source countries to improve its victim protection efforts, I want to encourage continued improvement to wipe out this modern day slavery.

Unfortunately, Mr. Speaker, other serious concerns remain.

While Turkey works to bring its laws and regulations into conformity with the Copenhagen criteria for EU accession and works toward fulfilling human rights commitments as an OSCE participating State, actions taken by police and other government authorities raise doubts as to the sincerity of these reforms.

The imprisonment this month of Nurcihan and Nurulhak Saatcioglu for attending demonstrations four years ago protesting the prohibition against head scarves in public institutions, is deeply troubling. The fact that the government denies women who choose this religious expression the ability to attend state-run universities and work in public buildings, including schools and hospitals, is counterproductive and an encroachment of their right to freedom of expression. Similarly, authorities severely curb the public sharing of religious belief by either Muslims or Christians with the intent to persuade the listener to another point of view. These limitations on religious clothing and speech stifle freedom of religion and expression and are contrary to Turkey's OSCE commitments.

At a fundamental level, the inability of religious groups to maintain property holdings is problematic, as the Office of Foundations has closed and seized properties of non-Muslim religious groups for contrived and spurious reasons. Groups most affected by this policy are the Syrian Orthodox, Armenian Apostolic and Greek Orthodox churches, which have also experienced problems when seeking to repair and maintain existing buildings or purchase new ones. I hope the application of the aforementioned reforms will rectify this problem.

The most notable property issue concerns the continued closure of the Orthodox Theological School of Halki on the island of Heybeli in the Sea of Marmara. Considering the reportedly promising conversations between the church and government, I urge Turkey to return full control to the Ecumenical Patriarchate and allow religious training to resume, in keeping with relevant OSCE commitments.

Furthermore, religious groups not envisioned by the Lausanne Treaty have no legal route for purchasing property and building facilities, since the new legal provisions affect only communities with the official status of a "foundation." As no process exists for these other groups to obtain foundation status, they are forced to meet in private apartments. This lack of official status has real consequences, since provincial governorships and the Ministry of Interior have initiated efforts to close these meeting places, leaving the smaller Protestant groups and Jehovah's Witnesses without any options. Churches and their leaders in Diyarbakir, Mersin, Iskenderun and other towns all face troubling government prosecutions and threats of closure. I urge Turkey to create a transparent and straightforward process to grant religious groups so desiring official recognition, so that they too can enjoy the right to establish and freely maintain accessible places of worship of assembly.

The continued incarceration of four Kurdish former parliamentarians: Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak is particularly disturbing. Convicted in 1994, they have won their appeal to the European Court of Human Rights and were granted a retrial under recent Government of Turkey legal reforms. The retrial began March 28, and at each of the eight sessions, most recently October 17, the court has refused to release the defendants. Their continued imprisonment is an outrage.

Mr. Speaker, on the 80th anniversary of the Turkish Republic, the initial legal reforms put in place by the government display Turkey's—

or at least the legislators in Ankara's—apparent willingness to address much needed reforms in human rights practices. But actions speak louder than words. We need to see implementation of these reforms seriously carried out before we can rest assured that Turkey has met minimal OSCE human rights commitments. As Turkey strives to enter the European Union, I applaud the efforts that have been made to date and urge Ankara to intensify the reform process.

TRIBUTE TO JOE SKUFCA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the contributions of a fine citizen from my district, Joe Skufca of Pueblo, Colorado. Joe is a man who has dedicated his life to the betterment of his country and community. As a decorated war veteran, and the devoted owner of what has been called "Pueblo's friendliest grocery store," Joe is certainly a shining example for all of us.

Upon graduating from high school, Joe answered his country's call to duty and entered the United States Army during World War II. The day before Joe was to take part in the invasion of Ie Shima, he was injured aboard his ship by a Japanese missile attack. Despite being injured, Joe bravely took part in the invasion the next day. This was not Joe's only act of personal sacrifice during the war. After the fall of Okinawa, Joe contracted malaria. After three months in the hospital, the Army told Joe it was time for him to go home, but he refused and stayed with his company for the invasion of Japan. This extraordinary bravery and dedication to his country did not go unnoticed, and Joe was awarded two bronze stars for his service.

Upon his honorable discharge, Joe returned to his home in Pueblo to begin a new life. He went to work at the Star Grocery Mart and began a career which has served him well for many years. Fifty-six years ago, Joe became the owner of Star Mart, which he still owns to this day. Joe is widely known as Pueblo's "friendliest grocer."

Mr. Speaker, it is my great honor to pay tribute to Joe Skufca before this body of Congress and this great nation. After bravely fighting and sacrificing for his country, Joe returned to my district where he has maintained a successful business, spreading joy to his customers, family, and friends. It is with great pride that I echo the praises Joe has received from his country and the Pueblo community. Thanks, Joe, for your service.

THE "DOMESTIC VIOLENCE PREVENTION, EDUCATION AND AWARNESS ACT"

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SOLIS. Mr. Speaker, I rise today to introduce a piece of legislation I believe will help empower women who are victims of domestic violence to seek help in ending and recovering from its effects.

With the United States becoming increasingly multicultural, we need to ensure all women, regardless of language, culture or income are aware and are able to access the services they are entitled to. In order to carry this out, it is imperative we are culturally sensitive, attentive and pro-active to effectively reach out to all communities. There have been major gains by advocates, researchers and practitioners to end domestic violence, but there continues to be a lack of focus on a culturally specific domestic violence outlook. Studies have found that minority and immigrant communities face additional barriers to seek help, such as cultural beliefs and lack of resources in agencies like translators and bilingual materials.

The "Domestic Violence Prevention, Education and Awareness Act" would amend the Violence Against Women Act to provide grants and develop informational public media campaigns specifically targeting racial and ethnic minority and immigrant communities. This will bring much needed attention to racial and ethnic minority and immigrant communities, communities that are often overlooked and underserved.

While there are services out there designed to help women combat domestic violence, how do these services help those women who are not able to communicate with the counselors at these services, are afraid of being discriminated against for accessing these services, or who don't know what services are available to them?

It is so important in this fight against domestic violence to offer these women all the support we possibly can. We need to create the avenues necessary to increase the number of survivors of domestic violence and make sure they are able to move on and rebuild their lives.

ARNOLD SAAVEDRA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an extraordinary educator and patriot, Arnold Saavedra. The product of a strong family, he was raised with his three siblings to understand the importance of education.

His parents taught their children that teachers have a mighty impact on the lives of the students they teach. His father taught in a one-room schoolhouse in Duval County. The lessons of his family were not lost on any of the children; each one became a teacher, on a mission to make the lives of children better through education.

One day when he was in the 7th grade, Mr. Saavedra glanced out the classroom window and saw the football coach out in the field with the players. At that moment, he knew he wanted to be a coach and teacher.

He taught and coached at a number of Corpus Christi Independent School District schools from 1973 through this year. In July 2003, he moved to the Adult Learning Center as the Lead Administrator to apply lessons in learning to adults.

In those years when he taught classes and coached young athletes on fields of play, he taught the same lesson he'd learned in his parents' home . . . the key to success in life begins with an education. For 30 years he has shared those lessons with the young people of Corpus Christi. His legacy is in the success of his students.

While at Texas A&I College, Mr. Saavedra met and married his college sweetheart, Ida Ortega Saavedra, and she has been his most constant source of support. They have two children, Tricia Dunlap and Arnold Andrew Saavedra, and a granddaughter, Sage Elizabeth Dunlap.

Mr. Saavedra will retire on November 25, 2003, after more than 30 years with the Corpus Christi Independent School District. I ask my colleagues to join me in commending him for his life's work.

EXPRESSING GRATITUDE TO MEMBERS OF THE U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PAUL. Mr. Speaker, I voted in favor of this legislation because I do believe it is important to express our gratitude to our armed forces, and particularly to remember those who lost their lives in Somalia in Operation Restore Hope. Indeed, members of our armed forces have been asked to make extraordinary sacrifices in this post Cold War era, as US military presence across the globe has, despite what many of us hoped, increased significantly and military deployments into hostile situations have also increased.

Mr. Speaker, while I do want to join those praising members of our armed forces, I must point out that legislation like H. Con. Res. 291 is dishonest and actually disrespectful to our military. It is obvious that praising the soldiers is only one small part of this legislation. Under cover of this praise is an attempt to re-write history and to praise a foreign policy that sends our military into useless and meaningless battle zones, like Somalia, where they are asked to fight and die for a cause completely unrelated to the US national interest. It is shameful for legislators to wrap themselves in the sacrifice of our troops in praise of a policy that does not serve the United States and ends up getting these same troops killed and maimed.

The legislation states, falsely, that our failed Somali nation-building fiasco was somehow related to the war against terrorism. This attempt at revisionist history is more than dishonest: it is likely interventions like these actually increased resentment of the US and may have even led to more recruits to terrorist organizations.

This legislation expresses gratitude for our troops' "provid[ing] humanitarian assistance to the people of Somalia in 1993." I see nowhere in our Constitution a provision that allows the United States armed forces to be used for the purpose of "provid[ing] humanitarian assistance" to any foreign country or people. Our armed forces are to be used in defense of our homeland. Period. So I am deeply disturbed by legislation such as this. Yes, we must honor troops, but we cannot honor a foreign policy that sends them into harm's way for "nation-building" or "humanitarian assistance" or any other reason not directly related to the defense of the United States. I hope the next time we see legislation congratulating the brave service of our armed forces it is more honest. Our servicemembers deserve at least this, do they not?

TRIBUTE TO SUSY ELLISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before you today to pay tribute to the adventurous spirit of a citizen from my district. Susy Ellison of Carbondale, Colorado has begun her journey to Antarctica with a group of teachers and research scientists, charged with studying a unique seal population found exclusively in that region. As Susy braves the extreme climate of Antarctica, I would like to recognize her courage and commitment to science and education before this body of Congress today.

Susy is a high school teacher at Yampah Mountain High School in Glenwood Springs, Colorado and has experience working with the Forest Service, the Bureau of Land Management and the National Park Service. The program with which she will travel to Antarctica is called Teachers Experiencing Antarctica and the Arctic, or TEA. TEA allows teachers an opportunity to gain experience and knowledge that can be applied in the classroom when they return. Susy will be in the field in Antarctica for approximately eight weeks, braving the elements in the name of science.

When Susy returns to the classroom, I am certain her students will be filled with wonder and excitement as she recounts her experiences from the far off land of Antarctica. I commend Susy on her adventurous spirit and wish her the best for a safe and successful journey.

THE DOMESTIC VIOLENCE COURTS ASSISTANCE ACT

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SOLIS. Mr. Speaker, I rise today in an effort to help end the cycle of violence against women.

I have introduced the "Domestic Violence Courts Assistance Act" because it is important to recognize the prevalence of domestic violence in our community and take the necessary steps to eradicate this problem. A study released earlier this year estimated that nearly half of the adult population in my home state of California reported knowing a victim of domestic violence. In the United States, nearly 2 million women are victims of domestic violence. While there have been great strides to build upon and improve domestic violence legislation, the high rate of domestic violence victims is evidence for the continuing need for attention to this problem.

This bill will help provide grant money from the Violence Against Women Act to be used to establish domestic violence courts. Because many local court systems are overwhelmed with the number of cases that come before them everyday, many domestic violence cases are not given the attention and time sensitivity that is crucial in raising the conviction rate of offenders. The bill also makes clear that funds can be used for translation and interpretation services, which is critical for domestic violence victims who are limited English proficient.

We all need to contribute in this effort to end violence against women. Violence against women has far ranging affects. It affects the victim herself, the batterer, the children who are witness to the battering, and friends and family of the victim.

It is our responsibility to give a voice to those who cannot speak out for themselves and provide strength and support to those who need it. I urge my colleagues to help make a difference in the struggle to combat domestic violence by supporting the "Domestic Violence Courts Assistance Act".

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. ORTIZ. Mr. Speaker, due to official business, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below:

Rollcall No. 576, "yes;" rollcall No. 577, "yes;" rollcall No. 578, "yes;" and rollcall No. 579, "yes."

ENCOURAGING PEOPLE'S REPUBLIC OF CHINA TO FULFILL COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS, SUPPORT UNITED STATES MANUFACTURING SECTOR, AND ESTABLISH MONETARY AND FINANCIAL MARKET REFORMS

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. PAUL. Mr. Speaker, like all Americans, I am concerned about the loss of jobs in America's manufacturing sector and the role currency manipulation plays in that loss. For many years, I have warned my colleagues that America's monetary policy is endangering America's economy. The economic difficulties currently facing this country are a classic example of the harm resulting from a boom-and-bust cycle caused by an inflationary monetary policy. An open debate on monetary issues is therefore long overdue.

However, instead of debating America's monetary policy, we are debating China's monetary policy. Specifically, the goal of this resolution is to pressure China to change the valuation of its currency. Whatever short-term benefit our manufacturers may gain from this action, the policies urged today are not in the long-term interest of the American people.

In arguing for fluctuating rates, the backers of H. Res. 414 are demanding that the Chinese Government adopt an irrational policy. A sound economy requires a sound and dependable unit of economic measurement. Yet, by definition, under fluctuating rates the currency, which serves as the basic unit of economic measurement, will not be sound and dependable. Instead, that value will change depending on the whims of politicians and the perceived economic needs of politically powerful special interests.

China, in fact, has done very well with a fixed measurement of value. China's economic growth rate is high; China is also exporting many products into our market while our domestic producers are suffering. Therefore, China makes a good scapegoat for our economic problems. Demanding that the Chinese government adjust its currency is a convenient distraction from addressing the real economic problems facing our country.

Instead of having fluctuating currency exchange rates and the inevitable instability that accompanies them, we should be working to establish a gold-backed currency whose value is determined by the market. This would provide an objective measurement of the value of economic goods and services and thus strengthen the economy by freeing it from the negative effects of our unstable monetary policy.

I would also urge my colleagues to consider the benefits we receive from our relationship with China. Of course, consumers benefit from lower-priced goods. Adopting the policy urged by supporters of this bill would cause consumer prices to increase, thus reducing consumers wealth. Other producers would suffer as a result of the consumers decreased purchasing power.—While there is not an organized lobby arguing against the-policy recommendations of H. Res. 414, I doubt many of our constituents want us to increase the prices they pay for goods and services.

Congress should also consider how the Chinese benefit the United States Government by holding our debt. The dollars the Chinese acquire by selling us goods and services must be returned to the United States. Since the Chinese are not buying an equivalent amount of American goods and services, they are using the dollars to finance our extravagant spending.

In fact, Mr. Speaker, our ability to continue to fund the welfare-warfare state without destroying the American economy depends on foreigners buying our debt. Perhaps we should think twice before we start bullying and browbeating our foreign creditors to change their economic or other polices to our liking.

H. Res. 414's underlying premise is that sovereign countries have a duty to fashion economic policies that benefit the United States and it is a proper concern of Congress if these countries fail to do so. H. Res. 414 attempts to justify Congressional interference in the internal economic affairs of China by claiming that China is not living up to its obligations as a member of the World Trade Organization (WTO). I would remind my colleagues that the WTO has oftentimes ruled against the United States and Congress is right now changing United States tax laws to please the WTO. Ceding control over United States tax and trade policy to this international organization violates the United States Constitution and is contrary to the interests of American citizens. Therefore, it is not wise to endorse the WTO process by encouraging other countries to submit to WTO control.

Instead of promoting global economic government, the United States Congress should reform those policies that reduce our manufacturers' competitiveness. Recently, a financial journalist visited with businessmen who are launching new enterprises in China. When he asked them why they chose to invest in China, they answered: "It is so much easier to start a business in China than in the United States, especially in places like Massachusetts and California." This answer should send a clear message to every lawmaker in America: the taxes and regulations imposed on American businesses are damaging economic growth and killing jobs. If we were serious about creating jobs, we would be working on an aggressive agenda of cutting taxes and repealing needless regulations.

Congress can also improve America's competitive position by ending the practice of forcing American workers to subsidize their foreign competitors through organizations such as the Export-Import Bank and the International Monetary Fund. I have introduced the Steel Financing Fairness Act (H.R. 3072) to accomplish this goal. H.R. 3072 prevents taxpayer funds from being sent to countries, such as China, that subsidize their steel industries. Of course, our ultimate goal should be to end all taxpayer subsidies of foreign corporations and governments.

In conclusion, Mr. Speaker, I remind my colleagues that stability in currencies is something we should seek, not something we should condemn Instead of urging China to adopt a floating rate, Congress should be working to adopt a stable, commodity-backed currency whose value is determined by the market and encourage other countries to also adopt a market-based currency. This will benefit American workers, entrepreneurs, and consumers. Congress should also strengthen America's economy by reducing taxes and repealing unnecessary and unconstitutional regulations and stop forcing American taxpayers to subsidize their foreign competitors.

TRIBUTE TO BILL BULLOCK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of my friend Bill Bullock, who recently passed away after a long and courageous fight with cancer. Bill, who lived in Glenwood Springs, will long be remembered for his service to our country, his contributions to his community and his unyielding love for his family.

Bill was born and raised in the neighboring state of Wyoming. It was there, while attending the University of Wyoming, that he met and married his wife Doris in 1942. Following his marriage, Bill answered his country's call to duty and joined the Army to fight in World War II, serving honorably as a gunner on a B–24 bomber.

Following the war, Bill moved to Glenwood Springs, where he entered the retail business with his father and established himself as a leader in the Colorado business community. Under Bill's guidance, "Bill Bullock's" apparel stores spread throughout Western Colorado. Because of his dedication to his business, and commitment to excellence, Bill was named Colorado's "Apparel Retailer of the Year" in 1974.

Despite his business success, Bill never lost sight of the importance of the people who shopped in his stores. Bill's love for people was clearly illustrated by his eagerness to get to work each day, looking forward to friendly conversations with his friends, neighbors and customers.

Mr. Speaker, the dedication and selflessness demonstrated throughout Bill's life certainly deserves the recognition of this body of Congress and this nation. There is no question that Bill will be remembered as a great businessman. However, he will best be remembered as a selfless person, a great friend and dedicated family man. It is my privilege to pay tribute to a man who dedicated his life to his country, family and community. Bill's life was the embodiment of all that makes this country great and I consider it an honor to have been Bill's friend.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO UNITED STATES

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. BURTON of Indiana. Mr. Speaker, I rise today in strong support of H. Con. Res. 302. I also want to urge my colleagues to join me in supporting this resolution that expresses the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003.

Taiwan is a beacon of liberty and democracy in a region of the world where human rights and personal freedoms are routinely denied, and I believe that this Chamber should recognize Taiwan's achievements and congratulate President Chen on his outstanding leadership.

I ask my colleagues to consider the following facts: Taiwan has become one of the world's freest nations, and is now one of the most successful models of rapid reform in the region. Fifty years ago, Taiwan was a closed authoritarian society with no freedom of speech, no freedom of assembly, and no right to vote. Today, Taiwan is a full-fledged democracy. It has robust political parties, and virtually every office in Taiwan is contested through free and fair elections.

Taiwan supports the same democratic, economic and security values, which we as a Nation cherish. Taiwan shares our belief in free-market economics, which has resulted in Taiwan providing its people with one of the highest standards of living in Asia. Furthermore, U.S. strategic interests in the region are closely intertwined with Taiwan's security in the region. In addition, Taiwan and the U.S. share the same respect for human rights. In fact, I would like to take this opportunity to congratulate President Chen Shui-bian for receiving the Human Rights Award from the International League for Human Rights.

H. Con. Res. 302 provides us with a golden opportunity to affirm our friendship and support for the free people of Taiwan. Because Taiwan is such a steadfast ally of the U.S., I am a proud cosponsor of H. Con. Res. 302. I also wish to thank my colleague from Florida, Mr. WEXLER, for introducing this resolution and the House Leadership for scheduling a vote on it. I believe that Congress should extend a warm and public welcome to President Chen of Taiwan upon his arrival in the United States on October 31, 2003. President Chen's visit will serve to broaden and deepen the strong alliance between the United States and Taiwan. Also, his visit is of tremendous importance to all Americans who join me in recognizing the value of a longstanding friendship between the U.S. and Taiwan.

Once again, Mr. Speaker, I ask that my colleagues join me in support of this resolution, and I offer a hearty welcome to President Chen and wish him great success upon his visit to the U.S.

SALUTING JESSIE ROBERSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to salute and congratulate Jessie Roberson, Department of Energy's (DOE) Assistant Secretary for Environmental Management, and Gerald Boyd, DOE's Oak Ridge Operations Manager, his team and their many partners, for recently winning the prestigious Phoenix Award from the Environmental Protection Agency—for their outstanding local reindustrialization program and for excellence in brownfield redevelopment.

This Phoenix Award, which is comparable to winning a Hollywood Oscar in the brownfield development world, was recently presented at the International Brownfields 2003 Conference in Portland, Oregon.

The Department of Energy's office in Oak Ridge, along with the Community Reuse Organization of East Tennessee and the Bechtel Jacobs reindustrialization team, has worked on remediating and redeveloping the former K–25 Gaseous Diffusion Plant in Oak Ridge, now called the East Tennessee Technology Park, into a thriving new economic development model celebrated by brownfield redevelopers around the world.

Sixty years ago, the K–25 facility was constructed to help America win a war. From 1943 through most of the Cold War, this facility served as an example to the world of our Nation's technological capabilities. This technology played an essential role in our Nation's security. I believe it is a great testament to the men and women who made this work possible that today, the East Tennessee Technology Park is once again an example of American ingenuity. From preserving our Nation's freedoms to helping restore our Nation's environment, those working at the East Tennessee Technology Park are recognized as leaders.

They have taken dirty, abandoned government facilities and cleaned them up and turned them into available commercial properties to help create new jobs in our region. To date, more than 1,200 jobs have been created, with over $40 million in new annual payroll.

As chairman of the Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee, I am proud that EPA's region 4 office has recognized this outstanding example right in the heart of the Tennessee Valley Science and Technology Corridor of how we can work to transform abandoned industrial properties into productive new economic development projects that help create new jobs and new opportunities for more Americans.

I ask the entire House to join me in thanking and congratulating DOE and their partners for their innovation and this outstanding achievement.

INTRODUCTION OF LEGISLATION CALLING FOR THE FEDERAL GOVERNMENT TO BUY RECREATIONAL LAND FROM THE CITY OF CRAIG, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. YOUNG of Alaska. Mr. Speaker, the legislation I am introducing today calls for the federal government to buy 349 acres of recreational land from the City of Craig, Alaska. The land includes a trail leading to Mount Sunnahae, its trailhead, a parking area, and mountaintop property. The legislation requires an appraisal before purchase. The bill also allows for a $250,000 appropriation to the U.S. Forest Service for trail maintenance and property rehabilitation.

I am introducing the bill at the request of Prince of Wales Island residents. The City of Craig is the economic center of Prince of Wales Island—which is the third largest island in the country. The town contains the major retail shopping and service outlets on the island. Craig also has the most active and largest commercial fishing harbor and fleet on the island. But the local economy, like many other parts of South East Alaska, has suffered from a downturn in the timber industry. In the early 1980's, the city and Prince of Wales Island were the center of a solid timber economy that provided thousands of direct and indirect jobs to the Island. Much of that is now gone as a result of terrible Federal forest management policies. According to the Alaska Department of Labor, unemployment rates in Craig regularly exceed 20 percent. This is more than twice the national average. This bill will help community expansion and development as well as facilitate Forest Service land management.

One of the Forest Service's main administrative facilities, the Craig Ranger District Station, is located in Craig. The Craig Ranger has management authority over approximately one million acres on Prince of Wales Island. Right now, there is not any Forest Service land near the Ranger Station. In an unusual situation for Alaska, the Ranger Station is an in-holding among private, state, and City owned land. So when visitors come to the Craig Ranger Station to orient themselves to the Forest, there is no onsite recreation. However, the city of Craig owns almost 350 acres of prime recreational land including a dedicated trail in the immediate vicinity from the Ranger Station. The Forest Service should own this land so that it can integrate the parcel into its land management plans.

The property to be acquired by the city of Craig is a cannery site dating from the early 1900's which has not been used since the early 1980's. It is prime land for the city to redevelop in order to provide economic stimulus in Craig. The parcel could be used by Craig to develop a good port and harbor and to provide first class land for retail merchants and other community services.

The Federal Government will receive equal value in land from the city. The passage of this Act is good for the public and for the residents of Craig.

TRIBUTE TO ARTHUR MOSS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding citizen and community leader. Arthur Moss of Grand Junction, Colorado recently passed away at the age of eighty-four. Art was very active in his community and leaves a legacy in Grand Junction worthy of praise. As his family and friends mourn his loss, I am honored to pay tribute to his life and accomplishments here today.

Born in Canada and raised in Michigan, Art moved to Grand Junction in 1955. He was a community leader from the beginning, serving as the first Director of Club 20, an organization dedicated to representing the concerns and interests of the communities of Western Colorado. Art helped bring Grand Valley Daybreak, an adult daycare program, to Grand Junction. In addition, he served as President of the Western Colorado American Boy Scouts and Chairman of Mesa County Republicans. An endless list of organizations have benefited from Art's influence, from the Masonic Lodge to the United Fund. No matter what the cause, Art always helped get the job done.

Mr. Speaker, Arthur Moss was a true community leader. Unconcerned with seeking credit for his work, Art worked tirelessly to improve his community. He was a dedicated and driven man who wanted the best for his friends and neighbors. While Art has passed on, his legacy is sure to live for many years to come. I am honored to join with my colleagues in remembering the life and accomplishments of Arthur Moss here today, and my thoughts are with his family during this difficult time.

SUPPORT OF NATIONAL BREAST CANCER AWARENESS MONTH

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. BORDALLO. Mr. Speaker, today I join my colleagues in support of the fight against breast cancer. I am told that this year 211,300 new cases of breast cancer will be diagnosed. A few years ago, two of those cases were my nieces, Donna and Catherine.

I will never forget their experiences in fighting the disease, the pain and side affects of treatment. I will never forget the feelings of fear and helplessness that their parents and the rest of our family felt because we could not take away their suffering.

So today as we celebrate the progress made in the fight against breast cancer, I want to express my gratitude to those who work to raise awareness and who encourage self-testing and early screening. I also commend those involved in research, those who fight to fund that research, and the survivors of breast cancer and their families for the strength and support they provide to other victims. Without your efforts, Donna, Catherine, and many other breast cancer victims would not be here today.

To my colleagues in Congress, I urge you to do your part in the fight against breast cancer: let us ensure that when the reauthorization of the Mammography Quality Standards Act and the National Breast and Cervical Cancer Early Detection Program comes before us, we provide the necessary funding so that one day there will be no need for Breast Cancer Awareness Month.

MEDICAID PSYCHIATRIC HOSPITAL FAIRNESS ACT OF 2003

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. McCRERY. Mr. Speaker, last week, I introduced H.R. 3633 a bill of great importance. Federal law generally allows states to use matching federal Medicaid funds to pay for inpatient psychiatric care. There is, however, a key exception that poses risks both to patients in need of services and the facilities that serve them. Specifically, federal law does not permit the use of federal matching funds to provide acute inpatient psychiatric services at free-standing non-governmental psychiatric hospitals, the so-called Institutions for Mental Diseases (IMDs). The exclusion applies only to patients between the ages of 21 and 65 who are on Medicaid.

That is not to say the federal government is not willing to pay for this population's acute inpatient psychiatric care. To the contrary, Medicaid funds can be used to pay for the care of these patients in general hospitals that provide psychiatric services. The difference has nothing to do with the patient or the care. It has everything to do with the type of facility.

States are free to spend their own money on these patients when services are delivered in an IMD. They have been reluctant to do so, however, because there is no federal match and, perhaps more importantly, the patients are already getting the care without the state having to spend a dime.

How is that possible?

Simple. Under the Emergency Medical Treatment and Labor Act, better known as EMTALA, patients presenting themselves to a hospital which provides emergency services must be assessed and stabilized before they can be discharged.

With many hospitals emergency rooms full to capacity and with a shrinking number of acute psychiatric beds in the U.S., patients with psychiatric problems and their families either seek emergency services in a non-governmental psychiatric hospital or are transferred from a general hospital to an IMD. Once the patient comes into the IMD's emergency room, the hospital is legally obligated under EMTALA to provide treatment to stabilize the patient, which can take several days or more.

If the patient is on Medicare or private insurance, the IMD can be paid for the services rendered. But if the patient is on Medicaid and happens to be between the ages of 21 and 65, the psychiatric hospital generally has to render care for which they will not be reimbursed.

Consider the unfairness. Washington has passed a law requiring a hospital to provide medical care for an entire class of patients and simultaneously refused to make Medicaid matching payments for those services.

Required to take these patients, IMDs are placed under tremendous financial pressure. Those with a particularly high number of these EMTALA Medicaid cases may find their only option is to close their doors, creating a real access problem in local communities.

In Shreveport, Louisiana, for example, there is one non-governmental IMD whose continued financial viability is tenuous. Over the past year, this facility has taken emergency transfers from over 70 hospitals throughout the state and from as far away as 300 miles. If this psychiatric hospital closes its doors as a result of their unreimbursed Medicaid costs, these mentally ill patients will lose their only access to care in North Louisiana.

In order to address this unfair conflict in two federal laws—the IMD exclusion and EMTALA—I introduced H.R. 3363, the Medicaid Psychiatric Hospital Fairness Act of 2003. This measure would allow states to use federal matching funds to pay for the care of Medicaid recipients between the ages of 21 and 65 in IMDs if the patient was admitted pursuant to EMTALA or as a result of a transfer from another hospital and required immediate, in-patient hospitalization.

The measure is supported by the National Alliance for the Mentally Ill—the country's largest advocacy organization for the mentally ill, the National Association of Psychiatric Health Systems, the American Hospital Association, the American Psychiatric Association, and the National Association of County Behavioral Healthcare Directors.

Mr. Speaker, I urge swift action on this legislation that will help ensure nongovernmental psychiatric hospitals remain open to serve one of our most vulnerable populations, individuals with serious and persistent mental illness.

TRIBUTE TO BERNICE TOONEN COOPER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding woman from my state. Bernice "Bernie" Toonen Cooper of Durango, Colorado passed away recently at the age of 90. As her family and friends mourn their loss, I would like to tell my colleagues about this remarkable woman here today.

Born in 1913 in Wisconsin and raised in California, Bernie moved to Colorado in 1940. Trained as a nurse, she devoted 40 years to her profession, and many Durango residents chose to receive care in the hospital where she worked simply to have Bernie be their nurse. Several physicians with whom she regularly worked regarded her as the best nurse in town.

Bernie was also known to have one of the biggest hearts in town. She had an infectious love for people and always had a hot meal ready when her many friends stopped by to visit. Known for her bright, loving eyes and scintillating smile, even people Bernie had met decades before in the hospital would stop to greet her on the street.

Mr. Speaker, although Bernice Toonen Cooper is no longer with us, her charitable, loving spirit left an indelible mark on countless residents in Durango. Bernie was a true credit to her profession and her community, and I am honored to tell her story here today. My thoughts and prayers are with her family and friends during this difficult time.

TRIBUTE TO ROBERT AND SHIRLEY FORTINSKY FOR BEING HONORED AS "AMUDEI TZIBOR"—"PILLARS OF THE COMMUNITY" BY TEMPLE ISRAEL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to Robert and Shirley Fortinsky as they are honored as "Amudei Tzibor" or "Pillars of the Community" at the 81st Annual Dinner Meeting of Temple Israel on Sunday, November 2nd at the Woodlands Inn and Resort in Wilkes-Barre, Pennsylvania.

Mr. Speaker, Bob and Shirley Fortinsky have built successful businesses and have continued what is a family tradition of hard work and success, commitment to their community, and a focus on the value of education. They both have been long involved in Temple Israel and are noted for their philanthropy and community activism.

Robert is a Past President and Chairman of the Board of Trustees of Temple Israel. He was the Chairman of the 1972 United Jewish Appeal campaign, the 1985 Israel Bond campaign, and the 1989 Pennsylvania drive for the Chair of Jewish Studies at Penn State University. Bob is a past recipient of the B'nai B'rith Lodge Community Service Award and the Anti-Defamation League Distinguished Community Service Award.

Shirley is affiliated with organizations focusing on community service, health and the arts. She serves on the Boards of Directors of the Association for the Blind, Family Service Association, the F. M. Kirby Center for the Performing Arts, and the Domestic Violence Service Center. The Wilkes-Barre Jewish Federation presented Shirley with a Distinguished Service Award in 1993.

Bob and Shirley, with their deep respect for education, have donated Fortinsky Hall to Wilkes University, helped to create the Center for Technology, and provided the Fortinsky Auditorium to the Penn State Wilkes-Barre campus.

A graduate of Penn State following service in the United States Army, Bob presently serves as a member of the Board of Trustees of Penn State University and is a past Chairman of the Board of the Penn State Wilkes-Barre campus. He is a member of the King's College Century Club, Wilkes University's John Wilkes Society, and the Mount Nittany Society of Penn State. Bob is also affiliated with The Luzerne National Bank, the International Textile Society, the Wyoming Business Club, and the Luzerne Foundation.

They have two daughters, Jill Fortinsky Schwartz and Judith Null, who are lifelong members of Temple Israel. Shirley and Bob's seven grandchildren attended Temple Israel Religious School and celebrated their respective Bar and Bat Mitzvahs at the Temple.

Mr. Speaker, it is an honor and privilege to represent these community leaders and to recognize their commitment to the community.

TRIBUTE TO DR. PAUL R. JONES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. BURGESS. Mr. Speaker, I rise today during National Chemistry Week to recognize Dr. Paul R. Jones from the University of North Texas, which is located in my district, for his outstanding career as an educator and researcher in the field of Organic Chemistry.

On Tuesday, Congress voted to pass H. Res. 395 that recognized the importance of national contributions made by those involved with the field of chemistry. I am proud to recognize the work of Dr. Paul R. Jones.

As a student at The University of North Texas, I had the opportunity to take one of Dr. Jones Chemistry courses which helped inspire me to pursue a career in medicine. Dr. Jones received his PhD from Purdue University in 1966 and has taught at The University of North Texas for the last thirty-five years. While educating eager students, Dr. Jones served as an officer in the American Chemistry Society and the Alpha Chi Sigma Professional Chemistry Fraternity.

Dr. Jones once said that the greatest fulfillment he gets out of life is seeing his students succeed; and I am here to say that his work as an educator truly did inspire me, and I'm sure countless other students. Dr. Paul R. Jones should serve as motivation for other educators.

Once again, I'd like to express my gratitude to Dr. Paul R. Jones for his dedication to the field of Chemistry, and for the knowledge he provided to me and thousands of other students over his long, successful career at The University of North Texas.

A PROCLAMATION HONORING CLINTON BEAMON JONES IV

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. NEY. Mr. Speaker:

Whereas, Clinton Beamon Jones III is celebrating the arrival of his son, Clinton Beamon Jones IV; and

Whereas, Clinton Beamon was born on the sixteenth Day of August, 2003, and weighed five pounds and ten ounces; and

Whereas, Mr. Jones is proud to welcome his new son into his home; and

Whereas, Clinton Beamon will be a blessed addition to his family, bringing love, joy and happiness for many years to come;

Therefore, I join with Members of Congress and Congressional Staff in celebrating with Clinton Beamon Jones III and wishing Clinton Beamon Jones IV a very Happy Birthday.

CONGRATULATING THE NATIVITY PARISH OF SCRANTON, PENNSYLVANIA ON ITS 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the Nativity Parish in Scranton, Pennsylvania as it celebrates its 100th Anniversary on November 1st. I ask that my colleagues pay tribute to this Parish that has been an integral part of the Scranton community over the last century.

The story of the Nativity Parish begins on February 2, 1902 when Reverend Michael J. Hoban, Bishop of Scranton, announced that a new parish would be built on the corner of Hemlock Street and South Webster Avenue. The Parish, built on the same property where the first Catholic Church in Scranton stood, would be called Nativity of Our Lord.

Led by Father James A. O'Reilly, the Nativity Parish celebrated its first mass on November 1, 1903 at St. John's T.A.B. hall. It is this date that marks the official beginning of the Nativity Parish.

On May 23, 1904, new ground was broken for the present Nativity Church. A few months later, on July 31st, Bishop Hoban laid the first cornerstone. On July 16, 1905, the lower Church was officially dedicated.

After Father O'Reilly's passing in the spring of 1907, Reverend John J. Loughran was appointed Pastor of the Nativity. He would remain with the Church until his own passing in the spring of 1940. During his long and distinguished tenure with the Parish, Dr. Loughran oversaw the expansion of the Nativity Parish, including the additions of the Rectory in 1909, upper Church in 1911, and the school and convent in 1933.

Mr. Speaker, because of the leadership displayed by Bishop Hoban, Reverend O'Reilly, and Reverend Loughran, the Nativity Parish became an exemplary institution in the city of Scranton. The dedication of these men to both their religion and their community resulted in a beautiful Church being built to serve the residents of Scranton.

Today, under the stewardship of Reverend Joseph R. Kelly this congregation remains a vital organization for the city of Scranton and her people. As the new Congressman representing the City of Scranton, it is a privilege to recognize the 100th anniversary of the Nativity Parish.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. ISAKSON. Mr. Speaker, I rise today to oppose a motion offered by Representative EDDIE BERNICE JOHNSON to instruct the House conferees on H.R. 6, The Energy Policy Act of 2003. This motion would strike language in the energy conference draft that would prevent areas of the country from having to bear the economic burden of transported air emissions from other areas.

In 1998 the Environmental Protection Agency (EPA) developed a policy that allowed the EPA to extend the attainment date for moderate or serious ozone non-attainment areas that were affected by transported pollution. That policy was successfully challenged in court in several regions of the country, where courts ruled that the EPA did not have the authority to extend the ozone attainment dates for those areas. The proposal in the energy bill is a good proposal that would simply codify a 5-year old policy designed to prevent an unjust result. I think we can all agree that downwind areas not attaining ozone standards should not be penalized for pollution they do not generate. An area that is "bumped up" to a higher non-attainment classification automatically forces a region into a more stringent and expensive regulatory regimen through no fault of their own.

The codification of the 1998 policy allows the EPA flexibility in remedying this situation but does not let downwind areas off the hook for attainment of the ozone standards. In order to qualify, an area must be a victim of pollution transported from another area that significantly contributes to non-attainment in the downwind area. The EPA must approve a plan that complies with all requirements of the Clean Air Act (CAA) that are currently applicable to the areas, as well as includes any additional measures needed to reach attainment by the date for the upwind area. Finally, the extension of any date must provide for attainment of CAA standards "as expeditiously as practicable" but in no case later than the time in which upwind controls are in place.

In my State of Georgia and, more specifically, the metro Atlanta area, we have been working hard to improve our air quality and I am pleased to report that based upon the last 3 years of air quality data, we are almost in attainment for the 1-hour ozone standard. In fact, one bad air day, at one monitoring station has kept Atlanta from attaining the one-hour standard. As you know to be in compliance, each monitor must not have more than 3 "exceedances" over a 3-year period. The Conyers station reported 4 "exceedances" between 2001 and 2002.

Striking the language in H.R. 6 will roll back years of progress that we have made in the Atlanta region, while at the same time forcing us to adopt a regimen that will only serve to hurt business, commerce, and government through more regulation. The Senate and

House energy conferees are working hard to achieve a balanced, long-term energy bill that provides adequate energy supplies at affordable prices. I urge my colleagues to vote against the Eddie Bernice Johnson motion to instruct and to give the EPA the flexibility it needs in implementing its ozone policy.

COMMITTED TO PROGRESS IN FIGHTING BREAST CANCER

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. HINOJOSA. Mr. Speaker I rise today to acknowledge the importance of breast cancer awareness. This year in the U.S. alone, more than 200,000 women and men will be diagnosed with breast cancer, and over 40,000 will die from this devastating disease. Every 3 minutes a woman is diagnosed with breast cancer, and every 13 minutes a women dies from this disease.

We know that early detection of breast cancer saves lives. Mammography screening remains the best tool available to detect breast cancer at its earliest, most treatable stages. The death rate from breast cancer among women in the U.S. has been decreasing by about 2 percent annually during the past decade, suggesting that public awareness, early detection, and improved therapies are having an impact on the disease. In the past 20 years, the percentage of women in the U.S. receiving mammograms has grown from 13 percent to 60 percent—a significant difference. But we still have a long way to go. Mortality rates in some minority populations have not declined at the same rate as it has in other populations, and we must ensure that all Americans, regardless of race or ethnicity, have access to quality breast health and breast cancer care.

We must continue to fund the programs that enable progress in winning the war on breast cancer, prioritize increased NIH funding, move the reauthorization of the Mammography Quality Standards Act through conference intact, and take action on the 10+ pieces of legislation that have been introduced during the 108th Congress to better the lives of breast cancer victims and survivors, fund research and promote awareness. The 72 people that will be diagnosed with breast cancer today are counting on us.

THE DIETARY SUPPLEMENT ACCESS AND AWARENESS ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. WAXMAN. Mr. Speaker, today, Representative SUSAN DAVIS, Representative DINGELL, and I are introducing the Dietary Supplement Access and Awareness Act.

Since the passage of the Dietary Supplement Health and Education Act ten years ago, it has become clear that the dietary supplement market includes not just vitamins, minerals, and nutrients that can safely promote health. The market also includes products that can cause harm. Ephedra, for example, is linked to a number of serious adverse events, including heart attack, stroke, and death. Aristolochic acid, which is in some traditional Chinese medicines, can cause kidney failure. Usnic acid, an ingredient in some weight loss supplements, may cause liver toxicity. These safety concerns are serious, and they deserve a serious response.

In the last couple of years, Congress has begun to pay more attention to dietary supplement safety. Senator DURBIN held hearings on ephedra and has introduced comprehensive legislation to ensure that supplements are safe. The House Commerce Committee has also held hearings, and today we are introducing legislation that would enhance FDA's authority to protect consumers from unsafe products. This is a common sense bill that contains many of the same elements as the Durbin bill and responds to concerns raised by consumers, medical groups, parents, and professional and collegiate athletic leagues. They have said it is time to mend the Dietary Supplement Health and Education Act in order to protect consumers from the few dietary supplements—like ephedra—that could pose a real risk to health and safety.

The bill accomplishes this goal in four steps.

First, the bill assures that the Food and Drug Administration has basic information about who makes dietary supplements. If a problem surfaces with a particular product, FDA will know who makes the product and can quickly inspect the plant or take other appropriate action.

Second, the bill assures that FDA receives information about adverse effects associated with supplements. This information will allow the agency to spot signs of danger. The agency can then investigate further. This provision would prevent a repeat of the ephedra disaster, where one manufacturer denied the existence of thousands of adverse event reports for years.

Third, the bill allows FDA to prohibit the sale to minors of supplement products that may cause significant harm. This is a very important power that FDA does not currently have. There are products being targeted to kids for which there is little or no evidence of safety but there is real evidence of risk. Many of these products are sold as performance enhancers and contain ephedra or steroid-like substances.

Fourth, the bill gives FDA the tools to understand whether a potentially risky dietary supplement is dangerous or safe. Imagine a dietary supplement that is linked by physicians to serious illnesses and deaths. Under current law, this product is essentially assumed safe until demonstrated by FDA to be unsafe. This is a burden of proof that literally requires that more and more consumers be seriously injured or killed before the agency can take action. Under our bill, FDA can require that a manufacturer of a product provide evidence of safety if FDA has evidence that the product may pose serious risks to consumers. Most manufacturers say they already have substantiation of safety in their files. If this is true, this requirement should not pose an undue burden on manufacturers.

Let me make one comment about what this bill does not do. This legislation will not in any way affect the regulation of vitamins and minerals. Vitamins and minerals are expressly exempted from this legislation.

If passed, this legislation will address many of the concerns of medical groups, athletic organizations and leagues, and parents while preserving access to low-risk dietary supplements. It is a common sense approach that is urgently needed.

Although this bill does not specifically address stimulants, like ephedra, in dietary supplements, I am very concerned about the risks associated with these products. These products can raise blood pressure and increase metabolism, which may lead to a number of serious problems, including increased susceptibility to heatstroke, as well as heart attack, stroke, and sudden death. I have written to FDA Commissioner McClellan asking him if there is any evidence that proves that these stimulant ingredients that are being marketed in "ephedra-free" products are any safer than ephedra, and asking him if FDA shares the concern of many experts who believe that stimulants pose particular health risks.

TRIBUTE TO JON J. FEY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Jon Fey for his 27 years of dedication to the community of Berwyn, Illinois, located in my District on the southwest side of Chicago. Mr. Fey will be presented with the Berwyn Development Corporation's 2003 "Charles E. Piper Award" at a distinguished ceremony on November 8, 2003.

I am honored to pay tribute to Jon for his dedication and years of service to building a better Berwyn. He is the founder and owner of SWF Products, a national promotional products business on Ogden Avenue in Berwyn. Jon graduated from Miami University, Ohio, earning a degree in Business Administration, and since has joined his family in generations of successful entrepreneurs.

Jon Fey is the current president of the Berwyn Development Corporation, a charitable and educational nonprofit organization that has enhanced the community for twenty years. I salute him for his active involvement in the community and commend the BDC as it celebrates its 20th Anniversary this year. Jon Fey and the BDC are dedicated to improving the overall business climate in the City of Berwyn. Presently, Jon is responsible for the creation of the New Business Taskforce within the BDC, generating business contacts and interest in local opportunities. Past accomplishments also include sitting on the board for two terms, participating over the years as Treasurer, serving as a member and chairman of the organization's Ogden Avenue/South Berwyn Depot District TIF Advisory Commission, and as a member of the Commercial Load Committee.

The commitment and energy given by Jon Fey to his community have been an inspiration to many individuals. Since 1990, he has contributed valuable time and effort as president of the Berwyn Preservation of Historic Route 66. Jon continues his involvement and support of the annual Berwyn Historic Route 66 Car Show Committee, which promotes the Ogden Avenue business district in Berwyn and draws thousands of vintage car enthusiasts to the area.

Mr. Speaker, I ask that my colleagues join me in honoring Jon Fey on his achievements and wish Jon many years of future success.

BREAST CANCER AWARENESS MONTH

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of National Breast Cancer Awareness Month. In October 2003, the National Breast Cancer Awareness Month campaign celebrates 18 years of educating women about breast cancer, especially the importance of detecting the disease in its earliest stages through screening mammography, clinical breast examination, and for women 20 years of age and older, breast self-examination.

The third Friday in October each year is National Mammography Day, first proclaimed by President Clinton in 1993. On this day, or throughout the month, radiologists provide discounted or free screening mammograms.

In 2002, more than 680 American College of Radiology (ACR) accredited facilities took part. In 2003, National Mammography Day was celebrated on October 17.

Ohio ranks as the 6th highest percentage of new cases of breast cancer in the nation. Ohio ties with Illinois for the 6th highest percentage of deaths due to breast cancer in the nation.

All women are at risk for developing breast cancer. The older a woman is, the greater her chances of developing breast cancer. Approximately 77% of breast cancer cases occur in women over 50 years of age.

According to the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute:

White, Hawaiian, and African-American women have the highest incidence of invasive breast cancer in the United States (approximately four times higher than the lowest group);

Korean, American Indian, and Vietnamese women have the lowest incidence of invasive breast cancer in the United States.

African-Americans have the highest death rate from breast cancer and are more likely to be diagnosed with a later stage of breast cancer than White women;

In the age groups, 30–54 and 55–69 years, African-American women have the highest death rate from breast cancer, followed by Hawaiian women, and white non-Hispanic women. However, in the 70 year old age group, the death rate from breast cancer for white women is higher than for African-American.

The key to surviving breast cancer is early detection and treatment. According to the American Cancer Society, when breast cancer is confined to the breast, the five-year survival rate is close to 100%. The early detection of breast cancer helps reduce the need for therapeutic treatment and minimizes pain and suffering, allowing women to continue leading happy, productive lives.

Beginning at the age of 20, every woman should practice monthly breast self-exams and begin a routine program of breast health, including scheduling physician performed clinical breast exams at least every three years. As a woman ages, her risk of breast cancer also increases. About 77% of women with breast cancer are over age 50 at the time of diagnosis. Women between the ages of 20 and 29 account for only 0.3% of breast cancer cases. Beginning at the age of 40, all women should have annual screening, mammograms, receive clinical breast exams each year, and practice breast self-exams every month.

Mr. Speaker, I rise today to reiterate my support for National Breast Cancer Awareness Month. "Making Strides Against Breast Cancer," is a true pink slogan of this year's American Cancer Society campaign to educate women and girls about breast cancer. In 2000, the ACS fought to make the Breast and Cervical Cancer Treatment Act federal law, earmarking $1,000,000,000 to treat medically underserved women. The reality is that breast cancer spells death for approximately 40,000 women in the U.S. a year. There is an urgency to educate and support early detection, which is critical to prevent this ugly mass.

The cost of breast cancer on women's lives cannot be overstated. As Cleveland "Plain Dealer" columnist Regina Brett stated in 2000: "The approximate cost for surgery for breast cancer is $6,000. Four cycles of chemotherapy is approximately $5,000. Six weeks of radiation is $16,000. Living to see your children grow up: PRICELESS." Day after day, when dollars are not provided for research and or treatment, more women struggle and don't receive the medical assistance that is needed. If you don't have insurance or enough revenue Liz Schulte, president of Northern Ohio Breast Cancer Coalition states, "you quit your job, sell your car, give up your home and go on disability."

FILIPINO WORLD WAR II VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. FILNER. Mr. Speaker and colleagues, I rise today to report on the progress we are making towards the passage of benefits for Filipino World War II veterans.

My colleagues know of the extreme sacrifices made by Filipino soldiers during World War II in the battles of Bataan and Corrigidor. They know that Filipino soldiers were instrumental in the successful outcome of this war in the Pacific. And they know, too well, that many of these soldiers were denied their benefits by a law passed by the 1946 Congress.

Today, I am happy to report that the House of Representatives and the Senate Veterans' Affairs Committee have passed legislation to restore health care services, improved disability compensation, and burial benefits to many Filipino World War II veterans living in the United States. We are working to get this legislation passed by the Senate and forwarded to the President to sign into law.

In addition, the President announced during his recent visit to the Philippines that we will be doubling, from $500,000 to $1 million in FY2004, the amount of medical supplies and equipment that the United States is sending to the veterans' hospital in Manila.

These are important steps in restoring benefits to the brave Filipino World War II soldiers who have been waiting for sixty years for equity.

INTRODUCTION OF THE SECURITY AND FINANCIAL EMPOWERMENT ACT (SAFE)

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, as we near the end of Domestic Violence Awareness Month, I rise today to announce the re-introduction of legislation I authored to truly recognize and help the estimated two million women in this country who are victims of domestic violence.

Victims of domestic violence suffer on many fronts. In addition to the physical and emotional battery, women who are abused also struggle to maintain employment and, as a result, experience tremendous financial hardships. According to a 1998 report of the U.S. General Accounting Office, between one-quarter and one-half of domestic violence victims surveyed in three studies reported losing a job due, wholly or in part, to domestic violence. For victims of sexual assault, the numbers are even more alarming. Nearly 50 percent of survivors say they were forced to leave their jobs because of the crime. Stalking victims also report losing significant time at work.

There are many reasons for this volatile employment picture. Abusers often track down and harass their victims at work and may even follow them home. By creating disturbances on the job and making threats, the perpetrator may force the victim to quit or place her at risk of being fired.

I was told recently of a woman named Nancy who is a victim of domestic violence in my Los Angeles district. She, like so many other women, was forced to quit her job at a fast food restaurant after her husband showed up there, pounded on the door, scratched her car with his keys and repeatedly threatened her. Nancy, whose name has been changed, sought help at a local domestic violence shelter where she received the support she needed for herself and her two-year-old child. Now, she is taking a non-violent parenting class and undergoing counseling. She also receives support in court proceedings to get a restraining order enforced, divorce her husband, and settle a child custody dispute.

For Nancy, quitting her job and seeking help at the shelter gave her the support and the time she needed to get her life back in order. But many victims—especially depending upon the State in which they live—do not feel they have the same choices as Nancy and, as a result, may not be as willing to seek help, placing themselves and their families in greater danger.

That's because Federal law does not specifically allow women who leave work as a result of domestic violence to collect unemployment compensation. Nor does Federal law allow victims of domestic violence to take leave from work to deal with abuse-related priorities, such as getting appropriate medical care, victim services or legal assistance. Without these important added protections, victims of abuse who live in certain States deal with the fear that if they take time off, they risk being fired and left with no way to support themselves or their children. Given this alternative, some women may choose not to seek the help they need—or, even worse, remain in an abusive relationship.

To address the inadequacy of our current laws, I have introduced the Security and Financial Empowerment Act (SAFE Act). This bill ensures that victims of domestic violence are allowed 30 days of unpaid leave from work to make necessary court appearances, contact law enforcement officials or make alternative housing arrangements, without the fear of being fired or demoted. Further, to make sure victims retain financial independence, the SAFE Act would require all States to provide unemployment benefits to women who are forced to leave work (whether they quit or are fired) because of domestic violence. To date, I'm proud to say that more than 30 States have already enacted similar provisions, including my home State of California, but a uniform national policy is needed. The SAFE Act would also provide employers with a workplace safety program tax credit as an incentive to provide employees with domestic violence safety and education programs.

After all, employers also pay a high price in decreased productivity, employee absenteeism and staff turnover because of domestic violence. In fact, it is estimated that domestic violence costs U.S. employers between $3 billion and $13 billion annually.

Mr. Speaker, I would urge all of my colleagues to support the SAFE Act and, in doing so, help victims of domestic violence and businesses deal more effectively with this serious problem. Let's pass this needed legislation and help millions of victims of domestic violence to obtain the employment and financial stability they need to do what Nancy is doing—repair their lives and build a safe future for themselves and their families.

HONORING WELDON RUCKER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. LEE. Mr. Speaker, I rise today to honor a great man and public servant, Mr. Weldon Rucker, for his 31 years of service to the community. Today, Mr. Rucker retires as City Manager of the City of Berkeley in California.

Weldon Rucker is a 42-year resident of Berkeley and proud husband of Jeanie Rucker, a former member of the Berkeley Unified School District Board of Education. They have two adult daughters and two granddaughters. He is a graduate of Saint Mary's College and holds a bachelor's degree in business management. On the national stage, Mr. Rucker serves as Vice President of the National Forum of Black Public Administrators.

Mr. Rucker leaves behind a legacy of outstanding public service and leadership. He began his career with the City of Berkeley in the early 1970s as the City's Director of the Young Adult Project and then as Youth Employment Director. Rucker moved through the ranks of the City's administration, occupying the positions of Director of Human Resources and in the late 1980s and early 1990s as Director of the Health and Human Services Department.

He was appointed to the position of City Manager in February 2001 after having served as acting City Manager following the departure of his predecessor. Rucker previously served as an Interim City Manager in 1995 but declined an appointment to the City's top post at that time.

Under his leadership, the City of Berkeley has taken numerous initiatives to address chronic issues within the City and to firmly establish an open, accessible, and efficient City government.

Mr. Rucker is directly responsible for establishing the Office of Neighborhood Services, a direct link between City staff and the public that works to ensure fast and effective responses to local concerns. Under Neighborhood Services, Weldon set four full-time code enforcement officers to maintain close tabs on problem properties, graffiti, and illegal dumping among many other issues.

In an effort to improve access to city government, he also established the City Center, a one-stop information center for residents to help them navigate City bureaucracies and to provide answers to frequently asked questions and common requests. City Center provides information to thousands of residents and has proved to be an invaluable community resource.

Finally, as we honor Mr. Rucker today, I want to thank him for being an exemplary role model, administrator, and leader. I take great pride in joining the residents of Berkeley, Mr. Rucker's family, friends and colleagues to recognize and salute the accomplishments and contributions of Weldon Rucker.

MINISERIES ON THE REAGANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. STARK. Mr. Speaker, I don't know how many people have seen that CBS will soon air a miniseries on the Reagans. I must admit that the only reason I'm aware of it is because our esteemed colleague, JOHN D. DINGELL, was good enough to share the letter below with us.

He's got it right. If CBS is going to commemorate the Reagan years, they should do it accurately. I recommend the letter below as an effective tool for remembering the host of egregious events that occurred during the Reagan Administration.

OCTOBER 29, 2003.

Mr. LESLIE MOONVES,
President and CEO,
CBS Television, New York, NY.

DEAR MR. MOONVES: I write to you with regard to your upcoming mini-series "The Reagans." I share the concerns expressed by others that it may not present an accurate depiction of the Reagan administration and America during the 1980s. I trust that CBS will not be a party to a distorted presentation of American history, and that the mini-series will present a fair and balanced portrayal of the Reagans, the 1980s and their legacy.

As someone who served with President Reagan, and in the interest of historical accuracy, please allow me to share with you some of my recollections of the Reagan years that I hope will make it into the final cut of the miniseries: $640 Pentagon toilet seats; ketchup as a vegetable; union busting; firing striking air traffic controllers; IranContra; selling arms to terrorist nations; trading arms for hostages; retreating from terrorists in Beirut; lying to Congress; financing an illegal war in Nicaragua; visiting Bitburg cemetery; a cozy relationship with Saddam Hussein; shredding documents; Ed Meese; Fawn Hall; Oliver North; James Watt; apartheid apologia; the savings and loan scandal; voodoo economics; record budget deficits; double digit unemployment; farm bankruptcies; trade deficits; astrologers in the White House; Star Wars; and influence peddling.

I hope you find these facts useful in accurately depicting President Reagan's time in office.

With every good wish,
Sincerely yours,
JOHN D. DINGELL,
Member of Congress.

THE HEALTHY CHILDREN THROUGH BETTER NUTRITION ACT OF 2003

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to be able to introduce along with 20 of my Democratic colleagues on the Education and the Workforce Committee, the Healthy Children Through Better Nutrition Act of 2003.

Since coming to Congress in 1975, I have been a steadfast advocate of child nutrition programs and the significant role they play in meeting the health and educational needs of our nation's children. In my first year in Congress, along with Sen. Hubert H. Humphrey, I authored the Women, Infants and Children supplemental nutrition program, and the role of this program, and other nutrition programs, in improving the health, safe development, and school performance of our nation's children remains as strong as at that time.

I have seen first hand—at school cafeterias, summer programs and WIC clinics—children who receive their only meals through our federal nutrition programs. Today, the challenge to increase access to these programs for low-income children remains, and the programs must meet new demands.

Mr. Speaker, our children face a health threat that requires our immediate attention and response. We know that over the past thirty years, the childhood obesity rate has tripled. Among teenagers, childhood obesity increased from 5 percent in 1970 to 14 percent in 1999. This crisis spans age, race and gender groups and is leading to significant increases in the early onset of traditionally adult diseases such as hypertension, diabetes, and heart disease in young children. Leading medical researchers believe that—in conjunction with expanded exercise and nutritional education—improving the quality of foods served in schools can have a significantly beneficial effect on reducing childhood obesity and its related health effects.

The Healthy Children Through Better Nutrition Act of 2003 offers a multifaceted school- and community-based approach to responding to this dangerous trend in childhood obesity. School- and community-based nutrition programs have been serving the nutritional needs of American children for over 50 years. Today, it is well recognized that schools and communities have an even greater task in responding to the needs of children and families who face daily challenges in securing a healthy and nutritious meal. The Healthy Children Through Better Nutrition Act of 2003 provides schools and communities with the tools and resources they need to promote a healthy and nutritious environment for children in need.

SCHOOL-BASED INITIATIVES

Federal school nutrition programs serve about 28 million children daily through school breakfast, school lunch and after-school snack programs. It is not unusual for a child to receive two-thirds of her daily diet while at school.

Meals served under these federal school nutrition programs must meet American Dietary Guidelines, and we congratulate the school food service program that continues to make real progress toward meeting these goals. However, the school cafeteria also plays host to foods that lack any significant nutritional value. These foods, sold side by side with the national school meals menu, are not subject to any dietary guidelines and can have a negative impact on healthy eating and student participation in the school meals program.

The Miller/Woolsey proposal will direct the Institutes of Medicine to recommend nutritional standards for foods sold side-by-side with foods that are offered as part of the federal school meals in the cafeteria. These standards would take into consideration the different dietary requirements of students in elementary, middle and high schools.

These recommendations would be submitted to the Secretary of Agriculture for implementation.

School food directors are in the best position and are most qualified to make decisions about the nutritional quality of foods made available to students. Unfortunately, in many schools, school food directors have little authority to implement policies that encourage a healthy school nutrition environment. The school food director often faces competing interests from school administrators to increase revenues through the sale of foods outside of the federal school meals program, such as soda, high fat and high sodium snacks. These "competitive foods" do not meet the nutritional standards we want for our children. The growing revenue constraints faced by many school districts have increased the proportion of unhealthy competitive foods in the cafeteria and has negatively impacted the school nutrition environment.

The Miller/Woolsey proposal will require schools to establish a nutrition policy and give operation authority to the school food directors. This approach coordinated with new standards for "competitive foods" will strengthen and protect the integrity and nutritional quality of the school meals program.

While school food service authorities have made progress improving the quality of school meals, consumer confidence remains low. Currently menus are reviewed for nutritional quality once every five years, and few schools publish the nutrient quality of their menus.

The Miller/Woolsey proposal will increase the number of nutritional reviews of school menus and require that this information be disclosed to the public. Technical assistance will be offered to schools that need additional assistance in improving the quality of meals.

The Farm Bill established a limited pilot in 4 states to provide for the introduction of more fresh fruits and vegetables into the school meals program. The increased availability of fresh fruits and vegetables produced a dramatic difference in the dietary intake of students in those schools.

The Miller/Woolsey proposal will expand the number of states and schools participating in this successful program, targeting schools in high poverty areas.

Nutrition Education provides students with meaningful information on the importance of good dietary habits as well as professional development for nutritional professionals and teachers. The lack of guaranteed funding for nutrition education has limited states in their ability to provide assistance to LEAs.

The Miller/Woolsey proposal will authorize mandatory funding for a nutrition education program that will fund a Team Nutrition Network State Coordinator in each state and promote a coordinated approach for nutrition education.

The Healthy Children through Better Nutrition Act of 2003 also: Streamlines eligibility requirements for school meals for children who are currently eligible for Food Stamps, TANF and Medicaid; makes homeless children automatically eligible for school nutrition programs; provides startup and expansion grants for school breakfast; provides schools with commodities for the school breakfast program; establishes a demonstration project to evaluate the impact of universal breakfast in high schools; and provides grants to schools for improving the use of technology in the school meals program.

COMMUNITY-BASED INITIATIVES

The community outside of the schoolhouse is playing an enhanced role in meeting the nutritional needs of children. The Healthy Children Through Better Nutrition Act of 2003 introduces a new program to eliminate paperwork and streamline participation requirements for community-based providers of nutrition programs.

The Year Round Community Child Nutrition program fills a gap in current nutrition services for children in before and after care programs, homeless shelters, and after-school programs. Currently community-based programs, such as after school programs and homeless shelters, serve up to 2 meals and a snack to the children participating in their programs. Some of these programs run only during the summer, other programs run full year but must submit paperwork for two separate programs in order to serve children year round. Under this legislation, the Year Round Community Child Nutrition program will:

Allow community-based non-profit organizations to serve healthy and nutritious meals to children year round.

Offer up to three meals and two snacks to children who participate.

Make 21st Century Community Learning Centers automatically eligible to participate.

Give program providers greater flexibility in when and where meals are served.

The Healthy Children Through Better Nutrition Act of 2003 also:

Allows more states to serve an additional meal to children in full day childcare programs.

Allows homeless children up to 18 years of age to receive meals Through the Child and Adult Care Food Program (CACFP) program.

Provides startup and expansion grants for the summer food program.

Streamlines paperwork for summer food providers.

Eliminates unnecessary paperwork for CACFP providers.

Establishes a demonstration project for streamlining the monitoring of CACFP providers.

WIC

The WIC program continues to be successful in improving the nutritional status of over 7 million low-income women, infants, and children. The Healthy Children Through Better Nutrition Act of 2003 enables WIC to be more flexible in meeting the needs of women and children at risk, while promoting a highly nutritious food package.

This legislation: Emphasizes greater consumption of fruits and vegetables in the WIC program; Allows infants and children to be certified for the WIC program for up to 1 year and allows offices to waive the "physical presence" requirement for infants and children under specific circumstances; and requires a decennial review of the WIC food package.

Mr. Speaker, as the Committee moves forward with the reauthorization of child and school nutrition programs, I encourage my colleagues to review the set of proposals in the Healthy Children Through Better Nutrition Act of 2003. This legislation which has been endorsed by the American School Food Service Association, the Food Research Action Center, America's 2nd Harvest and California Food Policy Advocates, offers a comprehensive means for improving access to child nutrition programs and addressing the troubling rise in childhood obesity rates. The Healthy Children Through Better Nutrition Act of 2003 reflects a commitment to the future by investing in our children's nutrition and overall health. They deserve no less.

RIPKEN POST OFFICE BUILDING

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. RUPPERSBERGER. Mr. Speaker, today I am introducing legislation to designate the postal facility in Aberdeen, Maryland as the Ripken Post Office Building in honor of the Ripken family and their contributions to this great city in the Maryland 2nd Congressional District.

It is difficult to think of baseball and not think of the Ripken name. The accomplishments of Cal Ripken, Jr. are literally the stuff legends are made of. He appears throughout the record books after 21 seasons with the Baltimore Orioles—as one of only seven players in baseball history to have 400 home runs and 3,000 hits. Of course, few in my home state of Maryland or this nation will ever forget his Iron Man record or the number 2131—signifying when Cal Ripken, Jr. broke Lou Gehrig's record for consecutive games played. Cal ended his own streak in 1998 after playing 2,632 games consecutively.

Bill Ripken had a 12 year major league baseball career as a second baseman with incredible successes including a .9927 fielding percentage in 1992—the best of any major league second baseman that season. In the spring of 2002, Bill Ripken was honored for his career accomplishments with an induction into the Maryland Sports Hall of Fame.

Those achievements alone are certainly deserving of admiration and acclamation, but there is so much more to the Ripken family philosophy and that is why this designation is for the Ripken family as a whole. Starting with Cal Ripken, Sr. and his wife Vi, the work ethic both Cal Jr. and his brother Bill exhibited throughout their professional careers can be attributed to this Ripken philosophy of hard work, dedication, sincerity of effort, and commitment.

Even more, the Ripken Way embodies the memory of Cal Ripken, Sr. and his pure belief in the joy and craft of baseball. For 37 years, Cal Ripken, Sr. played, coached and managed in the Baltimore Orioles organization. He was responsible for developing a method of teaching that shaped the Orioles' minor league system and became known as "The Ripken Way." That way has become the centerpiece of the Cal Ripken, Sr. Foundation and its state-of-the-art baseball academy.

This is a family with a history of giving back to the community—both the communities of Baltimore and Aberdeen. Through the Baltimore Reads/Ripken Learning Center to the creation of the Cal Ripken Baseball and the Cal Ripken, Sr. Foundation, the Ripkens continue to give of themselves in very tangible ways. The Aberdeen Complex has brought minor league baseball, jobs and prestige to the Aberdeen community. Both Cal and Bill Ripken are actively involved in youth camps, coaches clinics, tournaments and, of course, The Cal Ripken World Series.

In a world when sport and commercialism is so often intertwined, the Ripken family—the individuals and the family as a whole—serve as incredible role models for what baseball means to this nation and what it was meant to be. These are real sports heroes and truly admirable people. Mr. Speaker I am honored to introduce this legislation on behalf of this incredible family from my home state and I urge my colleagues to vote for this bill.

COMMEMORATION FOR WALTER EDWARD WASHINGTON

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. NORTON. Mr. Speaker, I arise today to inform the House of the passing of the first Mayor of the District of Columbia in the 20th century. Some members will remember Walter Washington's service or will know him by reputation because no mayor here or, I dare say, elsewhere has enjoyed more respect from this body. Mayor Washington enjoyed the same bipartisan admiration from the two presidents during his tenure, Lyndon Johnson, who appointed Mr. Washington the District's first mayor in 1968 and Richard Nixon who signed the Home Rule Act in 1973 giving the District its current home rule status, complete with an elected mayor and city council.

The conventional wisdom is that home rule for the District depended upon Mayor Washington's performance as appointed mayor. Few would disagree. If home rule was past due then, more than 150 years after the city's founding, surely full self-government, democracy and congressional voting representation are shamefully tardy in coming to the city's approximately 600,000 residents today. Mayor Washington, who did more than any person to bring self-government to the District, deserved to see its full realization before his death. Home rule happened because people made it happen, with Walter Washington as the leader. Freedom and democracy for an entire city is a lot to have on one man's shoulders, but Walter Washington carried the burden easily. His gifts were spectacularly broad—deep integrity and ability that won him enormous professional respect as well as personal and political skills that evoked affection from the people. That combination amounts to the sum total of what it takes to lead. Few leaders have it all. Walter Washington did.

Mr. Speaker, I ask that in addition to my own statement at the time of Mayor Washington's death, I be allowed to place in the RECORD a Washington Post editorial and a personal tribute from Post editorial writer, Colbert King, who was a close friend of Walter Washington and who served on the Senate staff when Mr. Washington was mayor.

I ask the entire House to join me in paying tribute to a man of historic stature in the District of Columbia and in offering the profound respect and condolences of the House of Representatives to Mayor Washington's wife Mary and his family.

NORTON SAYS PASSING OF WALTER WASHINGTON MARKS END OF HOME RULE ERA

Congresswoman Eleanor Holmes Norton (D-DC) today released the following statement on the passing of Mayor Walter E. Washington.

"The era of home rule ended today with the passing of Walter Washington. Mayor Washington simultaneously shaped the office of mayor and the practice of home rule governance for a city that had lived without democracy for a hundred years. The District has a strong mayor form of government in no small part because his service as appointed mayor demonstrated that a mayor could lead this city as mayors of other big cities did. His service is significant for far more than the office he held, however; President Lyndon Johnson appointed Walter Washington our first mayor because he wanted a man of great character and ability to pave the way for an elected mayor. The people of the District returned the compliment by electing Walter Washington our first elected mayor. Residents realized he had the "right stuff" to be mayor—not only outstanding ability and integrity but also the indispensable political skills and common touch that make people want to follow the lead of an elected official. That combination of gifts proved mighty useful during the 1968 riots. The mayor was legendary for his way with the President and the Congress, but Walter Washington was appreciated in this town not only because he could talk to power but because he talked equally well to the powerless.

"People who missed his years as mayor often got some sense of his political gifts on the public occasions when his extraordinary wit was in full form as it remained throughout Walter's life.

"With the passing of Mayor Washington, the home rule era he shaped also passes. Perhaps, almost 30 years after Walter Washington was first elected, Congress will now understand that a new era of full democracy, independence and voting rights is overdue.

"Mrs. Mary Cornelia Washington, Walter's daughter, Bennetta Jules-Rosette and his family have my condolences and the sympathy of the city who loved him."

[From the Washington Post, Oct. 28, 2003]

WALTER E. WASHINGTON

"What I would like to be remembered for is that Walter Washington changed the spirit of the people of this city, that he came in as mayor when there was hate and greed and misunderstanding among our people and the races were polarized. And in the span of just a little over a decade, he brought people together through love and compassion, he helped bring about home rule . . . and helped people have more meaningful, satisfying and enjoyable lives."

This noble self-remembrance of Walter Edward Washington, who died yesterday at the age of 88, is—like so much that he accomplished for the city he deeply loved—just right. More than anyone in this century, he was the heart, soul, spirit and creator of the capital city as it is enjoyed today. Were it not for his perfect presence at a critical point in the city's history, the people of Washington would not be enjoying even the limited self-government they now have.

To appreciate fully the importance of this most likable and shrewd negotiator-leader, we need only recall a 70-percent-black city in strict colonial bondage, barred from acting on any significant local policy matter without the assent of an indisputably hostile and domineering U.S. House committee of mostly Southern segregationists. For many years before President Johnson pressured Congress to accord home rule to the District of Columbia—only to suffer an embarrassing defeat—Walter Washington had been among the tireless workers on behalf of enfranchising the citizens of the capital. Mr. Johnson, determined to strike back at Congress, used his executive powers to reorganize the District government from an arm of the federal government headed by three appointed commissioners to a new system with a single appointed commissioner and a council. For commissioner—a position whose holder the president unofficially but forcefully dubbed "mayor"—the president chose Mr. Washington, the first African American named to lead a U.S. city.

Thanks to Mr. Washington's keen sense of the politically possible, the knowledge of the bureaucratic ropes that he gained as a federal official and his exquisite abilities to put the most wary people at ease, the city began to enjoy new status on its road to limited home rule. He transformed the face of the District government, placing blacks in key positions that were long the exclusive preserve of whites. Until his arrival, the District Building had been a tomb, barely visited by residents. Powerful local business interests dealt directly with Congress, as did the 80-percent-white police force and other organized employee groups. As Mr. Washington involved more citizens in government activities, the top floor of the building came into its own as a local government center. Congress approved a limited home rule bill in 1973; the next year, Mr. Washington was elected mayor.

Though Mayor Washington was best known for his easygoing, humor-laced manner, he was bold and tough when it mattered. In 1966, when President Johnson first talked to him about a commissioner job with the understanding that another, white, commissioner would supervise the police department, Mr. Washington said no. When he was tapped the next year as lone commissioner, his stance prevailed. It paid off in later years, when Mayor Washington's public safety commissioner, Patrick V. Murphy, and Police Chief Jerry V. Wilson recruited and promoted African Americans and trained a once insensitive force to deal with the protests and riots that came to Washington.

Mr. Washington's ability to gain the confidence of federal leaders extended to President Nixon, who on his first full day in office toured the riot-torn areas of downtown, expressed confidence in the mayor and pledged new federal support for his rebuilding programs. Mr. Washington, as usual, had done his homework and labored behind the scenes to set the stage. He was always the healer, the pleasant but insistent voice of reason on behalf of the city, able to draw on an unmatched network of sources—from the streets to the businesses, embassies and focal points of federal power.

To a person, Walter Washington's successors sought his counsel. His politics of inclusion, his honesty and civility, and his strengthening of the local fabric were invaluable. He was, in every sense, the city father—whose family across the wards will remember him fondly.

[From the Washington Post, Oct. 28, 2003]

THE END OF AN ERA

(By Colbert I. King)

Tom Eagleton, Missouri Democrat and chairman of the Senate's District of Columbia Committee, was chain-smoking and as keyed up as I had ever seen him. The subcommittee's majority staff director, Robert Harris, on the other hand, was his usual stoic self. I was seated in the customary position of the committee's minority staff director, off to the side. We were in Eagleton's Senate office, and the purpose of the gathering wasn't social.

Sitting on the sofa directly in front of Eagleton was Walter Washington, the presidentially appointed mayor of the District. Next to him sat Julian Dugas, the mayor's longtime friend and director of licenses and inspections. Walter Washington was the most relaxed person in the room.

It was 1973. Congress had just passed the home rule bill and Walter Washington "was positioning himself to run for mayor in the city's first municipal election in 70 years. Eagleton had asked the mayor to come to Capitol Hill because he was going to break some bad news and wanted to do it face to face.

The committee had asked the General Accounting Office to take a look at the city's books. The GAO's preliminary view was that the books weren't auditable. Eagleton was going to call for a reorganization of the city's finances by a public accounting firm, and he expected the timing would be embarrassing to Washington.

"Walter, I don't want to hurt you politically but I won't be able to live with myself if we turn over the D.C. government to the city with the books in a mess," I recall a heavily perspiring Eagleton as saying. "Now you can go out of here and publicly attack me if you want, and I will understand," he said. "But I've got to do this."

Washington merely smiled and, calling Eagleton by his first name, said he recognized the problem. The books were a longstanding mess and had been an albatross around the city's neck since the time when it was governed by three presidentially appointed commissioners and tightly controlled by congressional committees, said Washington. And after a few pleasantries, Washington, accompanied by Dugas, shook hands all around and left. It was as if the mayor had given the senator special dispensation to do his job. And Eagleton seemed appreciative.

I tell the story because it provides a glimpse of the Walter Washington I knew behind the scenes. Unlike the current mayor, Anthony Williams, and the two city chief executives—Marion Barry and Sharon Pratt—who followed Washington in office, Walter Washington operated on Capitol Hill like an impresario, winning small victories here and there for the city in ways that escaped the attention of the average citizen. He managed to get hostile Southern barons to open federal purse strings for city projects long neglected by the three commissioners. And he diplomatically staved off rapacious members of Congress who thought the city was theirs for the taking.

It's fair to say that without Walter Washington, there would not have been home rule, at least not in the year when it was achieved. The road from appointed to elected government had plenty of pitfalls, both on the Hill and in the city, but Washington deftly steered around them. He cajoled when necessary, pleaded when required and schmoozed unceasingly. He stopped at nothing to get for District residents what they wanted most of all, an end to what Washington called an "anachronism of votelessness in our capital city." As he told the Senate District committee when he was making his pitch to pass the bill in 1973: "Whatever you call it, home rule, local suffrage, self-determination or self-government—I am for it."

Much is made of the home rule movement and the people taking to the street to bring about self-government. Much of what you hear about that period is pure, unadulterated myth. It was the work of Walter Washington, moving and shaking behind the scenes on Capitol Hill, that kept alive the drive for home rule. I know. I was there. The thought of an elected District of Columbia government being in Walter Washington's hands probably won as many votes in the Senate and House as any single effort by one individual on the Hill or in the city.

Washington's victory in 1974 as the city's first elected mayor was the first step in transforming this once overwhelmingly African American city from one dominated by southerners and a predominantly white city government leadership and police department to the multiracial and multicultural city we are today. And Mayor Washington pulled it off without polarizing and balkanizing the city.

Although I saw a great deal of Walter Washington when he was both an appointed and elected mayor, I saw even more of him in the past several years, as we shared membership in the same close-knit social club, the DePriest Fifteen. The name's no mistake. About 15 of us, all associated with the city in one form or another, would gather on a Saturday night once a month without our spouses for an evening of eating and drinking whatever we wanted without the presence of overseers and tattletales. We would share complete and unabridged war stories, the kind we are likely to take to our graves. Walter Washington had a storehouse of the best, which he shared with great relish. I can't imagine how we'll do it without him.

With his death, we are witnessing not only the passing of a local icon but also the passing of an era. His was a time when leaders understood the meaning of the words civility and comity. Walter Washington will be remembered as a uniter, not a divider, as a healer, not a destroyer.

And he did it all with a style and a light touch—and out of love for this city and the people in it—that we shall never see the likes of again.

TRIBUTE TO MARDY MURIE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Margaret "Mardy" Murie, one of America's true heroines.

Born in Seattle, Washington in 1902 and reared in Fairbanks, Alaska when it was truly the western frontier, Mardy and her husband, Olaus, were instrumental in the development of the American conservation and land protection movement. Her passing on October 19 at 102 years old marks the departure of one of this country's most impassioned conservation leaders.

From her early upbringing in Alaska, Mardy gained a deep respect and love of the region's vast rugged terrain—its unspoiled lands and its remarkable wildlife.

As the first woman graduate of the University of Alaska in Fairbanks, she became a tireless advocate for the protection of Alaska as a national treasure. She once said, "When I was a child, Alaska seemed too vast and wild ever to be changed, but now we are coming to realize how vulnerable this land is. I hope we have the sensitivity to protect Alaska's wilderness . . ."

Upon graduation in 1924, Mardy married naturalist Olaus Murie and together they formed a partnership to not only protect this spectacular land, but other parts of the remaining American wilderness.

As an author and a lifelong activist, she inspired her husband, her family and her fellow citizens to build an entire conservation movement. For decades, the Murie family traveled the Alaskan wilderness, and once established in Wyoming, where Olaus served with the U.S. Fish and Wildlife Service, they studied the biology of both regions—its mossy tundra, its streams, grassy sloughs, its elk, coyote and moose, and its wilderness.

While her children were growing up, Mardy became an active community member, serving on the school board, campaigning for education and the local library and promoting activities for local youth. In World War II, she grew a victory garden and managed a dude ranch.

In 1944, the Muries moved to Moose, Wyoming, where their home would become a center of the wilderness movement. Following Olaus' retirement from federal service, he accepted the directorship of the Wilderness Society, later to serve as its president.

Through her wilderness experiences with Olaus, Mardy became a fierce advocate for the protection of the Brooks Range in Alaska. She authored a book, Two in the Far North, which chronicled their summer-long adventure to this Alaskan region and inspired countless others to visit the Arctic area and fight for its protection.

Their dedication and effort paid off in 1960, when the Arctic National Wildlife Range—later renamed a National Wildlife Refuge—was created.

In 1964, the Muries and many other conservationists won another major victory when President Lyndon Johnson signed the Wilderness Act into law. Working for the National Park Service, the Sierra Club, the Wilderness Society and the Izaac Walton League at various times in her historic career, Mardy explored additional areas in Alaska and other parts of the country to determine their suitability for wilderness designation.

These continuing efforts helped achieve enactment of the Alaska National Interest Lands Conservation Act in 1980, when President Jimmy Carter signed into law the bill that my father had sponsored in the House of Representatives.

Mardy Murie was the recipient of numerous prestigious awards honoring her outstanding environmental work. She was awarded the Audubon Medal in 1980, the John Muir Award in 1983, the Robert Marshall Conservation Award in 1986, and an honorary Doctor of Humane Letters from her alma mater, the University of Alaska. As she neared her 100th birthday in 2002, Mardy was honored with the J.N. Ding Darling Conservationist of the Year Award, the National Wildlife Federation's highest tribute.

In 1998, President Clinton awarded Mardy the Presidential Medal of Freedom, our country's highest civilian award. At the event presenting her this distinction, President Clinton said "For Mardy Murie, wilderness is personal. She and her husband, Olaus, spent their honeymoon on a 550-mile dogsled expedition through the Brooks Mountain Range of Alaska. Fitting for a couple whose love for each other was matched only by their love of nature."

Margaret Mardy Murie was a national treasure. As a pioneer of the American conservation movement, she was and will continue to be an inspiration to us all. Her commitment to this country's wilderness sites will be a lasting legacy to the beauty of this nation and the importance and value of preserving our wild landscapes. May her spirit and inspiration live on in all of us for decades to come.

INTRODUCING THE JUVENILE VIOLENT GUN CRIME REPORTING ACT

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. EMANUEL. Mr. Speaker, I rise today to introduce with Congressman CHRISTOPHER SHAYS and 27 cosponsors the Juvenile Violent Gun Crime Reporting Act. This bipartisan bill would close a loophole in current law and help keep guns out of the hands of individuals with a history of violent crime.

Every year more than 10,000 people are murdered with guns in the United States. In 2001, guns were involved in one third of all violent crimes. Firearms have a particularly damaging effect on America's youth. Of the 1,400 juveniles murdered in 2001, 44 percent were killed with a firearm. During the 1999–2000 school years, 2,837 students were caught bringing a gun to school. In my home state of Illinois, 164 students were expelled for bringing a gun to school between 1999 and 2001. A regrettable but plain fact is that minors are not only the victims of gun crime but the perpetrators as well. According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, 93,000 gun crimes or 9 percent of the total gun crimes were committed by individuals under the age of 18 between 2000 and 2002.

In an effort to combat America's high rate of gun violence, Congress enacted the Brady Bill in 1994. I was proud to work on passing this landmark bill when I served in the White House. A portion of the Brady law requires any individual wishing to purchase a firearm to undergo a background search. This system, known as the National Instant Criminal Background Check System (NICS), prohibits any individual with a violent criminal history from purchasing a weapon. Through 2001, 38 million background checks were conducted and 840,000 purchases were denied. However, a loophole in the Brady Bill allows violent juvenile criminals to purchase firearms. The Juvenile Violent Gun Crime Reporting Act (JVGCRA) would close this loophole once and for all.

Under current law, nearly all juvenile records are expunged once an individual reaches the age of 18. Because the expunged records are not included in the NICS background check, someone who committed a violent crime before the age of 18 can legally purchase a weapon on his or her 18th birthday. In response to this glaring loophole, my legislation amends federal law and requires states to report violent juvenile crime so that it may be utilized by NICS. Further, the bill makes it illegal for anyone to transfer a weapon to someone who has a history of violent juvenile crime.

Mr. Speaker, the Juvenile Violent Gun Crime Reporting Act is a simple and straightforward bill and could go a long way toward making our streets, schools, and cities much safer for our children and our families. It is a good bill and we hope that my colleagues will join us.

RECOGNIZING MR. JOSEPH DISHANNI

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to Mr. Joseph DiShanni, Founder, Executive Director and Director Emeritus of the Irwindale Chamber of Commerce, who passed away on October 21, 2003.

Mr. DiShanni received many awards, acclamations, and special recognitions throughout his career in acknowledgement of his tireless commitment to his community. He is most revered for his accomplishments in industrial and business development for the City of Irwindale and the San Gabriel Valley. He was affectionately known as "Mr. Irwindale." In addition to his service to the Irwindale Chamber of Commerce, he served on the Los Angeles County Insurance Commission and as a Traffic Safety Commissioner for Los Angeles County.

Born in Wallkill, New York, in 1909, Mr. DiShanni immigrated with his mother and two older sisters to Italy after the death of his father. At the age of 18, he returned to the United States in search of the American Dream. His hard work and dedication to his community made him an inspiration to all who knew him.

The Irwindale community, his family and his beloved wife Margaret will miss him dearly. I am pleased and honored to pay tribute to him today.

THE ARTICLE "THE 'BUT' ECONOMY"

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. OXLEY. Mr. Speaker, I commend to the attention of my colleagues the following article by former General Electric Chairman and CEO Jack Welch.

Jack Welch provides an important lesson in corporate management to those who don't understand what makes an economy grow. Growth comes from businesses that are constantly striving to make themselves more competitive in a global marketplace.

As the article points out, many in the media believe a story isn't complete unless there is some bad news. Sometimes I think if the modern media had existed in biblical times, it would have written, "Moses laid down the Ten Commandments today, Five of which were immediately denounced by civil rights and environmental activists."

Jack Welch's article makes for instructive reading about why our economy just posted one of its strongest performances in recent memory.

THE 'BUT' ECONOMY

(By Jack Welch)

Guess what? There is an economic recovery under way, but you never would have known it last week when earnings reports came out. Even though many companies from battered sectors—including some companies left for dead just two or three years ago—recorded positive results, their successes were almost universally reported with the word "BUT" prominently featured. The stories in the papers and on TV went something like this:

Sales were up—but analysts warned that cost cutting explained most of the gains.

Earnings were up—but the mood of optimism was tempered by concerns about global competitiveness.

Cash flow was up—but the company still faces harsh tests in coming months.

Now, I am not claiming that the economy is fixed. It's not. And there are, obviously, challenges ahead if a full recovery is going to occur. It's undeniable, however, that most companies are posting significantly improved results. Not only can millions of hard-working people celebrate—they should. They've earned the right. That's why we can't rain all over the their efforts—their motivation and innovative spirit and can-do attitudes. Those good feelings, as any economist will tell you, are key drivers of company productivity and consumer confidence. The fact is a recovery will be a lot harder if we keep saying "but" about damn good news.

Two particularly glaring "but" stories from last week come to mind—Xerox and Lucent.

Xerox has been through the ringer. It's had accounting difficulties. It's paid millions of dollars in fines. It has experienced market-share erosion from product misses and non-competitive costs, and its employees and shareholders have suffered. Two grueling years later, however, Anne Mulcahy and her team appear to be turning the ship around. The company reported that its earnings grew 18% in the third quarter. From the reporting on it, though, you would have thought the company was still taking on water. The good results, it was reported, mainly came from cost cutting. Of course they did! While innovation is the lifeblood of business, cost competitiveness is a given if you want to win in the global economy.

Lucent is an even more dramatic case. For the first time since March 2000—that's 10 quarters—the company actually posted a profit, thanks to the persistence and creativity of Pat Russo, her top team, and tens of thousands of employees. It was time for a party. But Lucent's turnaround was spray-painted with "but" this and "but" that. The company's good results were subjected to the usual harangue about telecom industry spending and attributed mainly to cost-cutting. Oh no—not that again.

The good news out of other sectors got much the same treatment. Time Warner, which has angered its shareholders for a couple of years now, reported increased revenues and operating income in the third quarter. That news was pretty much lost in commentaries about the continuing saga of the company's Internet activities. Meanwhile, Citicorp and a slew of other banking industry giants were showing sensational results. What did you hear? Reserve provisions for bad loans were down. This "but" could have actually been cast as "because." For instance, "Earnings were sensational because, among other factors, reserve provisions are down as a result of improved risk management and a stronger economy."

Of course, you have to wonder—why all the grumpiness? Why has every cloud got a dingy gray lining? There are probably many reasons but two come right to my mind.

Go back to 1999, the last year that positive results were routinely reported. There was no "but" economy grousing then. And that's exactly the problem. The media (and pretty much everyone else) believed that trees did indeed grow to the sky. Very few asked, "How solid are these results? How long can they last? Will these markets grow forever?"

When the bubble burst, a lot of people got burned—and not just shareholders. Many people in the media had hyped companies that flamed out because they were based on unrealistic business models or turned out to be rotten to the core. They felt burned too. Today, when the media reports good news, it feels safer to stick "but" in every sentence.

The other reason is political. Back in the days of Clinton-bashing, the ideological divide in the country seemed like it couldn't get wider. Well, it has. Bush-hating has pushed it to new levels. Never before have Democrats and Republicans been more vitriolic in their disdain for each other; it feels like war. And frankly, what would be worse for the Democrats right now than an economic recovery? That's an awful big battle to lose as the election approaches.

Now, I'm not suggesting "irrational exuberance" again. First of all, it's not warranted (yet) and giddiness about the economy didn't really help last time. And I'm also not asking that people forget what happened during the boom. Some companies and executives absolutely earned the right to get nothing but disrespect and doubt.

If we are ever to get competitive again, though, we can't indiscriminately put a negative spin on what is legitimately good news. We live in a global economy; India and China get stronger and better every single day. To have a fighting chance, companies need to get every employee, with every idea in their heads and every morsel of energy in their bodies, into the game.

The facts are, companies are not bricks and mortar, but people, with blood and sweat and tears. People are the reason for the recent recovery, and people are the reason it will continue—if it does. That's why we need to tell the people who have earned it not "but," but "Bravo."

EXPRESSING GRATITUDE TO MEMBERS OF U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. EMANUEL. Madam Speaker, I am proud to rise in strong support of H. Con. Res. 291, expressing gratitude to the members of the United States Armed Forces who demonstrated valor and dedication to the cause of freedom and humanitarian relief during Operation Restore Hope.

This year marks the tenth anniversary of the battle of Mogadishu, and I am very pleased to join with my colleagues in recognizing the courageous actions of the Army's Special Forces, the soldiers of the 10th Mountain Division, and members of the Armed Forces who were deployed to capture the terrorist warlord Mohammed Farah Aidid. Today we remember and honor the sixteen special operations personnel assigned to Task Force Ranger who were killed, and the sacrifices of another eighty-three troops who were wounded during one of the most intense firefighters in modern history.

We cannot forget the sacrifices of these soldiers, sailors, airmen and Marines. Their service should be recognized as a significant contribution to the war against terrorism and oppression. This resolution is important not only because it commemorates their enduring contributions on behalf of the people of Somalia, but also because of its symbolism that continues today in the fight against oppression and terror on the streets of Baghdad, Kabul and other hostile areas where we try to make people's lives better.

Madam Speaker, my thoughts and prayers go out to the families and friends of those who lost a loved one or were wounded in the battle of Mogadishu. I urge my colleagues to join me in expressing our appreciation to all those who volunteer to defend our Nation's freedom and to remember the sacrifices of all those who served.

RECOGNIZING THE HOLY CROSS ARMENIAN APOSTOLIC CATHEDRAL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SOLIS. Mr. Speaker, I stand before you today to recognize one of the most historically rich institutions in the United States. On November 1, 2003, the Holy Cross Armenian Apostolic Cathedral of Montebello, California will be celebrating its eighty years of service to the Los Angeles Armenian American community under the auspices of their Prelate, His Eminence Archbishop Moushegh Mardirossian.

This historic occasion for the Holy Cross Cathedral is a culmination of leadership, dedication, commitment, and community work. Since its erection in 1922, Holy Cross is the second oldest Armenian Cathedral in the state of California and the oldest in Los Angeles County. For eighty years, Holy Cross has touched the lives of millions of churchgoers and other religious individuals looking for spiritual fulfillment. In addition, it has given positive direction to Armenian children and adolescents through their exceptional Mesrobian school system.

Additionally, Holy Cross's leadership has paved the way for other Armenian Apostolic churches throughout Southern California. Inspired by Holy Cross, over seven churches and congregations have been established. I am happy to note that all of them serve their congregations, youth, community, and country with all their love and energy.

I am proud to say that the Holy Cross Armenian Apostolic Cathedral exemplifies the greatness in our nation's religious and community institutions.

LET'S NOT BREAK OLD PROMISES TO OUR VETERANS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. EDWARDS. Mr. Speaker, there's something wrong when the administration says we can afford to build new hospitals in Iraq, but we cannot afford to keep open six veterans' hospitals here in America.

It would be shameful, during a time of war, to be cutting medical services for American veterans, even as we are improving health care for Iraqi citizens. As we make new promises to Iraqis, let's not break old promises to our veterans.

Vote "yes" on the motion to recommit to increasing VA health care by $1.3 billion. Our vets deserve no less.

TRIBUTE TO JOHN M. CORCORAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. MEEHAN. Mr. Speaker, on Monday, October 27, 2003 I attended a Mass of Christian Burial for John M. Corcoran of Massachusetts. The Mass, held at St. Elizabeth's Church in Milton, Massachusetts celebrated the life of a very special person. I offer my condolences to John's two sons, John and Thomas; his sisters, Mary, Theresa, Claire, Bernadette and Frances, and his two brothers, Joe and Leo. I would also ask unanimous consent to enter into the Congressional Record the Boston Globe's obituary, that was so eloquently written by Tom Long.

John Corcoran, Developer of Real Estate, Good Will; at 80

John M. Corcoran grew up in a triple-decker at the end of the driveway to St. Margaret's Hospital in Dorchester, and he never forgot where he came from. After earning millions as a real estate developer, he contributed time and money in the creation of St. Mary's Women and Infant Center, a multiservice agency for Dorchester residents that was born in 1993 after St. Margaret's closed.

"He knew what it was like to live in poverty, and knew what a difference it could make when you had support around you," Judy Beckler, president of the Women and Infant Center, said yesterday, of Mr. Corcoran, 80, who died Wednesday at Massachusetts General Hospital.

Beckler said she couldn't give a figure for how much money Mr. Corcoran donated to the center. "It's not something he would approve of," she said. "He hoped, in time, people would understand that his time and commitment were more important than any money he donated."

But the total was at least $500,000, according to a story published in the Globe in 1995.

The center now includes a homeless shelter, has 20 beds for pregnant teenagers and is home to nine nonprofit groups that offer a number of services from child care to computer training.

"He wanted us to become a vital institution in Dorchester," said Beckler. "He had a commitment and a vision, and really believed that folks could make a difference in other people's lives."

As a member of the center's board of trustees, Mr. Corcoran was always willing to ask the hard questions. "He once told me, 'I learned long ago not to practice trustee etiquette,'" said Beckler.

One of eight children of an Irish-immigrant factory worker, Mr. Corcoran sometimes hawked newspapers as a young man to help his family make ends meet. He shoveled coal at St. Margaret's. And he spent a childhood summer with relatives in Ireland.

He attended Boston English High School. When the United States entered World War II, he answered the call and became a paratrooper.

In the months before the D-Day invasion of France, his family lost contact with him for three months. Every night, the sound of rosary beads rattled through the two-bedroom apartment in Dorchester as his siblings prayed for his safe return.

Finally his mother received a letter. "Mom, I smelled something today that I haven't smelled since I was 7," he wrote, "the sweet smell of turf burning on a fire."

To his family's relief, Mr. Corcoran was alive and well and training in Ireland.

Mr. Corcoran parachuted into France in the early hours of the D-Day invasion.

"I once asked him what D-Day was like," his brother Joe of Milton said yesterday. "He said: 'It was the most exhilarating and most exciting time of my life; unfortunately, some people got killed, and others got hurt.'"

Mr. Corcoran was among the injured. He was awarded a Bronze Star as well as a Purple Heart.

After the war, Mr. Corcoran attended Boston College. He completed his bachelor's degree in three years, even though he was working 40 hours a week shoveling coal at St. Margaret's.

He then began John M. Corcoran & Co., a real estate development firm, which he operated with his brothers Leo and Joe, who later left to start his own firm, Corcoran Jennison Companies.

"We were a lot more confident than our parents were," Mr. Corcoran told The World of Hibernia magazine. "We knew we were at least as smart as anyone else—if not smarter. And you also knew you were an American, and you had that right."

John M. Corcoran & Co. has built or managed more than 15,000 apartment units and a million square feet of suburban properties including Quincy Commons and Weymouth Commons apartment complexes.

Mr. Corcoran contributed to many charities, among them the Christian Jewish Center at Boston College, where he was a trustee.

He had 50 nieces and nephews, and he loved to ski. Every year, he brought his extended family on a ski trip to New Hampshire. For many years, he rented the entire Bartlett Hotel for his family, and children would be running through its hallways for a week.

Each year, Mr. Corcoran took a trip to the Alta Ski Area in Utah. "He was looking forward to going this year," said Joe. "When you reach 80 years old, you get to ski for free. It wasn't the money, but it was a status thing with him."

In addition to his brothers, both of whom are Milton residents, he leaves two sons, John and Thomas, also of Milton; five sisters, Mary of Dorchester, Theresa of Quincy, and Claire Carten, Bernadette Richards, and Frances Richer, all of Milton; and five grandchildren.

A funeral Mass will be said Monday at 10 a.m. in St. Elizabeth's Church in Milton. Burial will be in Milton Cemetery.

BREAST CANCER AWARENESS MONTH

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. MAJETTE. Mr. Speaker, every three minutes a woman in America is diagnosed with breast cancer. One in eight women will develop breast cancer in her lifetime.

Breast cancer is the leading cause of death for women between the ages of 40 and 55.

In my state of Georgia, this year an estimated 5,400 women will be diagnosed with breast cancer, and 1,000 women will die from the disease.

In the two counties I represent, 86 people a year die from breast cancer in DeKalb County and in Gwinnett County, 38 people a year die from breast cancer.

The breast cancer death rate is even higher among African American women—with an estimated 20,000 expected new cases in 2003.

Early detection is the key. Mammography screening can detect the disease before any symptoms occur.

Women must have guaranteed access to mammograms and preventive care, including regular checkups.

We also need to prevent insurers and employers from discriminating against women because they are more likely to get diseases like breast cancer. We must pass the Genetic Information Nondiscrimination in Health Insurance and Employment Act.

But our top priority must be finding a cure. Too many of our sisters, mothers, daughters and friends die from this disease. Funding early prevention and finding a cure should be national priorities.

IN RECOGNITION OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of October being the month to increase awareness of domestic violence, and educate individuals about the services available to assist victims. Therefore, it is significant that we recognize October as the National Awareness Month for Domestic Violence.

According to the United States Department of Justice, domestic violence can be defined as, a pattern of coercive behavior designed to exert power and control over a person in an intimate relationship through the use of intimidating, threatening, harmful, or harassing behavior. Partners may be married or not married, heterosexual, gay, lesbian, living together, separated or dating.

Over the last thirty years, there has been a radical change in not only the understanding of domestic violence, but also the acknowledgement of responses from individuals and society. According to the most recent report from the Department of Justice, there were almost 700,000 incidents of domestic violence in 2001. Approximately one-third of women who are murdered each year are killed by their current or former husband or partner. Children who are subjected to domestic violence too often grow up to inflict violence on others, creating a cycle of violence that must be stopped.

Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. Approximately four million American women experience a serious assault by an intimate partner each year. Six times as many women who experience violence by an intimate partner, 18 perecent, as by a stranger, 3 percent, do not report the crime. Several types of violence and abuse usually occur within the family; men who batter their intimate partners are more likely to abuse their children too. Unfortunately, every fifteen seconds in the United States, a woman is brutally battered by her partner. As you hear these words, a woman is being beaten.

Despite the increase reports of domestic violence in Chicago, the police and other related agencies receive an average of 560 domestic violence calls each day. About half the murders involved domestic disputes and approximately fifty percent of homicides are attributed to a domestic situation.

To bring attention to this horrendous issue, October has been designated as the National Domestic Violence Awareness Month. Mr. Speaker, let all of us renew our Nation's commitment to prevent and punish the perpetrators of this despicable crime and bring hope and healing to those affected by it.

INDIANA 293RD GUARD SERVED NATION WELL

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. SOUDER. Mr. Speaker, after 10 months of serving our Nation in Iraq, the heroic soldiers of the 293rd National Guard Division of Indiana have returned home.

These brave soldiers left three of their colleagues behind: SFC Craig A. Bolling, SPC Brian M. Clemens, and PFC Anthony R. Wagner. They gave the ultimate sacrifice so the rest of us may be free.

The soldiers of the 293rd are not full-time soldiers. They have other jobs. Their families, and their employers, did not expect them to be gone so long. They too have made sacrifices in the war on terrorism.

Because of their efforts, we are fighting in the streets of Baghdad—not in the streets of Indiana and the United States. Because of their efforts we have at least temporarily disrupted the worldwide terrorist networks. Because of their efforts the people of Iraq at least have a chance to exercise freedom and a life free from terror.

We know not what the future holds. But we do know that because of the soldiers in the 293rd Indiana Guard, as well as all the other brave men and women serving in the Iraq arena, we at least have done what we can in the battle for freedom and against terrorism. We honor them for their sacrifices for us.

The following is a list of all those who served in the 293rd.

FALLEN SOLDIERS

SFC BOLING CRAIG A—CO C, 1-293D INF, DECEASED: 8-JUL-03, LOCATION OF DEATH: CAMP WOLF, KUWAIT, INCIDENT REGARDING DEATH: SEIZURE, HOMETOWN: ELKHART, IN.

SPC CLEMENS BRIAN M—CO C, 1-293D INF, DECEASED: 6-FEB-03, LOCATION OF DEATH: ARIFJAN, KUWAIT, INCIDENT REGARDING DEATH: HUMMVE ROLLOVER, MULTIPLE TRAUMA INJURIES, HOMETOWN: KOKOMO, IN.

PFC WAGNER ANTHONY R—CO B, 1-293D INF., DECEASED: 21-NOV-02, LOCATION OF DEATH: INDIANAPOLIS (I-70), INCIDENT REGARDING DEATH: POV ACCIDENT, HOMETOWN: SOUTH WHITELY, IN.

RANK, NAME, UNIT

SPC ANDERSON JUSTIN J—CO A, 1-293D INF; SPC ANDREWS DONALD L—CO A, 1-293D INF; SPC BAKER CORY L—CO A, 1-293D INF; SPC BAKER STEVEN S—CO A, 1-293D INF; SPC BALL PHILLIP L—CO A, 1-293D INF; SGT BARTELL MARK D—CO A, 1-293D INF; SSG BAUMGARTNER JEFFERY A—CO A, 1-293D INF; PV2 BONNELL BRANDON J—CO A, 1-293D INF; SPC BONTRAGER JUSTIN K—CO A, 1-293D INF; SPC BROWN ADAM D—CO A, 1-293D INF; SSG BUSSARD GREGORY A—CO A, 1-293D INF; SPC BYRD JOSEPH N—CO A, 1-293D INF;PV2 CANTU ADRIAN JR—CO A, 1-293D INF; PFC CANTU JOSHUA—CO A, 1-293D INF; SPC CARLSON HARVEY A—CO A, 1-293D INF; SPC CHURCH DERRICK E—CO A, 1-293D INF; MAJ COOMLER JEFFREY S—CO A, 1-293D INF; SGT CROY KENNETH R—CO A, 1-293D INF; SPC DEETZ LAWRENCE R—CO A, 1-293D INF; SGT DEMOREST DREW A—CO A, 1-293D INF; SPC DIETSCH MATHEW R—CO A, 1-293D INF; SPC DRAKE SCOTT R—CO A, 1-293D INF; SFC ELLERMAN LAWRENCE E—CO A, 1-293D INF; PFC ERWIN CRAIG D—CO A, 1-293D INF; SPC ESPINOZA ALBERTO—CO A, 1-293D INF; SPC EVERSON JOSEPH P—CO A, 1-293D INF; SFC FACE JEFFERY A—CO A, 1-293D INF; SGT FARRINGTON DARRELL L—CO A, 1-293D INF; SPC FATHAUER DALE A—CO A, 1-293D INF; SPC FELKER MICHAEL L—CO A, 1-293D INF; PFC FITTS WILLIAM E—CO A, 1-293D INF.

SPC FOLDS MILTON W—CO A, 1-293D INF; PV2 FULK TRENT A—CO A, 1-293D INF; SGT GARCIA ARTURO—CO A, 1-293D INF; SPC GILLEY BENJAMIN J—CO A, 1-293D INF; SPC GIPSON CHARLES D—CO A, 1-293D INF; SPC GOHEEN ADAM L—CO A, 1-293D INF; SPC GOSS MATTHEW A—CO A, 1-293D INF; SPC GREENAMYER LEE E—CO A, 1-293D INF; SPC GREENTREE JUSTIN K-CO A, 1-293D INF; 1LT GUY ROBERT D—CO A, 1-293D INF; SPC HACKWORTH CLIFTON A—CO A, 1-293D INF; PFC HARRINGTON BRIAN K—CO A, 1-293D INF; SPC HARRIS LAWRENCE S—CO A, 1-293D INF; PFC HARTER JOSEPH O—CO A, 1-293D INF; PFC HARTZELL JOSHUA R—CO A, 1-293D INF; PFC HASWELL ROBERT L—CO A, 1-293D INF; SGT HAVILAND WILLIAM F—CO A, 1-293D INF; SGT HAWKINS GLENNIS R—CO A, 1-293D INF; PFC HOCHSTETLER DAVID L—CO A, 1-293D INF; SSG HOLCOMB TRAVIS R—CO A, 1-293D INF; SSG HYGEMA MARCUS A—CO A, 1-293D INF; SPC JEWELL WILLIAM D—CO A, 1-293D INF; PFC JOHNSON RAYMOND B—CO A, 1-293D INF; PFC KING PHILLIP A—CO A, 1-293D INF; SGT KING ROGER D—CO A, 1-293D INF; PFC LANDIS KURT V—CO A, 1-293D INF; SSG LAWRENCE JEFFERY L—CO A, 1-293D INF.

PFC LEWIS JONAS W—CO A, 1-293D INF; PFC LEWIS MICHAEL T—CO A, 1-293D INF; SPC LEWIS STEPHEN B—CO A, 1-293D INF; PVT LLOYD EPHRAIM W—CO A, 1-293D INF; SPC LONG JOHN—CO A, 1-293D INF; SGT LUNG DANNY K—CO A, 1-293D INF; SPC MANTELL ANTHONY W—CO A, 1-293D INF; MSG MARTINEZ ANDRES E—CO A, 1-293D INF; SSG MCDONALD CHRISTOPHER—CO A, 1-293D INF; PFC MEDLOCK CHARLES K—CO A, 1-293D INF; SSG METZ LEE D—CO A, 1-293D INF; SPC MIDDLETON WILLIAM V—CO A, 1-293D INF; SSG MILLER JEFFREY A—CO A, 1-293D INF.

SPC MILLER KEITH A—CO A, 1-293D INF; SPC MILLER TIMOTHY A—CO A, 1-293D INF; SGT MILLER WILLIAM J—CO A, 1-293D INF; SGT MOONEY MICHAEL T—CO A, 1-293D INF; PV2 MOORE DONALD D—CO A, 1-293D INF; PFC NAFTZGER JACOB R—CO A, 1-293D INF; PVT NICODEMUS MICHAEL J—CO A, 1-293D INF; PFC NOBLE ROSS H—CO A, 1-293D INF; SSG ORICK CHARLES K—CO A, 1-293D INF; SGT OUSLEY KEITH L—CO A, 1-293D INF; SGT PETTIT ROBBIN M—CO A, 1-293D INF; SSG PILIPIAK TRACY A—CO A, 1-293D INF; PFC RAKOCZY JEREMIAH L—CO A, 1-293D INF; PFC RAYMER JUSTIN M—CO A, 1-293D INF; SPC REUTEBUCH RYAN R—CO A, 1-293D INF; PV2 RIDER TRAVIS L—CO A, 1-293D INF; SPC RILEY ANDREW S—CO A, 1-293D INF; SSG RITTER KIRK C—CO A, 1-293D INF; SPC ROBERTS WILLIAM D—CO A, 1-293D INF; SPC ROMERO BENJAMIN—CO A, 1-293D INF; PFC SEROVY JOSEPH L—CO A, 1-293D INF; PVT SHATTO NATHAN E—CO A, 1-293D INF; SPC SIMCOX STEPHEN W—CO A, 1-293D INF; SGT SPENCER MATTHEW S—CO A, 1-293D INF; SGT SPITLER MICHAEL C—CO A, 1-293D INF; SGT SPRATT BRADLEY W—CO A, 1-293D INF; SSG STAHL JON D—CO A, 1-293D INF; SPC STAMPER RAYMOND T—CO A, 1-293D INF; SGT STAYNER JOHN C—CO A, 1-293D INF; SPC STINFER CARLOS—CO A, 1-293D INF.

PVT SUTERA MICHAEL R—CO A, 1-293D INF; SPC SUTTON DONALD L—CO A 1-293D INF; SPC TODD DAVID W—CO A, 1-293D INF; PFC TROLINGER JAMES A—CO A, 1-293D INF; 1LT TROYER AARON W—CO A, 1-293D INF; SPC TRUELOVE BARRY W—CO A, 1-293D INF; SPC TURNER LONNIE D—CO A, 1-293D INF; SSG VANCE PATRICK J—CO A, 1-293D INF; SPC VANWAGNER MATTHEW D—CO A, 1-293D INF; 2LT WEAVER ANDREW M—CO A, 1-293D INF; SPC WEEKS CHARLES B—CO A, 1-293D INF; SGT WILLIS JACK R—CO A, 1-293D INF; PV2 WIRT JEFFERY M—CO A, 1-293D INF; PV2 WITHAM CRAIG E—CO A, 1-293D INF; SPC WOLF KENNETH W—CO A, 1-293D INF; SFC WOOD GENE E—CO A, 1-293D INF; SGT ZICKEFOOSE KEVIN L—CO A, 1-293D INF; SGT ZUELSDORFF MICHAEL D—CO A, 1-293D INF.

PFC AKER JOSHUA K—CO B, 1-293D INF; PFC AMBURGEY JOHN P—CO B, 1-293D INF; SSG ARNOLD MARK E—CO B, 1-293D INF; PFC BABCOCK SHAWN L—CO B, 1-293D INF; SPC BAKER CLINTON P—CO B, 1-293D INF; SPC BALLEW ROBERT N—CO B, 1-293D INF; SSG BECKER DANIEL F—CO B, 1-293D INF; SPC BENTLEY STEVEN D—CO B, 1-293D INF; SPC BOLLHOEFER DEREK R—CO B, 1-293D INF; SPC BOND JASON E—CO B, 1-293D INF; SFC BRASS JOHN J—CO B, 1-293D INF; SGT BRICKER JEREMY J—CO B, 1-293D INF; SSG BRIDGEWATER RYAN S—CO B, 1-293D INF; SPC BROOKS ROBERT E—CO B, 1-293D INF; SPC BUCK MICHAEL S—CO B, 1-293D INF; SPC BUESCHING JOSHUA P—CO B, 1-293D INF; PV2 BURGESS WARREN JR—CO B, 1-293D INF; SPC CAMPBELL COREY R—CO B, 1-293D INF; PFC CASTRO JONATHAN A—CO B, 1-293D INF; PFC CHILDS MATTHEW R—CO B, 1-293D INF; SPC CLOTHIER MATTHEW S—CO B, 1-293D INF; SGT COX QUINN A—CO B 1-293D INF.

SSG CREE JAMES F—CO B, 1-293D INF; SSG DEMOREST DERRICK T—CO B, 1-293D INF; PFC EDWARDS EVAN L—CO B, 1-293D INF; SPC ERVIN THOMAS E—CO B, 1-293D INF; SPC FERGUSON ADAM J—CO B, 1-293D INF; SPC FLINSBAUGH SHANNON W—CO B, 1-293D INF; SSG FORBES JAMES G—CO B, 1-293D INF; SSG FRATER BRIAN D—CO B, 1-293D INF; SSG FREEMON LARRY L—CO B, 1-293D INF; SPC GARDNER BRIAN T—CO B, 1-293D INF; SSG GINTER ADAM W—CO B, 1-293D INF; PV2 GONZALES DEREK L—CO B, 1-293D INF; SGT GOOLEY TIMOTHY D—CO B, 1-293D INF; SPC GRABLE EDWARD J—CO B, 1-293D INF; SPC GUTHIER PHILLIP P—CO B, 1-293D INF; PFC HALTON SULLIVAN L—CO B, 1-293D INF; SFC HAMPTON DAVID M—CO B, 1-293D INF; PFC HARRIS JEREMY E—CO B, 1-293D INF; SPC HEATH DERRICK L—CO B, 1-293D INF; SPC HEFNER JASON A—CO B, 1-293D INF; PFC HERRON KYLE W—CO B, 1-293D INF; SSG HEUER BRIAN T—CO B, 1-293D INF; SGT HIGGINS JEREMY M—CO B, 1-293D INF; SPC HILEMAN JASON L—CO B, 1-293D INF; SPC HILL MATTHEW V—CO B, 1-293D INF; SPC HILTON CHARLES A—CO B, 1-293D INF.

PVT HOFFMAN JESSE D—CO B, 1-293D INF; SSG HOLMHANSEN SHAWN J—CO B, 1-293D INF; SPC HTOO HTAW P—CO B, 1-293D INF; SPC HUFF LEON D—CO B, 1-293D INF; PFC HUSTON ROBERT A—CO B, 1-293D INF; 1SG IRELAND MARK W—CO B, 1-293D INF; PFC KING NATHAN D—CO B, 1-293D INF; SPC KINNER SHANE A—CO B, 1-293D INF; SPC KLAEHN JOSEPH R—CO B, 1-293D INF; SGT KRINER ROGER D—CO B, 1-293D INF; SPC LANTZ WESLEY P—CO B, 1-293D INF; PFC LEON TRAVIS L—CO B, 1-293D INF; SGT LESTER RICHARD K—CO B, 1-293D INF; PFC LITTLE JOSHUA L—CO B, 1-293D INF; SPC LOZA MANUEL—CO B, 1-293D INF; SGT LUCAS TERRY L—CO B, 1-293D INF; SGT LUDY KYLE K—CO B, 1-293D INF; SSG MAIER MARK M—CO B, 1-293D INF; CPT MARCUSON GREGORY—CO B, 1-293D INF; SGT MARTIN JAMES W—CO B, 1-293D INF; SPC MCANINCH KENNETH K—CO B, 1-293D INF; SPC MCCORD JERRY J—CO B, 1-293D INF; SPC MCKINNEY CHRISOPHER—CO B, 1-293D INF; SPC MEACHAM ERIC C—CO B, 1-293D INF.

SPC MILLER ADAM S—CO B, 1-293D INF; SPC MONTGOMERY JAMES C—CO B, 1-293D INF; SPC MOREY JOHNNY E—CO B, 1-293D INF; SGT MYERS JEFFREY A—CO B, 1-293D INF; SPC NEHER KEITH A—CO B, 1-293D INF; SPC NIERMAN JASON L—CO B, 1-293D INF; SPC ORTIZ JEFFREY J—CO B, 1-293D INF; SPC PALMER JONATHAN A—CO B, 1-293D INF; SPC PAYNE JAMES A—CO B, 1-293D INF; SPC PECK TERRY L—CO B, 1-293D INF; SPC PETZOLD PHILLIP R—CO B, 1-293D INF; PV2 PLATTER STEPHEN P—CO B, 1-293D INF; SPC PRICE JONATHAN D—CO B, 1-293D INF; SPC RAGER CLINT L—CO B, 1-293D INF; SPC RAMER JASON M—CO B, 1-293D INF; SGT RAYBURN GLENN D—CO B, 1-293D INF; PFC REAMES BRADLEY D—CO B, 1-293D INF; SPC REECE JOSHUA A—CO B, 1-293D INF; SGT RICHARD MARK—CO B, 1-293D INF; SPC RICHARDS MALCOLM W—CO B, 1-293D INF; SGT RINKER TIMOTHY N—CO B, 1-293D INF; SPC RITCHEY JAMES R—CO B, 1-293D INF.

SPC RITCHIE BRANDEN D—CO B, 1-293D INF; SPC RITCHIE DAVID E—CO B, 1-293D INF; SPC RIVERA SHAHUAN Z—CO B, 1-293D INF; SPC ROARK REX—CO B, 1-293D INF; SPC ROBERTS JOHNNY C—CO B, 1-293D INF; SPC ROBINSON KENNEDY L—CO B, 1-293D INF; SPC ROGERS SCOTT K—CO B, 1-293D INF; SPC ROTH STACEY S—CO B, 1-293D INF; SSG RUMBAOA ARCENIO JR—CO B, 1-293D INF; SFC SCHOTT VICTOR D—CO B, 1-293D INF; SPC SCOTT JEFFERY L—CO B, 1-293D INF; SPC SEARCH JOHN P—CO B, 1-293D INF; SPC SEITZ ANDREW J—CO B, 1-293D INF; 2LT SELKING DOUGLAS W—CO B, 1-293D INF; SPC SHEEHAN BRIAN J—CO B, 1-293D INF; SGT SHROYER KEVIN A—CO B, 1-293D INF; SGT SILER KENNETH A—CO B, 1-293D INF; SPC SMITH RANDY L—CO B, 1-293D INF; SFC SOUTHWORTH CHRISTOPHER—CO B, 1-293D INF; SGT SPONG MARK L—CO B, 1-293D INF; SPC STANLEY DONALD J—CO B, 1-293D INF; SPC STANLEY JAMES M—CO B, 1-293DINF1.

SGT TAYLOR TIMOTHY G—CO B, 1-293D INF; SPC THOMPSON JOHN T—CO B, 1-293D INF; SPC TURNER LARRY L—CO B, 1-293D INF; SPC TURNEREGGESON JUSTIN—CO B, 1-293D INF; SPC VANMETER DALE T—CO B, 1-293D INF; SGT WALKER RODNEY S—CO B, 1-293D INF; SPC WALLACE TODD A—CO B, 1-293D INF; SPC WEBER RICKY J—CO B, 1-293D INF; PFC WEINREICH SKIPPER J—CO B, 1-293D INF; PFC WINGER JOSHUA M—CO B, 1-293D INF; SPC WOLFORD—CORY D—CO B, 1-293D INF; SPC WYMER AARON B—CO B, 1-293DINF1.

SPC ABSTON DONALD E—CO C, 1-293D INF; SPC AKERS JOSHUA L—CO C, 1-293D INF; SGT ALEXANDER CHAD L—CO C, 1-293D INF; SPC ALLCOCK ANDREAS L—CO C, 1-293D INF; PFC ANDERSON DYLAN T—CO C, 1-293D INF; SPC ANDREWS MELVIN L—CO C, 1-293D INF; PVT BAIRD CHARLES F—CO C, 1-293D INF; SGT BALTES CARL J—CO C, 1-293D INF; 2LT BALTIS BRUCE D—CO C, 1-293D INF; SPC BEERS DAVID W—CO C, 1-293D INF; SSG BENNETT JEFFREY A—CO C, 1-293D INF; PFC BERGAMINO STEPHEN E—CO C, 1-293D INF; PV2 BERNING MATTHEW J—CO C, 1-293D INF; SGT BESECKER RICKEY L—CO C, 1-293D INF; SGT BILLINGS ROBERT S—CO C, 1-293D INF; SGT BOBAY NATHAN J—CO C, 1-293D INF; SGT BRACHT BRENT A—CO C, 1-293D INF; SPC BRADTMUELLER RODNEY D—CO C, 1-293D INF; SGT BROAD CHAD J—CO C, 1-293D INF; PFC BROWNLEE DAMEION A—CO C, 1-293DINF1.

2LT BURKETT JAMES J—CO C, 1-293D INF; SPC BURNETT JEREMY A—CO C, 1-293D INF; SPC BUTLER JOSHUA L—CO C, 1-293D INF; SGT—COIL ALEC P—CO C, 1-293D INF; SPC—COMBS TOBY S—CO C, 1-293D INF; CPT—COPELAND CHARLES L—CO C, 1-293D INF; SGT—COPP MARK A—CO C, 1-293D INF; SPC—COX BRANDT A—CO C, 1-293D INF; 1SG—COX CHARLES H—CO C, 1-293D INF; PFC DAHLMAN DEREK A—CO C, 1-293D INF; SGT DAVIDSON JAMES S—CO C, 1-293D INF; SPC DAVIS JOSHUA D—CO C, 1-293D INF; PV2 DEAN JEREMY H—CO C, 1-293D INF; PVT DOUGLAS BRACKEN C—CO C, 1-293D INF; SPC DUNHAM KEVIN W—CO C, 1-293D INF; SGT DURBIN LONNIE G—CO C, 1-293D INF; SPC EXNER THOMAS E—CO C, 1-293D INF.

SPC FARRELL MARK A—CO C, 1-293D INF; PV2 FIDLER AARON C—CO C, 1-293D INF; SPC FIELDS TRACY S—CO C, 1-293D INF; PFC FISHER SHAWN M—CO C, 1-293D INF; SGT FULLER BRANDT E—CO C, 1-293D INF; SPC GEELS ISSAC W—CO C, 1-293D INF; SPC GOLDER JUSTIN N—CO C, 1-293D INF; SGT GROSE LYLE A—CO C, 1-293D INF; SSG GUSTIN NEAL V—CO C, 1-293D INF; SPC HACKETT ZACHERY K—CO C, 1-293D INF; PFC HACKWORTH ERIC M—CO C, 1-293D INF; PFC HARDWAY DONALD S—CO C, 1-293D INF; PFC HARMEYER JOSHUA A—CO C, 1-293D INF; PFC HODALJ MICHAEL S—CO C, 1-293D INF; SSG HOLTZMAN CAMERON M—CO C, 1-293D INF; SSG HUGHES WILLIS F—CO C, 1-293D INF; SPC JENKINS COREY D—CO C, 1-293D INF; PFC JONAK KRISTOPHER M—CO C, 1-293D INF; SPC KASTEN TIMOTHY A—CO C, 1-293D INF; SPC KEENAN JOHN C—CO C, 1-293D INF; SGT KEISTER EDWARD C—CO C, 1-293D INF; PFC KELLER JAMES L—CO C, 1-293D INF; PV2 KELLEY SHEA J—CO C, 1-293D INF; SSG KELLY KELLEY L—CO C, 1-293D INF; PV2 KNICKREHM HARLEY R—CO C, 1-293D INF; SGT KNIGHT RAYMOND H—CO C, 1-293D INF; PFC LAMERE ADAM C—CO C, 1-293D INF; SPC LASHBROOK DENNIS W—CO C, 1-293D INF; PFC LAUDERDALE JEFFERY A—CO C, 1-293D INF; SPC LEININGER ERIC E—CO C, 1-293D INF.

2LT LIPSCOMB JASON S—CO C, 1-293D INF; SPC LUDLOW GREGORY P—CO C, 1-293D INF; SPC LUKE JAMES M—CO C, 1-293D INF; PFC MAHARA RUDOLPH A—CO C, 1-293D INF; SGT MALOTT RODNEY L—CO C, 1-293D INF; SGT MAY ANDREW J—CO C, 1-293D INF; SPC MCDONALD TRAVIS D—CO C, 1-293D INF; SPC MCLEAN JEFFERY J—CO C, 1-293D INF; SPC MILLER JESSE L—CO C, 1-293D INF; PVT MINER DONOVAN D—CO C, 1-293D INF; SPC MOONEY PHILLIP L—CO C, 1-293D INF; PV2 MUSSER CHRISTOPHER M—CO C, 1-293D INF; SSG NELSON MICHAEL J—CO C, 1-293D INF; SPC NORWALT ERIC A—CO C, 1-293D INF; SSG PEPPER SCOTT A—CO C, 1-293D INF; SPC PETERS WADE A—CO C, 1-293D INF; SPC PHAM DUY T—CO C, 1-293D INF; SGT PIMENTEL EDGAR—CO C, 1-293D INF; 1LT PLASTER ROGER D—CO C, 1-293D INF; SGT PLUMMER RYAN M—CO C, 1-293D INF; SGT POTTS BRIAN C—CO C, 1-293D INF; PFC RAUCH ROBERT M—CO C, 1-293D INF; SPC RO YUN Y—CO C, 1-293D INF; PFC ROBERTS PATRICK T—CO C, 1-293D INF; SPC ROCKSTROH JEREMY P—CO C, 1-293D INF.

SPC RODRIGUEZ RICHARD P—CO C, 1-293D INF; SGT RONCO GARY S—CO C, 1-293D INF; SGT ROPP BRIAN P—CO C, 1-293D INF; PRC SHECKLER CHRISTOPHER—CO C, 1-293D INF; SPC SHULTZ JERRY T—CO C, 1-293D INF; SPC SIMMS TONY A—CO C, 1-293D INF; SGT SMITH BRIAN K—CO C, 1-293D INF; SFC SMOLAR ROBERT B—CO C, 1-293D INF; SSG SPARKS LARRY L—CO C, 1-293D INF; SPC STANSBURY TRAVIS A—CO C, 1-293D INF; PFC STARKEY PATRICK H—CO C, 1-293D INF; SPC STEPHENS AARON B—CO C, 1-293D INF; SPC STIEBELING ADAM T—CO C, 1-293D INF;

SGT STOLTE ALVA L—CO C, 1-293D INF; SGT STRIGGLE TRAVIS E—CO C, 1-293D INF; SPC STULLER BILLY J—CO C, 1-293D INF; SGT SUMMERS JOHNNY D—CO C, 1-293D INF;

SPC TARIN JOSEPH A—CO C, 1-293D INF; SPC TOWNES STEVEN O—CO C, INF; PFC TRAN THUC T—CO C, 1-293D INF; SPC TUMBLESON DAVID F—CO C, 1-293D INF; PFC UMHOLTZ JEREMIAH J—CO C, 1-293D INF; SPC VAUGHN KENDALL P—CO C, 1-293D INF; PV2 VEIL MATTHEW C—CO C, 1-293D INF; SGT WADE CHRISTOPHER M—CO C, 1-293D INF; SPC WARNER MATTHEW D—CO C, 1-293D INF; SPC WEIDLER CHRISTOPHER F—CO C, 1-293D INF; SGT WELLS DAVID K—CO C, 1-293D INF; SPC WHITE ERIC D—CO C, 1-293D INF; SPC WILEY JUSTIN M—CO C, 1-293D INF; SPC WOODS MICHAEL R—CO C, 1-293D INF; PFC WRIGHT GEORGE D—CO C, 1-293D INF; SSG WRIGHT TRENT O—CO C, 1-293D INF; 2LT ZARTMAN LARRY A—CO C, 1-293D INF;.

SPC ANDERSON MATTHEW J—CO D, 1-293D INF; SPC ARNOLD PATRICK S—CO D, 1-293D INF; SGT BAHRKE DANIEL E—CO D, 1-293D INF; SPC BAUMIS DENNIS J—CO D, 1-293D INF; PFC BEEKS NATHAN A—CO D, 1-293D INF; SGT BLACKBURN ANDREW K—CO D, 1-293D INF; SPC BOZE LARRY E—CO D, 1-293D INF; SSG BRATCH ROBERT J—CO D, 1-293D INF; SPC BUDD TRACY A—CO D, 1-293D INF; PV2 CALHOUN SHAWN T—CO D, 1-293D INF; PFC CICATKO MATTHEW D—CO D, 1-293D INF; SPC CLOUSER BRIAN P—CO D, 1-293D INF; SFC CRAIG GEORGE J—CO D, 1-293D INF; SGT CRIPE QUENTIN A—CO D, 1-293D INF; 1LT CURTIS MAURICE—CO D, 1-293D INF; SFC CUTSHALL CHRISTOPHER—CO D, 1-293D INF; SFC DIEMER JEFFREY J—CO D, 1-293D INF; SPC DIMOND JEFFREY W—CO D, 1-293D INF; SPC EVERMAN RICHARD N—CO D, 1-293D INF; PV2 FAUST JOSHUA M—CO D, 1-293D INF; SPC FIGUEROA ROBERTO JR—CO D, 1-293D INF; SPC FRANKLIN ERIC C—CO D, 1-293D INF.

SGT GORREL TODD N—CO D, 1-293D INF; SPC GRAY KARL C—CO D, 1-293D INF; SGT GRIFFEY CHARLES T—CO D, 1-293D INF; SPC GUNSOLUS ADRIAN E—CO D, 1-293D INF; SSG HARLAN DENNY J—CO D, 1-293D INF; SPC HATTON MICHAEL R—CO D, 1-293D INF; SGT HAWKINS BILLY E—CO D, 1-293D INF; SPC HEFFELFINGER ROGER R—CO D, 1-293D INF; 2LT HITE GARY L—CO D, 1-293D INF; SPC HOFFMAN JOHN W—CO D, 1-293D INF; PV2 HYDEN JEROD W—CO D, 1-293D INF; SPC JACQUAY TIMOTHY A—CO D, 1-293D INF; SPC JIMENEZ BRYAN K—CO D, 1-293D INF; SSG JIMENEZ DAVID L—CO D, 1-293D INF; SPC JONES SHANE D—CO D, 1-293D INF; SGT KNAUFF BRIAN K—CO D, 1-293D INF; PFC KOCHENSPARGER JASON M—CO D, 1-293D INF; PFC LACAYO HORACIO A—CO D, 1-293D INF; SPC LANDERS BRIAN D—CO D, 1-293D INF; SPC LUCAS ROBERT M—CO D, 1-293D INF; 1SG MCNANY JAMES W—CO D, 1-293D INF; SPC MORROW WILLIAM E—CO D, 1-293D INF; SPC NELSON CHAD W—CO D, 1-293D INF; SSG NELSON JAMES A—CO D, 1-293D INF; SPC NELSON RICKEY J—CO D, 1-293D INF; SPC OHARA DUSTIN L—CO D, 1-293D INF; PFC PATTON JEREMY D—CO D, 1-293D INF; SPC PAYNE JEREMY L—CO D, 1-293D INF; 2LT PITTMAN CHAD A—CO D, 1-293D INF; SGT POE SCOTT A—CO D, 1-293D INF; SPC PRUITT STEVEN E—CO D, 1-293D INF; SSG PUTT ELLIOTT R—CO D, 1-293D INF.

PV2 ROBINSON RYAN L—CO D, 1-293D INF; SPC SHARP DARRELL J—CO D, 1-2930 INF; SGT SHENEFIELD HEATH R—CO D, 1-293D INF; PFC SHOEMAKER ROBERT W—CO D, 1-293D INF; SPC SHULTZ JAMES D—CO D, 1-293D INF; SPFC SMITH GARY L—CO D, 1-293D INF; SPC SMITH LESTER E—CO D, 1-293D INF; SGT SMITH SHAD L—CO D, 1-293D INF; SGT STELL RICK T—CO D, 1-293D INF; SSG STEPHAN ERNEST H—CO D, 1-293D INF; SPC STOFFEL JEREMIAH L—CO D, 1-293D INF; PV2 THOMPSON JAMES E—CO D, 1-293D INF; SSG TIMMS JAMES A—CO D, 1-293D INF; SGT TRIBBETT KEVIN J—CO D, 1-293D INF; SPC TURNER JOSHUA L—CO D, 1-293D INF; PVT TURNER ROBERT B—CO D, 1-293D INF; PV2 UNDERWOOD DAVID R—CO D, 1-293D INF; SPC VINEYARD MICHAEL S—CO D, 1-293D INF; SGT WEILAND GARY H—CO D, 1-293D INF; SPC WILSON CHAD M—CO D, 1-293D INF; SPC WINTRODE JOSEPH T—CO D, 1-293D INF; CPT WOODSMALL MARK A—CO D, 1-293D INF; SFC ZAHM PHILIP S—CO D, 1-293D INF.

SPC AMOS TODD M—HHC, 1-293D INF; SFC APPLEGATE CHARLES T—HHC, 1-293D INF; SSG ATWATER SCOTT D—HHC, 1-293D INF; SGT BATES BRIAN M—HHC, 1-293D INF; SPC BATTEN ELISHA L—HHC, 1-293D INF; SPC BAUGH ANTHONY J—HHC, 1-293D INF; SPC BECKNER DEREK S—HHC, 1-293D INF; SPC BEELER ANTHONY R—HHC, 1-293D INF; SPC BERTHOLF CHRISTOPHER—HHC,. 1-293D INF; SPC BOBISH PAUL D—HHC, 1-293D INF; PFC BOLINGER BRYAN D—HHC, 1-293D INF; SGT BORNKAMP CHRISTOPHER—HHC, 1-293D INF; SGT BOWMAN JAMES W—HHC, 1-293D INF; SPC BRACHT MICHAEL P—HHC, 1-293D INF; MAJ BRAY ERIC G—HHC, 1-293D INF; SPC BREWER LAVAR J—HHC, 1-293D INF; SGT BRIGGS EDWARD R—HHC, 1-293D INF; SGT BROCK ROY W—HHC, 1-293D INF; SPC BROOKS GARY P—HHC, 1-293D INF; SPC CATO CHRISTOPHER L—HHC, 1-293D INF; SPC CHAPMAN ANTHONY—HHC, 1-293D INF.

SPC CLINE JOHNATHON J—HHC, 1-293D INF; SSG CLOUSE MICHAEL P—HHC, 1-293D INF; SPC COFFING WALTER E—HHC, 1-293D INF; SGT COLLINS JEFFREY A—HHC, 1-293D INF; PFC COREY ROBERT D—HHC, 1-293D INF; SFC COUCH RANDY L—HHC, 1-293D INF; SPC CRAWFORD MATTHEW L—HHC, 1-293D INF; SPC CREEK GREGORY E—HHC, 1-293D INF; SPC DAVIS CHARLES R—HHC, 1-293D INF; SPC DAVIS KEVIN D—HHC, 1-293D INF; CPT DENBY TIMOTHY W—HHC, 1-293D INF; LTC DENTON IVAN E—HHC, 1-293D INF; CPT DERUE ERIC A—HHC, 1-293D INF; SPC DONAHUE MICHAEL P—HHC, 1-293D INF; SFC DUNCAN JEFFREY W—HHC, 1-293D INF; SPC DUNKERLEY RICK A—HHC, 1-293D INF; SPC DUNN JOSEPH M—HHC, 1-293D INF; SGT ELKINS WILLIAM R—HHC, 1-293D INF; SFC ELLENBERGER SCOTT B—HHC, 1-293D INF; SPC ENLOW DANIEL E—HHC, 1-293D INF; SPC EREXSON ERIC L—HHC, 1-293D INF; CPT FANTOZZI RICHARD K—HHC, 1-293D INF; SGT FOSTER MATTHEW C—HHC, 1-293D INF; SPC FRAUHIGER BRIAN F—HHC, 1-293D INF; SGT GAWLIK HENRY C—HHC, 1-293D INF; PV2 GEISLEMAN TERRY A—HHC, 1-293D INF; SPC GIBSON GEOFFREY V—HHC, 1-293D INF.

SPC GIBSON RICKY A—HHC, 1-293D INF; SPC GILLESPIE LORNE K—HHC, 1-293D INF; MSG GISEL TOMMY L HHC, 1-293D INF; SPC GONZALEZ ROBERTO J—HHC, 1-293D INF; SPC GOSNELL DALE E—HHC, 1-293D INF; SPC GRAHAM DAVID K—HHC, 1-293D INF; SGT GRESHAM JAMES P—HHC, 1-293D INF; SPC GRISWOLD WILLIAM L—HHC, 1-293D INF; SFC GUSTAFSON CHRISTOPHER—HHC, 1-293D INF; SPC HABEGGER DENNIS M—HHC, 1-293D INF; SGT HAGER BRIAN D—HHC, 1-293D INF; SPC HALL MATTHEW J—HHC, 1-2930 INF; SGT HAVILAND THOMAS D—HHC, 1-293D INF; SSG HELBLIG WILLIAM E—HHC, 1-293D INF; 2LT HENSEL JAMES D—HHC, 1-293D INF; SPC HENTZELL BRIAN E—HHC, 1-293D INF; SPC HERSHBERGER JERRY A—HHC, 1-293D INF; SPC HESS BRANDON M—HHC, 1-293D INF; SPC HESS CHRISTOPHER A—HHC, 1-2930 INF; SPC HILGER PAUL H—HHC, 1-293D INF; SPC HINEN SHAWN W—HHC, 1-293D INF; PFC HOAG RICHARD C—HHC, 1-293D INF; SGT HOEPPNER KEVIN D—HHC, 1-293D INF; SPC HOFFMAN MICHAEL D—HHC, 1-2930 INF; PFC HOLCOMB NICHOLAS R—HHC, 1-293D INF; SPC HOOVER SCOT A—HHC, 1-293D INF; SGT HYNDMAN GREG E—HHC, 1-293D INF; SGT JEFFREY JOSHUA R—HHC, 1-293D INF; SPC JENNINGS KEVIN L—HHC, 1-293D INF; SPC JOHNSON COREY D—HHC, 1-2930 INF; SPC JORDAN STEVEN H—HHC, 1-293D INF.

1LT KAUTSKY RONALD S—HHC, 1-293D INF; SPC KELLER BENJAMIN L—HHC, 1-293D INF; SPC KELLER ISAAC D—HHC, 1-293D INF; SPC KENNEDY JOSHUA J—HHC, 1-293D INF; SPC KINSEY MATTHEW L—HHC, 1-2930 INF; SPC KLOSOWSKI STANLEY—HHC, 1-293D INF; SSG KOBELJA NICHOLAS C—HHC, 1-293D INF; SPC KREIDER ALROY E—HHC, 1-293D INF; SPC LANGIN JOHN P—HHC, 1-293D INF; PFC LATTA JOHN J—HHC, 1-293D INF; SSG LEHMAN CRAIG L—HHC, 1-293D INF; SPC LEMMON JEFFREY A—HHC, 1-293D INF; SPC LEWIS ANTHONY E—HHC, 1-293D INF; PV2 LEWIS NEIL C—HHC, 1-293D INF; SGT LIGHT GREG A—HHC, 1-293D INF; CPT LIPINSKI RONALD A—HHC, 1-2930 INF; SFC LITCHFIELD DAVID A—HHC, 1-293D INF; SPC LITTRELL PAUL A—HHC, 1-293D INF; SPC LUNG SCOTTIE W—HHC, 1-293D INF; SPC LYNCH BRUCE D—HHC, 1-293D INF; SFC MACGREGOR SCOTT D—HHC, 1-293D INF; SPC MACK JUSTIN T—HHC, 1-2930 INF.

SGT MADDOX DAVID L—HHC, 1-293D INF; 1LT MALONE BRUCE W—HHC, 1-293D INF; SGT MARSHALL JAMES B—HHC, 1-293D INF; SPC MARTIN ROCKY E—HHC, 1-2930 INF; SPC MCCLELLAN DAVID A—HHC, 1-293D INF; SPC MCCLELLAND MATTHEW J—HHC, 1-293D INF; PVT MELVIN LEE R—HHC, 1-293D INF; SPC MEYER STEVEN E—HHC, 1-293D INF; SPC MIDDAUGH SEAN A—HHC 1-293D INF; SFC MITCHELL JON E—HHC, 1-293D INF; SPC MORGAN DEWAYNE L—HHC, 1-293D INF; SPC MURPHY BRIAN L—HHC, 1-293D INF; CPT NEDZA DONALD E—HHC, 1-293D INF; SPC NICCUM MITCHELL A—HHC, 1-293D INF; SPC NUCKOLS LARRY M—HHC, 1-293D INF; SPC OLIVER WADE E—HHC, 1-293D INF; SGT ORTIZ FLORENCE R—HHC, 1-293D INF; SGT OSBORNE DAVID R—HHC, 1-293D INF; SPC PAPPE CLIFFORD R—HHC, 1-293D INF.

SGT PASKINS HAROLD D—HHC, 1-293D INF; SPC PASKO JASON P—HHC, 1-293D INF; SSG PESENECKER THOMAS J—HHC, 1-293D INF; SPC PETERSON RANDAL E—HHC, 1-293D INF; SSG PIEPENBRINK JOSEPH C—HHC, 1-293D INF; SGT PLANK JEFFREY P—HHC, 1-293D INF; SSG PLATTER MICHAEL J—HHC, 1-293D INF; PV2 PORTER VINCENT A—HHC, 1-293D INF; SPC POWELL RICHARD W—HHC, 1-293D INF; 2LT RAPP DOUGLAS C—HHC, 1-293D INF; SPC RASOR BRIAN A—HHC, 1-293D INF; SPC RICKETTS JEMATEUS J—HHC, 1-293D INF; SPC ROBINSON TIM D—HHC, 1-293D INF; PFC ROLLINS JESSE H—HHC, 1-293D INF; SGT ROSS JOHN A—HHC, 1-293D

INF; CSM RUNGE JOHN M—HHC, 1-293D INF; CPT RUSSELL WESLEY A—HHC, 1-293D INF; SGT SALEMINK CHRISTOPHER—HHC, 1-293D INF; SPC SHEARER JEREMY B—HHC, 1-293D INF; SSG SHERMAN MATTHEW H—HHC, 1-293D INF; SPC SHODA MATHEW A—HHC, 1-293D INF; SPC SIMPSON PETER J—HHC, 1-293D INF; PFC SISK SHAWN A—HHC, 1-293D INF; SPC SLAGLE RYAN G—HHC, 1-293D INF.

SGT SMITHLEY KENNETH R—HHC, 1-293D INF; 1LT SNYDER BRADLEY J—HHC, 1-293D INF; SPC SPURGEON DANNY J—HHC, 1-293D INF; SGM STAFFORD MICHAEL W—HHC, 1-293D INF; SPC STEPHENSON ADAM K—HHC, 1-293D INF; SGT STONER JASON R—HHC, 1-293D INF; PFC STOPPENHAGEN JOSHUA W—HHC, 1-293D INF; PV2 SUMMERS MARCUS—HHC, 1-293D INF; SPC SWIHART TIMOTHY A—HHC, 1-293D INF; PVT TACKER PAUL J—HHC, 1-293D INF; SPC THOMAS CHRISTOPHER D—HHC, 1-293D INF; SPC THOMAS GRANT H—HHC, 1-293D INF; SGT THOMAS KEVIN J—HHC, 1-293D INF; 1LT THOMPSON LYNN J—HHC, 1-293D INF; SPC THOMPSON MATTHEW J—HHC, 1-293D INF; SPC TODD CHRISTOPHER M—HHC, 1-293D INF; PFC TOLLE BRYAN N—HHC, 1-293D INF; MSG URIDGE LAURENCE T—HHC, 1-293D INF; LTC VILLARRUEL LUIS L—HHC, 1-293D INF; SGT VOLLEN DREW A—HHC, 1-293D INF; SPC WADE GLENN P—HHC, 1-293D INF; SPC WALTERS BUTCH L—HHC, 1-293D INF.

SGT WEBER MICHAEL L—HHC, 1-293D INF; SPC WEBSTER JOHN W—HHC, 1-293D INF; SGT WEINLEY ROBERT E—HHC, 1-293D INF; PFC WELCH CHRISTOPHER R—HHC, 1-293D INF; SGT WELLS MICHAEL E—HHC, 1-293D INF; SPC WELTY JUSTIN—HHC, 1-293D INF; PFC WENTLAND KYLE K—HHC, 1-293D INF; MAJ WESTFALL RONALD A—HHC, 1-293D INF; SPC WHANNEL RUSSELL S—HHC, 1-293D INF; SGT WHITE ARDONUS L—HHC, 1-293D INF; SPC WHITE SHAUN P—HHC, 1-293D INF; 1SG WILCOXEN LELAND G—HHC, 1-293D INF; SPC WILDER ALEXANDER M—HHC, 1-293D INF; SPC WILSON NATHAN S—HHC, 1-293D INF; PV2 WOLFE JACOB D—HHC, 1-293D INF; PFC WOOD CLINTON J—HHC, 1-293D INF; SPC WOOD PATRICK S—HHC, 1-293D INF; SPC YODER GREGORY J—HHC, 1-293D INF; SPC YOUNG JAMES M—HHC, 1-293D INF; SPC YOUNG MICHAEL D—HHC, 1-293D INF; SGT ZELL BENJAMIN L—HHC, 1-293D INF.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 576, 577, 578, and 579, had I been present, I would have voted "yea" on all four.

BREAST CANCER AWARENESS MONTH

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. ROSS. Mr. Speaker, October is National Breast Cancer Awareness month, and as this month comes to an end, it is important for us to reflect upon the progress we have made toward defeating this illness.

An increased awareness of the steps necessary to defeat breast cancer, including mammography screenings, has led to early detection and higher survival rates.

However, we still have a long way to go. This year nearly 40,000 women will die of breast cancer, and over 211,000 new cases will be diagnosed.

Unfortunately, many of these cases will be diagnosed, and deaths will occur, in communities where access to advanced medicine is limited.

Congress's commitment to increasing the funding for cancer prevention and early detection is helping us battle this disease. Today we can be proud of the advancements we have made. But we must continue our commitment to defeating breast cancer by raising the public's awareness, expanding health care screenings to include all women, and continuing to fund the research necessary to fight this disease.

SENATE—*Monday, November 3, 2003*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we stand in awe of You. Your love is constant and Your mercies are new every morning. Thank You for listening when we call and for destroying the record of our faults and failures. Lord, forgive us when we shackle ourselves with pride. Save our Nation from sin, which brings reproach, decline, and destruction. Cover our transgressions with Your righteousness which brings exaltation and salvation. Let not evil overcome us, but may we overcome evil with good.

Bless our Senators today with a constant awareness of Your presence. Let kindness guide their speech and integrity shape their decisions. Keep their feet on the right path and be a shield for all who fight for freedom. In Your wonderful name we pray. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will begin consideration of the conference report to accompany the Iraq and Afghanistan supplemental bill. The order that was entered into on Thursday provided for the time until 5 p.m. today to be equally divided for debate. That conference report will be agreed to at 5. However, no rollcall vote will be necessary.

Also under a previous consent agreement, the Senate will then debate the Interior appropriations conference report. There will be up to an hour of debate on that conference report prior to the vote. Senators should, therefore, expect a rollcall vote to occur sometime between 5:30 and 6 today.

We were also able to reach an agreement for consideration of the fair credit reporting bill. The chairman and ranking member of the Banking Committee have been working through the amendment list in an effort to facilitate its passage. I would anticipate beginning that bill either this evening or first thing tomorrow morning so we can finish the fair credit legislation early this week.

Last week I also mentioned the expiration of the Internet tax moratorium. I had hoped to address an extension of that moratorium prior to that deadline. However, several Senators expressed their reservation about an agreement for that bill. At the close of last week, we were able to reach a consent agreement to proceed to the bill, most likely on Thursday of this week. We will also continue with the appropriations process as the conference reports become available.

Nominations remain a focus of the Senate's attention. We will continue to work toward the scheduling of those nominations on the executive calendar. Another continuing resolution will be necessary by the close of business this week. Even with a short-term extension of the continuing resolution, we will still push to complete the remaining items at the earliest time this year.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 3289, which the clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by all conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of October 30, 2003.)

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I am pleased to bring to the Senate this conference report to provide supplemental funding for military and reconstruction efforts in Iraq and Afghanistan.

The Congress, specifically the Senate, asked the President not to request any funds for our efforts in Iraq and Afghanistan in the fiscal year 2004 appropriations bill. The President honored our request, and that bill has already been signed into law. The funding for our efforts in Iraq and Afghanistan is in the conference report now before us.

Our men and women in uniform face life-threatening obstacles every day and are counting on us to provide them with the resources they need to get the job done. This supplemental will provide the equipment, fuel, ammunition and pay our forces need and deserve as they continue their tasks in Iraq, Afghanistan, and in the other locations where they continue to stand in harm's way fighting the global war on terrorism. They are the reason we need to approve this emergency funding.

One thing is very clear: As the President has said time and again: We will not walk away from Iraq. We will not withdraw our forces from Iraq; we will not leave the Iraqi people in chaos; and we will not create a vacuum for terrorist groups to fill.

Our Nation has always had one goal—we finish what we start, and we will not fail to do so now. This appropriations bill will enable us to fulfill our responsibilities to our men and women in uniform and to the people of Iraq and Afghanistan.

This conference report before us provides $64.7 billion for military operations. Included in this amount is $17.8 billion for the salaries and benefits of active, Guard and Reserve military personnel activated for duty in Iraq, Afghanistan and other areas around the world. Together they continue to fight our war against terrorists and terrorism; $39.2 billion for operations and maintenance in support of Operation Iraqi Freedom, Operation Enduring Freedom and Operation Noble Eagle, of which $1 billion is to support coalition partners; $5.5 billion for procurement, including an additional $62.1 million for improved armor for humvees; $333.8 million for military research, development, and evaluation; and $658 million for the defense health program.

In addition, this conference report provides benefits to our reservists who are ordered to active duty by authorizing coverage of their medical and dental screening. The conferees also expanded pre-mobilization and post-mobilization eligibility for Tricare and made Tricare available to reservists who are unemployed or who are not offered health care benefits by their civilian employer.

Our forces are stationed in some of the most dangerous parts of the world. They face formidable enemies and serious threats. They face these obstacles because they have made a commitment to our freedom; they have decided that, if necessary, they will give what Lincoln called "the last full measure of devotion" to defend freedom. This Congress must meet their level of commitment by funding their mission.

In addition to meeting our obligations, we also support additional funds to rebuild Iraq and Afghanistan. It's a simple and straight-forward premise—security brings stability and stability fosters democracy. An Iraq and Afghanistan well on the way to economic well-being and self-governance offers the fastest way to get our military men and women home. To that end, this conference report provides $21.2 billion to carry out the activities of our Government in connection with the reconstruction and rehabilitation of Iraq and Afghanistan. The majority of these funds, $18.4 billion, is for Iraq for security, rehabilitation and reconstruction, including $100 million for democracy building activities in Iraq to support the development of a constitution and national elections.

Other items funded include: $983 million for operating expenses for the coalition provisional authority; $16.6 million for safe and secure facilities for the United States Agency for International Development in Iraq and Afghanistan; at least $38 million for operating expenses of the United States Agency for International Development for costs associated with Iraq and Afghanistan; $872 million to continue political and economic development programs in Afghanistan; $170 million for Department of State narcotics control, law enforcement, nonproliferation, anti-terrorism and demining programs in Afghanistan; $287 million to continue programs and activities to build the new Afghan army; $50 million for peacekeeping expenses in Iraq relating to additional foreign armed forces; $35 million for anti-terrorism training and equipment needs in Afghanistan. The conferees also agreed to provide $200 million for assistance to Liberia, $200 million for assistance to Jordan, and $20 million for assistance to Sudan.

This conference agreement does not stop at funding our obligations; it also provides specific mechanisms to account for how our appropriated money is spent. This bill creates a new position: The Inspector General for the Coalition Provisional Authority. The IG will work with Ambassador Bremer, and together they will keep track of the funding allocated for Iraq's reconstruction. The IG will issue quarterly reports on the CPA's activities. This position ensures that we will always have a clear record of who is responsible for the funds appropriated to CPA and how they are spent. This position gives us a new tracking and recordkeeping system, a comprehensive review process, and transparency in the allocation of funds. Most importantly, it ensures that funds will be used efficiently to build a new and free Iraq. We have an obligation to our total force and an obligation to the Iraqi and Afghanistan people to finish what we started.

This legislation meets those obligations, and I urge the Senate to promptly approve it.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I come to the Senate floor this morning with a real sadness in my heart. Yesterday, we learned of the loss of a Chinook helicopter in Iraq. During the course of the day, I was contacted in Chicago, and then again in Springfield, with rumors that it involved the Illinois National Guard. The rumor was confirmed this morning. The pilot of the helicopter that was shot down in Iraq was a member of the Illinois Air Guard and we believe he was assigned out of the Peoria Guard unit. He is one of many who have been lost in this conflict from the beginning.

What we learn every morning as we learn the news of another soldier, or 2, or 3, or in this case yesterday, 16, is the real cost of war. I have tried to call the families of those in my home State of Illinois who have lost a soldier. I have not been able to get through to all of them, and it is understandable that in their sorrow and grief, many of them are not taking phone calls. Those I have reached are families who are proud of the men and women in uniform who volunteered to serve our Nation and then gave their lives. They thank the military, too, for the kind treatment their family received upon the notification of the loss and all of the help and consolation during the funeral ceremonies.

But we have to face reality. These are the real costs of war. We come to the floor of the Senate today to debate an appropriations bill that, in all honesty, is just money. The real cost of war is human lives. Sixteen were lost in the helicopter crash over the weekend, and another soldier was killed in another incident. Now we have lost more American servicemen in Iraq since the President declared that the major military operations were completed than we did during the invasion.

It doesn't tell the whole story, though, to just count those who lost their lives, as tragic as that may be. Many listed as wounded are sometimes forgotten and they never should be. Some of the wounds these soldiers have been exposed to are serious, grievous.

Two weeks ago, I went to Walter Reed Hospital to visit with some of the returning soldiers, to meet one soldier from Ohio who lost the sight in one of his eyes, to meet with another soldier from my State of Illinois, the community of Pleasant Hill, a small farm town, who took a mortar round and survived. They didn't think they could take him from the scene, but he managed to live long enough. He made it to Germany, where they didn't think he would survive, but he did; and he was at Walter Reed with his mother and father dreaming of the day when he could get back to Pike County, IL, to a small farm town, his home.

These are the wounded of war who lose limbs, who face grievous, serious injuries that will haunt them for a lifetime. These are the real costs of war and a reminder, too, that we stand today in Iraq, 6 months after the end of the so-called military success that the President announced, still struggling to bring stability to that country. But understand, I don't think we can cut and leave. Those of us who warned in the beginning that once we made this decision, we had to remember it is easier to get into a war than to get out of a war—we have learned that in the last 6 months.

Our superb military forces went into Iraq and, in a matter of 3 weeks, took down Saddam Hussein, this dictator, and his cruelty ended. We were so proud of the men and women in uniform who did that so quickly.

But then came the second phase. That, unfortunately, has not gone nearly as well. The United States made a serious miscalculation when it entered this war in Iraq, invaded that nation, without the support of its traditional allies. With the exception of Great Britain, the so-called coalition of the willing was a very thin coalition. There were many countries offering some help, a few soldiers; but really when it came down to it, this President decided to embark on a war, with the approval of Congress, that took us into a wartime situation unlike anyone has seen. The President did not follow his father's model of bringing the United Nations behind his effort or true global coalition, but decided he would take the small coalition into the war in Iraq.

We didn't need a massive global coalition to win the military battle. We knew we had the best military in the world. We still do. But after the military battle, it is clear now we need allies more than ever. America needs countries to stand beside us with their soldiers, with their resources, with their commitment to finding stability in Iraq, and every day, when we see these bloody headlines of American soldiers being killed, we are reminded that had this been a global coalition, a broader coalition, had we moved in concert with our traditional allies, what we are facing today could have been so much different.

The burden of Iraq weighs heavy on the shoulders of America, and each day as we wake up to hear the news of more deaths of American soldiers, more wounded service men and women overseas, we understand that burden, but we can never understand it like the families who have suffered the losses. Our heart goes out to them. They are in our thoughts and prayers every single moment of every day, as they should be.

We come to the floor today to talk about the other costs of war, the appropriations necessary to keep this war going. It is a massive emergency supplemental appropriations bill. The total is $87,442,198,000. This, of course, represents one of the largest emergency supplemental bills we have considered. It represents a commitment of at least $1 billion a week to sustain our troops in Iraq, and then a commitment beyond it to an effort to build Iraq. It would be easy to say reconstruct Iraq if we had destroyed it during the element of invasion, but that didn't occur. Most of what we are doing is building a country that had been decimated by a dictator. We are providing things that for 10 or 20 years Saddam Hussein never provided to his people, in the hope that we can prove to them they can move toward democracy; that they can move toward a free-market system; that they can have stability, perhaps be a beacon of hope for the Middle East.

If that is the ultimate outcome, then there is some success to this story, but today, in one of the darkest hours with some of the saddest news, it is difficult to look at this and understand how even money is going to solve our problems.

I voted against this preemptive and precipitous war, but today I face a moral dilemma. I cannot and will not support President Bush's unilateralist, aggressive foreign policy of preemption. It is wrong. It was wrong when we voted on it in October of last year. It is wrong in November of this year. It is based on the false premise that we can somehow identify our enemies even if they haven't threatened the United States, even if they have not created a situation of eminent danger. It relies, of course, on information and information based on intelligence, and what do we have to say today about our intelligence-gathering agencies leading up to our invasion of Iraq?

We said we needed to go to Iraq to stop them from obtaining nuclear weapons and using them against their neighbors and against us. It turns out now that was an empty threat. There is no evidence of nuclear weapons nor program in Iraq.

We said there was an arsenal of biological and chemical weapons, weapons of mass destruction, which, again, could threaten the region, the people of Iraq, and the United States, and yet Dr. Kay, after more than 6 months and millions of dollars and hundreds of inspectors, has come up emptyhanded, cannot find a shred of evidence of these weapons of mass destruction.

In the President's State of the Union Address they said, oh, we have proof they were moving fissile material from Africa to Iraq to build nuclear weapons, and even the President has had to say that was not accurate.

We said as well, if you remember 9/11, you can understand why we needed to invade Iraq—because al-Qaida of 9/11 and Saddam Hussein of Iraq were linked. Even the President had to come forward and concede a few weeks ago that statement is not true, either. It is true we changed a regime. We have eliminated Saddam Hussein. But the premise of that war has been challenged and has been found faulty.

So today we consider this supplemental appropriations bill to provide the money that our men and women need to sustain the military effort in Iraq and to come home safely. All of these funds are emergency spending. What that means, of course, is that we are not cutting other Government spending nor raising taxes to find the $87 billion. We are adding this money to America's mortgage. This is our second mortgage on America, $87 billion—the greatest deficit in the history of the United States, and it continues to grow as this administration continues to call for more tax cuts for wealthy people. This, unfortunately, is part of our legacy.

One of the most difficult parts of this bill is the fact that this conference committee stripped out the provision the Senate added on a bipartisan rollcall vote. Republicans and Democrats came together and said at least $10 billion of the $20 billion to reconstruct Iraq should come from the Iraqi people, from their oil reserves. Is that an incredible request, that this country with the second largest oil reserve in the world would help to pay for its own infrastructure? The Bush administration said it was unacceptable. No loan provision will be put in this bill. If anyone has to borrow money to build Iraq, it will be America's families, not the people of Iraq. That is a sad outcome.

Frankly, it means that much of what we were told by this administration before the war just was not true. Paul Wolfowitz, on March 27, 2003, testifying before the House Defense Appropriations Subcommittee, said as follows:

> And on rough recollection, the oil revenues of that country could bring between $50 and $100 billion over the course of the next 2 or 3 years. . . . We're dealing with a country that can really finance its own reconstruction and relatively soon.

Assistant Secretary Wolfowitz said those words to this Congress 6 months ago. This man, who was urging America to invade Iraq and telling us they could pay for their own reconstruction, and where are we today? The Bush administration has rejected the idea that Iraq would pay for this. No, American taxpayers have to pay for it. It has to come out of the Social Security trust fund. It has to come out of investments in education and health care in America. The Bush administration insists on it.

Listen to what Secretary of Defense Donald Rumsfeld said on the same day:

> I don't believe the United States has the responsibility for reconstruction, in a sense . . . and the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has a very substantial number of billions of dollars in it.

Six months ago, those were the words of the Secretary of Defense to the American people through Congress, and I quote again. He said:

> I don't believe the United States has the responsibility for reconstruction. . . .

How clear can we be? Yet today, face it, America, taxpayers, and families, we are accepting an $87 billion responsibility. Instead of asking Iraq to borrow against its bountiful oil reserves, we are asking our children and grandchildren to continue to borrow to build Iraq.

I also want to tell you there is one thing that was done in that conference committee which I think was shameful—shameful: the decision of this conference committee to strip out a provision in the bill which I added on the floor of the Senate. Let me explain it.

Across America, men and women serving in the Guard and Reserve have been activated. Usually their activation was only for a few months but now, because of the fact we are stretched thin around the world, these guardsmen and reservists, much like the helicopter pilot who was killed over the weekend from my State of Illinois, have been activated and asked to serve for longer and longer periods of time, causing extraordinary hardship to their family.

Some dismiss it and say they knew what they were getting into. When they signed up for the Guard and Reserve, they knew they were going to be activated. This is true. I won't argue with that.

Frankly, I ask my friends and colleagues in the Senate to at least show some compassion for those and their families who have been activated and, because of that activation, suffer an extraordinary economic hardship.

Across America, dozens of States and local units of government—my own home State of Illinois, the city of Chicago—have decided if their employees are activated in the Guard and Reserve, they will make up the difference in pay so that while they are off serving their country and risking their lives they can at least have peace of mind that their paycheck will be protected. That State government, that city government will make up the difference in pay. Thank God for their charity and compassion. Thank God they care enough for these men and women to make that commitment, as they have repeatedly. It is not just units of government. Private corporations have done the same thing. We applaud them. We call them patriot corporations because they stand behind the men and women in uniform.

I came to the Senate floor and I said to my colleagues, if we applaud those who stand behind the men and women in uniform to make certain they do not lose their pay while they are activated, can we do no less for Federal employees, the employees of the U.S. Government? By a resounding vote of 96 to 3, this bipartisan vote on the Senate floor, we said, yes, we will stand behind the Federal employees who activate.

How many are involved? Of the 1.2 million Guard and Reserve in America today, 10 percent are Federal employees, 120,000. Currently 23,000 are activated. Some do not see a cut in pay, but many see dramatic cuts in pay. What I asked for was the same type of justice and caring from the Federal Government we asked from State and local governments.

We passed that amendment, and I felt good that we made this commitment. Frankly, I sang the praises of the Senate and those who were involved. We went to the conference committee, and on a party-line vote, with every Republican Senator voting no, they removed this provision from the bill. Many of the Senators who just a few days before on this floor had voted for the provision to protect the pay of activated Federal employees turned around, within a few days, and voted no. That does not set a very good example, does it? If we will not provide the same kind of compensation for Federal employees as State and local governments do, how can we in good conscience turn to businesses and say, stand behind your guardsmen, stand behind your reservists; they are serving our country; they deserve your help, when we turn our backs on them in this bill?

It was the first thing we did when we sat down in conference. It was the first vote we took. It was a sad day. Unfortunately, I will have to offer this amendment again in the hopes that the next time around, if it passes on the Senate floor, the Senate conferees will stand up for it. They did not do that this time.

I also want to say we are paying a great amount of money out of our Federal Treasury to search for weapons of mass destruction. I cannot disclose the sum because it is classified. Trust me, it is very large. The Iraq Survey Group is in this so far futile search for weapons of mass destruction. I asked in this bill that they at least give us a quarterly report on what progress was being made. That was stripped out of the bill—no report necessary.

The amendment would require the special adviser to the Director of the Central Intelligence Agency for the strategy in Iraq, Dr. David Kay, to provide both classified and unclassified written status to Congress on a quarterly basis. That accountability was removed in this bill.

Another provision that was stripped out of this bill relates to profiteering by corporations out to make a buck on a war. During World War II, Harry Truman called war profiteering treason. President Franklin Roosevelt said: I do not want to see a single war millionaire created in the United States as a result of this world disaster.

But when the Appropriations Committee considered this bill, they deleted an amendment by Senator LEAHY, Senator FEINSTEIN, and myself to criminalize war profiteering, price gouging and fraud. The same law that was passed during World War II was stripped out in conference. I do not understand it. I do not understand how anyone could be opposed to prosecuting those who want to defraud and overcharge the U.S. Government and the American taxpayers in time of war. It is unseemly that this has been stripped out in light of questionable no-bid and secretly bid contracts that have been let for Iraq construction.

Since the late 1980s, the move to privatize just about everything the Government does has led to the granting of billion-dollar contracts to a handful of huge companies. We have heard the names: Halliburton, Bechtel. They go on and on. With no surprise, many of them are politically well connected. This amendment was eliminated. It would not have hurt this conference, it would not have hurt this country to include that provision in the law as fair warning to those who would profiteer during a war that we will come down on them like a ton of bricks. But, no, it was removed.

There are many elements in this bill which trouble me. There are some which deserve praise. Access to TRICARE was enhanced for members of the Guard and Reserve; $100 million was added to secure and destroy conventional munitions in Iraq, the ordnance that is being used to bring down our helicopters and killing our soldiers every single day; $500 million for recent disasters, including the California wildfires and Hurricane Isabel; $100 million to help Liberia recover from its brutal civil war; $60 million for Afghan women and girls; and a modification of language Senator MURRAY, Senator LANDRIEU, and I offered on the Senate floor to ensure the assistance provided for Iraq and Afghanistan advances the social, economic, political rights, and opportunities for women and girls.

I want to especially salute Senator MURRAY and Senator LANDRIEU. They had to fight to restore this money in the conference committee. Before the conference committee came together, a staffer stripped it out and they restored it. It took a lot of hard work on their part, but I think most of us realize women and girls in Afghanistan have been brutalized by the Taliban and by the previous government. Frankly, we need to stand behind them. I am glad this money was restored.

I voted reluctantly for the Iraq supplemental when the Senate passed it the first time for the same reason I mentioned earlier. As much as I believe this war was begun in a wrong fashion, with a policy that can no longer be defended, I have to say that as long as 120,000 of our best and brightest soldiers are over there risking their lives every single day, we have to stand by them.

I believe the sensible loan provisions which Senator DORGAN from North Dakota, who is now in the Chamber, supported, as well as his effort to say that the Iraqis will pay for the cost of the war with their own oil were just sensible. They are what American families would say, but unfortunately it is not what the Bush administration would say, and those have been removed.

This deletion of the reservist pay provision is one which I hope we can visit again. I hope next time instead of 96 to 3, we will have a 100-to-0 vote in the Senate. Maybe that is what it takes to convince conferees to stay with a provision once we have adopted it in the Senate.

The American people will ultimately be the judge of our work today. Sadly, they are the ones who are not only paying the bills and writing the checks. They understand the costs of war sometimes better than elected officials. The families with soldiers overseas and those who have seen those soldiers injured or killed understand the costs of war far more than anyone on any Appropriations Committee ever could.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Madam President, I will take a few moments to discuss the Iraq supplemental conference report. At the start of this process, we attempted to have two portions we might consider. One would be the military, which provides almost $1 billion a week to support our troops, and the second is the Iraq reconstruction fund, which is the amount of money the American taxpayer will be asked to fund for the reconstruction of Iraq.

We were not successful in separating these two, and so this travels as one. As a result of that, I offered an amendment to provide that Iraqi oil ought to bear the burden of Iraq reconstruction. We did not target Iraq's infrastructure. We did not target or attempt to bomb their roads, their bridges, their dams, their power structure. So the requirement that the U.S. taxpayer should pay for the reconstruction of Iraq is a requirement that does not make much sense to me.

Iraq, by the way, has the second largest oil reserves in the world, something people have frequently said on the Senate floor. If they have the second largest oil reserves in the world and are capable of producing, according to Ambassador Bremer, 3 million barrels of oil a day beginning next July, that is $16 billion a year in export value, $160 billion in 10 years. There are ample resources, by pumping oil out of the sands of Iraq, to pay for the reconstruction of Iraq. It ought to be that oil, not the burden of the American taxpayer, that pays for the reconstruction of Iraq. I lost that vote on the Senate floor. The President did not support it. The majority did not support it. They said the American taxpayer must bear the burden of the reconstruction of Iraq. I think that is wrong. It does not make any sense to me. But, again, the requirement is included with the requirement to support our troops.

This country cannot send its sons and daughters to war and then say to them, oh, by the way, when you need some additional money for equipment and ammunition and those kinds of things, we will not provide them. We have no other alternative. We have an obligation to provide that which our military needs to complete this mission. We must do that. So this is going to pass today. I will support it. I support reluctantly the provisions that have to do with the reconstruction of Iraq for the reasons I just mentioned. It is unthinkable to me that the American taxpayer will now be required to come up with $18.6 billion. The reason it is $18.6 billion is because, with my colleague Senator WYDEN, I offered the amendment to cut $1.8 billion. The cut of $1.8 billion, which was accepted by the Senate, includes cutting money to construct two new high-security prisons at $50,000 a bed, $100 million to restore marshes, $4 million for a nationwide telephone numbering system in Iraq, $9 million to create ZIP Codes and do a postal architecture in Iraq, $10 million to modernize the business practices of Iraqi television and radio, $20 million for 1-month-long catch-up business courses at $10,000 per pupil. That is more than twice as much as the Harvard Business School costs. You get the point. I was able to cut $1.8 billion, so this is $1.8 billion less than it otherwise would have been, but it is $18.6 billion.

I think there is great question of whether that money will be spent effectively. Let me give some examples. A contract is let to provide air-conditioners in hundreds of public buildings. Then it goes to another contractor and then a subcontractor and that which represented air-conditioners in that contract has now become $11 ceiling fans. Let me say that again. That which was air-conditioners in the contract, when installed by the subsequent subcontractor, became $11 ceiling fans.

What happened to the money? Halliburton is importing oil into the country of Iraq at $1.59 a gallon. The Iraqi oil officials say we can get that oil for 98 cents a gallon. So what is happening? Is the American taxpayer getting squeezed to the tune of $300 million here? It looks like it to me.

These are the kinds of questions that I think are very important to ask. I am going to be chairing a hearing today at 1:30 on these issues. The Democratic Policy Committee is holding a hearing on contracting in Iraq to make sure that, if the American taxpayer has to pay for this—and apparently by this it does because those of us who attempted to make it the burden of Iraqi oil to pay for Iraq reconstruction lost—if that is the case, when you send $18.6 billion out into the wind, I am telling you there is going to be a lot of waste, fraud, and abuse unless we set up conditions to watch it carefully.

This started with sole-source contracts. That is the way this started. That is not what we want to have happen in the future. So there is a requirement for contracts that are bid, which is important, but the question is how do you make sure there is not abuse as a result of this, and waste and fraud? We need to care a great deal about that. I do not understand. I just don't understand the circumstances here, when it is Katie bar the door if you want money for reconstruction of Iraq. The taxpayers will ante that up. We have an unlimited supply of money.

That is what some say. I don't think that makes any sense. We are going to borrow money in this country so we can send that money to Iraq for the reconstruction of Iraq for a whole series of things that have deteriorated for 20 years in Iraq. We didn't destroy them. Then Iraq, incidentally, is going to pump oil out of the ground. They have liquid gold under that soil; the second largest reserves in the world are there. Then, guess what. When Ambassador Bremer testified before the Appropriations Committee I asked him: Why can't we use Iraqi oil to pay for Iraqi reconstruction?

He said: Very simple; it's because Iraq has a lot of foreign debt.

I said: Who does Iraq owe money to?

He said: Germany, France, Russia.

At that point I didn't know enough to respond to him. I checked after the hearing and found, yes, indeed, Iraq owes money to Germany, France, and Russia. But that is not the biggest debt it owes. Mr. Bremer didn't know, or failed to mention to me, the largest debts are to Saudi Arabia and Kuwait—interesting. Wouldn't it be a perversity if the American taxpayers are borrowing money to ship it to Iraq to pay for reconstruction, and then Iraq is pumping 3 million barrels of oil a day beginning July 1 and selling the oil on the open market making $16 million a year and using the money to pay Saudi Arabia on past debts?

It is incredible to think of the perversity of that kind of situation. I don't know whether Mr. Bremer simply didn't know that Iraq owes large debts to the Saudis and Kuwaitis or just neglected to mention it. They do owe money to France, Germany, and Russia, but it is a lesser amount of money. Most Americans have a right to take a look at this and say this is a missed priority and a missed opportunity. The reason those of us who attempted to change the construct of this were denied the opportunity to do so by a vote in the Senate was we were told every single dollar of this is necessary for the support of our troops, and the quicker we get things back on track in Iraq, the quicker the troops come home. Therefore, we were told it is necessary to reconstruct the ZIP Code system in Iraq, number the telephone system in a different way, and restore marshlands.

That, of course, is all patently nuts. I mean only in this town would people not laugh out loud at that assertion. You don't need to do that to provide for the safety of our troops.

We have a responsibility, it seems to me, to try to make sure that we win this battle in Iraq. Yes, indeed, it is a battle. This weekend another 16 soldiers, tragically, lost their lives. All of us are heartbroken about those losses. We cannot withdraw from Iraq. Some say let's pull out tomorrow. We can't do that. There is not any way this country can do that. There would be a bloodbath in Iraq tomorrow if we pulled out. So we have a responsibility to stay in Iraq at this point.

But what we have a responsibility to do, in my judgment, is to put this back on track by making it less a U.S. occupation and more an international occupation. That means it is very important for us, as Secretary Rumsfeld said this weekend, to build up the security forces in Iraq—that is very important—and do a lot of other things so at some point we can withdraw our troops. But especially we must understand that we need to get other countries to commit troops so this is, in fact, an international occupation in Iraq, not just a U.S. occupation.

In response to that, some would say it is an international occupation.

It is not. It is not. The overwhelming, 90 percent of the occupation is American. We need it to be an international occupation now and we need to set the stage to do the things to allow there to be security in Iraq, to allow the Iraqis to develop a government, and then to allow us to withdraw our soldiers and bring our soldiers home. We can't do that this week, we can't do that this month, but our goal is to do that. In the context of doing that we provided $66 million requested by the Pentagon to keep those troops in Iraq, to provide the funds they need while they are in Iraq.

Attached to this is the $18.6 billion now for the reconstruction of Iraq. I regret that is there. Although that reconstruction may well be necessary in many cases, it ought not be an obligation borne by the American taxpayer. It just should not be. Yet here in the Senate we vote, and when we lose a vote, we lose. I lost the vote believing this ought to be a burden of Iraqi oil.

Now we will pass, today, the Iraq supplemental conference report. The President will sign it, and the funds will begin to flow for our troops and we will also see substantial money that begins to go in contracts to reconstruct Iraq.

This afternoon, as I indicated, I will chair a hearing that looks at that, to evaluate exactly what is happening with those funds.

We had some sole-source contracts with Halliburton, Bechtel, and others that were not bid. There was some allegation of substantial waste. We will have testimony today about some very wealthy families in Iraq who are extracting kickbacks from suppliers and from contractors in Iraq. We will have other questions about waste of money and waste, fraud, and abuse in this contracting.

I think all of us want the same thing. I don't think anybody would object to making sure that we put a structure in place to protect the American taxpayer against the waste, fraud, and abuse.

You talk about a bunch of hogs in a corn crib. I will tell you how to get that sound going. You just provide $18 billion out there and say to companies: Come and get a part of this and do something in Iraq. I will show you the opportunity for substantial waste, fraud, and abuse. We ought to make sure, if we are going to do this—and we are because I lost on this—if we are going to do this and provide $18.6 billion in taxpayer funds, then let's make sure we shut down the opportunity to waste this money.

Madam President, I yield the floor and I suggest the absence of a quorum. I ask unanimous consent the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I wish to make special note of thanks to staff of the subcommittees who worked so hard on this important legislation. This bill before the Senate required the work of seven of the appropriations subcommittees—Defense, Foreign Operations, Military Construction, Homeland Security, Commerce-Justice-State, HUD–VA, and Labor-HHS. The members of our committee staff have put in long hours working not only on this bill but on our other regular fiscal year 2004 appropriations bills. It meant working nights and most weekends of the last 5 weeks.

I especially thank our staff director, Jim Morhard, who has shepherded this bill through and coordinated these subcommittees, and got us to the place where we are now.

I especially thank Sid Ashworth, clerk of the Defense Subcommittee, and her counterpart on the Democratic side, Charlie Houy; and Paul Grove, clerk of the Foreign Operations Subcommittee, and his counterpart, Tim Reiser. These four hammered out the compromises on the major provisions of the legislation before the Senate today. Paul Grove deserves special recognition. He is a true professional who has worked tirelessly to help us complete action on both the supplemental and the fiscal year 2004 Foreign Operations appropriations bill at the same time.

He worked literally around the clock yesterday and into today. I am not sure he has seen his family or has gotten more than 2 or 3 hours sleep every night for the last 2 weeks. I am serious. He has been a totally dedicated man. His efforts represent the dedication of the staff of the Senate Appropriations Committee. I am very proud of these people. I hope everyone in the Senate realizes how hard they have worked to get this bill before the Senate today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENCY FUNDING

Mr. GREGG. Mr. President, I rise today to address an issue within the Appropriations Committee's jurisdiction, which is the subcommittee that I chair, the Subcommittee on Commerce, Justice, State, and the Judiciary, and a letter sent to the committee as a result of the mark which came out of the full committee markup process funding those major agencies. This subcommittee has very broad jurisdiction. It is an exciting committee, quite honestly, of which to be chairman. It has the Commerce Department, it has the Justice Department, it has Judiciary, the FTC, FCC, and a number of other major agencies, including State Department.

As a result of the allocation process, which is a process by which the chairman of the full committee assigns each of the 13 subcommittees within the Appropriations Committee an amount of money they can spend on the various agencies which they have responsibility for, which amount is tied to the overall budget passed by the Senate, so that the overall budget, which I believe was $784 billion, is chopped into parts and each subcommittee gets a part of that budget which it then allocates to the various agencies for which it has responsibility.

As a result of that process, this subcommittee, the Subcommittee on Commerce, Justice, State, and the Judiciary, was the only subcommittee which actually received less of an allocation. In other words, our number that we had for our agencies was less than what, first, the President requested by, I believe, $700 million, and, second, what the House had allocated to this same group of agencies by $900 million. Our subcommittee, when it was assigned our number, was almost $1 billion below the amount which was available to the House subcommittee and even more significantly below what the President had requested for these agencies. That was a responsibility I was willing to accept.

I am happy to try to do my job around here. If my job involves being fiscally responsible, I am more than happy to do that. So when the chairman made this decision, which was a reasonable decision in light of the very stringent numbers he had to work with, I worked with them and produced a bill which met those numbers.

Our bill came out at a funding level which was significantly below the House number. A number of the agencies which were impacted obviously were not happy about that. Most of them, however, were sophisticated enough to realize that in the end there was going to be a compromise between our committee and the House committee and that I suspect our number will move up closer to the House number and, therefore, closer to the President's number.

Most of the other agencies were fairly responsible in their reaction to this, fairly reserved. For example, we received a letter from the Justice Department, which took many of the major cuts—not cuts but reductions in increases—that I had to make. This letter was a very matter of fact, accurate statement of where they thought they needed more money.

I cannot argue with their position. In fact, in many ways, if I have more money as we move down the road, I will address those concerns very aggressively: for example, in the areas of the FBI, ATF, DEA, and general operations of the Justice Department. These were reasonable objections. They disagreed with our funding levels, but the Attorney General understood that we had a problem.

Then we received a letter from the State Department. Now, the State Department is supposed to be diplomatic. I believe that should be one of their skills. This was not a diplomatic letter. It was excessive, inaccurate, and inflammatory. It essentially attacked the Appropriations Committee and the subcommittee in terms which I thought were grossly overstated and inappropriate. In it, the Department questioned our commitment to national security, questioned our commitment to the State Department, and then went on to raise specific problems with the bill that were not dollar related, for the most part, but were policy related, many of which were actually policy initiatives that the State Department knew or had to know were inaccurate. They based an inflammatory letter on facts which were wrong.

I am going to go through that letter, point by point, and address those issues. I am not going to address the overall funding issue too much because this gets into my allocation, the allocation we received, and down the road we will be able to address that. Down the road, we will be able to address that. But that was not really the essence of this letter.

This letter was a very vitriolic attack on the Appropriations Committee, regrettably, by the Secretary of State, signed by the Secretary of State, and I think it has to be responded to.

I am going to try to do it in a matter-of-fact way. I am not going to raise my language to the level he raised his because I think his level was inappropriate and extraordinarily undiplomatic. But let me pursue the specifics.

The Department's—when I say "Department," I am referring, of course, to the State Department. The Department's appeal letter criticizes the bill for not providing full funding for the Diplomatic Readiness Initiative. The Diplomatic Readiness Initiative is the State Department's plan to hire 1,158 new Foreign Service officers over 3 years. The $97 million requested in fiscal year 2004 represents the third and final year of funding for this unprecedented hiring surge.

The Department's target levels, both in terms of funding and personnel, for the Diplomatic Readiness Initiative were arrived at in a rather arbitrary way, in our opinion. State never undertook a comprehensive review to determine where and how many additional staff might be needed. In fiscal year 2002, the committee asked the Department to provide justification for the requested 1,158 new hires. The committee repeated that request, and the request went unanswered.

The committee, this year, asked the State Department to explain where the 399 new Foreign Service officers, requested in fiscal year 2004, would be stationed—What bureaus? What embassies?—a fairly reasonable request from the appropriations committee charged with protecting the pocketbooks of American taxpayers. The State Department could not answer the question.

If any internal review process had taken place to determine the proper personnel levels for overseas posts, the Department would have easily been able to tell the committee where these new FSOs would be placed, but they could not.

The problem concerning the Diplomatic Readiness Initiative goes hand in hand with the issue of right-sizing. "Right-sizing" refers to the configuration of U.S. Government overseas personnel to the minimum necessary to support national interests.

According to the General Accounting Office—this is not our committee—but according to a General Accounting Office report, the State Department "has no comprehensive process in place for developing the staffing projections that are essential to the right-sizing process."

In its appeal letter, the Department states that this claim is "no longer accurate." But the Department's very use of the words "no longer" is an admission it did not, in fact, have a right-sizing process in place when the Diplomatic Readiness Initiative was put forward.

In the absence of any indicators that State has undertaken right-sizing on its own, the committee decided to include two provisions that would compel the State Department to right-size downward, hopefully, two posts in Western Europe.

For the sake of argument, however, let us assume that State was, in fact, able to justify its Diplomatic Readiness Initiative requests and that it did have an effective right-sizing program in place.

The Department's letter claims that the bill provides only $67.4 million for the Diplomatic Hiring Initiative. That simply is not true. It is not accurate, like much else in this letter. The Senate report clearly states that $90 million is available for the Diplomatic Readiness Initiative. The State Department is dissatisfied because the committee considers its request for 68 new consular officers to be part of the diplomatic readiness, not an add-on.

In fiscal year 2004, the State Department requested 68 new consular officers in addition to the final tranches of 399 new Foreign Service Officers. State claims the increase is necessary due to unanticipated personnel needs.

The last-minute addition of the 68 new FTEs, at a cost of $22.6 million, confirms the committee's suspicion that the Department, in fact, had not undertaken any meaningful workforce planning.

The second point the Department makes here: the Department's appeal letter criticizes the bill for not providing any funding for the Bureau of Legislative Affairs, or "H", as it is commonly known.

For the sake of full disclosure, it should be noted that the Bureau of Legislative Affairs wrote the letter that was sent to us by the State Department, which I think, on its face, should explain why we zeroed it out. But I will go into more specifics.

The House bill contains language capping both the funding and the personnel of that Bureau. Why would both the House and the Senate Appropriations Committees move to limit or, in our case, strike the office's funding? The reality is that both House and Senate appropriators are unhappy with the performance of this office and are unconvinced of its necessity. There are currently 69 full-time equivalents at H at an annual cost of $7.7 million.

The Senate CJS Subcommittee works almost exclusively with the State Department's budget office, not the Bureau of Legislative Affairs. In the interest of fairness to my House and Senate colleagues who might utilize the H Department, I would consider reducing the Bureau of Legislative Affairs' budget by one-quarter to account for the services that are not provided to our subcommittee but for which we seem to be paying. And possibly the House will take the same position. That would allow, of course, H to be able to work with the authorizing committees and other Congressional offices. So we are willing to adjust there.

But I think people can understand why, after I complete my analysis of this letter, this Bureau does not merit funding from the committee.

The Department appeal letter also criticizes the bill for not providing any funding for the Office of Legal Adviser, or "L", as it is commonly known. As the letter points out, the committee certainly does not believe the State Department's legal needs should go uncovered. Situations will undoubtedly arise that will require a legal response from the Department of State. This is why the committee would likely have moved in conference to restore at least a portion of this office's funding, and we will do that.

The committee did not provide funding for L in fiscal year 2004 to make a point as to the failures of L's performance in a number of areas. This office has several times overstepped its bounds.

The Office of Legal Adviser is responsible for providing timely legal advice and support to the Secretary of State. However, L regularly inserts itself into the policymaking process, even to the point of telling the Congress what the Congress does and does not intend by the laws we pass.

With all due respect to the good people who work at L, Senator HOLLINGS and I and other members of the Appropriations Committee really are not interested in having State Department lawyers tell us what we meant when we passed laws. This is exactly, however, what L did when Senator HOLLINGS tried to pass legislation allowing Americans who were held hostage during the Iranian hostage crisis to file claims for damages against Iran.

Whether my colleagues agree or disagree with Senator HOLLINGS' position—and it has been a position of some controversy—on this particular issue there can be no disagreement over the Office of Legal Adviser's slick lobbying tactics and outright refusal to follow the congressional direction.

Another source of frustration is L's past attempts to withhold information from the committee. An April, 2003, Department of State Inspector General's report described the case of a State Department employee who was committing fraud against the Department. The IG report did not clarify the outcome of the case, stating only that the employee had been recommended for removal. As an oversight responsibility, we inquired as to whether the person had been removed or not. L directed the Legislative Affairs Office not to provide this information to the committee on the basis that it had Privacy Act protection.

I believe the American people, and certainly the appropriations committee, have a right to know whether or not a person accused of fraud by the IG has been removed from that office.

The American people have a right to know whether an employee caught stealing their tax dollars remains on the Federal payroll. So, the committee reiterated its request. At that point, the State Department told the committee what we already knew to be true: that the Privacy Act contains a statutory waiver for congressional committees of jurisdiction.

State then told the committee it could have the information only if it could produce a letter of request. However, the statutory waiver contains no mention of a letter. We refused to sign a letter and gave the State Department a deadline to make the information available to the committee. This was many months ago, and we are still waiting for the information.

A congressional committee of jurisdiction should not be at the mercy of the State Department's legal department and its internal rules for access to information. Such rules are obviously intended to withhold information from the American people that could potentially embarrass the State Department.

It is regrettable that the Office of Legal Adviser can so flagrantly defy the wisdom, the spirit, and the intent of a waiver for congressional committees of jurisdiction.

The Department's appeal letter further criticizes the bill for not providing funding for the Office of Brazilian/Southern Cone Affairs and the Deputy Assistant Secretary for that office. There is a very straightforward reason for the committee's decision not to provide funding for this office.

In 2002, the Department decided to consolidate the Rio de Janeiro, Brazil, operations into leased facilities rather than construct a new consulate building. This decision left the Department holding several properties in Rio de Janeiro that it could not sell due to the 1991 Brazilian law that requires individuals and businesses to be current on their Social Security payments to the Government of Brazil before they can legally transfer property title.

In 1996, the State Department discontinued the payment of employer contributions into the Brazilian Social Security system for foreign service national employees because the Department deemed the Brazilian Social Security system to be fiscally unsound. The Department deemed it to be fiscally unsound. The Department set up its own pension system for the FSNs.

The result of this is that the United States now owes approximately $10 million in arrears to the Government of Brazil. The State Department had in the past refused to pay the arrears. The committee supported its decision not to do so because we had already paid that $10 million in two accounts to benefit these employers.

However, when the Department eventually needed to dispose of the property in Rio de Janeiro, it requested a reprogramming of $10 million to repay the arrears. The committee denied the Department's request, citing the principle of the matter and the fact that American taxpayers were, in essence, being asked to pay twice for these FSN pensions.

Shortly thereafter, it was brought to the committee's attention that certain officials from the Bureau of Western Hemisphere Affairs were trying to arrange a property swap with the Government of Brazil. In other words, the committee specifically told the Department not to pay back the arrears, and the Bureau sought a way around the committee's denial of the funding.

In light of these inexcusable actions and in light of the low fiscal year 2004 allocation, the committee decided that the appropriate funding level for the Office of Brazilian/Southern Cone Affairs was zero. The bill makes it clear that even the Department of State is accountable for the expenditure of the American taxpayers' dollars.

The Department's appeal letter further criticizes the bill for not providing funds for the Bureau of Oceans and International Environmental and Scientific Affairs. It is the responsibility of this bureau to promote U.S. interests in oceans, manage fish resources, protect marine environment through treaties, and promote U.S. interests in the international management of fresh water, forests, hazardous chemicals, and the atmosphere. Why would anyone want to abolish an office with such an important portfolio?

The answer is that OES is not really getting the job done. The people at OES are very skilled diplomats, but they are not using their talents to negotiate effective, forceful treaties on fisheries, forests, and the atmosphere. They are instead burning time and talent lobbying for more resources for themselves or trying to wriggle out of initiatives which Congress has asked them to undertake.

For the record, the bill does not abolish the OES functions, as some have accused. The bill transfers all of the OES's oceans-related responsibilities to the National Oceanic and Atmospheric Administration. That seems reasonable.

The bill does not reassign many of OES's other core functions, such as climate change, deforestation, et cetera. This is because the Commerce, Justice, State Subcommittee does not have jurisdiction over the agencies responsible for these activities. It is not our place to say that the EPA Administrator should negotiate climate change treaties on behalf of the United States since the State Department can't seem to manage to do it.

The committee has received quiet praise from a range of groups, from industry to NGOs, on the elimination of this office. These groups share our frustration with the OES's inability, and sometimes unwillingness, to do its job in what we consider to be an effective manner and have congratulated the committee on its decision to move OES functions to agencies that actually care about and have expertise in issues such as endangered turtles, lumber imports, and global climate change.

What is the root of the committee's frustration with the OES? OES has contravened statutory requirements to seek binding international treaties on endangered sea turtles and shark finning. On trade issues, OES has consistently pressed a U.S. position that sacrifices the environmental and conservation agenda. It is important to note that things were no better under prior administrations.

Finally, there is widespread frustration with the lack of expertise and institutional knowledge of the OES negotiators due to State's policy of constantly rotating Foreign Service officers. Simply put, the committee got tired of being ignored by OES, and the Congress should also be tired of this.

This year, the committee decided to take action. The action taken was constructive. It reassigned these important functions to people who actually understand the issues and who are willing to pursue them.

Further, the State Department's appeal letter objects to the bill's inclusion of $52 million for the Center for Anti-Terrorism and Security Training. The CAST facility would allow the Department to consolidate training for the Bureau of Diplomatic Security and the Anti-Terrorism Assistance Program.

The Department requested $52 million for this project in fiscal year 2003. The House objected, and the Department ultimately did not receive the funding last year. In light of this, the committee included the $52 million in fiscal year 2004. It was assumed that if the Department had requested the funds in fiscal year 2003 it would then want them to be included in the fiscal year 2004 funding. However, the Department's appeal letter objects to their inclusion this year.

The State Department's inconsistency on this matter leads one to seriously question the processes by which it determines its budgetary priorities. In my humble opinion, they do need a center where they are able to train their Bureau of Diplomatic Security people, who have expanded radically in number over the last few years. State's inconsistency on this matter is hard to understand. State's complaints about the decisions of this committee are rather bold, given this inconsistency.

The Department's appeal letter next objects to the bill's inclusion of $40 million for security enhancements for so-called soft targets. These funds are intended to be used to pay for security enhancements such as guards, shatter-resistant windows, emergency warning systems, and bollards at staff housing and American schools overseas. I started this initiative in the fiscal year 2003 budget. A total $15 million was included in that bill, along with language drawing particular attention to the security needs of our overseas schools. Or at least I thought $15 million was included in the bill.

The State Department has recently informed the committee that it has chosen to interpret this figure as $15 million over 3 years, not $15 million for each of 3 years as the committee intended. And since the actual funding level for the soft target initiative will fall $10 million below what was envisioned for fiscal year 2003, the fiscal year 2004 level will have to be at least $25 million to meet the goal.

The Department has argued that $40 million is too much for this program. It is the committee's position that this is the right amount, especially since the Department appears to be playing budget games with this important initiative. It is extremely disheartening, in light of the pledges given to us by leadership at the State Department, that they would now try to decrease this funding to protect soft targets.

Some of us are personally very committed to making sure that, when our Foreign Service people go overseas and take their families with them, we give those families reasonable protection. It appears the Department, perhaps, is not.

The Department's appeal letter objects to the bill's inclusion of language limiting the number of personnel working in U.S. Embassies in Paris, France, and Berlin, Germany. The letter states: "This micro-management circumvents the Department's right-sizing plan process".

The bill includes caps on personnel because, as discussed earlier, the Department has no right-sizing process in place. And our Embassies in Paris and Berlin are a living—and growing—testament to this. I addressed this problem of right-sizing earlier, and I will not belabor the point.

There are a couple of factors that led the committee to choose Paris and Berlin as the places to begin this mandatory right-sizing. The U.S. Embassy in Paris has grown so large that the post now occupies several annexes throughout the city in addition to the primary Embassy building. Recently, the Department requested to utilize $25 million to renovate a building into which personnel from other annexes could be consolidated. As if the $25 million price tag weren't bad enough, shortly after State made this request the committee discovered that the roof of the building had collapsed. State continued to push for approval of the funds to renovate the dilapidated building—right up until both the House and Senate Appropriations subcommittees denied this request.

As far as Berlin is concerned, the committee had originally been told that the new embassy building planned for the historic Pariser Platz site would have to be smaller than normal, due to the small size of the property—about 1.5 acres. This is how State justified to the committee the cost of purchasing and renovating an ample new consular compound in Frankfurt, Germany. State's rationale was—and the committee agreed—that if the embassy building in Berlin had to be smaller than necessary, some personnel could be transferred to what was to become a "regional hub" in Frankfurt.

A little under a year ago, the State Department informed the committee that the Berlin building would actually be much larger than normal. In fact, the new embassy building envisioned for Berlin is a 24,000 square meter colossus, what the Department terms a "special project." The result is that we have an enormous "regional hub" compound in Frankfurt and a supersized embassy building in Berlin. The convoluted history of the Berlin project leads one to question whether the State Department takes the concept of right-sizing seriously at all.

The Department's letter also criticizes the bill for reducing the funding level of the Berlin project by $70 million. The Berlin project, unlike all of the other capital projects requested in fiscal year 2004, is not driven by security needs. The bill redirects this $70 million to construction of a new consulate building in Karachi, Pakistan. The design/construction phase for Karachi was not scheduled to begin until fiscal year 2005. However, given the current security situation in Pakistan, the committee felt it should begin as soon as possible.

Employees of the U.S. Consulate General in Karachi have come under attack on four separate occasions during the last decade. On two such occasions, the consulate building itself was attacked. The most recent attack occurred in February, 2003, when a gunman opened fire on the local police assigned to the consulate. In light of this, the committee decided that our consulate in Karachi was in urgent need of reconstruction. Shrinking the size of an already-too-large building in Berlin, Germany, seemed like a very reasonable price to pay for a badly needed security construction project in Pakistan. It is the committee's policy to address the security needs of our embassies and consulates overseas before constructing buildings that are desirable for historical and cultural reasons.

The Department's appeal letter criticizes the bill for not providing full funding for the U.S. payment to the United Nations. The difference between the requested amount of $1 billion and the recommendation of $922 million can be explained by the committee's decision not to provide the requested funds for the United States to rejoin UNESCO. However, the Department may not be aware of this, but we have had significant discussions with the White House and members of the administration, and I fully expect we will be funding UNESCO.

Another factor contributing to the "cut" to this account was the committee's decision not to provide the funds for the United States share of the costs of the U.N. Human Rights Commission. The House bill contains a provision that would withhold funds for this U.N. body as well. The U.N. Human Rights Commission is notorious because it is chaired by Libya and boasts such members as Sudan, Cuba, and Zimbabwe. Human Rights Watch this year called the U.N. Human Rights Commission: "An abusers club of governments hostile to human rights."

The U.N. Human Rights Commission ignores the real human rights violators. No resolution in the history of the commission has ever been passed on states such as Syria, China, Saudi Arabia or Zimbabwe. The commission has not addressed gross and systematic human rights abuses in countries such as Bahrain, Chad, Liberia, Malawi, Mali, Saudi Arabia, Syria, United Arab Emirates, Yemen, and Zimbabwe. The Commission is a platform for Israel-bashing. It has spent more time on Israel than any other country. Eleven percent of its total substantive meeting time has been spent on Israel alone, while 24 percent of its time has been spent on all other U.N. states combined.

Lastly and most alarmingly, the U.N. Human Rights Commission is being used as a forum for the expression of values and positions that run completely counter to America's own. One member state objected to the inclusion of language calling cross amputation "cruel, inhuman and degrading treatment" on the grounds that it was an offense to all Muslim countries. The Commission has also adopted a resolution affirming the legitimacy of "all available means," including suicide-bombing, "to resist foreign occupation and for self-determination." At one meeting, the Libyan Chairman shouted that the U.S. war against terror showed that the U.S. "despised humanity."

Should we stand by as American tax dollars are allowed to flow to such an organization? The House of Representatives doesn't think so. The Senate Appropriations Committee didn't think so. Apparently, the Department of State thinks so.

The last portion of the "cut" to this account is explained by the bill's discontinuation of funding for a number of the smaller international organizations. In the past, the committee has directed the State Department to review the list of smaller international organizations to which the United States belongs to determine which of these may no longer be worthwhile for the United States. State has not done so. This year, the committee began making eliminations. The committee gave the State Department the chance to review the list itself, but it did not act.

The Department's appeal letter criticizes the bill for not providing full funding for the U.S. share of the cost of United Nations peacekeeping missions. The bill provides only $483 million for peacekeeping while the request was $550 million. This, the State Department correctly points out, is a difference of $67 million.

What the Department's appeal letter does not acknowledge is that, on September 30, 2003, the committee approved a reprogramming providing that $100 million in this account would be carried forward to fiscal year 2004. The result of this? State is not going to have a $67 million shortfall, it is going to have a $33 million windfall.

The State Department knew this $100 million in carryover would be available when they wrote their appeal letter. They knew that the Senate CJS bill assumed that ample carryover funding would be available. This is the most egregious part of the Department's appeal letter. It is an outright fabrication.

But let's turn to the real issues. The report accompanying the fiscal year 2004 bill directs the International Criminal Tribunal for Rwanda to complete its work by 2004 and the International Criminal Tribunal for the Former Yugoslavia to complete its work by 2006. Both ICTY and ICTR have been criticized for being slow and unprofessional, for having inadequate staff, for the passivity of their judges, and for their insufficient oversight of expenditures and employees. The Department of State itself has criticized these tribunals for their shortcomings. For these reasons, the Senate report includes language urging the U.N. to develop an exit strategy for these Tribunals.

The committee's disappointment in the performance of the Yugoslavia and Rwanda Tribunals had little to do, however, with the level of funding they received (about one-third of the requested amount). This funding decision had more to do with the fact that the bills for these 2 Tribunals—that is, the amount the U.N. assesses to the United States each year—have been much lower than anticipated for the past few years. The State Department has, for several years, budgeted about twice what it really needed to pay the U.S.'s bills for the Yugoslavia and Rwanda Tribunals. In light of this year's low allocation, we decided to hold back these funds and use them elsewhere. State recently estimated that the bills for fiscal year 2004 would come in at just around the requested level. The committee will likely adjust this level upwards in conference, since it is not interested in creating new U.S. arrears without a compelling reason. But it is important to note that the low Senate level for the Tribunals resulted from State's own budgetary ineptitude.

State was quick to lash out at the committee for not providing full funding for the Yugoslavia and Rwanda War Crimes Tribunals. Yet, State itself is withholding funds for the Special Court for Sierra Leone. The Special Court is assigned the task of prosecuting those who committed atrocities during Sierra Leone's gruesome civil war. In fiscal year 2003, Congress appropriated $10 million for the Special Court. State refused to provide the entire $10 million, in a blatant disregard of congressional intent. The Chief Prosecutor for Sierra Leone has told the committee that without the additional $5 million, the Special Court may have to shut down as early as February.

The Department has criticized this bill for trimming down what, in past years, was a grossly inflated budget for the U.N.-run tribunals while denies the United States- and British-led tribunals its promised funding. This inconsistency is worrisome.

The Department also objects to report language under peacekeeping that directs the United Nations to develop an exit strategy for the U.N. Peacekeeping force in Cyprus. The reason for this language is simple. It is not fair for U.S. taxpayers to have to pay for missions in countries that are on the cusp of joining the European Union.

The last two years have seen the U.S. take on tremendous new global responsibilities, with Afghanistan and Iraq representing the largest. The U.S. cannot afford to keep taking on new missions if its existing missions never go away. The U.N. mission to Cyprus began in 1964, 39 years ago. The State Department needs to use the U.S.' voice in the Security Council to ensure that U.N. peacekeeping missions are held to some sort of reasonable time frame.

The Department also objects to the bill's failure to include language allowing it to carry over 15 percent of the fiscal year 2004 peacekeeping appropriations into fiscal year 2005. As I mentioned earlier, the peacekeeping bills have been coming in much lower than expected. In fiscal year 2004, the Department's peacekeeping appropriation was $167 million above what it actually needed. Assuming this trend continues, the Department's request to carry over 15 percent of its peacekeeping appropriations is the equivalent of an advanced appropriation, something which the subcommittee of which I am chairman has tried to avoid. As a rule, the committee does not provide advanced appropriations since they take funding decisions away from the elected representatives of the people and hand it over to the agencies. This is simply a matter of policy and proper management.

The Department's appeal letter further criticizes the bill for not providing full funding for Educational and Cultural Exchanges, but the Department's appeal letter does not tell the whole story. In fiscal year 2004, the Office of Management and Budget decided to move the former Soviet exchange programs, at a cost of approximately $100 million, over to the Commerce-State-Justice Subcommittee from the Foreign Operations Subcommittee. This maneuver was intended to make room for the expanded Middle East exchange programs in the Foreign Operations budget. This was an OMB initiative.

Whether or not one agrees that these programs belong in Commerce-Justice-State, there were simply not enough funds in the subcommittee's 302(b) allocation to absorb them.

The committee has always generously supported the exchanges. They are one part of the State Department's public diplomacy program that consistently produces good results, but even the committee has to question whether, if the former Soviet exchanges are no longer a high priority area for the United States—which the administration's budget signals they are not—then their funding needs to be reduced and they need to be folded into an existing exchange program under Commerce-Justice-State. OMB and the State Department should be committed, as I am, to reprioritizing rather than simply adding more and programs. In any event, OMB should not act unilaterally, creating an impossible situation for the subcommittee given its low allocation, and then, with the State Department, write a letter complaining about it.

The Department's appeal letter further objects to language in the bill designed to prevent the State Department from making a reprogramming request more than once. The committee decided to include this language after the Department requested to reprogram funding for the same project five times. In this particular instance, the committee denied the Department's request to utilize Commerce-Justice-State funding to construct two USAID annexes. The committee's position has always been that the Commerce-Justice-State Subcommittee should not have to build buildings for agencies over which it does not have any oversight. Seems reasonable to us.

The USAID's operating budget does not fall under the jurisdiction of Commerce-Justice-State and, thus, this subcommittee has no way of ensuring that USAID is managing its funds wisely, that its requests for new buildings are legitimate, and that all of the personnel it places in these buildings are needed in those buildings. Moreover, separating USAID's building function from the oversight of its own appropriators—the Foreign Operations Subcommittee—allows USAID to escape accountability for its capital program, which is not good budgeting procedure.

The State Department apparently has failed to grasp this concept that when the committee says no it means no.

The Department's appeal letter further objects to language in the bill requiring the Department to submit the U.N.'s budget along with its own budget to the committee.

The regular dues of the United States to the U.N. are paid through the Commerce-Justice-State bill. In the fiscal year 2004, these dues will amount to $1 billion for the U.N. regular payments and $550 million for peacekeeping, for a total of $1.5 billion of American tax dollars. This amount represents almost 20 percent of the entire State Department account, yet none of these funds—none of these funds—are justified in any meaningful way or any meaningful detail to the committee. All this bill language does is allow the committee to see for what this $1.5 billion is being used.

The Department's appeal letter says it would be "impractical" for State to submit the U.N.'s budget to the subcommittee. I don't see why. Furthermore, the Department's letter states that the fact the committee has requested to receive the U.N.'s budget "suggests that the committee would intend to exercise oversight over the U.N. budget to the same degree that it does over other accounts in the President's budget request." This, of course, is preposterous and inaccurate. The committee could never exercise this kind of oversight over the U.N. budget. The U.N. is an independent international organization. The committee can't make the U.N. do anything. Only the Security Council can make the U.N. do something.

All this language does is ensure the committee is able to account for the expenditures of U.S. tax dollars. The Appropriations Committee is given the responsibility by the Constitution and by the taxpayers of the United States to make sure their tax dollars are being spent effectively and to know where their tax dollars are going. It seems reasonable that we should at least get an accounting from the U.N. of how $1.5 billion is being spent, and that is all we are seeking.

The State Department's appeal letter further objects to language included in the bill that provides for an automatic transfer of funding in the event of a visa fee shortfall. The Department's Border Security Program—essentially its consular operations—is funded exclusively from revenue generated through the Machine Readable Visa Fee Program. Since September 11, the number of visa applications to the United States has declined dramatically. This has created a shortfall in excess of $100 million in the Department's Border Security Program. This has obvious national security implications.

The Department has been aware of this problem for more than a year now. The committee has asked the Department several times to propose a comprehensive solution to this problem. In the absence of a solution, the committee vowed to transfer funds from the Department's main operating account to cover the shortfall. Consequently, the committee included language in the fiscal year 2004 bill that provides just such a safety mechanism—an automatic transfer of funds—to ensure that funding shortfalls do not disrupt the Department's critical Border Security operation.

For the record, the committee has still not received a proposal from the State Department. The Department's current ad hoc system for addressing funding shortfalls in the Border Security Program is unacceptable. The Department leaves the committee little choice but to insist that this language be carried forward in the report.

The Department's appeal letter objects to language included in the bill that would withhold funds for any U.N. peacekeeping mission that places U.S. troops under the command of a foreign national. This language is part of a larger debate over the International Criminal Court. Identical language was included in last year's Commerce-Justice-State conference report, which passed both the Senate and the House. The House included identical language this year. Congress has spoken on this matter and the matter rests as it is. Why the State Department would write such an inflammatory letter now claiming that this language is inappropriate is beyond my understanding, especially given the history of this language.

The Department's appeal letter objects to the language included in the report requiring the Department to demonstrate that consolidation of its payroll system would result in a savings for the American taxpayer. What an outrageous idea that we should ask the State Department to prove that something they are planning will save money, and then actually have them show us how it does save money.

There is also report language requiring the Department to submit a reprogramming before it obligates any funding for payroll consolidation. Last January, the Office of Management and Budget announced an initiative to consolidate the Federal payroll system. It is estimated that this consolidation will reduce the number of agencies processing employee checks from 22 to 4, which could save the taxpayers up to $1 billion over the next 10 years.

The committee is very supportive of this initiative. However, State's payroll needs are very different from the payroll needs of domestic agencies. The State Department currently pays over 25,000 Americans both domestically and overseas and over 35,000 local national employees in 180 different countries biweekly in local currencies.

The purpose of this report language is to ensure that if any payroll consolidation takes place at the State Department, that State's unique needs are met.

The committee has a right to exercise oversight over these funds. In fact, it is our obligation to do so, and I would think that State would encourage it rather than resist it.

The Department's appeal letter objects to report language that requires the Department to move the Office of Foreign Missions out of the Bureau of Diplomatic Security to the Bureau of Management. The Office of Foreign Missions was created to review and control the operations of foreign missions in the United States and to administer the benefits available to them. The Office of Foreign Missions was originally invented as a standalone office under the Secretary of State. In 1996, however, the office was moved to the Bureau of Diplomatic Security. The person who was then the director of the office took OFM with him when he was appointed head of Diplomatic Security.

The committee's reason for including this report language is straightforward. We have talked to several foreign ambassadors who say the Office of Foreign Missions acts as though its primary mission is to police foreign missions rather than assist them. We have even had foreign diplomats tell us that they feel as though the Office of Foreign Missions treats them like "criminals". This is unacceptable. I am certain this penchant for heavyhandedness can be explained by the Office of Foreign Missions' being housed in the Department's security branch.

For the second year in a row, the committee has asked the Department to consider moving the office back. The language was ignored the first time and hopefully we can get it to work this time.

The appeal letter objects to report language that directs the Department not to grant visas to any person caught trafficking in looted Iraqi antiquities. It objects to that language. This language says, essentially, that anyone found to be responsible for looting and damaging Iraq's historical and culturally significant works is barred from receiving a U.S. visa.

U.S. visas are not a right. They are a privilege. Any person who attempts to profit from the misfortune of the Iraqi people should lose this privilege. Why the State Department opposes this is beyond us. It is especially disconcerting that the Department objects to this language in the context of an inflammatory letter that questions this committee's commitment to national security.

The appeal letter objects to report language requiring that children over the age of 1 be present for the adjudication of a U.S. passport. This minor change in Department policy, though admittedly an inconvenience for passport applicants, would help prevent international child abductions. Currently, State Department regulations do not require children under the age of 14 to appear personally when passport applications are made on their behalf. As a result, passport fraud involving the substitution of photographs of one child for another is regrettably common.

The committee included this language following a Department of State Inspector General's report that recommended precisely this policy change. By law, State Department bureaus are required to respond to the recommendations contained in an Inspector General's report. On July 8, 2003, the Assistant Secretary of State for Consular Affairs sent a memo to the Inspector General stating that she not only concurs with the IG's recommendation, but is implementing it. This is good news. But one wonders why State is attacking us for suggesting it in our bill.

Included in the appeal letter is an objection to report language directing the Department to construct a new office building in Kingston, Jamaica, instead of utilizing an existing building for both post housing and embassy functions. The committee was under the impression this plan also was already being implemented by the Bureau of Overseas Building Operations. Perhaps we could get some further clarification. It would have been better if the Department had engaged us in a constructive dialogue, rather than sending such a letter.

The appeal letter objects to the report language requiring the U.S. Representative to the Organization of Economic Cooperation and Development, OECD, to submit OECD reports to the committee prior to their release. OECD already submits these reports to its member states. The State Department, on behalf of the United States, is responsible for approving these reports before they are released.

Last year, OECD released a report that dealt with a particular U.S. domestic issue which at the time was being debated in the Congress. The OECD report was not intended to coincide with the congressional action on the particular matter. However, the release of the report nevertheless unduly influenced congressional debate on the matter. Such scenarios must be prevented in the future and this is precisely what this report language seeks to address.

The committee's position on this matter appears to have been substantiated by the recent release of an OECD report that made recommendations on another politically sensitive issue currently being debated by the Congress: vouchers. While in this instance the OECD recommendation was in line with my own views and position, I suspect the opponents of my position, or others who do not agree with the approach to choice and vouchers, might take issue with the OECD's timing. The report language merely states the Congress too shall have opportunities to review the list of OECD reports before they are released. State has twice failed to exercise discretion that should have led it to disapprove reports that inappropriately influenced congressional action. This report language would try to prevent that sort of failure on their part in the future.

That is a fairly comprehensive response to almost every point in this letter, except the overall funding levels, which brings me back to the language of the original letter. This is the language which the Secretary of State has directed at the Senate and the Senate Appropriations Committee. He says in this letter, which I think I have responded to in a very factual and reasonably understated way, that the bill passed by the full Appropriations Committee would adversely affect U.S. foreign policy and national security interests, undermine the management of the Department, is unconstitutional, misstates the legal requirements of the reprogramming process, and raises separation of powers concerns.

I think it is excessive when the Secretary of State and his Department wave the bloody shirt of national security at the Senate as a way of attacking a bill they object to for policy and funding reasons.

To say that I and other members of the Appropriations Committee would adversely affect national security interests at a time like this is an attack that is highly inappropriate, certainly not diplomatic, and that is inconsistent with the facts. As I have pointed out, the letter State has sent us is inaccurate in many areas. It is a disagreement on policies which are reasonable and should have been debated in a reasonable context.

So unlike the Justice Department, which sent us a very matter-of-fact and I thought appropriate, thoughtful letter outlining what their concerns were, and unlike the Commerce Department, which was pretty happy with our bill, the State Department has decided to raise this to a higher level of antipathy. I think it is a mistake, and I think the record will speak for itself when this letter is reviewed in the context of the facts as I have outlined them.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

(The remarks of Mr. GRASSLEY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator will withhold, I certainly have no problem with the Senator speaking. But we are on limited time. I ask that the time the Senator from Virginia is going to use apply to the 3 hours that are available under the control of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALLEN. Thank you, Mr. President.

(The remarks of Senator ALLEN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to speak on the conference report providing supplemental funding for our operations in Iraq and Afghanistan.

I will support the conference report because I believe we cannot abandon either Iraq or Afghanistan prior to ensuring that both countries are becoming free, democratic, and stable societies. We are asking our men and women in uniform to put their lives on the line to accomplish this mission. Their sacrifices must not be in vain. We have an obligation to ensure that our troops receive the resources needed to do their jobs as safely and as effectively as possible. This bill will help to accomplish that goal.

Terrorists operating in Iraq are actively working with the remnants of Saddam Hussein's regime against the establishment of a democratic government in Iraq. Every time a bomb explodes, we face a test, a test of our resolve to stay and finish the job. It is not easy to stay the course when our American troops are dying and getting wounded. But to walk away from Iraq would hand these terrorists a victory. To walk away from Iraq now would abandon innocent Iraqis to yet another authoritarian regime that oppresses human rights and threatens the entire region.

Three-quarters of the funding in this bill will help provide our soldiers with the tools they need to get the job done as safely and effectively as possible. The bill includes additional personnel and health care support, much-needed protective equipment, such as body armor and fortified Humvees that will help keep our troops safer, and funding for expanded military operations to pursue terrorists globally. The bill also provides $18.6 billion to build a modern infrastructure for Iraq and to strengthen security forces. Basic services are a fundamental building block of a modern country. As we recently experienced with Hurricane Isabel, the lack of reliable electricity and clean water supplies can disrupt the most modern functioning of societies. That, obviously, was a very small-scale disruption compared to what is being experienced in present-day Iraq.

I agree with the administration's proposal that we must focus on building an infrastructure. When I visited Iraq in July, I was struck by how little damage to the infrastructure was caused by the war. Our precision targeting spared the bridges and much of the infrastructure of this country, but nevertheless the infrastructure is in shambles.

It is in shambles because of the decades of personal greed and neglect of Saddam Hussein. So building a modern infrastructure for Iraq is critical to helping this country get back on its feet as a functioning economy and a modern society.

Despite my support for the goal of building an infrastructure, I want to make very clear that I am very disappointed that the conferees dropped a Senate provision I offered with many of my colleagues, including Senators BAYH, ENSIGN, NELSON, and GRAHAM. That provision would have provided for half of the money to be used for the infrastructure rebuilding in the form of a long-term loan to Iraq. Both the Senate and the House expressed strong bipartisan support for this approach. I continue to strongly believe there are ways to structure our reconstruction assistance that would provide the Iraqi people with the assistance they need, when they need it, while lessening the long-term impact on the American taxpayers.

We should make Iraq a partner in this rebuilding venture, not simply the recipient of our goodwill. Iraq has abundant human and economic resources to enable it to shoulder some of the responsibility for its own future. It has been pointed out many times—but perhaps it bears repeating—that Iraq has the second largest oil reserves in the world. The administration has estimated that within 2 years Iraq will be generating $20 billion in annual oil revenue. With such an economic capability, Iraq undoubtedly will have the financial resources to repay this loan one day.

I recognize—I emphasize—the need for help in the short term, but surely our taxpayers could be partially repaid in the long term.

The American people are very generous. They understand that Iraq needs our help right now. But in the long term, we will be better off if we act in partnership with the Iraqi people, giving them a sense of ownership in their own infrastructure by working with them, lending money to them, and by making this a shared responsibility.

Let me point out that the World Bank and the IMF have pledged money in the form of loans at the recent donors conference. Although they attached some conditions to the establishment of a loan program, these international financial institutions clearly believe that administering loans to Iraq is doable and that the country will have the capacity to repay this money in the future.

Finally, I remain very troubled that the status of Iraq's preliberation foreign debt remains unclear. Saudi Arabia, France, Germany, and Russia should not be repaid for debts incurred by Saddam Hussein while the United States invests billions of its own dollars in reclaiming the country for the Iraqi people. Indeed, if the leaders of three of those nations had had their way, Iraq would still be suffering under the brutal regime of Saddam Hussein. The American taxpayer will be justifiably furious if one dime of his money goes even indirectly to repaying the debts incurred by Saddam Hussein.

As we go forward with the distribution of the aid provided by this bill, it is critical that the administration continue to vigorously pursue an international agreement that will ensure that the holders of Saddam-era debt will not seek repayment. American taxpayers' money simply cannot be used, even indirectly, to repay the dirty debts of a dictator. That was another advantage of our loan proposal. It would have made it very far less likely that that could occur.

This is particularly important after the donors conference made crystal clear that many wealthy nations, such as Saudi Arabia, France, and Germany, are apparently unwilling to donate any significant sums to the rebuilding cause.

Despite my reservations, I believe this package will pave the way to the day when our soldiers finally come home from Iraq. We must not waiver in our mission to eliminate terrorism and bring democracy and stability to Iraq and to the Middle East. I hope we will continue to consider ways we can achieve this goal that are fair to the American taxpayers and that recognize the need for a shared partnership with the Iraqi people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask that I be recognized to speak for up to 10 minutes with the time coming from the time previously allotted to Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I am disappointed in the conference outcome on the emergency supplemental appropriations for Iraq and Afghanistan Security and Reconstruction. I had hoped that the conferees would have followed the Senate's decision to provide one-half of the funding for Iraqi reconstruction as a loan, which could become a grant only if 90 percent of Iraq's bilateral debt was forgiven. A loan would have given the Iraqis a stake in the reconstruction of their own country, which is important, I believe, for them and for us.

Beyond that issue, I am also disappointed at the administration's response thus far to a proposal most recently made by the October presiding officer of the Iraqi Governing Council, Iyad Alawi, in an opinion piece in the New York Times on Sunday, October 19. I wrote to Secretary Rumsfeld on October 22 to bring Mr. Alawi's proposal that Iraqi Army units be recalled at the mid-officer level and below to his attention and to ask that he consider it.

I ask unanimous consent that my letter to Secretary Rumsfeld be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Last week I discussed the proposal with Ambassador Bremer, and I urged him to raise this issue with the entire Iraqi Governing Council. Last Friday, I discussed the issue further on the Senate floor.

The conference report before us contains $3.2 billion for Iraqi security and law enforcement, and an additional $1.3 billion for justice, public safety infrastructure, and civil society. Included in those amounts is funding for the Iraqi police, border patrol, facilities protection services, the Iraqi civil defense corps, and the New Iraqi Army. While I strongly support that funding, I again call upon Secretary Rumsfeld and Ambassador Bremer to consider reassembling the units—and I emphasize units—of the Iraqi Army, and I call upon them further to ask the Governing Council in Iraq, which we established, for their advice and recommendations on the wisdom of reassembling units of the Iraqi Army.

The security situation is too serious for us to stand on ceremony. The decision of May 15 to disband the Iraqi Army may turn out to be a major mistake. The decision made on May 15 was against the advice of a study conducted under the aegis of the Department of State. It resulted in a significant Iraqi security force being tossed to the wind.

The major reason given by the Department of Defense for not reconstituting the Iraqi Army is that the army melted away when we attacked. But that happened because most of its members did not want to lay down their lives for Saddam Hussein. In fact, it was because Saddam Hussein knew the Iraqi Army might not fight for him that he created his special security forces.

The fact that the Iraqi Army would not fight for Saddam is one of the reasons we should consider reconstituting it. It is surely not a reason for not doing so.

Let me be clear, it is the units of the Iraqi Army about which I am talking. The administration's response to this proposal—that they are already signing up members of the Iraqi Army—is disingenuous. While they are using individual members for various security functions, the New Iraqi Army they are creating from scratch currently has fewer than 1,000 members.

We cannot afford to transfer security functions to Iraqis at that slow a pace. Americans are the target of more and more deadly attacks. The quicker we get the Iraqi Army back in place, the more security we are likely to have and the better off Iraq will be.

Nobody suggests that the Baathist army officers be reinstated. The proposal is that mid-level officers and below be called back and that they be vetted to rid their number of those who committed crimes under the old regime.

When I personally urged Ambassador Bremer last week to consider doing so, I further asked him to commit to taking up this issue with the Iraqi Governing Council. His reply was ambiguous, and that will not do in this extremely dangerous situation.

Ambassador Bremer is running Iraq at this time, to the extent that anyone is, but that doesn't give him a monopoly on wisdom. We are not smarter than everybody else in the world, particularly about other countries and their traditions and cultures. We should consult with the Iraqis who are presently carrying out governing functions.

In issuing Coalition Provisional Authority Regulation No. 6 last July 13, Ambassador Bremer specifically committed to "consult and coordinate on all matters involving the temporary governance of Iraq" with the Iraqi Governing Council. He should do so urgently, and he should do so visibly if we truly believe Iraq can become a democratic state. The judgment of the Governing Council on this issue may not be unanimous, but it is relevant.

There is another reason to consider shifting course. Today, the Iraqi Army is being paid a lot of money to do nothing—$25 million a month. We know who the officers and the noncommissioned officers are and where they live. Many of them are probably frustrated and angry because they believed they were serving their country by refusing to fight for Saddam.

The stubborn refusal to reconsider decisions will not do in the dangerous security situation we face in Iraq. Stubbornly staying the course we set when we disbanded the Iraqi Army, instead of considering changing course to improve the security situation, cannot be tolerated. We do not need confessions of error. What we do need is a willingness to try some new approaches. At the top of the list should be to reconsider the May 15 decision to disband the Iraqi Army and, as part of that process, to involve the Iraqi Governing Council in reconsidering that decision.

EXHIBIT 1

DEAR MR. SECRETARY: Attached is a copy of an OP-ED piece from the Sunday, October 19, 2003 edition of the New York Times written by Iyad Alawi, the president of the Iraqi Governing Council for the month of October.

This highly-significant article calls for the call up of the Iraqi Army at least up to the mid-officer level, with appropriate vetting by the Coalition and the Iraqi Interior Ministry, as a way of more quickly relieving the burden on American troops and replacing them with Iraqi soldiers who have credibility and legitmacy with the Iraqi people.

Since it appears that, despite the adoption of a new UN resolution on Iraq, there are unlikely to be large numbers of additional foreign troops made available for duty with the Coalition, Mr. Alawi's proposal strikes me as worthy of serious consideration.

I would welcome an opportunity to discuss this matter with you personally and, in any event, would solicit your views on this matter.

Sincerely,

CARL LEVIN,
Ranking Member.

Enclosure.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). Will the Senator withhold?

Mr. LEVIN. I do withhold.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be recognized to speak for up to 20 minutes, this time coming from the time previously allotted to Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, I come to acknowledge my "Cambodian moment" in the Iraq war. I refer to the Cambodian moment that Senator Mansfield experienced after years and years of opposing the war in Vietnam. He had a practice of taking written memoranda time and again to both Presidents Johnson and Nixon, supporting the President openly on the floor of the Senate, but finally at the time Cambodia was invaded under President Nixon, he could not take it any longer and spoke out.

He went on national TV and said: This war was a mistake from the get go. The next day, he got a letter from an admirer who had just lost her son. She said: I just buried my son and came home and watched you on this program. You said it was a mistake from the get go. Why didn't you speak out sooner?

She said: My regret is that you did not speak out sooner or loudly enough for me to hear.

It is time we speak out, because unless we are going to put in 100,000 or 150,000 more United States troops and get law and order in Iraq, in Baghdad, we are going to have operation meat grinder continue, and it is our meat.

In conscience, I cannot stand silent any longer. What happens if we had invaded the city of Atlanta, let's say. We had landed at Hartsfield Airport, and then we had gone on to an aircraft carrier and said: Whoopee, mission accomplished; when the truth of the matter is, two divisions of Republican Guards have blended into the environs of Atlanta with all kind of ammunition dumps, and all they do day in and day out is raid the dumps, set traps, blow us up, kill more Americans, and we talk about schools opening and hospitals working, and that we have a water system. This cannot go on. It has to stop.

Let me start by saying I believe, unlike most of my colleagues, that the intelligence we had on Iraq was sound. We knew from the outset a lot about Iraq in the sense we had conquered it and we had two overflights, one in the north and one in the south. We had to look down and see in the middle of Iraq. For 10 years we knew exactly what was going on. If we had any doubts, we could check with the Israeli intelligence. Don't tell me Israel didn't have good intelligence on nuclear weapons because she went in there back in the eighties—she is a small country and can't play games and can't wait around for the United Nations and conferences. She had to knock that facility out.

What else did we know about Iraq? We knew they didn't have terrorists there at the time. Oh, yes, while we are trying to internationalize a defense effort, what we find is, our effort is more or less internationalizing terrorism.

The most ridiculous thing on the TV last night was to hear the President say foreigners are in Iraq killing our soldiers. Can you imagine us, thousands of miles away, talking about foreigners killing our soldiers? Come on. What happened was, it did not have terrorists at the time we went in. They tried to connect al-Qaida to Iraq, but now the President himself has acknowledged you couldn't connect al-Qaida. They didn't have nuclear capability. And, of course, there was no democracy. There weren't people yearning for it, as Deputy Secretary of Defense Wolfowitz said, meeting us in the streets waving: Whoopee, we finally got democracy.

Anybody who knows the history of the Mideast knows that is a bunch of nonsense. They don't have democracy in Iraq, in Syria, in Iran, in Jordan, in Saudi Arabia, in Egypt, in Libya—or go right around—Libya, in the Mideast. Where does somebody think they are going to meet us in the streets and say: Whoopee for democracy?

I wish the distinguished Chair would pay attention to this one. What did George Herbert Walker Bush, the former President, say in his book, "A World Transformed"?

> I firmly believed that we should not march into Baghdad. . . . To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us and make a broken tyrant into a latter day Arab hero.
>
> . . . assigning young soldiers to a fruitless hunt for a securely entrenched dictator and condemning them to fight in what would be an unwinnable urban guerrilla war.

That is what President George Herbert Walker Bush, the President's daddy, said.

We all knew that about Iraq. But why did we go in and why did the Senator from South Carolina vote for the resolution last October? Why? I can tell my colleagues why. On August 7, Vice President CHENEY, speaking in California, said of Saddam Hussein: What we know now from various sources is that he continues to pursue a nuclear weapon.

Then on September 8: We do know with absolute certainty that he is attempting to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon.

Then the President of the United States himself said, in his weekly address on September 14, before we voted in October: Saddam Hussein has the scientists and infrastructure for a nuclear weapons program and has illicitly sought to purchase the equipment needed to enrich uranium for a nuclear weapon.

Then on September 24, Prime Minister Blair said that the assessed intelligence has established beyond doubt that Saddam continues in his efforts to develop nuclear weapons.

On September 8 of last year, Condoleezza Rice said that we do not want the smoking gun to be a mushroom cloud.

On October 7, President Bush said: Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun that could come in the form of a mushroom cloud.

Now, any reasonable, sober, mature, experienced individual listening to that litany knows to vote against that resolution would have been pure folly. One has to back the President.

I am not on the Intelligence Committee. I was not privy to any kind of intelligence but I knew we had a lot of intelligence. The truth is, I thought the Israeli intelligence was really furnishing all of this information and that we were going in this time for our little friend Israel. Instead of them being blamed, we could finish up what Desert Storm had left undone; namely, getting rid of Saddam and getting rid of nuclear at the same time.

I voted for the resolution. I was misled. Now we hear that this is not Vietnam. I read my friends Tom Friedman and Paul Krugman. They say this is not a Vietnam.

The heck it is not. This crowd has got historical amnesia. There is no education in the second kick of a mule. This was a bad mistake. We were mislead. We are in there now, and I am hearing the same things that the Senator heard in 1966, 1967, 1968, 1969, 1970, 1971 right on through 1973.

At the time I was a young politician, having just come to the Senate, listening to those who knew. I knew Leader Mansfield would know about Vietnam. I knew my friend Senator Dick Russell was against the war in Vietnam from the get-go. Now, if Senator Mansfield had spoken up, he could have saved 10,000 lives. We would have followed him in the Senate. But he was trying to follow the mistake and the misread of Maddox and the Turner joy that brought about the Gulf of Tonkin resolution.

There are similarities. There are the misleading statements that I have just given, the litany by the President telling us all there was reconstituted nuclear. Here again we are in a guerilla war. It is an urban guerilla war, not in the bushes of Vietnam but we still again are trying to win the hearts and minds.

We were trying to victimize Vietnam. In this one we are trying to Iraqi Iraq. We are trying to do our best doing the same things over and over again. In fact, in this particular war we received the Pentagon papers a lot earlier. I ask unanimous consent that this article in USA Today entitled "Defense Memo: A Grim Outlook," by Secretary Rumsfeld, be printed in the RECORD at this particular point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Oct. 22, 2003]

DEFENSE MEMO: A GRIM OUTLOOK

(By Dave Moniz and Tom Squitieri)

WASHINGTON.—The United States has no yardstick for measuring progress in the war on terrorism, has not "yet made truly bold moves" in fighting al-Qaeda and other terror groups, and is in for a "long, hard slog" in Iraq and Afghanistan, according to a memo that Defense Secretary Donald Rumsfeld sent to top-ranking Defense officials last week.

Despite upbeat statements by the Bush administration, the memo to Rumsfeld's top staff reveals significant doubts about progress in the struggle against terrorists. Rumsfeld says that "it is not possible" to transform the Pentagon quickly enough to effectively fight the anti-terror war and that a "new institution" might be necessary to do that.

The memo, which diverges sharply from Rumsfeld's mostly positive public comments, offers one of the most candid and sobering assessments to date of how top administration officials view the 2-year-old war on terrorism. It suggests that significant work remains and raises a number of probing questions but few detailed proposals.

"Are we winning or losing the Global War on Terror?" Rumsfeld asks in the Oct. 16 memo, which goes on to cite "mixed results" against al-Qaeda, "reasonable progress" tracking down top Iraqis and "somewhat slower progress" in apprehending Taliban leaders. "Is our current situation such that 'the harder we work, the behinder we get'?" he wrote.

Pentagon spokesman Lawrence DiRita declined to comment specifically on the memo, but he said Rumsfeld's style is to "ask penetrating questions" to provoke candid discussion. "He's trying to keep a sense of urgency alive."

Among Rumsfeld's observations in the two-page memo:

The United States is "just getting started" in fighting the Iraq-based terror group Ansar Al-Islam.

The war is hugely expensive. "The cost-benefit ratio is against us! Our cost is billions against the terrorists' cost of millions."

Postwar stabilization efforts are very difficult. "It is pretty clear the coalition can win in Afghanistan and Iraq in one way or another, but it will be a long, hard slog."

The memo was sent to Air Force Gen. Richard Myers, chairman of the Joint Chiefs of Staff; Deputy Defense Secretary Paul Wolfowitz; Marine Gen. Peter Pace, vice chairman of the Joint Chiefs; and Douglas Feith, undersecretary of Defense for policy.

Rumsfeld asks whether the Defense Department is moving fast enough to adapt to fighting terrorists and whether the United States should create a private foundation to entice radical Islamic schools to a "more moderate course." Rumsfeld says the schools, known as madrassas, may be churning out new terrorists faster than the United States can kill or capture them.

The memo is not a policy statement, but a tool for shaping internal discussion. It highlights a Rumsfeld trait that supporters say is one of his greatest strengths: a willingness to challenge subordinates to constantly reassess problems. The memo prods Rumsfeld's most senior advisers to think in new ways about the war on terrorism at a time when many are preoccupied with the 7-month-old war in Iraq.

In public, the Bush administration has been upbeat in describing the war on terrorism. Attorney General John Ashcroft has noted that two-thirds of al-Qaeda's leadership has been captured or killed.

Last month, Rumsfeld told PBS that "al-Qaeda has been put under enormous pressure" and "their ability to function has been significantly affected."

Mr. HOLLINGS. Mr. President, I do not know how many more similarities we are going to get. Iraq is Vietnam all over for the Senator from South Carolina.

Now we have to either put the troops in there or else get out as soon as we can. I take it the present plan is to Iraqi Iraq; namely, train up a bunch of folks together, give them high pay. They have 70-percent unemployment so they will all grab and get a uniform and act as if they are security, but that will give us a cover and face to leave and leave as soon as we can, unless we are going to put the troops in there and get law and order.

What we have done is come into Iraq against the military requirements of taking the city. We just stopped at the airport and declared mission accomplished, and look around and wonder and say this is part of the war on terror.

This is not and was not a part of the war on terror. Yes, there are terrorists in there now, but Iraq was not a part of the war on terror. It was quiet. It was not bothering anybody. They did not have al-Qaida. They did not have nuclear capabilities. They were not connected in any way to 9/11. We went in there under a mislead.

We learned in World War II that no matter how well the gun was aimed, if the recoil is going to kill the guncrew one does not fire the gun.

Yes, it was a good aim to get Saddam but now look at the headline. I ask unanimous consent to include this particular article from the Financial Times, "Al-Qaida Exploits Insecurity in Iraq to Acquire Weapons and Swell Its Ranks."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, Oct. 16, 2003]

AL-QAEDA, "EXPLOITS INSECURITY IN IRAQ TO ACQUIRE WEAPONS AND SWELL ITS RANKS"

(By Peter Speigel)

Continued instability inside Iraq has given terrorist groups easier access to shoulder-launched anti-aircraft missiles and, potentially, chemical or biological weapons, a leading think-tank reported yesterday in its annual evaluation of global security issues.

The London-based International Institute for Strategic Studies said in its newly published Military Balance survey that while the invasion of Iraq might have isolated al-Qaeda from potential state sponsors, it was also likely to have had the effect of "swelling its ranks and galvanishing its will".

"War in Iraq has probably inflamed radical passions among Muslims and thus increased al-Qaeda's recruiting power and morale and, at least marginally, its operational capability," the report states.

John Chipman, the IISS director, noted that David Kay, the US's chief weapons inspector, had recently reported that more than 100 spawling Iraqi ammunition storage sites remain unexamined. The inference made by Mr. Kay was that evidence of unconventional weapons could still be uncovered by coalition teams inside Iraq.

But Mr. Chipman said the unexamined depots also raised grave concerns about what arms might be available to terrorist groups, said by US intelligence officials to be moving into Iraq in greater numbers.

"While the number of uninspected sites may be interesting in terms of the struggle to find evidence of weapons of mass destruction, it is even more interesting as a comment on the ammunition that may be available to terrorist who can get access to unguarded or poorly guarded depots," Mr. Chipman said.

He added that shoulder-launched missiles were of particular concern, noting that Soviet-era SA-7s and US Stinger systems could fetch Dollars 5,000 (Euros 4,250, Pounds 3,000) on the black market, while coalition forces in Iraq were offering only Dollars 500 for those handed in to authorities.

"This proliferation problem is exacerbated by the porosity of Iraq's borders in the post-conflict stage, making it easy for weapons to flow outside the country and into the Middle East in general," Mr. Chipman said.

The IISS also argued that while it was unlikely that al-Qaeda still had the capability of a "mass-casualty attack" on US soil, its members might see a large-scale attack on US forces inside Iraq as a "feasible substitute" while they worked to reconstitute the network.

"It is worth recalling that the operational cycle for large and complex al-Qaeda operations can exceed the 25 months that have passed since 9/11," Mr. Chipman said.

The Military Balance study found that global defense spending increased 7 per cent last year in dollar terms, from Dollars 786.6bn to Dollars 842.7bn, largely because of the huge military build-up in the US and a stronger eruo.

The authors predicted another 7 per cent increase this year, again citing huge Pentagon spending increases for the bulk of the rise. Still, such spending levels account for only 2.6. per cent of global GDP, as compared with 6.2 per cent in 1985.

Mr. HOLLINGS. I thank the distinguished Chair. We now have more terrorism than less terrorism. That is the fact. We have the entire world turned against us. When we cannot get Mexico and Canada to go along with us, we are in trouble.

I am hopeful the United States will win back the hearts and minds of the world's people, because we were always loved, respected, and looked up to for leadership.

In this particular venture what we have done is exactly what President George Herbert Walker Bush warned against. He said to watch out; do not go into that place. I quote again, now that my distinguished friend is here. I want that particular quote to appear in the RECORD again. He said in his book "A World Transformed":

> I firmly believe that we should not march into Baghdad. To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us and make a broken tyrant into a latter-day Arab hero. Assigning young soldiers to a fruitless hunt for a securely entrenched dictator and condemning them to fight in what would be an unwinnable urban guerrilla war.

Iraq is Vietnam all over again. I know the distinguished Senator from Alaska revered our friend Senator Mansfield. I will never forget when Senator Mansfield said all Senators are equal, and when they rolled the Senator from Alaska on a particular matter he was concerned with, he, himself—that is Leader Mansfield—got up, took the floor, and put Alaska's amendments up and we passed them.

So Senator Mansfield took some 5 years and 17 memos to Presidents before he finally changed his mind and spoke. That is exactly where I am today as I enter this particular debate with respect to the supplemental. I would oppose the supplemental on one score, namely we will not pay for it. We tell that poor GI, downtown in Baghdad, we hope you don't get killed, and the reason we hope you don't get killed is because we want you to hurry back. We want you to hurry back so we can give you the bill because we are not going to pay for it. We in the Congress, my generation, we need a tax cut so we can get reelected next year. We are not going to pay for it.

This is the first war in the history of the United States where there is no sacrifice on the homefront. They all run around the mulberry bush here saying "it's not Vietnam" and that we have to stay.

We either have to get in or get out. We can't stand for operation meat grinder to continue day in and day out.

In a war on terror, I just want the administration to know that might does not make right. On the contrary, right makes might. Winning the hearts and minds of the world's peoples, I can tell you here and now, we have to get right on our policy in the Mideast. We all back Israel, but we don't back the taking over of these settlements. If you have been a conquered people—and I read where the distinguished Senator from Alaska went down into those areas for the first time in Israel—for 35 years you have looked not only for your light and water but your jobs up in Israel. Anybody with any get-up-and-go has gotten up and gone, after 35 years. You have the disenchanted. They don't have an army or anything else like that. So don't be amazed. You have to play it with an even hand.

Might makes right in this terror war. We got onto this Iraqi venture, which was a bad mistake from the very beginning. There is not any question about it. If I went to a funeral this afternoon of a fallen soldier in Iraq, what would I say? Did they fall there for democracy? They are not going to have a democracy. It is going to be the Shiite democracy, like they have in Iran—at best. That is exactly what Secretary Rumsfeld said we were not going to have.

Was it for nuclear? No.

Was it for terrorists? No, they didn't have terrorists there.

Your son gave his life for what? As their Senator, I am embarrassed. It wasn't for any of those things. Why we went in, the administration has yet to tell us. They keep changing the rules and the goalposts every time. But somehow, somewhere they have to really put the force in there, quit trying to do it on the cheap, put the force in there and clean out that city, so they will quit killing them, or otherwise get out as fast as we can.

I thank the distinguished Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the last 20 minutes of the time under the control of the previous order be divided so that Senator BYRD has 10 minutes next to last and that I have the last 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. DAYTON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, it is a sad and somber day to consider the conference report on the $87.5 billion supplemental appropriations for the continuing wars in Iraq and Afghanistan. Yesterday was the worst loss of American lives in any day in Iraq. Sixteen American soldiers died in a helicopter brought down by a ground-launched rocket. Twenty others were wounded in that horrible moment. Another U.S. soldier was killed when his Humvee was ambushed by a roadside bomb in Baghdad.

Another convoy was attacked in Fallujah, a city west of Baghdad. One U.S. vehicle was destroyed and no casualties were officially reported. Yet another attack on that city killed two American civilians and wounded one. In Abu Ghraib, a western suburb of Baghdad, U.S. soldiers and residents reportedly fought in the streets. The residents said at least one American soldier had been killed, along with several Iraqis. That is in one terrible day.

Our deepest condolences and prayers go out to the families and friends of those brave Americans who gave their lives in the service of their country, as those who have lost their lives before them.

I will support this additional funding for one primary reason, and that is to win this war in Iraq, to secure lasting victory there and in Afghanistan, and then bring our American troops home as quickly as possible. That should be a goal we can all agree on, something that unites us all in this Chamber and as Americans. Let's do what we must to secure our military victory, to establish the framework for continuing success there, and then let's get our troops home as soon and as safe as possible.

Whether we agreed or disagreed with the decision to start this war, we are in it now. Whether or not weapons of mass destruction are eventually found, whether they were there before or not, whether international terrorists were there or not—none of these questions, nor their answers, nor the debates over them, change or will change the situation we are in today, which is that 138,000 of our sons and daughters are in Iraq because they were sent there. They are risking their lives. Some are fighting for their lives. Some are losing their lives to carry out the orders they have been given to fulfill the mission they have been assigned. They have done so courageously, heroically and, to this point, successfully. This supplemental funding gives their Commander in Chief almost everything he asked us for. It gives the military command everything they asked us for, gives the soldiers everything they need to complete these assignments successfully, to accomplish their mission victoriously, as quickly and efficiently and completely as possible, and we do so because they must succeed.

Our country must succeed. We must prevail in the very difficult circumstances in which we are entangled in Iraq. We must win a lasting victory there militarily, economically, and socially. We must succeed and establish a new Iraqi government, which will be able to itself succeed after we leave. We must assist and enable the Iraqi people to succeed now and after we depart. We must win this war we started because the consequences of failure would be catastrophic. Failure is not an option—not for our sake, not for Iraq's sake, not for the world's sake. We must not lose this war.

I speak as somebody who voted against last year's congressional resolution that authorized the President to start this war. I thought it was premature a year ago last October. I thought it was unconstitutional. I thought it was a mistake, that it would weaken, not strengthen, our national security. I said then I hoped I was wrong. Today I don't believe I was, but that is irrelevant to what we face today—that we are fighting a war in Iraq. The Americans and the Iraqis who are supporting them there are fighting for their lives, and we must win the war and secure that peace so we can leave that country with a victory that will last.

Failure, pulling out now or at any time, followed by the collapse of that country—whatever government, whatever resulting civil war or anarchy, or if a return to power by Saddam Hussein would occur—would be a disaster for Iraq and for us. It would be devastating to our national security, to our standing in the eyes of the world, to our ability to lead that world.

Failure is not an option, so we must proceed and succeed. How? I have my ideas. Everyone else in the Senate has his or her ideas, and House Members have their ideas. Every retired general has lots of ideas. What matters most is what are the ideas of the Commander in Chief. What is his plan of action? What must be accomplished? What is the measure of our success? What is the intended timetable for reconciling and accomplishing them?

To the question he was asked at the press conference last week, would he guarantee there would be less than 200,000 troops in Iraq a year from now, he replied, "That is a trick question." That is not a trick question. It is essential. What is the timetable for the men and women serving over there, suffering over there, fighting and dying? What is the timetable to bring them home with a victory accomplished? Those are questions that deserve answers. They deserve truthful answers because, for $87 billion, the American people—all of us—deserve to be told the truth. Mr. President, $87 billion is a lot to pay for the truth. It is way too much to pay for partial truths or fabrications or misrepresentations or outright lies.

This administration must tell us the truth, the whole truth, nothing but the truth, the good, the bad, the ugly, and the successes and the nonsuccesses. If not, the credibility of those who are in command will suffer. That loss of faith and trust in our leaders is something we cannot afford—ever—in this country, but especially not now.

On last Saturday, a U.S. commander said that the opposition's attacks are "strategically and operationally insignificant." What are we supposed to believe the day after the most damaging, fatality-filled day of the war for Americans?

When Democratic Senators were not allowed to travel to Iraq during the last recess to see firsthand, as I was able to do with the Presiding Officer and a bipartisan delegation in July, when Democratic Senators are not allowed to see for themselves what is actually going on in that country, then what are we supposed to believe when what we are told by others turns out not to be true, such as when we are told, as we were last August, that 95 percent of that country is now peaceful and is secure, and these atrocities continue day after day taking the lives of Americans and maiming and wounding others. Tell us the truth.

Secondly, it is imperative that the administration spend this $87.5 billion well and spend it wisely. The President insisted that all the money for economic and social rehabilitation be grants, not loans, as a majority, myself included, in the Senate would have preferred. The fact they are grants is all the more reason to make sure all those dollars go to get the job done as soon as possible because American troops' lives are depending upon it, because every day they don't come home is a day more casualties are likely to occur.

Any company, any individual, any American corporation, or American citizen who is taking money under those pretexts and is not putting that money to its proper use is a traitor to this country and to the cause for which those men and women are fighting and risking and giving their lives.

The reports we have read of rampant overcharging by certain companies, egregious overcharging for the price of oil that is being transported into that oil-rich country, reports of kickbacks and bribes necessary to secure contracts, reports of sweetheart deals being arranged, no-bid contracts being awarded, of people in Washington setting up shop and telling those who want contracts over there that the means to achieve them, not because they are well qualified, but because they have higher up connections—that would be an abomination. It would be a waste of taxpayers' money. It would be a desecration of the memories of the men and women who have given so much on behalf of our country there, and it would delay—and this is what is most unforgivable—it would delay the achieving of success that is necessary to bring our men and women home with a lasting victory achieved.

We must get rid of Saddam Hussein. When I was in Iraq last July, I was told by a commanding general it was an urgent priority, an urgent necessity to remove him and his two sons from power permanently by whatever means necessary. The military of the United States is two-thirds of the way toward that objective. The people of Iraq must be assured, and every day they are not again delays our success. They must be assured Saddam Hussein will not return to terrorize that country ever again.

Finally, we must treat our Armed Forces in Iraq as well as we possibly can during and in the aftermath of this war, and those fighting in Afghanistan as well. I am very pleased that the conferees included an amendment my colleague from Minnesota, Senator COLEMAN, and I sponsored that earmarked $55 million of this appropriation for the travel costs of troops to come back to the United States, to cover their airfare to their homes and back, whereas previously they were being forced to pay that airfare themselves to get back to their families and loved ones. Most of them, in fact, from Minnesota who are serving now have had their tours of duty extended from 6 months to a year, after they arrived in Iraq with no recourse, no opportunity to make those arrangements back home, except after the fact. So the chance to come home for 2 weeks is crucial for them, for their spouses, and for their children.

Given the financial sacrifices many of them have incurred by virtue of leaving better paying jobs, sometimes losing small businesses they had underway, incurring those financial hardships are such that even a round-trip plane ticket can be an almost prohibitive expense. It seems to be the least we can do and should do and, according to this bill, are going to do to thank them and give them a chance to connect with their families before they go back to again risk their lives in Iraq.

I am glad to see included an amendment that Senator GRAHAM of Florida proposed, which I was also pleased to cosponsor, that will prevent the Pentagon for charging our wounded soldiers for the cost of their meals and hospitalization or rehabilitation. It doesn't seem it should be necessary, but given they are paying that price for their service, the least we can to is feed them at our expense.

I am also pleased the conferees included the requirement that each member of the Reserve or National Guard who is serving in Iraq on active duty has to be informed in writing when their tour of duty will be concluded so they and their families will know when they can count on their return.

I strongly urge the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, that the period of demobilization, the time from when troops, especially those who are going to be deactivated, Guard men and women, reservists, from the time they arrive back home and the time when they are released to their families, homes, jobs, that time be kept to an absolute minimum—days, at least a week or two, rather than the weeks and months I am told typically it takes. It is important we treat these men and women well for what they have given on behalf of their country so that we retain their services for future needs.

I support this supplemental appropriations with the regret that it is necessary but the resolve that it is what we must do to achieve victory. I want to be able to face our fellow citizens with the assurance that it is money that is needed, money that is going to be spent as it was appropriated, and money that is going to be spent as it was intended.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. I ask unanimous consent for 1 minute to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I want us to walk out of that situation with our heads held high—on which the hopes and dreams of the Iraqi population now depend—with the victory and success we want to achieve, with the result we want to give the Iraqi people—a democratically elected government, a country that has hope and means for a better future and which restores this country's standing in the eyes of the rest of the world, the stature, the respect we have had and that we deserve to have and that we must have to be the leader of this world in the years ahead.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Under the order, the Senator has 60 minutes. There are 58 minutes 56 seconds remaining on that 60 minutes.

Mr. BYRD. Mr. President, I thank the Chair. Mr. President, I ask unanimous consent that I yield to the distinguished Senator from California, Mrs. BOXER, who has been yielded time by the distinguished minority leader. I yield the floor to her, if the Chair so recognizes her.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have been yielded 10 minutes by the minority leader, which I would like to use at this time.

I start off by first saying this is a very hard time for our country. Clearly, for my State, the kind of horror we have seen from these uncontrollable fires has been just unspeakable. Finally, we are getting them contained. At this point, we have lost 3,400 homes. Some 750,000 acres have burned. We have had 20 deaths, one of them a fireman from my home county.

For me, the bill that is before us is a mixed bag in many ways. It does have funding for these disasters. It does have money for our brave, courageous, and extraordinary heroes and, of course, I support all of that. What I do not support is the fact that many of the provisions have been dropped that would have made a difference in our policy there. We are going down a path that is bringing the American people pain deep within their hearts that one just cannot even measure.

I have long talked about shoulder-fired missiles and what they can do to aircraft. We have seen that in the starkest possible way. I feel so much sadness given what is happening in my State. I am glad the President is coming there tomorrow. I am writing a letter to FEMA. I have been calling Director Michael Brown, who has been very compassionate, to set up disaster centers. I have been calling on him to work with me in encouraging the mortgage companies to be as good to their mortgage holders as Fannie Mae has been, giving them a chance to recoup and getting those individual and business loans to start rebuilding, which we will. We will rebuild.

I went back to look at my own record on fire issues since maybe 5, 6, 7 years ago. We have been urging for so many years that communities close to national forests be paid special attention. So there will be more time to talk about all of that.

Today, I wish to eulogize our young men and women who have died during the war in Iraq, as well as those who have been killed during this postwar period. I simply want to call attention to the Californians who have died in this conflict. We have lost 73 young people in this war from California. My colleagues will note that there are 72 on this list behind me. We just learned of the first woman from California today. That puts us up to 73. I want to read their names. I am not going to tell my colleague about each and every one of them. I am going to put that in the RECORD:

Michael Bitz, Jose Garibay, Jorge Gonzalez, Thomas Mullen Adams, Jose Gutierrez, Randal Kent Rosacker, Michael Vann Johnson, Jr., Ryan Beaupre, Therrel Shane Childers, Brian Matthew Kennedy, Kendall Damon Watersbey, Kevin Nave, William White, Joseph Menusa, Jesus Suarez Del Solar, Patrick T. O'Day, Francisco Flores, Aaron Contreras, Donald May, Robert Rodriguez, Michael Lalush, Brian McGinnis, Christian Gurtner, Erik Silva, Benjamin Sammis, Chad Bales, Mark Evnin, Eric Smith, Travis Ford, Devon Jones, Duane Rios, Edward Smith, Jesus Medellin, Juan Garza, Jr., Jeffrey Bohr, Jr., Jesus Gonzalez, Riayan A. Tejeda, David Owens, Jr., Jason Mileo, Troy Jenkins, Osbaldo Orozco, Jose Rodriguez, Jakub Kowalik, Douglas Marencoreyes, Andrew Lamont, William Moore, Timothy Ryan, Aaron White, Kirk Straseskie, Jonathan Lambert, Atanacio Marin, Ryan Cox, Andrew Chris, Travis Bradachnall, Paul Nakamura, David Moreno, Andrew Tetrault, Cory Geurin, Evan Ashcraft, David Perry, Daniel Parker, Kylan Jones-Huffman, Pablo Manzano, Joseph Robsky, Jr., Joshua McIntosh, Sean Silva, Jose Casanova, Sean Grilley, Michael Hancock, Jose Mora, Steven Acosta, Paul Velazquez, and this is the first woman to die in this war from California, Karina Lau, age 20, of Livingston, killed on November 2 in Iraq. Karina was onboard a Chinook helicopter when it was attacked. She was assigned to B Company, 16th Signal Battalion, 3rd Signal Brigade, in Fort Hood, TX.

We send our deepest love and sympathy to all of these families.

This is what is happening in Iraq. Maybe we do not see the bodies coming home but this is what is happening in Iraq. It was not supposed to be thus. I sit on the Foreign Relations Committee and they told us we would be welcomed as liberators. They said the purpose was to get the weapons of mass destruction, and the purpose was to get rid of Saddam Hussein.

If those were the purposes, it is time now to rethink what we are doing there. That means, it seems to me, to admit that it is not going the way the American people were promised.

We are told 80 percent of Iraq is safe. We have been told that by many people. We have been told that by Paul Wolfowitz. We have been told that by Ambassador Bremer. I am going to take them at their word—80 percent of Iraq is safe. Then why do we have to have only our young people, with a few others sprinkled in, in those areas? What we need to do is bring in the peacekeepers, if things are safe in those areas, 80 percent of the country. We should concentrate our force in the area of the country that is so very dangerous. We should get help from the entire world to do that. This burden cannot keep on falling on America's families.

Many reporting requirements were dropped from this bill. I asked for a specific report detailing the extent to which U.S. military personnel have been replaced by international troops or Iraqi forces in secure areas of Iraq—the 80 percent solution I talked about. The conference report requires a report on U.S. efforts to increase the number of international troops, but basically it has dropped the portion where we talk about that 80 percent of the country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for an additional 2 minutes from the time of the Senator from West Virginia and then I will conclude.

Mr. BYRD. Mr. President, I yield 2 minutes of my time to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank Senator BYRD. It has been my privilege to work with the Senator on this issue. You have been around far longer than I have been, but I have been around a long time.

I have seen Vietnam. I have seen our troops become sitting ducks. I have seen it. It doesn't have to be this way. There are other ways to deal with this.

I hope and continue to pray we will have an exit strategy that includes help from the entire civilized world. We know Iraq was a haven for a most brutal tyrant—one of the most brutal in all history, Saddam Hussein. We know that. We know he is essentially gone. That is a plus. But now Iraq has become a haven for the terrorists. It was not supposed to be thus. Doesn't it mean something when the President and his people tell the American people what is going to happen? Doesn't it mean something to say: You know what, we predicted this and this. It didn't happen. We need a new strategy.

That is what I was hoping for in this bill. Everything that really was leading toward that got voted down. Senator BYRD's amendments, Senator KENNEDY's, others, the ones that were agreed to here have been knocked out, so we do not have the type of reporting requirements that would have shown us progress.

Instead, we have a continuation of the status quo. I am very surprised, for example, that the loan turned into a grant. I don't think that is good for taxpayers.

I thank you for your patience. I thank my colleague. I pray and hope for a new strategy.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from California, Senator BOXER, for her kind references to me, and for her courage, for her foresight and vision, and for the strength she has shown, not only on this matter but also on many others, over the years I have served with her. I thank her for her friendship. I express only the highest of regard for her in the difficult situation she finds her State in at this time, and also, Mr. President, for the position she has so valiantly held on this particular bill that is before us, and the subject matter of this bill, throughout the time it has come before the Senate.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 44 minutes remaining.

Mr. BYRD. Mr. President, the Iraq supplemental conference report before the Senate today has been widely described as a victory for President Bush. If hardball politics and lockstep partisanship are the stuff of which victory is made, then I suppose the assessments are accurate. But if reasoned discourse, integrity, and accountability are the measures of true victory, then this package falls far short of the mark.

In the end, the President wrung virtually every important concession he sought from the House-Senate conference committee. Key provisions the Senate had debated extensively, voted on, and included in its version of the bill—such as providing half of the Iraq reconstruction funding in the form of loans instead of grants—were thrown overboard in the conference agreement. Senators who had made compelling arguments on the Senate floor only days earlier to limit American taxpayers' liability by providing some of the Iraq reconstruction aid in the form of loans suddenly reversed their position in conference and bowed to the power of the Presidency.

Before us today is a massive $87 billion supplemental appropriations package that commits this Nation to a long and costly occupation and reconstruction of Iraq. Yet the collective wisdom of the House and Senate appropriations conference that produced it was little more than a shadow play, choreographed to stifle dissent and rubberstamp the President's request.

Perhaps this "take no prisoners" approach is how the President and his advisers define victory. But I fear they are fixated on the muscle of the politics instead of on the wisdom of the policy. The fact of the matter is, when it comes to policy, the Iraq supplemental is a monument to failure.

Consider, for example, that before the war the President's policy advisers assured the American people Iraq would largely be able to finance its own reconstruction through oil revenues, seized assets, and increased economic productivity. The $18 billion in this supplemental earmarked for the reconstruction of Iraq is testament to the fallacy of that prediction. It is the American taxpayer, not the Iraqi oil industry, that is being called upon to shoulder the financial burden of rebuilding Iraq.

The international community on which the administration pinned such hope for helping in the reconstruction of Iraq has collectively ponied up only $13 billion, and the bulk of those pledges—$9 billion—is in the form of loans or credits, not grants. But still the White House claims victory for arm-twisting Congress into reversing itself on the question of loans and providing the entire $18 billion in U.S. tax dollars in the form of outright grants to Iraq. I readily admit that how this convoluted logic can be construed as a victory for the President is beyond me.

But reconstruction is only part of the story. On May 1, the President stood on the deck of the USS *Abraham Lincoln*—strategically postured beneath a banner that declared "Mission Accomplished"—and pronounced the end of major combat operations in Iraq.

Since that day, however, more American military personnel have been killed in Iraq than were killed during the major combat phase of the war. According to the Defense Department, 376 American troops have been killed to date in Iraq and nearly two-thirds of those deaths, 238, have occurred since May 1, when the President declared that the major combat had ended.

When President Bush uttered the unwise challenge, "Bring 'em on," on July 2, the enemy did, indeed, "bring them on," and with a vengeance. Since the President made that comment, more than 165 American soldiers have been killed in Iraq. As the death toll mounts, it has become clear that the enemy intends to keep on "bringing 'em on."

The $66 billion in this supplemental required to continue the United States military occupation of Iraq over the next year and the steadily rising death toll are testament to the utter hollowness of the President's declaration aboard the USS *Abraham Lincoln* and the careless bravado of his challenge to "bring 'em on."

It has been said many times on the floor of this Senate that a vote for this supplemental is a vote for our troops in Iraq. The implication of that statement is that a vote against the supplemental is a vote against our troops. I find that twisted logic to be both irrational and offensive. To my mind, backing a flawed policy with a flawed appropriations bill hurts our troops in Iraq more than it helps them.

Endorsing and funding a policy that does nothing to relieve American troops in Iraq is not, in my opinion, a support-the-troops measure. Our troops in Iraq and elsewhere in the world have no stronger advocate than ROBERT C. BYRD, senior Senator from the great State of West Virginia, where mountaineers are always free. I support our troops. I have been supporting our troops for more than 50 years as a Member of the Congress of the United States. I pray for the safety of our troops. I will continue to fight for a coherent policy that brings real help—not just longer deployments and empty sloganeering—to American forces in Iraq.

The supplemental package before the Senate does nothing to internationalize the occupation of Iraq, and therefore it is not a vote for our troops in Iraq. We had a chance in the beginning to win international consensus on dealing with Iraq, but the administration was in too big a hurry, the White House was in too big a hurry. The administration squandered that opportunity when the President gave the back of his hand to the United Nations and preemptively invaded Iraq.

Under this administration's Iraq policy, endorsed in the President's so-called victory on this supplemental, it is American troops who are walking the mean streets of Baghdad; it is American troops who are succumbing in growing numbers to a common and all too deadly cocktail of anti-American bombs and bullets in Iraq.

The terrible violence in Iraq on Sunday—the deaths of 16 soldiers and the downing of an American helicopter, the killing of another soldier, and a bomb attack and the deaths of 2 American civilian contractors in a mine explosion—is only the latest evidence that the administration's lack of postwar planning for Iraq is producing an erratic, chaotic situation on the ground with little hope for a quick turnaround. We appear to be lurching from one assault on our troops to the next while making little, if any, headway in stabilizing our improving security in that unfortunate country.

The failure to secure the vast stockpiles of deadly conventional weapons in Iraq, including shoulder-fired surface-to-air missiles such as the one that may have brought down the United States helicopter on Sunday, is one of many mistakes the administration made that is coming back to haunt us today.

Perhaps the biggest mistake, the costliest mistake, following the colossal mistake of launching a preemptive attack on Iraq, is the administration's failure to have a clearly defined mission and exit strategy for Iraq.

The President continues to insist that the United States will persevere in its mission in Iraq and that our resolve is unshakable. But it is time, past time, for the President to tell the American people exactly what that mission is, how he intends to accomplish it, and what his exit strategy is for the American troops in Iraq. It is the American people out there—it is the American people—who will ultimately decide how long we will stay in Iraq.

It is not enough for the President to maintain that the United States will not be driven out of Iraq by the increasing violence against American soldiers. He must also demonstrate leadership by presenting the American people with a plan to stem the freewheeling violence in Iraq, return the government of that country to the Iraqi people, and pave the way for the orderly withdrawal of American troops from Iraq. We do not now have such a plan, and the supplemental conference report before the Senate does not provide such a plan. The $87 billion in this appropriations bill provides the wherewithal for the United States to stay in Iraq when what we badly need is a course correction. The President owes the American people an exit strategy for Iraq. It is time for the President to deliver.

I have great respect and affection for my fellow Senators and my colleagues on the Senate Appropriations Committee. No one could ask for a finer committee chairman than Senator TED STEVENS. I have even greater respect and greater affection and greater dedication to the institution of the Senate and the Constitution of the United States by which this Senate was established.

Every Senator upon taking office swears an oath to support and defend the Constitution of the United States. It is the Constitution of the United States—not the President of the United States, not a political party, but the Constitution—to which all Senators swear an oath of loyalty before God and man. I am here to tell you that neither the Constitution nor the American people are well served by a process and a product that are based on blind adherence to the will of the White House and to the will of the President at the expense of congressional checks and balances. It is as if, in a rush to support the President's policy, this White House is prepared to put blinders on the Congress.

This supplemental spending bill is a case in point. One of the earliest amendments that was defeated on the Senate floor was the one I offered to hold back a portion of the reconstruction money and give the Senate a second chance—give the Senate a second vote—on whether to release that money. Apparently, the President and his supporters did not want to give the Senate an opportunity to review the progress—or lack of progress—in Iraq and have a second chance to debate the wisdom of spending billions of taxpayers' dollars on the reconstruction effort.

Time after time the House-Senate conference committee was given the opportunity to restore or impose accountability on the administration for the money being appropriated in the Iraq supplemental, and time after time the House-Senate conference committee majority beat back those measures. The conferees, for example, defeated on a party-line vote an amendment I offered which would have required that the head of the Coalition Provisional Authority in Iraq be confirmed by the Senate. Senate confirmation of the Coalition Provisional Authority in Iraq would have ensured that the person who is managing tens of billions of dollars in Iraq for the American taxpayers would be accountable to the public—to the people out there who are watching through those electronic lenses. The current appointee, L. Paul Bremer III, is not. He answers to the Secretary of Defense and the President—not to Congress and not to the American people.

The conferees approved a provision creating an inspector general for the Coalition Provisional Authority, but I am dismayed to say that this individual is not subject to Senate confirmation. I am dismayed that the conferees defeated my amendment that would have required the inspector general to testify before Congress when invited. I am dismayed that the President can refuse to send Congress the results of the inspector general's work. Could it be that the President's supporters are afraid to hear what the inspector general might tell them? Could it be that the President's supporters in Congress would rather blindly follow the President instead of risking reality by opening their eyes to what could be uncomfortable facts?

The conference also stripped out my amendment to the Senate bill that would have required the General Accounting Office to conduct ongoing audits of the expenditure of taxpayer dollars for the reconstruction of Iraq. On the Senate floor my amendment required such audits, and it was adopted by a vote of 97 to zero—97 to nothing. But in the House-Senate conference, it was blown away. It was defeated in the House-Senate conference by the Senate conferees on a 15-to-14 straight-line party vote.

Sprinkled throughout the Iraq supplemental conference report, provisions euphemistically described as "flexibilities" give the President broad authority to take the money—your money—appropriated by Congress in this bill and spend it however he wishes. I tried to eliminate or limit these flexibilities—and in a few cases succeeded—but there remain billions of dollars in this measure that can be spent at the discretion of the President or the Secretary of Defense.

Although the money is appropriated by Congress, as it is required to be appropriated by Congress in section 9 of article I of the Constitution of the United States, these so-called "flexibilities" effectively transfer the power of the purse from the legislative branch to the executive branch.

The dictionary definition of "victory" is simple and straightforward: success, conquest, triumph. Within the constraints of that simplistic definition, I suppose one could construe this package to be a victory for the President.

But I believe there is a moral undercurrent to the notion of victory that is not reflected in the dictionary definition. I believe most Americans equate victory more closely with what is right than with simply winning. It is one thing to win, and the tactics be damned; it is quite another to be victorious. Victory implies doing what is right; doing what is right implies morality; morality implies standards of conduct. I do not include arm twisting and intimidation in my definition of exemplary standards of conduct.

Moreover, we should not forget that not all victories are created equal. In 280 B.C., Pyrrhus, the ruler of Epirus in northern Greece, took his formidable armies to Italy and defeated the Romans at Heraclea, and again at Asculum in 279 B.C., but suffered unbearably heavy losses. "One more such victory and I am lost," he said.

It is to Pyrrhus that we owe the term "pyrrhic victory," to describe a victory so costly as to be ruinous. This supplemental and the policy which it supports, unfortunately, may prove to be a pyrrhic victory for the Bush administration.

The conference report before the Senate today is a flawed agreement that was produced by political imperative, not by reasoned policy considerations. This is not a good bill for our troops in Iraq. This is not a good bill for American taxpayers. This is not a good bill for the mothers and fathers and sisters and brothers and husbands and wives of the troops in Iraq. This is not good policy for the United States of America.

Victory is not always about winning. Sometimes victory is simply about being right. This conference report does not reflect the right policy for Iraq or the right policy for America.

I oppose it, and I will vote "no" on final passage.

Mr. President, I yield the floor.

Before doing so, may I ask how much time I have remaining.

The PRESIDING OFFICER (Mr. CHAFEE). Eighteen minutes 42 seconds total, including the 10 minutes to close.

Mr. BYRD. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I ask unanimous consent that I be permitted to use the Democratic leader's leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

Mr. President, we are faced with a very difficult vote this afternoon. There are many of us who have questioned the wisdom of our policy in Iraq, dating back to October of last year, no one more eloquently or intelligently than Chairman BYRD, and his speech today echoes that sentiment so well. But for me this is a question of providing the resources necessary to support our soldiers, marines, airmen, and naval personnel in the field. Despite the questions of policy, I do believe we have to render such support, but I have reservations about particular aspects of the bill which I would like to address today.

During the debate on the bill, I offered two amendments. The first was to increase the resources allocated to acquire uparmored Humvees. These are the tactical vehicles that are armored that provide increased protection against the improvised explosive devices being used throughout Iraq. Particularly I was concerned about the exposure of some of our National Guard forces.

The Presiding Officer and myself represent the State of Rhode Island. We have two military police companies. The Presiding Officer supported me and worked with me closely in trying to craft this amendment so we could increase the number of uparmored Humvees.

My original proposal was to increase the number in this bill by 800. I am very pleased to say this bill contains an additional 318 uparmored Humvees.

I thank Senator STEVENS particularly because on the floor he not only accepted this amendment, but he did his utmost with his staff to ensure these additional uparmored Humvees would be available to our troops in the field. This is good news to me, but better news for the troops who will use them and the families back here who each day monitor the newspapers and the television and watch and hope their soldiers, their military personnel, have every margin of safety and protection they need.

The second amendment I offered was with respect to the end strength of the active U.S. Army. Unfortunately, this proposal, although it succeeded on the floor of the Senate—it resisted a motion to table by a vote of 52 to 45—was dropped in conference. I believe eliminating this provision is a mistake. We do need additional troops. There are some who argue very strenuously we need additional troops right now in Iraq.

If one considers what has happened with the tragic loss of a Chinook helicopter, with 16 soldiers killed, and others injured, the fact that there are multiple, perhaps hundreds, of ammunition dumps throughout Iraq that are unsecured most of the time and subject to looting, the fact we are continuing to see a stiffening resistance throughout the Sunni triangle around Baghdad, all of that argues to many that we should, in fact, increase the forces on the ground.

Even if you do not concur, even if you believe, as the Secretary of Defense says over and over again, that we have enough American troops on the ground, if we are going to maintain such a deployment over the next several years, we need additional soldiers in our Army for rotation, because otherwise we will wear our Army out, and the first signs of that will be a diminution in the retention of our reservists and National Guard men and women.

The new threat we are facing in Iraq with shoulder-fired missiles is a very ominous one. These are mobile, lightweight, missile systems that can be operated by one person. They can be transported in a vehicle, easily hidden. They can be popped up, made ready to be fired within minutes, and then they can be discarded, and the individual can flee. It is a very effective weapon.

Indeed, one of the ironies of history is we supplied these types of weapons to the Mujahedin in Afghanistan, and they played havoc with Soviet helicopters, Soviet aircraft. It is one of the factors that caused the Soviets to consider their efforts in Afghanistan as futile and to leave.

We have a new threat and that, I think, argues against not only new tactics and strategies but a reconsideration of the forces we have in Iraq and the strength we have there. Again, I point out we have approximately 1 million tons of ammunition unsecured throughout Iraq. There are about 100 of these sensitive sites reported by the New York Times that are guarded around the clock. The rest are guarded intermittently. They are a source, one could infer, for some of the munitions that are being used against our troops. Our convoys have been attacked by improvised explosive devices, by RPGs, and all of this is leading to the casualties we see each day. I think we should be very prudent and very responsible in terms of our end strength in the Army and our forces within Iraq. Both should be increased, I feel, and I am not alone.

James Dobbins, a former Ambassador, who is one of the leading experts on reconstruction, said, in his words:

> Everyone agrees that we need more troops on the ground in Iraq; they just can't agree on more of what. Conservatives want more U.S. troops. Liberals want more allied troops. The Pentagon wants more Iraqi troops. My view is that they're probably all right: We're going to need all three.

Frankly, given the current end strength of the Army, we do not have enough to provide additional American forces on the ground on a sustainable rotation basis.

The Pentagon, Secretary Rumsfeld, is focusing on creating Iraqi security forces. That is an important goal. But there seems to be some confusion on the number of troops. This weekend, Secretary Rumsfeld stated that over 100,000 Iraqis were reporting to duty. Just a few days before that, Secretary Wolfowitz and Condoleezza Rice said it was 80,000 or 90,000. The numbers are unclear.

What is also unclear is the capabilities of these troops. The Iraqi Army was being trained in 8 week courses and is now being trained in about 6 weeks so we can get them into the field. This raises questions of reliability, questions of adaptability, all of these things.

Many suggest that we increase our international component. Frankly, the Turkish troops were apparently willing to come, but the Iraqis objected. It has been reported that Portugal and Bangladesh have decided against contributing troops. South Korea is delaying its decision. It is becoming increasingly obvious that the burden will fall not just in the next few months but in the next few years on the United States forces. As a result, I do believe we need more forces.

We are beginning to see already the stress on our National Guard and Reserves. Currently, more than 130,000 Guard and Reserve soldiers and airmen are deployed. Approximately 29,000 National Guard soldiers are in Iraq and Kuwait. More than 10,000 Reserve forces are in Kuwait, Afghanistan, and Iraq. We also have National Guard forces in Bosnia, Kosovo, and the Sinai.

This is tremendous stress. We are seeing, for the first time, reports—although they are still preliminary—that National Guard units are not able to make their recruiting goals.

There was a report on NBC News by Jim Avila, who referred to:

> New figures, released this week, show the Army National Guard nearly 10,000 short of its 2003 goal of 62,000 recruits.

Those are the first signs that recruiting and retention are becoming a problem in the Reserve component. They will only be made up, I think, by increasing the number of Active Forces we have.

There is a very difficult challenge for Reserve Forces. They have a career. They have families. They are not full-time soldiers, although they are excellent soldiers, they are professionals. They have taken their missions on with great skill and great patriotism. In fact, we could not perform the missions of the modern military today without the Reserve and National Guard. But they have separate careers and separate lives, and eventually they will have to give some credit and some interest to those separate lives.

I believe very strongly we have to ultimately increase the end strength of our military forces. I regret it is not in this supplemental. I will endeavor in the future to continue to urge this position. I hope someday we will have it.

In the meantime, I thank, again, the chairman and Senator BYRD for their efforts. Because ultimately this bill is putting resources into the hands of our fighting men and women who are engaged in combat today, I will support the measure.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the $87 billion supplemental conference report, and I want to take a few minutes to explain why I support this conference report, even though I have serious misgivings about some of its provisions.

I support this conference report because I believe the United States now has an inescapable responsibility in Iraq.

We must stay the course and to do that, we must provide our troops in the field with the resources necessary to complete their mission. The defense title of this conference report provides nearly $65 billion for that purpose, including important funding to improve the safety of our troops by securing Iraqi small arms caches which are the source of much of the munitions used to attack U.S. forces.

We must rebuild Iraq's infrastructure and assist in resurrecting a viable Iraqi economy. We must see that a stable government is put in place. We must prevent civil war. And we must see to it that Iraq does not become a base for terror and instability throughout the region.

Nothing could be more disastrous for U.S. national security than, after bringing about regime change, if our nation were to turn tail and run and not accomplish the mission.

We would send precisely the wrong message to both our friends and our foes around the world.

If the United States were to pull out without completing the job, I believe that we would see civil war and a return of the Baathist regime, perhaps headed by someone as bad or worse than Saddam.

For many of us, the challenges that we now face in Iraq illustrate the shortcomings of a doctrine of unilateral preemption and preventive war.

When we use force against a state and seek regime change we are left with an inescapable role: Nation building.

This conference report is not perfect. Far from it. But it is critical that we do not leave the hard work of post-war reconstruction undone.

When the supplemental bill was before the Senate, I did what I could to see if it was possible to structure at least some of this package as loans—and the Senate adopted an amendment which would have made $10 billion of the reconstruction loans.

That provision, unfortunately, was dropped in Conference over my objections and those of many of my colleagues.

I also worked with Senator DOMENICI to include additional reporting language in this bill. This amendment, which was adopted by the Senate, provided Congress and the American people real oversight over what the administration's plans were in Iraq and how the money in this supplemental was being spent.

Unfortunately, many of these reporting requirements were also stripped out in conference.

I also supported efforts to include provisions in this bill so that there would be greater international contributions to the reconstruction effort, to see if Iraqi oil could be quickly bought on-line to underwrite costs, to earmark some of the funds to be spent in Iraq on domestic priorities instead, and to try to pay for this supplemental by deferring the large tax cut for those Americans earning more than $340,000 a year.

So if I had my way in putting this package together we would have before us a very different conference report.

Unfortunately, all these options were either debated and voted down by the Senate when we considered this bill earlier or, in the case of the loan provision, stripped out by the Republican majority in conference.

I would also like to note a provision of this bill that strikes close to home for me and my constituents. I am pleased that the conference report provides $500 million for FEMA disaster relief activities associated with recently declared disasters, such as the wildfires in California. Representative JERRY LEWIS and I sponsored this funding as a downpayment on what we all can expect to be a costly reconstruction effort in southern California. We in California are resilient, and I hope that this funding will help us to bounce back quickly from the catastrophic fires still burning in California.

So in the final analysis, even without the inclusion of many of the Iraq provisions I would have liked to have seen in this bill, I have come to the conclusion that the United States must step up to the plate and meet its obligations in Iraq. The United States must win the peace in Iraq.

The United States must also seek to repair the breach that exists between our nation and some of our friends and allies in the international community.

As I stated on the floor earlier when the Senate considered this supplemental, it is my sincere hope that in the reconstruction of Iraq, the United States can repair some of this damage by working with our allies, the United Nations, and the international community.

The United States has lost a great deal of good will throughout the world in the past year due to the perception that the American attitude has become "our way or the highway."

We must signal clearly and unambiguously that our attitude has changed and that we welcome the full partnership of others in the international community in Iraq.

On balance I find that I must support this conference report. Our national security and the safety and well-being of our troops demand it.

Indeed, how the United States approaches the reconstruction of Iraq may well prove to be one of the greatest tests of American leadership since World War II.

To fail in this endeavor could well escalate chaos in the Middle East and Gulf region, lead to civil war in Iraq, and allow Iraq to become a base for terror. I believe that it is important that Congress supports this conference report and that we stay the course in Iraq.

I yield the floor.

Mr. HARKIN. Mr. President, the assistance in this supplemental appropriations bill for victims of Hurricane Isabel and the California wildfires is certainly much needed and justified. Both of these disasters were vividly portrayed in images on television, newspapers, and the Internet. Those images drove home the need for help.

We have a strong history of providing assistance from the Federal Government to help our citizens survive and recover from natural disasters. As nearly all previous disaster aid, the assistance in this supplemental appropriations bill for both Hurricane Isabel and the California wildfires does not require a budget offset.

We did not tell the victims of the hurricane or the wildfires that in their time of need they had to go find money elsewhere in the Federal budget. We did not tell these victims of disaster they had to give up something that they had coming to them in order to get the help they critically need.

Last year, many States across the middle of the United States were suffering from a terrible drought, and there were additional agricultural disasters in other parts of our country.

Now, drought is not as spectacular as a hurricane or a fire; that is true. The damage occurs over several months, even years, not days or weeks. But the financial and human losses are still acutely real—lost farms and ranches as they are driven out of business. Farmers and ranchers have to sell off cattle and other livestock. They have dramatically reduced crop yields or no crops at all, just as if a fire had gone through. There are huge financial losses to farmers and ranchers all over our country. There are the loss of homes, loss of businesses, impacts on local communities that may never come back. There is heavy damage to the economy in the drought areas.

Without help, many lives would be dramatically changed for the worse in these drought-stricken areas.

Last year, we were told by the White House the only way we could get this disaster aid for agriculture was to cut back on the farm bill we had passed just several months before. For years, agricultural disaster aid has been treated as emergency spending—because it is—and not needing an offset in the budget. That is what we did for the wildfires in California and Hurricane Isabel that hit our Nation's Capital and communities on the east coast. We treated it as emergency spending.

In other words, in effect the White House said the victims of drought over the last couple years on farms and ranches, the victims of other natural kinds of disasters in agriculture, had to finance their own help by cutting the agricultural programs so important to their livelihood.

So in the omnibus appropriations bill last February, agricultural disaster assistance was financed by cutting the farm bill. Disaster assistance last year was estimated at $3.1 billion. To generate an offset of that amount, the conservation title of the farm bill was cut back. The Conservation Security Program was capped and its funding sharply reduced to pay for that $3.1 billion.

It is ironic and shortsighted that the funds for agricultural natural disasters would be taken from the conservation title of the farm bill. Drought is, of course, devastating to soil, plants, and animals. But it is conservation practices that help farmers and ranchers conserve and enhance natural resources and, in fact, lessen the potential impacts of future drought and natural disasters.

This support for conservation is much like the mitigation money the Federal Emergency Management Agency provides. When FEMA responds to a natural disaster, the Agency also provides additional dollars for measures to avoid losses in future similar disasters in that State. The farm bill's conservation programs likewise guard against future disaster losses.

Taking money from the farm bill's conservation title to pay for disaster assistance in the omnibus bill set a very bad precedent, one that will haunt us in the future when we seek to respond to natural disasters affecting agriculture. That action in the omnibus bill ignored the way previous agricultural disaster aid had been funded as emergency spending. It is also exactly the opposite of the policy we follow for nonagricultural disasters.

Fortunately, this precedent was not followed in funding relief for Hurricane Isabel and the California wildfire victims, and it should not have been. Those disasters were emergencies, and we should pay for the assistance by treating it as emergency spending, which we are doing in this supplemental appropriations bill.

By the same token, farmers and ranchers should not have been forced to pay for their own disaster assistance earlier this year. That was an emergency, and it should have been funded just as disaster aid in this bill was funded as an emergency.

So, Mr. President, I did not seek in any way to hold up this supplemental appropriations bill. There are many parts of it I was opposed to in terms of the way we are writing a blank check for some of the Iraq rebuilding. And I do not mean to impede emergency funding for California or Maryland or Virginia or any other States that were hit by these natural disasters. These are emergencies. We should respond as a nation to these emergencies.

The terrible precedent of taking money from the farm bill earlier this year should be reversed, and the conservation funds that were taken away from farmers and ranchers should be replaced. The damage to the Conservation Security Program should be repaired so the program is made whole, as it was enacted in the farm bill, passed by the Senate, passed by the House, and signed by the President. The President had loudly proclaimed as one of the reasons he was signing it the strong conservation measures in that farm bill.

Because of the way the money was taken out in the omnibus appropriations bill, as it came back to us as a conference report, there was no ability for any of us to amend it or to have an up-or-down vote on whether or not we wanted to have emergency funding taken out of the farm bill for disaster aid. But that is how it was done.

So, I take this time to point out the difference between how we are paying for the assistance for the wildfires in California and Hurricane Isabel here on the east coast and how farmers and ranchers were treated earlier this year when they critically needed disaster assistance. Their disasters were perhaps not as visually dramatic as the wildfires or the hurricane but they nonetheless had devastating losses from disaster that had taken place over months, sometimes over years.

Our nation's farmers and ranchers should have been treated the same way as the victims of the wildfires in California or the victims here on the east coast of Hurricane Isabel. It is up to us to restore the funding that was taken away, to make farmers and ranchers whole, to make our conservation programs whole, and to recognize that when we have emergencies, when we have disasters, regardless of whether it is in California or New York or Iowa or Florida, or wherever it might be, regardless of whether it is homeowners or businesses or communities, yacht basins or beach homes or whatever, farmers and ranchers ought to be treated the same way with emergency funding.

So again, I will not do anything to hold up the bill or anything like that, but I just wanted to make my point that we have to treat everyone the same in this country when it comes to disasters.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. EDWARDS. Mr. President, today we cast our votes with heavy hearts. The memory of what happened almost 48 hours ago, thousands of miles away in Iraq, is still seared on our minds. What happened to our sixteen brave soldiers wears on us all, as do the memories of all of the lives that have been lost in this conflict. Our thoughts and prayers go out to those family members and friends who lost a loved one in Iraq, and we pray for a complete recovery for all who struggle at this hour.

Since "Operation Iraqi Freedom" began, we have proven yet again that the men and women in our military are the best trained, equipped, and motivated in the world. Their service and accomplishments make every American proud, and we pray for their safety and their safe return home.

Today, Members of Congress must uphold one of the highest responsibilities we have: to support our men and women in the military who risk their lives to serve their country. In this case, supporting our military means rejecting a policy that is clearly failing. We must demand that this President change course.

That is why today, I vote against the President's request for $87 billion for Iraq.

For more than a year I have argued that the United States has a special responsibility to help build a stable and prosperous Iraq that is at peace with itself and its neighbors. Fulfilling this responsibility is not only the right thing to do for the people of Iraq, who suffered under Saddam Hussein and now struggle with the consequences of war; rebuilding Iraq will also make the Middle East more stable and the American people more secure.

We must give our troops all the resources and help they need. I believe that we should have given the money designated for our troops right away—not make the support they deserve contingent on a failed reconstruction plan.

Given these failures, we cannot allow this President simply to call on Congress to give him funding without demanding fundamental changes. Our troops will not be safe—and their mission will not be successful—as long as this administration stubbornly clings to a policy based on poor planning, faulty assumptions, botched diplomacy and failed leadership.

We need a new policy to win the peace in Iraq—a policy that meets three core goals: to bring other countries and international organizations into the effort; to hand over more authority to the Iraqi people with specific benchmarks; and to end the insider deals for Iraq's reconstruction and the appearance that this war was about oil or paying off the President's friends.

We must immediately take three concrete steps:

First, we must take the American face off this occupation. The United States should immediately transfer the oversight of Iraq civilian reconstruction to the United Nations. President Bush waited too long to go to the United Nations to ask for help after the war. Even now, he remains unwilling to offer our allies a role in the oversight of Iraq that they are reasonably demanding before putting more of their money and troops in Iraq. We have a UN Security Council resolution that allows others a seat at the table—but this President still refuses to ask. The senior civilian in Iraq should answer to the United States and its allies on the United Nations Security Council—not Secretary Rumsfeld.

We must launch a serious diplomatic effort to get more international troops and resources to Iraq—an effort that will not only reduce the burden on our troops and American taxpayers but also transform the reconstruction into a genuine international mission. America's military presence in Iraq cannot be indefinite. As I have long argued, we should begin discussions immediately to get organizations like NATO more involved, as they are today in Afghanistan. We also need to accelerate the creation of Iraq's own security forces. Clearly, this administration failed our troops by impulsively disbanding the Iraqi Army, a move that not only left many Iraqis angry and unemployed, but took away a pool of Iraqis ready to help take control of their own security.

Second, with the help of the United Nations, we must outline a clear roadmap for the transfer of authority to the Iraqi people so that they can take control over their own destiny. This includes establishing specific timetables to transfer authority to the Iraqis to give them more control over their economy, civilian authority, and security. To get this process moving, we should ask the United Nations to convene an international conference to work with the Iraqis to set priorities and establish clear benchmarks for when such goals will be achieved.

Finally, we must put an end to the special interest feeding frenzy this administration has created over Iraq's reconstruction. The enormous influence of corporate lobbyists in this administration, on everything from energy policy to health care, may dull our capacity to be shocked. But it should not. Halliburton, the Vice President's former company, has already received billions of dollars in non-competitive, no-bid contracts.

The President's supporters compare the rebuilding of Iraq to the Marshall Plan. But after World War II, Congress established a special committee to ensure that the allocation of reconstruction grants was free from war profiteering. Before billions more flow into Iraq, we should set up an independent commission for the same purpose.

I believe that we were right to act against the threat of Saddam Hussein. But this President's failures in Iraq are undermining many of the goals we meant to accomplish by eliminating his brutal regime.

When democracy is threatened by tyranny, America is there to defeat it. It is part of our history. But when the time came for us to rebuild those countries, we did so with integrity, honesty, and patience. The world was by our side. Our soldiers stood with others to build roads, bridges, hospitals, and schools. That is how we helped Japan and Germany recover from World War II. That is how Bosnia and Kosovo recover today. And that is what we must do for Iraq with the world at our side, a new plan in place, so that America is respected and strong.●

Ms. SNOWE. Mr. President, I rise today in support of the final passage of the conference report to accompany H.R. 3289, the fiscal year 2004 Iraq supplemental. I support this bill because it provides the resources necessary to support our gallant troops who are working in Iraq and Afghanistan to rid the world of the scourge of international terrorism and to recover from Hussein's corruption.

This bill provides our forces with $65.7 billion to continue their campaign to restore peaceful and prosperous societies in both Iraq and Afghanistan. As our troops continue to root out the remnants of Hussein's horrific regime and work to ensure stability in Iraq, we must do no less than provide them with the most advanced technology, the most reliable force protection equipment, and the best personal care available. I believe that we all fundamentally agree that the funds requested to support our military forces in the field must be made available immediately.

However, as we are all aware, there was considerable debate when it came to the $18.6 billion this bill provides for reconstruction efforts in Iraq—specifically regarding whether the funds should be provided as loans rather than a grant. I maintained throughout the debate that some portion, if not all, of these reconstruction funds should be in the form of loans.

Many argued that providing loans was not feasible—that it unduly burdened the Iraqi people. But after considering the totality of what we were talking about—that American men and women are putting themselves in harm's way day in and day out in securing the liberation of the people of Iraq and that we are also in the process of spending $100 billion and more for that very same purpose, I concluded that asking the Iraqi people to be responsible for a portion of their reconstruction was only fair.

It remains my belief that the American people are not making a distinction between the money we are spending to support our troops and the additional funds being proposed to rebuild Iraq when it comes to the total measure of our nation's sacrifice toward this cause. So asking Iraq to repay one-tenth of that $100 billion in the form of loans seemed eminently reasonable to me.

Some also argued that there was not a legitimate government in Iraq that could obligate the nation to the repayment of loans. But the international community, through U.N. Security Council Resolution 1511, specifically acknowledged that the Iraqi Governing Council and its ministers are the principal bodies of the Iraqi interim administration which "embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established."

Finally, still others maintained that providing loans to Iraq would run counter to the U.S. policy of shifting away from loans for development because of the ineffectiveness of such programs in the past. But that policy is predicated on the fact that many heavily-indebted, poor countries do not have the resources to both service debt and institute economic and social reform. Iraq, in contrast, is tremendously rich in resources to an extent sufficient to service this debt and continue to make future investments in their own infrastructure.

Therefore, after careful consideration and many discussions with my colleagues and constituents, I worked to author, with Senators BAYH, BEN NELSON, CHAMBLISS, ENSIGN, DORGAN, LINDSEY GRAHAM, and COLLINS, an amendment that designated $10 billion of the Iraqi reconstruction funds as a loan. However, we also included a "trigger with a purpose"—designed to both encourage existing creditor countries to forgive at least 90 percent of the debt owed on loans that were made to the former regime of Saddam Hussein, and to foster within Iraq itself a greater sense of responsibility toward, and a stake in, their own long-term rebuilding success.

I was heartened when, by a vote of 51-47, the Senate passed our amendment and included it in the bill sent to conference. However, during the conference, conferees decided to provide the entirety of reconstruction funds to Iraq as a grant rather than a loan and removed our amendment from the final report. I am extremely disappointed that conferees voted to remove the Senate provision in spite of the subsequent House of Representatives vote instructing their conferees to accept our amendment.

Mr. President, I still do not believe that the provision of $10 billion in loans to the Iraqi people for the reconstruction of their nation would have placed an undue burden on them or their economy. Instead, by investing these loans in Iraq, we would have acted to restore their national pride and enhance their sense of responsibility as we worked toward the common goal of a free and stable Iraq.

With this bill, we are financing the restoration of a peaceful and prosperous society in Iraq and while I would have preferred this bill include provisions to ensure the U.S. taxpayer did not shoulder the burden alone, this bill includes the funds necessary to support our troops in the field. We must commit the resources necessary for our brave young men and women to carry out the task of making the world a safer place a task they are ready for and a task they are performing magnificently.

For that reason, I support this conference report and urge my colleagues to do the same.

Mr. FEINGOLD. Mr. President, when the Senate voted on this supplemental bill in October, I expressed my serious reservations about the overall direction of U.S. policy in Iraq and the astounding financial burden being imposed on the American people as a result of our misguided policies. Yet ultimately I voted in favor of the bill because I wanted to provide important resources for our troops on the ground and because I recognize that bringing stability to Iraq is in our national interest.

At that time, I made it clear that I would not be able to support future funding for the Iraq mission if the administration failed to take concrete steps to put that mission on a sounder footing.

Today, as we consider this conference report, my reservations have only multiplied.

Under intense pressure from the White House, the conferees have stripped a reasonable and appropriate Senate provision that would have converted a portion of the reconstruction grants to loans. This provision, which was designed to encourage international debt forgiveness, did not involve any U.S. decisions about Iraq's future oil revenues, rightly leaving those decisions to the Iraqi people. The administration's refusal to accept this sound provision, combined with the disappointing showing at the recent donors conference in Madrid, suggests to me that the White House continues to set this country on an unsustainable course. The administration's failure to get more support in Madrid and continued insistence that the American people can and should shoulder the lion's share of the burden reveal a failure to grasp the reality of the current situation and the urgent need to rethink their approach.

I am also disappointed that the conferees chose to strip out my amendment, which was adopted here in the Senate, to help ease some of the strain that has been placed on the families of our military personnel. My amendment allowed a spouse, son, daughter, or parent who already qualifies for benefits under the Family and Medical Leave Act to use their benefits for issues arising from one additional set of circumstances—the deployment of a family member. Our military families—be they active duty, Guard, or Reserve—are coping with tremendous strains and a great deal of unpredictability. This Congress should be working to help them, and I will continue to pursue this issue.

I am pleased that my amendment to establish an Inspector General for the Coalition Provisional Authority was retained in this conference report. Though some changes were made to my proposal, the heart of the effort survived and in some cases was strengthened, and American taxpayers will now have someone watching how their dollars are spent in Iraq. We have sorely needed vigorous accountability and transparency mechanisms to oversee our policy in Iraq for some time. It is my hope that regular reports from the Inspector General can help the administration and the Congress to clean up waste and abuse and to improve our overall performance when it comes to reconstruction efforts.

Transparency is also important in our representations to the Iraqi people. I am pleased that another of my amendments, which requires the Coalition Provisional Authority to provide regular updates on the status and use of Iraqi oil revenues in Arabic on the Internet, was retained. Honest and regular information is our best weapon to combat those who would play to Iraqis' worst suspicions in order to harm Americans.

I am also pleased that this conference report recognizes the importance of bolstering U.S. efforts to help bring stability to Afghanistan, and to assist the war-torn states of Liberia and Sudan. While the administration has focused tremendous attention on Iraq, the global fight against terrorism is still our first foreign policy priority. Helping weak and failing states to recover is an important part of that effort.

But despite these positive elements, it is extremely difficult to have confidence in this conference report. Rather than listening to congressional reservations, rather than hearing what Members of this body had to say when we spoke about our constituents' profound sense of unease about our policy, those responsible for directing U.S. action in Iraq appear to have heard nothing at all—not the voices of the American people, not the voices of the Congress, not the voices coming from Iraq itself, where horrible violence continues to take American and Iraqi lives. In the days since the Senate voted on this bill, the administration has failed to grasp the need for a fundamental change in direction necessary to ensure that all of the resources that this bill provides at taxpayer expense will be used wisely.

Mr. NICKLES. Mr. President, I take this opportunity to report on the budgetary effect of the conference report to accompany H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The President's supplemental appropriations request totaled $87.0 billion in budget authority and $36.8 billion in outlays for FY 2004 for ongoing operations in Iraq and Afghanistan and the reconstruction of Iraq. The conference report provides $87.5 billion in budget authority and $37.1 billion in outlays.

Most of the funds in the conference report, $83.8 billion in budget authority, are designated emergencies under section 502(c) of the 2004 Budget Resolution. None of these emergency funds count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and sections 504 and 505 of the 2004 budget resolution.

The conference report also contains non-emergency spending totaling $3.8 billion in budget authority. Non-emergency appropriations are those appropriations that were not requested by the President and not declared a contingent emergency. Non-emergency appropriations are scored against the appropriate subcommittee's 302(b) allocation. I will remind the Senate at the appropriate time about any points of order that apply to subsequent bills.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

H.R. 3289, EMERGENCY SUPPLEMENTAL FOR IRAQ AND AFGHANISTAN

[Fiscal Year 2004, $ millions]

	Discretionary spending
Total H.R. 3289, Conference Report:	
Budget authority	87,547
Outlays	37,103
Emergencies in H.R. 3289, Conference Report:[a]	
Budget authority	83,782
Outlays[b]	N.A.
Non-Emergencies in H.R. 3289, Conference Report:[a]	
Budget authority	3,765
Outlays[b]	N.A.

[a] Section 502(c) of H. Con. Res. 95, the Concurrent Resolution on the Budget for FY 2004, states that any provision designated as an emergency requirement by both Congress and the President shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and section 504 (relating to discretionary spending limits in the Senate) and section 505 (paygo point of order) of H. Con. Res. 95. Amounts classified as non-emergency were added by Congress and do not carry the contingent emergency designation.

[b] CBO has not yet provided an estimate of outlays split by emergency and non-emergency.

N.A. Not Available.

Mr. FRIST. Mr. President, a bloody tyrant rules no longer in Iraq. A man who without qualm or regret murdered hundreds of thousands of his own citizens has been removed from power.

The perpetrator of one of the past century's most gruesome crimes against humanity, the use of chemical weapons on innocent Kurdish civilians, no longer is free to pursue such weapons.

The aggressor in the Gulf War, who a decade ago invaded his neighbor, only to be driven out by a mighty coalition, no longer threatens the volatile region of the Middle East.

The record is replete with the case against Saddam Hussein. The mass graves are laid open, and only now are the thousands of widows, mothers and orphans—victims all—able to openly grieve.

Who here will ever forget the image of the desperate citizens of Baghdad, clawing at the ground in the hopeless search for hidden prisons that might hold their loves ones.

Mass graves have been found throughout the country, the unmistakable mark of history's tyrants.

As the regime of Saddam Hussein has come to an end, the difficult work has only just begun to ensure that we never again witness such horrors.

As this legislation proves.. in both Iraq and Afghanistan this will be a costly effort in treasure and in time. But most costly of all are the lost lives of our men and women serving on the front line of the war against terror, whose devotion to our country may be matched in the history of the nation, but never surpassed.

These men and women, many just at the beginning of their adult lives, serve an ideal as old as the Republic. In the fight against terror, they risk their lives so that we may live safe.

Each and every one of them are citizens, parents, spouses, and somebody's child. Their sacrifice is our loss. We mourn the death of each of them.

The resources this legislation provides will move both Afghanistan and Iraq decisively toward stability and freedom; toward modernity and democracy.

We have worked long hours on this legislation, and we had some difficult votes over the course of the past 4 weeks. Although I am certain it is not the last debate we will have on Iraq, I am grateful for the efforts of the managers on both sides, and for the cooperation of the Democratic leader, in getting this emergency package through.

In particular, I commend Senator STEVENS, Senator WARNER, Senator McCAIN, and Senator McCONNELL for their tireless efforts to pass this emergency funding request.

Replacing the defeated regime of Saddam Hussein with a stable democratic Iraq is an essential turning point in bringing modernity and freedom to a part of the world that has produced extremism and terrorism for decades.

Mr. President, yesterday's losses were the latest tragic reminder that we are at war in Afghanistan and Iraq. The funds in this legislation provide both direct support for our soldiers as well as an investment in creating a safer environment in those countries where they serve. This legislation will make them safer and get them home sooner.

Mr. AKAKA. Mr. President, I rise today to express my strong support for our soldiers, sailors, airmen, and Marines who are deployed around the world in defense of the principles of democracy and our great Nation. Today the Senate will pass the conference report to H.R. 3289, the FY04 Supplemental Appropriations Act for Iraq, Afghanistan and the global war on terrorism.

The conference report does not include a key provision adopted by the Senate which would have required $10 billion in Iraq reconstruction funds to be used as a loan rather than as a grant unless 90 percent of foreign creditors cancel Iraqi debt. I voted for this provision because I believed that it would have helped to provide Iraqis with meaningful participation in the reconstruction of their country by making them responsible for the funding. I am disappointed that the provision has been eliminated, but I look forward to continuing to work with my colleagues to address the issue of how to appropriately respond to continued requests for Federal dollars to reconstruct Iraq.

Last year, as the Senate debated authorization of the use of force in Iraq, one of my concerns was our planning of, and responsibility for, the reconstruction of Iraq. Before we even engaged in this conflict, I asked administration officials about post-war Iraq plans. I was repeatedly told that the appropriate officials were working hard to develop such plans and that details were not necessary because there were too many unpredictable factors to consider. Well, here we are, 4 months after President George W. Bush declared major combat in Iraq to be over. We are being told that our troops will be in Iraq for an extended period of time. American soldiers continue to be wounded and killed almost every day. We are faced with open-ended requests for billions of dollars to reconstruct Iraq.

There seems to be reluctance on the part of our international colleagues to contribute and participate in the rebuilding of Iraq due to U.S. control and authority over the reconstruction funds and plans. It is imperative that we recruit other countries to assist us in peacekeeping activities to relieve our military members so that they can return home. It is just as imperative that we allow other countries to contribute to the reconstruction effort to relieve the American taxpayer of what has been and will continue to be a monumental expenditure of Federal funds in Iraq. The United States must be willing to take the necessary actions to make such international cooperation a reality.

During the Senate's consideration of President Bush's FY04 supplemental request, I voted in support of S. 1689 because I believed the Senate was successful in adding provisions to the legislation to support our deployed troops; increase accountability and transparency in post-war Iraq contracts; improve planning for post-war Iraq; and reduce the burden on the American Taxpayer of the costs stemming from Operation Iraqi Freedom, Operation Enduring Freedom, Operation Noble Eagle and the global war on terrorism on the American taxpayer. While I am pleased to learn that the conference report retains provisions to support our troops such as the one-year demonstration program for enhanced TRICARE eligibility for certain National Guardsmen and Reservists, the retroactive reimbursement for soldiers who paid for their food while being medically treated, and the continued authorization for Imminent Danger Pay and Family Separation Pay at increased rates for FY04, I am concerned that the provisions adopted by the Senate which were eliminated will make it more difficult for us to ensure appropriate oversight, accountability, and success in Iraq, Afghanistan, and the global war on terror.

I am particularly disappointed by the conference committee's decision to eliminate the provision proposed by Senator JACK REED to increase Army end-strength by 10,000. I remain increasingly concerned about the strain of the increased OPTEMPO on the Army. I firmly believe we need to increase end-strength and look forward to working with my colleagues and the Army to address this matter. I understand that General Schoomaker has directed a study of this issue and I look forward to the results of this study.

Again, I fully support our men and women in the military. For that reason, I fully support the $51.4 billion for ongoing military operations in Iraq, $10.5 billion for U.S. forces in Afghanistan, and $3.6 billion for homeland defense. I will work diligently with my colleagues to ensure that our Armed Forces are provided with the training and equipment necessary for them to accomplish their mission so that they can return home safely to their families in a timely manner.

I support the $5 billion for security training for Iraqi security forces. I remain concerned, however, with the amount of funding that has been designated for reconstruction of Iraq, particularly since we have been assured that this supplemental only represents the most pressing reconstruction needs for the next 12 months and does not cover all reconstruction needs. At the same time, we have pressing domestic needs including the need to fund an additional $1.3 billion for medical care for veterans. We have a number of educational and social programs that are in definite need of increased funding. We must be responsible stewards of taxpayers' money.

I voted in opposition to authorizing the use of military force against Iraq in October 2002. I voted this way because I believed we had not yet utilized all of our options at the international level. However, once the decision to utilize military force was made, I fully supported the men and women who were deployed in this effort. We are now responsible to ensure that they have the equipment and resources to undertake their mission in the safest manner possible. Our leadership of the coalition forces in Operation Iraqi Freedom also makes the United States accountable for the restoration and reconstruction of Iraq. Again, I believe we must work closely with our allies and neighbors in the international community for us to successfully bring out troops back home. I look forward to working with my colleagues to find a way to accomplish such a difficult challenge.

Mr. KENNEDY. Mr. President, I oppose the Senate-House conference agreement on the $87 Supplemental Appropriations bill for Iraq.

When the Senate voted on this legislation on October 17, I opposed it because it provided no effective conditions for genuine international participation in the reconstruction of Iraq or other important steps needed to win the peace. Our troops in Iraq are doing a remarkable job under enormously difficult circumstances, and I wholeheartedly support them. But it is an abdication of our responsibility in Congress to provide an $87 billion blank check for a failed policy.

The administration needs to go back to the drawing board and adopt a new Iraq policy that is worthy of the sacrifices our soldiers are making—a policy that restores America as a respected member of the family of nations and make it easier, not far more difficult, to win the war against terrorism.

The Bush administration still does not have a realistic plan for achieving security and democracy in Iraq and our soldiers are paying for it with their lives.

Since the Senate originally passed this legislation 2 weeks ago, the situation in Iraq has further deteriorated. Forty-four more American soldiers have been killed, and more than 300 American soldiers have been wounded. The United Nations did approve a new resolution on Iraq that could have become the basis for genuine international support for our effort, but America still stands largely alone in Iraq. We have not modified our unilateral position, and other nations are unwilling to assist us. The United Nations has pulled all of its staff out of Baghdad, and international NGOs are leaving as well.

America comprises 85 percent of the international forces on the ground, and we are providing the lion's share—nearly $20 billion—for Iraq's reconstruction. On October 23, at the international donors conference in Madrid, the administration came up short on international contributions. Of the $55 billion needed for Iraq over the next 4 years, the international community pledged only $13 billion, two-thirds of it in loans, not grants, over 5 years.

Over the same period of time, the security situation has gone from bad to worse. On October 25, a rocket propelled grenade in Tikrit struck a Black Hawk helicopter, shortly after Deputy Secretary of Defense Wolfowitz left the area.

On October 26, rockets seriously damaged the Al Rashid Hotel in Baghdad, where Deputy Secretary Wolfowitz was staying, killing one soldier and missing Mr. Wolfowitz by only one floor. That same day, the Deputy Mayor of Baghdad was assassinated.

On October 27, coordinated attacks rocked Baghdad, targeting the headquarters of the International Committee for the Red Cross and killing 15 people. Three police stations were also attacked. On this one bloody day, 34 people were killed, including one American soldier, and another 200 were wounded.

Just yesterday, a Chinook helicopter was shot down over Faluja, killing 16 American soldiers, and wounding 20 more.

Meanwhile, the administration continues to claim that things are going well. Last week, President Bush claimed the attacks were a result of our successes on the ground in Iraq. In an October 29 interview, Deputy Secretary of Defense Wolfowitz said, "Our side is winning." After the downing of the helicopter, Ambassador Bremer said, "the overall security situation" in Iraq "is a lot better" than when he arrived in May.

Mr. President, it is clear that things are not going well in Iraq. The administration must face reality. It cannot continue to cover up its failures and try to sell its rosy version of events by repeating it with maximum frequency and volume, and minimum regard for realities on the ground.

I support our men and women and uniform, but I oppose the administration's policy, and I urge the administration to devise a realistic plan for Iraq.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, we have heard a lot of comment today about what the President said and what he has not said. It should be remembered that the President celebrated the military victory, as he should have, when he declared the end of the war. It was the end of the war against Iraq's military.

Since that time, we have been at war against terrorists—organized terrorists, international terrorists—in Iraq. The greatest cunning and deceit and trickery the world has seen are being shown in Iraq. Very clearly, it is not a military force that is opposing us today. We are trying to protect our soldiers and the Iraqi people from terrorists.

That is why this bill is so important. It combines money for our military to continue their activities with money for the Coalition Provisional Authority to move forward and help Iraq to build their own military, to build a new form of government, and to train policemen, to train people to keep the peace.

I must say, it is strange to me when I hear people talk about this administration lying. I have been sort of restrained concerning the past administration and lies. But I do believe it is entirely inappropriate to call the Commander in Chief a liar in terms of what has happened in Iraq.

I am one of the eight Members, as I have told the Senate before, who gets the same briefings that are available to the President of the United States. I guess he might have a few more than we get, but we get the general intelligence briefings. I firmly believed there were weapons of mass destruction there in Iraq. I still believe they had the ability to conduct chemical warfare. After all, they did it twice. They did it once in Iran, and they did it once to the Kurds in their own country.

We continue to hear how terrible it is, what is going on as far as this administration is concerned in terms of the conduct of our forces and our people in Iraq after the war was over. The military collapsed. We have been fighting terrorists constantly now.

When I woke up, as I did this morning, and read the paper about the terrible incident of shooting down a helicopter, that was not a military action; that was a terrorist action. We have to adjust ourselves to the fact that this is going on all over the world. It went on in New York. It went on here in Washington. It went on in Indonesia. It went on in the Philippines. It has certainly happened in Israel for years now. But it is coming home now. We are being exposed to it. Our forces are exposed to it. Our people, our civilians are exposed to it. The U.N. forces in Iraq have been exposed to it. Hundreds and hundreds of Iraqis have been killed since the end of the war by their own terrorists.

It is time for us to sit back and think about what we are doing today. Today, thankfully, this bill will pass. It will pass by unanimous consent—not one vote against it. Yet we have had 6 hours attacking the President because he asked for the money. Where are the voices coming from? What am I hearing? People are willing to let the bill pass without a vote and yet they want to criticize the President for asking for this money?

The Senate ought to reflect and think what we are doing. We still have forces there, and we are going to have forces there. I haven't heard one Senator say we should leave—not one. There are those here who voted against going to war. There are people here who voted for it. But I don't know anyone here in this Chamber who voted against the war on terrorism. That is what we are conducting now.

I am sad to say it looks as if it is going to go on for some time. Out by the elevators, I was just asked by the press, do I expect another supplemental for Iraq and Afghanistan. Well, this is a supplemental for 2004. We are here because the Members of the Senate on that side of the aisle asked me to ask the President to submit a separate bill for funds for Iraq and Afghanistan. He could have submitted that money request in the regular 2004 bill. But he accommodated the request that I carried to the White House, and he sent us a separate supplemental for Iraq and for Afghanistan and the war on terrorism.

We have been on it for a long time, much longer than I ever thought it would take to get this passed. Very clearly, we do not expect another supplemental. We probably expect a request for fiscal year 2005 that will start on October 1 of next year. But clearly, we ought to get things into perspective.

Let me quote the President:

> Heavy as they are, the costs of action must be weighed against the price of inaction. . . .

Which President was that? It was President Clinton, 5 years ago. He stated these words as he informed the American people that he was ordering a strike of military and security targets in Iraq. He ordered them in Iraq 5 years ago—in 1998. Their mission was to take out nuclear, biological, and chemical weapons sites, and he so stated. The former President sent forces into Iraq to attack nuclear, biological, and chemical weapons sites. That decision was based on a continuing lack of cooperation by Saddam Hussein with the international community.

In the last 6 months, President Bush is enforcing measures that were begun in the Clinton administration. Yet to hear people talk here about the lies and deception of this administration—what were those forces sent into Iraq for in 1998? It was based on the same kind of reports that President Bush received before he ordered this action.

As many in the Senate know, some more powerfully than others, wars and their aftermath are not easy. They are disturbing. Watching our soldiers, sailors, airmen, and marines die or be wounded touches a sadness deep inside each of us. It touches even more those of us who have been in war. There is nothing like going to bed at night and seeing an empty bed beside you.

As of today, a total of 376 Americans have been killed in Iraq. Events such as yesterday, where 16 young soldiers were killed when their Chinook helicopter was hit by a missile, greatly trouble all of us. But each of these soldiers was doing his or her duty. We extend our deepest sympathy to each of their families and friends and offer our thoughts and prayers through this difficult time for them.

Some of us have lived through this time again and again: World War II, Korea, Vietnam, you name it. My generation has seen a lot of wars. It is not an easy thing to hear any report of Americans being killed. But those people were doing their duty.

When a person puts on the uniform of the United States and raises his hand, it is even more somber than the one we give here because they know they are laying their life on the line. These are all volunteers. Not one draftee is there. Every person there volunteered to serve in uniform.

We—this Congress, this President, and this country—went to war against Iraq to remove the regime of Saddam Hussein and give the Iraqi people a chance at a better, freer life and the region an opportunity for a more peaceful coexistence.

That is what President Clinton started in 1998. He made the strike against those areas because he firmly believed there were nuclear, chemical, and biological weapons of mass destruction there. Now, these events don't happen overnight. I certainly was not expecting a war that would be just sort of bedsheet clean, where you go to war and come back with fresh bedsheets the next night. That is not the case. These things do not occur overnight. The rebuilding of that nation and the recovery of the Iraqi people will take time. We have to provide the Iraqi people time to heal and the resources and tools to create a new nation and a secure and stable environment.

After World War II, we occupied Germany for 4 years before we even had the Marshall plan. Before the Senate today is the plan for recovery of Iraq in the same year, without an army of occupation per se. We are trying to help them rebuild their country and take it over and provide their own transition to a new form of government. I do believe the way we are doing this—by strengthening a civil society, repairing schools and hospitals, treating waterways, restoring electricity, and eventually assisting them with rebuilding their oil industry—will allow them to become self-sufficient.

I remember so well when Ambassador Bremer told me the problem was that one day there is a pipeline blown up and they cannot ship the oil. So they go about repairing the pipeline. The next day they blow up an electric power station so the pumps won't work. This is terrorism. We must realize we are not facing a military enemy; we are facing terrorists.

Some of my colleagues don't believe in portions of this supplemental. Maybe some don't believe in it at all. But not one of them will vote against it—not one of them. That is their right. Some of them voted against giving the President the authority to go to war to topple the evil tyrant who we all realized was there. Regardless, our men and women are there now—military, civilian, and the U.N.—and those people must have our support. They need the funds in this bill for body armor, for what they call uparmored Humvees, and for explosive detection equipment, for all sorts of detection equipment.

The bill provides the funds to make the lives of our troops—both here and in Iraq—safer and easier. We are providing better mess halls, quarters, TRICARE for members of the Guard and Reserve, and it maintains increases in pay for family separation allowance and imminent danger pay for our troops and their families, which was voted earlier this year and would have expired had we not taken action.

I said this earlier today and I will repeat it. It is a simple and a straightforward premise, as far as I am concerned. Security brings stability and stability fosters democracy. An Iraq that is well on its way to economic well-being and self-governance is the fastest way to get our military men and women home.

We as a nation have always had one goal—I said this also earlier today—and that is to finish what we start. We will not fail to do so now. This supplemental will accomplish that task. I urge my colleagues to vote for this bill. In effect, we have all done that by agreeing to the unanimous consent request that there be no form of vote.

The Senator from Virginia is here——

Mr. LEAHY. Mr. President, I have been waiting. I notice we are going back and forth. I ask for 5 minutes.

Mr. STEVENS. We have had a substantial number of speakers on that side. The Senator from Virginia called and asked me to yield time. How much time is left, Mr. President?

The PRESIDING OFFICER. There are 17 minutes 40 seconds, 10 of which is reserved for closing.

Mr. STEVENS. Are there 20 minutes reserved for closing and 17 left besides that? Who controls that time?

The PRESIDING OFFICER. The Senator from Alaska controls 17½ minutes, of which 10 is reserved for closing.

Mr. STEVENS. How much time does Senator BYRD have?

The PRESIDING OFFICER. The Senator from West Virginia controls 18 minutes, of which 10 are reserved for closing.

Mr. STEVENS. I yield 5 minutes to the Senator from Virginia.

Mr. LEAHY. Mr. President, I will not object to the senior Senator from Virginia speaking. I just ask that I be recognized after him.

Mr. STEVENS. We are glad to do that. The Senator has 18 minutes.

I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the chairman of the Appropriations Committee. I wish to commend him, Senator BYRD, Senator INOUYE, and others, and our distinguished colleague from Vermont, for working on this.

As we debate passage of this important emergency supplemental spending bill, I want to pause for a moment to acknowledge the tragic losses our forces in Iraq suffered this weekend. I extend my heartfelt sympathies to the families and loved ones of those who died and those who were injured. Indeed, we must pause to remember all who have perished, American, coalition partners, and Iraqis military and civilian, who are fighting for freedom in Iraq and around the world in the Global War on Terrorism. We are fortunate as a Nation to have these dedicated citizens who willingly make such great sacrifices to defend liberty and extend the cause of freedom.

I rise today in support of the conference report on emergency supplemental funding for Iraq and Afghanistan for Fiscal Year 2004, and urge my colleagues to do the same. Seldom do we have choices before us as fundamental as this one. Our choices are to go forward, stand still, or quit. Two of these choices would represent failure. There is no choice—failure is not an option. We must go forward; we must stay the course and win the peace for the people of Iraq and Afghanistan, as well as for our own enduring interests in the Global War on Terrorism.

The timeliness and importance of this support for Iraq and Afghanistan cannot be overstated. The stakes in Iraq and Afghanistan are enormous. The military victories achieved by our Armed Forces, together with their coalition partners, must be secured.

We have achieved extraordinary success, in a relatively short period in Iraq. Saddam Hussein and the threat he posed are gone; the future is hopeful for the Iraqi people. We must send a strong message of resolve to our fellow countrymen, to our troops, to our coalition partners, and to the rest of the world, that we will see this through to completion—to win the peace.

We have had an unprecedented amount of debate on this funding request. General John Abizaid captured the essence and urgency of this supplemental request when he stated, "We can fight the terrorists her [in Iraq and Afghanistan], or we can fight them at home." I think we all prefer to fight them there and get the job done.

In recent weeks, I have had the opportunity to meet with several Iraqi leaders, including members of the Iraqi Governing Council and recently appointed ministers. They are clearly committed to achieving democracy, security and opportunity for the Iraqi people and deserve our support. The ministers are technically very well qualified and committed to building a new Iraq as soon as possible. These are not people who have assumed positions of responsibility through tribal affiliations, nepotism and greed, as has been past practice in Iraq. These are highly qualified public servants—17 of 25 ministers have PhDs in technical fields—who have subordinated their own personal aspirations and accepted considerable personal risk to assume positions of high visibility, to build a new Iraq. Many have left lucrative careers, comfort and families in other countries to return to their homeland and lend their skills to this endeavor. I salute their courage, their patriotism and their selflessness. They are an inspiration to all Iraqis and they deserve our full support.

Some of our colleagues have passionately argued that some of this funding should be in the form of loans, to be forgiven if other debtor nations reduce or forgive old loans to Iraq. I understand why some have arrived at this conclusion, but additional debt now would be economically disastrous, and send the wrong message to Iraqis and, indeed, the world. At some point in the not too distant future, loans will be appropriate, but we must help establish those conditions now.

The United States will seek to convince the principal holders of Iraqi loans—Russia, France, Germany and Saudi Arabia—to forgive some or all of these loans.

We have an opportunity before us to send a message of full commitment to Iraq and of a balanced, fair U.S. foreign policy in the larger Middle Eastern region, by providing this reconstruction assistance to Iraq. Less than overwhelming support will be viewed as just the opposite, and would be counterproductive to our larger goals and interests in this important region.

There is a perception, I fear, that this supplemental will fully fund Iraq's reconstruction. Nothing could be further from the truth. The reconstruction needs of Iraq are enormous—not because of war damage, but because of three-plus decades of neglect, mismanagement and greed by Saddam Hussein's regime. The funds included in this supplemental will only begin to address these daunting needs, but adoption of this package will put the Iraqis in a much better position to help themselves in the future. The Iraqi leaders I spoke with want nothing more than to do just that, but they need our help for now, not with crippling conditions attached.

When U.S. troops entered Baghdad in early April, they were, indeed, greeted as liberators. The image of Iraqis celebrating in the streets—helping U.S. soldiers topple a statue of Saddam Hussein—will long be with us.

Despite the pockets of resistance in Iraq today, that feeling of gratitude and good will toward the United States remains. Recent polling found that most Iraqis believe that ousting Saddam Hussein was worth the hardships they have endured since the invasion, and two-thirds think Iraq will be in better condition 5 years from now than before the invasion.

We must build on this good will and seize this historic opportunity to show our overwhelming support and commitment to help build a thriving democracy and ally against terror in Iraq.

American forces and coalition partners have already done a remarkable job of restoring basic services, rebuilding schools and hospitals, preventing ethnic violence and creating an environment where reconstruction can succeed. Many Members of this Chamber have seen this with their own eyes, and the response of most who have been to Iraq is concern that the good things that are taking place in Iraq are not being fully reported to the American people.

This reconstruction work is being done in a difficult environment of harsh conditions and significant personal risk, as those who have been removed from power in Iraq seek to delay their inevitable defeat, and as terrorists lash out at the loss of another haven. We are ever mindful of the risks our troops face, every day, and the sacrifices made by the families and communities that support them.

It is imperative that we give our President and our troops the resources they need to complete their missions in Iraq and Afghanistan. The faster the money gets to these countries, the faster conditions will improve, and the faster our troops will come home. As Ambassador Bremer stated before the Armed Services Committee last week:

> Every day that goes by where we are not speeding up the Iraqi Army, speeding up the civil defense corps, speeding up the training of police, is a day when our soldiers, men and women, are not being substituted by Iraqis. Every day that Iraqis do not get electricity, do not get water, do not have proper sewage, is a day when their quality of life is such that they are less likely to view us as liberators, more inclined to view us as occupiers, and that also increases the danger to our men and women.

Lasting peace and security in Iraq will be achieved when we establish the environment for a democratic, economically viable Iraq. The first steps to democracy have been taken and a fledgling government is preparing itself to assume the responsibilities of sovereignty.

Let us join together in a clear message of resolve to provide the resources that will meet the immediate needs of the Iraqi people and best serve our interest in Iraq and the larger Middle East region. I urge my colleagues to support the conference report and send a message of overwhelming support to our troops, to their families, and to the newly liberated people of Iraq and Afghanistan. We must do what is necessary to secure this important victory in the war on terrorism.

Mr. President, again, I express my tremendous commendation for the managers of this bill and, particularly, for their wisdom and insight into the needs of the men and women in the Armed Forces, and the ability to step up and get TRICARE for the Reserve and the Guard.

The Reserve and the Guard have performed magnificently, and not just in this most recent conflict in Iraq but beginning back in the days of Bosnia, Kosovo, and all the way through. Those of us who went into Sarajevo years ago remember that it was the National Guard planes that would take us in during that period of combat and strife in the Balkans. Of course, they performed magnificently in connection with the Afghanistan campaign, and then again during the course of the campaign in Iraq, the freedom of the Iraqi people being their goal.

So I commend the leadership of the Appropriations Committee for doing the TRICARE and addressing those pay provisions, which were due to expire. We have been addressing that in the Armed Services Committee, where we have original jurisdiction over these matters. But the plain fact is that we have not reached a resolution of our conference report as of this time. Therefore, often the Appropriations Committee needs to step forward and do these things which must be done, and done promptly. So I commend our distinguished members of the Appropriations Committee.

Over the weekend we suffered this tremendous tragedy, the loss of the helicopter with so many brave individuals on board. I and others have expressed our compassion to their families, their loved ones, and to their fellow colleagues and comrades all throughout the region. Each one of them feels the loss of one of their own when it happens—whether it is on the streets or in an aircraft that unfortunately comes down.

Those of us—many in this Chamber—who have had the opportunity to visit in Iraq, and particularly Baghdad and other areas, got a clear perception and feeling of the extraordinary risks being undertaken night and day by these young men and women not only of the Armed Forces of the United States but the coalition forces.

I am proud of the way our President stood up today before the world. He stated these words, which time and time again should be considered by the American people as spoken from the heart of the President. Imagine the sadness in his heart and that of the First Lady and others, because the buck stops on the President's desk.

When the news broke of that helicopter going down, I fully appreciate what he went through, and indeed the Secretary of Defense, this weekend. He addressed the Nation on three public television shows about this tragedy of the loss of the helicopter. But both the President and the Secretary of Defense are absolutely steadfast in their resolve to continue their role as leaders. The President said:

> The enemy in Iraq believes America will run.

The President said:

> That is why they are willing to kill innocent civilians, relief workers, and our coalition troops.

He finished by saying: America will never run.

I commend both the President and Secretary of Defense. At one time, I was in the Pentagon during Vietnam for some 5 years as Navy Secretary. I remember awakening in the night and the morning to receive those reports about exceptional losses, such as this one, and then often go, as we had planned, before the media the next day trying to interpret it and explain it for the American people and for the people throughout the world. It is not an easy task, but our President and others in authority are stepping up to it and being absolutely unflinching in their resolve, as this Senator is, to see this through.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, tomorrow I hope to attend the funeral service for a brave Army captain, a VMI graduate. I happened to go to the neighboring school of Washington and Lee. His family called me and talked with me and I talked with them. They asked if at all possible could I attend. I said I would do that irrespective of what is going on in the Senate. The mother said to me: We feel deeply the loss of our son, but, Senator, I want you to come and say to me that you and others will stay the course so that his life is not given in vain. I have made that commitment to his family, as I will to many other families.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to the editor published in the Saturday Washington Post by Dr. David Kay who is responsible for the search for weapons of mass destruction in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, this letter to the editor is very worthy of our colleagues who, like me, are concerned about how thus far we are still trying to find the weapons, if they exist, but he covers very well one aspect of this, and it is deserving of the estimate. I commend Dr. Kay for his work and his continuing effort. Part of this bill has the funds necessary for him to continue this effort to resolve this very puzzling mystery about the weapons of mass destruction.

I thank the Chair, and I thank my distinguished colleague and commend him once again.

[From the Washington Post, Nov. 1, 2003]

THE HUNT FOR IRAQ'S WEAPONS

The Oct. 26 front-page article "Search in Iraq Fails to Find Nuclear Threat" is wildly off the mark. Your reporter, Barton Gellman, bases much of his analysis on what he says was told to him by an Australian brigadier, Stephen D. Meekin. Gellman describes Meekin as someone "who commands the Joint Captured Materiel Exploitation Center, the largest of a half-dozen units that report to [David] Kay."

Meekin does not report, nor has he ever reported, to me in any individual capacity or as commander of the exploitation center. The work of the center did not form a part of my first interim report, which was delivered last month, nor do I direct what Meekin's organization does. The center's mission has never involved weapons of mass destruction, nor does it have any WMD expertise.

Gellman's description of information provided by Mahdi Obeidi, chief of Iraq's pre-1991 centrifuge program, relies on an unnamed "U.S. official" who, by the reporter's own admission, read only one reporting cable. How Gellman's source was able to describe reporting that covered four months is a mystery to me. Furthermore, the source mischaracterized our views on the reliability of Obeidi's information.

With regard to Obeidi's move to the United States, Gellman writes, "By summer's end, under unknown circumstances, Obeidi received permission to bring his family to an East Coast suburb in the United States." The reader is left with the impression that this move involved something manipulative or sinister. The "unknown circumstances" are called Public Law 110. This mechanism was created during the Cold War to give the director of central intelligence the authority to resettle those who help provide valuable intelligence information. Nothing unusual or mysterious here.

When the article moves to describe the actual work of the nuclear team, Gellman states that "frustrated members of the nuclear search team by late spring began calling themselves the 'book of the month club.'" But he fails to note that this was before the establishment of the Iraq Survey Group. In fact, the team's frustration with the pace of the work is what led President Bush to shift the responsibility for the WMD search to the director of central intelligence and to send me to Baghdad.

One would believe from what Gellman writes that I have sent home the two leaders

> of my nuclear team, William Domke and Jeffrey Bedell, and abandoned all attempts to determine the state of Iraq's nuclear activities. Wrong again. Domke's assignment had been twice extended well beyond what the Department of Energy had agree to. He and Bedell were replaced with a much larger contingent of experts from DOE's National Labs.
>
> Finally, with regard to the aluminum tubes, the tubes were certainly being imported and were being used for rockets. The question that continues to occupy us is whether similar tubes, with higher specifications, had other uses, specifically in nuclear centrifuges. Why anyone would think that we should want to confiscate the thousands of aluminum tubes of the lower specification is unclear. Our investigation is focused on whether a nuclear centrifuge program was either underway or in the planning stages, what design and components were being contemplated or used in such a program if it existed and the reason for the constant raising of the specifications of the tubes the Iraqis were importing clandestinely.
>
> We have much work left to do before any conclusions can be reached on the state of possible Iraqi nuclear weapons program efforts. Your story gives the false impression that conclusions can already be drawn.
>
> DAVID KAY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to take 7 minutes of the time available to the distinguished senior Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today the Senate will adopt by voice vote the conference report containing $87 billion in supplemental funds for Iraq and Afghanistan.

Before I speak about this legislation, I want to express my deepest condolences to the families and friends of those who were killed and wounded in the attack on a U.S. military helicopter yesterday. This tragedy illustrates, once again, the tremendous sacrifices of our soldiers in Iraq. They are there serving their country, and while their accomplishments rarely make the headlines, they are also enduring daily hardship and tragic losses.

This supplemental legislation has been controversial. We all want Iraq to become a democratic, prosperous, peaceful nation. But, we differ on the President's decision to go to war and on the way forward from here.

I did not support the supplemental when it was considered by the Senate, and was one of twelve Senators to vote against it. I discussed my reasons for this decision at length in this Chamber on October 17, 2003. My views have not changed since that date.

That said, I want to recognize the chairman of the Appropriations Committee, Senator STEVENS, for the effort he made to get this supplemental passed. During the past several days he has demonstrated strength on par with one of his favorite superheroes: The Incredible Hulk. Senator STEVENS worked extremely hard, under difficult conditions, to accommodate a number of my priorities: Tricare for Guard and Reservists, humanitarian aid for Liberia, and additional assistance for Afghanistan.

He also supported my provision to impose new criminal penalties for war profiteering. Although the House Republican conferees ultimately rejected the new criminal penalties for war profiteering—a major mistake in my view—Chairman STEVENS defended the Senate position on this issue during conference. I am grateful to him for doing so.

I will have more to say on the war profiteering provision in a moment, but I want to take a few moments to explain why I oppose this conference report.

I have no doubt that the world is far better off without Saddam Hussein. But, I also feel that the administration rushed into this war prematurely, alienated some of our closest friends and allies, exaggerated the threat posed by Saddam Hussein, and downplayed the extraordinary difficult and costly task of rebuilding Iraq. We all know the confident statements made by senior administration officials, including the Vice President, Secretary of Defense, National Security Adviser, Director of OMB, and Administrator of USAID, that have since been disavowed, debunked, or disputed.

Some say that we should simply move on—that the differences we have over the war and the administration's abysmal post war planning is water under the bridge. I disagree. there is no question that we have to work hard to succeed in Iraq. But, I cite the words of Ted Koppel, a well-respected journalist with long experience, who said:

> Before the Iraq war, senior officials confidently predicted that US troops would be welcomed as liberators, that vast quantities of weapons of mass destruction would be found, that Iraqi oil income would pay for post-war reconstruction, and that a successful military victory in Iraq would quickly lead to implementation of the "road map to peace" between Israelis and Palestinians. Not only were all those predictions wrong but there is growing evidence that officials should have know better at the time. But that was then, this is now. And everyone likes to pretend that what was said before the war is no longer relevant.

The decision to go to war in Iraq strikes at the very heart of our credibility as a nation. It is not a partisan issue. It is an American issue, and I am outraged by administration officials who attacked the patriotism of those who have asked legitimate questions about the decision to launch a unilateral, preemptive attack. I think we all wish that more questions had been asked and answered before we decided to send hundreds of thousands of troops to Vietnam.

I agree with those who say that we cannot simply walk away from Iraq. However, I am deeply troubled by the administration's partisan, take-it or leave-it attitude towards this supplemental. There are better alternatives, and the Administration should have been open to considering other approaches. I believe they could have saved the taxpayers money and hastened the time when our soldiers can come home.

Amendments offered by Democrats on the Senate floor would have gone a long way towards accomplishing these goals. They would have: put the Secretary of State in charge of reconstruction efforts, which has been the case for every major post-conflict operation since the Marshall Plan; required the administration to internationalize the effort, formulate a viable plan to rebuild Iraq, and come up with a workable exit strategy; and fully paid for the reconstruction by repealing the tax cut on the wealthiest Americans for just one year rather than raiding the Social Security Trust Fund and saddling future generations with even more debt.

Each of these amendments was defeated by the Republican leadership, acting in concert with the administration, on the Senate floor.

Instead of acknowledging problems with the current policy and making bold proposals to turn around the situation in Iraq, the President's approach does little more than throw more money at the status quo. This goes to the heart of my opposition to this conference report, and again, I refer any who may want further details about my views to review my October 17 statement.

I want to turn to an issue that I mentioned earlier, which is the refusal of House Republicans on the Appropriations Committee to include a provision which I, along with Senators FEINSTEIN and DURBIN, included in the Senate version of the Supplemental conference report. This provision would have created criminal penalties for war profiteers and cheats who try to defraud American taxpayers and cash in on the relief and reconstruction efforts in Iraq.

Our men and women in uniform are risking their lies in Iraq. Our aid workers and diplomats are laboring under difficult and dangerous conditions. This provision would have sent a message: If you cheat American taxpayers while our men and women are dying in Iraq, you will go to jail.

In rejecting this provision, House Republicans offered no substitute or willingness to compromise. They also offered, in my opinion, no real substantive arguments against this provision. More importantly, Representative SENSENBRENNER, chairman of the House Judiciary Committee, did not oppose this provision.

The partisan approach by the House Appropriators was in stark contrast to the Senate position. Both Republican and Democratic Senate conferees consistently supported the provision, which was unanimously accepted during the Senate Appropriations Committee markup of the bill. Not a single objection was raised to this provision during Senate consideration of the Supplemental.

Why is this provision so important? Congress is about to send about $70 billion dollars to a Iraq, where there is no functioning government, too little accountability and too few financial controls. This is a formula for mischief.

Because we are sending so much of the taxpayers' money to a place without the usual oversight and controls, I strongly believe that we need an extra layer of protection to guard against waste, fraud, and abuse. This is what my provision would have done.

By creating strong criminal penalties and clarifying current uncertainties about jurisdiction, it would create a strong deterrent against this type of behavior.

As I said during the conference discussion of this provision, if one warehouse is locked while another warehouse is unlocked, everyone knows which one will get robbed.

There are, of course, fraud statutes to protect against waste of tax dollars at home. But there are serious impediments, especially jurisdictional issues, to using these statutes to prosecute these types of crimes in Iraq. Moreover, there are no statutes that expressly prohibit war profiteering.

The provision in the Senate bill would have addressed these issues and made it easier to prosecute those accused of defrauding U.S. taxpayers in Iraq.

In addition, some of the penalties under existing fraud statutes are weak—perpetrators could walk away with little or no jail time. This provision would have increased the penalties to up to 20 years in prison and fines of up to $1 million or twice the illegal gross profits of the crime.

We have a duty to do our best to protect every penny of the taxpayers' money from waste, fraud and abuse. I believe the House Appropriators, by refusing to accept this provision, abdicated this responsibility.

This is not a new idea. The United States has enacted similar laws after World War I, World War II, and the Korean War. These laws were successful, and there is a long history of case law on this issue. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that "a few do not gain from the sacrifices of the many." The provision in the Senate bill borrowed heavily from this successful approach, especially the portions relating to war profiteering.

Some have asked me, you are the ranking member of the Senate Judiciary Committee, why not go through the regular process and report a bill out of this committee?

We all know that criminal penalties cannot be applied retroactively. I wanted to have this strong deterrent against defrauding the U.S. taxpayers in place on the same day that the President signed this bill into law and the money goes out the door. Clearly, this is an unusual situation that called for quick action to ensure that these controls were in place.

We have missed this opportunity. But, I am hoping that in the bipartisan spirit of the Senate, we can come together to pass a law that will minimize the damage of the House's refusal to act.

In the coming week, I will be introducing a free-standing bill that mirrors the provision in the Senate bill. I hope that the Senate will continue to do the right thing on this issue. I believe that we should press ahead and support its prompt passage through Congress.

In closing, I want to say that there has been bipartisan concern with the administration's approach in Iraq. I hope the administration listens to the Congress and asks the tough questions of itself. It should reach out to Members of Congress and consult with experts who do not necessarily agree with what the administration is doing in Iraq.

While we may disagree on how to get there, we all want the same thing: a peaceful and democratic Iraq and our troops home safely.

I yield the floor.

Mr. STEVENS. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes 32 seconds. The Senator from West Virginia has 11 minutes 22 seconds.

Mr. REID. Mr. President, could you go over that time again, please?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes 32 seconds. The Senator from West Virginia 11 minutes 22 seconds.

Mr. REID. That is fine. I was told we were going to be finished at 5.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. I have made my remarks. I do not need to make any additional ones. I would be glad to yield back my time.

Mr. REID. I ask the Chair how the 10 minutes got lost in the last 2 or 3 minutes, just out of curiosity.

The PRESIDING OFFICER. The Senator from Rhode Island obtained consent to use Leader DASCHLE's time.

Mr. BYRD. I have no desire to use any of my remaining time. Senator STEVENS has used his time. As far as I am concerned, we can vote.

Mr. STEVENS. Mr. President, we reserved the last 10 minutes for the Senator from West Virginia and then the last 10 minutes for me, the Senator from Alaska. Does the Senator wish to use his time?

Mr. BYRD. Mr. President, if the distinguished Senator will yield, let me thank the distinguished Senator for his courtesy and thoughtfulness in reserving time for the two of us. I have the utmost respect and affection for the Senator from Alaska. It is characteristic of him to provide that time, but I only wish to say at this time, having made my remarks already, having said enough on the point, I am willing to yield back the balance of the time the Senator from Alaska set aside for me and, as soon as the Senator from Alaska completes his remarks, whatever he wishes to say, then we are ready to vote.

Mr. STEVENS. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I previously read a portion of President Clinton's remarks on December 16, 1998. I want to read a few more of them just to close this debate. The President said at that time on December 16, 1998:

> This situation presents a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere. The international community gave Saddam one last chance to resume cooperation with the weapons inspectors. Saddam has failed to seize the chance. And so we had to act and act now. Let me explain why. First, without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programs in months, not years. Second, if Saddam can cripple the weapons inspection system and get away with it, he would conclude that the international community—led by the United States—has simply lost its will. He will surmise that he has a free rein to rebuild his arsenal of destruction, and some day—make no mistake—he will use it again as he has in the past.

I am skipping a few paragraphs. He said:

> . . . That is why, on the unanimous recommendation of my national security team—including the vice president, the Secretary of Defense, the chairman of the Joint Chiefs of Staff, the Secretary of State and the national security adviser—I have ordered a strong, sustained series of air strikes against Iraq.

He said:

> So we will pursue a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people. First, we must be prepared to use force again if Saddam takes threatening actions, such as trying to reconstitute his weapons of mass destruction or their delivery systems, threatening his neighbors, challenging allied aircraft over Iraq or moving against his own Kurdish citizens. The credible threat to use force, and when necessary, the actual use of force, is the surest way to contain Saddam's weapons of mass destruction program, curtail his aggression and prevent another Gulf War.

And I go on. He said:

> Heavy as they are, the cost of action must be weighed against the price of inaction. If

Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people. And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

The people who criticize the current conclusion—and listening to the conclusion that President Clinton made—did not complain then. We used airstrikes against Iraq. In fact, one of the conditions President Clinton mentioned was continued, almost daily attacks against our aircraft that were flying what we call continuous air patrol, the CAP, over Iraq. They did that for 11 years. Daily, there were threats against them.

I think we have acted reasonably under the circumstances, particularly in view of the conclusion that was made by the President of the United States in 1998 that Saddam was such a threat against the United States and the international community he should be subjected to attack and, if he persisted, to actually use force as soon as possible. That is what the President said.

I ask unanimous consent that the transcript of President Clinton's remarks explaining the Iraq strike be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I said before and I say again, the war is over. The President was right when he said the war is over. The military force is not there. We are fighting terrorism, not just in Iraq and Afghanistan. We are also fighting it around the world, even at home. How many of us have had to stand in longer lines this morning because there is a greater threat right here at home?

This bill is being passed because we are fighting a war against terrorists and terrorism everywhere. It is absolutely necessary that this money get to the people who are right now at the greatest risk of harm, those who are trying to help Iraq recover, form a new government and be able to defend themselves and be able to go on to a new life, really to be a new credible force in the Middle East, of people who form their own government and people who plan their own future.

I am pleased to associate myself with all those who supported what the President has done. I believe it was right and I think history will show it was right.

I yield back the remainder of my time and ask for the vote.

EXHIBIT 1

TRANSCRIPT: PRESIDENT CLINTON EXPLAINS IRAQ STRIKE

Clinton: Good evening.

Earlier today, I ordered America's armed forces to strike military and security targets in Iraq. They are joined by British forces. Their mission is to attack Iraq's nuclear, chemical and biological weapons programs and its military capacity to threaten its neighbors.

Their purpose is to protect the national interest of the United States, and indeed the interests of people throughout the Middle East and around the world.

Saddam Hussein must not be allowed to threaten his neighbors or the world with nuclear arms, poison gas or biological weapons.

I want to explain why I have decided, with the unanimous recommendation of my national security team, to use force in Iraq; why we have acted now; and what we aim to accomplish.

Six weeks ago, Saddam Hussein announced that he would no longer cooperate with the United Nations weapons inspectors called UNSCOM. They are highly professional experts from dozens of countries. Their job is to oversee the elimination of Iraq's capability to retain, create and use weapons of mass destruction, and to verify that Iraq does not attempt to rebuild that capability.

The inspectors undertook this mission first 7.5 years ago at the end of the Gulf War when Iraq agreed to declare and destroy its arsenal as a condition of the ceasefire.

The international community had good reason to set this requirement. Other countries possess weapons of mass destruction and ballistic missiles. With Saddam, there is one big difference: He has used them. Not once, but repeatedly. Unleashing chemical weapons against Iranian troops during a decade-long war. Not only against soldiers, but against civilians, firing Scud missiles at the citizens of Israel, Saudi Arabia, Bahrain and Iran. And not only against a foreign enemy, but even against his own people, gassing Kurdish citizens in Northern Iraq.

The international community had little doubt then, and I have no doubt today, that left unchecked, Saddam Hussein will use these terrible weapons again.

The United States has patiently worked to preserve UNSCOM as Iraq has sought to avoid its obligation to cooperate with the inspectors. On occasion, we've had to threaten military force, and Saddam has backed down.

Faced with Saddam's latest act of defiance in late October, we built intensive diplomatic pressure on Iraq backed by overwhelming military force in the region. The UN Security Council voted 15 to zero to condemn Saddam's actions and to demand that he immediately come into compliance.

Eight Arab nations—Egypt, Syria, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates and Oman—warned that Iraq alone would bear responsibility for the consequences of defying the UN.

When Saddam still failed to comply, we prepared to act militarily. It was only then at the last possible moment that Iraq backed down. It pledged to the UN that it had made, and I quote, a clear and unconditional decision to resume cooperation with the weapons inspectors.

I decided then to call off the attack with our airplanes already in the air because Saddam had given in to our demands. I concluded then that the right thing to do was to use restraint and give Saddam one last chance to prove his willingness to cooperate.

I made it very clear at that time what unconditional cooperation meant, based on existing UN resolutions and Iraq's own commitments. And along with Prime Minister Blair of Great Britain, I made it equally clear that if Saddam failed to cooperate fully, we would be prepared to act without delay, diplomacy or warning.

Now over the past three weeks, the UN weapons inspectors have carried out their plan for testing Iraq's cooperation. The testing period ended this weekend, and last night, UNSCOM's chairman, Richard Butler, reported the results to UN Secretary-General Annan.

The conclusions are stark, sobering and profoundly disturbing.

In four out of the five categories set forth, Iraq has failed to cooperate. Indeed, it actually has placed new restrictions on the inspectors. Here are some of the particulars.

Iraq repeatedly blocked UNSCOM from inspecting suspect sites. For example, it shut off access to the headquarters of its ruling party and said it will deny access to the party's other offices, even though UN resolutions make no exception for them and UNSCOM has inspected them in the past.

Iraq repeatedly restricted UNSCOM's ability to obtain necessary evidence. For example, Iraq obstructed UNSCOM's effort to photograph bombs related to its chemical weapons program.

It tried to stop an UNSCOM biological weapons team from videotaping a site and photocopying documents and prevented Iraqi personnel from answering UNSCOM's questions.

Prior to the inspection of another site, Iraq actually emptied out the building, removing not just documents but even the furniture and the equipment.

Iraq has failed to turn over virtually all the documents requested by the inspectors. Indeed, we know that Iraq ordered the destruction of weapons-related documents in anticipation of an UNSCOM inspection.

So Iraq has abused its final chance.

As the UNSCOM reports concludes, and again I quote, "Iraq's conduct ensured that no progress was able to be made in the fields of disarmament.

"In light of this experience, and in the absence of full cooperation by Iraq, it must regrettably be recorded again that the commission is not able to conduct the work mandated to it by the Security Council with respect to Iraq's prohibited weapons program."

In short, the inspectors are saying that even if they could stay in Iraq, their work would be a sham.

Saddam's deception has defeated their effectiveness. Instead of the inspectors disarming Saddam, Saddam has disarmed the inspectors.

This situation presents a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere. The international community gave Saddam one last chance to resume cooperation with the weapons inspectors. Saddam has failed to seize the chance.

And so we had to act and act now.

Let me explain why.

First, without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programs in months, not years.

Second, if Saddam can cripple the weapons inspection system and get away with it, he would conclude that the international community—led by the United States—has simply lost its will. He will surmise that he has free rein to rebuild his arsenal of destruction, and someday—make no mistake—he will use it again as he has in the past.

Third, in halting our air strikes in November, I gave Saddam a chance, not a license. If we turn our backs on his defiance, the credibility of U.S. power as a check against Saddam will be destroyed. We will not only have allowed Saddam to shatter the inspection system that controls his weapons of mass destruction program; we also will have fatally undercut the fear of force that stops Saddam from acting to gain domination in the region.

That is why, on the unanimous recommendation of my national security team—including the vice president, the secretary of defense, the chairman of the joint chiefs of staff, the secretary of state and the national security adviser—I have ordered a strong, sustained series of air strikes against Iraq.

They are designed to degrade Saddam's capacity to develop and deliver weapons of mass destruction, and to degrade his ability to threaten his neighbors.

At the same time, we are delivering a powerful message to Saddam. If you act recklessly, you will pay a heavy price. We acted today because, in the judgment of my military advisers, a swift response would provide the most surprise and the least opportunity for Saddam to prepare.

If we had delayed for even a matter of days from Chairman Butler's report, we would have given Saddam more time to disperse his forces and protect his weapons.

Also, the Muslim holy month of Ramadan begins this weekend. For us to initiate military action during Ramadan would be profoundly offensive to the Muslim world and, therefore, would damage our relations with Arab countries and the progress we have made in the Middle East.

That is something we wanted very much to avoid without giving Iraq a month's head start to prepare for potential action against it.

Finally, our allies, including Prime Minister Tony Blair of Great Britain, concurred that now is the time to strike. I hope Saddam will come into cooperation with the inspection system now and comply with the relevant UN Security Council resolutions. But we have to be prepared that he will not, and we must deal with the very real danger he poses.

So we will pursue a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people.

First, we must be prepared to use force again if Saddam takes threatening actions, such as trying to reconstitute his weapons of mass destruction or their delivery systems, threatening his neighbors, challenging allied aircraft over Iraq or moving against his own Kurdish citizens.

The credible threat to use force, and when necessary, the actual use of force, is the surest way to contain Saddam's weapons of mass destruction program, curtail his aggression and prevent another Gulf War.

Second, so long as Iraq remains out of compliance, we will work with the international community to maintain and enforce economic sanctions. Sanctions have cost Saddam more than $120 billion—resources that would have been used to rebuild his military. The sanctions system allows Iraq to sell oil for food, for medicine, for other humanitarian supplies for the Iraqi people.

We have no quarrel with them. But without the sanctions, we would see the oil-for-food program become oil-for-tanks, resulting in a greater threat to Iraq's neighbors and less food for its people.

The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of his region, the security of the world.

The best way to end that threat once and for all is with a new Iraqi government—a government ready to live in peace with its neighbors, a government that respects the rights of its people. Bringing change in Baghdad will take time and effort. We will strengthen our engagement with the full range of Iraqi opposition forces and work with them effectively and prudently.

The decision to use force is never cost-free. Whenever American forces are placed in harm's way, we risk the loss of life. And while our strikes are focused on Iraq's military capabilities, there will be unintended Iraqi casualties.

Indeed, in the past, Saddam has intentionally placed Iraqi civilians in harm's way in a cynical bid to sway international opinion.

We must be prepared for these realities. At the same time, Saddam should have absolutely no doubt if he lashes out at his neighbors, we will respond forcefully.

Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people.

And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

Because we're acting today, it is less likely that we will face these dangers in the future.

Let me close by addressing one other issue. Saddam Hussein and the other enemies of peace may have thought that the serious debate currently before the House of Representatives would distract Americans or weaken our resolve to face him down.

But once more, the United States has proven that although we are never eager to use force, when we must act in America's vital interests, we will do so.

In the century we're leaving, America has often made the difference between chaos and community, fear and hope. Now, in the new century, we'll have a remarkable opportunity to shape a future more peaceful than the past, but only if we stand strong against the enemies of peace.

Tonight, the United States is doing just that. May God bless and protect the brave men and women who are carrying out this vital mission and their families. And may God bless America.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. BYRD has not yielded back his time as yet, has he?

The PRESIDING OFFICER. He has not formally done so.

Mr. REID. Mr. President, I briefly say this. I voted——

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. I do not intend to use my time. I have already made my speech. If I have some time, I yield whatever time he needs to the Senator from Nevada.

Mr. REID. I thank the Senator from West Virginia for yielding me the time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I voted for the first gulf war. In fact, I was the first Democrat to announce publicly that I would do that. I voted for the second gulf war. I have no problems with having done that.

I have the greatest respect for the senior Senator from Alaska. I know what a fine chairman he is on the Appropriations Committee. But I do say this: That for anyone now to say the war is over, it is not over. The war is going on as we speak. One need only go to the families of the 16 people who were killed when the helicopter was shot down just a few hours ago.

Having said that, we still have a long hard row ahead of us in this war in which we are engaged.

I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from West Virginia yield back all of his time?

Mr. BYRD. Yes, I yield back my time.

The PRESIDING OFFICER. Without objection, the conference report is adopted.

The Senator from West Virginia.

Mr. BYRD. I do not think it should be adopted by unanimous consent. That was not meant to happen. I understood there would be a voice vote. I hope the Chair will propound the question for the voices to vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the conference.

(The conference report is printed in the House proceedings of the RECORD of October 28, 2003.)

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, it gives me a great deal of pleasure to bring this conference report to the floor, along with my good friend from North Dakota, Senator DORGAN. We have spent a lot of hours on this particular legislation, the appropriations for the Department of the Interior, also some portions in here for the Department of Energy, the Forest Service, the Indian Health Service, and several other independent agencies under the Interior Subcommittee's jurisdiction.

Both the House and Senate bills conformed to the same 302(b) allocation and our conference allocation is effectively the same. This means the priorities of both bodies, as expressed in their respective bills, had to be pared back substantially to bring this bill to the required level. Nobody should be surprised if they think they did not get everything they wanted in this bill. There is an old saying, "I didn't get everything I wanted, but I wanted everything that I got." Nobody did get everything they wanted, including this chairman. But I can tell you the Members were treated fairly. I think the House and Senate had a good exchange during the course of our conference discussions.

That being said, this bill does a number of positive things. It has been a most difficult year. Generally speaking, we have tried to protect the core operating programs of the land management agencies, the Indian Health Service, and the other agencies in this bill. Where possible, we have provided targeted increases for high priority programs such as park operations and, of course, forest health.

Beyond that, we have continued our efforts to attack the maintenance backlog within the land management agencies: The BIA administration of the school system and the Indian Health Service. In a few cases we have invested in new facilities, where they are critically needed.

This bill also continues to fund a number of grant programs for a variety of purposes, from habitat conservation to energy conservation to the arts and the humanities. Most of these programs have been continued at around current-year levels. Advocates of these programs may be disappointed that we did not provide large increases, but the constraints of our allocation simply would not allow it.

There is a specific issue I would like to mention briefly and that is the Indian trust reform. The court recently issued an opinion in the Cobell litigation that would compel the Department of Interior to spend an estimated $9 billion to $12 billion—that is with a "b," billion—over the next 3 years, on an exhaustive historical accounting of individual Indian money accounts, an accounting that may or may not shed light on the ultimate solution to the trust problem. If there is one thing with which everybody involved in this issue seems to agree, it is that we should not spend that kind of money on an incredibly cumbersome accounting that will do almost nothing to benefit the Indian people. What we need to be doing is fixing the trust system and settling this case once and for all. The conference agreement provides that there is effectively a time out, so Congress can address this issue in a comprehensive fashion. I sincerely hope Congress will take advantage of this opportunity to act for the benefit of the Indian people throughout our country.

Finally, I express my thanks to staffs on both sides of the aisle who worked so hard on getting this conference report together: Larissa Sommer, Ginny James, Leif Fonnesbeck, Ryan Thomas, and Bruce Evans on my own subcommittee on this side. On the committee of course are the folks on the other side who worked so hard, and the rest of my committee staff. They have done a great piece of work bringing this difficult conference to a successful conclusion. Chris Heggem and Ron Hooper of my personal staff have also contributed a great deal to this bill on items that are particularly critical to my State of Montana.

I also want to thank Peter Keifhaber and Brooke Livingston of Senator DORGAN's staff for their cooperation and good humor. Given that Brooke is to be married Saturday, I think it is safe to say she is glad to get this item off the floor. We couldn't conclude it quickly enough. I am glad we can accommodate her on that schedule.

Again, I thank my good friend from North Dakota. We are neighbors. Our border is very porous. We always stand our ground, though, and thank goodness there was the Little Missouri River.

I yield to the ranking member of this committee, Senator DORGAN from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin where my colleague from Montana ended. That is, with thanks to a great deal of staff help to put this subcommittee bill together: Bruce Evans, Virginia James, Leif Fonnesbeck, Ryan Thomas, Larissa Sommer on his side, and Peter Keifhaber and Brooke Livingston on our side.

This is a conference report that spends $19-plus billion on a wide range of issues—the National Park Service, the Bureau of Land Management, Fish and Wildlife, Bureau of Indian Affairs, a portion of the Department of Energy, and the Forest Service. As you take a look at all of these issues—the National Endowment for the Humanities and Arts, the Smithsonian Institution—this is quite a remarkable subcommittee and the jurisdiction is broad and very interesting.

Senator BURNS and I do share a common border between North Dakota and Montana. He is a good legislator to work with. We are friends and have had a good working relationship on this conference report.

I am going to vote for this conference report. There is much in it that represents progress, as far as I am concerned, in a range of areas, but I do say—and my colleague, Senator BURNS, knows this—that I have great heartburn about the final provision in this conference report that deals with Indian trust land. I will talk about that in a moment. While I vigorously oppose that provision, I, nonetheless, will vote for the conference report.

Let me say that we have in a range of areas in this conference report a backlog of work that needs to be done, whether it is dealing with the infrastructure for repair and maintenance of the Park Service or the Forest Service, the issues dealing with Indian housing, health and education, and there are so many areas that it is hard to focus. We have tried to have a limited amount of resources spread throughout the obligations here to meet unlimited wants and needs. But that is the process of trying to get a bill such as this done.

One of the key issues where we made some progress this year is the area of tribal colleges. The reason I mention that is because we have been battling for some long while dealing with a range of issues on Indian reservations. I mentioned previously there is a bone fide crisis on the issues of Indian health, housing, and education. There is really a crisis in those areas. It seems to me that one of the ways to give people an opportunity and some hope for a better future is education.

On Indian reservations, the tribal college system has been a remarkable tool that has given hope to a lot of people who were not able to get their education but have now gone back to school to get their education through a tribal college. We have been able to increase the funding for that to $48 million. That is not a large part of this bill. But the President recommended $38 million, which is a cut from last year. We restored last year, and my colleague, Senator BURNS from Montana, and I got this up to $48 million. It is the most sizable increase we have seen in the history of this account. We have done it because it is an investment in the lives of the people who have hope for a better life because of this. I appreciate the cooperation and the assistance of my colleague from Montana.

Let me also speak about the provision in the bill that is troublesome to me: that is, the issue of Indian trust lands. All of us understand that the Indian trust situation has grown more and more difficult. We now have a court order, as a result of the Cobell v. Norton lawsuit, that apparently, according to experts if followed to the letter, would require us to hire accountants from Maine to California and about $9 billion worth of work—that is right, with a "b," $9 billion worth of work—to try to sort out what the accounts are in the Indian trust funds. If this is a $13 billion fund, or somewhere in the neighborhood of $13 billion, would the Native Americans want us to begin a process in which we spend up to $9 billion to hire accountants and financial folks and others to sift through these accounts? I think that is just nuts. That doesn't make any sense at all to anybody.

But what I have difficulty with is resolving this issue. We can't put it off. We have to resolve it. At the end of this piece of legislation, the House-Senate conference, over my objections, put language in the conference report which effectively stays the court's September 25 order for as long as 14 months.

First, I think that is unconstitutional. I think that is a violation of the separation of powers. It is apparent to me, at least. The language I am talking about that is in this conference report tells the court how to construe and apply statutes.

But the question of construction and application is not a function of the Congress. We passed the statute but how it is construed and applied is not a legislative function. We don't have any business or ability, for that matter, to tell the courts how to write their opinions. But I am afraid we are going to add another issue to the litigation because of what was put in this bill.

We know that between now and late next summer we have an obligation in this Congress to try to find a way to resolve this issue and head off the requirement to spend billions and billions of dollars doing the accounting necessary to sort out the Indian trust funds. Failure to do that undermines the legitimate rights of Native Americans in this country to whom these funds belong.

We have a requirement, in my judgment, to create a solution between now and the end of next summer in order to avoid in the next appropriations bill having to spend billions of dollars for an accounting of these funds. There needs to be a settlement, an agreement. I hope that will be the case.

But I think what we have done, in effect staying a court order—or creating a "timeout"—is going to add a layer of additional problems rather than begin to solve a problem. I regret that was put in the conference report.

Having said that, the conference report is an important piece of legislation. It has taken longer than we would have hoped to get it done. But it is now going to the House and to the Senate for approval of the conference report and will go to the President. I assume he will sign this conference report. I think we will have done pretty good work in most areas of this report.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I rise today to express admiration for the hundreds of Nevadans who risked their lives last week to help our neighbors in California battle the deadly wildfires that swept that State. Approximately 500 people came from Nevada to California to help fight the fires. Firefighters from every part of the State—Las Vegas, Henderson and Pahrump in the south, Reno, Carson City and other communities in the north—traveled over the border to help fight the fires. Firefighting units from the Nevada Test Site, the naval air station at Fallon, and the Lake Mead National Recreation Area were sent over the border to help Californians. We even sent 240 Nevada forestry conservation inmates who had been trained to fight fires.

I am very happy and proud that Nevadans responded in this way. We believe in helping our neighbors in the West. So I wasn't surprised that we lent a helping hand.

As one firefighter told the Las Vegas Sun newspaper, the decision to go to California was a no-brainer. He said:

> We didn't even have to think twice about it. We wanted to help our fellow firefighters.

As these Nevada firefighters began returning home over the weekend, they described the gratitude of the Californians whose houses had been saved. They believed they contributed to saving those homes. Unfortunately, they also warned that our State could be next in line for devastating fires.

The California fires raged through forests that had been decimated by drought and disease, leaving dead trees that were dry as tinder. Similar conditions are present in Nevada and other Western States. That is why I supported the forest management act the Senate passed last week.

We have heard the grim toll of the California fires: 20 lives loss, 1 firefighter's life lost, almost 3,500 family homes destroyed, as much as $2 billion in damage. But these fires have also had a direct impact on air quality and water quality. The forest management act is part of the solution but it is not the whole solution.

We have to work together with State and local agencies, and with private groups, to monitor and manage the conditions in our public forests and rangeland. In our State, we have a great example of this kind of cooperation, the Eastern Nevada Landscape Coalition.

Hundreds of brave Nevadans did their part to control the deadly fires in California last week. We must all do our part to prevent similar fires in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I will vote for the Interior appropriations conference report because it contains valuable funding for Michigan's parks, trails, museums, and forests. However, I have reservations about several aspects of this legislation.

I am disappointed that the conference report does not include the language I offered with Senator COLLINS, unanimously adopted by the Senate, which would have directed the Department of Energy to develop procedures to ensure the Strategic Petroleum Reserve is filled in a manner that minimizes the cost to the taxpayer and maximizes the overall supply of oil in the United States. The amendment expressed the sense of the Senate that the Department of Energy's current procedures for filling the SPR are too costly for the taxpayers and have not improved our overall energy security.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price of oil. Prior to that time, DOE sought to acquire more oil when the price of oil was low, and less oil when the price of oil was high. In early 2002, however, DOE abandoned this cost-based approach and instead adopted the current cost-blind approach. Because over this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight, this cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, thereby helping boost oil and gasoline prices to American consumers and businesses.

The DOE's cost-blind approach has proven to be very expensive without much benefit to energy security. DOE's staff estimates that in just 2 years, 2000 and 2001, the policy now abandoned by DOE saved the taxpayer approximately $175 million, and that a continuation of this policy could have saved the taxpayer additional hundreds of millions of dollars through 2005. Economists estimate that the DOE's current policy has increased the cost of crude oil by up to $1.75 per barrel of oil, and 5 to 7 cents per gallon of gasoline at the pump. DOE's own figures also show that under the new policy overall energy security—as determined by the total amount of oil in both governmental and private storage—has barely increased.

I am very concerned that without the direction provided in the Senate's version of this bill, the American consumers, businesses, and the taxpayers will continue to pay dearly for the Department of Energy's cost-blind approach to acquiring oil for the Strategic Petroleum Reserve, with only minimal, if any, benefit to our energy security.

The Department of Energy does not need new authority, however, to adopt sound business practices. DOE already has sufficient legislative authority to improve the cost-effectiveness of the SPR program. The Department of Energy should try to better spend the taxpayers' dollars and improve our overall energy security. I urge the Department to follow the direction unanimously adopted by the Senate and improve its procedures for filling the SPR.

In addition, I am also concerned about a provision in the bill which limits the Department of the Interior's ability to perform its legal and statutory responsibilities with respect to the 1994 American Indian Trust Management Reform Act. For several years, Native Americans have come to expect that the Federal Government and, specifically, the Department of the Interior would rightfully manage and account for the Native-American trust fund. Unfortunately, because the U.S. Government has not adequately fulfilled its obligations, Native Americans have had to use the judicial system to have their rights enforced. A rider on this Interior Department conference report, which was not included in the either the House or Senate bill, was added in conference which abrogates the rights of 500,000 Native Americans. The provision, which legislates on an appropriations bill, sends the wrong message to Native Americans that their judicial gains can be changed by an act of Congress, drafted in a backroom and added by a conference committee when neither House had approved the language.

A full and appropriate accounting of the Native-American trust fund is necessary to make sure that the tribes are treated fairly. To overturn court decisions through undebated legislation is not good practice, especially when the judicial proceedings are ongoing. The trust fund contains approximately $176 billion while an appropriate accounting of the fund would cost an estimated $9 to $12 billion.

There are also antienvironmental provisions in this bill that I do not support. Language in the conference report will roll back the moratorium on offshore drilling in Bristol Bay, reduce judicial review on Tongass timber sales, and waive National Environmental Policy Act, NEPA, review for expiring grazing permits.

Further, the conference report also drastically reduces funding for the Land and Water Conservation Fund, LWCF. Lower funding of the LWCF may result in the inability to purchase and protect land needed for habitat around the Great Lakes. It also could result in land being developed which will result in more pollution flowing into the tributaries and the Great Lakes.

Ms. CANTWELL. Mr. President, while I plan to vote for this bill because it funds a host of programs critical to our Nation and my home State of Washington, I rise today to voice my grave concerns over a provision that would prevent the Department of Interior from conducting a full accounting of Individual Indian Trust accounts.

On September 25, 2003, in the case of Cobell v. Norton, U.S. District Judge Royce Lamberth ordered the Department of Interior to account for all individual Indian assets held in trust since 1887. This accounting is critical if our government is to meet its federal trust responsibility and reach an equitable settlement over the funds owed to over 300,000 American Indians.

My concerns over this funding limitation are threefold. First, it subverts both the legislative and committee process. Last week, Indian Affairs Committee Chairman CAMPBELL and Vice-Chairman INOUYE introduced legislation that provided a blueprint on how we can move forward on this issue. As a member of the Indian Affairs Committee, I feel strongly that the committee of jurisdiction should deal with this issue so that we can hear from the multiple stakeholders through the traditional hearing and legislative drafting process.

Secondly, by forestalling a court order, I am very concerned that this rider may violate the Constitution's separation of powers doctrine. With the insertion of this provision, Congress is interfering with the ability of a federal agency to comply with the ruling of a Federal judge. It could also be considered a takings, since Indian account holders are being denied redress to secure just compensation for the use of their property.

Finally, this provision will delay efforts to settle this lawsuit because it will remove any incentive the Interior Department might have to participate in good faith negotiations. I hope that its inclusion will at least spur the parties to try and reach a mutually acceptable settlement within the year that this rider will be in effect.

After a century of mismanaging Indian assets, it's time for our Nation to keep our promises. While I share the concerns of my colleagues over the potential expense of the accounting process, I believe that the cost further supports the need for a negotiated settlement. That is why I am committed to working with the all affected stakeholders as well as the chairman and vice-chairman of the Indian Affairs committee to resolve this matter once and for all.

Mr. BENNETT. Mr. President, I rise in support of the Interior conference report and urge its approval. While there are a number of important matters addressed through this bill, I would like to make particular note for the record the absence of any limitation on the Memorandum of Understanding, MOU, between the State of Utah and Department of the Interior regarding the use of a process for resolving R.S. 2477 claims through the Federal Land Policy Management Act, FLPMA disclaimer of interest authority.

This agreement establishes a process through which the State will identify State- and county-owned roads that run across public lands and meet certain criteria. The State will then apply to the Department of the Interior, DOI, for disclaimers on those roads. Each application will be examined and determination will be made as to whether each road meets the strict standards set forth in the MOU. If the road qualifies, DOI will issue a recordable disclaimer of interest for that road. While there had been some action in the House to prevent this process form going forward, I am pleased that effort was rejected and that, upon approval of the conference report and its approval by the President, the State of Utah and the Department of the Interior will be free to pursue this agreement without limitation.

I believe that this bill is an affirmation of the good faith effort that the parties have made to resolve some of these long standing questions through the MOU, and affirms limitations imposed by the parties themselves in the MOU. Those limitations imposed by the parties ensure that claims in national parks, national wildlife refuges, congressionally designated wilderness, and wilderness study areas will not be considered through this MOU. I also believe that it is important that they move forward with this process and give the counties an opportunity to have a local transportation system with certainty. The conclusion reached by the conferees, to allow this MOU to go forward, will allow the parties to resolve these issues through the recordable disclaimer authority as designed under FLPMA, rather than through the court system. This will bring the issue to resolution faster, provide for public participation, and will be less costly to the taxpayer than litigation.

Mr. INOUYE. Mr. President, I regret that I must rise to speak in opposition to certain provisions of the conference report to the Interior appropriations bill for Fiscal Year 2004 relating to litigation now pending before the United States District Court for the District of Columbia in a class action lawsuit entitled Cobell v. Norton. In the Cobell case, a class of several hundred thousand individual Indians are seeking an accounting of funds held in trust for them by the United States.

As early as 1876, a Philadelphia newspaper reported that the government was unable to account for the funds it held in trust for individual Indians and Indian tribes. Since that time, the amount of funds for which the government cannot account has grown exponentially. The parties to the litigation agree that more than $13 billion have gone into the individual Indian trust accounts, but in the aggregate, the outstanding balance in those accounts today is little over half a million dollars.

As you know, the United States acts as the trustee for thousands of individual Indians who did not ask to be removed from their aboriginal lands, to be forcibly placed on reservations, to have their lands allotted against their will, or to have this trusteeship imposed on them. And yet these people who have suffered great deprivation at the hands of the government seek not to hold the government liable for the loss of their funds—they seek only to have a proper accounting of the funds that the United States holds in trust for them.

However, today, with the adoption of this conference report, the United States Government will again deal the Indians yet another blow—by denying them the right to seek a simple accounting in a court of law of the funds that are rightfully theirs. And people in Indian country are asking, and I think justifiably so, would the Congress single out any other group of Americans for such treatment?

The relevant language of the conference report seeks to prevent the provisions of the American Indian Trust Fund Management Reform Act, or any other statute, or any principle of common law from being construed or applied to require the Department of the Interior to commence or continue the conduct of an historical accounting of individual Indian money accounts until the earlier of the following shall have occurred: No. 1, Congress shall have amended the American Indian Trust Fund—Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or No. 2, December 31, 2004.

We have consulted with Senate legal counsel on the language and we are advised that this provision is of questionable constitutionality as it relates to the separation of powers amongst the three branches of government. Contrary to the principle established by the U.S. Supreme Court more than 150 years ago in Marbury. v. Madison, that it is the exclusive task of the Judicial Branch to determine the application of the law to a case, this provision of the conference report reaches into the province of the Article III courts by restricting those courts in what law they may apply in the Cobell litigation.

On several occasions, I have joined the chairman of the Senate Indian Affairs Committee in urging the parties to the Cobell litigation to enter into negotiations that would enable them to reach a fair and voluntary settlement to this litigation. I deeply regret the fact that thus far negotiations between the parties have not borne fruit. Nonetheless, I remain committed to working with the administration, the Cobell plaintiffs, and our colleagues in the Senate and the House of Representatives to enact legislation that will provide a process for reaching a fair and voluntary settlement.

Accordingly, I cannot support this effort to deny to our Nation's First Americans a right that is guaranteed to all other citizens of the United States, while providing them with no alternative means of obtaining full and fair relief.

Mr. NICKLES. Mr. President, I rise in support of the conference report of the FY 2004 Interior and Related Agencies Appropriations Bill.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $19.7 billion in discretionary budget authority and $19.4 billion in discretionary outlays in FY 2004 for the Department of the Interior, the Forest Service, energy conservation and research, the Smithsonian and the National Endowment for the Arts, and National Endowment for Humanities.

The bill is at the Subcommittee's 302(b) allocation for budget authority and outlays. The bill provides $185 million or 0.9 percent more in discretionary budget authority and $1.1 billion or 5.9 percent more in discretionary outlays than last years bill. The bill provides $72 million more in discretionary budget authority and $93 million more in discretionary outlays than the President's budget request.

In addition, this bill provides $400 million in emergency funding for the Forest Service and the Department of the Interior for wildland fire suppression activities. These funds were requested by the President.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2691, INTERIOR APPROPRIATIONS, 2004.—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 2004, $ millions]

	General purpose	Conservation	Mandatory	Total
Conference Report:				
Budget authority	19,657	0	64	19,721
Outlays	19,424	0	70	19,494
Senate 302(b) allocation:				
Budget authority	19,657	0	64	19,721
Outlays	19,424	0	70	19,494
2003 level:				
Budget authority	19,472	0	64	19,536
Outlays	18,340	0	73	18,413
President's request:				
Budget authority	19,555	0	64	19,619
Outlays	19,266	0	70	19,336
House-passed bill:				
Budget authority	19,627	0	64	19,691
Outlays	19,393	0	70	19,463
Senate-passed bill:				
Budget authority	19,625	0	64	19,689
Outlays	19,361	0	70	19,431
Conference Report Compared To:				
Senate 302(b) allocation:				
Budget authority	0	0	0	0
Outlays	0	0	0	0
2003 level:				
Budget authority	185	0	0	185
Outlays	1,084	0	−3	1,081
President's request:				
Budget authority	102	0	0	102

H.R. 2691, INTERIOR APPROPRIATIONS, 2004.—SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal Year 2004, $ millions]

	General purpose	Conservation	Mandatory	Total
Outlays	158	0	0	158
House-passed bill:				
Budget authority	30	0	0	30
Outlays	31	0	0	31
Senate-passed bill:				
Budget authority	32	0	0	32
Outlays	63	0	0	63

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. CAMPBELL. Mr. President, in 1996, the lawsuit now known as Cobell v. Norton case was filed. To date we have spent many millions of dollars on accountants and lawyers, no accounting has been done, and not one penny has been paid to an Indian account holder.

On September 25, the judge in the case, Judge Lamberth, issued a decision that guarantees more years of litigation and, by all estimates, billions more dollars spent, and no end in sight to the lawsuit.

With appeals, congressional squabbling over money and further lawsuits aimed at securing money damages, the case is just beginning.

The Department claims that pennies on the dollar are owed the plaintiffs, but without billions more spent on accounting activity, it cannot say for sure how much is in the accounts.

Cost estimates from the Interior Department suggest that it will cost $10 to $12 billion to comply with Judge Lamberth's order, money that will be spent year after year through fiscal year 2008 at least.

I believe this money is better spent on reconstituting the Indian land base, building a forward-looking, state-of-the-art trust management system, and providing more dollars to Indian health care and education, which we know are underfunded.

The plaintiffs claim more than $175 billion dollars should be in these accounts, a number the Department vigorously contests.

Last Monday night, the Interior Appropriations Committees intervened in the case by adding a rider that will delay the accounting order by the judge conceivably until the end of 2004. Because of the enormous cost of an accounting, I believe the appropriators' intervention will only get worse in the future.

Two weeks ago, along with Senators INOUYE and DOMENICI, I introduced S. 1770, the Indian Money Account Claim Satisfaction Act of 2003, to reach a legislated settlement of the case. A hearing was held on October 29, 2003.

I do not support the Cobell rider, and I want to make that clear. I do support a legislated settlement to the case, and I say to those who have come to the floor: If you are serious about settling this matter, join me and Senators INOUYE and DOMENICI in our efforts.

At the hearing on the 29th, it appears both the Department and the plaintiffs are willing to move ahead with mediation of this case, and I fully support that and will be doing everything in my power to make sure that happens.

If you are not serious, continue on the current course.

I thank the Chair.

Mr. BAUCUS. Mr. President, I rise today to support the conference report accompanying H.R. 2691, the Interior Appropriations bill of 2004, because of the $2.5 billion for firefighting, $400 million to pay back Federal agencies for fire costs in 2003, and $50 million included for important Montana projects.

These important funds will help care for Montana's public lands, parks and wildlife and they will help boost our state's economy.

This bill also provides a good step towards establishing a permanent firefighting fund so Federal agencies don't have to borrow from other accounts to pay for firefighting costs, which halts important restoration and salvage projects.

This fire season alone the Forest Service was forced to take $695 million from other accounts, the Department of the Interior $165 million, to fight fires after the agencies' firefighting budgets dried up for fiscal year 2003.

I must support this conference report to ensure that Montana lands are conserved for future generations and protected from unnecessarily high fire threats.

However, my support for this bill is not without reservation. The historical accounting language included in this conference report essentially states that the Department of Interior may not comply with Judge Lamberth's order without consequence for one year.

I am not happy about how this came about though. Riders—especially on an issue this important—are no way to legislate. Indian trust accounting must be resolved in a collaborative way, in the light of day where all parties can come to the table. Eight years ago, Eloise Cobell started her battle to champion the cause for accountability of Indian Trust monies. Ultimately she won when Federal District Court ruled that the United States government had breached its trust obligations to hundreds of thousands of American Indians and that the government should be compelled to provide a comprehensive historical accounting. While indeed the cost of the accounting is expensive, it is crucial to balance the cost with due respect for the District Court order. This rider now attempts to modify the court order Eloise Cobell fought so hard to win. Legislating away the district court decision may only invite further litigation. Hopefully, there will be a meaningful settlement in the interim.

I am committed to working together to get this resolved. And in the coming days and weeks, I will be doing all I can to ensure Montana tribes are at the table as these talks continue.

Mr. DODD. Mr. President, I rise to express my concerns about language included in the Interior Appropriations Conference Report that I believe is unfair to Native Americans—specifically, those Native Americans who have been waiting years for an accounting from the Tribal Trust.

While no tribes in Connecticut are directly impacted by this language, many others throughout Indian Country are. In my view, the provision contained in this conference report undermines the expectations of all Americans who believe that the Federal Government should abide by the rule of law when the Government administers Federal programs and initiatives.

Since 1996, the Department of the Interior has been engaged in a legal battle with Native Americans who want the Department to provide a full accounting of money owed to Indians by the Department. The conflict grew out of the Department's continuous mismanagement of Indian oil royalties, grazing fees and the like for more than a century. As many as half a million Native Americans have been wrongfully denied monies that are owed to them. It appears that the Department may have squandered billions of dollars over the course of the last 116 years. Money that should have gone to Indian education and housing, healthcare and community development was instead wasted.

Recently, U.S. District Judge Royce Lamberth ordered the Department to account for all royalties owed to Native Americans. Judge Lamberth also held the Secretary in contempt of court, because he believed that the Department had not been completely forthcoming about how the Department was working to resolve the dispute. The contempt ruling was overturned on appeal; but needless to say, this conflict has been heated.

Now, this conference report arrives here before the Senate with language that would delay a lawful judicial order rendered by Judge Lamberth and language that would prevent Judge Lamberth from issuing further contempt orders against the Secretary, regardless of the merits of any such order.

I am told that the Senate Legal Counsel has expressed concerns about the constitutionality of the new language because it essentially legislates a judicial outcome by telling a Federal judge how to interpret the law.

I am opposed to the inclusion of this provision. It is my hope that the Senate will take steps to mitigate against the damage that this language may cause.

Too many Native Americans have already waited too long for justice. Requiring them to wait longer serves no valid public policy and is simply wrong.

Mr. REID. Mr. President, is there time still on the bill?

The PRESIDING OFFICER. The majority still controls 24 minutes.

Mr. REID. If the majority is willing to yield back their time, we can vote.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Senator BURNS said he will yield back his time.

The PRESIDING OFFICER. Is all time yielded back? The Senator from Montana.

Mr. BURNS. Mr. President, I assume that the minority leader——

Mr. REID. He will speak after the vote.

Mr. BURNS. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 433 Leg.]

YEAS—87

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—2

Bayh
Daschle

NOT VOTING—11

Biden
Corzine
Edwards
Graham (FL)
Hatch
Kerry
Lieberman
Miller
Murkowski
Sarbanes
Thomas

The conference report was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, again, I express my gratitude to all of those who contributed to this appropriations bill. There are many in this body, in fact too many to mention. But Senator DORGAN and I appreciate their cooperation. We think it is a good bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I come to the floor to express my objection to a provision in the conference report the Senate just passed regarding management and accounting of the American Indian trust fund.

Just over a month ago, on September 25, U.S. District Court Judge Royce Lamberth ordered the U.S. Department of the Interior to conduct a full and accurate historical accounting of the assets held in trust by the Department for hundreds of thousands of individual American Indian account holders. In his ruling, Judge Lamberth charged that the Interior Department's handling of the Indian trust funds "has served as a gold standard for mismanagement by the federal government for more than a century."

The trust fund language inserted into this conference report—behind closed doors—would stay Judge Lamberth's decision. It would effectively halt the Cobell v. Norton lawsuit and further delay justice for 300,000 to as many as a half-million Indian trust fund account holders. This provision is unconstitutional and, I believe, unconscionable.

Partly because so many Americans Indians live on remote reservations, not many Americans understand what the Indian trust fund dispute is about. This dispute stretches back to the 1880s, when the U.S. government broke up large tracts of Indian land into small parcels of 80 and 160 acres, which it allotted to individual Indians. The government, acting as a "trustee," then took control of these lands and established individual accounts for the land owners. The government was supposed to manage the lands. Any revenues generated from oil drilling, mining, grazing, timber harvesting or any other use of the land was to be distributed to the account holders and their heirs.

The government has never—never—lived up to its trust fund responsibilities. The Indian trust fund has been so badly mismanaged, for so long, by administrations of both political parties, that today, no one knows how much money the trust fund should contain. Estimates of how much is owed to individual account holders range from a low of $10 billion to more than $100 billion. As Tex Hall, president of the National Congress of American Indians has said, "This is the Enron of Indian Country." In fact, it may well be bigger than Enron.

The people who are being denied justice in this case include some of the most impoverished people in all of America. More than 68,000 are enrolled members of South Dakota, North Dakota and Nebraska tribes. Some live in homes that are little more than shacks, with no electricity and no running water. They are being denied money that is rightfully theirs—money they need, in many cases, to pay for basic necessities.

The court has ordered an accounting. This rider will undermine that order. It will delay resolution and delay justice. What other group of Americans would we dare to treat this way? I don't know of one, Mr. President. Why target American Indians? Many account holders are older people, "elders" who have suffered extreme economic deprivation their entire lives. If this rider staying Judge Lamberth's ruling becomes law, as I expect it will, many of them may not live long enough to see justice. This is shameful.

When the Senate debated the Interior appropriations bill, several of us offered an amendment that would have strengthened accountability for the Indian trust fund. Instead, unbelievably, the provision in this conference report would weaken accountability of the trust fund.

Judge Lamberth's decision directed the Secretary of the Interior to conduct a full and fair historical account of the trust. Such an accounting is the first, critical step in reaching a fair resolution to the Indian trust fund dispute.

The mismanagement of the Indian trust fund is a national disgrace. It stretches back generations and, as I have said on numerous occasions, administrations of both parties share the blame. In the seven years since the Cobell lawsuit was filed, Congress has appropriated hundreds of millions of dollars on litigation-related activities. This is money that is desperately needed and would have been much better spent funding health and education and housing programs in Indian Country.

In addition to the gross injustice, there are three additional aspects of this provision that are deeply troubling.

First, this rider is unconstitutional. By telling the court how it must construe existing law, Congress would be violating the constitutional separation of powers. In addition, by denying account holders a full accounting of their trust fund monies and other assets, this rider constitutes a taking of property without just compensation or due process of law.

Second, there has been virtually no public debate or discussion of this rider. It was drafted without any consultation with tribes, with plaintiffs in the Cobell Indian trust fund lawsuit or with the membership of the Congressional committees of jurisdiction. This rider ignores the government-to-government relationship between tribes and the Federal Government, and is almost universally opposed in Indian Country. Since any effective, long-term solution to the trust fund problem must be based on government-to-government dialogue, this rider is likely to prove deeply counter-productive.

Last week, the Senate Indian Affairs Committee held a hearing on a settlement bill where both parties agreed to mediation. The House Resources Committee has been holding field hearings on settlement. This is the way the trust fund dispute should be resolved—not in back-room deals.

Third and finally, this provision perpetuates a shameful pattern of neglect of American Indians and tribes and a failure of the Federal Government to meet its legal and moral obligations to them.

Mr. President, there's another shameful truth about this bill—and that is what is not in it.

Earlier this month, during Senate debate on the Interior appropriations bill, Democrats offered an amendment to address a critical funding shortfall for the Indian Health Service—a shortfall so acute that Indian people are frequently turned away from IHS clinics and hospitals unless they are literally in danger of losing a life or limb. They are denied earlier, less expensive care that might prevent such a dangerous condition in the first place.

We asked our Republican colleagues to restore the $292 million that they had promised, during the budget debate, to support. They refused. The actual shortfall in IHS clinical services is over $2.9 billion. And our colleagues refused to provide one-tenth of that amount in this bill. They refused to support one-tenth of what is needed to provide basic health services to American Indians.

Our Republican colleagues said they agreed on the need for better health care for Indian people; they said they agreed that much of the care being denied is truly essential; but they said, we simply can't afford to do more. Given some of the spending we've seen lately, that excuse rings pretty hollow to Indian people. And it rings pretty hollow to me, too.

We spend twice as much on health care for Federal prisoners as we spend for American Indians. The Indian Health Service has to ration care because of lack of funding. That is inexcusable.

Despite these deep flaws with the Indian trust fund and the Indian Health Service, the Senate has approved this rider, in part because this conference report contains many other programs that are urgently needed. But this is not the end. This in no way absolves the Interior Department of its legal and moral obligation to restore integrity to trust fund management as soon as possible. We will continue to press for a full and fair accounting of all assets in the Indian trust funds. And we will continue to push for full funding of Indian health care. It is long past time that we keep the promises we have made to American Indians and tribes.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, for clarification for those of us who have an interest in the proceedings from this point forward, if I could inquire, do we have anything scheduled now other than morning business?

The PRESIDING OFFICER. We do not.

Mr. LOTT. Do we have any idea how long morning business will last?

The PRESIDING OFFICER. We are not in morning business yet.

Mr. LOTT. Do we anticipate morning business of 15 minutes—or how long? I would like to keep an eye on this place. I just as soon it not be any longer than necessary. I would like the staff to be able to go home.

The PRESIDING OFFICER. The Chair does not have any orders at this point in time.

Mr. LOTT. Mr. President, could I inquire of the leadership? Do we have any idea what the schedule for the remainder of the evening will be?

Mr. FRIST. Mr. President, through the Chair, we are working on the schedule right now. We just cleared the Syria Accountability Act and we are going to be making some plans shortly. We will be in morning business for a while. I wouldn't send staff home until we have planned out exactly what we will be doing. We should know in about 20 minutes or so. We have gotten a lot of things cleared. Right now we are working on this. We will get the schedule planned in a very few minutes. We will be in morning business and may be doing a little more business tonight as we go forward. I do not expect to have any more rollcall votes tonight.

Mr. LOTT. Mr. President, I thank the leader for that information.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET TAX NONDISCRIMINATION ACT—S. 150

Mr. ALLEN. Mr. President, I rise today to ask my colleagues to support S. 150, the Internet Tax Nondiscrimination Act.

As many of my colleagues have heard me say on many occasions, I believe it is important that we—and I tried to do it myself—advocate policies and ideas that promote freedom and opportunity for all Americans. We in the Senate must advance ideas that help create more investment, thereby creating more jobs and prosperity rather than more burdens from taxation and regulation.

This measure permanently extends the moratorium banning access taxes and taxes that discriminate against the Internet. It is one of my priorities. I know the Senator presiding shares that same philosophy and has been a great leader in that regard.

As we all know, the Internet is one of our country's greatest tools and symbols of innovation and individual empowerment. I look at the invention of the Internet as profoundly transforming and revolutionary for the dissemination of ideas and information, as important as was the Gutenberg Press.

Accordingly, I think everyone in the Senate would want to help the Internet grow and flourish as a viable tool for education, information, and commerce. I stand on the side of freedom of the Internet, trusting free people and free entrepreneurs—not on the side of making this advancement in technology easier to tax for the tax collectors.

One of the great things about the Internet is that it is not limited by boundaries of State governments, local governments, not even limited by the boundary of this country. Clearly, the Internet is intrastate commerce. Thus, the Federal Government, Congress, has jurisdiction in the taxation and regulation of the Internet.

My legislation, S. 150, promotes equal access to the Internet for all Americans and protects every American from harmful, regressive taxes on Internet access services as well as duplicative and predatory taxes on Internet transactions. Specifically, as reported out of the Commerce Committee, S. 150 has five provisions.

First, it extends permanently the country's Federal prohibition of State and local taxation on Internet access service.

Second, it makes permanent the ban on all multiple and discriminatory taxes relating to electronic commerce. This ensures that several jurisdictions cannot tax the same transaction simply because the transaction happens to occur over the Internet.

Third, my legislation repeals the so-called grandfathering provision over a 3-year-period.

Fourth, we make clear the original intent of the Internet Tax Freedom Act by updating the definition of Internet access to ensure the moratorium applies consistently to all consumers. If we are going to exempt Internet access services from taxation permanently, then it makes sense to do so in a manner that applies to all methods and ways a consumer might have access to the Internet, regardless of how they choose to access it, whether by DSL—digital subscriber line connections—by wireless connections, by cable modem service, satellite, or dial-up service.

Fifth, and lastly, this legislation ensures that nothing prevents the collection or remittance of State and Federal universal service fees.

The Internet tax moratorium has contributed to extending Internet access to over 127 million citizens, approximately 45 percent of our country's population. Unfortunately, that moratorium expired Friday night. Every day that the moratorium lapses, consumers are susceptible to more pestering, burdensome new taxes on Internet access services, as well as taxes on e-mail, taxes on instant messages, spam filters, and even Web searches.

For every dollar in taxation—and most kids in elementary school will understand these economics—every dollar added in taxation adds to the cost of the Internet access. With that, you could expect to see lost utilization of the Internet by thousands of American families, especially lower income families.

According to the Pew Internet and American Life Project, 30 percent of non-internet users say cost is the major reason they remain off line. Additionally, 43 percent of non-internet users agreed with the statement, "Internet access is too expensive."

For roughly 55 percent of the American people who are still off line, keeping access affordable—and that means keeping access free from State, local, and Federal taxation—is vital.

The guiding principle of this legislation is simple and clear: The Internet should remain as accessible as possible to all people in all parts of the country forever. That has been the position I have taken on this and held since 1997 during my days as Governor of Virginia when I was one of only four Governors to share this position.

I cannot envision any time in our future where it will be desirable for any government to tax access to the Internet. I cannot envision any instance or event that would precipitate the justification for multiple or discriminatory taxes on the Internet by any government, whether large or small, local, State, or national.

Yet if the Senate fails to take action by the end of this week or any Senator votes against this legislation, such Member is in effect advocating taxing the Internet.

There are more Americans empowered by the Internet primarily because the Federal policy of the United States has consciously allowed Internet innovators, entrepreneurs, and consumers to remain free from onerous taxation.

As many know, Congress first enacted this moratorium with the Internet Tax Freedom Act in 1998 after dozens of State and local taxing commissars began to impose disparate taxes on a consumer's ability to access the Internet.

Since the last extension of the Internet Tax Freedom Act in 2001, some States have begun taxing the high-speed component of broadband Internet access services by asserting that certain portions of high-speed broadband Internet access are telecommunication services rather than Internet access services. The States doing this are therefore circumventing the original intentions of the law.

Working with our chairman of the Commerce Committee, Senator JOHN MCCAIN, as well as Senator RON WYDEN and Senator JOHN SUNUNU in the Commerce Committee, we have updated the definition of Internet access to ensure that all Internet access services, regardless of the technology used to deliver that service, are covered by the moratorium and therefore exempt from State and local taxation.

I want to also address for my colleagues the misleading statements made regarding S. 150. I understand the proponents of higher taxes at the State and local level have raised a number of concerns about this legislation, indicating that we expanded the moratorium on Internet access to include all telecommunication services, making tax free even traditional services such as local and long-distance telephone communications. Additionally, they have raised the question whether or not this bill would prohibit States from imposing property and corporate income taxes on telecommunication carriers and Internet service providers. The false assertions come maybe from confusion, maybe from a misunderstanding, but in some cases they are intentionally, outright, and flat wrong statements. I am here to set the record straight.

I want all the Members of this body to understand and be clear on the facts about this legislation: S. 150 does not affect traditional voice or long-distance telephone services or any other communication service that is not directly used to provide Internet access; S. 150 does not affect a State's ability to collect income, property, or other corporate taxes, such as franchising fees, that are unrelated to Internet access.

The fact is S. 150 does not unnecessarily expand the moratorium on Internet access. Rather, the legislation clarifies the original intentions of the Internet Tax Freedom Act to include high-speed Internet access services. Only because some States and localities attempted to circumvent the original law by taxing portions of high-speed Internet access did the definition of Internet access need to be updated.

The impact of what the States and localities are trying to do in taxing broadband has implications that particularly are harmful to small communities and rural areas. We have always advocated that we have to get broadband to rural areas. Obviously, it costs a great deal of money. Our good colleague, Senator CONRAD Burns, says out in the country there is a lot of dirt to dig between light bulbs.

If you are going to get broadband to rural areas, there is a great investment to get it there because you have a fewer number of customers to recoup your investment. In the event a tax is put on to broadband, it means obviously fewer people can afford it, thereby making it less likely that a company is going to invest the millions and millions of dollars it will take to get broadband deployed or high speed deployed to rural areas, thereby ruining, hindering, hampering the ability of people and small businesses in rural communities to get access to high-speed Internet services which is vital for them getting information, education, as well as conducting business.

The fact is, S. 150 only makes permanent the tax moratorium on Internet access services, which is simply the ability to get access to the Internet. Once a consumer has accessed the Internet, the moratorium does not affect the services that are purchased, used, or sold over the Internet that would otherwise be taxable, even if those services are bundled together with Internet access services.

Proponents of Internet taxes say this bill is an unfunded mandate. The fact is, the cost associated with S. 150 only affects those few States and localities that were grandfathered under the original Tax Freedom Act of 1998. Additionally, my legislation delays the repeal of the grandfathering provision for a 3-year period, ensuring that the moratorium on Internet access taxes applies equally in all 50 States, while giving these few taxing States and localities additional time to adjust their budgets accordingly.

Let's realize this has been now 5 years where these States and localities have had time—5 years—to remove these Internet access taxes. With my bill, S. 150, they will have, in effect, 8 years to repeal these regressive taxes on Internet access.

I would invite them to look at the record since the enactment of the 1998 moratorium where several States, plus the District of Columbia, have in fact chosen to move away from Internet taxes.

For example, in 1999, Iowa enacted a law specifically exempting Internet access from taxation. In South Carolina, after the enactment of the Federal moratorium in 1998, the Governor and tax department issued formal announcements indicating the State would abide by the national tax moratorium and would cease trying to collect taxes on Internet access services. Connecticut's State legislature approved a law that accelerated the phaseout of Internet access taxes in July of 2001. Additionally, in April of 2000, Arizona enacted a law exempting Internet access from State and local sales tax. Finally, in 1999, the District of Columbia also eliminated taxes on Internet access.

Meanwhile, we do have these other States—for example, Kentucky, Alabama, and others—that have attempted to tax the transport of high-speed broadband Internet access.

In summary, the fact is, by allowing the moratorium to expire, the Senate has opened the door for States and localities to begin imposing regressive taxes on Internet access services. By taxing Internet access, States and localities are actually contributing to the economic digital divide. The more expensive we allow the State and local tax commissars to make Internet access, the less likely people are to be able to buy these advanced services, such as high-speed broadband connections. It makes it harder for them to purchase Internet protocol software, wireless fidelity, or WiFi devices, or many other multimedia applications. These applications are all made less likely to be affordable for many millions of Americans.

In a time when technology and the Internet have grown into improving almost every aspect of our daily lives, and where access to the Internet is a necessity for Americans, it just seems to me that imposing new taxes on access or levying taxes that discriminate against the Internet as a form of commerce will just never be sound policy for our country.

As a tool, what is great about the Internet is it breaks down economic and educational barriers, leveling the playing field for millions of Americans.

You will also hear some say: Let's just have a short extension. Let's have a short extension. We do not need to make it permanent. Well, going back to the business model and understanding how businesses have to invest, they like to see some certainty. If you have a short moratorium, there is less certainty, there is less predictability for investment, therefore, fewer job opportunities, and less likelihood that broadband or high speed will get out to the smaller towns and communities in rural areas.

More than ever before, with our Nation's economy finally moving forward in the right direction, the people of this country need security with regard to their financial future. Any additional tax burdens on the Internet will mean additional costs many Americans cannot afford, forcing the poorest in our society to reduce or even forego the use of the Internet as a tool for commerce, education, information, exploration, and individual responsibility and opportunity.

In a society—indeed, a world—where the quality of life and an individual's opportunity for prosperity are directly related proportionately to one's access to and the acquisition of knowledge, we as a Senate must choose to close this economic digital divide rather than exacerbate it by allowing States and localities to further tax the Internet.

I call on my colleagues to join me in supporting S. 150, the Internet Tax Nondiscrimination Act, which permanently extends the Internet moratorium on access, multiple, and discriminatory taxes.

In sum, I ask my colleagues to be leaders, leaders who stand strong for individual freedom and stand strong for opportunities for all Americans.

MODERN TELECOMMUNICATIONS SERVICES

Mr. DASCHLE. Mr. President, last week the Senate Committee on Commerce, Science, and Transportation held a hearing on Universal Service, taking testimony from Michael Powell, the Chairman of the Federal Communications Commission. I want to commend the committee for examining issues affecting the preservation and advancement of universal service. This is a discussion that is of great interest to me and great importance to my State.

We have long sought to ensure that telephone service is available in rural America, through direct infrastructure programs like those of the Rural Utilities Service, through internal telephone company cross-subsidies and, more recently, through the universal service fund. The low population density in so much of our Nation makes some assistance necessary; the costs of wiring such areas is simply too high. Phone service is simply too important to our social fabric to ignore this challenge. We must keep it affordable for all Americans. That is why we need universal service.

Access to modern telecommunications services is vital to the economy of my home State of South Dakota and in rural areas throughout the Nation. It helps new businesses develop, even if they are far away from their customers or clients. Telecommuting is already allowing many of my constituents to remain in, or move back to, their home towns rather than having to leave in search of employment. That is a trend we need to encourage and build upon. But it is only possible if rural America has a modern telecommunications infrastructure.

Universal service is vital to South Dakota. Yet universal service is not just about rural America. It also supports telephone service for low-income individuals throughout the country, and telecommunications services and Internet access in our schools and libraries. I believe it is important that the country remain committed to these goals and the principle of universal service.

Despite its importance, the future of universal service is uncertain. Some question the long-term viability of the current structure, as its funding base of interstate telephone revenue declines. I believe that we will need to reevaluate the universal service structure and consider comprehensive legislation to ensure that the program remains effective and affordable in the future. I am pleased that the Commerce Committee has begun that process.

The committee includes the Senators who have been the most engaged on this front. I want to commend Senator BURNS for his leadership on the issue, along with Senator DORGAN, Senator STEVENS, Chairman MCCAIN, and Ranking Member HOLLINGS. I look forward to working with them to keep the universal service system strong and effective.

Senator GORDON SMITH has introduced legislation that addresses an important component of universal service, high cost funding for nonrural carriers. Today, I am cosponsoring that legislation, S. 1380, the Rural Universal Service Equity Act of 2003, which seeks to more equitably distribute that portion of universal service.

Today, telephone companies in only eight States receive all of these funds. Nonrural carriers in the rest of the country, even those in rural States like South Dakota, receive nothing. We should reevaluate that distribution as part of universal service reform.

I fully appreciate that S. 1380 only addresses one small, albeit significant, portion of Universal Service. It is important to focus attention on the need to understand and address it.

That point made, I favor reforming the high cost support program for nonrural companies within the context of reform of the entire system. Telephone service has developed in different ways throughout the country, with service provided to various degrees by the Regional Bell Operating Companies, independent phone companies, cooperatives, wireless, and competitive carriers. We should keep that in mind when we consider alternative approaches and look at the system as a whole, not just focus on each individual component of universal service separately.

When we do consider universal service legislation, I think the approach taken by S. 1380 shifting the basis of support for nonrural companies to costs at the wire center level, rather than statewide costs deserves consideration as part of a broader package. Using statewide costs makes it difficult for a company that serves a relatively large city to obtain support for rural areas that it serves in the same State. That can limit its ability to invest in and modernize its rural infrastructure.

I do want to raise a specific concern about S. 1380. In reallocating some universal service funding, the bill shifts funds around, creating winners and losers. I am worried that this approach pits carriers and regions against each other, rather than uniting in a common goal of protecting universal service and the people who depend upon it for affordable telephone service in rural and low-income communities throughout the country. We can and should fix that problem. That is another reason why I think the bill should be considered within the context of broader universal service reform.

I want to note a special problem with one potential loser under the bill. It shifts some funds that are currently allocated to Puerto Rico. Puerto Rico is not represented in this body. Without an advocate of its own to force attention to the Commonwealth's concerns, it is important that we all carefully consider the impact legislation can have upon Puerto Rico and its residents. When we address universal service, we should not take steps that might inadvertently reduce the availability and affordability of telephone and telecommunications services to the residents of Puerto Rico.

In conclusion, I want to again thank the Commerce Committee for focusing greater attention on the future of universal service. I look forward to working with Senators on the committee and others concerned about universal service for rural residents, low-income consumers and our schools and libraries to lay the groundwork for legislation to reform and strengthen the universal service system.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On July 7 of last year, three gay friends were violently beaten by a 21-year-old man in Tampa, FL. The man later pled guilty to charges of aggravated battery and battery with evidence of prejudice. The victims were approached in a parking garage shortly after leaving a party at the Florida Aquarium, one event in a 6-day gay pride celebration. Sadly, one of the victims had to visit the dentist more than twenty times to replace teeth lost in the beating.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BREAST CANCER AWARENESS MONTH

Ms. SNOWE. Mr. President, I rise today to speak as we have just concluded Breast Cancer Awareness Month. During October, about 16,000 more women heard the news all women dread, "You have breast cancer." That is over 190,000 women this year. Among women between 35 and 54 years of age, no disease claims more lives. In more personal terms, an American woman faces a one in nine chance of sitting down and hearing those words from her physician. At that moment everything changes.

We can be thankful that more women are surviving this diagnosis. Modern treatments and early detection are saving lives. Many of my colleagues have joined with me in supporting research into better diagnosis and treatment. Just last month, we learned of a new drug treatment which substantially reduced the recurrence of breast cancer. We have made great strides, and I am grateful to the many researchers who fight long hours battling this disease. And we sometimes forget the men and women who, while suffering the effects of breast cancer, have volunteered in these studies, at a time when they are already going through such a struggle. We owe all of them our gratitude for the strides we have made in fighting this disease.

Despite this progress, one in every five women diagnosed still will not survive breast cancer. Modern treatments are useless without a diagnosis. With early detection and treatment, death and injury can be so greatly reduced. I call on American women today to take the initiative. Many women have been taught to do self-exams, and while they can help, they are no substitute for a mammogram. I urge you now to ask your physician about a mammogram. Mammograms saves lives.

But maybe you have put it off: you can't miss work, or the kids have an event, or maybe, well, the previous mammograms were OK, so you think you are probably fine. Instead, think of missing other things, such as your child's graduation, those anniversaries with your spouse, or doing any of the things we too often take for granted, just due to making the visit a bit too late.

When a woman receives bad news she is facing so many worries—the threat to her life. She first asks, Will I survive this? Then she asks how she will survive. What will they do to me? The fortunate woman has her loved ones, her family, her friends to stand by and support her. But she needs more.

When the news is bad, we can make the battle easier. I have recently reintroduced legislation to ensure that.

The Women's Health and Cancer Rights Act of 2003, S. 1730, will provide the assurances women need.

No woman with breast cancer should be subjected to substandard care. A woman should be confident in her diagnosis and every cancer patient deserves a second opinion. S. 1730 ensures that. Every woman should be offered treatment options, including inpatient care. Every woman should have adequate time to recover. It is time to recognize that the best judgment comes from the expert physician working with the patient. The last question a woman should have to worry about when facing breast cancer is whether or not her health insurance plan will pay for appropriate care after a mastectomy of lumpectomy, or that she won't be able to remain in her doctor's immediate care for as long as she needs to be.

The evidence for the need for this bill, especially when it comes to so-called "drive through mastectomies," is more than just allegorical. Indeed, the facts speak for themselves. Between 1986 and 1995, the average length of stay for a mastectomy dropped from about 6 days to about 2 to 3 days.

Many of my colleagues have joined with me in working for better screening, research, and improved treatment. This issue of treatment and ensuring standards of care have been introduced and discussed. We have had hearings back in the 105th Congress. And in the intervening years, well over a million more women faced those words, "You have breast cancer". Women, and their loved ones, deserve more.

I urge my colleagues to join me in supporting this bill and work towards passing it this year.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. EDWARDS. Mr. President, I rise to acknowledge October as National Breast Cancer Awareness Month. This gives us an opportunity to remember the millions of victims and their families affected by breast cancer. More than 6,000 individuals in North Carolina are diagnosed each year with breast cancer, and 1,100 of them die as a result. Across the country, one in nine women will be diagnosed with breast cancer during their lifetime. This is a tragedy, and we must do more to treat it and find a cure.

As Breast Cancer Awareness Month comes to a close, I want to share the story of an extraordinary family in Goldsboro, who has been impacted by this disease in the most devastating and tragic sense. Willie and Mittie Darden, are the parents of 15 children. When Mr. Darden passed away in 1976, Mrs. Darden, known to her friends and family as Mit, became the head of the Darden family. As you can imagine, family gatherings at her home are always large, loving, and filled with joy.

Mit has always been a woman of the deepest faith. Being a life-long member of Darden Chapel Free Will Baptist Church, her faith was the underpinning of the strength she needed to endure the loss of two children to childhood illness. No doubt the pain was tremendous. Years later this pillar of strength for her family and community would endure the harshest of fates as she would lose four daughters to breast cancer. They were Hattie Williams, Louise Darden, Bertha Bennett, and Ann Bryant.

Hattie Williams was the mother of one daughter and had four grandchildren. She spent 20 years in the Wayne County School System as a Head Start teacher, later becoming the owner and operator of her own day care center. On her 50th birthday, March 24, 1993, Mrs. Williams invited her family to visit her. Her family recounts that she spent the evening walking the halls with them as she sang and gave thanks to God for her life and her family. Two days later at dawn she passed away.

Louise Darden, nicknamed Lou Lou, was the mother of four children and a grandmother of four. She, too, was a Head Start teacher. Ms. Darden was also an avid cook and was responsible for designing the t-shirts for the family reunions. As her illness worsened, it was she who gave strength and comfort to her family. She truly felt we are spiritual beings going through a human experience. She transitioned this life on March 2, 1998.

Bertha Bennett is remembered as the life of the party to her family. She spent most of her adult life in Washington, D.C., where she was a mother of three children and a grandmother of nine. Family members say that the teachings of her parents, rooted in the church, are what caused her to overcome alcohol dependency and become a devout Jehovah Witness. Mrs. Bennett, called Bert by her family, served as a source of inspiration to her family and countless friends. Her family was visiting her here in Washington at a hospice when word was sent to them that Ann was being moved to a hospice in Goldsboro as she, too, was fighting breast cancer. By the time the family returned home to North Carolina, they learned Bert had died. It was May 12, 2000.

Ann Bryant had taken over the duties as family secretary and organizer after the death of her sister Hattie in 1993. The mother of five children and six grandchildren, Ann spent her adult life caring for others as a home hospice care nurse. When eastern North Carolina was hit by catastrophic floods, Ann spent considerable time making sure her family and friends had adequate housing. Her family says that her concern for others was so great that she was working on that project until the breast cancer had claimed her, 2 days after her sister Bert had passed away. It was May 14, 2000, Mother's Day.

On Mother's Day 2000, Mittie Coley Darden was a mother grieving yet again over the loss of not one but two more daughters to breast cancer. All of these women were wives, mothers, grandmothers, and friends. Words could not describe her anguish. Her faith sustained her though. She is the rock upon which others drew strength. It is in her tragedy that others in her church and community have become more aware of the importance of organizations like the Susan G. Komen Foundation, where early detection and awareness programs are stressed. It is the story of her daughters that motivates others to participate in events like the Race for the Cure and to give of their resources to this cause.

Many of those who learn of Mit Darden's daughters are touched by the immense loss but are moved to action. I, too, am deeply touched and inspired. Very recently another of Mrs. Darden's daughter's was diagnosed with breast cancer. It was discovered very early through one of her regular screenings. Her doctors say that it was discovered in time and she has already started treatment. Through it all Mit Darden is ever faithful and prays that others will never have to endure what she has. She only wants to share what we all hope and pray for—a cure.

I am proud to have led several efforts in Congress with ways to help reach that goal and help women who are diagnosed. The bipartisan Patient Protection Act that passed the Senate last year allows women to choose an OB/GYN as a primary care physician. The bill also requires health insurers to cover hospital stays for breast cancer treatment procedures. In the 106th Congress, I joined many of my colleagues in cosponsoring and passing legislation that gives Federal matching Medicaid dollars to provide breast and cervical cancer-related treatment. This law was an important step in ensuring that individuals suffering from breast cancer have access to modern treatment and technology regardless of their income level.

On behalf of Mit Darden and her daughters, and all the women and their friends and families affected by breast cancer, we must continue the fight against this disease with compassion and action. I urge my colleagues to join me.●

HEALTHY FORESTS RESTORATION ACT

Mr. BINGAMAN. Mr. President, last Thursday the Senate passed H.R. 1904, the Healthy Forests Restoration Act. I voted for the bill because I believe we need to take action to bring our forests back to good health, and there are some good provisions in the Senate-passed version of the bill. For example, the Senate version allows communities to provide recommendations on reducing the threat of unnaturally intense catastrophic wildfire in community wildfire protection plans.

In addition, two amendments that I offered were adopted by the Senate. The first amendment requires collaborative monitoring of the social and ecological effects of projects. Without this requirement, we will never be able to rebuild trust between rural communities and the agencies. The second amendment encourages the Forest Service and the Bureau of Land Management to hire local contractors for forest thinning projects in order to create jobs in forest-dependent communities.

Even so, I continue to believe there are serious problems with this legislation. Most significantly, the bill fails to tackle the main obstacle constraining the Forest Service from improving forest health which is the agency's harmful policy of borrowing from proactive forest restoration accounts to pay for firefighting. Some of the other major issues raised by the Senate language include a lack of any new funding to reduce hazardous fuels; curtailing public participation in the management of public lands, including the establishment of a new so-called "pre-decisional" review process; and lack of protection for National Monuments, roadless areas and other environmentally sensitive areas.

I tried to fix these problems by offering and cosponsoring amendments, including one to give the Forest Service new authority to borrow funds directly from the Treasury when firefighting costs exceed available funds. Unfortunately, this amendment did not prevail. However, Senator BURNS, Senator NICKLES, and others offered to work with me to seek solutions to the "fire borrowing" problem. I accept their gracious offer and look forward to addressing this issue in the future with their cooperation and assistance.

Other amendments that were offered by myself and others to improve the bill were defeated. Nonetheless, I voted for final passage of H.R. 1904 because the Senate version was an improvement as compared to the one passed by the House earlier this year.

AMENDMENTS TO VARIOUS REGULATIONS OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I would like to give notice to Members and staff of the Senate that the Committee on Rules and Administration has approved amendments to six committee regulations. Pursuant to Title V of the Rules of Procedure for the Committee on Rules and Administration, and having provided advance notice of our intention to approve the following amendments to the regulations attached hereto, we hereby approve said amendments effective November 1, 2003, except for amendments to the regulations governing furniture, accessories and special allowances policy which shall be effective January 3, 2005.

I. The following regulations are approved as amended:

A. Committee Regulations Governing the Payment of Funeral Expenses of Deceased Members, as amended, by adding, deleting and substituting as follows:

Delete the last sentence in the first paragraph and substitute—"Such arrangements may include ordinary and necessary expenses for the following:"

Add the following after item 4—"(floral expenses themselves are personal in nature and are not considered an official expense, with the exception of one floral arrangement from the United States Senate);"

Delete the word "Service" and substitute the word "Reasonable" at the beginning of item 6, and insert the words "use of a" after the word "for" and before the word "church". Also insert the word "other" after the word "or" and before the word "place".

Substitute "$5,000" for "$2,000" for casket expense in item 9.

Substitute "$2,000" for "$1,000" for burial plot in item 10.

Add the following as item 11—"Miscellaneous expenses directly related to the funeral (e.g., fee for minister and musician) and not personal in nature (e.g., food, flowers, cards), not to exceed $2,500 in the aggregate."

Add the following as item 12—"Any request for exceptions to this list must be made to the Sergeant at Arms, and approved by the Committee on Rules and Administration."

A copy of the Committee Regulations governing funeral expenses for deceased Members, as amended, is included as Attachment A. These amended regulations shall be effective as of November 1, 2003.

B. Committee Regulations Governing Advance Payment, as amended, by adding new sections (l) and (m) as follows:

"(l) Metro subsidy, one week in advance of the new month"

"(m) Pre-paid cellular and telephone communications".

A copy of the Committee Regulations governing advance payment, as amended, is included as Attachment B. These amended regulations shall be effective as of November 1, 2003.

C. Committee Regulations Governing Furniture, Accessories and Special Allowances Policy for Senate Office Buildings, as amended, by substituting as follows:

Substitute "$5,000" for "$2,500" under Operational Policy for Senators' Special Furniture and Accessory Allowance.

A copy of the Committee Regulations governing furniture, accessories and special allowances policy, as amended, is included as Attachment C. These amended regulations shall be effective as of January 3, 2005.

D. Committee Regulations Governing Payments and Reimbursements From the Senate Contingent Fund for Expenses of Senate Committees and Administrative Offices (adopted by the Committee on Rules and Administration on July 23, 1987 as authorized by Senate Resolution 258, 100th Congress, 1st session, these regulations supercede regulations adopted by the Committee on October 22, 1975 and April 30, 1981), as amended, by substituting as follows:

Substitute "$50" for "$35" in Section 1.

Substitute "$50" for "$35" in Section 3.

Substitute "$50" for "$35" in Section 6 in both instances.

Substitute "$50" for "$35" in Section 8.

A copy of the Committee Regulations governing reimbursements for Senate Committee expenses, as amended, is included as Attachment D. These amended regulations shall be effective as of November 1, 2003.

E. Committee Regulations Governing Senators' Official Personnel and Office Expense Accounts (adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979), as amended, by substituting as follows:

Substitute "$50" for "$35" in Section 2.

Substitute "$50" for "$35" in Section 3.

Substitute "$50" for "$35" in Section 6 in both instances.

A copy of the Committee Regulations governing Senators' official personnel and office expense accounts, as amended, is included as Attachment E. These amended regulations shall be effective as of November 1, 2003.

F. Committee Regulations Governing Assignment, Accountability, and Inventory Control of Equipment, as amended, by adding a new section as follows:

"DE MINIMIS EXCEPTION FOR USE OF SENATE EQUIPMENT

Sec. 11. It is the normal and standing policy of the Senate that official Senate resources may only be used in connection with official business. However, in recognition of the infrequent need for authorized users of official Senate resources or equipment to take care of occasional personal matters during normal business hours, pursuant to S. Res. 238 (108th Congress, 1st Session), the de minimis use of official Senate resources (i.e. computers, Internet services, cellular telephones, copiers and facsimile machines and other such similar devices) is hereby permitted.

For purposes of this policy, "de minimis use" is defined as the incidental, unofficial use of Senate resources or equipment when such use is significantly negligible in nature and frequency and at nominal expense to the government. Such use must also not create the appearance of impropriety. The de minimis use of official resources as described herein is considered to be in the interest of the Senate. The de minimis uses permitted herein are only acceptable when such uses are performed without measurable interference to the performance of the official duties of the authorized user and are in compliance with the Senate Code of Official Conduct.

Nothing contained herein shall be construed to permit the use of Internet services or any other official resources for partisan, political or campaign purposes—such use is strictly prohibited under any circumstances. Nothing contained herein shall be construed to permit the use of official Senate resources for any commercial activity or any income-generating purpose or for any other illegal activity.

It is the responsibility of each Senator, Committee Chairman, Officer of the Senate, or administrative office head to oversee the use of official Senate resources by their office and to ensure that the use is consistent with the requirements established by this policy as well as any other applicable laws and regulations. Nothing contained in the above policy shall prevent a Senator, Committee Chairman, Officer of the Senate or administrative office head from adopting a more restrictive de minimis use policy."

A copy of the Committee Regulations governing Assignment, Accountability, and Inventory Control of Equipment, as amended, is included as Attachment F. These amended regulations shall be effective as of November 1, 2003.

I ask unanimous consent that the attachments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTACHMENT A—COMMITTEE ON RULES AND ADMINISTRATION REGULATIONS GOVERNING THE PAYMENT OF FUNERAL EXPENSES OF DECEASED MEMBERS—ADOPTED JULY 23, 1987

In accordance with Sec. 3.(a)(1) of Senate Resolution 458, agreed to October 4, 1984, funeral arrangements for deceased Senators made by the Sergeant at Arms and paid from the contingent fund of the Senate shall be generally limited to those activities and costs associated with the transportation, preparation, and disposition of the remains. [Such activities and costs may include, but not be limited to, the following:] *Such arrangements may include ordinary and necessary expenses for the following*:

1. The transportation of remains to the mortuary;

2. Complete preparation and care of the remains;

3. Automotive equipment, including limousine service for the immediate family, pallbearers, and the funeral coach;

4. Funeral home expenses for the receipt, care, and arrangement of floral tributes and a supply of acknowledgment cards. *(floral expenses themselves are personal in nature and are not considered an official expense, with the exception of one floral arrangement from the United States Senate)*;

5. Preparation of usual newspaper notices, procuring and executing the required certificates and permits;

6. [Service] *Reasonable* fee for *use of a* church, synagogue or *other* place of service;

7. Cremation fees, including urn;

8. Interment fees or charges for grave services;

9. Burial vault and casket, not to exceed [$2,000] *$5,000*;

10. If not previously purchased by the family, one burial plot (not to exceed [$1,000] *$2,000*) and temporary marker. Permanent grave markers or headstones are personal items and are not authorized by these regulations to be paid from appropriated funds.

11. Miscellaneous expenses directly related to the funeral (e.g., fee for minister and musician) and not personal in nature (e.g., food, flowers, cards), not to exceed $2,500 in the aggregate.

12. Any request for exceptions to this list must be made to the Sergeant at Arms, and approved by the Committee on Rules and Administration.

ATTACHMENT B—COMMITTEE REGULATIONS GOVERNING ADVANCE PAYMENT—(ADOPTED BY THE COMMITTEE ON RULES AND ADMINISTRATION, OCTOBER 30, 1997, AMENDED ON SEPTEMBER 30, 1998)

Under the authority granted by Sec. 1(b) for P.L. 105–55, the FY98 Legislative Branch Appropriations bill and using these regulations—

The term "advance payment" means any expense authorized, by the Committee on Rules and Administration, pursuant to P.L. 105–55.

By the above definition of advance payment and following the enactment of the FY98 Legislative Branch Appropriations bill, in addition to subscriptions, the following items are for advance payment:

(a) Rental of water coolers (cooler units only/not for water)

(b) Monthly maintenance on equipment that is either non-standard and/or above the $500 limit

(c) Cable TV services (including basic satellite service where needed)

(d) Online services (for official use by the Senator only)

(e) Rental booths at State Fairs, rent for space to be used during town hall meetings and associated costs (not to include insurance)

(f) Conference and seminar fees (not to include meals charged separately)

(g) Payments on leased equipment

(h) Paging service

(i) Clipping services

(j) Yellow page listings (not to include the classified yellow pages)

(k) State office rents, up to 1 year in advance

(l) Metro subsidy, one week in advance of the new month

(m) Pre-paid cellular and telephone communications

With respect to charges for on-line services, paging services, clipping services, and equipment maintenance, advance payment shall only be made in the cases of "flat fee services." Also, no advance payment will be allowed in instances where cancellation fees may be incurred. Time limitation on the obligation of funds is restricted to a Member's six-year term of office and a Committee's biennial funding period.

ATTACHMENT C—COMMITTEE REGULATIONS GOVERNING FURNITURE, ACCESSORIES AND SPECIAL ALLOWANCES POLICY FOR SENATE OFFICE BUILDINGS

OPERATIONAL POLICY—SENATORS' SPECIAL FURNITURE AND ACCESSORY ALLOWANCE

1. An amount of [$2,500] *$5,000* will be allotted from appropriated funds to each newly elected/re-elected Senator for the purpose of furnishing a Senator's personal office, reception room, and conference room.

2. This allowance is for the purchase of furniture and furnishings which are in addition to the furnishings requested from the Standard Furniture and Accessories list and will be authorized at the beginning of each Senator's new term of office. The balance in the account will remain available until expended or the end of the term of office.

3. Provisions will be made for Senators to purchase from this special allowance furniture and accessory items which are unique to their offices and/or home states.

4. a. Items authorized for purchase include furniture, furnishings and accessory items. All items shall be separate from other items or assemblies, shall not be perishable, shall be storable, shall be capable of accepting Senate inventory tags, and, except as noted in 4.b., shall be able to be returned to stock for reissue. Items purchased shall be substantial, shall not be of a temporary nature, and shall, in general, be replaceable. The purchase of items of art, antiques and artifacts is not provided for in this allowance. Items purchased shall not be available through other means such as the Senator's Official Personnel and Office Expense Account. Examples of items not provided for include ashtrays, paintings, frames, photographs, clocks, cut flowers, decorative flowers, vases, or bookends.

b. Items which are exceptions to the above requirements in 4.a., that is, are not required to be returned to stock, but which may be procured through this allowance, include materials to construct draperies, upgraded carpeting, and materials and labor for the custom upholstering of furniture items.

c. The Committee on Rules and Administration, in conjunction with the Architect of the Capitol, will monitor requests for non-standard items to preserve the architectural conformity of the Senate Office Buildings.

5. All furniture and accessories, whether chosen from the Standard list or purchased from the Senators' Special Furniture and Accessory Allowance, remain the property of the Architect of the Capitol.

6. Furnishings secured through this allowance may be returned at any time at the request of the Senator, or the Senator's designated Office Head, to the Architect's inventory without credit to the Senators' special allowance.

7. Items obtained through the special allowance may be purchased, at a depreciated price, from a Senator's personal funds at any time. However, furniture furnished as standard furniture for Senators or Staff from the Standard Furniture and Accessories list, but which has been custom upholstered with materials purchased from the special allowance, is not available for purchase unless the Building Superintendent has declared it to be surplus.

8. Items purchased through the special allowance which have been returned to the Architect's inventory may be obtained by a Senator at the depreciated value as a charge to that Senator's Special Furniture and Accessory Allowance.

9. Depreciation on all items will be calculated on the following basis:

During year	Percent of original purchase price
One	100
Two	90
Three	80
Four	70
Five	60
Six	50
Seven	40
Eight	30

Salvage value is considered to be 30 percent of the original purchase price.

Procedure for Ordering Items

Special furniture and accessory items may be obtained by submitting a request in writing to the Office of the Superintendent with all details pertaining to the items desired including a complete description, cost, availability, vendor(s), etc. Procurement methods will be consistent with the procedures described in the Federal Acquisition Regulation, and all items procured through the special allowance will be at a fair and reasonable price reflective of the fair market value. Procurement will be accomplished by the issuance of a purchase order from the Architect of the Capitol to the vendor. Vendors will then bill the Architect of the Capitol against the purchase order, with payment following approval of each invoice. Reimbursements to other accounts will not be made from the special allowance accounts.

ATTACHMENT D—REGULATIONS GOVERNING PAYMENTS AND REIMBURSEMENTS FROM THE SENATE CONTINGENT FUND FOR EXPENSES OF SENATE COMMITTEES AND ADMINISTRATIVE OFFICES

(Adopted by the Committee on Rules and Administration on July 23, 1987 as authorized by S. Res. 258, 100th Cong., 1st sess., these regulations supercede regulations adopted by the Committee on October 22, 1975 and April 30, 1981)

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of **[**$35**]** *$50*, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. "Official expenses", for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:

(a) date expense was incurred;

(b) the amount of the expense;

(c) the product or service provided;

(d) the vendor providing the product or service;

(e) the address of the vendor; and

(f) the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of **[**$35**]** *$50* or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office. However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.

Section 5. No documentation will be required for the following expenses:

(a) Salary reimbursement for compensation on a "When Actually Employed" basis;

(b) reimbursement of official travel in a privately owned vehicle;

(c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Cong., 1st sess.;

(d) expenses for receptions of foreign dignitaries pursuant to S. Res. 247, 87th Cong., 2nd sess., as amended; and

(e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of Pub. Law 100-71 effective July 11, 1987.

Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of **[**$35**]** *$50* or less, or authorize payment of expenses incurred in excess of **[**$35**]** *$50* without documentation.

Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than $5,000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than $300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these nonstatutory limits upon written request by the Chairman of that committee and proper justification.

Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:

(a) date expense was incurred;

(b) amount of expense;

(c) product or service provided; and

(d) the person incurring the expense (payee).

Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over **[**$35**]** *$50*.

Section 9. Petty cash funds should be used for the following incidental expenses:

(a) postage;

(b) delivery expenses;

(c) interdepartmental transportation (reimbursements for parking, taxi, subway, bus, travel in a privately-owned vehicle; etc.);

(d) single copies of publications (not subscriptions);

(e) office supplies not available in the Senate Stationery Room; and

(f) official telephone calls made from a staff member's residence or toll charges within a staff member's duty station.

Petty cash funds should not be used for the procurement of equipment.

Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of $300.

Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense Summary Report—Non Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non Travel" signed by such person.

ATTACHMENT E—(REGULATIONS GOVERNING SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNTS—ADOPTED BY THE COMMITTEE ON RULES AND ADMINISTRATION PURSUANT TO SENATE RESOLUTION 170 AGREED TO SEPTEMBER 19, 1979, AS AMENDED.)

Section 1. For the purposes of these regulations, the following definitions shall apply:

(a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

(b) Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of **[**$35**]** *$50*, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is personally signed by the Senator.

Section 3. Official expenses of **[**$35**]** *$50* or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

(a) Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

(b) Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

(a) official telegrams and long distance calls and related services;

(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of **[**$35**]** *$50* or less, or authorize payment of expenses incurred in excess of $35 $50 without documentation, in special circumstances.

ATTACHMENT F—REGULATIONS GOVERNING ASSIGNMENT, ACCOUNTABILITY, AND INVENTORY CONTROL OF EQUIPMENT

Approved by the Committee on Rules and Administration, United States Senate, on January 25, 1983, effective March 1, 1983, to cover Senators, chairmen of committees and subcommittees, officers of the Senate, joint committees of the Congress, other officers and individuals of the legislative branch, and employees of the United States Senate and to supersede the regulations adopted June 28, 1978, which became effective on September 1, 1978.

Resolved by the Committee on Rules and Administration of the United States Senate, That equipment provided to Senators, committee chairmen, other officers and employees of the United States Senate, and other individuals shall be subject to the following regulations relating to assignment, accountability, and inventory control.

DEFINITIONS

Sec. 1. (a) As used in these regulations, the term—

(1) "equipment" includes, but is not limited to, typewriters, dictation machines, calculators, facsimile transmission equipment, photocopiers, sound reproduction and recording equipment, video recording equipment, desk-top computers and peripheral equipment, portable computers, answering devices, headsets, Telecommunications Devices

for the Deaf (TDDs), modems, intelligent wiring hubs, telephone instruments, cellular telephones, voice couplers, and pagers, whether owned, rented, or leased by the Senate;

(2) "office head" means, with respect to each of the following offices and committees, the following designated officer:

(A) Office of the Vice President, the Vice President;

(B) Office of the President Pro Tempore, the President Pro Tempore;

(C) Office of the Deputy President Pro Tempore, the Deputy President Pro Tempore;

(D) Office of the Majority Leader, the Majority Leader;

(E) Office of the Minority Leader, the Minority Leader;

(F) Office of the Assistant Majority Leader, the Assistant Majority Leader;

(G) Office of the Assistant Minority Leader, the Assistant Minority Leader;

(H) Office of a United States Senator, the Senator;

(I) Committee of the Senate, the Chairman;

(J) Democratic Policy Committee, the Chairman;

(K) Democratic Conference, the Chairman;

(L) Republican Policy Committee, the Chairman;

(M) Republican Conference, the Chairman;

(N) Office of the Sergeant at Arms, the Sergeant at Arms;

(O) Office of the Secretary of the Senate, the Secretary of the Senate;

(P) Office of the Secretary to the Majority, the Secretary to the Majority;

(Q) Office of the Secretary to the Minority, the Secretary to the Minority;

(R) Office of the Legislative Counsel, the Legislative Counsel; and

(S) Office of the Senate Legal Counsel, the Senate Legal Counsel;

(3) "Committee" means a standing committee of the Senate, a select committee of the Senate, or a special committee of the Senate;

(4) "current value" means the fair market value, less 20 percent, or, if the fair market value cannot be determined satisfactorily, the depreciated value;

(5) "fair market value" means the price at which such or similar equipment is freely sold, or in the absence of sales, offered for sale in the metropolitan area of Washington, DC, in retail quantities and in the ordinary course of trade;

(6) "depreciated value" means the original purchase price of equipment depreciated

(A) in the case of typewriters and mailing equipment, by using a straight-line ten year useful life basis;

(B) in the case of word processing equipment, by using a straight-line eight year useful life basis; and

(C) in the case of all other equipment covered by these regulations, by using a straight-line six year useful life basis;

(7) "salvage value" means the price at which such or similar equipment which is irreparably inoperable or beyond its normal useful life is freely sold, or in the absence of sales, offered for sale for recovery of scrap materials or spare parts in the metropolitan area of Washington, DC;

(8) "earnings" means compensation paid or payable by the United States Senate for personal services, whether denominated as wages, salary, commission, bonus, or otherwise; and

(9) "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of:

(A) any amounts required by law or court order to be withheld; and

(B) amounts withheld for retirement, life insurance, health insurance, and charitable contributions;

(b) In the case of any other office of the Senate not designated in subsection (a), the Senator, staff director, or other officer or staff member in charge of such office shall be an "office head" for purposes of these regulations.

REQUESTS FOR EQUIPMENT

SEC. 2. (a) An office head shall have the sole authority to request equipment from the Sergeant at Arms for use in connection with the office or committee under his or her jurisdiction. No such equipment shall be made available except pursuant to a letter to the Sergeant at Arms signed by such office head.

(b) In the case of any joint committee of the Congress which is authorized to receive equipment from the Sergeant at Arms, and any other office which, whether or not a part of the Senate, is authorized to receive such equipment, the Sergeant at Arms shall not make such equipment available to such committee or office unless the chairman or head thereof enters into an agreement with the Sergeant at Arms sufficient to assure the Sergeant at Arms that proper accountability, assignment, and inventory control procedures will be carried out with respect to such equipment.

(c) The Sergeant at Arms shall not furnish equipment to replace equipment which has been lost, stolen, or damaged, unless the appropriate report required by section 5(b) has been submitted.

INVENTORY AND INSPECTION BY SERGEANT AT ARMS

SEC. 3. (a) The Sergeant at Arms shall conduct an on-site physical inventory and inspection of all Senate equipment made available to each office head on an annual basis or as otherwise determined appropriate by the Sergeant at Arms in the interest of sound inventory control.

(b) In addition to any such inventory or inspection conducted pursuant to subsection (a), the Sergeant at Arms shall conduct such special physical inventories and inspections as may be necessary to assure the proper accountability for Senate equipment.

(c) Such inventories and inspections shall be carried out in accordance with such regulations as the Sergeant at Arms, with the approval of the Committee on Rules and Administration, shall adopt.

RESPONSIBILITY FOR SAFEGUARDING EQUIPMENT

SEC. 4. (a) Except to the extent otherwise provided in this section each office head shall have the responsibility for safeguarding equipment made available to his or her office or committee and for reporting promptly to the Sergeant at Arms any such equipment which is lost, stolen, damaged or for which such office head cannot account. Assignment of equipment to an office head shall be documented on Senate Form EQU 1, the format and content of which are set forth in section 10.

(b) Notwithstanding any other provision of these regulations, each chairman of a committee may transfer to each chairman of a subcommittee of such committee all of the responsibilities and obligations which the chairman of the committee would otherwise have with respect to such equipment under these regulations. In any case involving such a delegation to a chairman of a subcommittee, such chairman shall be deemed an office head within the meaning of these regulations. Such transfers of responsibility are to be documented on Senate Form EQU 2, the format and content of which are set forth in section 10.

(c) Each office head may delegate to any employee of the office under his or her jurisdiction responsibility for safeguarding equipment assigned to such employee and the responsibility for reporting promptly to the office head and the Sergeant at Arms any such equipment so assigned which is lost, stolen, damaged, or for which such employee cannot account. Such delegations are to be documented on Senate Form EQU 3, the form and content of which are set forth in section 10.

(d) Each office head may adopt such procedures for the office under his or her jurisdiction as such office head may deem appropriate regarding the assignment to employees of such office head of equipment which may be used by any such employee in the conduct of official business at points other than his official post of duty. Such assignments are to be documented on Senate Form EQU 4, the form and content of which are set forth in section 10.

(e) Each office head shall designate a member of his or her staff as the individual responsible for giving the notice required under paragraph (2) of subsection (f) in the absence of such office head.

(f)(1) An office head to whom equipment has been assigned under these regulations and who intends to retire, resign, or otherwise terminate his or her employment shall notify the Secretary of the Senate of his impending retirement, resignation, or termination as soon as practical.

(2)(A) Whenever an office head, or individual designated by that office head pursuant to subsection (e) of this section, is notified to the effect (i) that an employee to whom such office head has assigned the responsibility for equipment under these regulations intends to retire, resign, or otherwise leave his or her employment, and (ii) that such employee has an unfulfilled financial obligation to the Senate arising out of such assignment, such office head or designated individual shall, not later than the next business day following the day on which such office head or individual learns of such intended retirement, resignation, or termination of employment, notify the Secretary of the Senate of such pending retirement, resignation, or termination of employment, and of such obligation.

(B) For purposes of this paragraph (2), the term "business day" means any day other than a Saturday, Sunday, or holiday.

REIMBURSEMENT FOR LOST, STOLEN, OR DAMAGED EQUIPMENT

SEC. 5. (a) In the case of any equipment covered by these regulations which is stolen, lost, or otherwise unaccounted for, reimbursement shall be made in an amount equal to the current value of such equipment as determined in accordance with section 6. In the case of any such equipment which is damaged, reimbursement shall be made in an amount equal to the cost of repairs to such equipment, or its current value (reduced by its salvage value), whichever is less.

(b)(1) Except to the extent otherwise provided in this section, an office head shall be responsible for promptly reimbursing the Senate, through the Sergeant at Arms, for any such equipment made available to him in accordance with these regulations which is lost, stolen, damaged (normal wear and tear excepted), or otherwise unaccounted for, except that no such reimbursement shall be required for such equipment which

(A) is stolen, if such office head promptly reported such equipment as stolen to the appropriate law enforcement agency and promptly notified the Sergeant at Arms of that fact in writing; or

(B) is damaged, if such office head reported such equipment as damaged, together with a statement as to how such damage occurred, to the Sergeant at Arms as soon as practicable after it had been determined damaged, and, on the basis of such statement and other information available to the Sergeant at Arms, the Sergeant at Arms determines that such office head exercised a standard of care with respect to the equipment entrusted to him which a reasonably prudent and careful person would be expected to exercise in the case of his or her own property of a like description under like circumstances and that, in spite of such care, such equipment was so damaged.

(2) An employee to whom responsibility for equipment has been delegated in accordance with the provisions of Section 4 and any other individual who is not an officer or an employee of the Senate but who receives or is responsible for equipment received from the Senate shall be responsible for reimbursing the Senate, through the Sergeant at Arms, for any such equipment so assigned to such employee which is lost, stolen, damaged, or otherwise unaccounted for, except that no such reimbursement shall be required for such equipment which

(A) is stolen, if such employee or other individual promptly reported such equipment as stolen to the appropriate law enforcement agency and promptly notified the Sergeant at Arms and, in the case of an employee, such employee's office head of that fact in writing; or

(B) is damaged, if such employee or other individual reported such equipment as damaged, together with a statement as to how such damage occurred, to the Sergeant at Arms and, in the case of an employee, the employee's office head as soon as practicable after it has been determined damaged, and, on the basis of such statement and other information available to the Sergeant at Arms, the Sergeant at Arms determines that such employee or other individual exercised a standard of care with respect to such equipment entrusted to such employee or other individual which a reasonably prudent and careful person would be expected to take of his own property of a like description under like circumstances and that, in spite of such care, such equipment was so damaged.

(3) Notwithstanding any other provision of these regulations, in any case in which the Sergeant at Arms is unable to obtain reimbursement from any employee in connection with equipment assigned to that employee by an office head, such office head shall be liable for such reimbursement to the extent not recovered from such employee in the same manner as if such assignment had not occurred. The preceding sentence shall not apply in the case of an employee who fails to so reimburse the Senate and who resigns or retires or otherwise leaves his employment, if such office head is in compliance with subsections (e) and (f)(2) of section 4 of these regulations.

(c) Whenever lost or stolen equipment for which reimbursement has been made is found or recovered, the individual from whom reimbursement was received shall notify the Sergeant at Arms immediately upon its recovery and shall tender the property to the appropriate office of the Senate for inspection by the Sergeant at Arms. The Sergeant at Arms shall:

(1) Accept the equipment and refund to such individual the amount of reimbursement paid;

(2) Accept the equipment and refund to such individual an amount equal to the amount of reimbursement paid less the decrease in value of the equipment between the time of its loss and its recovery; or

(3) Refuse to accept return of the equipment and not refund any of the reimbursement.

DETERMINATION OF VALUE

Sec. 6. Whenever necessary for the determination of an amount of reimbursement under these regulations, the Sergeant at Arms shall determine the current value of equipment which has been lost, stolen, or is otherwise unaccounted for, and the current value, salvage value, and cost of repairs of equipment which has been damaged.

WITHHOLDING OF COMPENSATION OR OTHER PAYMENTS

Sec. 7. (a) Promptly following receipt by him of official notification or reliable public information that an office head is resigning or retiring from, or has left or is otherwise leaving, his or her office, the Secretary of the Senate shall notify the Sergeant at Arms of that fact in writing. Upon receipt of such notice, the Sergeant at Arms shall promptly ascertain whether such office head had an unfilled financial obligation to the Senate in connection with any equipment covered by these regulations and shall promptly notify the Secretary of the Senate of his findings. In the case of an office head who has such an unfulfilled financial obligation, the Secretary of the Senate shall withhold from any compensation or other payments due such office head such amount or amounts as may be necessary to satisfy such obligation.

(b) In the case of any employee who is resigning or retiring from or who has left or is otherwise leaving, his or her employment, the Secretary of the Senate, upon receiving notification in accordance with subsections (e) and (f)(2) of section 4 of these regulations, shall withhold from any compensation or other payments due such employee such amount or amounts as may be necessary to satisfy such obligation.

(c) In any other case in which the Sergeant at Arms is unable, after a diligent effort, to obtain from any office head or employee reimbursement of any obligation to the Senate pursuant to these regulations, the Sergeant at Arms shall notify the Secretary of the Senate to that effect and the Secretary shall withhold amounts from compensation or other payments otherwise due such office head or employee until such reimbursement obligation has been satisfied subject to the limitations set forth in subsection (d).

(d) The maximum part of the compensation or other payments such office head, employee, or other individual derived from earnings for any work period which is subject to withholding under subsection (c) shall not exceed the lesser of

(1) twenty-five percent of his disposable earnings for that period, or

(2) if the work period is a workweek, the amount by which his disposable earnings for that workweek exceed 30 times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, or, if the work period is not a workweek, the amount by which his disposable earnings for that period exceed 30 times the equivalent multiple of the Federal minimum hourly wage prescribed by the Secretary of Labor for such period pursuant to section 303 of the Consumer Credit Protection Act.

(e) In any case in which the Sergeant at Arms is unable, after a diligent effort, to obtain from any office head or employee or any individual who is not an officer or employee of the Senate (but who receives, or is responsible for equipment received from the Senate), reimbursement due from such office head or employee or individual pursuant to these regulations, the Sergeant at Arms shall take all lawful action to obtain such reimbursement.

(f) To the extent permitted by law, moneys so withheld or recovered as reimbursement in connection with equipment lost, stolen, damaged, or otherwise unaccounted for pursuant to these regulations, or by any other lawful means, shall be deposited in the United States Treasury for credit to the appropriation for "Miscellaneous Items" under the heading "Contingent Expenses of the Senate."

(g) Nothing in these regulations shall be construed as precluding the Sergeant at Arms from utilizing any other lawful means or remedies available to him in connection with the obtaining from any such office head or employee, or any such former office head, employee, or other individual any reimbursement due the Senate for equipment lost, stolen, damaged, or otherwise unaccounted for under these regulations.

WAIVER AND PETITION

Sec. 8. (a) Notwithstanding any other provision of these regulations, in any case in which the Sergeant at Arms determines that the enforcement of the provisions of these regulations relating to reimbursement would create an undue hardship, or would not be in the public interest, the Sergeant at Arms is authorized to waive, in whole or in part, such reimbursement otherwise required under these regulations.

(b) Any office head, employee, or other individual who is aggrieved by any final action of the Sergeant at Arms under these regulations involving the matter of reimbursement may petition the Committee on Rules and Administration for a review of such action. On the basis of such petition, the Committee is authorized to approve, disapprove, or modify the action taken by the Sergeant at Arms, and, in the case of any such disapproval or modification, to direct the Sergeant at Arms to take action in conformity therewith.

EQUIPMENT OBTAINED UNDER SECTION 506(A)(9) OF THE SUPPLEMENTAL APPROPRIATIONS ACT, 1973 (2 U.S.C. 58(A)(9))

Sec. 9. The provisions of these regulations shall apply to equipment purchased, leased, or otherwise acquired by a Senator with funds available under section 506(a)(9) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)(9)) and to equipment purchased by a committee or an officer of the Senate with appropriated funds. For purposes of these regulations, any equipment so acquired shall be treated as having been requested from the Sergeant at Arms, and as having been made available by him on the date on which it is delivered and installed in the office of the Senator.

FORMS FOR THE DELEGATION AND TRANSFER OF ACCOUNTABILITY

Sec. 10. In the case of equipment issued, reassigned, or otherwise made available on or after the effective date of these regulations, delegations and transfers of accountability for equipment covered by these regulations shall be documented on forms, the content and format of which are set forth below.

[Applicable forms are supplied by the Sergeant at Arms' Equipment Division when making equipment assignments or reassignments.]

DE MINIMIS EXCEPTION FOR USE OF SENATE EQUIPMENT

Sec. 11. It is the normal and standing policy of the Senate that official Senate resources may only be used in connection with official business. However, in recognition of the infrequent need for authorized users of official Senate resources or equipment to take care of occasional personal matters during normal business hours, pursuant to S. Res 238 (108th Congress, 1st Session), the de minimis use of official Senate resources (i.e. computers, Internet services, cellular telephones, copiers and facsimile machines and other such similar devices) is hereby permitted.

For purposes of this policy, "de minimis use" is defined as the incidental, unofficial use of Senate resources or equipment when such use is significantly negligible in nature and frequency and at nominal expense to the government. Such use must also not create the appearance of impropriety. The de minimis use of official resources as described herein is considered to be in the interest of the Senate. The de minimis uses permitted herein are only acceptable when such uses are performed without measurable interference to the performance of the official duties of the authorized user and are in compliance with the Senate Code of Official Conduct.

Nothing contained herein shall be construed to permit the use of Internet services or any other official resources for partisan, political or campaign purposes—such use is strictly prohibited under any circumstances. Nothing contained herein shall be construed to permit the use of official Senate resources for any commercial activity or any income-generating purpose or for any other illegal activity.

It is the responsibility of each Senator, Committee Chairman, Officer of the Senate, or administrative office head to oversee the use of official Senate resources by their office and to ensure that the use is consistent with the requirements established by this policy as well as any other applicable laws and regulations. Nothing contained in the above policy shall prevent a Senator, Committee Chairman, Officer of the Senate or administrative office head from adopting a more restrictive de minimis use policy.

RETIREMENT OF CHARLOTTE MORELAND

Mr. ROCKEFELLER. Mr. President, today I want to honor an extraordinary person and one of my most dedicated staff who is retiring from service in the United States Senate, Charlotte Moreland.

For 19 years, Charlotte has worked in my DC office, joining my team during my very first year in the Senate. And for all these years, Charlotte has always been an advocate for West Virginia. Starting in my personal office, Charlotte moved to the Veterans Committee when I became Chairman and found herself developing a voice and sense of duty for veterans in West Virginia and across our country. Over the years, she listened patiently as they expressed their concerns about a disability claim or health care. She took note as they told their stories of bravery and sacrifice. She remembered the details of their lives that made the difference in getting them the benefits they had earned. Charlotte then took those stories to help craft legislation to improve benefits for all veterans.

She spoke eloquently on behalf of these veterans. As Charlotte often would tell those around her, VA is the second largest department in the United States, right behind the Department of Defense, and I have no doubt that many working for VA have heard the voice of Charlotte Moreland. Her voice was gentle, but firm, when urging VA to take a second look at a claim or to check their records for something they may have missed initially. But I have to tell you, this same voice would rise a few notches and not back down to get attention for a veteran whom she felt was being treated unfairly on a claim, unable to get medical treatment, or to ensure that a veteran got proper recognition with a headstone to pay one last respect to their service. When those times came, I often wondered how Charlotte maintained such a friendly working relationship with those at VA. She always smiled at me and said it was because they knew her heart was in the right place.

For West Virginia veterans, she has been a tireless advocate. Whenever Charlotte saw a gap in services or an unmet need, she worked to fill it. Our State's four VA Medical Centers received numerous visits from Charlotte, and the facilities are better because of those visits. Over the years, West Virginia has expanded the number of veteran centers and community-based outpatient clinics so that veterans can have quality services nearby. Charlotte has made a real difference in the lives of many veterans and their families.

Charlotte Moreland is retiring from my office after a distinguished career. You need look no further than the plaques and awards she has received from Veterans Service Organizations to know that she will be missed. You can hear praise in the telephone calls and the compliments in countless letters to my office to know that she will be missed. I am very proud that Charlotte Moreland has been on my staff for these many years, and I wish her all the best.

ADDITIONAL STATEMENTS

CHARLES E. KRUSE

• Mr. BOND. Mr. President, it is my honor and great privilege to recognize my fellow Missourian and personal friend, Mr. Charles E. Kruse, president of Missouri Farm Bureau. Mr. Kruse has been recently awarded the Distinguished Eagle Scout Award, the highest honor awarded to Eagle Scouts by the Great Rivers Council. Today I am proud to join with family and friends to recognize and honor Mr. Kruse on this occasion.

I have, over the course of my career, worked with Charlie Kruse on many occasions and have come to know him as a great friend and close ally on behalf of agriculture. In 1983, as Governor, I appointed Charlie to serve on the University of Missouri Board of Curators. Since his appointment Charlie went on to serve as director of the Missouri Department of Agriculture, as the sole Missourian on President Bush's Council on Rural America, Brigadier General of the National Guard, and as the exclusive vice president of North American Equipment Dealers Association.

Since August of 1992, Charlie has solidified his longtime friendship with the Missouri farmer by serving as president of the Missouri Farm Bureau. He is a fourth generation farmer; is on the American Farm Bureau Federation Board of Directors; has served on numerous Presidential commissions making recommendations on farm, tax, trade and environmental policies, and; he is married to Pam—the lady whose name is on the farm combine and who harvests corn at home when Charlie is harvesting awards around the country.

Charlie has been a close friend and advisor for as long as I have been in the Senate and longer than either of us care to admit. He has contributed immeasurably to his community, State and country. He is the product of generations of rural ancestors and is blessed to be deputy commander of his own terrific family. His tireless and enthusiastic contributions and his family inspire his love and inspiration. Charlie is as good a friend as rural America could ever have. We congratulate him for this important recognition and thank him for his for your service to our country.•

2003 PROFESSORS OF THE YEAR

• Mr. WARNER. Mr. President, I rise today to congratulate two Virginians, Dr. Edward Ayers and Dr. Patty Hale, on their recent selection as Professors of the Year. This award, given by the Council for Advancement and Support of Education, is a major accomplishment as only four national awards are given out each year. Dr. Ayers was recognized as Outstanding Doctoral and Research College Professor of the Year, and Dr. Hale was recognized as Outstanding Master's University and College Professor of the Year.

While I have not had the pleasure of meeting with these individuals personally, I have reviewed their qualifications. These two individuals, who have dedicated large portions of their lives to higher learning and to educating tomorrow's leaders, are imminently qualified for these awards. How fortunate we are in Virginia to have two such distinguished professors.

Dr. Edward Ayers is a Professor of History and Dean of Arts and Sciences at the University of Virginia in Charlottesville, VA. An expert in Southern history, Dr. Ayers has taught for over 20 years and has authored numerous books. In 2000, he was appointed to the National Council for the Humanities by President Clinton, and in 2002, he was named to the Executive Board of the National Council for History Education. He has also been recognized for excellence in teaching, having received the Arthur Stocker Award for Outstanding Teaching from the ODK Honor Society at U.Va. and the Outstanding Faculty Award from the State Council of Higher Education in Virginia.

In addition, Dr. Ayers has created an innovative online program, the Valley of the South Project, which is a digital archive that allows people from around the world to explore the history of the Civil War. Four million people have visited the Valley of the South Project to explore the issues surrounding the coming, fighting, and aftermath of the Civil War. The Project has also won the critical acclaim of Dr. Ayers' peers, garnering the James Harvey Robinson Prize from the American Historical Association and the E-Lincoln Prize for Best Digital Project.

Dr. Patty Hale is a Professor of Nursing at Lynchburg College, in Lynchburg, VA. At Lynchburg College, she has won several teaching awards, including the State Council of Higher Education Distinguished Faculty Achievement Award.

One of Dr. Hale's most successful ventures has been her collaboration with four of her students on writing two directories of their community's health and social services. These booklets have been distributed free of charge to area residents and health professionals and have enhanced the knowledge and patronage of area health resources.

Her work has earned Dr. Hale great respect and honors in her community, including the James A. Huston Excellence in Scholarship Award. Dr. Hale is committed to serving those less fortunate and has invested countless hours in forging community relationships to help disadvantaged people in her area. She and her students have started programs to provide health services to residents at several area shelters, clinics, and neighborhood health centers, most of which serve inner city low-income populations.

I commend both Dr. Ayers and Dr. Hales for the excellence in education, and am pleased to recognize them as recipients of Professors of the Year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1805. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

S. 1806. A bill to prohibit civil liability actions from brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1279. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area (Rept. No. 108-183).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 1262. A bill to authorize appropriations for fiscal years 2004, 2005, and 2006 for certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 108-184).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1248. A bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes (Rept. No. 108-185).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 1812. A bill to amend the Home Owner's Loan Act to clarify the citizenship of Federal savings associations for purposes of Federal court jurisdiction; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. DURBIN, and Mrs. CLINTON):

S. 1813. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes; to the Committee on the Judiciary.

By Mr. BOND:

S. 1814. A bill to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. BAUCUS, Mr. CONRAD, Mr. LUGAR, Mr. ROBERTS, Mr. COLEMAN, Mr. FITZGERALD, Mr. CHAMBLISS, and Mr. CRAPO):

S.J. Res. 22. A joint resolution recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU:

S. Res. 257. A resolution expressing the sense of the Senate that Congress should give priority to passing legislation to provide tax relief for United States military personnel and should offset the cost of such tax relief with legislation preventing individuals from avoiding taxes by renouncing United States citizenship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 382

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 382, a bill to amend title XVIII of the Social Security Act to provide for coverage of cardiovascular screening tests under the medicare program.

S. 641

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. NELSON), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 853

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 875

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1172

At the request of Mr. FRIST, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1248

At the request of Mr. GREGG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1248, a bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

S. 1339

At the request of Mr. BREAUX, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1339, a bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service employees who perform essential services during severe weather events.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1380

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes .

S. 1414

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1765

At the request of Mr. LOTT, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1765, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1766

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1766, a bill to amend the Food Security Act of 1985 to prohibit the use of certain conservation funding to provide technical assistance under the conservation reserve program.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. RES. 107

At the request of Mr. INOUYE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 107, a resolution expressing the sense of the Senate to designate the month of November 2003 as "National Military Family Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. DURBIN, and Mrs. CLINTON):

S. 1813. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing with Senators FEINSTEIN, DURBIN, and CLINTON the "War Profiteering Prevention Act of 2003." This bill creates criminal penalties for war profiteers and cheats who would exploit the relief and reconstruction efforts in Iraq to make an extra buck. Sadly, these very same provisions are missing from the final version of the $87 billion spending bill for Iraq and Afghanistan because House conferees refused to accept the amendment, offering no substitute and no willingness to compromise. Republican and Democratic Senate conferees consistently supported the provision, which had been unanimously accepted during Senate Appropriations Committee markup of the bill.

There are, of course, fraud statutes to protect against waste of tax dollars at home. But none expressly prohibit war profiteering and none expressly confer extraterritorial jurisdiction overseas. Technical jurisdictional elements in existing laws also make their applicability in these unique circumstances more difficult. The Leahy-Feinstein-Durbin-Clinton bill would criminalize "war profiteering"—overcharging taxpayers for any good or service with the specific intent to excessively profit from the war or reconstruction efforts in Iraq. The bill also prohibits fraud and false statements in any matter involving a contract or the provision of goods or services in Iraq. These new crimes would be felonies, subject to criminal penalties of up to 20 years in prison and fines of up to $1 million or twice the illegal gross profits of the crime. These are strong and focused sanctions that are narrowly tailored to criminalize and create tough criminal penalties for fraud or excessive profiteering in contracts, here and abroad, related to the war or reconstruction efforts in Iraq.

Congress is about to send billions and billions of dollars to a place where there is no functioning government, under a plan with too little accountability and too few financial controls. That's a formula for mischief. We need strong disincentives for those who would defraud taxpayers. It baffles me why House members would not want to provide this protection to taxpayers. Every penny of our taxpayers' money must be scrupulously spent and protected from waste. The message sent by this bill speaks volumes; any act taken to financially exploit the crisis situation in Iraq for exorbitant personal gain is simply reprehensible. It demeans and cheapens the sacrifices that our military and civilian personnel are making in Iraq.

In post-war times, where U.S. taxpayers have been called upon to bear the burden of reconstruction contracts—where contracts are awarded in a system that offers little competition and even less accountability—concerns about wartime profiteering are of grave concern. Historical efforts to stem such profiteering have been successful: Congress implemented excessive-profits taxes and contract renegotiation laws after both World Wars, and again after the Korean War. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that "a few do not gain from the sacrifices of the many." Then, as now, our government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow so many others to unfairly profit.

There is urgency to this important measure because criminal statutes cannot be applied retroactively. These controls need to be in place now. We can only hope that the Senate will continue to press and support its prompt passage through Congress.

By Mr. BOND:

S. 1814. A bill to transfer lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce legislation that will transfer the control of the Mingo Job Corps Center to the U.S. Department of Agriculture to be administered by the U.S. Forest Service. Since its inception, the Center has served at-risk youth by providing a facility where students can complete their secondary education and serve the local area through community service projects. The Department of Labor has expressed their plans to contract out operations of the Mingo Center, which is currently administered by the Fish and Wildlife Service, an action that would greatly increase the chances for the permanent closure of the facility.

The Mingo Job Corps Center has been extremely successful in southern Missouri. For over 40 years, the Center has been a place for students to complete their education, learn a trade, and serve the community. Through the Center, students master trades from auto repair to fire fighting, from carpentry to culinary arts, and from bricklaying to business. The closure of the facility would mean 250 students would not be able to receive their High School Diploma, GED, or learn the skills necessary to earn gainful employment.

For over 40 years the Center has made a substantial contribution to the community through service projects. Mingo students have participated in national projects such as the recovery of the space shuttle *Columbia* and fighting western forest fires. However, the main impact of their activities are felt locally in southern Missouri. Each year the Mingo Job Corps completes over $1 million worth of community and conservation projects. These projects include construction of the Poplar Bluff Forest Service District Office, construction of many Puxico School buildings, and the painting and repair of furniture at various local schools.

The Mingo Job Corps Training Center is truly an invaluable asset to the State of Missouri that must be preserved. Last year, with the help of Congresswomen JO ANN EMERSON, I secured a commitment from the USDA to have the Forest Service assume operation of the Mingo Job Corps Center. However, now it has become necessary for this transfer to be handled legislatively. My legislation will ensure that the Center will continue to be a positive force that shapes the lives of our youth. Our economy and the kids who depend upon this facility will remain the real winners here.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 257—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD GIVE PRIORITY TO PASSING LEGISLATION TO PROVIDE TAX RELIEF FOR UNITED STATES MILITARY PERSONNEL AND SHOULD OFFSET THE COST OF SUCH TAX RELIEF WITH LEGISLATION PREVENTING INDIVIDUALS FROM AVOIDING TAXES BY RENOUNCING UNITED STATES CITIZENSHIP

Ms. LANDRIEU submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas Congress is responsible for providing United States military personnel with the equipment, supplies, and other resources needed to preserve our freedom;

Whereas Congress is responsible for providing United States military personnel with a comprehensive compensation package;

Whereas, since 2001, Congress has passed and the President has signed legislation providing for $1,750,000,000,000 in tax relief;

Whereas the Senate has passed legislation providing for $1,100,000,000 in additional tax relief for United States military personnel and their families;

Whereas United States citizens benefit from economic opportunities which arise from the liberty protected by United States military personnel;

Whereas the United States loses approximately $80,000,000 per year in tax revenue from individuals who renounce United States citizenship;

Whereas the Senate has unanimously passed legislation which prevents individuals from avoiding taxes by renouncing United States citizenship as an offset to the cost of providing tax relief for the 1,400,000 active duty military personnel and the 1,200,000 members of the National Guard and Reserves; and

Whereas Congress has asked the Comptroller General of the United States to conduct a study on the total compensation package provided for United States military personnel in order to ensure that the unique needs of military personnel are addressed: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should give priority to passing legislation to provide tax relief for—

(A) United States military personnel, including those serving in the National Guard and Reserves; and

(B) the employers of active duty members of the National Guard and Reserves; and

(2) the cost of such tax relief should be offset by legislation which prevents individuals from avoiding taxes by renouncing United States citizenship.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2051. Mr. McCONNELL (for Mr. McCAIN (for himself, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3365, an act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes.

SA 2052. Mr. McCONNELL (for Mr. McCAIN) proposed an amendment to the bill H.R. 3365, supra.

TEXT OF AMENDMENTS

SA 2051. Mr. McCONNELL (for Mr. McCAIN (for himself, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3365, an act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Military Family Tax Relief Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title, etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 102. Treatment of death gratuities payable with respect to deceased members of the Armed Forces.
Sec. 103. Exclusion for amounts received under Department of Defense homeowners assistance program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations.
Sec. 106. Clarification of the treatment of certain dependent care assistance programs.
Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 108. Suspension of tax-exempt status of terrorist organizations.
Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.

TITLE II—REVENUE PROVISION

Sec. 201. Extension of customs user fees.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

"(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

"(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

"(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

"(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(D) SPECIAL RULES RELATING TO ELECTION.—

"(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.".

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. TREATMENT OF DEATH GRATUITIES PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN AMOUNT OF DEATH GRATUITY.—

(1) IN GENERAL.—Section 1478(a) of title 10, United States Code, is amended by striking "$6,000" and inserting "$12,000".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

(b) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.".

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to deaths occurring after September 10, 2001.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or", and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

"(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ", or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) In General.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) Clarification of certain benefits.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) Conforming Amendments.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) No Inference.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) In General.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) In General.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Suspension of Tax-Exempt Status of Terrorist Organizations.—

"(1) In general.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) Period of suspension.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) Denial of deduction.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) Denial of administrative or judicial challenge of suspension or denial of deduction.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) Erroneous designation.—

"(A) In general.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) Waiver of limitations.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) Notice of Suspensions.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) Effective Date.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) Deduction Allowed.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) Treatment of Expenses of Members of Reserve Component of Armed Forces of the United States.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.".

(b) Deduction Allowed Whether or Not Taxpayer Elects To Itemize.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) Certain expenses of members of reserve components of the armed forces of the united states.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) Income Tax Relief.—

(1) In general.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) Relief with respect to astronauts.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.".

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting ", astronauts," after "Forces".

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting "**, ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting ", astronauts," after "Forces".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting "OR ASTRONAUTS" after "VICTIMS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting "**, DEATHS OF ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting ", deaths of astronauts," after "Forces".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

TITLE II—REVENUE PROVISION

SEC. 201. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "March 31, 2004" and inserting "March 1, 2005".

SA 2052. Mr. MCCONNELL (for Mr. MCCAIN) proposed an amendment to the bill H.R. 3365, an act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to decreased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes; as follows:

Amend the title so as to read: "An Act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET AND INTERNATIONAL SECURITY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Monday, November 3, at 10:30 a.m. for a hearing titled, "Mutual Funds: Trading Practices and Abuses that Harm Investors."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Dennis O'Connor of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that Thomas Heibert, a fellow in my office, be granted the privileges of the floor for this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

On Thursday, October 30, 2003, the Senate passed H.R. 2800, as follows:

H.R. 2800

Resolved, That the bill from the House of Representatives (H.R. 2800) entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.", do pass with the following amendment: Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

For necessary expenses of the Office of Inspector General of the Export-Import Bank of the United States in carrying out the provisions of the Inspector General Act of 1978, as amended, $1,000,000.

EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2004.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $74,395,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2004.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $41,385,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2004 and 2005: Provided further, That such sums shall remain available through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004, and through fiscal year 2013 for the disbursement of direct and guaranteed loans obligated in fiscal year 2005.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until September 30, 2005.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2004, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,435,500,000, to remain available until September 30, 2005: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $150,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $345,000,000 for child survival and maternal health; $30,000,000 for vulnerable children; $500,000,000 for HIV/AIDS including not less than $22,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; $185,000,000 for other infectious diseases; and $375,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, $18,000,000 should be made available for the International AIDS Vaccine Initiative: Provided further, That of the funds appropriated under this heading, $60,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and the preceding proviso: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,423,000,000, to remain available until September 30, 2005: Provided, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: Provided further, That $220,000,000 should be allocated for basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $40,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $1,000,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $20,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, up to $3,000,000 should be made available for support of the International Real Property Foundation: Provided further, That of the funds appropriated by this Act, $100,000,000 shall be made available for drinking water supply projects and related activities.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $235,500,000, to remain available until expended.

FAMINE FUND

For necessary expenses for famine prevention and relief, including for mitigation of the effects of famine, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $100,000,000, to remain available until expended: Provided, That funds appropriated under this heading shall be available for obligation subject to prior consultation with the Committees on Appropriations.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that is important to the national interests of the

United States to provide transition assistance in excess of the amount appropriated under this heading, up to $5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000, to remain available until September 30, 2005, and to be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, to remain available until September 30, 2004, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,859,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $604,100,000, of which up to $25,000,000 may remain available until September 30, 2005: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2005: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, $100,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: Provided further, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $35,000,000, to remain available until September 30, 2005, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,415,000,000, to remain available until September 30, 2005: Provided, That of the funds appropriated under this heading, not less than $480,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than $575,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That of the funds made available pursuant to the previous proviso, $2,000,000 shall be made available for the Ibn Khaldun Center for Development: Provided further, That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $250,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, up to $5,000,000 may be made available for the Yitzhak Rabin Center for Israel Studies in Tel Aviv, Israel, and up to $5,000,000 may be made available for the Center for Human Dignity Museum of Tolerance in Jerusalem, Israel: Provided further, That of the funds appropriated under this heading, up to $1,000,000 should be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: Provided further, That of the funds appropriated under this heading that are made available for assistance for Pakistan, not less than $10,000,000 should be made available to support programs and activities conducted by indigenous organizations that seek to further educational, health, employment, and other opportunities for the people of Pakistan: Provided further, That of the funds made available for indigenous organizations pursuant to the previous proviso, $4,000,000 should be made available for the Pakistan Human Development Fund and $1,000,000 for the Amanut Society: Provided further, That $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $4,000,000 shall be made available only for American educational institutions for scholarships and other programs: Provided further, That notwithstanding section 634(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for programs and activities in rural Mexico to promote microcredit lending, small business and entrepreneurial development, and private property ownership in rural communities, and to support small farmers who have been affected by adverse economic conditions: Provided further, That funds made available pursuant to the previous proviso may be made available only if the case involving three Americans arrested in Oaxaca, Mexico on October 6, 2003, in connection with a private property dispute is resolved satisfactorily, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste to support subsistence agriculture and other income generating opportunities, expand basic education and vocational training, strengthen the judiciary, promote good governance and the sustainable use of natural resources, and improve health care and other basic human services and physical infrastructure, of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds made available under this heading, not less than $2,500,000 shall be made available, in addition to amounts otherwise available for such purposes, as a United States contribution to the Office of the United Nations High Commissioner for Human Rights, to support its activities including human rights training for peacekeepers, activities to address trafficking in persons, monitoring and field activities: Provided further, That of the funds appropriated under this heading, not less than $250,000 shall be made available to support the Commission to Investigate Illegal Groups and Clandestine Security Apparatus in Guatemala: Provided further, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for assistance for countries to implement and enforce the Kimberley Process Certification Scheme: Provided further, That funds *appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available during fiscal year 2004 for a contribution to the Special Court for Sierra Leone: Provided further, That of the funds appropriated under this heading, not less than $3,500,000 should be made available for East Asia and Pacific Environment Initiatives: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That of the funds appropriated under this heading, $3,000,000 should be made available for the Foundation for Security and Sustainability: Provided further, That of the funds appropriated under this heading, not less than $350,000 should be made available, notwithstanding any other provision of law, for the National Endowment for Democracy to support democracy and human rights in North Korea: Provided further, That of the funds appropriated under this heading, up to $1,000,000 should be made available for a program to promote greater understanding and interaction among youth in Albania, Kosovo, Montenegro and Macedonia: Provided further, That of the funds made available under this heading and the heading "Office of Transition Initiatives", not less than $5,000,000 shall be made available for disarmament, demobilization, and reintegration of child soldiers in Liberia: Provided further, That of the funds appropriated under this heading, up to $15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.*

ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $700,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to $250,000,000 may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 699J of this Act, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: Provided further, That such contribution shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That of the funds appropriated under this heading, $150,000,000 is made available for the International Mother and Child HIV Prevention Initiative: Provided further, That funds made available for HIV/AIDS programs and activities under the headings "Child Survival and Health Programs Fund", "Economic Support Fund", "Assistance for Eastern Europe and the Baltic States" and "Assistance for the Independent States of the Former Soviet Union" in this Act may be transferred to and merged with funds appropriated under this heading: Provided further, That of the funds appropriated under this heading, $20,000,000 may be apportioned directly to the Peace Corps to remain available until expended for necessary expenses to carry out activities to combat HIV/AIDS, tuberculosis and malaria: Provided further, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster: Provided further, That of the funds appropriated under this heading, not more than $8,000,000 may be made available for administrative expenses of the office of the "Coordinator of United States Government Activities to Combat HIV/AIDS Globally" of the Department of State: Provided further, That of the funds appropriated under this heading, not less than $28,000,000 shall be made available for a United States contribution to UNAIDS: Provided further, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs: Provided further, That of the funds appropriated under this heading, not less than $29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: Provided further, That of the funds appropriated under this heading, not less than $46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $445,000,000, to remain available until September 30, 2005, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading that are made available for assistance for Bulgaria, $3,000,000 should be made available to enhance safety at nuclear power plants: Provided further, That of the funds appropriated under this heading, and under the headings "Assistance for the Independent States of the Former Soviet Union" and "Economic Support Fund", not less than $50,000,000 shall be made available for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 629 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 629 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $596,000,000, to remain available until September 30, 2005: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, $20,000,000 shall be made available solely for assistance for the Russian Far East: Provided further, That $5,000,000 shall be made available to promote freedom of the media and an independent media in Russia: Provided further, That not less than $3,000,000 shall be made available for programs

and activities authorized under section 307 of the FREEDOM Support Act (Public Law 102–511): Provided further, That of the funds appropriated under this heading, $500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives: Provided further, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $20,000,000 shall be made available for nuclear reactor safety initiatives, of which $14,000,000 should be for simulator-related projects; and not less than $2,000,000 shall be made available for coal mine safety programs.

(c) Of the funds appropriated under this heading, $75,000,000 should be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than $75,000,000 shall be made available for assistance for Armenia.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $16,334,000, to remain available until September 30, 2005.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $18,689,000, to remain available until September 30, 2005: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $310,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2005: Provided further, That during fiscal year 2004 and any subsequent fiscal year, the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of 5 years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: Provided further, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed 5 years, and the percentage of appointments or assignments that can be made in excess of 5 years.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $284,550,000, to remain available until expended: Provided, That during fiscal year 2004, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, $20,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, $7,105,000 should be made available for the International Law Enforcement Academy in Roswell, New Mexico, of which $2,105,000 should be made available for construction and completion of a new facility: Provided further, That of the funds appropriated under this heading, not more than $25,117,000 may be available for administrative expenses: Provided further, That $5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $660,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional $37,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That in fiscal year 2004, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than $250,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for alternative development/institution building including judicial reform, of which not less than $165,000,000 shall be made available for such purposes in Colombia: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for judicial reform in Colombia: Provided further, That of the funds appropriated under this heading, in addition to funds made available pursuant to the previous proviso, not less than $2,500,000 shall be made available to protect human rights defenders in Colombia, not less than $3,500,000 shall be made available for the United Nations Office of the High Commissioner for Human Rights in Colombia, not less than $10,000,000 shall be made available for assistance for the Colombian Attorney General's Human Rights Unit, and not less than $2,500,000 shall be made available for assistance for the human rights unit of the Colombian Procuraduria: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency (EPA), certifies to the Committees on Appropriations that: (1) the herbicide mixture is being used in accordance with EPA label requirements for comparable use in the United States and any additional controls *recommended by the EPA for this program, and with the Colombian Environmental Management Plan for aerial fumigation; and (2) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for continued training, equipment, and other assistance for the Colombian National Park Service: Provided further, That none of the funds appropriated by this Act shall be made available for aerial fumigation within Colombia's national parks: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act that are made available for Colombia, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 3204(b) through (d) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2004: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That funds appropriated under this heading that are available for the Bolivian military and police may be made available if the Secretary of State determines and reports to the Committees on Appropriations that (1) the Bolivian Government is vigorously investigating and prosecuting members of the Bolivian military and police who have been credibly alleged to have committed gross violations of human rights and is promptly punishing those found to have committed such violations; and (2) the Bolivian military and police are cooperating with such investigations and prosecutions: Provided further, That of the funds appropriated under this heading, not more than $16,285,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.*

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $760,197,000, which shall remain available until expended: Provided, That not more than $21,000,000 may be available for administrative expenses: Provided further, That not less than $50,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement: Provided further, That funds made available under this heading should be made available to international organizations for assistance for refugees from North Korea: Provided further, That funds made available under this heading should be made available for assistance for persons in Thailand who fled Burma for humanitarian or other reasons: Provided further, That none of the funds appropriated by this Act shall be provided to the central Government of Nepal until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Nepal is cooperating with the United Nations High Commissioner for Refugees and other appropriate international organizations on issues concerning the protection of refugees from Tibet.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $40,000,000, to remain available until expended: Provided, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $385,200,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed $35,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $19,300,000 shall be made available for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That notwithstanding the previous proviso, funds earmarked in the previous proviso that are not made available during fiscal year 2004 for a contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004 shall be made available for a voluntary contribution to the International Atomic Energy Agency and shall remain available until September 30, 2005: Provided further, That of the funds made available for demining and related activities, not to exceed $690,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That the Secretary of State is authorized to provide not to exceed $250,000 for public-private partnerships for mine action by grant, cooperative agreement, or contract.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $12,000,000, to remain available until September 30, 2006, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $195,000,000, to remain available until expended: Provided, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That $75,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 301. SHORT TITLE. This title may be cited as the "Millennium Challenge Act of 2003".

SEC. 302. FINDINGS AND PURPOSES. (a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that "America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries." The President also called for a "new compact for global development, defined by new accountability for both rich and poor nations" and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this title are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 305; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 303. DEFINITIONS. In this title:

(1) BOARD.—The term "Board" means the Millennium Challenge Board established by section 304(c).

(2) CANDIDATE COUNTRY.—The term "candidate country" means a country that meets the criteria set out in section 306.

(3) CEO.—The term "CEO" means the chief executive officer of the Corporation established by section 304(b).

(4) CORPORATION.—The term "Corporation" means the Millennium Challenge Corporation established by section 304(a).

(5) ELIGIBLE COUNTRY.—The term "eligible country" means a candidate country that is determined, under section 307, as being eligible to receive assistance under this title.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term "Millennium Challenge Account" means the account established under section 322.

SEC. 304. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION. (a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in this title.

(b) CEO OF THE CORPORATION.—

(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this title is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, Millennium Challenge Corporation.".

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this title.

SEC. 305. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE. (a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this title set out in section 302(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this title may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) EXCEPTION.—Assistance under this title may not be used for military assistance or training.

(c) FORM OF ASSISTANCE.—Assistance under this title may be provided in the form of grants to eligible entities.

(d) COORDINATION.—The provision of assistance under this title shall be coordinated with other United States foreign assistance programs.

(e) APPLICATIONS.—An eligible entity seeking assistance under this title to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 306. CANDIDATE COUNTRY. (a) IN GENERAL.—A country is a candidate country for the purposes of this title—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than $5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than $5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 307. ELIGIBLE COUNTRY. (a) DETERMINATION BY THE BOARD.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) ASSESSING ELIGIBILITY.—

(1) IN GENERAL.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) ANNUAL PUBLICATION OF INDICATORS.—

(A) INITIAL PUBLICATION.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) FINAL PUBLICATION.—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) CONSIDERATION OF PUBLIC COMMENT.—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 308. ELIGIBLE ENTITY. (a) ASSISTANCE.—Any eligible entity may receive assistance under this title to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) DETERMINATIONS OF ELIGIBILITY.—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) ELIGIBLE ENTITIES.—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 309. MILLENNIUM CHALLENGE CONTRACT. (a) IN GENERAL.—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 302(b).

(b) CONTENT.—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this title; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) REQUIREMENT FOR CONSULTATION.—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) REQUIREMENT FOR APPROVAL BY THE BOARD.—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 310. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY. The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 311. DISCLOSURE. (a) REQUIREMENT FOR DISCLOSURE.—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this title—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this title has been effective in helping the eligible country to achieve such objectives.

(b) DISSEMINATION.—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 312. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES. (a) AUTHORITY.—Notwithstanding any other provision of this title and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) CONDITIONS.—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 307 because of—

(1) the unreliability of data used to assess its eligibility under section 307; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 307.

(c) LIMITATION.—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 313. ANNUAL REPORT TO CONGRESS. Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this title during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this title with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this title with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this title.

SEC. 314. POWERS OF THE CORPORATION. (a) POWERS.—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this title.

(b) CONTRACTING AUTHORITY.—The functions and powers authorized by this title may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 315. COORDINATION WITH USAID. (a) REQUIREMENT FOR COORDINATION.—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) USAID PROGRAMS.—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 307.

SEC. 316. PRINCIPAL OFFICE. The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 317. PERSONNEL AUTHORITIES. (a) REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) RELATIONSHIP TO OTHER LAWS.—

(1) INAPPLICABILITY OF CERTAIN LAWS.—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) APPLICATION OF CERTAIN LAWS.—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) RELATIONSHIP TO RETIREMENT BENEFITS LAWS.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) APPOINTMENT AND TERMINATION.—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) COMPENSATION.—

(1) AUTHORITY TO FIX COMPENSATION.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) LIMITATIONS ON COMPENSATION.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TERM OF EMPLOYMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) EXCEPTED POSITIONS.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) WAIVER.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this title.

(f) AUTHORITY FOR TEMPORARY EMPLOYEES.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) REINSTATEMENT.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 318. PERSONNEL OUTSIDE THE UNITED STATES. (a) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 319. USE OF SERVICES OF OTHER AGENCIES. The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this title.

SEC. 320. ADMINISTRATIVE AUTHORITIES. The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this title.

SEC. 321. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE. The Corporation shall be subject to chapter 91 of title 31, United States Code.

SEC. 322. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT. There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this title shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 323. AUTHORIZATION OF APPROPRIATIONS. (a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this title $1,000,000,000 for fiscal year 2004, $2,300,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) AVAILABILITY.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) NOTIFICATION.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SEC. 324. APPROPRIATIONS. (a) IN GENERAL.—There is hereby appropriated $1,000,000,000 for fiscal year 2004, to remain available until expended, to carry out the provisions of this title to provide assistance for countries that have demonstrated commitment to—

(1) just and democratic governance;

(2) economic freedom; and

(3) investing in the well-being of their own people.

(b) NOTIFICATION.—Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

TITLE IV—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance

Act of 1961, $91,700,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Algeria, Cambodia, Nigeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,384,000,000: Provided, That of the funds appropriated under this heading, not less than $2,160,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $568,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $206,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, $27,000,000 shall be made available for assistance for Poland: Provided further, That of the funds appropriated by this paragraph, $2,500,000 shall be made available for assistance for Armenia: Provided further, That of the funds appropriated by this paragraph, $15,000,000 shall be transferred to and merged with funds appropriated under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", and made available, in addition to amounts otherwise available for such purposes, as follows: $10,000,000, to remain available until expended, shall be made available to carry out the provisions of section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament; $2,000,000 shall be made available to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for the Small Arms/Light Weapons Destruction program; and $3,000,000 shall be made available as an additional contribution to the International Atomic Energy Agency: Provided further, That of the funds appropriated by this paragraph, not less than $17,000,000 shall be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" and made available for aircraft and related assistance for the Colombian National Police: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 615 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan, Guatemala and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That the authority contained in the previous proviso or any other provision of law relating to the use of funds for programs under this heading, including provisions contained in previously enacted appropriations Acts, shall not apply to activities relating to the clearance of unexploded ordnance resulting from United States Armed Forces testing or training exercises: Provided further, That the previous proviso shall not apply to San Jose Island, Republic of Panama: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $40,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $361,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2004 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2004 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $84,900,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE V—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $170,997,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $976,825,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,124,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $16,340,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $898,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $30,614,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $136,921,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,105,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,610,000.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $118,081,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,431,000, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $122,085,000.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,004,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $322,550,000: Provided, That of the funds appropriated under this heading, $120,000,000 shall be made available for a contribution to the United Nations Children's Fund, $11,428,500 shall be made available for a contribution to the United Nations Environment Program, $5,465,875 shall be made available for the United Nations Voluntary Fund for Victims of Torture, $3,621,250 shall be made available for the Organization of American States Fund for Strengthening Democracy, $1,937,975 shall be made available for International Contributions for Scientific, Educational and Cultural Activities, $1,000,000 shall be made available for the United Nations Center for Human Settlements, $1,500,000 shall be made available for the United Nations Fund for Human Rights, $6,732,750 shall be made available for International Conservation Programs, and $5,600,000 shall be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided further, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE VI—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 601. Except for the appropriations entitled "International Disaster Assistance" and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 602. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 604. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 606. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Sudan, or Syria: Provided, That, for the purposes of section 501 of Public Law 106–570, the terms "areas outside of control of the Government of Sudan" and "area in Sudan outside of control of the Government of Sudan" shall, upon conclusion of a peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, have the same meaning and application as was the case immediately prior to the conclusion of such agreement: Provided further, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 609. (a) TRANSFERS BETWEEN ACCOUNTS.— None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(b) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 610. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this section may not be used in fiscal year 2004.

AVAILABILITY OF FUNDS

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 615. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative","Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2005.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of

1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 619. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2004, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 622. Up to $15,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 699J of this Act: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That of the funds appropriated under title II of this Act, not less than $445,000,000 shall be made available for family planning/reproductive health.

AFGHANISTAN

SEC. 623. Of the funds appropriated by this Act, $600,000,000 shall be made available for assistance for Afghanistan, of which not less than $395,000,000 shall be made available for humanitarian, reconstruction, and related assistance: Provided, That of the funds made available pursuant to this section, not less than $164,000,000 should be from funds appropriated under the heading "Economic Support Fund" for rehabilitation of primary roads, implementation of the Bonn Agreement and women's development programs: Provided further, That of the funds made available pursuant to this section, not less than $5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American universities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds made available pursuant to this section, not less than $4,500,000 shall be made available for the Afghan Independent Human Rights Commission and not less than $2,500,000 shall be made available for the Afghan Judicial Reform Commission: Provided further, That of the funds made available pursuant to this section, not less than $25,000,000 shall be made available to support activities of the Afghan Ministry of Women's Affairs, including to improve the capacity and effectiveness of the Ministry, and to support programs aimed at addressing the needs of Afghan women in consultation with other Afghan ministries: Provided further, That funds made available pursuant to this section shall be made available for training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations: Provided further, That not less than $2,500,000 shall be made available for assistance for Afghan communities and families that suffer losses as a result of the military operations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 625. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", "Peace Corps", "Millennium Challenge Assistance", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 626. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $35,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet: Provided, That not to exceed $4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to $3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities: Provided further, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than $25,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That not less than $3,000,000 of such funds shall be made available for programs and activities that provide professional training for journalists: Provided further, That notwithstanding any other provision of law, not to exceed $5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran: Provided further, That

funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds made available under subsection (a), not less than $15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $15,000,000 shall be made available for such Fund to support the activities described in subsection (b): Provided, That funds made available in this section for such Fund are in addition to the $17,000,000 requested by the President for the Fund for fiscal year 2004.

(d) Of the funds made available under subsection (a), not less than $10,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $5,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (b): Provided, That the funds appropriated by this Act that are made available for the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation, and the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation, obligation, and expenditure of such funds.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 627. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 628. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 629. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 630. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 631. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or who have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 632. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 633. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4) (D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 634. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2004, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) SHIPMENT OF HUMANITARIAN ASSISTANCE.—During fiscal year 2004, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

(h) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(i) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $6,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(j) WAIVER.—The prohibition in section 694 of this Act may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing:

(1) the steps the Administration is taking to obtain the cooperation of the government in surrendering the indictee in question to the Special Court for Sierra Leone (SCSL) or the International Criminal Tribunal for Rwanda (ICTR);

(2) a strategy for bringing the indictee before ICTR or SCSL; and

(3) the justification for exercising the waiver authority.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 635. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 636. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 637. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2004, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 638. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 639. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements or prohibitions contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 640. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 641. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 642. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 643. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 645. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 646. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 647. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 648. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 649. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

TIBET

SEC. 650. The Secretary of Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

HAITI

SEC. 651. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 652. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States and that the Palestinian Authority has taken steps to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 653. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

ENVIRONMENT PROGRAMS

SEC. 654. (a) FUNDING.—Of the funds appropriated by this Act, not less than $485,000,000 shall be made available for environment programs: Provided, That of the funds appropriated under the heading "Development Assistance", not less than $165,000,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries: Provided further, That of the funds made available under the previous proviso, $1,500,000 shall be made available to improve the capacity of indigenous groups and local environmental organizations and law enforcement agencies to protect the biodiversity of indigenous reserves in the Amazon Basin region of Brazil, which amount shall be in addition to the amount requested in this Act for assistance for Brazil for fiscal year 2004: Provided further, That not later than one year after enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and other appropriate departments and agencies, and after consultation with appropriate governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy for biodiversity conservation in the Amazon Basin region of South America: Provided further, That of the funds appropriated under the headings "Development Assistance" and "Andean Counterdrug Initiative", not less than $5,000,000 shall be made available in fiscal year 2004 to develop the strategy described in the previous proviso: Provided further, That funds appropriated by this Act under the heading "Child Survival and Health Programs Fund" should be used to fund child survival, health, and family planning activities of integrated population-health-environment programs, including in areas where biodiversity and endangered species are threatened, and funds appropriated by this Act under the heading "Development Assistance" should be used to fund environment, conservation, natural resource management, and sustainable agriculture activities of such integrated programs: Provided further, That of the funds appropriated by this Act, not less than $185,000,000 shall be made available to support policies and programs in developing countries and countries in transition that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs.

(b) CLIMATE CHANGE REPORT.—Not later than 45 days after the date on which the President's fiscal year 2005 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2004, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2003 obligations and estimated expenditures, fiscal year 2004 estimated expenditures and estimated obligations, and fiscal year 2005 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

REGIONAL PROGRAMS FOR EAST ASIA AND THE PACIFIC

SEC. 655. Funds appropriated by this Act under the heading "Economic Support Fund" that are allocated for "Regional Democracy" and "ASEAN Regional" assistance for East Asia and the Pacific shall be made available for the Human Rights and Democracy Fund of the Bureau for Democracy, Human Rights and Labor, Department of State to support democracy programs in Iraq.

ZIMBABWE

SEC. 656. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

NIGERIA

SEC. 657. None of the funds appropriated under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Nigeria until the President certifies to the Committees on Appropriations that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice: Provided, That the President may waive such prohibition if he determines that doing so is in the national security interest of the United States: Provided further, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance.

BURMA

SEC. 658. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than $15,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That not more than 60 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committees on Appropriations detailing the amount and rate of disbursement of fiscal years 2002 and 2003 funding for HIV/AIDS programs and activities in Burma, the amount of funds expended by the State Peace and Development Council (SPDC)

on HIV/AIDS programs and activities in calendar years 2001, 2002, and 2003, and the extent to which international nongovernmental organizations are able to conduct HIV/AIDS programs throughout Burma, including the ability of expatriate staff to freely travel through the country and to conduct programmatic oversight independent of SPDC handling and monitoring: Provided further, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) It is the sense of the Senate that the United Nations Security Council should debate and consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council.

ENTERPRISE FUND RESTRICTIONS

SEC. 659. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 660. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, programs to combat human trafficking that are provided through nongovernmental organizations, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", $7,000,000 shall be made available, notwithstanding subsection (b), for assistance for democratic opposition political parties in Cambodia.

(d) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (b) only if at least 15 days prior to the obligation of such funds, the Secretary of State provides to the Committees on Appropriations a list of those individuals who have been credibly alleged to have ordered or carried out extrajudicial and political killings that occurred during the March 1997 grenade attack against the Khmer Nation Party, the July 1997 coup d'etat, and election related violence that occurred during the 1998, 2002, and 2003 elections in Cambodia.

(e) None of the funds appropriated or otherwise made available by this Act may be used to provide assistance to any tribunal established by the Government of Cambodia unless the Secretary of State certifies to the Committees on Appropriations that the perpetrators of the March 1997 grenade attack and election-reldted killings, including former parliamentarian Om Radsady, have been arrested and prosecuted.

FOREIGN MILITARY TRAINING REPORT

SEC. 661. (a) Notwithstanding any other provision of law, the Secretary of Defense and the Secretary of State shall jointly provide to the Congress by May 1, 2004, a report on all military training provided to foreign military personnel (excluding sales and training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization (NATO) or of a country that has concluded a protocol with NATO for accession to NATO) under programs administered by the Department of Defense and the Department of State during fiscal year 2003 and those proposed for fiscal year 2004. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

ENTERPRISE FUNDS IN THE MIDDLE EAST REGION

SEC. 662. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may be made available, notwithstanding any other provision of law, to establish and operate one or more enterprise funds in the Middle East region for the purpose of supporting the private sectors in that region: Provided, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply with respect to such enterprise funds: Provided further, That prior to obligating any funds for purposes other than the administrative support of any such enterprise fund, and every six months after the establishment of such fund, the President shall certify and report to the Committees on Appropriations that—

(1) the enterprise fund has taken all appropriate steps to ensure that amounts appropriated by this Act that are provided to the fund for the purpose of assisting the development of the private sector are not provided to or through any individual or entity that the management of the fund knows or has reason to believe advocates, plans, sponsors, or engages in, or has engaged in, terrorist activity;

(2) the enterprise fund furthers United States commercial interests in the region; and

(3) the enterprise fund is managed in a fiscally responsible manner.

PALESTINIAN STATEHOOD

SEC. 663. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity, that has not supported acts of terrorism, has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) has established a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and

(D) has taken appropriate measures to enact a constitution assuring the rule of law and other reforms assuring transparent and accountable governance.

(b) WAIVER.—The President may waive subsection (a) if he determines that it is in the national security interests of the United States to do so.

(c) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 652 of this Act ("Limitation on Assistance to the Palestinian Authority").

COLOMBIA

SEC. 664. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 50 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 25 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Armed Forces are dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(3) The balance of such funds may be obligated after July 31, 2004, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 665. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 666. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 667. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for assistance for Iraq: Provided, That the provisions of section 620G of the Foreign Assistance Act of 1961, or any other provision of law that applies to countries that have supported terrorism, shall not apply with respect to countries that provide assistance to Iraq: Provided further, That funds appropriated by this Act or prior appropriations Acts for Iraq should be made available for the removal and safe disposal in Iraq of unexploded ordnance, low level radioactive waste, and other environmental hazards: Provided further, That not less than $10,000,000 of the funds appropriated by this Act or prior appropriations Acts that are available for assistance for Iraq should be made available for investigations of human rights violations by the former Iraq regime including the excavation of mass graves: Provided further, That funds made available under this section are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 668. (a) OVERSIGHT.—For fiscal year 2004, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) AUDITS.—(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

INDONESIA

SEC. 669. Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and is punishing those members of the Indonesian Armed Forces found to have committed such violations of human rights or to have aided or abetted militia groups;

(3) the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in Indonesia and with the joint United Nations-East Timor Serious Crimes Unit (SCU) in such cases (including extraditing those indicted by the SCU to East Timor and providing access to witnesses, relevant military documents, and other requested information);

(4) the Indonesian Government and Armed Forces are cooperating with the Federal Bureau of Investigation's investigation of the killings and wounding of American and Indonesian citizens in Papua on August 31, 2002; and

(5) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING WEST AFRICA

SEC. 670. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone or Liberia.

(b) Whenever the prohibition on assistance required under subsection (a) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 671. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 672. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less

than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with the local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 673. Funds appropriated in Public Law 107–115 and Public Law 108–7 that were available for the United Nations Population Fund (UNFPA), and $35,000,000 in this Act, shall be made available for the UNFPA unless the President determines that the UNFPA supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided, That none of the funds made available for the UNFPA may be used in the People's Republic of China: Provided further, That the other conditions on availability of funds for abortion and abortion-related activities contained in this Act shall apply to any assistance provided for the UNFPA in this Act: Provided further, That the conditions on availability of funds for the UNFPA as contained in section 576(c) of Public Law 107–115 shall apply to any assistance provided for the UNFPA in this Act.

CENTRAL ASIA

SEC. 674. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(c) The Secretary of State may waive the requirements under subsection (b) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

(d) Not later than October 1, 2004, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(e) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 675. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 676. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 677. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 678. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2004, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2004, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia (or a government of a successor state) subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs

Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia (or a successor state) through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia (or a government of a successor state) is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees, including Ratko Mladic, or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

MULTILATERAL DEVELOPMENT BANK ACCOUNTABILITY

SEC. 679. Beginning not more than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank or subsidiary or window thereof (hereinafter "Bank"), not to vote in favor of any action proposed to be taken by such Bank unless not less than 45 days before consideration by the board of directors of such Bank, the Secretary of State, in consultation with the Secretary of the Treasury, has determined that—

(1) such Bank is implementing regular, independent external audits of internal management controls and procedures for meeting operational objectives, complying with Bank policies, and preventing fraud, and is making reports describing the scope and findings of such audits available to the public on at least an annual basis;

(2) any proposed loan, credit, or grant agreement has been published and includes the resources and conditionality necessary to ensure that the borrower complies with applicable laws in carrying out such loan, credit, or grant agreement, including laws pertaining to the integrity and transparency of the process such as public consultation, and to public health and safety and environmental protection; and

(3) such Bank is implementing effective procedures for the receipt, retention, and treatment of (A) complaints received by the Bank regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters; and (B) the confidential, anonymous submission by employees of the Bank of concerns regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters.

COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 680. (a) Subject to subsection (b), of the funds appropriated under the heading "International Narcotics Control and Law Enforcement", $5,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entity as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the President certifies that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 681. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Report.—The requirement for an annual report, contained in section 582 (b)(1) of Division E of Public Law 108–7, shall be applicable to all programs for which funds are provided under the authority of this subsection.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 682. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 683. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be declassified and made public as soon as possible.

(b) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

CONFLICT RESOLUTION

SEC. 684. Of the funds appropriated under the headings "Economic Support Fund" and "Assistance for Eastern Europe and the Baltic States", $15,000,000 shall be made available to support conflict resolution programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

NICARAGUA

SEC. 685. Of the funds appropriated under the headings "Economic Support Fund", "Development Assistance", and "Child Survival and Health Programs Fund", not less than $35,000,000 shall be made available for assistance for Nicaragua, of which not less than $5,000,000 shall be made available from funds appropriated under the heading "Economic Support Fund": Provided, That with respect to funds made available pursuant to this section, priority shall be given to programs to provide alternative means of income for subsistence farmers and to promote judicial reform.

REPORT ON INTERNATIONAL COFFEE CRISIS

SEC. 686. Not later than 120 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the Committees on Appropriations describing the progress the United States is making toward meeting the objectives set forth in paragraph (1) of S. Res. 368 (107th Congress) and paragraph (1) of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

VENEZUELA

SEC. 687. (a) None of the funds appropriated or otherwise made available pursuant by this Act may be made available for assistance for the central Government of Venezuela if the Secretary of State certifies to the Committees on Appropriations that the central Government of Venezuela is assisting, harboring, or providing sanctuary for Colombian terrorist organizations.

(b) The provision of subsection (a) shall not apply to democracy and rule of law assistance for Venezuela.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $5,000,000 shall be made available for democracy and rule of assistance for Venezuela.

DISABILITY ACCESS

SEC. 688. The Administrator of the United States Agency for International Development ("USAID") shall seek to ensure that programs, projects, and activities administered by USAID in Iraq and Afghanistan comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: Provided, That the Administrator shall submit a report to the Committees on Appropriations not later than December 31, 2004, describing the manner in which the needs of people with disabilities were met in the development and implementation of USAID programs, projects, and activities in Iraq and Afghanistan in fiscal year 2004: Provided further, That the Administrator, not later than 180 days after enactment of this Act and in consultation, as appropriate, with other appropriate departments and agencies, the Architectural and Transportation Barriers Compliance Board, and nongovernmental organizations with expertise in the needs of people with disabilities, shall develop and implement appropriate standards for access for people with disabilities for construction projects funded by USAID.

THAILAND

SEC. 689. Funds appropriated by this Act that are available for the central Government of Thailand may be made available if the Secretary of State determines and reports to the Committees on Appropriations that the central Government of Thailand (1) supports the advancement of democracy in Burma and is taking action to sanction the military junta in Rangoon; (2) is not hampering the delivery of humanitarian assistance to people in Thailand who have fled Burma; and (3) is not forcibly repatriating Burmese to Burma.

MODIFICATION ON REPORTING REQUIREMENTS

SEC. 690. Section 3204(f) of the Emergency Supplemental Act, 2000 (Public Law 106–246) is amended—

(1) in the heading, by striking "BI-MONTHLY" and inserting "QUARTERLY";

(2) by striking "60" and inserting "90"; and

(3) by striking "Congress" and inserting "the appropriate congressional committees".

ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 691. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

PROHIBITION ON FUNDING TO COUNTRIES THAT TRADE IN CERTAIN WEAPONS WITH NORTH KOREA

SEC. 692. (a) No funds appropriated pursuant to this Act may be made available to the government of a country or for a project in a country that, during the 12-month period ending on the date that such funds would be obligated, has—

(1) exported to North Korea any item listed on the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any dual-use item on the Commerce Control List pursuant to the Export Administration Regulations (15 C.F.R. part 730 et seq.), if the President determines that such items are intended for use in a weapons of mass destruction or a missile program in North Korea; or

(2) imported from North Korea any item described in paragraph (1).

(b) The President may waive the prohibition in subsection (a) with respect to a county or project if the President certifies to Congress that it is in the national interest of the United States to waive the prohibition.

MALAYSIA

SEC. 693. (a) Funds appropriated by this Act that are available for assistance for Malaysia may be made available if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Malaysia supports and promotes religious freedoms, including tolerance for people of the Jewish faith.

(b) The Secretary of State may waive the requirements of subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

WAR CRIMES IN AFRICA

SEC. 694. Funds appropriated by this Act, including funds for debt restructuring, shall not be made available to the central government of a country in which individuals indicted by the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) are credibly alleged to be living unless the Secretary of State certifies to the President of the Senate and the Speaker of the House of Representatives that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees: Provided, That the previous proviso shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals.

REPORT ON ADMISSION OF REFUGEES

SEC. 695. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of United States refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 696. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

"(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

"(ii) the response of the government of that country to such acts of violence; and

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith.

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 697. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after "25 percent of the rate of basic pay" the following: "or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay".

(b) Section 5928 of title 5, United States Code, is amended by inserting after "25 percent of the basic pay of the employee" both places it appears the following: "or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

SENSE OF CONGRESS ON CONTRACTING FOR DELIVERY OF ASSISTANCE BY AIR

SEC. 698. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

SEC. 699. (a) Congress makes the following findings:

(1) International organizations and non-governmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elections "cast doubt on the credibility of the election's results".

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is

best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee of Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

REPORT ON SIERRA LEONE

SEC. 699A. Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

REPORT ON SOMALIA

SEC. 699B. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

DESIGNATION OF THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

SEC. 699C. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

GUINEA WORM ERADICATION PROGRAM

SEC. 699D. Of the funds made available in title II under the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" and "DEVELOPMENT ASSISTANCE", not less than $5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

SEC. 699E. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its "Patterns of Global Terrorism 2002" report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government;

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that Al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

SEC. 699F. (a) None of the funds made available by title II under the heading "MIGRATION AND REFUGEE ASSISTANCE" or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives and the Committees on Appropriations a report on activities of the Government of the United States to protect women and children affected by a complex humanitarian emergency. The report shall include—

(1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and

(3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

DEMOCRACY BUILDING IN CUBA

SEC. 699G. (a) Of the funds appropriated in title II, under the heading "TRANSITION INITIATIVES" not more than $5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following: -

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to any allocation or transfer of funds made pursuant to this section.

RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 699H. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", $12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in *the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.*

SEC. 699I. Beginning not later than 60 days after the date of enactment of this Act, the Coordinator should make publicly available (including through posting on Internet web sites maintained by the Coordinator) prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, diagnostic and monitoring tests, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing counties—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

ASSISTANCE FOR HIV/AIDS

SEC. 699J. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

"(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.";

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

"(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act)."; and

(3) in section 301(f), by inserting ", except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency" after "trafficking".

GLOBAL AIDS ASSISTANCE

SEC. 699K. For an additional amount for "Global AIDS Initiative", $289,000,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. 699L. (a) Subject to subsection (b), none of the funds appropriated under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

SEC. 699M. Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004".

THE CARE ACT

Mr. GRASSLEY. Mr. President, I rise to speak on the CARE Act. The CARE Act is the President's initiative to strengthen the work of charities in this country by providing greater incentives to give to nonprofits. Recent newspaper accounts have noted that charitable giving has declined in the recent year. Clearly, the President is right to seek additional tax benefits for charitable giving.

I cannot improve upon the Democratic leader's own assessment at the time the CARE Act was passed by the Senate, when he said this:

> This legislation, the CARE Act, expands our Nation's capacity to respond to the needs of its citizens who need help.

These are very fine words. Unfortunately, these words are not being translated into action. The Finance Committee passed the CARE Act on February 27 and it was passed by the full Senate on April 9. The other body passed the CARE Act earlier this fall. However, the Senate has been prevented from going to conference on this important legislation. The other side has repeatedly blocked efforts to take the traditional step of going to conference with the House to resolve outstanding matters and, in turn, then put the President's good goals into law.

While there have been many arguments and claims made by the other side about why we cannot go to conference on the CARE Act, they seem to have settled now on one, that the CARE Act is not going forward because of concerns that Democrat conferees from the Senate will not be able to meaningfully participate in this conference.

I think, at least in the case of any legislation coming out of the Finance Committee, that sort of argument is pure nonsense. There is nothing in the history of this specific act, the CARE Act, or my dealings with the other side, that would give the other side cause to suggest that they have justification to be concerned they would be shut out.

The CARE Act has at all times been a bipartisan effort, beginning with Senators SANTORUM and LIEBERMAN as the prime sponsors of this CARE Act. In addition, I have worked closely with Senator BAUCUS on this matter as well as other members of the Democratic side of the aisle. Many of the provisions of this bill are due to priorities and concerns voiced by the minority. I think it is fair to say that, as chairman, no one has gone further in working with and listening to the other side on matters that are of concern, not only in the CARE Act but in all legislation considered by the Finance Committee.

The relationship between Senator BAUCUS and I working cooperatively is too well known for the leadership on the other side to ignore. I intend that tradition of bipartisanship to continue in conference on the CARE Act. In fact, let me make it very clear, I give my word at this time, as at other times, that all conferees from the Senate will be meaningfully participating in the conference, and I am confident we will come back from conference with a bill that will enjoy similar strong bipartisan support enjoyed by the CARE Act when it first passed the Senate.

I cannot make a stronger statement or commitment. To reject it is to suggest that the Democratic leadership does not think that I and Senator BAUCUS will continue our tradition of working in a bipartisan spirit on this bill. I cannot believe the leadership of the other side harbors such a view.

So if that is the true reason, concern that Senate Democrats will not be able to meaningfully participate, I have given my word that will not be the case. So we should now be able to go forward with a conference on the legislation that the minority leader stated, when it passed,

> . . . will get meaningful aid to organizations and institutions that are equipped to help those who need help the most.

I am worried that even though I have addressed the stated concern, we will still not see movement on the CARE Act for unspoken reasons.

When it comes to unspoken reasons, it is just a matter of guess, or maybe responding to whispers in the hallways.

It has been discussed widely in the media that many people "hate" President Bush. I fear this hatred is being translated into stopping the President's signature initiative of strengthening our charitable arena.

The sad thing is that the zeal to keep the President from having a "win" will mean, as well noted by the minority leader, "fewer meals for the hungry, fewer beds for the homeless, fewer safe havens for battered wives and children." I think this is most unfortunate.

When I questioned President Clinton's AmeriCorps Program 10 years ago, I did not seek to end that program. I sought to reform it and to make it work the way President Clinton intended that it work. I thought then that President Clinton had a right to a small program for which he had campaigned so aggressively. President Bush deserves the same courtesy by allowing these tax initiatives for chartable giving to go through.

I am also concerned that overlooked is that the CARE Act contains many other provisions Members are stopping. Let us not forget that the CARE Act is paid for by the most sweeping efforts to stop tax shelters in a generation. Those who stop the CARE Act are certainly being cheered on by the hucksters selling tax shelters so that corporations can continue to avoid fair taxation.

In addition, the CARE Act also now includes legislation that will provide tax relief for our military as well as low-income families with children. I have never seen such hand-wringing in this Chamber as has been the case regarding the need to pass military tax relief and expanded child credit for low-income families. Now that we have a chance to have these matters go to conference on a bill that has a real chance of becoming law, we are being stopped by the Democratic minority. I am worried that what is desired by some is an issue—not a solution to the child credit for low-income families and tax relief for military personnel.

Let me close by saying I have addressed the other side's stated concerns. I have given my personal commitment that Democratic Members will be meaningful participants in the conference on the CARE Act. If that is their only reason, then I have put that to rest. If they continue to object, I fear it is for a small reason, maybe a petty reason, a reason that puts partisanship before the welfare of those most in need. If that is the case, I can only state that I am saddened and certainly disappointed.

At this point, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken; that the Snowe amendment and the Grassley-Baucus amendments which are at the desk be agreed to en bloc; that the substitute amendment which is the text of S. 476, the Senate-passed version of the charitable choice bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and, lastly, that the Chair be authorized to appoint conferees with the ratio of 3 to 12, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, first of all, I say to my friend that I have the greatest admiration and respect for the Senator from Iowa. I don't say that lightly. No one I know of has ever questioned his ability to be a legislator in the truest sense of the word.

Let me also say—and I speak for myself and I hope I speak for everyone on this side—that I don't hate President Bush. I disagree with him on certain issues. I certainly don't hate him. I don't dislike President Bush. I like him. In all of our meetings, on a personal basis, he has been very cordial. He seems to be a very nice man, and he is President of the United States; I recognize that. But on some issues, I disagree.

This matter of how we should proceed has nothing to do with the integrity of the chairman of the Finance Committee. It has everything to do with what has happened with the Republican leadership in the House and the Senate as to what happened with the bills that need to go to conference. We, of course, over here are very concerned—and it is almost to a point of frightening—with these nonconferences that take place.

I object, and I will put forward my own unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 7, as reported by the Senate Finance Committee; that there be only two amendments in order, which are at the desk; that those amendments be agreed to; that the act, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table without any intervening action or debate.

I think that will move this very important piece of legislation forward, and we can resolve it within a matter of days.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Nevada?

Mr. GRASSLEY. Mr. President, reserving the right to object—and I will object—first of all, we have advanced this bill according to the rules of the Senate with the provisions that are necessary to go to conference. I am disappointed we don't have that opportunity to go to conference. This will not be our last effort to try to get to conference.

I appreciate the unanimous consent request by my friend from Nevada, the assistant minority leader, because I know he is sincere in proceeding along the lines he would like to proceed. But I think it does suggest that there is a nervousness on the other side as to the rightness of my original request and that we ought to get this to conference.

The conference could be settled very quickly. We could get the bill back here and for charitable organizations and for military families, and also try to help low-income families with refundable tax credits, as has been the position of the Senate for a long period of time.

I also suggest he may be legitimately concerned about how the other body handles conferences. I appreciate his understanding that I try to be fair. But in the process, comity dictates that what the other body does the other body does, and we have to work within the environment of what we can control. What we can control is what the Senate does. Along those lines, I have made my commitment that there be full Democrat participation, and that is about as far as I can go.

So I object to the unanimous consent request by the Senator from Nevada, the assistant minority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I yield the floor. I thank the Senator from Nevada.

UNANIMOUS CONSENT REQUEST— H.R. 1904

Mr. McCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 1904, the Healthy Forests bill, the Senate insist upon its amendments and request a conference with the House. I further ask that the Chair be authorized to appoint conferees at a ratio of 3–2.

Mr. REID. Reserving the right to object, Mr. President, we have had a difficult time with conference committees. A perfect example is the very important Medicare conference. With that matter, we have had the majority say you can have two Democrats attend, but they are the only ones. If anybody else comes into the room who should not be on the conference, we will terminate that session of the conference.

Conferences have not been as we believe they should, where you have Democrats representing the minority and Republicans representing the majority meeting and trying to work out issues. These matters are simply resolved behind closed doors with Democrats having no input. Regarding the very important supplemental, which was completed and voted on and passed today, Senator STEVENS specifically said on the floor he would have a full participation of all conferees. We did that. The conference took 2 days. It was tough and grueling. We won very few issues, but at least we had a conference.

Healthy Forests is a bill I support wholeheartedly. As I indicated with the votes taken by the Senate on this issue, most Democrats support this issue. But we want a conference. We are not going to get one. What we suggest is we take our bill and merge it with the House bill and send it back to the House. If they don't like something, they can send it back with amendments. That is what we recommend and that is how we are going to stand on the issue.

Respectfully, I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, we have had forest fires raging in the West for a number of years, and this year it finally hit in a big State—California—and destroyed the home of the chairman of the House Armed Services Committee. Finally, it got the attention of large numbers of Americans, including Members of this body.

With all due respect to my friend from Nevada, the way we do legislation is we appoint conferees and the House and Senate work out their differences. I hope some time before we are out of session this year we will be able to follow the normal legislative procedure and give the conferees a chance to reconcile the differences between the House and the Senate and move forward on this most important issue, because it is not going away. It is going to continue to be a problem summer after summer.

Mr. REID. Mr. President, if I may be recognized to respond to my friend.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the fires in California were disastrous. But what happened in California is not going to be changed by virtue of a conference. We believe if the majority really wants a bill—and I believe they do—they should take our suggestion. It is not anything unique. It has been done many times in the past. We have done it this year; that is, just take what we have passed in the Senate and send it to the House. If there is something they don't like, they can send it back to us with an amendment. That would be my suggestion.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken and the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment and request a conference with the House; that the Chair be authorized to appoint conferees with a ratio of 3 to 2; and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the chairman of the Finance Committee, Senator GRASSLEY, and this Senator just had a discussion on this same issue.

We are concerned about going to conference because there will wind up being no conference. What we want to do is merge the Senate bill with the House bill, send it back to the House, and if they have a problem, they can send it back to us. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, as my friend from Nevada indicates, once again the normal legislative process is being prevented by not allowing conferees from the House and Senate to be approved, which is typically the way differences between House and Senate bills are resolved.

FALLEN PATRIOTS TAX RELIEF ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3365.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3365) to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, we are tonight adopting long overdue legislation to rectify a number of inequities faced by members of our Nation's armed services.

Since the terrorist attacks of September 11, these brave men and women have been called upon to make terrific sacrifices. They have left their families and friends behind for months at a time to willingly cast themselves into harm's way. Whether in Afghanistan, Iraq, or on whatever battlefield the war against terrorism must be fought, these courageous patriots have put their lives on the line to defend our freedoms.

While I realize that we could never begin to fully repay these fine young Americans—not to mention the loved ones they leave behind—the Senate has an opportunity tonight to show our gratitude for their sacrifices.

The legislation before us, which the Finance Committee first developed during the 107th Congress, will ensure that members of the uniformed services, the National Guard, and the foreign service are treated fairly in all aspects of the tax code.

First, this legislation ensures that the families of military personnel called into active duty are not disadvantaged under the home sale exclusion. Unlike most Americans, military personnel who are called to active duty or asked to relocate often lack the flexibility to meet residency requirements under the exclusion and are adversely impacted by these rules. This legislation would suspend the residency test for periods of active duty aggregating no more than 10 years.

We should not punish members of our military and their families who are asked to relocate in the name of service to their country.

This legislation also clarifies that dependent care benefits provided to families of the uniformed services will not be treated as taxable compensation. The provision of affordable childcare is an important function of the military during peacetime; but it is never more critical than during periods of conflict—families.

We must also not forget about the increasing role that Reserve and National Guard members fulfill in our Nation's defense. Currently, more than 157,000 reservists and National Guard are on active duty status—most assisting in Operation Iraqi Freedom. We have begun to rely increasingly on these service personnel to defend our borders and to serve and protect in other areas of the world.

This legislation will allow an above-the-line deduction for travel expenses that these men and women incur related to training assignments. This provision will at least partially reimburse national guard members and reservists for the expenses they incur when they travel for weekend drills.

The Armed Forces Tax Fairness Act also ensures that military personnel serving in Secretary of Defense designated "contingency operations" receive appropriate relief from the administrative burdens of our tax laws during participation in those operations.

What's more, this legislation is completely offset. All of the military tax fairness provisions in this legislation are fully funded by extending Customs user fees.

As we consider this legislation tonight, the men and women of our armed forces remain in hostile situations, battling terrorism wherever that battle may lead. At the same time, their loved ones—wives, husbands, parents, children—remain at home, making equally demanding sacrifices as they struggle to make ends meet. It is deeply regrettable that Congress has delayed so long to enact this commonsense legislation.

We must delay no longer. I urge my colleagues to support this legislation to provide the tax relief that our military personnel need and deserve.

Mr. BAUCUS. Mr. President, I rise today in support of this amendment to the Fallen Patriots Tax Benefit Act of 2003. The bill that we received from the House includes two important provisions that the Senate has already approved this year. However, it does not include the numerous other provisions that the Senate has passed to ensure equity for military personnel. This amendment would add these important provisions.

First, the House bill doubles the amount of the death gratuity payments for members of our military. Under current law, the families of military personnel receive a death gratuity benefit of $6,000. This bill would increase that amount to $12,000. The Senate included this provision in the defense authorization bill that is currently in conference.

Second, the House bill ensures that these payments will not be subject to taxation. Under current law, death gratuity benefits are excludable from income only to the extent they were as of September 9, 1986, which was $3,000.

In 1991, the benefit was increased to $6,000, but the Tax Code was never adjusted to exclude the additional $3,000 from income. Because of this oversight, the U.S. Government has been taxing families for the death of a family member who died in combat.

The House bill would make the entire $12,000 death gratuity benefit tax-free, and ensure that families are not hit with a tax bill during their most difficult hour. This provision was included in the Senate passed Armed Forces Tax Fairness Act.

That is what this bill does. Now let me talk about what the House bill does not do.

This bill does not include the numerous other provisions for military personnel that were included in the Armed Forces Tax Fairness Act of 2003, which was passed by the Senate in May. These provisions are vital to ensuring tax equity for our active duty military and reservists.

Let me explain these provisions.

First, the House bill does not include the exclusion of gain on the sale of a principal residence.

In 1997, Congress passed legislation revising the taxation of capital gains on the sale of a person's principal residence.

The new law provides that up to $250,000—or $500,000 for a married couple—is excluded on the sale of a principal residence if the individual has lived in the house for at least 2 of the previous 5 years.

However, when enacted, Congress failed to provide a special rule for military and Foreign Service personnel who are required to move either within the U.S. or abroad.

Our proposal in the Armed Forces Tax Fairness Act would permit service personnel and members of the Foreign Service to suspend the 5-year period while away on assignment. That means that those years would not count toward either the 2 years or the 5-year periods. Senators MCCAIN, GRAHAM, and LINCOLN proposed a bill in the last session to correct this.

Second, the House bill does not allow for the exclusion from taxable income of amounts received under the Military Housing Assistance Program. The Department of Defense provides payments to members of the Armed Services to offset diminution in housing values due to military base realignment or closure.

For example, if a house near a base was worth $140,000 prior to the base closure and $100,000 after the base closure, DOD may provide the owner with a payment to offset some, but not all, of the $40,000 diminution in value. Under current law, those amounts are taxable as compensation.

We should ensure that those men and women losing value in their homes due to a Federal Government decision are not adversely affected financially.

The proposal in the Armed Forces Tax Fairness Act would provide that payments for this type of lost value are not includible into income.

Third, the House bill does not expand the combat zone filing rules to include contingency operations. Under current law, military personnel in a combat zone are afforded an extended period for filing tax returns.

However, this does not apply to contingency operations. This proposal in the Armed Forces Taxes Fairness Act would extend the same benefits to military personnel assigned to contingency operations.

It cannot be easy trying to figure out our complicated tax system while you are overseas and protecting our nation's freedom. Those men and women who are sent to uphold democracy and freedom in other countries are confronted with the same filing complications as combat zone personnel.

Contingency operations are just as demanding as combat zone deployment, although not always in the same manner. For example, in our current war on terrorism, this proposal would help members of our Special Forces in the Philippines supporting Operation Enduring Freedom. These troops are just as focused on accomplishing their critical mission as our troops in the Iraqi combat zone.

Fourth, the House bill does not provide an above-the-line deduction for overnight travel expenses of National Guard and Reserve members. Some reservists who travel one weekend per month and two weeks in the summer for Reserve duty incur significant travel and lodging expenses.

For the most part, these expenses are not reimbursed. Under current law, these are deductible as itemized deductions but must exceed 2 percent of adjusted gross income.

For lower income reservists, this deduction does not provide a benefit, because they do not itemize. For higher income reservists, the 2 percent floor limits the amount of the benefit of the deductions.

In my home State of Montana, we have approximately 3,500 reservists—800 of whom travel each month across the State for their training. These 800 reservists pay travel and lodging expenses out of their own pocket.

Montana ranks 48th in the Nation for per capita personal income. So that $200 expense for Reserve duty every month means a lot to the Montana reservist. Yet, they continue selflessly to provide their services to our country at their own expense. For those reservists who travel out of State for their training, this expense is even higher.

The proposal in the Armed Forces Tax Fairness Act would provide an above the line deduction for overnight travel costs and would be available for all reservists and members of the National Guard.

Fifth, the House bill does not expand the rules to qualify for membership of veterans organizations. Currently, qualified veterans organizations under section 501(c)(19) of the tax code both tax-exempt and contributions to the organization are tax deductible.

In order to qualify under 501(c)(19), the organization must meet several tests. For example, 75 percent of the members must be current or former military, and substantially all of the other members must be either spouses, widows, or widowers of current or former military.

The proposal in the Armed Forces Tax Fairness Act would permit lineal descendants and ancestors to qualify as eligible members of these important groups.

It is important that our veterans organizations continue the good work that they do. But, as the organizations age, they are in danger of losing tax-exempt status. The Armed Forces Tax Fairness Act helps ensure the vitality of these organizations.

Sixth, the House bill does not clarify the tax treatment of childcare subsidies. I want to ensure that parents in the military can continue their dedicated service with the knowledge that their children are well taken care of.

The military provides extensive childcare benefits to its employees. Employees at DoD-owned facilities provide childcare services while other areas with non-DoD owned facilities contract out their childcare.

When Congress passed the Tax Reform Act of 1986, we included a provision stating that qualified military benefits are excluded from income. It is not absolutely clear whether childcare provisions are covered under this provision.

The proposal in the Armed Forces Tax Fairness Act would clarify that any childcare benefit provided to military personnel would be excludable from income.

Seventh, the House bill does not allow students at the Service Academies to use their education savings account funds. In contrast, the Armed Forces Tax Fairness Act does permit penalty-free withdrawals from education savings accounts and qualified tuition programs made on account of the attendance of the account holder or beneficiary at any of the Service Academies. The amount of the funds that can be withdrawn penalty-free is limited to the costs of advanced education in that calendar year.

Eighth, the House does not allow the IRS to suspend the tax-exempt status of terrorist organizations. Under current law, there is no procedure for the IRS to suspend the tax-exempt status of an organization.

The Armed Forces Tax Fairness Act would allow the suspension of the tax-exempt status of an organization for any period during which the organization is designated or identified by Executive Order as a terrorist organization.

Ninth, the House bill does not provide tax relief for families of those killed in the Space Shuttle *Columbia*. Current law provides for income tax, estate tax, and death benefit relief to soldiers who are killed in a combat zone, victims of the September 11 attacks, the Oklahoma City bombing victims, and the victims of the anthrax attacks.

The crew of the Space Shuttle *Columbia* was heroic in every sense of the word. We have a duty to those who lost their lives for the advancement of science and increasing our knowledge of the world we live in. The Armed Forces Tax Fairness Act would make all of the above benefits available to the families of the *Columbia* crew.

The tenth and final difference between the House bill before us and the Armed Forces Tax Fairness Act is that the bill before us is not offset. In contrast, the Armed Forces Tax Fairness Act is completely offset by strengthening the collection of taxes from people who have renounced their U.S. citizenship in order to avoid U.S. taxes.

However, some of our colleagues in the House have objected to this provision. So in the interest of enacting these important military tax provisions as quickly as possible, the Senate changed the offset to a simple extension of the present law customs user fees.

The Senate amendment to the House bill would add these very important nine provisions. In addition, it would add an offset that the House has not opposed this offset in the past. We hope that this compromise on our part will allow them to pass the provisions from the Armed Forces Tax Fairness Act that we have included in this amendment.

The passage of the death gratuity payments provision is an important first step. However, there are thousands of men and women in uniform that are depending on us to pass the other ten provisions included in the Armed Forces Tax Fairness Act.

Simply put, there is absolutely no excuse if Congress fails to pass the Armed Forces Tax Fairness Act this year.

Everyday, our military men and women fight for our freedom and the freedom of every American. Their sacrifices are great. Passing the other ten provisions included in the Armed Forces Tax Fairness Act is not a lot for them to ask of Congress.

I urge my colleagues in the House to pass the Senate amendment to the Fallen Patriots Act of 2003.

Ms. COLLINS. Mr. President, I want to express my full support for the passage of H.R. 3365, the Fallen Patriots Tax Relief Act. Earlier this year, the Senate passed S. 704, introduced by myself, Senator WARNER, Senator MCCAIN, Senator ALLEN, and Senator BEN NELSON, which would have increased the death gratuity paid to the survivors of deceased members of our military from $6,000 to $12,000. Further, it would make this increase retroactive to September 11, 2001. I am pleased that H.R. 3365 incorporates this legislation.

There is no better way to honor the memories of fallen soldiers than to ensure that their loved ones receive the support they deserve. The death gratuity is provided within days to the family of the servicemember killed while on active duty. These funds help the family to deal with immediate needs during this difficult time. Given the sacrifices of our troops currently in Iraq. I believe that this increase in assistance is far past due.

H.R. 3365 also ensures that the death gratuity is tax free. I fully support this legislation, and believe that it sends a strong message of support to our troops. As the brave men and women of our military continue to go in harm's way in defense of our Nation, it is crucial that they do so with the confidence that their families will have our full support should tragedy occur.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the McCain-Baucus-Grassley amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed; that the title amendment be agreed to; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2051) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The title amendment (No. 2052) was agreed to, as follows:

> Amend the title so as to read: "An Act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes.".

The bill (H.R. 3365), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

GIVING PRIORITY TO PASSING TAX RELIEF LEGISLATION FOR MILITARY PERSONNEL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today by Senator LANDRIEU.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 257) expressing the sense of the Senate that Congress should give priority to passing legislation to provide tax relief for United States military personnel and should offset the cost of such tax relief with legislation preventing individuals from avoiding taxes by renouncing United States citizenship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, today the Senate passed the Military Tax Fairness Act of 2003, about $1.1 billion in tax relief for our military families. I support this bill. We all support this bill. In fact, we passed this unanimously or near unanimously on a coupe of previous occasions. We are visiting this bill again today because the House of Representatives does not like the offset we used to pay for the bill. We paid for it by taxing individuals who renounce their United States citizenship in order to avoid paying U.S. taxes.

It is astounding to me that this bill keeps getting bounced back and forth between the Senate and the other body over this issue. We are talking about tax relief for military families and we want Americans who are exploiting tax loop holes to step up and make that relief possible. Most of these people have known great financial success. They were blessed by the economic opportunity that our nation's liberty gives us and the free enterprise system which make those fortunes possible. Those blessings were secured by our military personnel. Every year, the United States Treasury loses about $80 million on individuals who decide that they would prefer to have their cake and eat it too. They want American markets, they want American prestige, they want American stability, but they do not want the obligations that accrue to American citizenship. All the

Senate was saying is if you benefited from this nation's security, you should be willing to pay for it.

When the Senate first considered this legislation, I had hoped to include a tax credit for the private sector employers of our National Guard and Reserve. When our Guard and Reserves answer the call to serve they leave jobs, homes, and most of all, their families behind. Many employers continue to pay all or part of the salaries of those employees who get called up. My legislation would provide those patriotic employers with a tax credit for paying up to 50 percent of the salaries for their Guard and Reserve employees.

I understand that my legislation cannot be included in this bill. So I am introducing a sense of the Senate resolution to put us on record as supporting these employers. The resolution states that we should pay for this tax credit by closing the expatriation loophole.

The facts are simple, and they are laid out in this resolution. Since 2001, the President has signed tax cuts amounting to $1.75 trillion. Today, military families will get their first taste at direct relief. Yet, this bill amounts to less than .1 percent of the tax relief that the Government has doled out. No one could justify this to voters. So it's been happening behind closed doors—in conference reports, and parliamentary maneuvering. This resolution is a first step to putting a bright, hot spotlight on the truth. The leadership of the House Ways and Means Committee is more interested in protecting expatriate corporations, than it is in providing meaningful tax benefits to the men and women of our Armed Forces.

I am glad for what we are doing in this bill, but there is so much more that can be done and should be done. Personally, I believe that a military tax vehicle should be used to discuss military tax issues. However, the Senate cannot stand in the way of immediate relief to the families of those who have given the ultimate sacrifice in battle. For that reason, we are passing this resolution today to send a signal that this imbalance must come to an end.

I appreciate the chairman and ranking member of the Finance Committee for agreeing to this resolution in conjunction with the underlying bill. I look forward to working with them in the future on giving this tax relief to America's employers.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas Congress is responsible for providing United States military personnel with the equipment, supplies, and other resources needed to preserve our freedom;

Whereas Congress is responsible for providing United States military personnel with a comprehensive compensation package;

Whereas, since 2001, Congress has passed and the President has signed legislation providing for $1,750,000,000,000 in tax relief;

Whereas the Senate has passed legislation providing for $1,100,000,000 in additional tax relief for United States military personnel and their families;

Whereas United States citizens benefit from economic opportunities which arise from the liberty protected by United States military personnel;

Whereas the United States loses approximately $80,000,000 per year in tax revenue from individuals who renounce United States citizenship;

Whereas the Senate has unanimously passed legislation which prevents individuals from avoiding taxes by renouncing United States citizenship as an offset to the cost of providing tax relief for the 1,400,000 active duty military personnel and the 1,200,000 members of the National Guard and Reserves; and

Whereas Congress has asked the Comptroller General of the United States to conduct a study on the total compensation package provided for United States military personnel in order to ensure that the unique needs of military personnel are addressed: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should give priority to passing legislation to provide tax relief for—

(A) United States military personnel, including those serving in the National Guard and Reserves; and

(B) the employers of active duty members of the National Guard and Reserves; and

(2) the cost of such tax relief should be offset by legislation which prevents individuals from avoiding taxes by renouncing United States citizenship.

FIFTY YEARS OF OUTSTANDING SERVICE BY AGRICULTURAL RESEARCH SERVICE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 22, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res 22) recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COCHRAN. Mr. President, on November 3, 2003, the Agricultural Research Service, the primary research agency in the U.S. Department of Agriculture, will celebrate its 50th anniversary. To commemorate this special anniversary, I, along with Senator HARKIN, am offering a Senate joint resolution to recognize the important contributions the Agricultural Research Service provides to the agriculture community and to the Nation. Although ARS can trace its heritage back to early 19th century seed collection activities in the U.S. Patent Office, it was officially organized on November 2, 1953, when USDA consolidated most of its research functions into the newly named Agricultural Research Service. Today, ARS is a public institution that conducts agricultural research exclusively for the public good. The research is often long-term and costly, and unlikely to be undertaken by the private sector. The ARS discoveries and innovations touch the lives of every American through the food we eat, the clothes we wear, and the environment in which we live.

I am very proud of the accomplishments ARS has made in my State. For example, ARS established the Lower Mississippi Delta Nutrition Intervention Research Initiative in 1995 to improve the health of residents of the Mississippi Delta through nutrition intervention research. ARS has partnered with, among others, the University of Southern Mississippi in Hattiesburg and Alcorn State University in Lorman to identify food and nutrition problems in communities and to design nutrition interventions to determine how and why people make food choices, and how those choices could be improved. Another fine example of the partnership between the ARS and our Mississippi universities is the Southern Horticultural Laboratory in Poplarville. This ARS small fruit research facility, in cooperation with Mississippi State University, has led in the establishment of a vibrant blueberry industry in South Mississippi and other Gulf Coast States and has now expanded to include research on ornamentals and vegetables.

The ARS Catfish Genetics Research Unit at Stoneville, in partnership with Mississippi State University, bred a new catfish variety, NWAC 103, and released it in February 2001. This marks one of the few times genetic research has improved catfish since the industry started in the United States in the late 1950s. Since then, catfish has become one of the most successful aquacultural enterprises, thereby guaranteeing a plentiful supply of high-quality fish to consumers. Also, ARS scientists, in partnership with the University of Mississippi scientists, invented a new natural product-based algaecide for use in catfish aquaculture, thus providing an alternative to synthetic herbicides.

A special ARS project in the late 1990s in Mississippi showed that farm runoff is not damaging Mississippi groundwater. Data from the 7,320-acre

Mississippi Delta Management Systems Evaluation Areas in Sunflower and LeFlore counties showed contamination by farm chemicals is not a problem. The Mississippi Delta MSEA also focused on farmland erosion control and preventing sediment and chemical runoff into three oxbow lakes: Beasley, Thighman and Deep Hollow. Technology being tested in the Delta MSEA not only enhances the health of the lakes, thus increasing fish and duck numbers, but may also help growers reduce costs.

To mark its five decades of public service and, in recognition of the local and national partnerships that are the foundation of much of their research, ARS will celebrate with various events throughout the next year following a kick-off celebration on November 3, 2003.

I commend the Agricultural Research Service on the occasion of its 50th anniversary and look forward to many more years of its important service to the Nation.

Mr. HARKIN. Mr. President, 50 years ago, James Watson and Francis Crick were identifying the double-helix molecule of DNA. The first embryo transfers from donor cows to recipients were made. The Korean War ended. And the Agricultural Research Service was created.

The creation of ARS was not the beginning of the Department of Agriculture's efforts in agricultural research. President Abraham Lincoln signed the act creating the department, which included the charge to "acquire and diffuse among the people of the United States useful information . . . and to procure, propagate, and distribute among the people new and valuable seeds and plants." The Department's commitment to agricultural research reaches back nearly 150 years. The ARS itself was created by Secretary of Agriculture Ezra Taft Benson through a reorganization of the former Agricultural Research Administration, on November 2, 1953.

In its 50 years of service, the ARS has discovered dozens of ways to protect crops and livestock from pests and disease. It has improved the quality and safety of agricultural products. It has played a critical role in developing nutrition standards and carrying out nutrition research. It has also developed techniques to maintain the quality of our soil, perhaps our greatest renewable natural resource. Its research has helped farmers work more efficiently and profitably. And it has worked to develop ways to keep food affordable for consumers.

My State has been one of the greatest beneficiaries of ARS research, and the National Animal Disease Center at Ames, Iowa has played a vital role over the years in carrying out the mission of ARS.

Hog cholera was one of the greatest problems faced by hog farmers in this country for more than 130 years, since it was first reported in Ohio in 1833. Outbreaks occurred frequently over the years, some resulting in the loss of more than one in 10 hogs in the U.S. In the early 1960's, hog cholera was still costing farmers $50 million per year.

Agricultural research at USDA on hog cholera, much of it carried out in Ames, IA, dates back to the 1903 discovery of the hog cholera virus. ARS large scale studies starting in 1961 developed and tested a program to immunize hogs against cholera using killed virus. On the advice of ARS, USDA regulatory officials banned interstate shipment of live virus or animals vaccinated with live virus. In January 1978, Secretary of Agriculture Bob Bergland announced that, as a result of an aggressive campaign that employed the treatment techniques developed by ARS, that hog cholera had been entirely eradicated.

ARS has had many similar successes. The eradication of screwworm in cattle and Marek's disease in chickens has saved an untold amount of money by preventing livestock losses. It is estimated that the savings from the Marek's disease program is 44.3 times it's cost for every dollar spent on immunization, $44.30 is saved. For those who suggest that domestic government spending does not help the economy, the work of ARS stands as a great example of a program that works and helps American farmers be the best in the world.

So I salute the scientists of ARS for their 50 years of service to agriculture, and wish them 50 more. There are still many challenges to agriculture, and ARS will be there working to solve them.

Mr. McCONNELL. I ask unanimous consent that the resolution be read the third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 22) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 22

Whereas the Agricultural Research Service is the primary research agency of the Department of Agriculture and provides the Department of Agriculture and other Federal offices with objective research that is critical to the missions of those offices;

Whereas the agricultural research conducted by the Agricultural Research Service has an enormous impact on the economic viability of agriculture in the United States and around the world;

Whereas people around the world, especially rural Americans, enjoy a higher quality of life due in part to the work of the Agricultural Research Service to expand scientific knowledge;

Whereas the Agricultural Research Service has achieved major scientific breakthroughs that have benefited farmers, ranchers, agribusiness, and consumers;

Whereas the Agricultural Research Service has made scientific discoveries and technological developments that address agricultural problems of broad scope and high national priority, ensure safe and high quality food and other agricultural products that meet nutritional needs, and maintain a quality environment and natural resource base; and

Whereas the Agricultural Research Service continues to play a vital role in maintaining the global competitiveness and leadership of the United States in the next millennium: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research; and

(2) acknowledges the promise of the Agricultural Research Service to continue to perform outstanding agricultural research in the next 50 years and beyond.

UNANIMOUS CONSENT AGREEMENT—H.R. 1828

Mr. McCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to the immediate consideration of H.R. 1828, the Syria accountability bill, under the following limitations: That the debate be limited to 90 minutes, with 30 minutes under the control of Senator LUGAR or his designee, 30 minutes under the control of Senator BIDEN or his designee, and 30 minutes under the control of Senator SPECTER; that the Lugar-Boxer-Santorum amendment be the only amendment in order and that the amendment be agreed to; further, that upon disposition of the Lugar amendment and use or yielding back of time, the bill, as amended, be read the third time and a vote be scheduled at that time to be determined by the majority leader in consultation with the minority leader.

The PRESIDING OFFICER. Is there objection. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor, so that is inappropriate.

Mr. REID. I object then.

The PRESIDING OFFICER. The objection is heard.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I withdraw my objection.

Mr. McCONNELL. I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 359, S. Con. Res. 58.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on the Judiciary with an amendment, an amendment to the preamble, and an amendment to the title.

[Strike the parts, shown in black brackets and insert the parts shown in italic.]

S. CON. RES. 58

[Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

[Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

[Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

[Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing their identities, changing jobs, and obtaining protection orders;

[Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

[Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

[Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments who stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

[Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution: Now, therefore, be it]

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas Congress urges the establishment of January, 2004 as National Stalking Awareness Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

[(1) it is the sense of Congress that—

[(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

[(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

[(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims;

[(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking; and

[(3) Congress supports the goals and ideals of National Stalking Awareness Month.]

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking.

Amend the title so as to read: "Resolution raising awareness and encouraging prevention of stalking by urging the establishment of January 2004 as National Stalking Awareness Month.".

Mr. MCCONNELL. I ask unanimous consent that the committee amendment be agreed to, the concurrent resolution as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the title amendment be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The concurrent resolution (S. Con. Res. 58), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The title amendment was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 58

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas Congress urges the establishment of January, 2004 as National Stalking Awareness Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–83, announces the appointment of the following Senators to serve as members of the National Council of the Arts: the Senator from Utah, Mr. BENNETT, in lieu of the Senator from Alabama, Mr. SESSIONS; the Senator from Ohio, Mr. DEWINE.

MEASURES PLACED ON THE CALENDAR—S. 1805 and S. 1806

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk that are due a second reading.

The PRESIDING OFFICER. That is correct. The clerk will report the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1805) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

A bill (S. 1806) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Mr. McCONNELL. I object en bloc to further proceedings on these measures at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

ORDERS FOR TUESDAY, NOVEMBER 4, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, November 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the second 30 minutes under the control of Senator HUTCHISON or her designee, provided that following morning business, the Senate proceed to the consideration of S. 1753, the fair credit reporting bill.

I further ask consent that the Senate recess tomorrow from 12:30 to 2:15 p.m. for the weekly party luncheons.

Mr. REID. Mr. President, I know the Senator from Kentucky has the floor, but I just want to say a couple of things. I will be very brief. The Healthy Forests Act and CARE Act are extremely important and we understand that. But to think that what we are suggesting is abnormal is simply not the case. This happens all the time. This is not something unique that we have developed, to send the bill over and have them send it back with amendments. My friend from Kentucky used the term it wasn't normal Senate procedure. Quite to the contrary, it is, Mr. President. We do this all the time and we believe it is certainly appropriate with the experiences we have had with the conferences.

The PRESIDING OFFICER. No objection having been heard, without objection, the request is agreed to.

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow morning following morning business, the Senate will begin consideration of the fair credit reporting bill. The consent agreement provides for a limited list of amendments, and it is hoped we can finish that bill during tomorrow's session.

In addition, moments ago the Senate locked in an agreement with respect to the Syria accountability bill. We will be looking for an opportunity to schedule that bill during Tuesday's session. Therefore, Senators should anticipate rollcall votes throughout the day tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Tuesday, November 4, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 3, 2003:

THE JUDICIARY

GENE E. K. PRATTER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE WILLIAM H. YOHN, JR., RETIRING.

DEPARTMENT OF VETERANS AFFAIRS

GORDON H. MANSFIELD, OF VIRGINIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS, VICE LEO S. MACKAY, JR., RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEFFREY L. BUSCH, 7952
MARYELLEN M. COLELLA, 6859
KRISTIN Q. CORCORAN, 0617
TIMOTHY P. CROWLEY, 3844
JOHN P. HURLEY, 5521
DONALD F. KAROL, 7203
LURILLA J. LEE, 9986
KENNETH R. OLSEN, 0688
JOHN D. POTTER, 1078
RICHARD A. REYNOLDS, 3298
SELDEN D. RHODES, 4094
DAVID G. SELLA, 1631
JOHN S. WELCH, 2331

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant commander

WILLIAM D. ADKINS, 0770
LARA A. ANDERSON, 3647
SCOTT ANDERSON, 2620
CHRISTOPHER J. ANDRES, 7845
ALBERT F. ANTARAN, 0043
CARISSA C. APRIL, 1278
JENNIFER H. ARKO, 1913
DESARAE ATNIP, 0308
AREX B. AVANNI, 1994
DONALD E. BADER, 7834
MICHAEL M. BALDING, 4040
JON N. BALLWEBER, 5691
KIMBER L. BANNAN, 6391
DAVID C. BARATA, 4078
MICHAEL D. BARNER, 3177
RICHARD L. BATES, 6683
RICHARD E. BATSON, 8975
ERICH J. BAUER, 2899
LANCE C. BELBEN, 9861
CHARLES M. BELL, 2705
CHERI BENIESAU, 1789
DAMON L. BENTLEY, 0028
MICHAEL A. BILLEAUDEAUX, 7467
STEVEN J. BOSAU, 6199
GARY R. BOWEN, 0465
PETER F. BRADY, 3799
MICHAEL J. BRANDHUBER, 7669
MARY M. BRITTON, 9534
MARKO BROZ, 0673
GLENN A. BRUNNER, 1131
KENNETH R. BRYAN, 7897
CHRISTOPHER A. BUCKRIDGE, 3065
STEPHEN BURDIAN, 6432
JAMES D. BURNS, 3172
DAVID A. BUTIERRIES, 7406
CHRISTOPHER J. BUTTON, 8249
MICHAEL E. CAMPBELL, 6118
SEAN M. CARROLL, 7675
ANDREA D. CHAMPAGNIE, 2105
CHRISTOPHER M. CHASE, 7198
ANDREW B. CHENEY, 8951
RICHARD F. CHRISTENSEN, 3131
KURT A. CLARKE, 7751
FRANCIS COLANTONIO, 7482
DWIGHT E. COLLINS, 8250
LAURA D. COLLINS, 6834
CHRISTOPHER J. CONLEY, 9958
DAVID COOPER, 9627
THOMAS F. COOPER, 9554
KELLY A. COUGHLIN, 5527
DARREL W. CREACY, 4873
SEAN M. CROSS, 4716
LUCINDA CUNNINGHAM, 7482
DEBORAH K. DARMINIO, 1667
CHARLES V. DARR, 6648
RUSSELL E. DASH, 6123
JERRY W. DAVENPORT, 6597
CHRISTINA M. DAVIDSON, 1807
ANTHONY P. DAVIS, 7163
KARL D. DAVIS, 1863
ROBERT L. DECOOPMAN, 6977
DONALD D. DEIBLER, 5197
DANIEL J. DEPTULA, 8922
JOHN C. DETTLEFF, 2872
DAVID S. DEUEL, 1440
LINDSAY R. DEW, 3873
DEREK M. DOSTIE, 3324
ERIC J. DOUCETTE, 4256
JOHN J. DRISCOLL, 4678
JOSEPH S. DUFRESNE, 2018
JOSEPH A. DUGAN, 2062
JAMES E. DUNNE, 4395
DOUGLAS E. EGGLESTON, 0141
CARL A. ELLIS, 9922
LAWRENCE K. ELLIS, 1365
ANDREW W. ERIKS, 2937
JAMES P. ESPINO, 4623
JAMES C. ESTRAMONTE, 9653
COLLIN T. FAGAN, 2106
MATTHEW J. FAY, 5754
CHRISTIAN A. FERGUSON, 2874
BRIAN C. FINNEY, 8241
SAMUEL D. FORBES, 1872
RICHARD J. FRATTARELLI, 2774
GERALD S. FRYE, 0002
CHRISTOPHER A. GALE, 6606
MARIA G. GALMAN, 2578
RICHARD J. GAY, 2107
DAVID D. GEFELL, 0841
OWEN L. GIBBONS, 6333
PAUL M. GILL, 7157
BRIAN C. GLANDER, 8277
DOUGLAS D. GOODWIN, 3051
KEVIN E. GOUNAUD, 5614
YURI V. GRAVES, 7572
JOHN P. GREGG, 3020
RYAN K. GRIFFIN, 3345
JOHN HALL, 6723
RICHARD W. HANCOCK, 6004

JEFFREY S. HARRY, 0195
JOHN L. HARTLINE, 7693
RANDAL A. HARTNETT, 8977
JEFFREY J. HAUKOM, 2377
TIMOTHY L. HAWS, 4776
LEONARD J. HERSL, 1808
JONATHAN HICKEY, 2950
MARK C. HICKMAN, 5111
BRIAN J. HOFFERBER, 6619
JOHN L. HOLLINGSWORTH, 8232
DENNIS R. HOOKS, 5562
TROY A. HOSMER, 6393
JAMES P. HOUCK, 9046
BESSIE V. HOWARD, 7626
THOMAS T. HUBBLE, 8431
EVAN D. HUDSPETH, 0285
JOSEPH P. HUMBERT, 0905
LANCE E. ISAKSON, 0026
WILLIAM T. JEFFRIES, 7893
CHRISTOPHER JENSEN, 5036
KEVIN M. JONES, 6270
THOMAS J. KAMINSKI, 4778
CHRISTOPHER R. KAPLAN, 5859
BRIAN P. KEFFER, 6445
ELIZABETH F. KEISTER, 2757
ROBERT S. KEISTER, 8636
SCOTT A. KEISTER, 7255
SCOTT J. KELLY, 2476
JOHN W. KENNEDY, 9995
BRENDEN J. KETTNER, 2474
BRAD J. KIESERMAN, 0909
KEVIN M. KING, 3676
JADON E. KLOPSON, 2126
FRANK W. KLUCZNIK, 5928
MARC W. KNOWLTON, 6677
JEFFERY A. KNYBEL, 5023
BRIAN K. KOSHULSKY, 0866
GEORGE E. KOVATCH, 5270
FRANK J. KULHAWICK, 3495
PATRICIA T. KUTCH, 6246
SHERMAN M. LACEY, 2656
CHASE R. LANDON, 9610
EDWARD J. LANE, 7777
KELLY M. LARSON, 6082
RAYMOND J. LECHNER, 6002
WILLIAM G. LEDDY, 5658
CYNTHIA A. LEDERER, 8777
PAUL G. LEDOUX, 5556
DOUGLAS LIESS, 8590
TODD R. LIGHTLE, 9558
MICHAEL T. LINGAITIS, 6425
THOMAS C. LINKE, 6018
JOSEPH B. LORING, 4431
STEVEN B. LOWE, 5601
KRISTI M. LUTTRELL, 5678
PATRICK J. MACK, 0814
GREGORY H. MAGEE, 3158
JAY E. MAIN, 1612
PETER W. MALDINI, 1753
RYAN D. MANNING, 8119
PAUL T. MARKLAND, 3341
GLENN A. MARTINEAU, 7770
DAVID J. MARTYN, 6400
SCOTT P. MASON, 2402
DERRICK T. MASTERS, 7830
JOSEPH P. MCANDREWS, 2406
MICHAEL C. MCKEAN, 8847
PHILIP M. MCMANUS, 9108
CECIL D. MCNUTT, 9983
JOSHUA D. MCTAGGART, 7120
CARLOS L. MERCADO, 5845
CARL R. MESSALLE, 2756
FRANCES M. MESSALLE, 9102
THOMAS S. MEYER, 9771
CHARLES D. MILLER, 1752
ERIC J. MILLER, 4715
KEVIN W. MOHR, 6443
MARK G. MOLAND, 1255
SHANE D. MONTOYA, 0583
THOMAS S. MORKAN, 7663
DWAYNE M. MORRIS, 7781
KENNETH M. MOSER, 9739
PAUL K. MUCHA, 7437
HOLLY L. NAJARIAN, 2509
PATRICK S. NELSON, 9794
JAMES A. NOVOTNY, 3770
TOBIAS M. OLSEN, 7540
NORBERT J. PAIL, 8955
RONALD PAILLIOTET, 1783
KEITH O. PELLETIER, 3697
DANIEL PICKLES, 1948
JOHN L. PRIEBE, 1487
JOHN W. PRUITT, 1849
MICHAEL J. PUTLOCK, 6389
JOHN W. REED, 0296
PATRICK S. REILLY, 8289
JOHN V. REINERT, 8307
THOMAS C. REMMERS, 8644
WILLIAM A. RIMBACH, 1424
JOHN G. RIVERS, 4849
CHRISTOPHER C. ROACH, 2210
MONICA L. ROCHESTER, 1351
CONNIE M. ROOKE, 4089
ERIC W. RUBIO, 6684
SEAN P. RYAN, 8713
MICHAEL G. SARAMOSING, 6546
WILLIAM E. SASSER, 8974
TANYA L. SCHNEIDER, 2181
PATRICK C. SCHREIBER, 4639
RICHARD J. SCHULTZ, 5910
MATTHEW L. SEEBALD, 3867
JERROLD N. SGOBBO, 1859
PATRICK J. SHAW, 5732
KEVIN J. SHEEHAN, 4363
JAMES F. SHINN, 8696
CHRISTOPHER J. SHIVERY, 8155
WILLIAM J. SIEBEN, 0704
DOUGLAS C. SIMPSON, 0299
STEVEN P. SIMPSON, 5164
VINCENT J. SKWAREK, 5050
RUSSELL S. SLOANE, 6604
DAVID K. SMITH, 5959
JEFFREY M. SMITH, 9089
NEVADA A. SMITH, 0459
JON S. SMITHERS, 5710
MICHAEL S. STEWART, 5973
TIFFANY M. STGEORGE, 7707
THOMAS J. STUHLREYER, 4729
PAUL D. STUKUS, 2081
CAROL M. STUNDTNER, 0905
LINDA A. STURGIS, 5543
CURTIS L. SUMROK, 2989
RANDY D. SUNDBERG, 9582
JOSEPH SUNDLAND, 9744
RICHARD T. SUNDLAND, 9743
JAMES P. SUTTON, 0778
JOHN P. SWIDRAK, 4959
THOMAS D. TARRANTS, 5272
TOBIAH TAYLOR, 9381
CORNELL C. THOMPSON, 5233
RICHTER L. TIPTON, 4836
GREGORY TLAPA, 0328
JENNIFER A. TRAVERS, 8305
BRUCE M. TWEED, 8993
JACQUELINE M. TWOMEY, 2186
TROY J. VEST, 0482
KURTIS L. VIRKAITIS, 3344
MARK VISLAY, 1358
MARK R. VLAUN, 6736
JUSTIN H. WARD, 0538
PAUL T. WASHLESKY, 5685
ADAM R. WASSERMAN, 1069
AARON E. WATERS, 0557
SCOTT J. WEAVER, 8446
CHRISTOPHER S. WEBB, 2404
BLAKE E. WELBORN, 2161
ADRIAN L. WEST, 9360
TIMOTHY J.W. WHALEN, 6942
STEVEN A. WHEELER, 8783
MATTHEW T. WHITE, 2666
STEPHEN R. WHITE, 9804
STEVEN D. WHITEHEAD, 9179
JOHN H. WHITTEMORE, 7429
CRAIG J. WIESCHHORSTER, 9677
NEIL A. WILSON, 9623
JOSHUA D. WITTMAN, 8145
TODD L. WIZA, 4626
CHRISTOPHER T. WOODLE, 5608
HOWARD H. WRIGHT, 5128
CHARLES A. YATES, 6554
MICHAEL S. ZIDIK, 8994

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CRAIG T. BODDINGTON, 6953

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERT E. VINCENT II, 2885

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant commander

RODNEY A BOLLING, 5830
SHAWN M DISARUFINO, 6139
BRIAN D MILLER, 3386

To be lieutenant

JEANETTE M BEDERMAN, 8612
JOSHUA J BURKHOLDER, 5139
ROBERT C CADENA, 9172
ROLANDO C CALVO, 1889
ROBERT A CLARADY, 0091
MARK I EDWARDS, 2908
JOHN P GARSTKA, 4860
DAMIAN M GELBAND, 0784
MATTHEW L GHEN, 3238
COLIN W GREEN, 9416
RICHARD A HUTH, 6963
DONNNETTA S JOHNSON, 5510
RICHARD D JOHNSTON JR., 4334
TERIJO KANNUSHAMILTON, 2629
PATRICK C LAZZARETTI, 7501
TOBY N LEDBETTER, 0876
THOMAS R MERKLE, 3614
GREGORY A MOSELLE, 5877
DAVID L MURRAY, 3254
MARIA V NAVARRO, 5888
TRUNG D NGUYEN, 6058
FRANK H PERRY JR., 4761
GARRETT W PREISCH, 9548
LOREN S REINKE, 7945
THOMAS A SEIGENTHALER, 4303
JONATHAN W SIMS, 7662
MATTHEW N SMITH, 7553
BENJAMIN J STARKEY, 4433
HARVEY J THARP III, 7117
JAMES V WALSH, 2644
EDDI L WATSON, 2790
RICHARD M ZAMORA, 7071

To be lieutenant junior grade

DAVID C ANDERSON, 4308
JOHN J ANDREW, 1618
KEITH ARCHIBALD, 9732
WILLIE D BRISBANE, 2287
DOUGLAS J BURRELL JR., 6788
NINA M BUTLER, 7136
DAVID J CHENEY, 7035
STACIE M GIBSON, 0030
RICHARD J GREENHOE, 3732
COREY G HESSELBERG, 5059
ERICK J HOFFMAN, 5137
JONATHAN S KEFFER, 0483
BRIAN K MCLAIN, 0301
VICTOR H MEI, 4944
DAGMARA W MOSELLE, 2149
LAURETTE M OQUENDO, 6873
KAREN Y L PATTERSON, 7910
JOHN J TERRY, 0083
ERIC G TURNER, 8760
GENEVIEVE G UBINA, 8330
JAY S VIGNOLA, 7753

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 4, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 5

9 a.m.

Foreign Relations

To hold hearings to examine the nominations of Marguerita Dianne Ragsdale, of Virginia, to be Ambassador to the Republic of Djibouti, Edward B. O'Donnell, Jr., of Tennessee, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues, and Jon R. Purnell, of Massachusetts, to be Ambassador to Uzbekistan.

SD–419

9:30 a.m.

Commerce, Science, and Transportation

To hold open and closed hearings to examine aviation security.

SR–253

Joint Economic Committee

To hold hearings relating to rethinking the tax code.

SD–628

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the banking industry.

SH–216

2 p.m.

Governmental Affairs

To hold hearings to examine the report of the Presidential Commission on the U.S. Postal Service.

SD–342

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Mary Kramer, of Iowa, to be Ambassador to Barbados and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Timothy John Dunn, of Illinois, for the rank of Ambassador during his tenure of service as Deputy Permanent Representative to the Organization of American States, and James Curtis Struble, of California, to be Ambassador to Peru.

SD–419

NOVEMBER 6

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Floyd Hall, of New Jersey, Louis S. Thompson, of Maryland, and Robert L. Crandall, of Texas, each to be a Member of the Reform Board (Amtrak).

SR–253

Judiciary

Business meeting to consider pending calendar business.

SD–226

2 p.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Department of Defense's improper use of first and business class airline travel.

SD–342

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine lunar exploration.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

NOVEMBER 7

9:30 a.m.

Joint Economic Committee

To hold joint hearings to examine the current employment situation.

SD–628

NOVEMBER 12

9:30 a.m.

Environment and Public Works

Business meeting to consider S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

SD–406

NOVEMBER 13

2 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine state and local authority to enforce immigration law relating to terrorism.

SD–226

POSTPONEMENTS

NOVEMBER 5

11 a.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Tuesday, November 4, 2003*

The Senate met at 9:33 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of love, we praise You because You are good. You made the Sun to rule the day and Your love is eternal. We receive strength from Your kindness and power from Your favor. You choose to bless us even when we don't deserve it. Great and marvelous are Your favors.

Lord, this is Your world and Your purposes cannot be stopped. Use us as Your instruments to accomplish Your will.

Today, give Members of this body courage and strength for their important work. May they avoid those words that create division and work toward a harmony that builds and strengthens. Give them radiant health for these challenging days and a serenity that comes from trusting You. Help them to find fulfillment in the knowledge that their work will help keep people free. We pray this in Your powerful name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will have a period of morning business for the first hour of the day's session. Following that hour, the Senate will begin consideration of the fair credit reporting legislation. The consent agreement governing that bill allows for a limited number of amendments to be offered to the legislation. We hope to complete action on that bill during today's session.

Last night we were also able to reach an agreement on H.R. 1828, the Syria accountability bill. We may be able to schedule consideration of that measure during today's session as well.

Rollcall votes will occur throughout the day today. The Senate will recess from 12:30 to 2:15 for the regular party luncheons.

In addition to the items I have mentioned, the Senate will act this week on the Internet tax moratorium extension. I anticipate that debate to begin on Thursday, and we will complete that before the end of this week.

Also, additional appropriations conference reports may be ready during the week, and we will proceed to those that are available.

It is my understanding the military construction conference is completed, and that may be ready for consideration this week.

We will continue to schedule votes as necessary over the course of the week.

This week we will also continue on the appropriations bills. I have been speaking to the chairman of the committee, and it is hoped the remaining bills can be finished in a timely way. I will have more to say on the specifics of the appropriations schedule after further discussion with the chairman, Senator STEVENS, and the Democratic leadership as well.

With that said, in order for us to adjourn at the earliest time this year, it is important for all of our colleagues to recognize we are going to need to work every day and have productive days. That is going to include Mondays, and it is going to include Fridays. It will likely include each day next week. I know a lot of Senators are wondering about their schedule for next week, given the Veterans Day holiday. I think over the course of the morning we will be able to lock in an understanding in terms of how and when we can consider these appropriations bills. After that is done, we will clarify what will happen on Veterans Day.

We have all come to the floor many times to express our desire to finish our work at the earliest opportunity and, in my mind, we have 3 weeks—actually, it is less than 3 weeks—now to complete our work. In order to do that, we will have to work together. We will have to have full, productive days, including Mondays and Fridays. It may well be we have to even consider weekends in order to complete our business. We will monitor the schedule and progress closely over the next day or so and make those final decisions regarding scheduling next week. At this time, I think all Members should prepare for a very busy 2½ weeks.

Again, I would like very much for us to work together to shoot for a total of 3 weeks, around November 21, to depart.

Mr. REID. Mr. President, let me say on behalf of the minority that we are most happy to work on all the items the majority leader has mentioned. We look forward to working with the chairman of the Appropriations Committee and Senator BYRD to move more of these appropriations bills. I think we have a really outstanding record working with the majority on appropriations bills and will continue to do that. We feel it is vitally important. The conference which was completed last week was extremely difficult and long. But we now have a bill which the President has.

We finished the Interior appropriations conference report. I am happy to hear we have a completed military construction conference report. That wasn't easy. Everyone had to take their projects in their States and cut back from what they had.

We look forward to a productive 2½ weeks. I hope we will do everything we can to complete our business before Thanksgiving.

We are here to work nights, weekends, whatever it takes, to complete that work.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. My understanding is we are in morning business.

The PRESIDENT pro tempore. The Senator is correct.

JOBS IN AMERICA

Mr. DORGAN. Mr. President, I bring to the attention of the Senate an issue dealing with jobs. It is a story about international trade, unfair competition, and the impact it has had on countless of our workers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There was great euphoria a week or so ago about the economic growth numbers for the past quarter, some 7-percent economic growth. The problem is, it was accompanied by a loss of jobs.

Jobs are the kind of thing that families talk about in the evening as they sit around the supper table: Do I have a good job? Does it pay well? Do I have job security? Do I feel good about the company I am working for?

Our country, regrettably, has lost nearly 3 million jobs in the past several years.

This is a picture of a bicycle. This happens to be a Huffy bicycle. Huffy is a well-known brand. It is sold at Wal-Mart, KMart, Sears. This Huffy bicycle used to be made in the United States. In Celina, OH, some 850 U.S. workers worked manufacturing bicycles.

When a bike came off the Ohio plant's assembly line, they would put a little decal on, of an American flag.

That was then, this is now. In the last couple of years, those jobs have all moved to China, Taiwan, and Mexico. There were about 1,850 workers at Huffy plants in the United States as of 1998. And all those folks were fired, as their jobs were moved overseas.

In Celina, OH, Huffy workers were paid $11 an hour plus benefits. These are decent manufacturing jobs. Nobody was getting rich on $11 an hour plus benefits, but these were good, solid jobs.

Then they were told one day they would not be working those jobs any longer because Huffy bicycles would be produced in China.

My understanding is that the very last assignment for these U.S. workers was to take off that decal from Huffy bikes, and slap on a decal that had a picture of the globe.

Let's talk a little about why a company would decide to shut its plant in Ohio and make bicycles in China.

Huffy started to manufacture its bikes at a plant in China, where workers have to put in 13½- to 15-hour shifts, from 7 a.m. to 11 p.m., 7 days a week.

Let me say that again: 93 hours a week, 7 days a week, from 7 a.m. to 11 p.m.

They are paid between 25 cents an hour and 41 cents an hour. Failure to work overtime is punished with a fine of 2 days' wages.

There are strong chemical odors in the plant from the painting department, excessively high temperatures from the welding section, no health insurance, no social pension, strict factory rules, harsh management, no talking during working hours.

Twelve workers are housed in each dark, stark dorm room. They have two meals a day, with poor quality food. If the workers complain or attempt to raise a grievance about harsh working conditions, or excessively long, forced overtime hours or low wages, they are immediately fired.

In this particular plant, in late 1999, all the workers in the delivery section went on strike and were fired immediately.

So the question is, if we cannot produce bicycles in Ohio for 25-cent-an-hour to 41-cent-an-hour wages, do U.S. workers lose? Under current circumstances, yes, we do, because companies decide that if U.S. workers can't compete with slave-like conditions, tough luck. If you can't compete, you are out.

So people who were working in this company in Celina, OH, making bicycles for our marketplace, could not compete because they were expecting a liveable wage. They worked hard, and they were able to take a paycheck home that meets the needs of their families: $11 an hour plus benefits. But they were told that this was an outrageous level of compensation: $11 an hour—far too much.

So instead Huffy found a place where it could pay 25 cents an hour, and then shipped its bikes back to Celina, OH, so that some young kid in Celina, OH, could go into a Wal-Mart or a Sears or a KMart, and with a gleam in their eye buy his first bicycle. A bicycle now made by somebody who is making 25 cents an hour, working 93 hours a week, 7 days a week.

I guess this so-called globalization is globalization without rules. It means it does not matter that Americans lose their jobs to somebody making 25 cents an hour.

I have given other examples of 12-year-olds working 12 hours a day, making 12 cents an hour. I am talking about Huffy bicycles today to drive home a point, because Huffy is a household name.

If we fought for a century on the issue of a safe workplace or child labor laws or minimum wages or the conditions of production, then the question should be, Is there an admission price to the American marketplace? Is there any admission price at all?

What about bicycles made in a plant where workers are working 93 hours a week, where workers are working from 7 a.m. to 11 p.m., 7 days a week? Is that fair trade—25 cents an hour, 93 hours a week, 7 days a week, working in a factory that does not meet the basic conditions of fairness or safety for workers?

Is that fair trade? It is not where I come from. Yet no one will say a word about it. In this town, you are either blindly for free trade, unfettered free trade, globalization, or else you are considered some xenophobic isolationist stooge who does not understand it all.

It is so tiresome to see people in this Chamber and the people who write the editorials and the op-ed pieces to continue to make excuses for the thousands, and, yes, millions of jobs lost in this country by people who worked hard but who could not make it because they made too much money. They could not compete with somebody making 25 cents an hour in Asia. It is so tiresome to see and read and hear the excuses from those who continue to support a failed trade policy.

If this is a race to the bottom, with corporations deciding they want to circle the globe to find out, "Where can I produce the cheapest? Where can I find 12-cents-an-hour production by 12-year-olds?" if that is what this is a race towards, we lose, this country loses.

More and more families in this country will lose their jobs, not because they are not great workers, not because they do not know their job well, but because someone else in other parts of the world—where they are not able to form labor unions, where they are not able to complain about unsafe working conditions, where they are not able to stop a plant from dumping chemicals into the air and the water, and where they are not able to complain about being paid 12 cents or 20 cents an hour—will get the jobs.

That product will then be made and sent back to the store shelves here. I will guarantee you, it will not be cheaper, it will simply represent more profit for those who took jobs away from Americans to give them to people in other parts of the world who will work for pennies an hour.

We can continue to pretend it does not happen. We can continue to act like ostriches. But the fact is, this country is losing economic strength as a result of trade policies that are, in my judgment, incompetent.

We will have on the floor of this Senate, very soon we hear, additional free trade agreements—the Australia agreement, the Free Trade Agreement of the Americas. In fact, this administration is now working on additional free trade agreements. We just did one with Singapore which itself was incompetent. But that is another story for another time.

This country, it seems to me, has a great deal at stake. This economic engine of ours will work provided we have jobs for American families. When you see the decimation of our manufacturing base, and now our high-tech industry, as well, with jobs moving wholesale overseas—in the manufacturing base, moving to Indonesia, China, and other parts of Asia; in the high-tech industry, jobs moving to India and other countries, and moving en masse—then this county's economy is going to have trouble because the engine of progress in this country is jobs.

You can talk all you want about percentages—7 percent economic growth; that is all great—but it does not mean a thing if we are losing jobs. The engine of progress for the American family, the engine of progress for this country's economy, is jobs, good jobs that pay well, that have decent benefits, that give a family confidence and hope about the future, because that hope and confidence is what expands the economy. That is all the economy rests on.

The great minds involved in international trade tell the 850 workers in Celina, Ohio: you are paid too much money. You cost $11 an hour to build bicycles. Shame on you. We can do this for 25 cents an hour in China. So say goodbye to your jobs. We are taking them to China.

Is that what we want for our country? Is that what we are willing to stand for? Well, I am telling you something, year after year after year, the majority of the people in this Chamber are willing to stand for it. At some point we better get a backbone to stand up and insist and demand that there is an admission price to the American marketplace. We are open and free, but we require fairness.

There are thousands of examples like the one involving Huffy bicycles, all over this country—of someone coming home saying to their husband or wife: Honey, I have lost my job. They are shipping our manufacturing to China, or Indonesia, or Bangladesh, or Sri Lanka. Why? Because I didn't do a good job? No. Because I am making $11 an hour, and they say that is too much. They can get it for 15 cents an hour or 31 cents an hour somewhere else.

This is not going to save the American consumers any money; they will charge the same price for the products. It is about profit—international profit.

This is hurting our country. These trade rules injure this country and we have to change them. I serve notice again that, as we negotiate these new trade agreements—and they are being negotiated in Australia, the free trade agreement with the Americas, and others. Be aware that some of us in the Senate are going to continue to fight as hard as we can possibly fight to say that what is happening to American jobs is wrong.

If we are inefficient and cannot compete, that is our problem. But don't tell me the workers in Ohio making $11 an hour, building a good bicycle, with an American flag insignia on the front of it, are inefficient.

We fought for a century over these issues—fair pay, safe workplaces, the ability to organize as a labor union. We worked for a century on these things, and now you wipe it all out by pole-vaulting over those nettlesome little laws in the United States and say: We can avoid that. We will ship our bicycle production to—in this case, China; it could have been Sri Lanka or Indonesia.

We ought to think long and hard about how to save our jobs in this country. Our marketplace can certainly be enhanced by having goods and services come from other countries, but only when they are produced under some basic element of decency and fair play.

There is an organization I want to give credit to that has done excellent work in this area. The National Labor Committee investigates unfair labor practices in various parts of the world. They have investigated the dismal labor conditions at the Huffy factories in China, as an example.

Look, I think these are really important issues. We talk about the economy, expansion, jobs, and opportunity. All of this, in my judgment, comes down to the basic premise that when American families in this country have a job, they have security, and they feel good about the future, our economy thrives. But we are increasingly seeing jobs in this country, which have been the bulwark of support for American families, moved overseas and the American families are told: We are sorry, you don't have a job anymore, so you can find two or three part-time jobs to make up the difference and have all of the members of your family working, and you can make it that way.

That is a quick way to undermine the strength of this country. No country will long remain an economic power or world economic power without a strong, vibrant, growing manufacturing sector. Ours is being decimated.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Florida.

Mr. NELSON of Florida. Madam President, how much time remains?

The PRESIDING OFFICER. Three minutes.

FOREIGN OIL

Mr. NELSON of Florida. Madam President, I wish to follow the comments of the Senator from North Dakota about jobs going overseas and point out another vulnerability we have as a result of dependence overseas, and that is our dependence on foreign oil.

Today, we are importing over half of our daily consumption of oil. That is moving toward 60 percent of our daily consumption of oil that is coming from foreign shores. As a result, not only does that put us in a precarious economic position, but it puts us in a precarious defense position. Look at the difference in how we would be able to operate in the Middle East, in the Persian Gulf region, if we did not have the delivery of that oil. Look at the potential strike of a terrorist taking down a supertanker in the 19-mile-wide Strait of Hormuz and what that would do to the world economy if that oil could not flow out to the industrialized world. Yet what do we do about an energy policy here?

The Senator from North Dakota and I tried to do a simple little thing such as get increased mileage for SUVs phased in over the next decade, and we only got some votes—in the thirties out of 100 Senators—to do that. When we try to look down the road at alternative ways, where is most of our energy consumed? It is consumed in the transportation sector. In transportation, where is most of our energy consumed in this country? It is in our personal vehicles. Today, we have vehicles made by Honda and Toyota that are getting in excess of 50 miles per gallon; they are called hybrid vehicles. It is a computer that runs between an electric motor and a gasoline engine, and they get over 50 miles per gallon. They cannot make enough of these for the demand of the American consumer. Yet we do not have a lot of these hybrid cars that are offered to the public.

What are we doing for the future? We could wean ourselves from dependence on foreign oil if we started a crash course to develop a hydrogen engine that was cheap enough and efficient enough for the American people. Years ago, in the early sixties, when this Nation made up its mind, after the President declared we were going to develop the technology and the American ingenuity to go to the Moon and return safely within that decade, don't you think that with that kind of perseverance and will, we could have ended up with an engine that would have been an alternative to oil and we would have started to wean ourselves from our dependence on this foreign oil that leaves this country all the more vulnerable defensewise?

Indeed, we could, but it takes leadership. It takes the will of the American people to say there is going to be a different way.

I have discussed this issue in terms of defense. I have discussed this issue in terms of economic vitality as well as defensewise, and certainly environmentally it would make a significant difference as well.

SENATOR BOB GRAHAM

Mr. NELSON of Florida. Madam President, in the minute I have remaining, I wish to say that, of course, the junior Senator from Florida was sad to hear the announcement of the senior Senator from Florida announcing his retirement.

Senator BOB GRAHAM is one of the most distinguished public servants who has ever come out of the State of Florida: a two-term Governor, a former State legislator, and now a many-term Senator who has given great leadership to our State.

I will have more to say about this later, but I am proud to stand to thank my friend for his years and years—a lifetime—of public service for the United States and the people of Florida.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I join with the now-junior Senator from Florida—a border State with Georgia—soon to be senior Senator, in commending the now-senior Senator from Florida, BOB GRAHAM. I, too, saw his announcement yesterday.

Senator GRAHAM and I have had the opportunity to work on many issues together since our States border each other. He has been a great public servant for this Senate, his State, and for America. He is one of those folks we greatly admire, and we will miss him.

I have great respect for Senator GRAHAM. I certainly respect his decision to go back to Florida and enjoy his family. He has a farm in Albany, GA, which is close to my home. We are going to get him over there more often because he and I enjoy bird hunting together. I, too, join with Senator NELSON in commending Senator GRAHAM.

JUDICIAL NOMINATIONS

Mr. CHAMBLISS. Madam President, I rise this morning to speak about a grave injustice that has befallen this Chamber, and that is the denial by a minority of Senators of the right to an up-or-down vote on four of the President's judicial nominees.

Last week, the Senate voted 54 to 43 to move forward with a vote on Judge Charles Pickering who now serves on the District Court for the Southern District of Mississippi and who was selected by the President as one of his nominees for the Fifth Circuit Court of Appeals. Fifty-four Senators—a majority, in other words—voted to allow Judge Pickering's nomination to proceed to a vote, and yet because of the way the Senate rules are presently being misapplied, a majority of Senators cannot even bring about a vote on the merits of a judge. That is wrong, and it is unconstitutional.

There is nothing in the Constitution that requires a supermajority—that is, three-fifths, two-thirds, or anything more than a simple majority of Senators—to give advice and consent. The Constitution spells out only five instances where a supermajority is required. Those five instances are: the ratification of a treaty, impeachment, expulsion of a Senator, the override of a Presidential veto, and adoption of a constitutional amendment. These five situations should occur infrequently, which is why the Framers of the Constitution made them difficult to achieve.

In contrast, the approval of Federal judges should occur frequently; I daresay 100 percent of the time, when you have qualified nominees. That is why there is no requirement in the Constitution for more than a simple majority to confirm these nominees. Advice and consent often requires debate, always requires deliberation, and always requires a decision. Each Senator should decide how to vote on a given nominee. Vote yes, vote no, but vote.

For the first time in our country's history, the filibuster is now being used by a minority of Senators to block the President's nominees to the Federal bench. By shirking their duty to make a decision on the merits of the President's nominees—Priscilla Owen, Bill Pryor, Caroline Kuhl, and now Charles Pickering—a minority of this Chamber keeps the Senate as a whole from performing its duties under the Constitution.

It is not as though the Senators who are blocking an up-or-down vote can object to the qualifications of these nominees. Let's go down the list. Let's start with Priscilla Owen who, like Judge Pickering, is nominated to the Fifth Circuit Court of Appeals, which hears appeals on Federal cases in Texas, Louisiana, and Mississippi.

Justice Owen graduated cum laude from Baylor Law School and then proceeded to earn the highest score on the Texas bar exam that year. She practiced law for 17 years before being elected to the Supreme Court of Texas in 1994. Justice Priscilla Owen was elected by the people of Texas, the second most populous State in this country, to its highest court. In her last reelection in the year 2000, she was reelected with 84 percent of the vote, along with the endorsement of every major newspaper in the State of Texas.

When the opponents of a fair vote on the merits cannot attack a nominee's qualifications, they come up with excuses: She is not in the "mainstream of legal reasoning." Out of the mainstream? The people of Texas obviously don't think she is out of the mainstream. She received 84 percent of the vote in her reelection in 2000.

Next we have Caroline Kuhl who is one of President Bush's nominees to the Ninth Circuit Court of Appeals, which handles Federal appeals in many of the States out west. Caroline Kuhl has been a State trial judge in California since 1995. Judge Kuhl is another well-qualified nominee who is being denied an up-or-down vote on her nomination. But you don't have to take my word on her qualifications. The American Bar Association, the gold standard, has rated her as "Well Qualified." Yet, despite her credentials, Judge Kuhl has also been branded as "outside the mainstream."

Then there is Bill Pryor, the attorney general for the State of Alabama, a dedicated public servant who has shown time and again that he can separate his personal beliefs from his professional duties. Again, "outside of the mainstream." That is, sadly, what you will hear about Bill Pryor.

It doesn't matter that Thurbert Baker, the attorney general for my State of Georgia, Mr. Pryor's counterpart in my State, an elected Democrat, has said that Bill Pryor possesses the qualities and experience needed to serve the people of Georgia on the Eleventh Circuit.

Earlier this year, Attorney General Baker wrote a letter to Senators SHELBY and SESSIONS of Alabama to express his support for Bill Pryor. In support of Bill Pryor, Thurbert Baker wrote, and I quote:

> Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government. Close quotation.

Across State lines and across party lines comes this endorsement of Bill Pryor. Again, you will hear the same, lame excuse: "He's out of the mainstream."

I mentioned earlier Judge Charles Pickering, who is nominated to the U.S. Circuit Court of Appeals for the Fifth Circuit. A few weeks ago, in our last Judiciary Committee hearing on Judge Pickering's nomination, Senator KENNEDY spoke of the important role the Fifth Circuit has played during the civil rights struggle, and he is absolutely correct in that. As a lawyer from Georgia who once was a proud member of the old Fifth Circuit bar, before that circuit was split in half in 1980 to create the Eleventh Circuit, I am well aware of the tremendous role the Fifth Circuit played in the civil rights struggle.

It is with a deep and abiding respect for the tradition of the Fifth Circuit that I support Judge Charles Pickering's nomination to that bench as one who deserves the honor of this service.

While Judge Pickering's critics have and will continue to unfairly label him as a racist and segregationist and, again, "out of the mainstream," nothing could be further from the truth. Charles Pickering has worked to eliminate racial disparities in Mississippi. Judge Pickering has not just talked about improving race relations, he has backed up his words with a lifetime of action. For example, in Mississippi during the 1960s, he testified and helped prosecute Sam Bowers, the imperial wizard of the Klu Klux Klan, for the murder of a civil rights activist, Vernon Dahmer. He served as a leader in his community to integrate the public schools. In 1976, he hired James King as the first African-American political staffer for the Mississippi Republican Party. He represented an African-American man falsely accused of robbing a 16-year-old girl in 1981. He chaired the Race Relations Committee for Jones County, MS, in 1988. He helped establish a group to work with at-risk African-American youths in Laurel, MS, and he serves on the board of the Institute of Racial Reconciliation at the University of Mississippi.

Now, I grew up in the South, and for those who did not grow up in the South, to criticize this man, during a very difficult time in the history of our country, is not only unfair and unjust, it is almost un-American. This man made a commitment to ensure that race relations in Mississippi would improve every single day of his life, and unless one has walked in the shoes of somebody like Judge Pickering and looked race in the eye as he did, they cannot understand the principle, the integrity, and the character of this man.

What he did says a lot about Charles Pickering in and of itself, outside of the decisions he has made on the bench as a district court judge.

Judge Charles Pickering has tremendous bipartisan support from the people back home who know him best, including the top Democratic elected officials of Mississippi. This shows that he is well within the mainstream of legal thinking in Mississippi today and in the Fifth Circuit, just as Priscilla Owen's reelection by the people of Texas, with 84 percent of the vote, shows that she is in the mainstream in Texas and in the Fifth Circuit.

In September, Miguel Estrada withdrew his nomination after a minority of Senators prevented him from getting a vote for 28 months. This is a man who came to the United States from Honduras as a teenager, graduated from Columbia undergrad and then Harvard Law School, worked in the Justice Department for two administrations, including the Clinton administration, and was rated "Well Qualified" by the American Bar Association. So I guess we should not forget Miguel Estrada when we tally these filibusters. It is really not four, it is five. I suspect it is about to be six because we have another nomination that will likely come out of the Judiciary Committee on Thursday of this week, and that is the nomination of California Supreme Court Justice Janice Rogers Brown.

The American people will not continue to stand for this inaction, and they will not forget this obstructionist game playing. While we can still try to maintain the dignity and tradition of the Senate, I ask my colleagues to vote to give each of these qualified nominees an up-or-down vote. I ask my colleagues to make up their minds. Their constituents deserve it. Let us move forward on the merits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. On behalf of the Senator from Texas, I claim 9 minutes of the time that has been reserved for her and ask that the Chair notify me after 8 minutes.

The PRESIDING OFFICER. The Chair will do so.

SUPPORT OF AMERICAN TROOPS

Mr. BOND. Madam President, I rise this morning in support of the U.S. forces in Iraq and all our forces engaged in the war on terrorism. I am delighted and very pleased that the vast majority of this body voted overwhelmingly in support of the supplemental and our ongoing efforts to protect our troops to finish the job so we can bring our troops home.

Last week, I had the honor of going out to Walter Reed to visit a number of our wounded soldiers recently returned from Iraq. The spirit and enthusiasm of our service men and women serving in the war on terror is inspiring. It should remind all of us that our warfighters have the will to win as long as the American people have the will to win.

We cannot be defeated by Saddam Hussein or Osama bin Laden militarily. They are engaged in a psychological war to break our will. This past weekend brought news of the tragic loss of 16 soldiers in a Chinook helicopter mishap. No one in this body takes that current conflict lightly. Any loss of life is difficult to bear, particularly this tragic situation. Yet we must not forget the losses incurred in the United States on 9/11, and the loss of innocent lives in other terrorist attacks, from the marine barracks in Lebanon to the disco bombing in Bali.

The message we must send, if we are to avoid future catastrophic attacks, is that no price is too great for the freedoms we and other freedom-loving peoples now hold dear. The message we need to send our enemies is that we will not cut and run.

There are critics of U.S. foreign policy who now want us to pull out. They are just dead wrong. Do they think Saddam Hussein was not really evil, was not really a threat?

Last week, I talked a little bit about the unclassified report released by Dr. David Kay, the head of the Iraqi Survey Group, who has been over there looking. He has found a tremendous record of denial, deception, and destruction, which among other things is likely the reason we have not found the storehouses of weapons of mass destruction.

Dr. Kay believes that people have been distorting his record. I will submit for the record a copy of his November 1, 2003, piece in the Washington Post. It begins:

> The October 26 front-page article "Search in Iraq Fails to Find Nuclear Threat," is wildly off the mark.

I ask unanimous consent that this be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. I am going to quote from just pieces of his report, because apparently a lot of my colleagues who are saying it confirms that there were no weapons of mass destruction have not read the report.

Here is what Dr. Kay said:

> With regard to biological warfare activities, which has been one of our two initial areas of focus, ISG teams are uncovering significant information, including research and development of BW-applicable organisms, the involvement of Iraqi intelligence service in possible BW activities, and deliberate concealment activities. All of this suggests Iraq, after 1996, further compartmentalized its program and focused on maintaining smaller, covert capabilities that could be activated quickly to surge the production of BW agents. Debriefings of IIS officials and site visits have begun to unravel a clandestine network of laboratories and facilities within the security service apparatus. This network was never declared to the U.N. and was previously unknown.

Again, he said two key former BW scientists confirmed that Iraq, under the guise of legitimate activity, developed refinements of processes and products relevant to BW agents. Iraq concealed equipment and materials from U.N. inspectors when they returned in 2002. One noteworthy example is a collection of referenced strains that ought to have been declared to the U.N. Among them was a vial of live C. botulinum Okra B from which a biological agent can be produced.

ISG teams have developed multiple sources that indicate that Iraq explored the possibility of CW production in recent years, possibly as late as 2003.

Information obtained since OIF has identified several key areas in which Iraq may have engaged in proscribed or undeclared activities since 1991, including research on a possible VX stabilizer, research and development for CW-capable munitions, and procurement concealment of dual-use materials and equipment.

Officials assert Saddam would have resumed nuclear weapons development at some future point. Iraq did take steps to preserve some capability from the pre-1991 nuclear weapons program.

Detainees and cooperative sources indicate that beginning in 2000, Saddam ordered the development of ballistic missiles with ranges of at least 400 kilometers and up to 1,000 kilometers, and that measures to conceal these projects from UNMOVIC were initiated in late 2002, ahead of the arrival of inspectors.

Madam President, I ask unanimous consent that the Kay report be printed in the RECORD. It talks about several revelations of his efforts to obtain ballistic missiles and unmanned air vehicles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> What have we found and what have we not found in the first 3 months of our work?
>
> We have discovered dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002. The discovery of these deliberate concealment efforts have come about both through the admissions of Iraqi scientists and officials concerning information they deliberately withheld and through physical evidence of equipment and activities that ISG has discovered that should have been declared to the UN. Let me just

give you a few examples of these concealment efforts, some of which I will elaborate on later:

A clandestine network of laboratories and safehouses within the Iraqi Intelligence Service that contained equipment subject to UN monitoring and suitable for continuing CBW research.

A prison laboratory complex, possibly used in human testing of BW agents, that Iraqi officials working to prepare for UN inspections were explicitly ordered not to declare to the UN.

Reference strains of biological organisms concealed in a scientist's home, one of which can be used to produce biological weapons.

New research on BW-applicable agents, Brucella and Congo Crimean Hemorrhagic Fever (CCHF), and continuing work on ricin and aflatoxin were not declared to the UN.

Documents and equipment, hidden in scientists' homes, that would have been useful in resuming uranium enrichment by centrifuge and electromagnetic isotope separation (EMIS).

A line of UAVs not fully declared at an undeclared production facility and an admission that they had tested one of their declared UAVs out to a range of 500 km, 350 km beyond the permissible limit.

Continuing covert capability to manufacture fuel propellant useful only for prohibited SCUD variant missiles, a capability that was maintained at least until the end of 2001 and that cooperating Iraqi scientists have said they were told to conceal from the UN.

Plans and advanced design work for new long-range missiles with ranges up to at least 1000 km—well beyond the 150-km range limit imposed by the UN. Missiles of a 1000 km range would have allowed Iraq to threaten targets throughout the Middle East, including Ankara, Cairo, and Abu Dhabi.

Clandestine attempts between late 1999 and 2002 to obtain from North Korea technology related to 1,300 km range ballistic missiles—probably the No Dong—300 km range anti-ship cruise missiles, and other prohibited military equipment.

In addition to the discovery of extensive concealment efforts, we have been faced with a systematic sanitization of documentary and computer evidence in a wide range of offices, laboratories, and companies suspected of WMD work. The pattern of these efforts to erase evidence—hard drives destroyed, specific files burned, equipment cleaned of all traces of use—are ones of deliberate, rather than random, acts. For example,

On 10 July 2003 an ISG team exploited the Revolutionary Command Council (RCC) Headquarters in Baghdad. The basement of the main building contained an archive of documents situated on well-organized rows of metal shelving. The basement suffered no fire damage despite the total destruction of the upper floors from coalition air strikes. Upon arrival the exploitation team encountered small piles of ash where individual documents or binders of documents were intentionally destroyed. Computer hard drives had been deliberately destroyed. Computers would have had financial value to a random looter; their destruction, rather than removal for resale or reuse, indicates a targeted effort to prevent Coalition forces from gaining access to their contents.

All IIS laboratories visited by IIS exploitation teams have been clearly sanitized, including removal of much equipment, shredding and burning of documents, and even the removal of nameplates from office doors.

Although much of the deliberate destruction and sanitization of documents and records probably occurred during the height of OIF combat operations, indications of significant continuing destruction efforts have been found after the end of major combat operations, including entry in May 2003 of the locked gated vaults of the Ba'ath party intelligence building in Baghdad and highly selective destruction of computer hard drives and data storage equipment along with the burning of a small number of specific binders that appear to have contained financial and intelligence records, and in July 2003 a site exploitation team at the Abu Ghurayb Prison found one pile of the smoldering ashes from documents that was still warm to the touch.

I would now like to review our efforts in each of the major lines of enquiry that ISG has pursued during this initial phase of its work.

With regard to biological warfare activities, which has been one of our two initial areas of focus, ISG teams are uncovering significant information—including research and development of BW applicable organisms, the involvement of Iraqi Intelligence Service (IIS) in possible BW activities, and deliberate concealment activities. All of this suggests Iraq after 1996 further compartmentalized its program and focused on maintaining smaller, covert capabilities that could be activated quickly to surge the production of BW agents.

Debriefings of IIS officials and site visits have begun to unravel a clandestine network of laboratories and facilities within the security service apparatus. This network was never declared to the UN and was previously unknown. We are still working on determining the extent to which this network was tied to large-scale military efforts or BW terror weapons, but this clandestine capability was suitable for preserving BW expertise, BW capable facilities and continuing R&D—all key elements for maintaining a capability for resuming BW production. The IIS also played a prominent role in sponsoring students for overseas graduate studies in the biological sciences, according to Iraqi scientists and IIS sources, providing an important avenue for furthering BW-applicable research. This was the only area of graduate work that the IIS appeared to sponsor.

Discussions with Iraqi scientists uncovered agent R&D work that paired overt work with nonpathogenic organisms serving as surrogates for prohibited investigation with pathogenic agents. Examples include: B. Thurengiensis (Bt) with B. anthracis (anthrax), and medicinal plants with ricin. In a similar vein, two key former BW scientists, confirmed that Iraq under the guise of legitimate activity developed refinements of processes and products relevant to BW agents. The scientists discussed the development of improved, simplified fermentation and spray drying capabilities for the simulant Bt that would have been directly applicable to anthrax, and one scientist confirmed that the production line for Bt could be switched to produce anthrax in one week if the seed stock were available.

A very large body of information has been developed through debriefings, site visits, and exploitation of captured Iraqi documents that confirms that Iraq concealed equipment and materials from UN inspectors when they returned in 2002. One noteworthy example is a collection of reference strains that ought to have been declared to the UN. Among them was a vial of live C. botulinum Okra B. from which a biological agent can be produced. This discovery—hidden in the home of a BW scientist—illustrates the point I made earlier about the difficulty of locating small stocks of material that can be used to covertly surge production of deadly weapons. The scientist who concealed the vials containing this agent has identified a large cache of agents that he was asked, but refused, to conceal. ISG is actively searching for this second cache.

Additional information is beginning to corroborate reporting since 1996 about human testing activities using chemical and biological substances, but progress in this area is slow given the concern of knowledgeable Iraqi personnel about their being prosecuted for crimes against humanity.

We have not yet been able to corroborate the existence of a mobile BW production effort. Investigation into the origin of and intended use for the two trailers found in northern Iraq in April has yielded a number of explanations, including hydrogen, missile propellant, and BW production, but technical limitations would prevent any of these processes from being ideally suited to these trailers. That said, nothing we have discovered rules out their potential use in BW production.

We have made significant progress in identifying and locating individuals who were reportedly involved in a mobile program, and we are confident that we will be able to get an answer to the questions as to whether there was a mobile program and whether the trailers that have been discovered so far were part of such a program.

Let me turn now to chemical weapons (CW). In searching for retained stocks of chemical munitions, ISG has had to contend with the almost unbelievable scale of Iraq's conventional weapons armory, which dwarfs by orders of magnitude the physical size of any conceivable stock of chemical weapons. For example, there are approximately 130 known Iraqi Ammunition Storage Points (ASP), many of which exceed 50 square miles in size and hold an estimated 600,000 tons of artillery shells, rockets, aviation bombs and other ordinance. Of these 130 ASPs, approximately 120 still remain unexamined. As Iraqi practice was not to mark much of their chemical ordinance and to store it at the same ASPs that held conventional rounds, the size of the required search effort is enormous.

While searching for retained weapons, ISG teams have developed multiple sources that indicate that Iraq explored the possibility of CW production in recent years, possibly as late as 2003. When Saddam had asked a senior military official in either 2001 or 2002 how long it would take to produce new chemical agent and weapons, he told ISG that after he consulted with CW experts in OMI he responded it would take six months for mustard. Another senior Iraqi chemical weapons expert in responding to a request in mid 2002 from Uday Husayn for CW for the Fedayeen Saddam estimated that it would take two months to produce mustard and two years for Sarin.

We are starting to survey parts of Iraq's chemical industry to determine if suitable equipment and bulk chemicals were available for chemical weapons production. We have been struck that two senior Iraqi officials volunteered that if they had been ordered to resume CW production Iraq would have been willing to use stainless steel systems that would be disposed of after a few production runs, in place of corrosive-resistant equipment which they did not have.

We continue to follow leads on Iraq's acquisition of equipment and bulk precursors suitable for a CW program. Several possibilities have emerged and are now being exploited. One example involves a foreign company with offices in Baghdad, that imported in the past into Iraq dual-use equipment and maintained active contracts through 2002. Its Baghdad office was found looted in August 2003, but we are pursuing other locations and associates of the company.

Information obtained since OIF has identified several key areas in which Iraq may have engaged in proscribed or undeclared activity since 1991, including research on a possible VX stabilizer, research and development for CW-capable munitions, and procurement/concealment of dual-use materials and equipment.

Multiple sources with varied access and reliability have told ISG that Iraq did not have a large, ongoing, centrally controlled CW program after 1991. Information found to date suggests that Iraq's large-scale capability to develop, produce, and fill new CW munitions was reduced—if not entirely destroyed—during Operations Desert Storm and Desert Fox, 13 years of UN sanctions and UN inspections. We are carefully examining dual-use, commercial chemical facilities to determine whether these were used or planned as alternative production sites.

We have also acquired information related to Iraq's CW doctrine and Iraq's war plans for OIF, but we have not yet found evidence to confirm pre-war reporting that Iraqi military units were prepared to use CW against Coalition forces. Our efforts to collect and exploit intelligence on Iraq's chemical weapons program have thus far yielded little reliable information on post-1991 CW stocks and CW agent production, although we continue to receive and follow leads related to such stocks. We have multiple reports that Iraq retained CW munitions made prior to 1991, possibly including mustard—a long-lasting chemical agent—but we have to date been unable to locate any such munitions.

With regard to Iraq's nuclear program, the testimony we have obtained from Iraqi scientists and senior government officials should clear up any doubts about whether Saddam still wanted to obtain nuclear weapons. They have told ISG that Saddam Husayn remained firmly committed to acquiring nuclear weapons. These officials assert that Saddam would have resumed nuclear weapons development at some future point. Some indicated a resumption after Iraq was free of sanctions. At least one senior Iraqi official believed that by 2000 Saddam had run out of patience with waiting for sanctions to end and wanted to restart the nuclear program. The Iraqi Atomic Energy Commission (IAEC) beginning around 1999 expanded its laboratories and research activities and increased its overall funding levels. This expansion may have been in initial preparation for renewed nuclear weapons research, although documentary evidence of this has not been found, and this is the subject of continuing investigation by ISG.

Starting around 2000, the senior Iraqi Atomic Energy Commission (IAEC) and high-level Ba'ath Party official Dr. Khalid Ibrahim Sa'id began several small and relatively unsophisticated research initiatives that could be applied to nuclear weapons development. These initiatives did not in-and-of themselves constitute a resumption of the nuclear weapons program, but could have been useful in developing a weapons-relevant science base for the long-term. We do not yet have information indicating whether a higher government authority directed Sa'id to initiate this research and, regretfully, Dr. Sa'id was killed on April 8th during the fall of Baghdad when the car he was riding in attempted to run a Coalition roadblock.

Despite evidence of Saddam's continued ambition to acquire nuclear weapons, to date we have not uncovered evidence that Iraq undertook significant post-1998 steps to actually build nuclear weapons or produce fissile material. However, Iraq did take steps to preserve some technological capability from the pre-1991 nuclear weapons program.

According to documents and testimony of Iraqi scientists, some of the key technical groups from the pre-1991 nuclear weapons program remained largely intact, performing work on nuclear-relevant dual-use technologies within the Military Industrial Commission (MIC). Some scientists from the pre-1991 nuclear weapons program have told ISG that they believed that these working groups were preserved in order to allow a reconstitution of the nuclear weapons program, but none of the scientists could produce official orders or plans to support their belief.

In some cases, these groups performed work which could help preserve the science base and core skills that would be needed for any future fissile material production or nuclear weapons development.

Several scientists—at the direction of senior Iraqi government officials—preserved documents and equipment from their pre-1991 nuclear weapon-related research and did not reveal this to the UN/IAEA. One Iraqi scientist recently stated in an interview with ISG that it was a "common understanding" among the scientists that material was being preserved for reconstitution of nuclear weapons-related work.

The ISG nuclear team has found indications that there was interest, beginning in 2002, in reconstituting a centrifuge enrichment program. Most of this activity centered on activities of Dr. Sa'id that caused some of his former colleagues in the pre-1991 nuclear program to suspect that Dr. Sa'id, at least, was considering a restart of the centrifuge program. We do not yet fully understand Iraqi intentions, and the evidence does not tie any activity directly to centrifuge research or development.

Exploitation of additional documents may shed light on the projects and program plans of Dr. Khalid Ibrahim Sa'id. There may be more projects to be discovered in research placed at universities and private companies. Iraqi interest in reconstitution of a uranium enrichment program needs to be better understood through the analysis of procurement records and additional interviews.

With regard to delivery systems, the ISG team has discovered sufficient evidence to date to conclude that the Iraqi regime was committed to delivery system improvements that would have, if OIF had not occurred, dramatically breached UN restrictions placed on Iraq after the 1991 Gulf War.

Detainees and co-operative sources indicate that beginning in 2000 Saddam ordered the development of ballistic missiles with ranges of at least 400km and up to 1000km and that measures to conceal these projects from UNMOVIC were initiated in late 2002, ahead of the arrival of inspectors. Work was also underway for a clustered engine liquid propellant missile, and it appears the work had progressed to a point to support initial prototype production of some parts and assemblies. According to a cooperating senior detainee, Saddam concluded that the proposals from both the liquid-propellant and solid-propellant missile design centers would take too long. For instance, the liquid-propellant missile project team forecast first delivery in six years. Saddam countered in 2000 that he wanted the missile designed and built inside of six months. On the other hand several sources contend that Saddam's range requirements for the missiles grew from 400–500km in 2000 to 600–1000km in 2002. ISG has gathered testimony from missile designers at Al Kindi State Company that Iraq has re-initiated work on converting SA–2 Surface-to-Air Missiles into ballistic missiles with a range goal of about 250km. Engineering work was reportedly underway in early 2003, despite the presence of UNMOVIC. This program was not declared to the UN. ISG is presently seeking additional confirmation and details on this project. A second cooperative source has stated that the program actually began in 2001, but that it received added impetus in the run-up to OIF, and that missiles from this project were transferred to a facility north of Baghdad. This source also provided documentary evidence of instructions to convert SA–2s into surface-to-surface missiles.

ISG has obtained testimony from both detainees and cooperative sources that indicate that proscribed-range solid-propellant missile design studies were initiated, or already underway, at the time when work on the clustered liquid-propellant missile designs began. The motor diameter was to be 800 to 1000mm, i.e. much greater than the 500-mm Ababil–100. The range goals cited for this system vary from over 400km up to 1000km, depending on the source and the payload mass.

A cooperative source, involved in the 2001–2002 deliberations on the long-range solid propellant project, provided ISG with a set of concept designs for a launcher designed to accommodate a 1m diameter by 9m length missile. The limited detail in the drawings suggest there was some way to go before launcher fabrication. The source believes that these drawings would not have been requested until the missile progress was relatively advanced, normally beyond the design state. The drawings are in CAD format, with files dated 09/01/02.

While we have obtained enough information to make us confident that this design effort was underway, we are not yet confident which accounts of the timeline and project progress are accurate and are now seeking to better understand this program and its actual progress at the time of OIF.

One cooperative source has said that he suspected that the new large-diameter solid-propellant missile was intended to have a CW-filled warhead, but no detainee has admitted any actual knowledge of plans for unconventional warheads for any current or planned ballistic missile. The suspicion expressed by the one source about a CW warhead was based on his assessment of the unavailability of nuclear warheads and potential survivability problems of biological warfare agent in ballistic missile warheads. This is an area of great interest and we are seeking additional information on warhead designs.

While I have spoken so far of planned missile systems, one high-level detainee has recently claimed that Iraq retained a small quantity of Scud-variant missiles until at least 2001, although he subsequently recanted these claims, work continues to determine the truth. Two other sources contend that Iraq continued to produce until 2001 liquid fuel and oxidizer specific to Scud-type systems. The cooperating source claims that the al Tariq Factory was used to manufacture Scud oxidizer (IRFNA) from 1996 to 2001, and that nitrogen tetroxide, a chief ingredient of IRFNA was collected from a bleed port on the production equipment, was reserved, and then mixed with highly concentrated nitric acid plus an inhibitor to produce Scud oxidizer. Iraq never declared its pre-Gulf War capability to manufacture Scud IRFNA out of fear, multiple sources have stated, that the al Tariq Factory would be destroyed, leaving Baghdad without the ability to produce highly concentrated nitric acid, explosives and munitions. To date we have not discovered documentary or material evidence to corroborate these claims, but continued efforts are underway to clarify and confirm this information with additional Iraqi sources and to locate corroborating physical evidence. If we can confirm that the fuel was produced as late as 2001, and given that Scud fuel can only be used in Scud-variant missiles, we will have strong evidence that the missiles must have been retained until that date. This would, of course, be yet another example of a failure to declare prohibited activities to the UN.

Iraq was continuing to develop a variety of UAV platforms and maintained two UAV programs that were working in parallel, one at Ibn Fernas and one at al-Rashid Air Force Base. Ibn Fernas worked on the development of smaller, more traditional types of UAVs in addition to the conversion of manned aircraft into UAVs. This program was not declared to the UN until the 2002 CAFCD in which Iraq declared the RPV–20, RPV–30 and Pigeon RPV systems to the UN. All these systems had declared ranges of less than 150km. Several Iraqi officials stated that the RPV–20 flew over 500km on autopilot in 2002, contradicting Iraq's declaration on the system's range. The al-Rashid group was developing a competing line of UAVs. This program was never fully declared to the UN and is the subject of on-going work by ISG. Additional work is also focusing on the payloads and intended use for these UAVs. Surveillance and use as decoys are uses mentioned by some of those interviewed. Given Iraq's interest before the Gulf War in attempting to convert a MIG–21 into an unmanned aerial vehicle to carry spray tanks capable of dispensing chemical or biological agents, attention is being paid to whether any of the newer generation of UAVs were intended to have a similar purpose. This remains an open question.

ISG has discovered evidence of two primary cruise missile programs. The first appears to have been successfully implemented, whereas the second had not yet reached maturity at the time of OIF.

The first involved upgrades to the HY–2 coastal-defense cruise missile. ISG has developed multiple sources of testimony, which is corroborated in part by a captured document, that Iraq undertook a program aimed at increasing the HY–2's range and permitting its use as a land-attack missile. These efforts extended the HY–2's range from its original 100km to 150–180km. Ten modified missiles were delivered to the military prior to OIF and two of these were fired from Umm Qasr during OIF—one was shot down and one hit Kuwait. The second program, called the Jenin, was a much more ambitious effort to convert the HY–2 into a 1000km range land-attack cruise missile. The Jenin concept was presented to Saddam on 23 November 2001 and received what cooperative sources called an "unusually quick response" in little more than a week. The essence of the concept was to take an HY–2, strip it of its liquid rocket engine, and put in its place a turbine engine from a Russian helicopter—the TV–2–117 or TV3–117 from a Mi–8 or Mi–17 helicopter. To prevent discovery by the UN, Iraq halted engine development and testing and disassembled the test stand in late 2002 before the design criteria had been met.

In addition to the activities detailed here on Iraq's attempts to develop delivery systems beyond the permitted UN 150km, ISG has also developed information on Iraqi attempts to purchase proscribed missiles and missile technology. Documents found by ISG describe a high level dialogue between Iraq and North Korea that began in December 1999 and included an October 2000 meeting in Baghdad. These documents indicate Iraqi interest in the transfer of technology for surface-to-surface missiles with a range of 1300km (probably No Dong) and land-to-sea missiles with a range of 300km. The document quotes the North Koreans as understanding the limitations imposed by the UN, but being prepared "to cooperate with Iraq on the items it specified". At the time of OIF, these discussions had not led to any missiles being transferred to Iraq. A high level cooperating source has reported that in late 2002 at Saddam's behest a delegation of Iraqi officials was sent to meet with foreign export companies, including one that dealt with missiles. Iraq was interested in buying an advanced ballistic missile with 270km and 500km ranges.

The ISG has also identified a large volume of material and testimony by cooperating Iraq officials on Iraq's effort to illicitly procure parts and foreign assistance for its missile program. These include:

Significant level of assistance from a foreign company and its network of affiliates in supplying and supporting the development of production capabilities for solid rocket propellant and dual-use chemicals.

Entities from another foreign country were involved in supplying guidance and control systems for use in the Al-Fat'h (Ababil–100). The contract was incomplete by the time of OIF due to technical problems with the few systems delivered and a financial dispute.

A group of foreign experts operating in a private capacity were helping to develop Iraq's liquid propellant ballistic missile RDT&E and production infrastructure. They worked in Baghdad for about three months in late 1998 and subsequently continued work on the project from abroad. An actual contract valued at $10 million for machinery and equipment was signed in June 2001, initially for 18 months, but later extended. This cooperation continued right up until the war.

A different group of foreign experts traveled to Iraq in 1999 to conduct a technical review that resulted in what became the Al Samoud 2 design, and a contract was signed in 2001 for the provision of rigs, fixtures and control equipment for the redesigned missile.

Detainees and cooperative sources have described the role of a foreign expert in negotiations on the development of Iraq's liquid and solid propellant production infrastructure. This could have had applications in existing and planned longer range systems, although it is reported that nothing had actually been implemented before OIF.

Uncertainty remains about the full extent of foreign assistance to Iraq's planned expansion of its missile systems and work is continuing to gain a full resolution of this issue. However, there is little doubt from the evidence already gathered that there was substantial illegal procurement for all aspects of the missile programs.

I have covered a lot of ground today, much of it highly technical. Although we are resisting drawing conclusions in this first interim report, a number of things have become clearer already as a result of our investigation, among them:

1. Saddam, at least as judged by those scientists and other insiders who worked in his military-industrial programs, had not given up his aspirations and intentions to continue to acquire weapons of mass destruction. Even those senior officials we have interviewed who claim no direct knowledge of any on-going prohibited activities readily acknowledge that Saddam intended to resume these programs whenever the external restrictions were removed. Several of these officials acknowledge receiving inquiries since 2000 from Saddam or his sons about how long it would take to either restart CW production or make available chemical weapons.

2. In the delivery systems area there were already well advanced, but undeclared, on-going activities that, if OIF had not intervened, would have resulted in the production of missiles with ranges at least up to 1000 km, well in excess of the UN permitted range of 150 km. These missile activities were supported by a serious clandestine procurement program about which we have much still to learn.

3. In the chemical and biological weapons area we have confidence that there were at a minimum clandestine on-going research and development activities that were embedded in the Iraqi Intelligence Service. While we have much yet to learn about the exact work programs and capabilities of these activities, it is already apparent that these undeclared activities would have at a minimum facilitated chemical and biological weapons activities and provided a technically trained cadre.

Let me conclude by returning to something I began with today. We face a unique but challenging opportunity in our efforts to unravel the exact status of Iraq's WMD program. The good news is that we do not have to rely for the first time in over a decade on the incomplete, and often false, data that Iraq supplied the UN/IAEA;

Data collected by UN inspectors operating with the severe constraints that Iraqi security and deception actions imposed;

Information supplied by defectors, some of whom certainly fabricated much that they supplied and perhaps were under the direct control of the IIS;

Data collected by national technical collections systems with their own limitations.

The bad news is that we have to do this under conditions that ensure that our work will take time and impose serious physical dangers on those who are asked to carry it out. Why should we take the time and run the risk to ensure that our conclusions reflect the truth to the maximum extent that is possible given the conditions in post-conflict Iraq? For those of us that are carrying out this search, there are two reasons that drive us to want to complete this effort.

First, whatever we find will probably differ from pre-war intelligence. Empirical reality on the ground is, and has always been, different from intelligence judgments that must be made under serious constraints of time, distance and information. It is, however, only by understanding precisely what those difference are that the quality of future intelligence and investment decisions concerning future intelligence systems can be improved. Proliferation of weapons of mass destruction is such a continuing threat to global society that learning those lessons has a high imperative.

Second, we have found people, technical information and illicit procurement networks that if allowed to flow to other countries and regions could accelerate global proliferation. Even in the area of actual weapons there is no doubt that Iraq had at one time chemical and biological weapons. Even if there were only a remote possibility that these pre-1991 weapons still exist, we have an obligation to American troops who are now there and the Iraqi population to ensure that none of these remain to be used against them in the ongoing insurgency activity.

Mr. Chairman and Members I appreciate this opportunity to share with you the initial results of the first 3 months of the activities of the Iraqi Survey Group. I am certain that I speak for Major General Keith Dayton, who commands the Iraqi Survey Group, when I say how proud we are of the men and women from across the Government and from our Coalition partners, Australia and the United Kingdom, who have gone to Iraq and are carrying out this important mission.

Thank you.

Mr. BOND. We are engaged in a monumental fight against terrorism and tyranny on a global scale, one in which all freedom-loving people have a stake. Other free countries ought to realize this is a battle in which we all have a stake. The Middle East region has long been marked by instability and marred by war, the threat of war and torture, terrorism, and ruthless dictators. Saddam Hussein was at the heart of it. On September 11 we lost close to 3,000 citizens when foreign terrorists attacked innocent civilians. It is a miracle we did not lose more. But we are now fighting that battle against terrorism in Baghdad, not in Boston or Boise or Baldwin, MO.

As I said earlier, some argue that Saddam has not been linked to terrorism. Well, what David Kay has already described puts the lie to that. Also, tell that to the thousands of Israeli families who have lost innocent relatives at the hands of Hamas suicide bombers whose families received $25,000 from the Iraqi dictator for each successful attack on innocent men, women, and children.

Today, on the good-news side, there are close to 100,000 Iraqis who are assuming control of essential civil responsibilities such as border police, civil defense, police facilities protection, and as soldiers. With each passing day, more and more Iraqis are taking the lead in security and in protecting Iraq. Over 85 percent of Iraq is relatively stable, with the exception of the troubled Sunni Triangle.

It is no surprise the Sunni Baathists are putting up the most resistance, for they have the most to lose. We have seen recently declassified reports of the Iraqi-sponsored torture, which are too disturbing even to watch. We found mass graves. We know Saddam conducted mass chemical attacks against his own people and launched chemical attacks against Iran.

I believe the President was correct when he said we must take on the war on terrorism, which would take years, not months. This is a global conflict against terrorism. The will of the American people is being tested. We cannot flinch. If we do not pursue terrorists where they live now, then we will continue to invite more attacks any time U.S. interests collide with the interests of terrorists.

EXHIBIT 1

The Oct. 26 front-page article "Search in Iraq Fails to Find Nuclear Threat" is wildly off the mark. Your reporter, Barton Gellman, bases much of his analysis on what he says was told to him by an Australian brigadier, Stephen D. Meekin. Gellman describes Meekin as someone "who commands the Joint Captured Materiel Exploitation Center, the largest of a half-dozen units that report to [David] Kay."

Meekin does not report, nor has he ever reported, to me in any individual capacity or as commander of the exploitation center. The work of the center did not form a part of my first interim report, which was delivered last month, nor do I direct what Meekin's organization does. The center's mission has never involved weapons of mass destruction, nor does it have any WMD expertise.

Gellman's description of information provided by Mahdi Obeidi, chief of Iraq's pre-1991 centrifuge program, relies on an unnamed "U.S. official" who, by the reporter's own admission, read only one reporting cable. How Gellman's source was able to describe reporting that covered four months is a mystery to me. Furthermore, the source mischaracterized our views on the reliability of Obeidi's information.

With regard to Obeidi's move to the United States, Gellman writes, "By summer's end, under unknown circumstances, Obeidi received permission to bring his family to an East Coast suburb in the United States." The reader is left with the impression that this move involved something manipulative or sinister. The "unknown circumstances" are called Public Law 110. This mechanism was created during the Cold War to give the director of central intelligence the authority to resettle those who help provide valuable intelligence information. Nothing unusual or mysterious here.

When the article moves to describe the actual work of the nuclear team, Gellman states that "frustrated members of the nuclear search team by late spring began calling themselves the 'book of the month club.' "But he fails to note that this was before the establishment of the Iraq Survey Group. In fact, the team's frustration with the pace of the work is what led President Bush to shift the responsibility for the WMD search to the director of central intelligence and to send me to Baghdad.

One would believe from what Gellman writes that I have sent home the two leaders of my nuclear team, William Domke and Jeffrey Bedell, and abandoned all attempts to determine the state of Iraq's nuclear activities. Wrong again, Domke's assignment had been twice extended well beyond what the Department of Energy had agreed to. He and Bedell were replaced with a much larger contingent of experts from DOE's National Labs.

Finally, with regard to the aluminum tubes, the tubes were certainly being imported and were being used for rockets. The question that continues to occupy us is whether similar tubes, with higher specifications, had other uses, specifically in nuclear centrifuges. Why anyone would think that we should want to confiscate the thousands of aluminum tubes of the lower specification is unclear. Our investigation is focused on whether a nuclear centrifuge program was either underway or in the planning stages, what design and components were being contemplated or used in such a program if it existed and the reason for the constant raising of the specifications of the tubes the Iraqis were importing clandestinely.

We have much work left to do before any conclusions can be reached on the state of possible Iraqi nuclear weapons program efforts. Your story gives the false impression that conclusions can already be drawn.

When Barton Gellman interviewed me last month I stressed on a number of occasions that my remarks related to Iraqi's conventional weapons program. I am responsible for aspects of that program as the commander of the coalition Joint Captured Materiel Exploitation Center. I did not provide assessments or views on Iraq's nuclear program or the status of investigations being conducted by the Iraq Survey Group.

On the issue of Iraq's use of aluminum tubes, I did confirm, in response to a question by Gellman, that aluminum tubes form the body of Iraqi 81mm battlefield rockets and that my teams had recovered some of these rockets for technical examination. Further, I stated that the empty tubes were innocuous in view of the large quantities of lethal Iraqi conventional weapons such as small arms, explosive ordnance and manportable air defense systems in this country. I did not make any judgment on the suitability of the 81mm aluminum tubes as components in a nuclear program.

In discussing the disbanding of the Joint Captured Materiel Exploitation Center, I told your reporter that the center's work was largely complete, and I made clear that its role was in the realm of Iraq's conventional weapons and technologies.

Gellman attributed to me comments about the effect of U.N.-imposed sanctions. Again, I referred to Iraqi efforts to acquire conventional military equipment. I made no assessment about the effect of U.N. sanctions on Iraq's nuclear program.

Mr. CRAIG. Madam President, I will claim no more than 5 minutes of the time of the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY FORESTS CONFERENCE

Mr. CRAIG. I come to the floor this morning a bit frustrated and maybe with a good reason to be angry at some of our colleagues for what now appears to be a general intended deceit of the American people. I hope that is not the case and I certainly will take back those words if it is not. But actions are occurring behind the scenes as I speak that suggest I am not inaccurate.

What am I talking about? This past week the Senate was consumed in debating a bill about healthy forests and trying to develop some degree of active management on our public forest lands to reduce the overall fuel load that was and has been feeding the fires on our forested lands. Of course, last week, while we were debating here on the floor, America's attention was riveted in California where people were dying, homes were burning, and tens of thousands, hundreds of thousands of acres were being consumed. Probably that was the worst wildfire this country has seen in several decades.

What happened last Thursday after a very full and robust debate on a bipartisan bill that had been crafted in the Agriculture Committee and then recrafted between the Senator from California, a Democrat, the Senator from Oregon, a Democrat, myself, a Republican, and a variety of others to build a bipartisan alternative approach to this problem? We debated that bill and we passed it by a vote of 80 to 14. That would demonstrate to the American people that those who opposed us in the past somehow had gotten the message. Somehow there was an awakening here in the Senate that there was truly a need to resolve the issue of forest health.

The poster I have just put up was used last week. It says: "California Burns, Democrat Filibuster Continues."

That filibuster was broken. There was a rousing debate and an 80-to-14 vote. The Healthy Forests initiative passed, an initiative I had worked on for a good number of years as chairman of the Forestry Subcommittee. The President of the United States, standing in ashes in the forests of California or Oregon the summer before last, declared this country had to get busy at being better stewards of their public lands or we were going to continue to see catastrophic wildfires.

All of that finally came together last week. Now, on the morning news, we see a caravan of mourning firefighters as they lay to rest one of the firefighters who was killed in those cataclysmic fires of last week in southern California. While there are those laying to rest over 20 people killed in those fires, and while the Senate last Thursday, on an 80-to-14 vote, passed out a Healthy Forests initiative, now, quietly, behind the scene, the Democrat leaders are saying: No more. We will not allow the bill to move any further. We will not allow the bill that passed by a bipartisan vote to go to conference with the House to work out our differences, to actually make it law.

Do you understand what I am saying? I am saying the debate last week and the cataclysmic fires in California somehow have not changed anybody's mind; they have not changed or are not going to allow public policy to change; that behind the scenes there is now a silent, invisible filibuster on the part of Democratic leadership that will not allow this bipartisan bill to go to conference because, if it doesn't go to conference and the House and the Senate can't work out their differences, it will not become law. If it is not law, we cannot begin to deal with the 20 million acres of urban/wildland interface that are addressed within this legislation so that we will thin and clean and make them less susceptible to fire.

What is the picture here? Am I getting this wrong? Is this scenario I have on this picture now replaying itself? The fires are out in California, or at least we hope they are nearly out. But they will come again. Here is the reason they will come again. Here is a map of the United States. All these red areas——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. The red on this map demonstrates not 20 million acres but 90 million acres of class 3 lands that are dead and dying and phenomenally susceptible to fire. See right down here in southern California where the fires burn, that red land that was looked at in 2000, which we said was going to burn? It burned: 3,400 homes, 20 lives, billions of dollars worth of assets. Now a silent filibuster on the part of Democratic leadership says we will not allow the bill to go forward? I hope I am wrong. I was not wrong yesterday. I understand they are still blocking a unanimous consent request to appoint conferees so the House and the Senate can work out their differences, so we can get at the business of being the good stewards of our public lands the public wants us to be and somehow, some way, treat our lands and deny wildfire to other areas of the country.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, how much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. MCCONNELL. Madam President, the Senator from Idaho is entirely correct. What is going on here is a filibuster over naming of conferees. As a part of the normal legislative process, you send Members to a conference with the House to resolve the differences. In effect, a Healthy Forests bill is now being filibustered without the naming of conferees. The differences between the Senate and the House cannot be resolved. Unless conferees are named, the 80-to-14 vote we had here in the Senate just last week is meaningless, absolutely meaningless. No legislation to protect our forests, our people, our firefighters, and our homes can move forward while the appointment of conferees is being filibustered.

While efforts to solve this critical legislation may seem illogical or even callous in the face of the disaster we have witnessed in California on the nightly news, mind you, what is simply unbelievable is that the legislation to prevent catastrophic fires such as these was filibustered just over a year ago. Last year when the risk of catastrophic forest fires was clear and immediate and action was needed, there was an effort to block even the consideration of amendments to the Interior appropriations bill that would have reduced the sort of hazardous fuels that have set ablaze southern California. We knew this was a problem last year. We knew it needed to be addressed. But time and time again we have been prevented from moving forward. That was then and this is now. Now that 22 lives have been lost, 800,000 acres have been burned, and 3,400 homes have been destroyed, you would expect Congress might have gotten the message to get the lead out and get the job done. But some in the Senate just do not get it.

As the Senator from Idaho pointed out, the American people have a right to basic safety and security, which this bill provides. After all we have seen, they have the right to ask: Why in the world is this bill being delayed by 1 second? We saw this bill move at lightning speed by a huge majority last week. Now it is stalled and likely to fail in this session of Congress.

How many acres must incinerate, how many homes must burn, and how many lives must be lost before we move forward on the Healthy Forests conference?

During the last year, 27 firefighters lost their lives fighting blazes such as those this bill intends to diminish. Would it be today that my friends in the Senate will move forward to appoint conferees and finally pass this much-needed legislation into law or will the Senate, like Nero, fiddle while the Nation burns?

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL CONSUMER CREDIT REPORTING SYSTEM IMPROVEMENT ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of S. 1753, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1753) to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

HEALTHY FORESTS

Mr. REID. Madam President, I see the chairman of the committee is here. I will speak for a minute while he is getting affairs in order to respond briefly to the Senator from Kentucky about the Healthy Forests initiative.

The statement has been made that hundreds of thousands of acres have burned in the last few years. But we have had millions of acres burned. We understand what it means to have wildfires. As a neighbor to California, Nevada sent 500 firefighters and dozens of pieces of equipment to help fight the fires in California. We in Nevada understand what fires are all about. I think most everyone in the country understands how devastating these fires have been. But for anyone to come to the floor and suggest we are fiddling while Rome burns, that is simply untrue.

Here is what we are concerned about. We have a situation where we have been eliminated from the conference process. Remember that the Senate is 49 to 51. It is not as if there is a huge majority. We have been eliminated from conferences. People are saying, Isn't it nice that the Medicare conference is allowing two Democrats in on the conference. But for any other Democrats to come, the conference is closed. For most conferences, we don't have anybody.

What we have suggested on this bill and on the CARE Act and a number of other matters is that we go ahead and send what has been passed in the Senate to the House. If the House doesn't like it, they can send it back with amendments. We have done that many times. This is not an unusual procedure. We need only look at what we did last night with the Fallen Patriots Tax Relief Act. That is how that happened. There was no big cry of concern about that.

We haven't had the opportunity to do complete research. H.R. 1584, the Clean Diamond Trade Act; H.R. 1298, AIDS Assistance Bill; H.R. 733, McLaughlin House National Historic Site Act; H.R. 13, Museum Library Services Act; H.R. 3146, TANF Extension; and H.R. 659, Mortgage Insurance Act—these are just a few of the pieces of legislation we have handled in this manner.

If the majority wants this act to pass—and I am sure they do—the best thing to do would be to take what has taken place here in the Senate and send it across the hall to the House. If there is something they do not like about it, send it back to us with an amendment. It happens all the time. It is not unusual. In fact, in years past that is how it was done. Conferences were not used as much as they are used now.

The way we have been treated with conferences, they are going to have a lot less because you can't have conferences where there is no conference. Basically, the majority meets in secret, and when they complete their secret meetings, they bring the conference report and say take it or leave it. That is the wrong way to do things.

That is what this is all about. We want the Healthy Forests initiative to pass. We wanted it to pass yesterday—not tomorrow but yesterday. It is an important piece of legislation. That is indicated by the vote that came out of the Senate.

Therefore, take what we passed, send it to the House, and if they don't like it, they can send it back with amendments.

Mr. CRAIG. Madam President, will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend from Idaho.

Mr. CRAIG. Is it not true what I said on the floor, that you are objecting to appointing conferees to the Healthy Forests initiative so it can go to conference between the House and Senate? Is that not true?

Mr. REID. Yes. It is absolutely true. That is the point I tried to make last night dealing with the CARE Act and today. I apologize; I was in a meeting with Senator DASCHLE and I was unable to listen to your speech. But the answer is absolutely yes. That is the point I was making.

Mr. CRAIG. The point is the bill is not moving because your side is objecting to what is a normal process here in the conference.

Mr. REID. No. I say to my friend the bill is not moving because the majority has decided to harp on the fact that there is not a conference named——

Mr. CRAIG. I guess my point is made.

Mr. REID. Please. I have the floor. The fact of the matter is conferences have been held around here. What I am saying is the majority has a choice. If they want the healthy initiative bill—which we badly want—then I think what we should do is take what has been passed and send it to the House. If they don't like it, let them bring it back with amendments.

There are two ways of doing it. One way is the way the Senator from Idaho suggests. The conferees could be appointed and take it over to the House, and we meet someplace else. That is the normal way.

Frankly, since we have lost control of the majority, we haven't held conferences. I have talked about that at some length on previous occasions. I touched on it briefly here today.

We want a bill passed.

The Senator from Idaho is absolutely right. The Democratic leader, in representing the Democratic caucus, has said let us not do a conference because it is meaningless, anyway. Let us take our bill we have passed and work on it. We had a big vote here. Send it to the House, and they can come within a matter of hours with something they don't like about it, and we will be happy to review that when it comes back in a matter of hours.

Mr. CRAIG. I thank the Senator.

Mr. REID. I want to tell my friend from Alabama how much I appreciate his patience while we finished this little scrum on the floor today.

I look forward to this most important piece of legislation. This is brought to the floor on a bipartisan basis. We have spent time speaking with the Senator from Alabama at some length in getting the bill here, dealing with the same problem we are having in the conferences.

I wish that all Senators had the sense of what legislation is all about as does the Senator from Alabama. He, in my mind, is truly a legislator. I have enjoyed working with him in the House and in the Senate. There is no question that this bill is here as a result of his reaching out to the Democrats on the committee. They have told me that. There are Democratic amendments in the mark now before the Senate. On behalf of those in the minority, through the Chair, we express our appreciation to the Senator from Alabama, the chairman of the Banking Committee.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alabama.

AMENDMENT NO. 2053

Mr. SHELBY. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 2053.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SHELBY. It is our intention to adopt the substitute and ask it be treated as original text but we will wait for the other side before we adopt the amendment.

Mr. President, I am pleased to bring before the Senate S. 1753, the National Consumer Credit System Improvement Act of 2003. This bill was unanimously approved by the Senate Banking Committee on September 23 of this year by a voice vote.

The Fair Credit Reporting Act, is a very important, highly complex law that governs crucial aspects of the consumer credit system. This national system is huge—involving trillions of dollars and millions of people, and is at the heart of the economic well being of this country. The bipartisan bill before the Senate is the product of extensive hearings and deliberations by the Senate Banking Committee. Over the course of the past 5 months, the Banking Committee held six hearings related to the reauthorization of the seven expiring FCRA national standards as well as the effectiveness and efficacy of the FCRA as a whole.

The committee's process helped us identify key areas that required reform or improvement, while at the same time, reinforcing the importance of our national credit reporting system to the operation of our financial markets and economy as a whole. The committee bill incorporates many important reforms while creating permanent national standards. This bill reflects a careful balance between ensuring the efficient operation of our markets and protecting the rights of consumers.

Over the 6 years since the FCRA was last amended, significant changes have occurred in our credit markets. There are now participants, new technologies, new underwriting practices, and new products. Indeed, there is more that has changed than has remained the same in the operation of the credit markets since the last time Congress considered the FCRA. These changes have been largely positive. They have expanded access to credit to more Americans and permitted loan approvals in hours rather than weeks.

However, these new developments have had some unintended consequences.

Identity theft. As our economy has grown more automated, more electronic transactions occur without the lender and borrower ever meeting face to face. As a result, the transfer of information has become much more pervasive, and a new crime has emerged that takes advantage of this flow of information. This crime is called identity theft, and the incidence of this crime has grown geometrically in recent years.

Identity theft involves a person using someone else's personal information without their knowledge to commit fraud or theft. Practically speaking, the crime involves misappropriation of such personal information as a victim's name, date of birth, and social security number. Identity thieves then use this information to open new credit card accounts, to divert current accounts from victims to themselves, and to open bank accounts in victims' names, among other things. The bad charges and the hot checks usually happen while the victims, banks, credit card companies and other firms are unaware that something is amiss.

In the wake of unauthorized activity and skipped payments, the creditor usually takes action and ultimately cuts the thief off. At this point, the creditor's losses are curtailed, but the nightmare is just beginning for the ultimate victim of identity theft—the individual whose identity the thief assumed. In most instances, the victims first become aware of the fact that they have been targeted when the creditor seeks payment. It is also when they begin to experience the negative consequences—dealing with law enforcement and the collection agencies.

Thereafter, when the results of the criminals' handiwork shows up on their credit reports, they face the considerable task of restoring their good name and credit rating.

This bill attempts to combat this growing crime while also helping consumers restore their credit standing and give victims assistance. The bill contains a number of provisions that deal with identity theft:

S. 1753 directs Federal banking regulators, the National Credit Union Administration and the Federal Trade Commission to develop guidelines and regulations to identify and prevent identity theft;

The bill mandates the inclusion of fraud alerts in credit files, to notify users of credit reports that a consumer could be a victim of identity theft;

The bill will restrict the amount of information available to identity thieves, by requiring the truncation of credit and debit card account numbers on electronically printed receipts; and

S. 1753 increases the punishment of identity theft crimes.

S. 1753 also provides victims of identity theft with meaningful assistance something they do not really have today:

The bill requires the FTC to prepare a summary of rights of identity theft victims;

S. 1753 establishes procedures to block the reporting of and the refurnishing of identity theft-related activities; and it requires the national credit reporting agencies to coordinate and share identity theft complaints.

Another aspect of this bill is accuracy. The committee also focused its attention on how best to ensure the accuracy of credit information. Accurate credit reports are absolutely crucial to the efficient operation of our credit market. Indeed, the changing nature of our credit markets has made accuracy more important than ever. Credit report information is increasingly used as the key determinant of the cost of credit and insurance in this country.

In addition, technology has permitted lenders to use credit information to more precisely assess risks posed by borrowers. Gone are the day when lenders merely stamped loans as "approved" or "not approved." Today, the lenders employing credit history data, use mathematical models to analyze credit risk and create risk-based prices for credit cards, mortgages and other products. Use of risk-based pricing allows lenders to extend credit to a broader range of borrowers on credit terms, which match the credit risk they pose. Additionally, its use results in very few credit applicants being rejected. Again this is a very positive development, but not one without a cost.

Currently, credit applicants who are rejected received adverse action notices and access to a free credit reports. This allows such consumers to review the accuracy of their credit report information. Due to risk-based pricing, consumers are often not given the adverse action notice when information contained in their credit report significantly impacts the cost of the credit offer. Rather, they receive a counteroffer with credit offered at a higher price or with more restricted terms.

This development presents a huge concern. The adverse action notice is the primary tool in the FCRA to ensure mistakes in credit reports are discovered. To address this situation, the committee bill requires regulators to promulgate rules to provide consumers notice when, because of information contained in a consumer's credit report, the creditor makes a counter offer to the consumer on terms that are materially less favorable than the most favorable terms available to a substantial portion of consumers.

These notices will make consumers aware of the need to check their reports to ensure their accuracy. The need for ensuring the greatest possible accuracy in credit information does not end with these new notices. For example, in large credit transactions, such as mortgages, rate differences, as the Presiding Officer knows, can translate into hundreds of thousands of dollars over the course of a loan. Even in smaller dollar credit transactions, such as credit cards, rate differences can mean large amounts of money.

With the practice of credit card companies reviewing credit reports and adjusting rates in real time becoming more prevalent, the application of risk-based pricing to consumer finances is practically an everyday event.

Credit reporting information is increasingly used as the key determinant of the cost of credit or insurance. With the rewards for good credit so meaningful in this country, and the penalties for bad credit so costly, it is more critical than ever before that credit reports accurately portray consumers' credit histories.

The committee bill addresses this in several ways. One, the bill provides consumers the right to obtain a free copy of their credit report annually through a centralized system and request of their credit scores or information about credit scores in certain circumstances. This is a big change.

S. 1753 directs the Federal banking regulators, the National Credit Union Administration, and the Federal Trade Commission to develop guidelines to ensure greater accuracy and completeness of information in credit reports.

Furthermore, it directs the Federal Trade Commission and the Federal Reserve to conduct ongoing studies on the accuracy of consumer reports and the resolution of consumer complaints.

Privacy protections are addressed in this bill. S. 1753, the bill before us, contains a number of important new privacy protections for consumers. The committee-designed protections are based on our extensive deliberations and focus on core areas of concern in the privacy arena; namely, direct marketing and medical information.

The bill contains important new medical information protections which significantly limit creditors' use of consumer medical information and restrict the dissemination of medical information in credit reports. These provisions require the coding of medical information that is included in credit reports and prohibits creditors from obtaining or using medical information in determining a consumer's eligibility for credit.

S. 1753 also requires affiliated companies to give consumers notice and an opportunity to opt out of direct marketing. In addition, the bill requires the regulators to study information-sharing practices of affiliated companies and the level of consumer understanding.

Financial literacy was another topic of our committee deliberations. The committee understands that informed, knowledgeable consumers are best positioned to take advantage of new credit products and to reduce the likelihood of falling prey to negative developments, such as identity theft. Financial education is crucial to the effective operation of our credit markets since the Fair Credit Reporting Act places significant responsibility on the consumer to ensure the accuracy of their credit reports. For these reasons, the bill establishes the Financial Literacy and Education Commission to review and create Federal programs and coordinate the existing financial literacy efforts already established.

The committee has devoted a significant amount of time and energy in this bill to build a complete and thorough record on the highly complex issues involved with the Fair Credit Reporting Act. The legislation we are considering today, which was passed unanimously out of the Banking Committee, reflects the time and consensus achieved during that process.

It contains language that was developed by a number of my colleagues on both sides of the aisle, and I thank all of them for their efforts. I also particularly thank the ranking member and former chairman, Senator SARBANES, for his insight and the significant contributions he and his staff have added as we have moved through this process over the course of the year.

I believe we have achieved the difficult objective of striking the proper balance between enhancing the rights of consumers and improving the efficient operation of our credit markets.

Mr. President, I now yield the floor to my distinguished colleague from Maryland, the ranking Democrat.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am pleased to join this morning in bringing to the floor of the Senate, along with my able colleague from Alabama, the distinguished chairman of the Senate Banking, Housing, and Urban Affairs Committee, S. 1753, the National Consumer Credit Reporting System Improvement Act of 2003.

This legislation is important to millions of Americans as we work to ensure fair, accurate, and effective credit reporting practices, and this legislation is designed to accomplish that objective.

First, I acknowledge and actually commend the distinguished chairman for the comprehensive series of six hearings on this legislation that were held in the Banking Committee. Chairman SHELBY structured extremely productive hearings. There was a systematic approach to examining all aspects of this issue, and we heard from a broad range of interests in the witnesses who came before the committee. I think it is fair to say we covered all the bases.

Not all the bases got what they wanted. It never quite works that way when you do legislation. But I think we had a very open, transparent process, with people having an opportunity to present their positions. They were very carefully and thoughtfully considered. In the end, the legislation was reported out of the committee, on a voice vote, unanimously on September 23. I think that vote reflects the response to the chairman's willingness to work with all members of the committee.

Now, it goes without saying, each of us, if we could write the bill by ourselves, would have somewhat different aspects to the bill. There are areas where I would have sought to do more with respect to some consumer issues. But I think we sought to craft a balanced package here. We understand the need for a national credit reporting system for Americans all across the country. It means an opportunity to carry out their economic transactions swiftly, efficiently, and effectively. At the same time, of course, you have to be very alert to ensuring there are protections so people cannot be abused or taken advantage of in the process.

One of the things this legislation does—and I am going to refer to it in some detail very shortly—is it really seeks to address this issue of identity theft which has provoked so much misery and grief for people who are hit by it. It is really the central focus of people's attention now when they consider problems they are having with consumer financial matters. This legislation has some very significant provisions in that regard, and we were able to move those forward with the strong support of the members of the committee.

The Fair Credit Reporting Act, which this legislation, of course, affects provides for the ways in which credit information is gathered, disseminated, and used.

During the hearings, we received a number of recommendations for improving the operation of the act.

Among other things, the suggestions addressed: combating fraud and identity theft, protecting consumers' financial privacy, clarifying the credit scoring process and the use of credit scores, enhancing regulatory and enforcement authority, improving the accuracy of credit reports, improving consumers' understanding of the credit reporting process, combating abusive marketing practices, and finding ways to improve the financial literacy and education of all consumers.

I believe we have taken important steps to address all of these issues. The Senate bill includes a number of provisions that will result in enhanced consumer protections by helping to ensure accuracy of credit report information and fair practices in the collection and use of credit information and in the granting of credit.

Among other things this legislation will: provide consumers with free credit reports annually from the national credit bureaus and provide consumers with an easy method to obtain their free credit reports. This has heretofore not been available. It will require a summary of consumers' rights to opt out of prescreened offers; provide for accuracy guidelines; lengthen the statute of limitations for all FCRA violations; enhance identity theft penalties; extend the situations in which adverse action notices are provided to consumers; prohibit the sale, transfer, or collection of identity theft debt, so that such bad debt will not be perpetuated in the credit system; provide consumers with the right to opt out of marketing that results from affiliate information sharing, with certain exceptions to that right. Finally, of course, it will help enhance the financial literacy of all Americans.

Let me discuss some of these items in a little more detail.

First, accuracy. I don't think it needs much elaboration for people to understand that accuracy of credit reporting information is integral to our reporting process. Erroneous information on credit reports can often take a significant investment of time and money to remove. They can be extremely costly to consumers by significantly raising borrowing costs. Insurers, mortgage banks, and other financial institutions rely significantly on credit scores to make credit decisions. Therefore, inaccuracies in the underlying credit reports can make it more difficult and more expensive for Americans seeking to make major purchases. Yet we heard testimony in those extensive hearings, to which I referred earlier, that credit report inaccuracies is one of the major problems that plague consumers. This legislation addresses that with substantial measures in that regard.

In order to enhance the accuracy of credit reports, the bill directs the Federal banking agencies, the National Credit Union Association, and the Federal Trade Commission to issue guidelines and promulgate regulations with respect to the accuracy and completeness of credit report information.

Second, free credit reports. The bill allows consumers to receive a free credit report annually from each of the three national credit reporting agencies. The bill also requires the FTC to take steps to make it easier for consumers to obtain their free report, including: setting out rules requiring that a centralized, streamlined method be established so consumers can easily obtain free reports, and actively publicizing and conspicuously posting on its Web site—the FTC Web site—the rights available to consumers under the FCRA, including the consumer's right to a free report.

The provision of free credit reports is a significant step in helping consumers to ensure the accuracy of their credit report information, and helping them identify possible instances of identity theft.

As to prescreening, under the FCRA, credit reporting agencies may generate for creditors prescreened lists of individuals with certain credit characteristics to be targeted to receive a direct mailing. This prescreening process results in much of the unsolicited mail credit offers that consumers receive and about which they often complain.

The success of the FTC's Do Not Call Registry has highlighted the frustration of Americans with unsolicited telephone offers. Under the Senate bill, creditors making such unsolicited offers of credit to consumers by mail will be required to include a summary of the consumers' rights to opt out of prescreening in their offers to consumers. In addition, this Senate bill increases the effective period of the telephone opt-out of prescreening from 2 to 7 years.

With regard to adverse action notices, under the current law, the FCRA, a consumer receives an adverse action notice after denial or cancellation of insurance, a denial of credit, or a denial of employment, based on information in the consumer's credit report. This adverse action notice then triggers a consumer's right to a free credit report and other of CRA disclosures.

Those are the provisions that have heretofore been in the law. What has happened, of course, is that, as the industry has grown more sophisticated in the technology, we are having a move to risk-based pricing. So there are many circumstances in which a consumer may apply for credit, but rather than receiving an outright denial, which is what happened in earlier days, which then was an adverse action and gave the consumer certain rights, the consumer may receive credit at an elevated rate or cost because of information on the consumer's credit report. In these situations, because a consumer has received credit, albeit at more rigorous terms, the consumer is not considered to have experienced an adverse action. Therefore, no FCRA rights are triggered.

This legislation now before us incorporates a recommendation made to us by the Federal Trade Commission to update the provision of adverse action notices so consumers are aware that information in their credit report is negatively affecting the rates they are paying for credit. Therefore, because they become aware of it, it gives them an opportunity to examine that information and to correct it if, in fact, it should be inaccurate.

Finally, in addition, the Senate bill takes important steps to improve the financial literacy of consumers by establishing a financial literacy and education commission within the Federal Government, which will coordinate the promotion of Federal financial literacy efforts, and will develop a national strategy to promote financial literacy and education.

I commend Senators ENZI and STABENOW, along with Senators CORZINE and AKAKA, and many others, for their leadership in this important area of financial literacy. Senator ENZI and Senator STABENOW and Senator CORZINE and Senator AKAKA, for a long time—really, since I have known them—have been interested in this issue. We are pleased there is a title in the bill that carries forward important efforts in this regard.

Let me turn to identity theft. I indicated at the outset that this was an issue of increasing concern across the country. Before I do that, I will simply mention a step that we took in this legislation with respect to affiliate sharing. This legislation contains provisions relating to the ability of financial companies to market to their customers based on private financial information of the customer that has been shared among affiliates.

The bill would require affiliates who share customer information for solicitation or marketing purposes—and most of the concern we have heard in this area has been with the use of this information for solicitation or marketing purposes—to disclose such sharing to consumers and to provide them with an opportunity to opt out of the marketing resulting from such sharing of information.

There are exceptions in the legislation with respect to this provision for preexisting customers, for service providers, and for the institutions responding to a consumer request. So on the solicitation for marketing, we are trying to address much of the concern that has been expressed to us, but we have been trying to do it in a very careful way so that the basic purposes of the legislation can be carried forward.

I want to spend just a few moments on identity theft because it is such an important issue now. We heard some absolute horror stories before the committee from witnesses who had experienced identity theft and what it has done to their lives—virtually destroyed their lives. Obviously, we have to deal in every way that is reasonably possible with this issue. It has become an increasing problem in recent years.

The Federal Trade Commission reported that the number of identity theft complaints it received last year far exceeded complaints about any other type of consumer fraud. Americans have serious concerns about this issue. Businesses incur significant costs dealing with identity theft. Honest citizens who are victims of identity theft incur very high costs in money, in time, in anxiety, and in an effort to correct and restore their spoiled credit histories and good names. Someone steals their identity and then uses it, and their whole credit record is being destroyed. Then it is almost impossible for them to function in a normal economic way in our society.

This bill contains a number of important provisions that will address identity theft, and I commend not only the chairman but the members of the committee—all of the members of the committee—who were prepared to focus on this issue and give it a very high priority as we sought to move this legislation forward.

The bill will allow consumers to place fraud alerts on their consumer reports. It will allow military personnel to place alerts on their reports indicating their active duty status. So there is a special concern for our men and women in the military.

The bill provides for free credit reports after a fraud alert. Consumers will be able to get two free credit reports in the year after a fraud alert is placed in their file, as they seek to clean up the situation and to remedy it.

As to account blocking, the bill will allow identity theft victims to direct consumer reporting agencies to stop furnishing information regarding the accounts associated with identity theft.

"One call" policy: The bill will require that the national credit reporting agencies that receive consumer calls about identity theft direct the complaint to the other national agencies so that identity theft victims need not contact each agency separately. They can make one contact, and then the information is disseminated on identity theft.

With regard to notification of fraudulent information, the bill will require debt collectors who learn that information in a consumer report is fraudulent, maybe the result of identity theft, to notify the creditor of the fraudulent information.

On truncation of account numbers, the bill will require that businesses truncate credit or debit card numbers on electronic receipts.

And on prohibition of the sale of identity theft, the bill protects consumers by prohibiting the sale, transfer, or collection of a debt where a consumer is an identity theft victim with respect to that debt. This will help to prevent identity theft debt from being perpetuated within the credit system.

I want particularly to note the leadership of Senator CANTWELL with respect to identity theft. Her identity theft legislation actually passed on the floor of the Senate last year, and this bill incorporates many of the provisions that were in her legislation, including an extension of the statute of limitations and the blocking provisions. I know she has worked closely with Senator ENZI in that regard in trying to address this identity theft issue.

I also want to acknowledge the work that Senator FEINSTEIN has also done on the identity theft question. We are most appreciative of her efforts in this regard as well.

This is just a summary of a number of the provisions of this legislation which I think extends important protections to consumers. The bill provides a number of important improvements in the credit reporting system.

As I mentioned earlier, this legislation was voted out of the committee on a voice vote. There are certain provisions of the existing legislation that will expire on January 1, 2004. Therefore, it is important this legislation be enacted before the end of this session.

I close by again thanking the chairman for the very fair and balanced way in which the hearings were conducted and in which the markup took place. We sometimes put down or minimize the importance of process. It is not a very catchy word, "process," but a good deal of what we try to do here and when you try to make this democratic process work involves process. It involves how you go about considering issues and how open and fair you are in doing it; how the majority treats the minority and how the minority responds to the treatment it receives from the majority. I believe a good process contributes to good legislation, that it is an important part of formulating legislation and arriving at the building of a consensus to address important problems.

I simply want to say to my colleagues that I think the process that was followed in this instance was as it should have been, and I think the fact we bring this legislation to the floor out of the committee with a unanimous vote is, in part, a consequence of that process. I again thank and commend the chairman in that regard.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. DOLE. Mr. President, I am in strong support of S. 1753 to renew uniform national standards for managing consumer credit information. These provisions are due to expire January 1, and this legislation is vitally important so that economic empowerment can become a reality for all Americans.

Since it was first enacted in 1970, the Fair Credit Reporting Act has served an important role in this Nation. Indeed, it is astounding to consider the fundamental changes which have occurred in our credit system.

In 1970, credit card charges over $20 required the store owner to call the creditor who would then have an employee go through a card catalog system to approve the transaction. Today, it takes just seconds, even when you are on the other side of the world. While we take this innovation for granted, it demonstrates how much our system of payments has changed.

In addition, the provisions of the Fair Credit Reporting Act have also been responsible for many of the advancements in how we choose financial products which best meet our needs. Today a fairer and faster system of assessing an individual's financial responsibility means that consumers now have quick access to competitive offers for credit, insurance, or other financial products.

Clearly, our current credit system has benefited individuals at every level of the economic ladder, and that has meant new opportunities for people who never before had access to credit. Judgments based on race and gender have been taken out of the equation of creditworthiness.

No longer is collateral necessary when qualifying for a loan. People can now move on to the ladder of economic success simply by proving they can responsibly handle their financial affairs. Given this opportunity to reauthorize the Fair Credit Reporting Act, we must ensure that our actions do not result in increases to the cost of credit or lower access to credit. Both would have harmful effects on our recovering economy. At the same time, we must ensure that the law applies to everyone fairly and that the system to protect consumers against questionable material on credit reports operates efficiently and effectively.

Recently, in the Banking Committee, we heard testimony about the harm caused to consumers who had false information on their credit reports as a result of mistakes or fraud. The legislation before us contains initiatives to increase the accuracy of credit reports, including providing consumers with one free credit report each year. This free report will give consumers a better understanding of the factors financial institutions take into account when pricing a product and when deciding whether to extend credit.

Free credit reports will also ensure the accuracy of reports since consumers are best able to identify incorrect and false information. This will go a long way in stopping identity theft, a destructive crime that is, unfortunately, growing more common each day.

This legislation also continues one of the most important provisions from the 1996 act, and that is affiliate sharing. Consumers clearly benefit when they are able to call a single person in their financial institution and that customer service agent is able to access each of their different accounts at once. We all know the frustration of being transferred from person to person when we are attempting to get questions answered. With these provisions, more institutions are able to develop systems to minimize the need to transfer customers from department to department. It also saves consumers time and money when financial institutions are able to realize greater efficiencies by consolidating customer service and administrative functions for their affiliate businesses.

Let me be clear. Privacy of personal information is extremely important, and I continue to work to implement reasonable protections. However, we must strive for a balance and we must not sacrifice the efficiency of our credit system in the name of privacy. In many ways, I believe our responsibility is like that of doctors in the Hippocratic oath: First do no harm.

Just as importantly, affiliate sharing assists financial institutions in their antiterrorism efforts by helping them detect and prevent money laundering. A customer service agent who can review all of the consumers' accounts is more likely to spot potential problems or concerns.

The average American moves every 6 years. This is about 17 percent of the U.S. population, more than two-thirds higher than any other country. Our national uniform credit system plays a significant role in increasing the mobility of labor and in the ability of consumers to move while keeping portable credit reputations that preserve their access to low-cost credit. Advances such as these have ripple effects that help our communities tremendously. The families served find themselves with more money since the costs of their financial needs decrease, they have access to credit and loans to meet the needs of their families, and they are able to establish a good credit record so that they are eligible to obtain a home mortgage.

Because of the Fair Credit Reporting Act, families are able to build wealth, many for the first time. They are able to provide greater stability for their families, and in turn they become more involved in their communities. It is the modern American dream so many consumers are beginning to realize because of our efficient and effective credit system. It is important that Congress act quickly to renew these uniform national standards for managing consumer credit information. Consumers and the financial sector will most definitely feel the impact if these provisions expire. The benefits to our communities and our economy are endless.

I certainly thank Chairman SHELBY for his excellent work on this legislation. His ability to resolve issues and work with all the parties is a true testament to his leadership. It is a privilege to serve on his committee.

I also thank Senator SARBANES for his tireless advocacy on behalf of consumers. Similar legislation has already passed overwhelmingly in the House. I urge all of my colleagues to join this truly bipartisan coalition of Senators in acknowledging the benefits the Fair Credit Reporting Act has brought to our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank the Senator from South Dakota for permitting me to do this. I ask unanimous consent that the substitute amendment be adopted and considered original text for the purposes of further amendment and that no points of order be waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I thank the leadership for moving to floor consideration of S. 1753, which amends the Fair Credit Reporting Act. This bill, which was approved unanimously by the Senate Banking Committee, will ensure that millions of Americans continue to have access to affordable credit under a uniform national standard that includes significant new consumer protections.

Similar legislation was passed out of the House of Representatives recently by an overwhelmingly bipartisan vote of 392 to 30. Only occasionally do we have the chance to vote for a bipartisan bill that so ably balances the needs of consumers and business.

Under the leadership of Chairman SHELBY and ranking member SARBANES, we have achieved a product that is good for everyone. In the area of consumer credit, we have a rare convergence of interests. What is good for consumers helps business to expand, which in turn helps to give consumers more choice. The end result is a stronger economy.

I urge my colleagues not to squander this opportunity to send a decisive message that we are committed to protecting and improving a pillar of this Nation's economy, and that is the consumer credit market.

It is a testament to the success of our national credit reporting system that few people have heard of the Fair Credit Reporting Act or FCRA. FCRA is the statute that governs the collection and use of personal credit data that make up an individual's credit report. That credit history, in turn, allows Americans to access the credit markets in whatever form meets their needs. For example, millions of Americans have refinanced their mortgages over the past year to take advantage of historically low interest rates. Others have applied for low-cost auto financing. Most Americans have some form of revolving credit line that helps them to meet certain payment needs.

Very rarely do we stop to ask ourselves why is it that we can walk into a bank, walk into a store or credit union, or apply over the phone or the Internet for credit with a mortgage broker and a few minutes later get approval. These people do not know us, they have never seen us, and yet they have the information they need to make an objective and sound credit-granting decision.

When I was growing up, if you needed a loan, you had to walk down the street to the local banker, who had probably known you your whole life. He lent you money because he knew your family, he knew you were a hard worker, and he trusted you to make a good loan. Or maybe because the banker had certain preconceived notions about you or your family, you did not get credit that you deserved.

Today, that has all changed. Today, the national marketplace for credit has transformed this loan-granting process. Uniform credit information allows lenders, big or small, to make sound lending decisions based on an objective evaluation of past credit performance. These objective indicators are critical to the safety and soundness of our financial institutions.

Poor lending decisions affect all of us through institutional instability and an increased cost of credit.

The FCRA, which was passed in 1970 and amended in 1996, has created a national credit marketplace based on standardized information related to consumer credit histories for all of us, regardless from which state we come. That same statute has standardized consumer rights related to accuracy and access. And the reason we are here today on the floor of the Senate is to improve and to protect this system.

Unless Congress acts, important preemption provisions of the FCRA will expire on January 1, 2004. Under the pressure of that deadline, Banking Committee Chairman SHELBY and Ranking Member SARBANES have done an extraordinary job of creating an exhaustive hearing record on this law, and putting together a bill that both enhances the underlying statute and also permanently extends the preemption provisions to guarantee uniformity, to the benefit of consumers and businesses alike. When I introduced the first reauthorization bill, S. 660, back in March, I had no idea the process would move forward with such bipartisan spirit, with unanimous approval from the Senate Banking Committee, and a 392-30 vote out of the House. But these votes are testament to the critical importance: the urgency of this legislation.

The United States is unique in having what is known as "full file" credit reporting. Unlike in other countries, where only consumers with negative credit history have any kind of record, our system encourages data furnishers to report both negative and positive credit history—all on a voluntary basis. This information allows lenders to make informed decisions about a given consumers credit risk, and to make better, safer, and more objective lending decisions.

This means that when you pay on time, this positive payment history gets reported to centralized credit bureaus. Of course, of you're late or you miss payments, that information goes into your file as well. But unlike the "no news is good news" system that exists in so many countries, our full-file reporting system means that consumers can build up a solid credit history through on-time and responsible payments, and that history will follow us wherever we go. So when the time comes to apply for a mortgage or other loan, a lender can see that you know how to handle your finances.

This full-file reporting system has led to another critical development in our credit markets, and that is risk-based pricing. Until fairly recently, credit granting was a binary business. In other words, either you qualified for credit or you didn't. Now, lenders can take a chance on a borrower by charging a higher interest rate to account for that risk instead of simply rejecting a loan application. This type of pricing has helped to fuel America's small businesses. It has also helped those with impaired credit histories or with little history at all to enter the mainstream credit markets, opening up new opportunities.

I would like to spend just a few minutes highlighting the magnitude of what's at stake today with some statistics.

A recent study of the consumer credit marketplace shows the growth of credit card access over the last 30 years, and the results are striking. In 1970, only 2 percent of families in the lowest income bracket had a credit card. In 2001, that number stood at 38 percent. In the highest bracket, the 33 percent of households that had at least one credit card in 1970 had risen to 95 percent.

Even more striking are the statistics related to access to credit by race. Between 1983 and 2001, the number of white families who held credit cards increased by 69 percent. During the same period, the number of Hispanic families increased by 85 percent, and the number of African-American families increased by 137 percent.

It is worth noting the significance of these figures extends far beyond simple borrowing power. Today, you can't rent a car without a credit card. You can't buy movie tickets over the phone without a credit card. And with only a few exceptions, you can't shop on the Internet without a credit card.

The results are just as noteworthy in the area of mortgage lending. Over the last three decades, white non-Hispanic families experienced a 20 percent increase in access to mortgage loans, while minority groups experienced a 65 percent increase over the same period. Those rates coincided, not surprisingly, with a parallel increase in homeownership rates. I think we all understand the important social and economic benefits of homeownership.

The study also notes the critical role that automated underwriting has played in democratizing our credit markets. Automated underwriting, which would be next-to-impossible without a uniform national credit standard, now accounts for over 90 percent of mortgage lending, up from 25 percent in 1996. According to this report, and this is an astonishing statistic:

> Before the advent of automated underwriting, approving a loan application took close to three weeks; in 2002, over 75% of all loan applications received approval in two or three minutes.

Even more important, the automated underwriting systems greatly reduce racial and gender bias that in the past resulted in redlining, which unfairly prevented certain groups from owning homes, and which kept too many financial services companies out of markets inaccurately and unfairly deemed to be high risk.

This study also concludes that certain changes to FCRA, and in particular restrictions on the type of data that might be reported about a consumer, would be especially harmful to consumers at the lower end of the credit spectrum. In particular, minority, lower-income and younger borrowers would be the hardest hit. This conclusion is critical, and gets to the heart of what a uniform national credit reporting system is about. The last thing we want is to reintroduce discrimination into the lending system, which would mean that minorities and low-income people would be forced to high-cost unregulated lenders for credit.

Failure to maintain a uniform national standard would also have a staggering impact on the cost of credit. Even credit cards, which often carry higher interest rates than other types of non-revolving lines, have seen significant decreases in cost, which the study attributes largely to the competition in the market and to prescreening, which is made possible on a large-scale basis by the FCRA. For example, in 1990, only 6 percent of all credit card balances paid interest rates under 16.5 percent. By 2002, 15 percent of all card balances paid rates below 5.5 percent, and 71 percent of all credit card balances carried interest rates under 16.5 percent. In 1990, while more than 93 percent of all credit card balances paid interest rates over 16.5 percent, that number had plummeted to 29 percent in 2002.

I note here that consumers who do wish to receive pre-screened offers have the right to opt out of the system. In fact, S. 1753 makes that opt-out even easier and long-lasting.

While some of these interest rate declines may be due to a general drop in interest rates, much absolutely has to do with companies' ability to differentiate risk among borrowers and to price credit accordingly. Credit scoring models have increased in their predictive power and one result is increasingly competitive cost of credit. Any reduction in the type of information available to lenders would significantly degrade the predictive power of most models.

The study further indicates an increasingly efficient marketplace, leaving aside the role of interest rates. One chart shows mortgage rates back in the early 1980s hovering around 3.5 percentage points above the 10-year Treasury bill. In the last few years, spreads have closed to about 2.5 percentage points. The national credit marketplace has increased competition, with all the positive effects we learned in Economics 101. One of the main reasons we have a competitive national marketplace is because we have a national credit reporting standard that permits consumers, no matter where they live, no matter where they move, to apply for credit and to receive an answer in a matter of minutes. America is the envy of the world in terms of immediate access to credit for all of our citizens.

There are ongoing attempts to mischaracterize the fundamental nature of the FCRA as a privacy statute. And while there are certainly important privacy components to this statute, components which the Banking Committee bill strengthens significantly, the FCRA fundamentally is about the economy. And all too many of us know firsthand that the last thing our economy needs now is an attack on the consumer credit markets.

Under the able leadership of Senators SHELBY and SARBANES, the Banking Committee's bipartisan legislation takes groundbreaking new steps to give consumers greater control over their financial lives; fight the growing crime of identity theft; and promote much needed financial literacy and education efforts. Under the act, every American will be able to get one free credit report a year—a significant milestone. The public will also know that their private medical information will never be used inappropriately in making credit-granting decisions. And the act takes important new steps to empower consumers to reduce unwanted credit solicitations.

It is my understanding that some Members may be offering amendments that include wholesale replacement of significant portions of this carefully-crafted bill with a substitute proposal that has moved through a State legislature under a highly charged and political atmosphere. While I look forward to discussing these proposals, I am frankly very concerned that we not get into a situation where we are playing politics with access to credit. One of these amendments in particular is drafted in such a way that we would end up catching labor unions, churches, universities, charities, and a host of other groups in the FCRA net, a consequence that is clearly unacceptable.

As we move forward with this legislation to strengthen and protect our consumer credit markets,I would urge my Senate colleagues to look to the model of bipartisan lawmaking that has surrounded reauthorization of key provisions of the Fair Credit Reporting Act: a unanimous vote out of the Banking Committee and an overwhelming House vote of 392–30 on final passage. We owe it to our constituents to continue working together to secure final passage of this critical economic bill. I urge my colleagues to join me in supporting this legislation, which is so important to America's consumers and businesses alike.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I rise in support of the Fair Credit Reporting Act which we are debating on the floor today. I think it is important as we move through this debate and take up amendments to the legislation that we continue to ask the question, Why do we need this legislation in the first place? What are we trying to accomplish with the bill?

First and foremost, this is legislation that is intended to serve and protect the interests of consumers in the United States of America. In this legislation we are providing consumers access to a national credit system. If we look at the financial services, or our commerce system across the entire country, it is our job to look out for the interests of consumers where interstate commerce and business is concerned, and this legislation does just that. It provides access to a national credit system, and it does so at a reasonable cost. We strike a balance between the needs of the consumers and the impact on our economy so that in the long run both consumers and America's economy are well served.

We work to ensure consistency and fairness in the legislation. Any bill we take up here which might affect consumers or any other interests in the country, we would want to work to ensure it is consistent, it is fair, and that it creates a level playing field wherever possible.

As indicated and described by Senator JOHNSON in his remarks, the existence of this national credit system has resulted in speedy approval for consumer decisions and requests and credit cards and other financing mechanisms. As a result, we have seen access to credit dramatically increase since 1970 when the first credit acts were signed into law.

That improvement in access to credit markets and credit opportunities has been most dramatic for those at the lowest end of the income ladder. That is something we should recognize as being good for all of those consumers but also for our country as well. The reason we are here is for those consumers.

If we look at the result of the work that was done beginning in 1970, the Credit Reporting Act in 1996, and now with this legislation to reauthorize that legislation, the results have been a more accurate system, a stronger economy as described in detail by a number of the previous speakers, and now with some of the new provisions we will also have greater protection from identity theft and a system that is adapted and modernized to meet the new technologies and the new opportunities that exist today.

Senator SARBANES described the details of the legislation. I will not go through all of the provisions that enable us to enjoy these very positive results, but I will reemphasize the fact that this is strong bipartisan legislation. Chairman SHELBY and ranking member SARBANES worked through six hearings in our committee to conduct exhaustive investigation as to the results of the legislation that has been enacted before, the new opportunities created by technology, and different opinions on different provisions. We have a very strong committee record. I am pleased to have participated in most of those hearings to ensure that we are taking the disparate views into consideration and improving the strong legislation that is already on the books.

We want to avoid having 50 States adopting 50 different standards in each of the areas that have been discussed—whether it is enforcement, access for consumers to credit reports, information sharing, or whatever the issue. We don't want to have 50 different systems for each of these areas. That would be a more costly system for consumers. That would mean we would have a less accurate system. That would also mean—I think this is an important point—we would come back to this debate with a disparate patchwork, and it would also mean greater susceptibility to identity theft.

When we are looking at the issue of information sharing or opt-ins and opt-outs, some of the privacy issues that are very important, we have to be sure we at least give law enforcement the same level playing field criminals have in that we at least ensure law enforcement has the most consistent system possible to do its job in protecting against identity theft. A patchwork of laws and legislation would increase the risk of identity theft, not decrease it.

At the end of the day, this is a consumers' bill. That is exactly what we want it to be. We give consumers greater access to reports. We have all been frustrated with mistakes, or errors, or oversights in our own credit reports. We want to make sure consumers have that access. We give them the protection from identity theft. We improve the enforcement mechanism for those who commit crimes involving credit reporting or identity theft. We have very commonsense provisions for information sharing among affiliates that exist so they can make sure the information they are acting on is accurate and fair and adequately represents the consumers' interests in these.

Again, I give great credit to the staff of the committee and to the chairman and ranking member for the work they have done.

I look forward to this debate. I hope we can quickly conclude the work on this legislation so our national credit system can remain strong as it has been for decades, but also so it can be improved to respond to what is in a changing world.

Mr. BUNNING. Mr. President, I rise today in support of S. 1753, the National Consumer Credit Reporting System Improvement Act of 2003.

As we all know, reauthorization of the Fair Credit Reporting Act is a very important issue for the financial services industry and for consumers.

When I talk to my friends in this sector, it is always the first thing they ask about. It touches everyone and their money and our national economy. It's critical that we act on it before adjournment.

I believe that the Banking Committee, under the leadership of Chairman SHELBY, has created a fair, bipartisan bill, and I urge my colleagues go support it.

We have been talking about this issue for several years. We have held a number of hearings on it. We looked it over pretty thoroughly, and I think we have come up with a reasonable approach.

Most importantly, we have to act now because this bill is also important to our overall economy.

Last week, we had great economic news. Our economy is roaring back and that is good news for everyone. But if we fail to pass this bill, it could end up being a serious speed bump on the road to a better economy.

If there is one thing that markets hate, it is uncertainty. They want to know where we are and where we are going.

For better or worse, the markets think we are going to pass this bill.

They think we are going to outline a stable path for financial institutions when it comes to the sharing of information.

Any talk or any sign from Congress that makes the markets think that we are not going to pass this bill would create a great deal of uncertainty in the financial markets.

Now that our economy is really coming to life, that is the last thing we need.

If the markets think we are going to let the FCRA lapse, they are going to get very jittery very quickly. I can understand that. This is a sensitive, complicated area. I don't think any of us wants the FCRA to lapse.

We need Federal preemption in this area. I think it would be a mistake to let States and localities all try to impose their own privacy rules.

There are trillions of dollars at stake. We have to be very careful.

But if we fail to pass this bill, we open a Pandora's box of States and localities writing their own rules, and the markets and financial institutions just are not prepared for that.

We can't let that happen. We don't need that uncertainty now. Who knows what would happen.

On a personal note, I am very pleased that the bill contains strong identity theft and privacy protections, including my amendment on social security number truncation that will help prevent thieves who go "dumpster diving" or try to steal credit reports from mail boxes.

Identity theft is a growing problem in America. The internet is making it easier for thieves to access consumer information.

My amendment will help fight this growing menace. Under this bill, consumers can block out their social security number on their credit reports.

It's just the sort of simple, commonsense approach that will help consumers without burdening business.

I would also like to talk about the amendments that are going to be offered by my colleagues from California. They are based, in large part, on a California bill, SB1.

I am sure California has a fine legislature. And I am sure there representatives try their best to represent their California constituents. But I do not think the California Legislature represents the people of Kentucky or the other States very well. That's not their job.

If we adopt the amendments to be offered by my friends, it would have the effect of imposing California's rules on the rest of the Nation.

That's a bad idea that will only lead to the economic uncertainty we have to avoid.

If California wants to try to craft their own rules and work with Federal regulators, I say more power to them—but not if it puts a crimp on the national economy or starts rewriting the rules for the other 49 States.

Our credit system is a national system and it needs a national standard. Standards that may work in California or Kentucky may not work for the country as a whole.

Usually I am all for taking power away from Washington and sending it back to the States and local government. But on this bill, we cannot ignore the fact that credit rules and markets and money are all part of a broader, national economy that requires a unified, Federal approach. To let States undermine that would be a recipe for disaster.

S. 1739 is a fair and balanced bill that sets a fair and balanced standard for our entire Nation.

It's bipartisan, it's common sense, and it's a prudent solution to a pressing problem for our financial institutions.

I urge my colleagues to support this important legislation.

Mr. SCHUMER. I commend Senators SHELBY and SARBANES on a strong, bipartisan bill.

Reauthorizing the Fair Credit Reporting Act is vital to our national credit markets, to the broad credit access American consumers enjoy, and to the businesses that provide that credit. Indeed, it may be the most important piece of legislation that we enact in 2003.

Like all great pieces of legislation, this bill strikes a balance between those who would like to see more change and those who would like to see less. It is a true compromise between competing interests.

While preserving some of the structure of how businesses operate, it adds significant new consumer protections and disclosure rights—enhanced protection from identity theft, distribution of free credit reports annually, better notice when adverse actions are taken.

I want to speak for a minute about identity theft.

While our national credit system—and the digital age we now live in—has brought great benefits, it also has a dark underside: identity theft.

It is now so easy for credit histories to be accessed, that the security of some of our most private data is easily compromised. As a result, becoming a victim of identity theft is as easy as saying your ABCs.

So what is identity theft? It sounds like something out of an Isaac Asimov science fiction novel but it is a very real crime that could affect all of us. Anyone who has ever applied for a credit card, a driver's license, a social security number, even a cell phone, could become a victim.

Last year, the Federal Trade Commission received twice as many complaints about identity theft as it did in 2001. And ID theft is projected to grow in the future. Some forecasts predict that by 2006, between 500,000 and 700,000 Americans will be victimized annually.

This issue is of particular concern to New York State. New York has the second highest number of cases of ID theft of any state in the county. And my hometown, New York City, has the unfortunate distinction of being the identity theft capital of the United States—it suffers more identity theft than any other city in the nation. New York businesses also suffer as the financial costs of identity theft nationwide often fall on the financial institutions based in New York. ID theft costs businesses millions of dollars each year because criminals use false pretenses to purchase goods, leaving businesses to foot the bill. Identity theft is a scourge on New York consumers and New York businesses. And it is high time we fixed this problem.

Victims of identity theft often spend hundreds if not thousands of dollars and years repairing their financial lives. But there is more at stake here than just money. By destroying a person's credit rating, identity theft jeopardizes an honest person's ability to get a credit card, receive approval for a loan, get a job, or even buy a house.

Identity theft doesn't just mean having to replace an ATM card, it means having to rebuild a life.

So I am glad we are addressing ID theft in a strong manner in this bill and commend my colleagues for their leadership on this issue.

I also want to speak about another critical part of the bill—improving consumer access to their credit scores, the principle factor in determining a person's credit worthiness and the loan terms they receive. For years, consumers have been kept in the dark about what their credit score is and how it is computed. At long last, this legislation lifts the veil of secrecy over credit scores and creates greater opportunity for securing a home mortgage at considerably less expense.

The legislation that Senator ALLARD and I worked on with our Chairman and ranking member will finally put an end to this practice by ensuring that consumers have access to their credit score. This will level the information playing field between consumers and lenders.

Specifically, S. 1753 would require credit bureaus to disclose a consumer's credit score upon application for a mortgage. The bill also would require any bank using a credit score to service a mortgage to provide the borrower with the information used to create this credit score. And the credit score, whether obtained from a credit bureau, generated internally by the lender, or created by a third party, would have to be accompanied by a description of credit scores and the data used to generate them. This will go a long way toward demystifying credit scores for consumers. I think it is a real victory for consumers. And, again, I am proud to have worked with my colleague Senator ALLARD on this section of the bill.

So in conclusion let me say that I think the bill maintains the key foundation of the national credit system which has served consumers and the country so well—the ability to get instant credit, to get world class customer service, and to get some of the lowest credit rates in the world. And it enhances some of the new rights consumers need in this digital age we now live in.

Mr. CORZINE. Mr. President, I rise in support of the legislation currently being considered, "The National Consumer Credit Reporting System Improvement Act of 2003."

Before I get into the substance of the legislation, I would like to acknowledge the stewardship and leadership of Banking Committee CHAIRMAN SHELBY and Ranking Member SARBANES in developing this bipartisan proposal—which passed unanimously out of the Senate Banking Committee. Their efforts, and the work of their respective staff, are to be commended.

Through a series of six hearings they took a thoughtful, deliberative approach toward the myriad issues involved in fashioning this legislative proposal. In those hearings we heard from a variety of sources—regulators, industry participants, consumer advocates, and most importantly consumers themselves. Those hearings proved an invaluable tutorial to me and I imagine all the other members of the Banking Committee. More importantly, those efforts, and the comity shown by Senator SHELBY, created an environment of bipartisanship in the effort to enhance our national consumer credit reporting system—which is embodied in the bill now before the full Senate.

The Fair Credit Report Act has been central to the provision of credit in America. It has improved access to credit, and enhanced the security and accuracy of consumer financial information used in assessing creditworthiness. The expansion of our credit system, which the FCRA has helped drive, has proved enormously beneficial to our nation and our economy. It provides consumers with the ability to finance purchases of a car, pay a child's college tuition, purchase a new home, open up a new business or pursue some other lifelong dream.

Credit is the grease that makes the wheels of the economy turn—particularly our consumer-oriented economy which accounts for nearly 10 percent of our overall GDP. And the FCRA has provided millions more Americans, many of whom lacked the financial resources to pursue their dreams and those who historically have been shut out, with access to our credit system—particularly minority and low-income households.

But we should not lose sight of the fact there's a great deal more that we can do before we claim that the playing field is truly level. With several of its provisions set to expire at the end of this year, it is imperative that Congress act now to reauthorize the FCRA, lest we risk a severe disruption to our economy that could result from a breakdown in our national credit system.

This legislation does that. In fact, it does more than just reauthorize the FCRA—a worthy objective in its own right. It enhances the obligations of those who use and store consumer credit information, it strengthens consumer control over their personal financial and medical information, it strengthens consumer protections against identity theft, and importantly it promotes consumer financial literacy. And this legislation includes important provisions that will strengthen consumer protections against the serious, and growing, threat of identity theft.

It's a serious crime and is rapidly becoming an epidemic. In fact, identity theft is the single largest consumer crime in America, as reported by the Federal Trade Commission. People whose identities have been stolen can spend months or years, at considerable cost, cleaning up the mess thieves have made of their good name and credit record. And while doing so, victims lose employment opportunities, can be refused loans, education, or even be arrested for crimes they didn't commit.

This bill directs federal banking regulators to develop guidelines and regulations to fight identity theft. It allows consumers who have, or may have, been a victim of identity theft to put banks and others on notice to guard against the continued use of their stolen identity through the use of "fraud alerts." It prohibits debts resulting from identity theft from being sold or transferred for collection, and it enhances criminal penalties for identity theft. It requires financial institutions to disclose when their customer data systems have been compromised. And the bill provides consumers with access to one free credit report per year from the credit reporting bureaus.

This access will allow consumers to monitor the accuracy of the information contained in their credit files and ensure that information resulting from identity theft does not end up destroying their financial reputation. These are all important provisions, and they are sorely needed.

I also want to speak to an element of this bill that has received little public attention, but will, I believe, be particularly beneficial in the long run—that is the provisions of the bill which promote consumer financial literacy. The Chairman and Ranking Member of the Banking Committee noted the importance of the financial literacy provisions in their opening statements. They, and others, including Senators STABENOW, AKAKA and ENZI, deserve recognition for their commitment to improving the financial literacy of Americans young and old.

This bill seeks to harmonize the currently fragmented approach the federal government has taken towards promoting financial literacy. It establishes a Financial Literacy and Education Commission to streamline and improve financial literacy and education programs of the Federal Government, including curriculum development, for the benefits of all Americans.

And by providing consumers with a free credit report, and access to the information used by creditors to judge their creditworthiness, this bill equips consumers with the tools to competitively shop for sources of financing and will lead consumers to make better informed, more judicious, credit-related decisions. And, I might add, improved financial literacy will also help consumers protect themselves against identity theft.

The various elements of this legislative proposal that I've just outlined will prove beneficial to consumers, our credit system and our economy. It's a bipartisan bill that does a lot of very good things, and was put together in a balanced manner. Is it a good piece of legislation? Yes. Is it perfect to me? Certainly not. I personally think more can be done to give consumers greater control over the ways in which financial institutions share their personal information with their affiliates, for marketing, solicitations and other purposes. And I think we will need to revisit FCRA at some point to look at issues related to the increased use of credit scores as a determinant of one's suitability to gain employment, obtain car or medical insurance or rent an apartment.

In that regard, I want to thank Chairman SHELBY for graciously incorporating into this bill language I offered in committee that calls for a study of the impact credit scores and credit-based insurance score have on the availability and affordability of financial products so that we can explore this issue more broadly as we move forward.

But whatever issues I, or other members, may wish to raise with regard to S. 1753, there is no doubt that this legislation makes significant improvements to current accuracy and security standards of our consumer credit reporting system and our efforts to fight identity theft.

The standards contained in the legislation will make our credit system more robust and provide access to credit to even more Americans who seek it. In doing so, this legislation will prove beneficial not only to consumers, but also more broadly to our nation's economy.

I urge my colleagues to support S. 1753 when it comes up for final passage.

Mr. REED. Mr. President, I rise today in support of the National Consumer Credit Reporting System Improvement Act of 2003, which would reauthorize expiring provisions of the Fair Credit Reporting Act. I commend Senator SHELBY and Senator SARBANES for their hard work in addressing this issue and for putting forward a bipartisan bill to strengthen our Nation's credit system. The Banking Committee has held numerous hearings on all aspects of this issue over the past year that have highlighted the concerns of consumers, regulators, and private companies.

One of the cornerstones of our national economy is consumer access to credit. Access to credit allows for smooth functioning of our national economy with consumers able to get loans for homes, cars, and commercial purchases.

This is all made possible by having a national credit system, as first put into place by the Fair Credit Reporting Act in 1970, and then standardized by the 1996 amendments to the act. Uniform national standards have improved the efficiency of the system by reducing the regulatory burden on lenders, thereby allowing them to pass on better service and lower costs to consumers. Automated underwriting systems translate to quicker credit decisions and more convenience for borrowers and lenders alike, while making risk-based decisions more accurate.

Failure to reauthorize national standards would balkanize our national credit system and potentially hurt every consumer in America. The Banking Committee recognized this and voted unanimously to report S. 1753.

This important legislation includes numerous consumer protections against identity theft. I am alarmed by the abuses that have resulted in identity theft. With more and more financial and personal information being exchanged through electronic channels, there is an inevitable trade-off—sensitive information can fall into the wrong hands.

Over the past several years, identity theft has become a significant problem in the United States. According to a recent survey by the Federal Trade Commission, 9.9 million Americans were victims of identity theft in 2002, at a tremendous cost to consumer victims of $5 billion in out-of-pocket expenses and $48 billion in losses to business and financial institutions. Indeed, complaints to the FTC about identity theft have nearly doubled every year for the past 5 years.

By its very nature, this challenge requires coordination between the public and private sectors and between local, State, and Federal government. Identity theft is costly to consumers, costing New England alone over $44 million in 2001. The impact on private financial institutions should be no less obvious, and these companies are essential to any attempts at prevention and consequence management.

S. 1753 represents a major step in this public-private effort to combat identity theft. Among many provisions, it would allow victims of identity theft to place fraud alerts in their credit reports, block fraudulent transactions from being reported, and prevent false information from "repolluting" credit reports in the future. It would require businesses to truncate credit and debit card account numbers on printed receipts. And it empowers consumers to ensure the accuracy of their own credit history by granting them a free annual credit report from national credit reporting agencies.

These are good steps. However, I believe that S. 1753 can be improved to address several other closely related consumer and privacy issues. We are seeing an increasing number of successful breaches of security at banks and processing companies, and we should address this trend head on in this debate. Just this past February, a computer hacker accessed 10.2 million credit card and debit card account numbers by breaking into a database maintained by a third-party transaction processor. This was the biggest credit card security breach ever in terms of the number of cards affected.

Citizens Bank, located in my home State of Rhode Island, felt that this breach posed a significant enough risk to cancel the debit cards of nearly 8,800 customers and issue them new cards. I applauded this quick effort to protect consumers. Unfortunately, not every bank matched Citizen's level of consumer care, and many decided that the cost of reissuing cards or informing their customers exceeded the risk to consumers.

In light of this less than comprehensive response, I would like to highlight one particularly troubling practice during this incident. According to media reports, even though some credit card issuers learned of the database intrusion early in February, they waited several weeks before disclosing the incident. Even with the zero-liability policies for the vast majority of major credit cards, debit card holders could see their bank accounts depleted, and all affected customers still run the risk of being victims of identity theft, even months or years after the security breach occurred.

Senator CORZINE has introduced an amendment that would require financial institutions, creditors, and users of credit reports to notify the FTC when the security of consumer financial information is accessed in an unauthorized manner. A mandatory and timely disclosure of such breaches will allow the Federal Government, along with the institutions and consumers, to closely monitor transaction information and mitigate the resulting damage from the breach.

An amendment from Senators CANTWELL and ENZI would further enhance these identity theft provisions with language from a bill passed unanimously by the Senate last year. Their amendment would establish a single uniform procedure for individuals to establish that they are victims of identity theft, requiring a notarized FTC affidavit, a government identification, and a police report. It then gives these victims access to any business records related to their identity theft-related fraud, which today is a time-consuming and difficult task.

I would also be remiss if I did not address the much broader topic of privacy, a topic that is one of the most important issues to the American public. Privacy is important to Americans, as evinced by the overwhelming outpour of support for the national do-not-call registry, financial privacy legislation in California, and the Senate's unanimous vote against email spam. Indeed, Supreme Court Justice Louis Brandeis championed the right to privacy, calling it "the right to be let alone, the right most valued by a civilized people." I believe that we must continue the privacy debate that we began with the Gramm-Leach-Bliley Act and find the appropriate balance between consumers' privacy and the efficient operations of financial institutions.

I commend Senators SHELBY and SARBANES for including a targeted opt-out for affiliate sharing for marketing purposes in this bill, but I am not convinced that this step is sufficient. When Congress passed the amendments to the Fair Credit Reporting Act in 1996, affiliate sharing had a very different meaning. The Gramm-Leach-Bliley Act had not yet been passed, and massive financial services holding companies had not emerged. Today, according to the Federal Reserve's National Information Center, the largest bank holding company has at least 1639 affiliates as of June 30, 2003. The meaning of affiliate sharing has changed, and will likely continue to change as the financial services industry adapts to changing times.

In its report to Congress on the economics of financial privacy, the Congressional Research Service argues that in a world with imperfect information, financial institutions would have an incentive to offer some compensation to their customers if they had to obtain their consent to use and share their information. The CRS report makes a good point. Consumers' financial information is inherently valuable, and they should have the right to prevent it from being shared for marketing or other profitable purposes. Indeed, as personal financial information gets passed from affiliate to affiliate and is handled by an increasing number of people, consumers will be placed at a higher risk of becoming victims of identity theft. The choice of how that information is spread should ultimately be theirs.

Senators FEINSTEIN and BOXER have put forward a reasonable compromise on the matter of privacy and affiliate sharing. This amendment on affiliate sharing was drawn from the California Financial Information Privacy Act, which was negotiated over the course of four years with industry and consumer representatives. There is no reason for me to believe that the situation has changed dramatically since the interested parties supported that legislation.

Finally, I would like to speak in support of one of Senator FEINSTEIN's other amendments on medical information. Even more than financial data, health-care related information should enjoy a special protection so that individuals will feel free to seek appropriate medical interventions and share all pertinent information with their doctors. Senator FEINSTEIN's amendment would fix the definition of medical information in S. 1753 to include mental and behavioral health information and health-related information that was collected for other purposes like for worker's compensation or casualty and property insurance.

As we debate S. 1753 and vote to strengthen our Nation's national credit system, we must renew our commitment to working to ensure consumer privacy amidst changing practices and standards in the market. With this in mind, I urge all of my colleagues to support this important bill.

Mr. ENZI. Mr. President, the bill we have before the Senate, the National Consumer Credit Reporting System Improvement Act of 2003, is clearly a bipartisan effort recognizing that our credit system has truly developed into a national market. The bill will provide consumers with greater tools to improve the accuracy and correctness of information contained in their credit reports as well as to provide important tools for consumers in combating identity theft. This bill is a very proconsumer bill and goes a long way towards enhancing consumer protections in our credit markets.

When the Fair Credit Reporting Act was first adopted in 1970, consumers spending had reached 566 billion dollars. At the time, that was quite an outstanding figure. By 2002, that figure had risen to over $7 trillion.

In just this past decade alone, we have seen tremendous growth in the availability of credit. Much of this can be attributed to the technological advances in the way consumers can apply for credit, the review of credit applications by financial institutions, and the development of new and unique financial products. The incredible growth in the availability of credit in the housing, consumer, and small business markets is a testament to our financial markets. Accordingly, it also is a symbol of the national structure of our credit markets. I believe that this bill will further enhance the credit markets and provide significant consumer protections.

Two areas that I would like to focus on are financial literacy and identity theft.

With respect to financial literacy, I have witnessed how financial literacy programs can make a difference for individuals who wish to, but never thought they could, purchase a home. In Wyoming, I have worked with a consortium of financial institutions, real estate professionals, colleges and universities, and non-profits to provide compressed video classes on how to buy a home. These classes have proven to be vital in reaching home-buyers and families in the rural areas of the State. To date, more than 4,000 families and individuals have taken part in the classes. The great success of this program has demonstrated to me the power that we can give to individuals and families over their finances if we gave them the tools.

In addition, I also worked with consumer credit counseling services that helped over-extended individuals and families to rearrange their life and breakout of debt. Credible advice makes a difference for financial power.

The Federal Government has a vast variety of financial literacy and education programs for Americans of all ages. Unfortunately, consumers have to struggle through the many Federal agencies' programs and initiatives to find the right financial literacy material for their needs. Title V of this bill will provide a one-stop-shop for consumers to reach the many, various financial literacy programs that the Federal Government provides. In addition, the Title will help bring consistency and focus to the Federal Government's overall financial literacy goals—something that does not appear apparent at this time.

Title V is built upon the successful model of the Trade Promotion Coordinating Committee in that it would being the appropriate Federal agencies together to review and evaluate current financial literacy programs by the Federal Government. The Financial Literacy and Education Commission will make recommendations on how to coordinate and improve existing programs as well as how to reduce redundant and duplicative programs. I believe that the long-term cost savings to the Federal Government as a result of this review will be great. In addition, the commission will set forth a national strategy recommending changes to the President and Congress on how the Federal agencies can improve their financial literacy efforts.

I thank Chairman SHELBY for incorporating the bipartisan effort to promote financial literacy as Title V of the bill. In addition, I thank Senators SARBANES and STABENOW as well as the other members who supported this effort.

With respect to identity theft, the FTC recently released a study showing that more than 27.3 million consumers have been a victim of identity theft in the past five years and that the number is growing quickly. A little more than a month ago, one of my own staff became a victim of this crime. As you know, Senator CANTWELL and I have introduced identity theft legislation to help victims to recover their identities, that legislation passed the Senate last Congress.

According to the Federal Trade Commission, identity theft is the fastest growing crime facing consumers today. Victims are faced with potential financial ruin when their identities, bank accounts, and credit histories are taken away from them by unscrupulous criminals.

Unfortunately, many victims face an uphill battle to restore their identities. In addition, Federal and local law enforcement officials are placed at a disadvantage by not having all of the available information to discover identity theft rings or patterns of id theft criminals.

I believe that the provisions in the bill before us take a great step in helping the victims of this crime recover as well as providing proactive tools to help consumers prevent their identities from being stolen. In addition, the bill will give greater significant to the Identity Theft Affidavit and to the collection of information to combat identity theft crimes.

The National Consumer Credit Reporting System Improvement Act of 2003 is one of the most important pieces of consumer legislation that we have seen in years. It is truly a bipartisan bill that will enhance the fundamental structure of our credit markets as well as providing consumers with the necessary tools to use the credit markets and to protect against identity theft. I urge my colleagues to pass quickly this very important piece of legislation.

Mr. AKAKA. Mr. President, I rise to speak about an amendment that I have filed, but will not call up today in the interest of moving this legislation forward, with regard to Title V of S. 1753, the Fair Credit Reporting Act, FCRA, bill. I would like to thank my colleagues, Senators SARBANES, ENZI, STABENOW, and CORZINE, for their diligent work on Title V to establish a Financial Literacy and Education Commission. This commission will help tremendously toward coordinating the myriad efforts of Federal agencies to increase financial literacy in this country and creating a comprehensive national strategy as an important blueprint to follow.

As a part of this effort, I believe its important to emphasize the need for public awareness about the importance of financial and economic literacy. My amendment is similar to a bill introduced in the other body by the gentleman from California, Representative DAVID DREIER, and cosponsored by several colleagues on both sides of the aisle, that would establish a pilot national public service multimedia campaign to enhance the state of financial literacy in this country. It would authorize $3 million over 3 years for this purpose.

My amendment differs in that it coordinates this public service multimedia campaign with the Federal Commission created by S. 1753 and the national strategy that would be produced by the commission. It would authorize the commission to work in collaboration with an entity accomplished in public service campaigns that has secured private sector funds to supplement federal funding and community organizations well-qualified by virtue of their experience in the field of financial literacy and education. My amendment also requires that performance measures be developed to measure the effectiveness of such a public service multimedia campaign, via positive changes in behavior with respect to personal finance. It is paramount to be able to assess the effectiveness of the campaign and other financial literacy efforts so that we understand what works and does not work, and can replicate our successes into the future.

I will continue to work with my colleagues on the Banking Committee and their counterparts in the other body to include the language in my amendment in FCRA legislation during their negotiations following Senate passage of S. 1753. It is important that we continue our coordinated efforts to ensure that Americans are financially literate, which will encourage better decision-making by individuals, stronger families, better-functioning markets, and a more secure future for our Nation.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2054

(Purpose: To make an amendment regarding affiliate sharing)

Mrs. FEINSTEIN. Mr. President, on behalf of Senator BOXER and myself, as well as Senators HARKIN, FEINGOLD, DURBIN, LAUTENBERG, and NELSON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California, [Mrs. FEINSTEIN], for herself, and Mrs. BOXER, Mr. HARKIN, Mr. FEINGOLD, Mr. DURBIN, Mr. LAUTENBERG, and Mr. NELSON of Florida, proposes an amendment numbered 2054.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, the bill before the Senate in its current form allows huge conglomerates, with just limited restrictions on marketing, to freely share vast quantities of personal customer information with commonly owned companies even if a consumer asks that the information not be shared.

Let me list the types of information we believe could be shared among companies that have common ownership—called affiliates—under the bill: Information mined from your check and credit card payments such as your political or charitable contributions, your magazine subscriptions, your liquor purchases, the location and identity of stores you frequent; the stocks you own and stock trading patterns; the cash you have in the bank; when your certificates of deposit mature; how much you owe on a credit card and what rate you get; your insurance claims history such as whether you pay your premiums on time, how many claims you have made and whether claims were paid out; how many times a consumer called the company's call center or complained about the company's service; an employee's work history, including performance ratings, use of sick days, vacation, and salary.

To make matters worse, the bill permanently preempts States from taking stronger action.

What we have before the Senate today is a weak privacy standard built for businesses at the expense of consumers which legislatures in all 50 States are forever barred from improving.

I am particularly concerned that financial institutions in California, with the lone exception of the California Credit Union, negotiated and signed off on State legislation resolving this issue, and now the same financial institutions are trying to eliminate the California law with national legislation.

I will spend just a moment on that because it is important. Essentially, the banks and financial institutions in California worked with the State legislature in crafting the Californlia law that has an opt-out for affiliate sharing. The reason they did so was because waiting in the wings was a well-funded initiative to pass an even stronger privacy law. They knew the people of California would pass that privacy law.

Senator Jackie Speier, who was the author of the California privacy bill, has sent Senator BOXER and I a letter. I will read two paragraphs from the letter.

"It has recently come to my attention that the financial services industry has been criticizing the contents of your amendment to S. 1753, substituting the newly-enacted and stronger California privacy standard on affiliate sharing in the 'corporate family of companies,' as unworkable and unreasonable. This same industry recently called my California bill 'workable and reasonable,' specifically removing their opposition to my measure and lavishing praise upon it, even helping to gather votes. Industry made it clear that my bill met their workability concerns, progress made with their active participation. If my bill was workable for industry in California, then why shouldn't it be the national standard?"

"One industry representative stood with me on that day and said my bill 'encompasses all aspects of the workability needed to ensure protection of consumers' privacy,' while another called it 'a balanced measure that will provide meaningful privacy protections to consumers while also addressing the workability concerns.' . . . Now the story is different, as industry sees a political opportunity to preempt California's standard on affiliate sharing with a weaker one."

I ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA STATE SENATE,
October 24, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.
Hon. BARBARA BOXER,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND BOXER, I wish to thank you for your efforts on behalf of consumer privacy rights, and urge you to continue to do all that is possible to protect California's hard-fought consumer privacy gains.

It has recently come to my attention that the financial services industry has been criticizing the contents of your amendment to S. 1753, substituting the newly-enacted and stronger California privacy standard on affiliate sharing in the "corporate family of companies," as unworkable and unreasonable. This same industry recently called my California bill "workable and reasonable," specifically removing their opposition to my measure and lavishing praise on it, even helping to gather votes. Industry made it clear that my bill met their workability concerns, progress made with their active participation. If my bill was workable for industry in California, then why shouldn't it be the national standard? A transcript of their August 14, 2003, public comments bear this out and is attached.

One industry representative stood with me on that day and said my bill "encompasses all aspects of the workability needed to ensure protection of customers' privacy," while another called it "a balanced measure that will provide meaningful privacy protections to consumers while also addressing the workability concerns" that industry had. Now the story is different, as industry sees a political opportunity to preempt California's standard on affiliate sharing with a weaker one.

The financial services industry appears to be acting in bad faith—it seems willing to say and do anything to erode California's recent progress on behalf of consumers, first to avoid a costly initiative battle and local ordinances limiting third-party sharing, now to pull the wool over Congress' eyes. Does the financial services industry really believe that millions of American consumers don't deserve a choice over what happens when their personal financial information, their financial DNA, is shared with thousands of affiliated companies? The industry's position is flawed public policy, weaker than their own standards abroad, and the kind of business practice that erodes consumer confidence.

I urge you to continue your efforts in making California's privacy standards those of the nation. California's affiliate standard was good enough for the financial industry two months ago; it certainly is acceptable now. Thank you again for your efforts; I stand ready to help you in any way possible.

All the best,

JACKIE SPEIER,
California State Senator, 8th District.

Mrs. FEINSTEIN. Mr. President, while I was in California, I met with the CEOs of the major banks. It became very clear to me at that time what they were going to do. They were going to come back here and they were going to get a national standard that clearly preempted the California opt-out.

Incidentally, we have modified the amendment I have sent to the desk. I know there was some criticisms of the amendment. We have tightened it up. I think it will stand the test of scrutiny. This amendment protects American consumers' basic privacy rights. It creates a national opt-out standard for affiliate sharing. This would give consumers the choice of whether their personal information can be shared among unrelated companies in a corporate family of companies.

Under the amendment, a company would have to notify a consumer that it intended to share the consumer's information with unrelated affiliates and give the consumer the opportunity to opt out of this sharing. If the consumer does nothing, the institution is perfectly free to share the information.

This amendment is fully sensitive to the real-life demands of business. Where there is a legitimate business need for the information, this amendment provides exceptions to the opt-out.

First and foremost, related affiliates—which are defined as affiliates in the same line of business with the same functional regulator and with the same brand name—are exempt from the opt-out.

Second, the amendment does not affect the ability of companies to have common databases with their affiliates so long as the information is not accessed, disclosed, or used by the affiliate. This is one of the arguments they have raised that this exception is a big loophole. Answer, untrue. While a common database can exist, the amendment explicitly states that an affiliate cannot access or use the information in a manner inconsistent with the consumer's opt-out.

Third, to use consumer information to complete transactions; fourth, to protect against or prevent actual or potential fraud or identity; next, to comply with Federal, State, or local laws and to do data processing, billing, or mailing. This amendment does not affect the ability of affiliated companies to do any of these six things. There are a number of other standard exceptions.

Before I go into detail describing the amendment, I will spend some time talking about the shortcomings of the "National Consumer Credit Reporting System Improvement Act" with respect to a person's natural privacy and why this amendment is needed.

At the outset, I recognize the author of the bill, Chairman Richard Shelby. He has met with me and I am grateful for that meeting. He has listened to my concerns. He has made longstanding efforts to balance the rights of individual privacy with legitimate business needs. I deeply respect the commitment of Senator SHELBY to consumer privacy. It is well known. He deserves recognition for his work to strengthen the privacy provisions of the Driver's Privacy Presentation Act and for introducing legislation to require an opt-in for affiliate sharing in the 106th Congress.

In the 107th Congress, he joined me as a cosponsor of the Identity Theft Prevention Act. Many of these provisions he has incorporated in the bill on the floor today, and I thank him.

I also thank Senator SARBANES. I think his record on privacy is equally impressive. He fought hard to create the opt-out standards for nonaffiliated third parties during enactment of the Gramm-Leach-Bliley financial services modernization law. I have the utmost respect for his work on privacy legislation. He is a champion of consumer privacy.

The American people should know this about both of these Senators. It is just that Senator BOXER and I have a very strong view on the need to give consumers this opt-out on affiliates.

I also recognize this bill has a number of provisions I strongly support. It entitles every consumer to a free credit report. That is great. It creates fraud alerts. Great. It creates a national standard for truncating credit card numbers on store receipts. That is great.

I was delighted, because when I introduced identity theft legislation earlier this Congress, the chairman and CEO of Visa, Carl Pascarella, came and held a press conference and indicated that Visa was not going to wait for the bill, they were going to go ahead and truncate all but the last four digits, in any event, on their credit cards. As of June, all the new merchant terminals using the VISA system—affecting tens of millions of Visa credit cardholders—do have that truncation. Shortly, Visa will have all other stations truncating as well.

This morning Senator KYL and I held a hearing on hackers getting into data bases and how you prevent that from happening. Visa testified, and it is clear they have taken this very seriously with a very elaborate system to get at the problem and to use technology to solve it.

So all these provisions were included in legislation that I have offered over the last 4 years, and I am very grateful to both the chairman and ranking member, who are here on the floor, that they have been incorporated into this bill. So I say, thank you, Senator SHELBY; thank you, Senator SARBANES.

Now, I think, though, that some of these needed provisions just become window dressing, if you really can't protect a person's privacy. The affiliate sharing provisions of the legislation would set that back because the information age is going to move ahead rapidly. That is one of the problems: Technology finds a way of moving ahead so fast before we have a chance to see that there is an appropriate regulatory system in place.

So the debate today over this bill is really part of a great struggle over whether Americans—ordinary Americans—will have basic control over the most elemental parts of their identity, and whether we can stop the misuse and commercialization of their most personal information.

Most Americans, I believe, consider their personal information their private property. I do. I consider my health data my personal data, my financial data my personal data. When I do business with a bank, I do not expect to see my mortgages purchasable on the Internet for $15 or $20. I do not expect somebody to buy my Social Security number over the Internet, or anything of that kind. Nor do I expect the bank with which I do business to give my data to a thousand—and it can be a thousand—of their affiliates so their affiliates can contact me about traveling with them, investing with them, that they have a better scheme than my checking account. I do not expect that, and guess what. I do not think the majority of Americans do, either.

To give you a sense of the groundswell of public support for privacy, I would like to mention a survey of California voters by Fingerhut Granados Opinion Research on February 7 of this year.

The statewide survey found that by a massive 91-to-7 percent margin, California voters would favor a ballot proposition—and let me quote what it would say—that "would require a bank, a credit card company, insurance company, or other financial institution to notify a customer and receive a customer's permission before selling any financial information to any separate financial or non-financial company."

Mr. President, 91 percent would support an initiative to do just that. So they are supporting not opt-out, which is a lower, lesser standard, but they are supporting opt-in when it comes to affiliate sharing. Similar polls across this great land have reflected a landslide of support by Americans for stronger privacy laws.

In my 10 years in this Senate, I have never seen anything like it. There is a groundswell out there, let there be no doubt.

Here in the Senate we have taken some strong action to protect privacy in recent months. In one day, the Senate drafted and passed a bill upholding the "National Do Not Call" list. Recently, we passed legislation limiting e-mail spam. In each of these cases, Congress accepted the near unanimous will of the public that there should be limits on when and how commercial entities can invade ordinary Americans' privacy—be it at their homes from telemarketing calls or on their computers from endless e-mail spam.

These concerns are equally present in the debate over affiliate sharing, except the dangers to privacy are so much more insidious. Americans are fully aware of telemarketing calls because their dinners and evenings at home are interrupted by them. Americans are fully aware of spam because their e-mail is clogged with them. In the case of affiliate sharing, most Americans are not aware that their personal information travels from their bank to hundreds or even thousands of other companies.

What is an affiliate and why should we be concerned about the sharing of information among affiliates?

Affiliates are companies related by common ownership. As one example, Travelers Insurance, Diners Club International, Citi Financial, and Salomon Smith Barney are all affiliated companies owned by Citigroup. So the types of businesses that financial institutions can be affiliated with run the gambit: insurance companies, so you can be bugged by insurance companies; securities brokerages; mortgage lenders; travel agencies; retailers; automobile dealers; collection agencies; financial advisers; tax preparation firms. I even think they buy them just for this reason.

In 1999, Congress passed the Gramm-Leach-Bliley Act, which repealed portions of the Glass-Steagall Act that prohibited banks from entering into affiliations with other lines of business. So it became fair game. These financial institutions have moved, in a major way, to affiliate themselves with a tremendous array of businesses. These include insurance and securities brokerages, as I said, mortgage lenders, "pay day" lenders, finance companies, and on and on and on.

It could include investment advisers who are not required to register with the Securities and Exchange Commission. These are not mom-and-pop companies. The top dozen U.S. banks and financial institutions alone control thousands of health and life insurance companies, home mortgage companies, car loan lenders, housing developments, securities brokers, and other businesses.

Take a look at this. Citibank alone has 1,736 affiliates which they own. They own a mortgage company, an insurance company, a student loan corporation, Travelers Life and Annuity, Diners Club International, and Salomon Smith Barney holdings. This becomes a veritable goldmine of information trading for them, and the information that is traded is your personal information that lets an insurance company, or a mortgage company, or an investment banking company know where to go to get business.

Morgan Stanley has 628 affiliates, including the Discover Card, Dean Witter Realty, Southeastern Energy Corporation, and a number of insurance companies.

Wells Fargo, headquartered in my city of San Francisco, has 777 affiliates, including, again, a mortgage company, Advance Mortgage, Dial Finance Company, Pacific Rim Health Care Solutions, Tower Specialists, Norwest Auto Finance, and Auto Risk Managers. Again, a veritable treasure trove, a goldmine for the sharing of private, personal information.

Bank of America has 815 affiliates, including T-Oak Apartments, Stanton Road Housing, NationsBanc Insurance Agency, and General and Fidelity Life Insurance. By mining data from their affiliates, these corporations can compile vast dossiers on consumers to use to their commercial advantage. An affiliated company can call you up with full knowledge of your financial history and offer you credit cards, securities, loan consolidation, whether you need it or not, and you have no way to prevent the company from using your most intimate personal information.

Consider the following case: Several years ago, Nationsbank paid fines of $7 million to the Securities and Exchange Commission and other agencies over its sharing of confidential customer financial statements and account balances with affiliated securities firms. Nationssecurities used the account information to identify those bank customers who had expiring certificates of deposit. Sales representatives then marketed to these customers highly leveraged investments, mischaracterizing them as straightforward U.S. Government bond funds. Investors, 65 percent of whom were over 60 years old, lost millions of dollars from this practice.

While Nationsbank paid a fine for its false and misleading sales practices, its sharing of customer information was perfectly legal under existing law. We need stronger laws to protect us from the potential predations of affiliate sharing. Unfortunately, the Senate bill does not rise to this test.

The 1996 Fair Credit Reporting Act standard on affiliate sharing, which is, for the most part, preserved in S. 1753, is not a strong national standard. The 1996 act permits financial institutions to share "transaction and experience" information with affiliates without restrictions. This experimental standard has proven vague and unworkable. Even though the 1996 act has been in effect for 7 years, no one can definitively say what the terms "transaction and experience" information mean.

When I asked the CRS to explain the FCRA standard, here is what they said:

> The [Fair Credit Reporting Act] does not offer a definition of a phrase, nor does the act provide any guidance with respect to what types of information may be included. Furthermore, none of the Federal bank regulators, nor the Federal Trade Commission, have promulgated regulations regarding the definition of "information solely as to transactions or experiences" or what information may be included in such.
>
> Finally, discussions with industry representatives did articulate a consistently used definition of what constitutes a "transaction or experience" information.

In essence, both the House bill and the Senate bill maintain an exemption for the sharing of personal information, which nobody has defined.

Seven years after passage of the 1996 FCRA amendments, neither Congress, nor the Federal Trade Commission, nor any other agency has defined the term. An empty standard is a nonenforceable standard. I think America's personal privacy deserves better protection.

Consider again the sensitive information which could be shared among unrelated corporate affiliates if we allow the current standard to stand. This chart refers to the information I have just been over: an employee's work history, including performance ratings, sick and vacation days, safety, whether the consumer is a complainer or not, can go out to all affiliates, your certificates of deposit maturity dates, so somebody can contact you when that certificate matures; stocks you own, so others can approach you. Then there are the personal things, such as political contributions, charitable contributions, your magazine subscriptions.

Think about that. These companies develop a personal profile on who you are and what you like, and then tell other companies about you. Today, I heard testimony at a Senate Judiciary Committee hearing about someone who shopped at Victoria's Secret who had their personal information used in that way. That is what this allows.

The collection of this information is not hypothetical. In Great Britain, unlike the United States, companies are required by law to file a report with the Government on the type of information they collect about consumers.

Here is what Citibank reported to the British Government about the type of information it was collecting about British citizens for marketing purposes. I think it is likely they collect the same information about United States customers. This information includes: personal identifiers, financial identifiers, identifiers issued by public bodies, personal details, habits, current marriage or partnerships, details of other family, household members, other social contacts, accommodations or housing, travel movement details, lifestyle, academic record, membership of professional bodies, publications, current employment, career history.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Mr. President, I am not aware of a time limitation.

The PRESIDING OFFICER. There is a previous order to recess for the policy meetings at 12:30 p.m.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I might be permitted to continue when the Senate resumes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL CONSUMER CREDIT REPORTING SYSTEM IMPROVEMENT ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under the order, the Senator from California has the floor. If I may propound a unanimous consent request, the Senator from California is going to speak for approximately another half hour or thereabouts. Following that, Senator DURBIN and Senator McCAIN wish to speak on matters unrelated to the matter now before the Senate. To save a lot of confusion, I ask unanimous consent that following the remarks of the Senator from California, Senator NELSON of Florida be recognized for up to 3 minutes; following that, the Senator from Illinois, Mr. DURBIN, be recognized for up to 15 minutes; following that, the Senator from Arizona, Mr. McCAIN, be recognized for up to 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, we usually go back and forth, I tell my friend.

Mr. REID. The Senator from Arizona wishes to go before Senator DURBIN?

Mr. McCAIN. Yes.

Mr. REID. That is fine. I thought it was the reverse order. I ask that the unanimous consent request be modified so that Senator McCAIN be recognized prior to Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California is to be recognized.

Mrs. FEINSTEIN. Mr. President, the Senator from Florida has asked if I would yield for just a short time before I begin. Is that agreeable?

Mr. REID. That is in the unanimous consent order. It is up to the leadership. However, after Senator FEINSTEIN completes her statement and Senator NELSON completes his statement, I rather doubt they could do that, but somebody could move for a vote prior to that time. I don't suggest anyone doing so. It could happen.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, is it possible for me to yield for 3 minutes to the Senator from Florida?

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2054

Mr. NELSON of Florida. Mr. President, I rise to support the amendment of the Senator from California and to point out that I think the committee has done a very good job on the underlying bill. They address the question of medical privacy in the bill where a big holding company might have a subsidiary company, such as an insurance company, and an individual, when they get a life insurance policy, will have to get a doctor's examination, so that in the bosom of that health insurance company would be medical records. That health insurance company may be owned by a bank.

What the underlying bill does is protect against someone having their personally identifiable medical information shared throughout that holding company and shared with those who would want to market that personally identifiable medical information.

However, the underlying bill does not protect on the personally identifiable financial information, so that one part of a holding company could have personally identifiable financial information such as how much you take out of your ATM, what kind of purchases you make on your credit card, what time of day or what time of the week you go and make deposits in your ATM or take out from your ATM. Those things that are personally identifiable ought to be private unless the individual consumer says they are willing to have that information shared among the holding companies.

That is one of the things the amendment of the Senator from California addresses which, if we are going to take privacy seriously, we need to address. That is why I support the amendment of the Senator from California.

I yield the floor.

Mrs. FEINSTEIN. I thank the Senator from Florida and I thank the Chair for allowing this opportunity for the Senator to make a statement. I think he is referring to an amendment that I will introduce at a later time having to do with clearing up the health definition in the bill.

The health definition in the bill is archaic. The vast majority of states have adopted more fully inclusive definitions, and we would like to have that definition in the bill.

Prior to the break for lunch, I was beginning to explain why the bill before us has a weak privacy standard on affiliate sharing. Specifically, the underlying bill permits financial institutions to share a customer's transaction and experience information with affiliates with few, if any, restrictions. As I stated, transaction and experience information could include extremely sensitive information about individuals such as their bank account balance and data mined from their check or credit accounts or where they buy goods.

If consumers cannot preserve the privacy of their bank balances or the places they go to make purchases, they do not have meaningful privacy protections. That is the weak privacy standard that will become the national norm if this bill passes the way in which it is envisioned.

Supporters of the existing weak standard argue that America's credit environment has thrived since 1996. So they say, why mess with a system that is working? I challenge that assertion.

First, because transaction and experience information remains undefined. As I pointed out before lunch, we asked the CRS to look at current law. We asked them how they would define "transaction and experience" information. They said it has never been defined. So it is questionable whether any privacy regime at all exists for the bulk of affiliate-sharing practices.

Secondly, identity theft has emerged as a national epidemic in the last 7 years. Both the chairman and the ranking member of this committee have done their utmost and been very receptive to trying to enact legislation to prevent identity theft.

The Federal Trade Commission recently published a study that suggested 9.9 million Americans are victims of identity theft every year. The cost is $50 billion annually. Studies have shown that much identity theft occurs in the workplace. So increased affiliate sharing will likely facilitate this crime. Potentially, thousands of employees in affiliated businesses will have increased access to the currency of identity theft, and that is Social Security numbers and other sensitive identifying information, such as date and place of birth and mother's maiden name.

In her testimony before the Senate Banking Committee, Vermont Assistant Attorney General Julie Brill directly linked affiliate sharing to identity theft. Here is what she said:

> Many identity fraud cases stem from the perpetrator's purchase of consumers' personal information from commercial data brokers. Financial institutions' information sharing practices contribute to the risk of identity theft by greatly expanding the opportunity for thieves to obtain access to sensitive personal information.

So that is what we are doing here. Now, this is a prosecutor who should know. This is what she deals with. So why broaden the scope and opportunity for identity theft to take place?

Assistant Attorney General Brill also cited work by researchers at Michigan State University who studied 1,000 cases of identity theft and found that 50 percent of the victims traced the theft of information to an employee of a company compiling personal data on individuals.

Third, it is an open question whether affiliate sharing has offered any price or service advantage to customers. According to an article by Janet Gertz in the San Diego Law Journal, there is some evidence that businesses use affiliate sharing to extract concessions from consumers. Let me quote her:

> By profiling consumers, financial institutions can predict an individual's demand and price point sensitivity and thus can alter the balance of power in their price and value negotiations with that individual. Statistics indicate that the power shift facilitated by predictive profiling has proven highly profitable for the financial services industry. However, there is little evidence that any of these profits or cost savings are being passed on to consumers.

Just recently, for example, the Federal Reserve issued a report on financial service fees and services showing that fees at larger institutions are generally increasing and services are decreasing.

So we are letting exist this whole area where businesses buy other businesses just to share consumers' data? And the consumer has no control over their personal data. That is wrong.

My colleagues may hear during the debate on this amendment that the affiliate sharing problem is addressed because S. 1753 allows consumers to opt out of certain marketing solicitations by affiliates.

I want to go into this because this has been widely circulated by the financial institutions. Senator BOXER and I were just questioned about it at a press conference we held. In truth, these restrictions that they say are there are grossly inadequate, and they barely scratch the surface of the problem.

Let me describe some of the uses of affiliate sharing that the bill does permit. First, internal credit reports: The bill permits companies to use transaction and experience information to create internal credit reports.

Martin Wong, general counsel of Citigroup's Global Consumer Group, testified before the Senate Banking Committee in June that:

> Citigroup is able to use the credit information and transaction histories that we collect from affiliates to create internal credit scores and models that help determine a customer's eligibility for credit.

In other words, a bank can use transaction and experience from its affiliates to determine if it is going to charge a higher interest rate to certain credit card customers and give perks to others or to deny a credit applicant a credit card.

In contrast to a traditional credit card report, a consumer has no right of access to transaction and experience information used by a bank to deny him or her credit. Nor would a consumer have any right to correct any errors made in compilation of these internal credit reports. So one can have their credit changed even without their knowledge. It can be wrong, and the person would not know about it. It all happens in this secret world of affiliate sharing.

Similarly, a health insurer could deny a customer a health insurance or life insurance policy based on transaction and experience information. For example, a life insurer might reject an insurance applicant because of evidence in his card or check transaction record that he visits liquor stores frequently, buys products at stores selling mountain climbing equipment and therefore is at risk of injury, or has purchased a gun.

These are just indications. These are just areas. But you can see where this thing is going. Essentially, consumers can be denied products or services and they will have no ability to determine why the denial occurred.

The bill would permit prospective or current employers, without an individual's knowledge or consent, to mine information about the individual from other affiliates with whom the individual does business. This could be used for hiring decisions, disciplinary action, job evaluations, or other employment purposes. Again, all of this goes on simply because you bank with a given bank. You think all these things are protected and in fact they are data-mining checks, where you go, who you are paying. This information is going out to a whole host of other companies, sometimes thousands of companies.

Some affiliates are offshore and American consumer protection laws do not apply to those countries. As United States companies continue to acquire affiliates overseas, consumers may not even be able to depend on existing consumer protection laws to protect information that is shared with an affiliate.

Earlier this month, and many of us read about it, a woman in Pakistan, transcribing medical files for the University of California Medical Center in San Francisco, threatened to post patient medical records on the Internet unless she was paid more money. While we have strict laws governing medical files in the United States, these laws are virtually unenforceable overseas.

The Senate bill does not prevent affiliated companies from accumulating and sharing uncomplimentary information about customers, such as if they have filed for bankruptcy, do not pay their credit on time, or complain a lot. This information can be used to push unprofitable customers into a different tier of customer services. Example, where there are longer waits for a customer representative, or eliminate the customer altogether. All of this happens because of the ease with which this information can be shared among commonly held companies.

Let me give an example. Business Week magazine has reported that Sanwa Bank gives A's to its best customers, but those whose profiles show they will generate less revenues get C's from the bank. The bank tends to charge those earning C's more fees, and is more likely to put them on hold when they call in for service. This type of profiling certainly can occur in the context of affiliate sharing.

Even in the area of marketing, this bill is grossly inadequate. It purports to give consumers the right to opt out of the sharing of transaction and experience information for marketing, but there are loopholes. The institutions are going around the Hill today, pointing out they already do protect this.

Let me talk for a minute about the loopholes. The bill excludes companies from the opt-out if they have a preexisting business relationship with the consumer.

What is a preexisting business relationship? Your guess is as good as mine because the bill doesn't define it. Presumably, a bank could argue it has a preexisting relationship with a consumer if a consumer came into the bank 5 years ago to cash a check, or even just made an inquiry about an account. Additionally, if a consumer does exercise the opt-out for marketing, which is in the bill, the opt-out expires after 5 years. At that time, affiliates can then start marketing again to the customer.

I find it disturbing that the supporters of the bill want to permanently preempt States from enacting stronger affiliate-sharing laws for credit reporting purposes, but only think customers' preferences should be recognized for 5 years.

Last, but perhaps most fundamental, the Senate bill denies the consumer the ability to define the parameters of his or her relationship with a company, and this, I think, is really important. Under the current bill, when a consumer purchases a product from a megacorporation, the consumer automatically, without his or her choice or consent, makes his or her information available to hundreds of companies. Lawyers call this type of relationship, where one side has all the bargaining power, an adhesion contract. Some courts rule these types of contracts invalid because they do not reflect arm's-length negotiation and could result in unconscionable terms for the consumer.

Our amendment is a substitute to the affiliate-sharing language in S. 1753. Supporters of the underlying bill claim the Government needs a viable national standard to ensure the efficiency of our credit market. This amendment provides such a standard. It gives consumers all across the country—in Alabama, in Maryland, in Kentucky, in Colorado, in Washington—the opportunity to have some say, some choice in how their personal data is shared. With the privacy of Americans more at risk because of the latest technological developments and identity theft, with privacy invasions at its core becoming the fastest growing white-collar crime in the United States, we believe strong national standards are critical.

Our amendment reflects the terms of the California privacy law, which the California Bankers Association just a very short time ago called reasonable and workable, and are now lobbying against.

I read the letter of the author of the California bill, which I think irrefutably states the turnaround the financial institutions have done in this opt-out provision. Jim Bruner of the Securities Industry Association stated at the press conference announcing the agreement on California law on August 14, just a short time ago:

> "While we would have preferred a national standard," [the California law] "encompasses all aspects of the workability needed to ensure protection of consumers' privacy."

And then they turned around and did a 180.

Jamie Clark of the California Bankers Association said at the same press conference that the banks:

> ". . . have no objection to the measure passing" and would tell its supporters to vote for the bill.

Clark added:

> "We prefer a national standard so that you have a uniform operating environment."

But they didn't tell anyone in California, which has just passed a new law which provides opt-out, that they could not live with the opt-out standard.

They did not come back here saying the law was sloppily drafted. They liked it then. When you do the law back here, all of a sudden it is sloppily drafted.

Diane Colborn of the Personal Insurance Federation called the California bill "a balanced measure that will provide meaningful privacy protections to consumers while also addressing the workability concerns that our members and customers had."

The California credit unions supported this legislation and still do. I thank them for their support.

This amendment offers businesses in California and around the country the chance to get a moderate, reasonable, uniform national standard on personal privacy.

Under the amendment, companies would be required to give consumers notice of their intent to share transactions and experience and other information with their affiliates. Consumers would then have the opportunity to opt out—to say, I don't want you to do it, or to do nothing at which point the information could be shared. The company would be notified and would give them, I hope, a choice of whether their most personal information is shared among affiliates.

This amendment would also allow closely related affiliates in the same line of business to share information with each other. Specifically, companies would not need to provide an opt-out choice if one, the affiliate is regulated by the same functional regulator—an example of that is institutions that regulate financial service institutions such as the Office of Thrift Supervision and the Office of the Comptroller of the Currency would be considered the same functional regulator; two, the affiliate engages in the same line of business. An example of that is the selling of securities, banking services, and insurance would all be considered independent lines of business; three, the affiliate shares a common brand identification; and four, the affiliate is a wholly owned subsidiary of the same company.

The amendment also has numerous other exceptions that were ironed out after 4 years of negotiation in California to meet the practical needs of business. The exceptions include the following: No. 1, information maintained in common databases. This is another false rumor that is being spread on this bill. This amendment allows employees of an affiliate to have access to information maintained in a common information system or database so long as the information is not accessed, disclosed, or used.

That is the key. It doesn't require new databases. It doesn't mess up their database. It just says you can't access it if the individual opts out.

This exception is necessary because we don't want to disadvantage companies that have streamlined operations by combining databases and other information technology resources. On the other hand, this amendment still permits consumers to have a choice over whether information in the database can be used for secondary purposes.

This amendment, as the Gramm-Leach-Bliley and California law, has an exception for transactional uses of information.

Information sharing "necessary to affect, administer or enforce a transaction requested or authored by the consumer" or "with the consent or at the direction of the consumer" is excluded from the opt-out.

Our amendment has exceptions for affiliate sharing of personal information that is necessary for companies to effectively manage their operations. For example, for security purposes, institutional risk control, and to respond to customer disputes or inquiries.

Proponents for unrestricted sharing of affiliate information argue that it is needed to solve identity theft. They correctly point out that companies can track unlawful purchases or suspicious activity by monitoring unusual account activity, change of address requests, and other suspicious behavior.

This amendment explicitly allows for affiliates to share information "to protect against or prevent actual or potential fraud, identify theft," et cetera.

In addition, the amendment has exceptions relating to a business, a merger, a sale, a transfer; to comply with Federal, State, or local laws; for outsourcing functions with vendors such as data processing or billing; and, to identify or locate missing and abducted children, witnesses, criminals and fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs, or to report known or suspected instance of elder or dependent adult financial abuses; and an exception is also carved out for the United States of America PATRIOT Act.

I deeply believe that without this opt-out the National Consumer Credit Reporting System Improvement Act would create a permanent and unworkable Federal standard that would set back the privacy of personal information and allow sensitive personal data to be moved through dozens, hundreds, and, in some cases, thousands of other companies.

This amendment is quite simple. It is about consumer choice.

I am puzzled at the ferocity with which the financial institutions and the banks are lobbying against this amendment. They serve people. That is what they are there to do—serve people. Shouldn't someone know if this information is being marketed within the loophole? Shouldn't someone have the opportunity to say, I don't want you to use my information? In fact, I think I am going to change banks, if they do this. Find a bank that won't do it. That would be my advice to everybody.

I think consumers should be given the opportunity to tell a bank they don't want their information shared with other companies. This is America. We should have that freedom. We should have that right. If you vote for this amendment, Americans will.

Do I have a few more minutes? If I could quickly set aside this amendment and send one other amendment to the desk, I will not speak to it.

I am happy to wait. I will yield the floor at this time and do it later.

Thank you very much.

Mr. McCAIN. Mr. President, I don't mind waiting a few minutes if the Senator from California wishes to proceed.

Mrs. FEINSTEIN. No. That is all right.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona has the floor. The Senator from Arizona.

U.S.-RUSSIA RELATIONSHIP

Mr. McCAIN. Mr. President, a creeping coup against the forces of democracy and market capitalism in Russia is threatening the foundation of the U.S.-Russia relationship and raising the specter of a new era of cold peace between Washington and Moscow. The new authoritarianism in Russia is more than a test of America's ability to defend universal values that have taken shallow root since the Soviet empire collapsed. It presents a fundamental challenge to American interests across Eurasia. The United States cannot enjoy a normal relationship, much less a partnership, with a country that increasingly appears to have more in common with its Soviet and czarist predecessors than with the modern state Vladimir Putin claims to aspire to build.

On October 25, masked Russian security agents from the FSB, the successor to the KGB, stormed Russian businessman Mikhail Khodorkovsky's private plane during a stop in Siberia. He now sits in prison awaiting trial, accused of tax evasion, fraud, forgery, and embezzlement. Russia's richest man, founder and chief executive of its most successful private company, a leader in incorporating Western principles of accounting and transparency into business practice, and a generous donor to charity, Khodorkovsky had committed what in the Kremlin's eyes is the worst crime of all: supporting the political opposition to President Putin. Such an alternative center of power could threaten the Kremlin's supreme political control.

Upon assuming power in 2000, President Putin announced a now-famous ultimatum to Russia's top business leaders, whose fortunes were made by acquiring control of Russian assets privatized at fire-sale prices in the 1990s. President Putin said to them: stay out of political life and keep your fortune, or risk it by engaging in political activity. Most of the oligarchs chose to remain quiet. Three did not. Business tycoons Boris Berezovsky and Vladimir Gusinsky were forced into exile as a result of their support for opposition political parties and free media. Mikhail Khodorkovsky actually attempted to exercise basic political freedoms guaranteed, in theory, for all Russians. He has been thrown into jail as a result.

Admittedly, Messrs. Gusinsky, Berezovsky, and Khodorkovsky may not provide to proponents of democracy and free markets in Russia the most laudable personal histories upon which to wage a resolute defense of our democratic principles. But failure to defend them would acknowledge exactly what the Kremlin cynically alleges: that they are being prosecuted because of the way they made their money. What has caused these three Russian tycoons to be singled out are their activities in support of opposition political parties and free media. In reality, a concerted campaign to clean up Russian politics and society would reach into every corner of the Kremlin and every boardroom in Russia, but that is not happening. For better or for worse, there is a consensus in Russian society that the past should remain in the past as Russia moves forward. If Russian business and government leaders are in fact going to be prosecuted for their conduct a decade ago, then perhaps the former KGB officer named Vladimir Putin who assisted Stasi leaders and Eric Honnecker in oppressing the German people should answer for his crimes.

Mikhail Khodorkovsky's arrest, like the politically motivated indictments of Berezovsky and Gusinsky, should be seen not as prosecution for financial dealings done a decade ago—which would implicate thousands of Russian businessmen and political figures—but as part of a larger contest between the forces of statist control and a liberal-oligarchic elite. Who wins will go a long way toward determining whether Russia reverts to the traditions of its czarist-imperial past or charts a new course as part of an integrating, liberal international order. The consequences of this struggle, for both the Russian people and the world, will be profound.

For the Russian people, President Putin's rule has been characterized by the dismantling of Russia's independent media, a fierce crackdown on the political opposition, and the prosecution of a bloody war against Chechnya's civilian population. The ascent of former KGB officers throughout Russia's ministries and in the Kremlin has enabled Putin to use the long arm of the state to crush internal dissent, silence opposing political voices, and subdue free media. During the first Chechen war, more Russians got their news from Vladimir Gusinsky's independent NTV than from state media. Today, there is almost no free media in Russia. Intimidation, coercion, assassination of journalists, and armed raids by the security services have put most independent media outlets out of business. Beatings and assassinations of journalists recall not the new Russia but the dark legacy of the Soviet past. Those independent media outlets that remain feel forced to practice the kind of self-censorship that characterized the Soviet Union. Today, most Russians who read newspapers or tune into television or radio hear only the voice of the Russian state—as they did under totalitarian rule.

In a land where financial support for opposition political parties comes largely from business, the arrest of Mikhail Khodorkovsky, like the indictments of Berezovsky and Gusinsky, sends a chillingly clear message to Russia's business community that their assets are safe only if they steer clear of politics. Putin himself made this same threat to the oligarchs in 2000; it is clear that his government is carrying it out, and that Khodorkovsky is the latest victim.

Political assassinations also demonstrate the risk of speaking out against state power. Earlier this year, State Duma deputy Sergei Yushenkov, who had been investigating potential connections between the 1999 Moscow apartment bombings and the start of the second Chechen war, was killed outside his Moscow apartment. State Duma deputy Yuri Shendoshokhtin, who had been looking into the role of the FSB in the Moscow bombings as well as a scandal surrounding the involvement of FSB officers in illegal trade, was also killed in mysterious circumstances. Both crimes remain unsolved. In today's Russia—as in Soviet Russia, as in czarist Russia—the state uses its power to suppress political dissent. The arrest of Mikhail Khodorkovsky fits in a long tradition of political arrest and persecution stretching across the vast dictatorial tundra of Russian history.

Under President Putin, Russian citizens in Chechnya have suffered crimes against humanity at the hands of Russian military forces. It was during Mr. Putin's tenure as Prime Minister, in 1999 that he launched the Second Chechen War following the Moscow apartment bombings. There remain credible allegations that Russia's FSB had a hand in carrying out these attacks. Mr. Putin ascended to the presidency in 2000 by pointing a finger at the Chechens for committing these crimes, launching a new military campaign in Chechnya, and riding a frenzy of public anger into office. Since then, between 10 and 20,000 Chechen civilians have been killed and hundreds of thousands displaced by Russian security forces. At Putin's direction, the Kremlin recently stage-managed an "election" in Chechnya that put Moscow's hand-picked candidate in power. The principal voters were Russian conscripts forced to serve in Chechnya. Moscow has made no effort to address the political grievances of a population increasingly radicalized by the brutality of Russian rule. Yes, there are Chechen terrorists, but there are many Chechens who took up arms only after the atrocities committed by Russian forces serving first under Boris Yeltsin's and then Putin's orders.

In short, Mr. President, I am worried that what we are seeing in Mr. Putin's government is a continuation of 400 years of autocratic state control, and repression. Since the end of the Cold War, many Western observers have optimistically argued that the way Russia is governed has fundamentally changed. Sadly, this appears not to be true. Whether ruled by the czars, Stalin, Brezhnev, or Putin, the Russian state has remained supreme within Russian society. It seeks fundamentally to control society, not to answer to it. The people serve the government, not the reverse. This is not the behavior of a modern European nation; it is a form of unenlightened despotism cloaked in the mantle of international respectability, which Russia derives principally from its relations with other great powers—particularly the United States.

The ascent of former KGB officers to positions of power throughout the structures of the Russian state underscores this trend. Apparently KGB veterans Igor Sechin and General Viktor Ivanov, both deputy chiefs of presidential administration in the Kremlin, masterminded the assault on Mr. Khodorkovsky. I would like to congratulate the KGB for arresting one of the most pro-Western business figures in Russia today—someone whose personal and corporate behavior, through charitable giving and adopting Western standards of business, have brought more credit to Russia in the last three years than anything the Russian government has done. Meanwhile, the FSB has been unable to solve the murder of leading independent journalists. It has failed to bring to justice any suspects in the murder of democratic politicians. It has not been able to identify a single case of corruption inside the Russian government. Not a single Russian has been held to account for committing crimes against humanity in the Soviet Gulag. The FSB can't do any of that—but it can arrest Mikhail Khodorkovsky. What brave men they must be to kick down the doors of a private airplane and arrest an unarmed man.

The FSB's dominance in the Russian Government has renewed the specter of the imperial temptation that has guided Russia's external relations for centuries. For too many of Russia's neighbors, it is like the old Beatles song: "Back in the USSR." Under President Putin, Russia has refused to comply with the terms of the Treaty on Conventional Forces in Europe. Russian troops occupy parts of Georgia and Moldova. Russia has effectively annexed the Georgian province of Abkhazia, which it has occupied for a decade. Moscow has supported attempts to overthrow neighboring governments that appear too independent of Russia's embrace. Russian naval forces recently attempted to assert control in the channel connecting the Sea of Azov and the Black Sea from Ukraine. Russian secret services are credibly accused of meddling in elections in Azerbaijan and Georgia. Russian agents are working to bring

Ukraine further into Moscow's orbit. Russian support sustains Europe's last dictatorship in Belarus. And Moscow has attempted to cynically manipulate Latvia's Russian minority and enforced its stranglehold on energy supplies into Latvia in order to squeeze the democratic, pro-American government in Riga.

Under President Putin, Russia has pursued a policy in its "near abroad" that would create an empire of influence and submission, if not outright control. On October 9, Russian Defense Minister Sergei Ivanov declared that Russia reserves the right to intervene militarily within the Commonwealth of Independent States in order to settle disputes that cannot be resolved through negotiation. At the same press conference, President Putin declared that the pipelines in Central Asia and the Caucasus carrying oil and natural gas to the West were built by the Soviet Union, and said it is Russia's prerogative to maintain them in order to protect its national interests, "even those parts of the system that are beyond Russia's borders." In the runup to the war in Afghanistan, President Putin was given great credit for "allowing" the United States to use the military facilities and airspace of sovereign countries in Central Asia. But Russia has no more right to speak for these countries than we do. The Putin Doctrine, asserting a right to imperial intervention in Russia's "near-abroad," coupled with the ascendancy of the FSB, recalls a discredited Russian imperial past whose victims number in the millions. Russia's assertion of political control over its neighbors speaks not to a modern vision of Russian reform and renewal, but appears to reflect a czarist impulse to dominate neighboring populations. It is the international dimension of rising state control at home.

The dramatic deterioration of democracy in Russia calls into question the fundamental premises of our Russia policy since 1991. American leaders must adapt U.S. policy to the realities of a Russian Government that may be trending towards neo-imperialism abroad and authoritarian control at home. It is time to face unpleasant facts about Russia. Russia is moving in the wrong direction—rapidly. While the United States undertakes a necessary and comprehensive review of our policy, I believe Russia's privileged access to critical Euro-Atlantic institutions should be suspended. This access was obtained with the understanding that President Putin was committed to free markets, the rule of law, pluralist democracy, journalistic freedom, and the lawful constraint of the intelligence and security services. These now appear to be false premises.

The Russian Government is not behaving in a manner that qualifies it to belong in the club of industrialized democracies. The United States is hosting the next G–8 Summit at King Island, Georgia, in June 2004. Russia has been invited to participate and has been working its way in, but President Putin's conduct at home and abroad has worked Russia out. Putin's Russia should have no place at the next G–8 Summit.

Congress should not consider the repeal of the Jackson-Vanik amendment for Russia. It would be incomprehensible to consider easing a law created in response to Soviet repression when the Russian Government is continuing a similar pattern of behavior. I will oppose any effort to repeal Jackson-Vanik as long as Russia is moving in the wrong direction.

To any American businesses contemplating investment in or trade with Russia, I would simply say that this is not a place where the rule of law and Western codes of conduct prevail. You invest at your peril. Many Members of Congress have heard from U.S. businessmen who have lost money in Russia due to the absence of the rule of law. The American business community should consider itself warned: the Kremlin's recent behavior is a clear signal that your investments are not safe. I call on my own Government, including the Export-Import Bank and the Overseas Private Investment Corporation, to cease all guarantees of investment in Russia due to the unacceptable risk of state interference and expropriation, as demonstrated by the Russian Government's actions. American taxpayer dollars should not be used to subsidize U.S. investment in Russia as long as the rule of the FSB prevails over the rule of law.

Clearly, in personal meetings, the President of Russia attempts to reassure the President of the United States that he is a fellow democrat. An accumulation of evidence forces me to draw the opposite conclusion. I hope I am wrong, but I am increasingly concerned that in Mr. Putin's soul is the continuity of 400 years of Russian oppression. Under President Putin's leadership, Russia looks to the West for prosperity, technology, and modernity, but seems to be striving in every way to keep the values of the West out of Russia. Far from having a vision for Russia in which democracy and freedom and the rule of law thrive, I fear President Putin may have a vision for Russia in which the capricious power of the police at home, and the menacing weight of subversion and intimidation abroad, guide the state. Administration policy must recognize the cold realities of Putin's Russia.

The responsibilities that follow from this are clear: it is time for a hard-headed and dispassionate reconsideration of American policy in response to the resurgence of authoritarian forces in Moscow. It is time to send a signal to President Putin's government that undemocratic behavior will exclude Russia from the company of Western democracies. The wholesale suppression of free media and political opposition cannot be ignored. American policy must reflect the sobering conclusion that a Russian Government which does not share our most basic values cannot be a friend or partner and risks defining itself, through its own behavior, as an adversary.

Mr. President, I thank the forbearance of my colleagues. I yield back the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the Senator from Illinois is recognized for 15 minutes.

Mr. DURBIN. Thank you, Mr. President. I appreciate the indulgence of Chairman SHELBY and Senator SARBANES for this opportunity.

Mr. SARBANES. Will the Senator yield to me for just 30 seconds?

Mr. DURBIN. Yes.

Mr. SARBANES. Mr. President, we are having two major statements on unrelated issues. We have an amendment pending. We are trying to work through these amendments. We think there is an opportunity to dispatch them in good order. So I certainly encourage people who want to speak on the pending Feinstein amendment to come to the floor so they can be heard and we can complete that debate and then move to a vote on or in relationship to that amendment and then follow on with the other amendments and move this bill toward completion.

I know there is no one in the Chamber wishing to speak now, and we certainly think the Senator from Illinois ought to be able to offer his statement, so this is not directed at him. I want to certainly assure him of that. But as we proceed, thereafter, if we could follow along, I think it would be very helpful.

The PRESIDING OFFICER. The Senator from Illinois.

HONORING AND PROTECTING OUR ARMED FORCES

Mr. DURBIN. Mr. President, America's burden in Iraq grew heavier over the last 7 days. In that period of time, 27 American servicemen were killed and 35 wounded. We were awakened to newspaper headlines on Monday morning of: "U.S. Copter Hit, With 16 Dead."

On Sunday, I received the sad news that the National Guard helicopter which was downed was attached to the 82nd Airborne Division and piloted by 1LT Brian Slavenas from Genoa, IL. It was shot down by a surface-to-air missile near Falluja in Iraq.

Press accounts report that the missile was likely a heat-seeking missile because it hit the engine, but, thankfully, it did not explode. The helicopter went out of control, and First Lieutenant Slavenas clearly did the best he could at crash-landing the crippled aircraft. Quite possibly he saved the lives of those who survived. Sadly, he did not.

This morning, I called the Slavenas family expressing my sympathy for the loss of their son. I have read the press accounts about his short but eventful and full life and the love which his family and so many others had for him.

This morning I heard interviews on National Public Radio of his friends talking about a great young man—this 30-year-old helicopter pilot. He had just graduated from college a few months ago. He enlisted in the Army right after high school and, having completed that stint, he enlisted in the National Guard and went to officer training school and he became a helicopter pilot. He earned a degree in engineering from the University of Illinois. Although Brian stood 6 feet 5 inches tall, he was a gentle giant. He was an accomplished pianist. His brother Marcus said, "He was very generous, very patient with people. I just loved being with him. He was my favorite person in the whole world."

I ask unanimous consent that these articles of tribute to Brian Slavenas be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times]

(By Dave McKinney)

His brothers and his father served in the military, but when 1st Lt. Brian Slavenas was called to active duty earlier this year, his family tried to discourage him from shipping out. He could have resigned his commission in the Illinois Army National Guard and skipped the deployment that carried his aviation unit to Iraq. Despite his family's concerns, the 30-year-old helicopter pilot who had graduated from college a few months earlier decided it was his duty to go overseas with his outfit. On Monday, relatives gathered at the family home in the tiny farm town of Genoa to mourn his death spoke with pride—and some regret—about his decision to continue a family tradition of military service.

Brian Slavenas died Sunday when his CH-47 Chinook helicopter was shot down by shoulder-fired missiles in a attack that killed 16 U.S. soldiers. "We know he didn't have to be there. But he chose to go and to serve his country," said his oldest brother, Eric Slavenas, 39 a U.S. Army veteran who participated in the invasion of Grenada in 1983. "I miss him. I wish he were still here," Eric added. "But I'm not going to go against his decision. I back him 100 percent."

Brian wasn't eager to go to Iraq when he left in April, other family members said. He had completed study at the University of Illinois at Urbana-Champaign in December with an engineering degree and was eager to get on with his career. Still, he felt obligated to go overseas with his unit. "He wasn't keen on the idea but he said, 'Once you're in, you can't cop out,'" said his dad, Ronald Slavenas, a former Army paratrooper who later served for a time with Brian in the same Illinois National Guard unit.

DRAWN BY HISTORY, ADVENTURE

During his time overseas, Brian's letters, calls and e-mails home were usually upbeat and often funny, his family said. Brian liked the adventure of being overseas in such an exotic location, Eric said, recalling that in one letter Brian described how he sipped a glass of Tang as he flew over the ancient ruins of Babylon. "He enjoyed the sights he saw, being in such a historic part of the world," Eric said. "He knew it was dangerous, but it was more of an adventure for him." At times, Brian talked of possibly staying in the military as a career, in part because he loved flying. "I think during the war, he got gung-ho about what he was doing," said his brother, Marcus Slavenas, a 33-year-old former U.S. Marine who served in Operation Desert Storm.

Brian had already served a stint in the Army, joining after he graduated from DeKalb High School, where he played drums and threw the discus. After finishing active duty, he joined the National Guard, then went to officer school and became a helicopter pilot. Along the way, he also obtained a private pilot's license and earned his degree from the U. of I. Although he stood a towering 6 foot 5 inches tall, Brian was a "gentle giant," according to his father. He was an accomplished pianist and dedicated weight lifter who could get along with just about anyone, his brother said. "He was very generous, very patient with people," Marcus said, adding, "I just loved being with him. He was my favorite person in the whole world."

Besides his two brothers and father, he is survived by his mother, a stepmother, a stepbrother and stepsister.

MAY HAVE SAVED LIVES

Brian, a member of the Peoria-based 106th Aviation Unit, was activated in February and had been serving in Iraq since April, said Brig. Gen. Randal Thomas, adjutant general of the Illinois National Guard. He had been certified to fly the CH-47 Chinook helicopter since 2002 and was flying at 150 mph at about 200 feet off the ground when it was shot down near Fallujah, Iraq, Thomas told reporters in Springfield.

"We're thankful that a number of individuals survived that crash. It would be speculative to say the pilot did his job and got that aircraft down and saved lives, but I'd sure like to believe that," Thomas said.

The Slavenas brothers say they're upset the Army wasn't taking more precautions to protect the slow-moving Chinook helicopters from missile attacks like the one that killed Brian. Since the attack, the military has banned Chinook flights during the day because the choppers are too vulnerable. "I support our military. The only thing I question is the tactics that were used in this situation," Eric said. "Someone should have had enough foresight to see ahead that a lumbering aircraft that only flies 180 miles an hour makes a good target."

Saying he "just didn't believe this was our war," Marcus isn't sure the conflict was worth his younger brother's life. "Personally, I wish these people in Iraq well, but I don't care about them like I do about my brother," he said. "I think maybe I would like to see American military used to defend America and not police the entire world."

And he regrets not trying harder to keep his brother from going to Iraq.

"We all very strongly encouraged him not to go," Marcus said. "In retrospect, I'm going to kick myself—I wish I would have tried harder."

[From American Morning (CNN), Nov. 4, 2003]

INTERVIEW WITH FAMILY OF DOWNED HELICOPTER PILOT

SOLEDAD O'BRIEN, (CNN Anchor). There was more violence in Iraq this morning. Another soldier was killed, the second in as many days. The soldier was killed after an improvised explosive device, or an IED, exploded in Baghdad. Another U.S. soldier was wounded in that blast.

The attacks followed Sunday's downing of a U.S. helicopter near Fallujah, the deadliest single attack on U.S. forces since the invasion. According to eyewitnesses, the second of two shoulder-launched missiles hit the CH-47 Chinook, as it flew just a few hundred feet above the ground. The missile struck the rear engine and started a chain reaction that caused the helicopter to crash.

Most of the soldiers were heading out to begin a two-week leave when the chopper was shot down. Sixteen soldiers were killed, and among them was the pilot, First Lieutenant Brian Slavenas, a member of the National Guard from Peoria, Illinois.

A little earlier today, I spoke to his family about their loss.

Mr. Slavenas, if I can begin with you. Brian actually could have avoided deployment, but he chose not to. Tell me why.

RONALD SLAVENAS (Father of Chinook Pilot). Well, that's the kind of person he is. He's a responsible person, and he took on something and he brought it to completion. That's the nature of Brian. He may not like the idea, but he followed it through, and I've got to do it, and he did it.

O'BRIEN. I read that he felt obliged to serve his country. He was a helicopter pilot in the National Guard.

Marcus, why don't you tell me a little bit about your brother, the person, not necessarily the military man?

MARCUS SLAVENAS, (Brother of Chinook Pilot). Not just because he was my brother, but he was really one of the best people I've ever known. Very clean living, very dedicated to what he did. If he decided to do something he did it. He focused on it and did it until he was excellent at it. He was very kind to people. He was a good person. It was not based on some rules. It wasn't based on religion. It's just the way he was. He cared about those around him and tried hard always to do his best.

O'BRIEN. Tell me—I know that he recently finished school. He'd gone to school for engineering. Give me a sense of what his plans were and his dreams were further down the road.

UNIDENTIFIED MALE. Well, we felt that Brian was probably going to get out of the military and pursue a career in engineering. He had a very promising career ahead of him. He did well in his field. I know there were a lot of companies that wanted to interview him. So, we were hoping and we all felt that he was going to continue on with the engineering.

O'BRIEN. Mr. Slavenas, when you first saw the reports—I have to imagine you saw the reports before you heard the news that it was Brian who was actually piloting this chopper. What was your reaction to this? And I've got to ask you, did you think after a certain amount of time that it was indeed your son who was among the lost?

R. SLAVENAS. Well, it crossed my mind. I thought he was further west of the area of where it happened, but he's been flying around all over Iraq, I guess, to Kuwait and back and forth. The Chinook is like a shuttle service for different units. He was flying support for different outfits. The last one for the 3rd Armored Calvary, and I thought he was further west. So, that was my kind of hope that maybe that wasn't Brian, but then later on we found the news that it was Brian, actually.

O'BRIEN. You served in the military, sir, and your three sons all served in the military as well. What are your thoughts about the U.S. involvement in Iraq and the occupation of Iraq right now?

R. SLAVENAS. Well, now that we're in, we have to stay the course. We just can't pull out. If we pull out, we'll have pandemonium. They have so many different factions in Iraq—the Sunnis, the Shiites, the Kurds, and what have you. And if we pull out now without stabilizing the situation, we'll have, as I said before, pandemonium. It would be a revolution. That's my feeling.

So, we have to keep a stabilizing cap over it and hopefully getting more help from other nations and other sources.

O'BRIEN. Marcus, you served in the military as well, and I know you have strong opinions on this.

M. SLAVENAS. Yes.

O'BRIEN. What's your take on U.S. involvement in Iraq right now?

M. SLAVENAS. I don't believe we need to be there. I wish the Iraqis well, and I hope they can figure out their problems, but I don't want this to happen at the expense of our boys. I would like to see them come home. And as far as the troops go, while they're still there, I'm fully behind them. Fight as hard as you can. Destroy the enemy and keep yourselves alive and come back home. But as far as the government is concerned, please try to get out of that business and bring them back home as soon as possible.

[From the Chicago Tribune, Nov. 4, 2003]

FOR FAMILIES, SAD NEWS HITS HOME

(By Russell Working and Angela Rozas)

One soldier was going to visit his wife and three children, the youngest of whom he had never met. Another was on his way home to attend his mother's funeral. A third wanted to surprise her family in California with a two-week visit.

On Monday, the Department of Defense began releasing the names of the 16 soldiers killed when a transport helicopter was shot down in Iraq, marking the single largest loss of service members in that country since major combat ended in the spring. Another 20 soldiers were injured. Many of the dead had been heading home for vacation or emergency leave. Around the country, families that had been anticipating happy reunions instead were stunned by unexpected loss. As of Monday evening, 377 U.S. service members had died since military action began in Iraq. In that time, more than 1,836 have been injured as a result of hostile action.

Among those killed Sunday in the crash was 1st Lt. Brian Slavenas, 30, an Illinois Air National Guard pilot from Genoa who was one of two pilots on the twin-rotor CH-46 Chinook that was shot down Sunday. Four crewmembers, also National Guardsmen, were from Iowa. They were injured, but survived the crash, said Illinois National Guard spokeswoman Lt. Col. Alicia Tate-Nadeau. One of the Iowans was the senior pilot of the aircraft, but it was unclear whether he or Slavenas was flying the Chinook when it crashed, she said. Some 120 members of Slavenas' unit, the Peoria-based F Company of the 106th Aviation Battalion, are now deployed in Central Iraq. Another 85 Guard soldiers are deployed from an aviation unit housed in Davenport, Iowa.

Slavenas was a dedicated student who followed his father and two older brothers into the military. He was so unassuming it took him a week to tell his family he had recently been promoted to first lieutenant, said his father, Ronald Slavenas. His unit arrived in the Persian Gulf in mid-April, and had been based in Balad, Iraq, since July 22, said Chief Warrant Officer Ty Simmons, operations officer for the company. On Monday, they were grieving Slavenas' death and hoping for the recovery of the helicopter's crew, he said.

The crews spend their days flying over central Iraq, a dusty desert region better known as the Sunni triangle, where they move everything from Humvees and generators to drinking water and soldiers on leave. During missions, they fly fast and low, seeking to make themselves a more difficult target as they navigate dust clouds, high-tension electric lines and tan-colored towers that blend into the background of the desert, Simmons said.

Brian Salvenas deployed with the unit to the Middle East in March. Four months earlier, he had received a bachelor's degree in industrial engineering from the University of Illinois, said his mother, Rosemarie Dietz Slavenas, who lives in Rockford. He studied piano in high school and "played beautiful, beautiful Chopin nocturnes," his mother said.

On Sunday, Ronald Slavenas thought of his son as he listened to reports of a helicopter crash in Iraq, and watched through the front curtain as a uniformed man arrived on the doorstep of his two-story brick home in Genoa. "My heart sank," he said. "I opened the door and said 'He's dead, right?'"

On Monday, an American flag hung in the rain from the second floor of his house. "Brian was just a real perfectionist," said Slavenas' brother Eric, 39. "He wasn't a gung-ho, go-to-war kind of guy."

Mr. DURBIN. Mr. President, there is another very important issue that is associated with this story. I have learned within the last 24 hours that all of the Chinook helicopters in the 106th unit; of which Mr. Slavenas was a part, consist of seven helicopters from the Illinois National Guard and seven from the Iowa National Guard. All of these helicopters do not have the aircraft survivability equipment required to protect them from the very threat that brought down this helicopter on Sunday.

This is a recurring and troublesome issue. We have heard time and again about National Guard forces which are activated and then shortchanged when it comes to the best equipment. We expect the most updated equipment to be given to the units that are in the fight. We understand that Active Duty troops must receive what they need. But consider where we are in the war in Iraq. It is supposedly a complete and seamless integration of National Guard, Reserves, and Active Duty forces. We expect the National Guard, under these circumstances, to receive the necessary upgrades in the war theater.

These Chinook helicopters are supposed to be equipped with one or more protective systems, such as the ALQ-156 system, to detect surface-to-air missiles, along with an automatic flare dispenser as a countermeasure. They are also supposed to be equipped with seat armor to protect the pilot and crew.

What I have learned within the last 24 hours, from reliable military sources familiar with the situation on the ground in Iraq, is many of the Illinois and Iowa National Guard helicopters have flown for almost 6 months in the theater without the necessary aircraft survivability systems. Some of them have received systems, some partial systems, but only within the last week or two, many of the systems have been scavenged from departing Guard units from other States that are leaving Iraq. Many of the helicopters don't have seat armor. There are reports that the radios don't function properly. Reliable military sources have told me and my office about the level of protection for our helicopters in Iraq and what they tell me is unacceptable. They tell me of helicopters ill equipped to deal with the threat of shoulder-fired missiles; units scavenging equipment from helicopters leaving the theater to secure the protective gear they need. They report on helicopters flying without seat armor to protect the pilot and crew, and of helicopters flying without equipment designed to protect them from known infrared missile threats; Guard units scrambling to find the parts necessary to equip their craft with protective gear. Is this how we equip our men and women who are called to active duty?

Today I am asking Secretary Rumsfeld to see to it the helicopters in the theater are provided with the aircraft survivability equipment necessary to meet the expected threat. If that equipment is not available, I believe Secretary Rumsfeld should protect those units until they are properly equipped or reassess when and where they will fly.

I ask unanimous consent that this letter I am sending to Secretary Rumsfeld be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MR. SECRETARY: We are concerned about reports that the CH-47 National Guard helicopters attached to the 82nd Airborne Division, the unit which included the helicopter shot down by a surface-to-air missile in Iraq on Sunday, may not have had necessary or fully complete aircraft survivability equipment. As you know, 16 military personnel died in that attack, including the pilot, First Lieutenant Brian D. Slavenas, from Genoa, Illinois. The helicopter was from the Iowa National Guard.

We understand that, while Guard units that are activated may leave the United States without all the necessary equipment, they are to be upgraded in theater. Sources tell us that a number of the helicopters in the unit in question were flying in Iraq for almost six months without necessary equipment, and were only recently provided aircraft survivability equipment, some of which was not complete. Some may still be lacking this equipment.

First, we ask that you immediately ensure that the helicopters in theater are provided with the aircraft survivability equipment necessary to meet the expected threat. If that equipment is not available, you should protect those units until they are properly equipped, or re-assess when and where they will fly.

We ask that you investigate, and respond as soon as possible, whether the helicopter that was shot down on Sunday had on board a fully-operational ALQ-156 system with an automatic flare dispenser and whether it had seat armor; whether all of the helicopters in this unit are fully equipped at this time and the precautions being taken to protect the crews and passengers of those not properly equipped. The same questions need to be asked regarding all activated Guard and Reserve helicopter and fixed-wing units.

We understand that the ALQ-156 is intended to protect against the expected threat from some surface-to-air missiles, but may not be as effective against other missiles. Is the ALQ-156 adequate for the expected threat in Iraq? If not, we would like to know when the helicopters will receive the upgraded equipment and your assessment of the risk to military personnel of flying without such upgraded equipment.

I appreciate your prompt response to this inquiry.

Yours truly,

RICHARD J. DURBIN
U.S. Senator.

Mr. DURBIN. Mr. President, I am also calling on Secretary Rumsfeld to investigate and respond as quickly as possible on whether the helicopter that was shot down on Sunday had on board a fully operational ALQ-156 system with an automatic flare dispenser and whether it had seat armor. I also believe we need to know the status of the other helicopters in this unit in reference to protective equipment, and what steps are being taken to protect the crews and passengers in those that are not properly equipped. I understand the ALQ-156 system is intended to protect against the expected threat from surface-to-air missiles, but may not be effective against other missiles in the theater.

I am also asking the Secretary if that ALQ-156 is adequate for the expected threat in Iraq. If not, I would like to know when the helicopters will receive the upgraded equipment and his assessment of the risk to military personnel of flying without such upgraded equipment.

I find the reports I am receiving from military sources about the lack of protective equipment on these helicopters to be alarming and unacceptable. We know what a dangerous environment Iraq is. The threats from surface-to-air missiles were well known even before this tragic crash. The helicopter that was shot down was not on a mission directed against regime remnants or terrorists. It was transporting soldiers to the airport in Baghdad so they could leave for R&R.

We will not know for sure how it was shot down or how it was equipped until the investigation is completed. This tragedy highlights the fact that protective equipment cannot only be reserved for missions in the fight. Every mission is in the fight in Iraq today.

The Senate passed the Iraq supplemental appropriations conference report yesterday with more than $87 billion for equipment for our troops in Iraq. If the funds are not adequate to protect our troops and aircraft, the Congress must be advised immediately. If there is a shortage of equipment, we must act immediately to secure it.

The dangers of war are well documented. Every soldier, sailor, marine, and airman should know this Government has done everything in its power to protect them, keep them safe, and give them everything they need so they can complete their mission and come home safely.

We have given this administration every dollar for which they have asked. Now they must give our soldiers what they need to be safe and successful—the protective gear and body armor they need—as they work on the ground among dangerous situations. Armor is needed for the Humvees to protect them from rocket-propelled grenades, and they need state-of-the-art equipment to protect our helicopters from shoulder-fired missiles.

I call upon the Secretary to address these shortages immediately and to investigate fully whether the helicopter that was shot down and all of the helicopters in Iraq are adequately protected. We owe this to our men and women in uniform and to their families who pray for their safe return.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, does the Senator from Colorado wish to speak?

Mr. ALLARD. Yes.

Mr. SARBANES. Before the Senator begins, I want to renew the call we made a few minutes ago. I know the chairman agrees with me in doing this. To those who want to speak on the pending amendment, we hope you will come to the floor and do so. We hope others who have amendments they want to offer will be prepared, once we dispose of the current amendment, to present their amendments so we can move along.

There is a possibility I think we can finish this bill in good order. I know that is what everyone would like to accomplish. I know Chairman SHELBY is anxious to, on the one hand, move things along and, on the other hand, ensure people have an opportunity to address these matters. In order for them to do that, we need them to come to the floor, so we are putting out that call.

Mr. REID. Will the distinguished Senator from Maryland yield for a question?

Mr. SARBANES. I am happy to yield to the distinguished leader for a question.

Mr. REID. My concern with this legislation is not as much the legislation itself as it is that Thanksgiving is coming soon. We don't have the luxury of waiting for days. This legislation could take days with the order that is now in effect in the Senate. We have more than 20 amendments. If we take several hours on each amendment, we are not going to finish this week. I ask that those people—Senator FEINSTEIN was here and she has indicated on her next two amendments she would take a half hour on each.

I ask the floor staff, when they have an opportunity, we probably should probably get two amendments locked in so we have at least time limits on those two. I know Senator BOXER has some amendments. If we could ask those Senators to come forward and agree to time limits on them, that makes it much easier for the two managers to manage the bill. I am quite confident that if the two leaders see the work on this bill is not going very quickly, it will be an awfully late night tonight because I know there are many things the two leaders want to finish on Thursday and Friday. I think there was some expectation and hope the bill would be completed by tomorrow.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the chairman of the Banking Committee and the ranking member for giving me the opportunity to speak on the bill. To accommodate them, if individuals come to the floor willing to offer an amendment, signal me and I will clear the floor and give them an opportunity to offer their amendment. I agree with their goal of getting us out of here quickly and getting the work done. If someone has an amendment, I do not want to hold up the process.

I rise in support of S. 1753, commonly referred to as the National Consumer Credit Reporting System Improvement Act of 2003. I was pleased to support the bill as a member of the Banking Committee, and I am sure it will receive strong support on the Senate floor as well.

I would like to thank Chairman SHELBY and his staff for their hard work. This is a balanced, sensible bill and clearly a product of their willingness to listen to all interested parties. Chairman SHELBY compiled an extensive hearing record and provided a comprehensive foundation for crafting this legislation.

He crafted a bill that provides a balanced approach to the concerns expressed during the hearings and provides significant improvement, I believe, to the Fair Credit Reporting Act. I thank him for working so closely with committee members to ensure that our concerns were addressed in this bill.

I would also like to acknowledge the efforts of the ranking member, Senator SARBANES, and his staff. As I mentioned, this bill received strong bipartisan support in committee, and this is certainly due in part to the diligence of Senator SARBANES. His effort and his support have made this a stronger and better bill.

Reauthorization of the Fair Credit Reporting Act is vital to the functioning of our Nation's credit markets. I think that goes without saying. Without the FCRA, credit would cost more or, in many cases, simply would not be available to consumers.

S. 1753 ensures that the markets will continue functioning smoothly by permanently reauthorizing the Fair Credit Reporting Act. As a former State legislator and a strong champion of States rights, I do not take Federal preemption lightly. In fact, I have a very high threshold for Federal preemption. I believe, though, that FCRA meets the necessary standard. The credit markets truly are national, and a patchwork approach to credit reporting will quickly disintegrate the necessary comprehensive approach we need.

When it comes to credit reports, accuracy is in the best interests of both industry and consumers. I believe this bill will help improve accuracy in credit reports. Consumers will have increased access to their credit information and increased tools to combat identity theft.

The framework provided in the bill provides sufficient flexibility for the act to adapt with time and changes in technology. I am especially pleased that S. 1753 includes a bill I have worked on with Senator SCHUMER referred to as the Consumer Credit Score Disclosure Act of 2003. This provision would allow consumers applying for a mortgage to receive a copy of their credit score. Credit scores are increasingly being used in deciding whether to extend credit. Yet consumers do not always have access to this information.

What I found out about credit scores and heard in reports back from my constituents about things that affect their credit was that few of them realize that the number of times you apply for a credit card, for example, could impact your credit. It does when you look at the credit score.

I always figure as long as you paid your bills on time or your credit cards on time and the more credit cards you had and paid them on time, it just showed what a better job you were doing in managing your finances and would actually enhance your ability to get loans. That is not true. If you got carried away and decided to apply for every credit card you received in the mail, you could actually adversely impact your credit rating, particularly as it applies through the credit score.

This provision contained in S. 1753 would ensure that consumers would receive the critical information when applying for a mortgage, which is generally the largest purchase a person will make during their lifetime.

In addition to their actual numerical score, the consumer will be entitled to receive information concerning the factors that helped determine their score, as well as ways in which they can improve their score. This provision will empower consumers to shop around and help prevent them from becoming victims of predatory lending.

I believe expanding access to credit scores is an important victory for consumers, and I am pleased it has been included in the bill we are considering today. I am hopeful this will be the first step toward giving consumers even broader access to credit scores.

As chairman of the Housing Subcommittee, I would also like to make a few comments on the impact, the importance of the Fair Credit Reporting Act as part of the home buying process. Because FCRA gives lenders access to more accurate and more complete credit information, they are able to more accurately price risk. This is important because for most people, a home is the largest purchase they will make. The ability to accurately price the risk as reflected in mortgage rates can make the difference of thousands and thousands of dollars over the life of the mortgage.

The availability of credit information stemming from the FCRA has reduced the cost of home ownership for many and opened up previously unavailable opportunities to others. In fact, home ownership rates are currently at record highs. Permanent reauthorization of the Fair Credit Reporting Act will help us continue on that path. This is especially important as we work to expand the minority home ownership rates as minorities are disproportionately impacted when credit becomes less available.

The Fair Credit Reporting Act has been beneficial to consumers, and the improvements contained in S. 1753 will extend those benefits. I am pleased to add my voice to those in support of the bill, and I encourage my colleagues to join me in voting for the National Consumer Credit Reporting System Improvement Act of 2003.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 2054

Mr. JOHNSON. Mr. President, I wish to express my great high regard and respect for my colleague from California, Senator FEINSTEIN, but I must rise in opposition to the amendment she offered earlier this afternoon.

I think it is important for us to keep in mind that the Fair Credit Reporting Act provided for a national preemption going back to 1996. It has been an extraordinary success story for America's consumers, particularly America's middle class and working families who previously suffered the most from a lack of access to credit but now find themselves having access to credit never before imagined and having it done in an instant fashion.

The legislation before us is an enormously complex piece of legislation. It takes the 1996 preemption and builds on it, and strengthens consumer rights beyond anything we have ever known before. Chairman SHELBY and ranking member SARBANES deserve great credit for what they have been able to do. They put together a bill that had a unanimous vote out of the Senate Banking Committee—no easy feat, we all know.

To now on the floor of the Senate introduce a very complicated and, some would suggest, improperly drafted amendment only serves to slow the process and, in fact, perhaps even to jeopardize passage of the reauthorization of the Fair Credit Reporting Act, something that must be done before the first of the year, otherwise, the consequences would be catastrophic not only to the business community and to our economy but to American consumers who would be the biggest losers of all if we were unable to pass legislation because of the additional burden put on it by the Feinstein amendment.

I wish to very briefly touch on some problems that this amendment poses. The amendment being offered is different from and far more unworkable than the affiliate sharing restriction in the California legislation, and I will comment on why this is so.

First, the amendment being offered is much broader in scope than the California bill. Despite claims that they fixed the overly broad scope because of drafting errors, that simply is not the case. Unlike the California amendment SB–1, which applies specifically to financial institutions, this amendment applies to any institution that has affiliates, including retailers, manufacturers, nonprofits, labor unions, churches, universities—basically, every type of organization in the country that shares certain consumer report information.

Yet the most important exception by this amendment being offered is provided only to financial institutions. Clearly, the drafters of the amendment have spent a lot of time on the California bill, perhaps more so than on the FCRA, because there does not seem to be the full appreciation of the breadth of the very statute they are amending.

The Feinstein amendment provides exceptions to certain institutions based on their functional regulator, a concept we defined in Gramm-Leach-Bliley in the Banking Committee and which is specifically defined in this amendment. It is limited to financial institutions such as banks, securities firms, and insurance companies.

This means while financial institutions can qualify for what proponents refer to as the "silo" exception, other covered businesses cannot. I assume this is probably a drafting oversight, but it simply reinforces my concern that this amendment has not been fully vetted by the Banking Committee or by any other presence in the Congress. I doubt very seriously that the sponsors are trying to give large financial institutions a competitive advantage, but that is one of the consequences of the amendment that has been offered.

The FCRA has a sweeping scope by design. Congress believed and still believes that sensitive information bearing on credit, employment, or insurance risk, no matter who is using it, should be protected. That is why the FCRA is by no means limited to financial institutions, and should not be.

The amendment being offered backtracks on the final version of the California legislation with respect to the so-called common database exception that was an integral part of the deal.

The amendment contains the original, unnegotiated version of the common database exception, which was widely understood to be unadministratable. This provision, which was intended to assure companies with large information databases that they would not have to undergo major systems revisions, fails to accomplish that goal.

The final version of the database exception prohibited information from a common database to be further disclosed or used by an affiliate. The amendment before us this afternoon prohibits not only disclosure or use but even access itself.

What is the point of a common database if it cannot be accessed? I understand that the California bill has come under fire recently for including what some view as a giant loophole of the common database exception, and I share Senator FEINSTEIN's concern about the loophole but it is not right to make a major change to a central provision and continue to claim that this amendment mirrors SB–1, the California legislation.

Even if all the California exceptions were added, the amendment would still be far less workable than the affiliate sharing provision in the unanimously adopted Senate Banking Committee bill.

With all the California exceptions, the only sharing not permitted would be affiliate sharing used for solicitation and marketing purposes.

It is simply not true, as some have suggested, that the California opt-out applies to information shared for a broad range of purposes other than marketing and solicitation. But if sharing for solicitation is all that is subject to the California opt-out, then why not use the far more straightforward approach of the bipartisan Banking Committee bill? That is, why not target the opt-out only to solicitations of noncustomers made possible by affiliate sharing?

As the Banking Committee has recognized, and as the Senator from California has pointed out many times during today's debate, the real consumer concern is getting bombarded by advertisements from unfamiliar companies. We all sympathize with that. The bipartisan committee bill addresses this concern head on with its targeted, focused provision on affiliate sharing, while the pending amendment, even if it added all of California's numerous exceptions, which it does not, is far more cumbersome and overreaching on its face. In fact, the committee bill gives consumers far more control. S. 1753 allows consumers to opt out of all marketing from any affiliate. The pending amendment does not do that.

For example, the California silo exception strips away consumer control over information shared by affiliates in the same line of business. By contrast, we believe consumers should not have to be bombarded by marketing materials just because they have chosen to do business with a large financial institution.

Sharing of information among affiliate entities has a significant impact on the cost and availability of credit in ways that are not always apparent to consumers. This is a critical point that I believe has been lost in the course of this debate.

Former Treasury Secretary Robert Rubin testified back in 1997, for example, that consumers could expect ultimate savings of as much as $15 billion per year from the increased efficiencies that affiliation provides.

Treasury Secretary John Snow recently testified that affiliate information sharing serves a critical purpose in the war on identity theft.

FDIC Chairman Don Powell has noted that access to credit and the cost of credit is far more favorable in the United States than in other parts of the world due, in large part, to the relative ease of information sharing between potential credit customers and potential lenders.

Finally, Federal Reserve Chairman Alan Greenspan has noted that information sharing has had "a dramatic impact on consumers and households and their access to credit in this country at reasonable rates."

The Senate bill ably balances the legitimate concerns of consumers against the substantial benefits that information sharing brings to this economy and to all consumers. As Chairman SHELBY and ranking member SARBANES have noted, this is an enormously complicated area of law, and the committee took great care to guard against unintended consequences, spent literally months on the drafting and formulation of this legislation.

Make no mistake, it is hard to imagine that what we are doing here today is the last word on privacy. Our constituents will continue, rightfully so, to demand that we review our current laws as information technology develops. I believe we intend in a bipartisan fashion to do just that.

At this point in time, giving consumers the right to opt out of marketing, with no exceptions, is the right rule for American consumers, while at the same time providing immediate and affordable access to credit to all of our consumers, regardless of their economic background, regardless of racial or other factors is something that I think this Senate can take great pride in and we can take great satisfaction in the quality of this bipartisan legislation.

I urge my colleagues on both sides of the aisle to mirror the bipartisan vote of the Senate Banking Committee and to support the FCRA reauthorization and oppose the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I have listened carefully to the comments of Senator FEINSTEIN earlier, and I will make a couple of important points in response to her amendment.

First, as a privacy advocate, I fully appreciate the interest and concern at hand. Indeed, both Senator SARBANES and I have been very sensitive and worked together a lot on privacy concerns. As we took up the Fair Credit Reporting Act, this was one of the key considerations we sought to balance, even as the law itself requires. We did this in what was a very comprehensive, transparent, and lengthy review of the law and issues at hand as we considered reauthorizing our national credit standard.

Second, the amendment of the Senator from California makes two basic assumptions which ultimately guide her amendment's approach and goal, as I understand it. No. 1, that there is something inherently nefarious about the use of affiliate structures; No. 2, that consumers have no rights or means to protect themselves with respect to the handling of their transaction and experience information.

I believe that our consideration in the Banking Committee would therefore be instructive in understanding the better approach adopted in our bill and why I intend to oppose the amendment of the Senator from California. To the first point: Why do affiliates exist? Companies establish affiliates for a variety of legal, tax, and accounting reasons—because laws require them to do it.

What do these structures mean for consumers? Some companies choose to create separate legal entities known as separately capitalized affiliates. Other companies elect to locate all of their business lines in a single entity. Regardless of the structure that a firm employs, consumer information is generally used in the same fashion. Affiliates or the separate business line share it to service their customers, fight fraud, or develop new business. The affiliate sharing provisions contained in the Fair Credit Reporting Act exist to make it clear that companies should not suffer because they have chosen a particular corporate structure.

From the consumer's perspective, I believe there is no real difference between a company making an internal transfer of information among departments and sharing between affiliates. In fact, in many cases where affiliate sharing is occurring, most consumers would not recognize that the two parties are involved in the transfer. Rather, they would be under the impression that information is merely being moved within the single entity with whom they have chosen to do business.

Second, there are real rules and provisions governing the manner in which transaction and experience information is handled. First, we need to consider what exactly transaction and experience information is. Transaction and experience information involves checking and saving account balances, credit card balances and repayment history, mortgage balances and repayment history, and mortgage and brokerage account balances and transaction activity. In many instances, the information is the very information provided to the consumer reporting agencies where, as consumer report information, consumers are afforded significant rights under the Fair Credit Reporting Act.

More important, however, this is information that is routinely provided to consumers as required by separate laws and regulations. For example, the Truth in Lending Act, the Fair Credit Billing Act, the Truth in Savings Act, the Electronic Funds Transfer Act, provisions of the securities laws and the Uniform Commercial Code all provide consumers substantive rights with respect to transaction and experience information. These include disclosures and access rights and error resolution procedures.

I believe the bottom line is that consumers already have access to and rights concerning transaction experience information right now under the law. But at the end of the day, I believe the main concern I heard with affiliate sharing uses was the use for marketing purposes. At the end of the day, I believe that is all that is really left restricted, in some way, under California's approach after accounting for the exceptions and exemptions.

So after spending more than a year considering the law carefully in order to balance the needs of our national credit system, which we all believe is crucial to the operation and strength of our economy, with a need to protect consumers rights, the Banking Committee identified two key areas for increased Federal protection: The sharing of medical information and restricting affiliate sharing used for marketing purposes.

This bill does so in the context of the Fair Credit Reporting Act in a straightforward and narrowly tailored way and does not give preferential treatment to certain business models over others.

This brings us to a third and very important point. The Fair Credit Reporting Act deals with more than just financial institutions. The sponsors, as you know as a member of the Banking Committee, Mr. President, seek to impose a model that was tailored strictly for financial institutions to all furnishers of credit information, subject to the Fair Credit Reporting Act. This model is largely based on SB–1, the California Financial Services Law.

The amendment's sponsors have tried to graft a banking bill on to the Fair Credit Reporting Act. This effort, I believe, is misplaced, and this effort does not mesh with how the FCRA, the Fair Credit Reporting Act, works and to whom it applies. Gramm-Leach-Bliley made it permissible for California and all other States to pass legislation that regulates third party sharing activity. This bill would not affect those provisions in the California law that come because of Gramm-Leach-Bliley. With respect to the part of SB–1 that conflicts with the Fair Credit Reporting Act, the California law was preempted, making it unenforceable when it was enacted. This bill does not change or alter that fact in any way.

The irony is that, even if we were to assume these provisions were violated, California's attempt to overturn Federal law is actually weaker than the Senate bill. The California law, as I have heard here, as it is targeted at financial institutions, covers a much more limited range than the broader Fair Credit Reporting Act, which deals with information, not entities, and therefore includes retailers, auto dealers, mortgage providers—anyone who furnishes credit.

Furthermore, California's rule is eaten by its exceptions and its exemptions. Its provisions provide consumers with no real choices or meaningful protection. The Senate bill covers the areas that consumers care about—marketing and the sharing of medical information—by providing real protection. Unlike the Senate bill, the California law still exempts most of the largest financial service firms they claim the law is intended to address.

The Senate bill was carefully tailored to address key concerns in a more clear and a concise way. The Senate bill before us targets unwanted solicitations without otherwise preventing sharing activities that provide benefits to consumers. Unlike the California bill, the Senate bill is designed to protect consumer interests. The unenforceable portions of the California law were designed to promote a specific business model by hobbling others.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I rise in favor of the Feinstein-Boxer amendment, and I note that there are a number of others on that amendment as well. I hope colleagues will realize this amendment will make this bill better, will make this bill stronger, and I am going to take a few minutes to explain why in as simple a way as I can.

I stand here very proud that my State treasures privacy and they acted on that value. After years of struggle, California put into law the most tough financial privacy standard in the Nation.

Others can say oh, that is not true, and they can quibble, but the facts are the facts. Every consumer group that you ask, any group that is objective on the subject, will tell you that our law is the best and is far better—certainly than the House bill, and better than the bill that is before us today.

I do want to compliment my friend. You have made some good advances here. I will talk about that in my statement. But we can do better, and I offer this amendment with Senator FEINSTEIN in a very friendly way, in the hopes that maybe we can make this better.

The struggle to pass SB–1, California's financial privacy law, was very long and very transparent. I want to say that State Senator Jackie Speier did an unbelievable job. For 4 years, she worked with banks on behalf of the consumers. The industry invested more than $20 million in lobbying expenses and campaign contributions during those 4 years but eventually a wonderful thing happened. The banks came to the table and they negotiated with Senator Speier. The fact is, there was a reason. They saw the handwriting on the wall. They saw that there was going to be a State initiative. They had already gathered 550,000 signatures quickly and Senator Speier's provision for more strict privacy was supported in the polls. How about this? California Democrats in the polls supported this initiative by 96 percent; and California Republicans, 88 percent; Independents, 90 percent.

So Senator Speier had touched on a very important value of Californians. I really do believe if you took a poll today, just a really carefully worded one which went into every State in the Union, there would be support for this Feinstein-Boxer amendment to make this bill stronger.

I will explain it.

The committee went ahead and did some good things. It includes fraud alerts for consumers and protection for credit card numbers on receipts and free credit reports.

It is very important they say that you can't go outside and share the information with outside companies.

That is great. I salute Senators SHELBY and SARBANES for that progress.

However, there is one major problem Senator FEINSTEIN and I are addressing in this amendment. We are saying, first of all, if a State wants to go further than you have, we ought to have that chance. Your bill ought to be a ceiling. All good wisdom doesn't reside here. We always like to think it does, but it doesn't.

A lot of our States are ahead of us, and they want to do more. Yet California finds itself left out because there is no preemption for our State. We know we are not going to get that. We have 35 million people in our State. We can't get an exemption. We understand that. We are simply asking you follow the lead of our State on this one because I think it is the fair thing to do.

Some people listening today might say, Well, the committee bill says you can't go outside and share information. But you can share it with your own affiliates that are in your little corporate family. What is wrong with that? That is a logical question until you look at the banking industry and look at how big these families can get.

Let us take a look at some of these families for which this bill would allow affiliate sharing.

Let us take a look at Citigroup. They are small? They have 1,630 affiliates.

Bank of America. How well I remember the proud history of that bank in my State. They have 1,323 affiliates.

JP Morgan, 967 affiliates; Wachovia Corporation, 886 affiliates; Wells Fargo, 671; Bank One, 253.

When you say to all of these people you cannot share information outside your family, you are in essence saying you can share it within your families. We are talking about thousands of affiliates that will get every bit of information about you and your financial transactions. My colleagues can stand up here from night until morning and argue with me on the point that we are wrong on this. I know we are right. This is the right thing to do to protect our constituents.

Let me show you Bank of America affiliates. I want to show it in a way that is pretty graphic. I will not read every one of their affiliates. I am going to truncate and do this quickly.

We have nine charts listing all of these. These are Bank of America banks: Commonwealth National Bank, First National Bank, National Bank of Howard County, and American State Bank. I can't even pronounce some of these. Bank of America Mexico; Finacero Bank of America. They will know your transactions. That is just the first Bank of America chart. Let us look at one other. We do have nine of these. I will go quickly.

Here is another one. Let us go to Bank of America insurance companies and look at who they own: First National Insurance Services, American Fidelity and Liberty, Bank of America Insurance Services, Inc., and Home Focus Services. I don't know what they do, but they will know what you do. General Fidelity Life. How about Boatman's Insurance Agency? You do business with any one of these and more than a thousand affiliates will know how much you earn, what your Social Security number is, how did you pay, if you missed a payment, what your likes and dislikes are.

Let us show a couple of others.

Bank of America and other affiliated companies: Oakland Trace Redevelopment, Holly Springs Meadows, LLC, East Nashville Housing. You go into a bank in California and East Nashville will know what you are worth.

Dallas-Ft. Worth Affordable Housing, Old Heritage New Homes, Texas Corporate Tax Credit Fund, and it goes on. Michigan, Osbourne Landing Limited, it goes on and on. West Wood Manor Development, Elk Ridge Apartments.

The point I am making—and I will show one last chart. We have 9 of these charts listing Bank of America's 1,600 affiliates, for anyone who really cares enough to examine each and every one of these affiliates.

Our point is we could go on and on and make our point with each and every chart, but I am going to spare my colleagues. They have worked long and hard already today. Here is the point: Do not share. That is a simple message. This Senate supported "do not call." We said people deserve their privacy. If you don't want to get a call at night, you shouldn't have to get a call at night.

We are saying if you decide—and our amendment simply says you have to opt out automatically under this Feinstein-Boxer amendment—your information would be shared, you have to take an affirmative step and opt out. If you are a person who believes in your right to privacy, and you don't want some company over in The Netherlands to know what you are about, because there is one here—Bank of America Netherlands. How about Odessa Park? These are worldwide affiliates. We are very proud of Bank of America. Good for them. They have all of these affiliates. But not good for them if they start to share information.

Under the underlying bill, they can share all sorts of information with every one of these affiliates. Guess what. You get turned down for a loan, let us say, because of information that was shared among the affiliates. You have absolutely no right to know who told who what, where, and when. What if it was wrong? There is no redress. There is no way to correct the record.

All I can say is I have heard the debate, and I have heard our amendment taken out of context: Oh, gee, that amendment will make it worse for people. Wrong. I will tell you who is supporting our amendment—people who have fought their whole lives for consumers and for the rights of people to have privacy. That is who is supporting us.

The AARP, which represents many seniors, supports our amendment; the ACLU fights for civil liberties and privacy; Consumer Federation of America, Consumers Union, the National Association of Consumer Advocates, National Community Reinvestment Coalition, Privacy Rights Clearinghouse, Privacy Times, U.S. PIRG. These are people who absolutely know our amendment is a step in the right direction.

I have a couple of other points to make. I will make them as quickly as I can.

I want to share with you some of the quotes that were made by the big banks when California passed its law. Did they complain about it? Not at all. This is what they said.

This is Diane Colborn who lobbies for Personal Insurance Federation. She called this workable, reasonable compromise a "balanced measure that will provide meaningful protections to consumers while also addressing the workability concerns that our members and customers had."

Jim Bruner, who lobbies for the Securities Industry Association, appeared before our committees in California. He said the measure is a "good, workable, reasonable bill."

The ink didn't dry on that bill before they came up here and started wining and dining and talking to people—I guess you can't wine and dine anymore, and that is a good thing—about why this bill couldn't go too far. Don't go too far; it is a burden. I am so sorry about that. I was so excited when California passed the privacy protections.

In closing my remarks, I will read some newspaper editorials.

From the New York Times: "Buyer Beware," just written a few days ago.

> This (affiliate sharing) is a dark and unmapped universe in which banks, credit card companies and insurers have free rein to share detailed records among thousands of affiliates, with customers largely powerless and unknowing. Bank balances, buying habits, investment profiles and more can be tapped into in ways that invite fraud, marketing assaults, identity theft and unfair credit decisions.
>
> The Senate measure contains no real solution for indiscriminate data sharing. Far preferable is an amendment to be offered by Senators Dianne Feinstein and Barbara Boxer of California that would require advance notice from businesses so consumers would have a chance to block planned sharings that reached beyond relevant credit issues. Rejection of this amendment would only compound businesses' temptation to be marketers rather than the protectors of the privacy of the American consumer.

We know in the underlying bill you cannot share for marketing purposes, but there is a giant loophole dealing with preexisting relationships, making it confusing and complicated. That is why I believe the Feinstein-Boxer amendment will cure these problems.

From the San Jose Mercury News:

> The financial services industry is guilty of a nasty bait-and-switch on the people of California. Its lobbyists worked with privacy advocates to help shape the law into what the industry called a reasonable and workable compromise. All the industry said it hoped for was a uniform privacy standard across the nation.
>
> Yet immediately after the California law was approved, industry lobbyists went to Washington to try to erase it from the boxes. The only national standard they are interested in is one that gives them the unfettered right to sell their customers' personal financial details to the highest bidder. That was the San Jose Mercury News, in the heart of Silicon Valley. This is a newspaper that very often is on the cutting edge of the way we ought to be thinking about financial issues.

I close with an editorial from The Los Angeles Times, October 29, entitled "Put Privacy on the List."

> Congress promised voters that it would improve consumer rights with regular reviews of the Fair Credit Reporting Act, initially passed 33 years ago to balance the competing interests of business and consumers. Bills in the House and Senate would make it easier for consumers to see credit reports and report identity theft. But the legislation wouldn't help consumers keep private their bank balances, spending patterns and other sensitive data. Congress could cover this gaping problem by adopting the amendment crafted by Feinstein and Boxer, which keeps alive the protections at the heart of SB 1.

Colleagues, I know sometimes we get bills where deals have been cut, deals have been made, and everyone has put their hand out like after a sports game, saying: OK, on blood oath, we will not take amendments. I have been here long enough to know that.

I hope some colleagues will be open to this. We have done the right thing. Strong percentages of the American people—if it mirrors California, it would be 80 percent and above—support making sure that your personal-private financial data cannot be shared within a family of a company which could include thousands—1,600, 2,000, who knows—as more and more mergers go on. We do not want that information to be shared.

That is exactly the right course to take. I am hopeful we will get a strong vote on the Feinstein-Boxer amendment.

I yield the floor.

Mr. DURBIN. Mr. President, I rise to speak in support of the Feinstein-Boxer amendment to S. 1753 on the sharing of information among affiliates. This amendment would give consumers the choice to opt out of having their personal "transaction and experience" information shared among affiliates. The privacy provision in the California law represented by this amendment was the result of long negotiations among consumer groups and banks, and in the end the banks in California called this provision "reasonable and workable." Reasonable and workable. I am a cosponsor of this amendment because, in a reasonable and workable way, it simply gives consumers some control over their personal information.

Let me emphasize just a few key points about this amendment. The amendment is still about an opt out, not a blanket restriction. It just gives consumers the option of keeping their personal information personal. Now the underlying bill also has an opt out, but that opt out is minimal: it is just for marketing, just for new customers, and would expire 5 years after the consumer requested it. The Feinstein-Boxer opt out, by comparison, is for the exchange of transaction and experience information; it is for uses other than marketing; it is for current and new customers; and it has no expiration. It, therefore, provides more protection for consumers who are concerned about protecting their privacy.

Another thing to remember about this amendment: the amendment does not alter preemption. With this provision States would still be deprived, permanently, of the opportunity of enacting their own legislation relating to affiliate sharing. If we are going to have a national law, we need a reasonable national standard.

Mr. President, a lot has been said about this amendment and how it would create all kinds of problems, so let me be clear about what this amendment would not do.

The amendment would not prevent the extension of affordable credit. Affiliates could still request credit reports and scores, as always.

The amendment would not prevent affiliates working under the same name in the same line of business from working together: it contains an exception for sharing among such close affiliates. It would not impede the investigation for fraud or identity theft. It would not impede transactions or the servicing of a product requested by the consumer. It would not impede institutional risk control. It would not impede the resolution of customer disputes or debt collection. It would not impede efforts to locate missing and abducted children.

Mr. President, I say again: If we are going to have a national law, we need a reasonable national standard. This amendment is just such a standard. I urge my colleagues to support it.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Maryland.

Mr. SARBANES. I will be quick because I know the chairman intends to move ahead with respect to this amendment. I will make some very basic points.

Some of this discussion has been along the lines that under existing law this information is shielded and we are taking something away from people. The fact is, under existing law there are no limitations on the sharing of information with affiliates. That is the existing law.

What the committee has sought to do is place the limitation on the sharing of information with affiliates for solicitation for marketing purposes, which is the biggest complaint we have heard flowing out of the sharing of information. That is what people have complained to us about. We are trying to provide that protection for the consumer.

The California law and the amendment take a different approach. They, in effect, say you cannot share information with an affiliate or the consumer has to be given the opportunity to opt out. But the California law has some exceptions or exemptions from that requirement. The amendment that is pending has 17 such exemptions.

To evaluate this—it is very complex; I agree with my colleague from California when she says this is a complex area; it is very complex—but to evaluate these exemptions, you have to work through all of the exceptions and see where that leads as opposed to what is in the committee bill.

Let me give an example. One exception is if a company is in the same line of business, a common brand, then the provisions of the amendment do not apply with respect to restricting and sharing of information. What the committee has reported out would, in fact, apply a limitation, an opt-out limitation in that instance for soliciting for marketing purposes.

As I said earlier, that is generally what we have heard as being the source of people's concern and discontent. In that sense, what is in the bill is for that purpose broader than what is in the amendment.

These extensive exceptions will involve a great deal of litigation. We do have a preexisting customer relationship exception, our provision, which we expect the regulators to define, to give it more content and more meaning.

Second, the amendment has an exemption for a common database and the information that goes into a common database. In fact, it says a person does not disclose information or share information with an affiliate solely because information is maintained in a common information system or database and employees of the person and its affiliate have access to that common information system or database. That is another provision in the amendment, a major provision, which in fact restrains or restricts the consumer's ability to opt out.

I could go on with this form of analysis, but I have probably given enough to underscore my thoughts. I appreciate the commitment of the two Senators from California, Mrs. FEINSTEIN and Mrs. BOXER, on this issue. They have been champions and leaders on this issue. Many Members have been with them on these matters and presumably will remain with them.

But we are trying to craft a bill to deal with the FCRA. It is not comprehensive. We are dealing with that subject alone. What is in the bill from the committee is a significant improvement over existing law. I don't think there is any question about that. I think there is an arguable case that, in fact, it may provide more protection for the consumer than the amendment that is pending. Therefore, I am supportive of the chairman and his efforts with regard to this issue.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I now move to table the Feinstein-Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2054. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Kentucky (Mr. McCONNELL), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 434 Leg.]

YEAS—70

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner

NAYS—24

Boxer
Byrd
Cantwell
Clinton
Corzine
Dayton
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Reed
Rockefeller
Wyden

NOT VOTING—6

Bunning
Edwards
Kerry
Lieberman
McConnell
Thomas

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2059

Ms. CANTWELL. I call up the Cantwell amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself and Mr. ENZI, proposes an amendment numbered 2059.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for certain information to be provided to victims of identity theft, and for other purposes)

On page 22, line 6, strike the quotation marks and the final period and insert the following:

"(e) INFORMATION AVAILABLE TO VICTIMS.—

"(1) IN GENERAL.—For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 20 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to—

"(A) the victim;

"(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim in such a request; or

"(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

"(2) VERIFICATION OF IDENTITY AND CLAIM.—Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, is otherwise able to verify the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—

"(A) as proof of positive identification of the victim, at the election of the business entity—

"(i) the presentation of a government-issued identification card;

"(ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

"(iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and

"(B) as proof of a claim of identity theft, at the election of the business entity—

"(i) a copy of a police report evidencing the claim of the victim of identity theft; and

"(ii) a properly completed—

"(I) copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

"(II) an affidavit of fact that is acceptable to the business entity for that purpose.

"(3) PROCEDURES.—The request of a victim under paragraph (1) shall—

"(A) be in writing; and

"(B) be mailed to an address specified by the business entity, if any.

"(4) NO CHARGE TO VICTIM.—Information required to be provided under paragraph (1) shall be so provided without charge.

"(5) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that—

"(A) this subsection does not require disclosure of the information;

"(B) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or

"(C) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

"(6) LIMITATION ON LIABILITY.—Except as provided in section 621, sections 616 and 617 do not apply to any violation of this subsection.

"(7) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

"(8) RULE OF CONSTRUCTION.—

"(A) IN GENERAL.—No provision of Federal or State law (except a law involving the nondisclosure of information related to a pending Federal criminal investigation) prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

"(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

"(9) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

"(A) the business entity has made a reasonably diligent search of its available business records; and

"(B) the records requested under this subsection do not exist or are not available.

``(10) DEFINITION OF VICTIM.—For purposes of this subsection, the term 'victim' means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, identity theft or any other violation of law.''.

On page 33, line 6, strike ``7'' and insert ``5''.

On page 41, line 19, strike ``(e)'' and insert ``(f)''.

On page 47, line 1, strike ``(e)'' and insert ``(f)''.

Ms. CANTWELL. Mr. President, this amendment is one more addition to the great underlying Fair Credit Reporting Act that would establish a process where business records can be accessed by consumers whose identities have been stolen. I urge my colleagues to support this amendment.

Mr. ENZI. Mr. President, I thank Senator SHELBY and Senator SARBANES for their work. They have put in a lot of time working through different changes in this to make it not only more acceptable but more useful. We appreciate that.

I also want to give special mention to Senator CANTWELL, the Senator from Washington, for her perseverance, for her tenaciousness, for her innovation, and for her flexibility. She did a marvelous job of working on this bill. It is extremely important to the Nation.

This is an extremely critical part of fair credit.

In today's world of digital transactions and online living, nobody is safe from the fastest growing crime in America known as identity theft. Last year alone, the Federal Trade Commission estimated that nearly 10 million Americans were victims of this crime, and each paid an average of $500 in order to repair the damage done by fraudsters and credit abusers. To these millions of American families, $500 means mortgages, car payments, student loans, child support, groceries. In the larger context, $500 per victim means American families and businesses lost more than $50 billion in recovery costs in 2003 alone. That is a $50 billion drag on our economy—an economy that is just starting to bounce back. With the number of identity theft cases increasing at an alarming rate, the economic costs will be even higher next year.

As such, I rise today in support of an amendment that will make it easier for victims of identity theft to recover both economically and emotionally from this devastating crime. This amendment is based on a bill my colleague from Washington and I introduced in both 2002 and 2003. Even though the bill passed unanimously last Congress, we have made a number of changes that I believe greatly improve the legislation. I firmly believe this amendment will provide consumers with the right information and businesses with the right safeguards to facilitate quick and cost effective recovery from identity theft.

This amendment will allow victims to work with businesses to obtain information related to cases of identity theft so they can start reversing the lasting and damaging effects of this crime. In drafting this legislation we have worked with all of the stakeholders to ensure that the needs of both consumers and the needs of small businesses, banks and other credit agencies were addressed.

Our amendment provides consumers with the right to ask businesses for records relating to a transaction evidencing identity theft. Businesses, in return, have the right to ask for specific kinds of identity verification and clear proof that the individual asking for the information is, in fact, a victim and not another fraudster. Also important to note, our amendment does not require businesses, to keep new records or seek out information not in their control. It simply requires businesses to share current records with consumers who can prove they have been victims of identity theft.

I am confident that we have drafted careful legislation that will truly help victims of identity theft recover from this terrible and expensive crime. I commend my colleagues on the Banking Committee who have worked closely with us to make the numerous improvements to this amendment. I urge my colleagues to support it.

In summary, the Federal Trade Commission estimated that nearly 10 million Americans were victims of identification crime and that each paid an average of $500 in order to repair the damage done by the fraudsters and credit abusers. That is $50 billion that is taken out of our economy each year.

This amendment is based on a bill my colleague from Washington and I introduced in 2002 and in 2003. Even though the bill passed unanimously the last time, we have made a number of changes that I believe greatly improve the legislation.

I firmly believe this amendment will provide consumers with the right information and businesses with the right safeguards to facilitate quick and cost-effective recovery from identity theft.

This amendment allows the victims to work with businesses to obtain information related to cases of identity theft so they can start reversing the damaging effect of the crime.

In drafting this legislation, we worked with all of the stakeholders. Our amendment provides consumers with the right to ask businesses for records relating to the transaction. Businesses, in return, have the right to ask for specific kinds of identity verification and clear proof that the individual asking for the information is in fact the victim and not another fraudster.

It is also important to note our amendment does not require businesses to keep records or seek out information not in their control. It simply requires businesses to share current records with consumers who can prove they have been victims of identity theft. I think this will help consumers in a tremendous way.

I appreciate the work Senator CANTWELL has put in on this amendment. This $50 billion drag on the economy can be solved and will be appreciated by consumers.

I thank my colleagues for supporting it and Senators SARBANES and SHELBY for statements on the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the managers are prepared to accept this amendment. I commend Senator CANTWELL and also Senator ENZI for the work they have done in this regard.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, we are happy to take this amendment. I wish to echo the chairman in thanking Senator CANTWELL and Senator ENZI for their work on this important issue. This is an issue they have been addressing for quite some time, and we are very pleased that there are important identity provisions as the bill came from the committee, and I think this is a positive addition.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 2059.

The amendment (No. 2059) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2060

Mrs. BOXER. I send an amendment to the desk and ask for its immediate consideration. I am very pleased to say both Senator SARBANES and Senator SHELBY have signed off on this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mrs. FEINSTEIN, proposes an amendment numbered 2060.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address the duration of certain consumer elections and to define the term ``pre-existing business relationship''.)

On page 50, strike line 12 and all that follows through page 51, line 3 and insert the following:

"(3) DURATION.—The election of a consumer pursuant to paragraph (1)(B) to prohibit the sending of solicitations shall be effective permanently, beginning on the date on which the person receives the election of the consumer, unless the consumer requests that such election be revoked.

"(4) DEFINITION.—For purposes of this section, the term 'pre-existing business relationship' means a relationship between a person and a consumer, based on—

"(A) the purchase, rental, or lease by the consumer of that person's goods or services, or a financial transaction between the consumer and that person during the 18-month period immediately preceding the date on which the consumer receives the notice required under this section; or

"(B) an inquiry or application by the consumer regarding a product or service offered by that person, during the 3-month period immediately preceding the date on which the consumer receives the notice required under this section.

"(5) SCOPE.—This section shall not apply to a".

Mrs. BOXER. I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Very briefly, this amendment closes what I consider to be a little bit of a loophole in the marketing opt-out provision of the bill. We do two things. The underlying bill says the marketing opt-out expires after 5 years, unless a consumer opts out again. We make the first opt-out permanent as long as the consumer wants it.

Secondly, the definition of a preexisting relationship with a company, with an affiliate, is drawn in such a way, it is very broad. So what we say is, a person will be deemed to have this preexisting relationship with the affiliate if they have purchased, rented, or leased a service or good from the affiliate during the 18-month period before the information sharing takes place or they have inquired about an affiliate's product in the 3 months before the sharing takes place.

By adopting this simple amendment, we keep financial institutions from violating consumer rights. I am very pleased that both sides of the committee have signed off on this, and I would be happy to take a voice vote on this at this time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the managers are prepared to accept this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I actually wish to commend the Senator from California because she has introduced some specificity into a provision that is in the committee-reported bill. I am very frank to say I think this will be very helpful, and I join the chairman in supporting the amendment.

Mr. SHELBY. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2060.

The amendment (No. 2060) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2061

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk on behalf myself, Senator BOXER, and Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, and Mr. KENNEDY, proposes an amendment numbered 2061.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address restrictions on the sharing of medical information among affiliates, and for other purposes)

On page 81, strike lines 6 through 15 and insert the following: "to any person related by common ownership or affiliated by corporate control, if the information is medical information, including information that is an individualized list or description based on the payment transactions of the consumer for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.".

(c) DEFINITION.—Section 603(i) of the Fair Credit Reporting Act (15 U.S.C. 1681a(i)) is amended to read as follows:

"(i) MEDICAL INFORMATION.—The term 'medical information' means information or data, other than age or gender, whether oral or recorded, in any form or medium, created by or derived from a health care provider or the consumer, that relates to—

"(1) the past, present, or future physical, mental, or behavioral health or condition of an individual;

"(2) the provision of health care to an individual; or

"(3) the payment for the provision of health care to an individual.".

Mrs. FEINSTEIN. Mr. President, this amendment essentially updates the definition of "medical information." It takes a medical definition submitted by the National Association of Insurance Commissioners. It is the definition that is used by a majority of our States. I ask unanimous consent that a letter in support of this definition from the American Medical Association, the American Cancer Society, the California Medical Association, the Community Clinic Consortium, the San Francisco AIDS Foundation, and the AIDS Health Care Foundation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, November 3, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Medical Association (AMA), we applaud you for your amendment that would improve the medical privacy protections in the National Consumer Credit Reporting System Improvement Act of 2003 (S. 1753).

Your amendment would strengthen the protections in S. 1753 restricting the sharing of medical information for employment, credit or insurance purposes, by broadening the definition of "medical information" to ensure that it covers all patient information held by physicians and other health care providers, including mental and behavioral health information.

Thank you for your efforts to protect sensitive patient information in this important legislation.

Sincerely,

MICHAEL D. MAVES, MD, MBA.

AMERICAN CANCER SOCIETY,
Washington, DC, October 30, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Cancer Society and its millions of volunteers and supporters, we applaud your efforts to protect patient medical information from improper use or disclosure by employers, insurers or creditors.

Many cancer patients and their families are concerned about the privacy of information relating to their medical care, especially with the increasing use of electronic payments and data keeping. As a result, the American Cancer Society supports a definition of medical information that allows medical research to advance, while at the same time, protects the rights and needs of patients and their family members.

Sincerely,

DANIEL E. SMITH,
National Vice President, Federal and State Government Relations.

WENDY K. D. SELIG,
Vice-President, Legislative Affairs.

CALIFORNIA MEDICAL ASSOCIATION,
Sacramento, CA, October 31, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the California Medical Association and its 35,000 member physicians, we support your efforts to protect patient medical information from improper use or disclosure by employers, insurers or creditors.

Many patients and their families are concerned about the privacy information relating to medical care, especially with the increasing use of electronic payments and data keeping. We support a tight definition of medical information of when such information could be used. Your language accomplishes this while at the same time allowing appropriate utilization for research purposes.

Please let us know if we can do more to support your efforts.

Sincerely,

STEVEN M. THOMPSON,
Vice President, Government Relations.

SAN FRANCISCO COMMUNITY
CLINIC CONSORTIUM,
San Francisco, CA, October 31, 2003.

Re The San Francisco Community Clinic Consortium Supports S. 1753, the Medical Information Privacy Amendment to the Fair Credit Reporting Act (FCRA).

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The San Francisco Community Clinic Consortium—an organization of neighborhood health centers serving 66,000 low-income and uninsured San Franciscans—strongly supports the passage of S. 1753, the Medical Information Privacy Amendment to FCRA.

The vague definition of "medical information" in FCRA creates loopholes in FCRA protection that could prove harmful to people like our clinic clients, with stigmatized diseases like mental illness, HIV/AIDS and long-term chronic conditions. S. 1753 corrects the potential problems and provides the more complete protections that people deserve.

S. 1753 would clarify and strengthen FCRA's definition of medical information. It would also eliminate the false distinction between medical information and medical transaction information. This new definition is critical to protecting the privacy of individuals with chronic illnesses. Even the possibility of breaches of patient medical record confidentiality undermines health care. Patients who know their medical care information could and would be shared with employers, credit organizations and insurance companies will be less forthcoming with their health care providers and, thus, the quality of health care they receive will be compromised; this is neither necessary nor desirable.

SFCCC looks forward to continuing to work with you to protect the essential privacy of individuals' medical and health status information; this is a cornerstone of effective health care. Please call (415 345–4233) if you need additional information or assistance on this matter.

Sincerely,

JOHN GRESSMAN,
President/CEO.

SAN FRANCISCO AIDS FOUNDATION,
San Francisco, CA, October 29, 2003.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The San Francisco AIDS Foundation strongly supports the passage of S. 1753, the Medical Information Privacy Amendment to the Fair Credit Reporting Act (FCRA). While the FCRA attempts to protect consumers from having their medical information used for employment, credit or insurance purposes, the vague definition of "medical information" in FCRA creates loopholes in the protection that would prove harmful to people living with HIV/AIDS, mental illness and other stigmatized diseases. S. 1753 rectifies the problems in the underlying legislation and provides the protections these consumers require and deserve.

The current definition of medical information in FCRA does not protect the information consumers would supply on documents such as life insurance applications, which ask what medications a consumer is taking. Nor does FCRA protect information obtained without consent. A specific example of this is the reporting of unpaid medical bills from HIV clinics. FCRA does not protect consumers from banks data mining its customers' medical payment transactions to make credit decisions. The majority of U.S. bankruptcies are due to health care costs, which give banks an incentive to determine a customer's creditworthiness based on health. The ties between insurance companies and banks are continuously strengthened as large banks often have hundreds of affiliates, many of whom are also insurance companies. As insurance companies move to electronic forms of payments, they are giving banks large amounts of medical transaction data about their clients. This may include the type of clinic and specific service delivered.

S. 1753 would clarify and strengthen FCRA's definition of medical information and eliminate the false distinction between medical information and medical transaction information. This new definition is essential for people living with HIV/AIDS because it provides them with financial privacy. After more than 20 years of dealing with the epidemic, there is still significant cultural stigma attached to HIV disease. Potential disclosure of medical information and breaches in financial privacy create additional health care access barriers. It is therefore essential that the confidentiality of ones health status and medical information be protected from inappropriate use in employment, credit or insurance purposes.

The AIDS Foundation looks forward to working with you to promote medical information privacy and health status confidentiality. Please do not hesitate to call at 415–487–3096.

Sincerely,

ERNEST HOPKINS,
Director of Federal Affairs.

AIDS HEALTHCARE FOUNDATION,
Los Angeles, CA, November 3, 2003.

Re Letter of support for privacy amendment to S. 1753.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN:

AIDS Healthcare Foundation (AHF) would like to thank you for sponsoring a legislative amendment to the Fair Credit Reporting Act that will protect the privacy of personal medical information in the form of payments for medical services and products and other transactions. As the United States' largest AIDs organization, and provider of medical care to over 12,000 persons in the U.S., AHF is acutely aware of the need to protect consumers from unauthorized use of data pertaining to their medical treatment. Such information is clearly private, and it is highly inappropriate for it to be used for marketing or similar purposes. Such an abuse can only erode the trust patients have in their medical providers and the medical system in general. Thank you, again, for sponsoring this amendment, which AHF is happy to support.

Sincerely,

CLINT TROUT,
Associate Director, Government
Affairs-Federal.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 2003.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: We applaud you for your efforts to strengthen and improve the medical privacy protections containd in your amendment to expand the definition of "medical information" under The National Consumer Credit Reporting System Improvement Act of 2003 (S. 1753).

Although the original bill's medical privacy section includes significant new consumer protections that black-out the use of medical information for employment, credit, or insurance purposes, it includes an inadequate definition of the term "medical information," which could result in creating a loophole that weakens the bill's intended objective. By describing "medical information" using the National Association of Insurance Commissioner's (NAIC) definition, which has been agreed upon and implemented by insurance regulators in a vast majority of states, your amendment closes existing loopholes and eliminates the opportunity for unscrupulous use of sensitive medical information.

We also support your amendment because it eliminates the inconsistent differentiation between medical information and medical transaction information, providing greater certainty to the bill's language and to future interpretations of legislative intent. This would be a marked improvement to the underlying bill's definition of medical information, which as currently written does not protect mental or behavioral health information, data provided by consumers on life insurance applications, or medical information obtained without consent, such as the reporting of an unpaid bill from a cancer center. We believe the effect of these harmful oversights can be negated by passage of your amendment.

As you know, millions of consumers worry that their health providers or insurers may be sharing their private information with others. Beyond this concern, however, is a feeling that they have less and less control over their sensitive medical files. Medical information should have no place in employment decisions or credit determinations and related corporate entities should not be able to share it—this information deserves the strongest protection under the law, but beyond that, it is important that we give consumers back some control over who can and cannot use this information.

Both the National Consumer Credit Reporting System Improvement Act and the Fair and Accurate Credit Transactions Act, recently passed by the House of Representatives, contain landmark provisions protecting consumers' private medical information. This amendment builds upon these strides by correcting important deficiencies in the Senate bill, and we strongly urge its adoption by the Senate and its inclusion in the legislation that emerges from the Conference Committee. Again, we congratulate you on your thoughtful and bipartisan amendment, and wish you success in its passage on the Senate floor later this week.

Sincerely,

RAHM EMANUEL,
Member of Congress.
WALTER B. JONES,
Member of Congress.

Mrs. FEINSTEIN. I believe both sides will accept the definition, and I would be happy to take a voice vote.

The PRESIDING OFFICER. Is there further debate?

The Senator from Alabama.

Mr. SHELBY. The managers are prepared to accept this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I join with my colleague in accepting the amendment. I commend the Senator from California.

Actually, medical information is something that people feel very keenly about and the Senator's amendment will strengthen the provision that was in the bill adopted in the committee. We thank her very much for the amendment.

Mr. SHELBY. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2061.

The amendment (No. 2061) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2062

Mr. DURBIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follow:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2062.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reporting to national consumer reporting agencies regarding Federal student loans in order to promote the responsible repayment of such loans and ensure the completeness of information contained in consumer credit reports and scores)

At the end of section 312, insert the following:

(c) REPORTS TO CONSUMER REPORTING AGENCIES.—

(1) REPORTS.—Section 430A(a) of the Higher Education Act of 1965 (20 U.S.C. 1080a(a)) is amended to read as follows:

“(a) AGREEMENTS TO EXCHANGE INFORMATION.—

“(1) IN GENERAL.—For the purpose of promoting responsible repayment of loans covered by Federal loan insurance pursuant to this title or covered by a guaranty agreement pursuant to section 428, the Secretary, each guaranty agency, eligible lender, and subsequent holder shall enter into an agreement with each national consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) to exchange such information as is required by the Secretary concerning each borrower of a loan made, insured, or guaranteed under this title who is served by the Secretary, agency, lender, or holder, respectively, regardless of the default status of the borrower. Such information shall be reported to the agencies regularly, shall be identified as pertaining to such a loan, and shall include any positive or negative repayment information relevant to the borrower.

“(2) OBJECTIONS RAISED BY BORROWERS.—For the purpose of assisting the reporting agencies in complying with the Fair Credit Reporting Act, such agreements may provide for timely response by the Secretary (concerning loans covered by Federal loan insurance), by a guaranty agency, eligible lender, or subsequent holder (concerning loans covered by a guaranty agreement), or to requests from the reporting agencies, for responses to objections raised by borrowers.

“(3) NONPAYMENT.—Subject to the requirements of subsection (c), such agreements shall require the Secretary, the guaranty agency, eligible lender, or subsequent holder, as appropriate, to disclose to the reporting agencies, with respect to any loan under this part that has not been repaid by the borrower—

“(A) the total amount of loans made to any borrower under this part and the remaining balance of the loans;

“(B) information concerning the date of any default on the loan and the collection of the loan, including information concerning the repayment status of any defaulted loan on which the Secretary has made a payment pursuant to section 430(a) or the guaranty agency has made a payment to the previous holder of the loan; and

“(C) the date of cancellation of the note upon completion of repayment by the borrower of the loan or payment by the Secretary pursuant to section 437.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(A) in section 427(a)(2)(G)(i) (20 U.S.C. 1077(a)(2)(G)(i)), by striking “credit bureau organizations” and inserting “reporting agencies”;

(B) in section 428C(b)(4)(E)(i) (20 U.S.C. 1078–3(b)(4)(E)(i)), by striking “credit bureau organizations” and inserting “reporting agencies”; and

(C) in section 430A (20 U.S.C. 1080a)—

(i) in subsection (b)—

(I) by striking “such organizations” and inserting “the reporting agencies”; and

(II) by striking “(a)(2)” and inserting “(a)(3)(B)”;

(ii) in subsection (c)(2), by striking “such organizations” and inserting “the reporting agencies”;

(iii) in subsection (b)(4)—

(I) by striking “(a)(2)” and inserting “(a)(3)(B)”; and

(II) by striking “credit bureau organizations” and inserting “the reporting agencies”;

(iv) in subsection (d), by striking “credit bureau organization” and inserting “reporting agency”; and

(v) in subsection (f), by striking “consumer reporting agency” each place the term appears and inserting “reporting agency”.

Mr. DURBIN. Mr. President, I announced my intention to offer this amendment at an earlier date. Since the announcement of that intention, we have been negotiating with Sallie Mae, the Government-sponsored enterprise which is the largest provider of student loans in the country. The reason for this amendment was a new policy of Sallie Mae, as of a few months ago. In fact, about a year ago Sallie Mae decided to stop reporting repayment information to two of the three major credit bureaus in the United States. It turns out that the Higher Education Act, which governs Sallie Mae, required that defaults on student loans be reported to all three national credit bureaus but, by regulation, positive repayment information only went to one.

As a consequence, many responsible students who had paid off their student loans were not provided the credit information on their own backgrounds so that it was clear that they paid off their loans. So these students who had turned to a credit bureau for a mortgage or a loan on a car would have an outstanding student loan. It worked to their disadvantage. This decision by Sallie Mae worked a terrible disadvantage to students who had done the right thing.

I made it clear to the chairman, Mr. SHELBY, as well as Senator SARBANES, that I thought this was an injustice that needed to be corrected. Fortunately for me and for the students involved, Sallie Mae has sent a letter. I understand Chairman SHELBY, if I am not mistaken, has received a copy of this letter from Sallie Mae; is that correct?

Mr. SHELBY. If the Senator will yield, we do have a copy of the letter from Sallie Mae.

Mr. DURBIN. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SALLIE MAE, INC.,
Washington, DC, November 4, 2003.

Hon. RICHARD C. SHELBY,
U.S. Senate, Committee on Banking, Housing and Urban Affairs, Washington, DC.
Hon. PAUL S. SARBANES,
U.S. Senate, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATORS SHELBY AND SARBANES: I am writing to update you on how Sallie Mae reports the credit performances of our customers to the national credit bureaus.

Our goal is to ensure that our customers get the credit they have earned. To that end, we have been reporting to one of the national credit bureaus all along, as required by law. When we learned recently that one of our borrowers has not had full access to his credit history, we began negotiating again with the other two credit bureaus so that we could resume reporting to them.

I am pleased to let you know that following extensive discussions with the other two credit bureaus, Sallie Mae has agreed to resume reporting to them and will provide each with credit information for our customers. We will keep you and your staffs apprised as we move forward in implementing this decision.

We are pleased that the credit bureaus are being responsive to our concerns and we look forward to working with them. Thank you for your interest in this important issue. Please feel free to contact me if you have questions or need additional information.

Sincerely,

ROSE DINAPOLI,
Vice President, Government & Industry Relations, Sallie Mae.

Mr. DURBIN. The letter makes it clear that Sallie Mae is reversing its position; that from this point forward they will report repayment of student loans to all three major credit bureaus. This is what my amendment sought to achieve, so I am going to withdraw this amendment and thank both Senator SHELBY and Senator SARBANES for their cooperation and urge them to join me in offering an amendment to the Higher Education Act which codifies in law this new policy that the Sallie Mae agency has now decided to implement.

There is no reason responsible college students, having paid off their loans, should be penalized because Sallie Mae refuses to notify all three major credit bureaus in America. I am glad with this letter they have decided to change their policy. I hope at a later time to offer this amendment to the Higher Education Act and thank the members of the committee for their cooperation in this regard.

Mr. DURBIN. Mr. President, Section 312 of the bill before us is entitled "Procedures to enhance the accuracy and completeness of information furnished to consumer reporting agencies." My Responsible Student Amendment addresses exactly that: the completeness of information furnished to consumer reporting agencies. My amendment is designed to ensure that young Americans who have positive credit histories established by responsibly repaying their student loans will be able to take a clean shot at the American dream when they try to buy their first home. It does so simply by requiring what until recently was standard practice for student loan providers; regular reporting on all loan repayments to each of the three major credit bureaus.

Until recently, responsible repayment of student loans was rewarded as would be expected, with a positive credit history. Responsible repayment was responsibly reported by student loan providers, in the typical fashion, to all three major credit bureaus. One of those providers, the biggest, is Sallie Mae. Sallie Mae was founded in 1972 as a government-sponsored enterprise, GSE. In 1997, the company initiated the privatization process. Sallie Mae, in other words, was born and raised on the taxpayers dime. One might hope that it would therefore feel some responsibility to keep taxpayers' interest in mind.

About a year ago, however, Sallie Mae, by far the largest provider of Federally guaranteed student loans, suddenly stopped reporting repayment information to two of the three major credit bureaus. It turns out that The Higher Education Act, which established the Federal student loan program, requires that defaults on student loans be reported to all three national credit bureaus, while positive repayment information only has to go to one. Is this the way we want to reward responsible repayment of student loans? Don't we want a system that rewards responsible repayment, rather than one that shrugs and says that that information doesn't matter?

What is the result of Sallie Mae not reporting to two of the three major credit bureaus? Thousands of young people—whose main or only use of credit has been their student loans from Sallie Mae—suddenly have major gaps in their credit histories. Stories in the Washington Post and the American Banker have described the case of one typical 31 year old, named Eric Borgeson. Mr. Borgeson is an architect who lives in Edwards, CO. Mr. Borgeson, who graduated from college 10 years ago, had a perfect credit repayment record on his three Sallie Mae loans. Then, midway through the home-buying process, his credit score dropped by 40 points. Sallie Mae had pulled his perfect repayment records from his credit reports with two of the three major credit bureaus. As a result, he ended up with a lower credit score and a significantly higher interest rate on his mortgage, that he estimates will cost him nearly $200 more per month in interest payments.

Why has Sallie Mae stopped reporting to two of the three major credit bureaus? The answer is simple: prescreened lists. Credit bureaus typically sell lists of their customers, prescreened to meet certain criteria based on the information in their credit reports. Sallie Mae's competitors were using such lists to offer Sallie Mae's customers better deals. Rather than meet the competition, Sallie Mae simply decided to pull its customers' information from bureaus that wouldn't agree to stop selling pre-screened lists.

Sallie Mae claims that it is simply protecting its customers from unwanted solicitations. Sallie Mae knows, however, that there is a toll free phone number people can call to keep their name off of such prescreened lists. If it really was concerned about protecting its customers from unwanted credit card solicitations, it could simply publicize that number: 888-567-8688.

The group of consumers in question here is a unique group of consumers. Just starting their careers, still paying off their loans: if there is any group of consumers that benefits from competition among loan providers and consolidators, this group is it. This is a group that often wants to hear from Sallie Mae's competitors. Those still repaying their student loans may get offers from consolidators who will combine all their loans and charge a lower overall interest rate. Those who have finished repaying their student loans are often establishing homes, careers, and families and therefore using credit cards more than average users. They, therefore, may benefit from being able to compare the credit card package they have with the offerings of competitors.

By trying to shield its customers from competing offers, Sallie Mae does them a disservice twice: it punches a big hole in their credit histories, resulting in higher rates on mortgages and other new loans, and it prevents them from learning of better deals for other financial services. Each of these alone could cost consumers thousands of dollars.

My amendment prevents that from happening. It amends the Higher Education Act by adding the word "each," requiring reporting to each of the major "consumer reporting agencies"—credit bureaus—and making clear that both positive and negative information should be accurately reported.

Responsible repayment of student loans should be rewarded by inclusion in accurate and complete credit histories. This amendment will ensure that result.

AMENDMENT NO. 2062 WITHDRAWN

I need no further time. I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is withdrawn.

Mr. SARBANES. Mr. President, I commend the able Senator from Illinois because he saw a problem and fastened on it and as a consequence, we at least have a solution, at least at the regulatory level. I understand the Senator may well pursue it statutorily, although Sallie Mae is not under the jurisdiction of our committee, as he understands.

I share his concern. I think this was an unacceptable situation which existed. Because of the actions of the Senator from Illinois and also the Senator from Wisconsin, Mr. KOHL—who also took a keen interest in this issue—I think we have the resolution of it. I appreciate the Senator's action.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I take a minute to commend Mr. DURBIN, the Senator from Illinois, for his good work in this area. He has recognized this as a very important issue and has done something about it. Whether it is Sallie Mae or anybody else, what we are interested in is all the reporting we can get that would affect someone's credit. I again commend Senator DURBIN for the work he has done. I am sure he will follow up and make sure this is part of the law.

Mr. DURBIN. Mr. President, I thank my colleagues. My colleague, Senator HERB KOHL, shares my feeling on this issue and introduced a similar amendment and joins with me in saluting this change and making it clear we are going to move forward.

Mr. KOHL. Mr. President, I rise today to join Senators DURBIN, SHELBY and SARBANES in expressing our concern about an issue that could affect countless graduates who work hard to pay off their student loans.

A little over a year ago, Sallie Mae—one of the largest originators of student loans and the largest secondary market for student loans—made a quiet decision that had a huge impact on college graduates.

Sallie Mae refused to report student loan repayment histories to two out of three major credit reporting agencies. That means graduates—most of whom have good records of paying on their student loans—have huge holes in their credit histories holes that prevent them from establishing credit or getting the best rates to buy their first home.

I recognize that our credit reporting system is essentially voluntary. There is no legal requirement that any private business report information to any credit bureau. However, Sallie Mae is an exception. U.S. Department of Education regulations require Sallie Mae to report student loan credit report histories to at least one of the three major credit reporting agencies.

Until last year, they reported to all three agencies. Then, Sallie Mae decided to stop reporting to two of the agencies. Some say they stopped because those two agencies routinely sold lists of Sallie Mae customers to competitors who could offer better deals. Sallie Mae maintains that they were protecting their customers from unwanted solicitations.

Whatever the reason, the result is clear: students who have worked hard to complete their education are hurt by this policy. Graduates entering the workforce and attempting to establish credit—even those who may have excellent records paying off their student loans—end up with incomplete credit records. On that basis alone, they may be denied credit.

This is a significant problem. Leaving out positive credit information on student loans can lead to a lower credit score for consumers. Lower credit scores penalize consumers in the form of higher credit card and mortgage interest rates, more expensive insurance, and even the risk of being excluded from the marketplace altogether.

Sallie Mae's decision has been especially detrimental to new home buyers. Mortgage credit is generally based on a merged credit report which incorporates information from all three credit repositories. It can only provide an accurate credit history if all three reports are complete.

The Washington Post recently highlighted the story of a 31-year-old architect who applied for a mortgage to buy a new house. Because Sallie Mae did not report his years of on-time student loan payments to all the credit bureaus, his credit score dropped 40 points—and his mortgage rate increased 1.5 points—costing him $200 dollars more per month in interest payments.

After learning of this problem last month, I have been in touch with Sallie Mae to urge them to resume full credit reporting to all three of the major credit reporting bureaus. I have also been in touch with the chairman and ranking member of the Banking Committee, and with Senator DURBIN. I appreciate their willingness to work with me to ensure that student loan repayment histories are fully reported to all the major credit bureaus.

I am especially pleased that today, Sallie Mae announced that they have reached agreement with the credit bureaus and will now begin reporting to all three once again. I appreciate their efforts to work with our offices to solve this problem and ensure that their customers get the credit they have earned. I commend Sallie Mae for doing the right thing and fixing this problem promptly.

This is truly a positive step forward, but I think we should take one more at the appropriate time. Congress should codify these new agreements in law by requiring Sallie Mae to report to all three major credit bureaus. This will guarantee graduates that their student loan payment histories will always be reported and their credit scores will be complete. It will make sure that we do not face further problems in the future.

Senator DURBIN and I have both been working on amendments that would do just that. While I will not offer an amendment on this bill, I look forward to working with Senator DURBIN, Chairman SHELBY, and Senator SARBANES to address this issue in the future.

Mr. REID. Mr. President, I know the two managers are on the floor. I want to bring to their attention that Senator CANTWELL has been waiting to speak for some time on an amendment which was adopted. If you could work them into the order, I would appreciate it.

Ms. CANTWELL. Mr. President, my colleague from Wyoming and I tried to accommodate Members who were here in the last few minutes, trying to get several amendments adopted.

I want to spend a few minutes going into more detail about the Cantwell-Enzi Restore Your Good Name Act that has been incorporated into the Fair Credit Reporting Act.

I would first like to thank the chairman and ranking members of the committee for their strong support of this underlying bill that has been incorporated, along with the last amendment that we just voted on by voice a few minutes ago, dealing with business records.

It was roughly 2 years ago that the chairman of the Banking Committee and I spoke at a national platform for the attorneys general of America to address the issue of privacy and some of the biggest challenges to privacy at that time. We both made known our view that this country needed stronger legislation in the area of identity theft.

I commend the chairman and the ranking member for their strong step forward, a really critical step forward, to protect Americans from what is the fastest growing crime in America—identity theft.

Unfortunately, even though the Senate passed the Cantwell-Enzi legislation last year, the House failed to act on it and the number of victims has continued to grow. In fact, 9 million Americans have been the victims of identity theft. This underlying bill incorporates some of those good ideas that my colleague from Wyoming worked so hard on in the Banking Committee and that we worked through the Judiciary Committee to pass. I certainly commend my colleague, Senator ENZI, for his dedication to this issue. Consumers in America are going to be more protected because of his efforts. It has been a pleasure to work with him on these challenging issues, to make sure those protections are put in place.

The underlying bill that we have passed changes the framework by which consumers can now restore their good name and protect their identity. It does so, first and foremost, as Senator ENZI and I suggested, by formulating an affidavit process. So many people in America are victims of identity theft. But I can tell you this: it is not a crime for which you can call 911 and get immediate response. The biggest problem, once you are a victim of identity theft, is proving that you are in fact the person whose identity has been stolen.

I like to say that, in the case of the perpetrator who steals your television set right out of your living room, chances are that he is somewhere in the neighborhood. But the crime of identity theft could involve someone anywhere in the country, or for that matter, outside the United States, working with a ring.

So part of what we are trying to do, first and foremost, is to give victims and law enforcement tools to help victims reclaim their identity. The affidavit process that now must be accepted by business owners and credit agencies as proof that you are a victim of identity theft is the first step in making sure that your credit record is corrected and perpetrators are prevented from continuing to ruin your credit.

Second, the credit provisions that Senator ENZI was successful in getting added in committee represent a tremendous step in solving the problem that so many Americans face when their identity is stolen—that the perpetrators continue to pose as them, running up large credit bills.

In the case of a constituent I recently met in Washington State, the perpetrator who stole the constituent's license succeeded in buying five different vehicles. My constituent has continued to be a subject of investigation by law enforcement as she has tried to prove that it was, in fact, her identity that was stolen, that she was the victim. So a critical part of this legislation is the fact that individuals will be allowed to go to a credit agency and get that information blocked so that their good name is restored.

The amendment that we just adopted deals with another aspect of this problem, which is getting access to business records. Law enforcement in the State of Washington have been very successful at dealing with crimes of identity theft because identity thieves are often criminals who are involved in larger activities. There is a high correlation between people who are involved in identity theft—who use that stolen identity to get access to cash and resources in the State of Washington—and people who are involved with methamphetamine production. These criminals are involved in both drug activity and identity theft.

With this amendment, police can now get access to business records. Any victim, or law enforcement official acting on behalf of the victim, will have access to business records within 20 days after the victim provides identification, an affidavit and a police report to the business. This gives consumers a real tool to correct the harm caused them by this crime. This is a very fundamental part of this bill.

The last aspect of the identity theft bill that is part of the amendment we just agreed to deals with the statute of limitations. In the 2001 Supreme Court case of TRW v. Andrews, the Court ruled that the statute of limitations in these cases runs for 2 years from the time the crime is committed. But what we have found is that some victims of identity theft don't even realize they are victims until a year or 2 years after the identity theft has occurred. The statute of limitations therefore impacted the ability of victims to get justice. The underlying amendment we just agreed to extends the statute of limitations to give victims of identity theft 5 years from the time the crime was committed.

This underlying bill with the amendment we just agreed to represents a critical first step in dealing with one of the most important issues I think we will deal with in this information age, which is the issue of privacy. While this body has tried to deal with this issue in myriad ways by protecting the financial and health records of individuals, and by making sure that either opt-in or opt-out legislation have been cleared with consumers, I think we have much more work to do in the area of privacy. But you can be sure the Fair Credit Reporting Act before us today and the Cantwell-Enzi amendment and language adopted with it take a very positive step in dealing with one of the biggest privacy threats to Americans today—identity theft.

With these tools, law enforcement and individual consumers whose identities have been stolen will have the tools to make the process of reporting and resolving identity theft go smoother. While some may have said businesses would oppose the underlying amendment, or some of the features of the Cantwell-Enzi amendment, businesses have seen record losses of $22 billion a year from identity theft, and they have joined in this effort to make sure we pass strong national legislation.

I again thank Senator SARBANES and Senator SHELBY for their hard work, and certainly Senator ENZI for his effort and his stewardship in making sure we have good legislation in the process that can go on to passage and that will better protect consumers in America.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

I thank Chairman SHELBY and Ranking Member SARBANES for the wonderful job they did on this legislation. An important measure such as this that sails through the floor in 1 day is a tribute to the statesmanlike and fine legislative hand of our new chairman of the Banking Committee and, of course, the steady and wise old hand of our former chairman of the Banking Committee and now the ranking member.

I have been ready to offer an amendment on an issue related but not directly on point to this legislation; that is, debit cards. Right now, millions of Americans use debit cards. They are great. You don't need a checkbook when you have a debit card. It solves many problems. It is a real measure of convenience. They are easy and they save a little time. You don't have to go to the bank and get cash. It is a win-win, except for one catch: Most consumers think when they pay with a debit card it is free; that it doesn't cost anything. However, many banks are now charging the consumer when he or she uses the debit card as much as $1.50. In my State of New York, about half the banks charge anywhere between 25 cents to $1.50. When I have asked consumers, they don't know. My wife didn't know.

What I want to do is what I did in the House on credit cards and what I was able to do here in the Senate with ATMs—not eliminate the fees, because that is up to each bank but, rather, disclose them.

There are a couple of problems with disclosure. One is because it is not the banks that own the machines—the ATMs—rather, it is the stores.

It is a little more difficult to get that information out to the consumer even when the consumer swipes the card. What we have done here is ask the Federal Reserve to within 6 months study this issue and show us how it can be done.

In addition, there is another point our amendment has that we ask the Federal Reserve to study; that is, at least putting it on the monthly bank statement in clear letters what the fees are for debit cards. That is not done now. There are kids in college who were mailed these cards, and they used them to buy a Coke. The Coke was a dollar. The fee was a dollar. If they knew it cost $1, they probably wouldn't do it anymore.

I would like to engage in a colloquy with the chairman of the committee.

As the chairman knows, after a long fight Congress enacted legislation so that every ATM—no matter if it is run by a bank or private operator—tells you when you are being charged. Customers have come to know and expect that warning. But there is no warning when you use your card at a store and use it as a debit card. As often as not, you are charged. Is that correct?

Mr. SHELBY. If the Senator will yield, I understand the concerns. I think it is also true that debit card transactions and ATM transactions have some significant differences. Namely, the retailer owns the debit machine while the bank owns the ATM machine. This makes a "point of sale" disclosure—as we achieved in Gramm-Leach-Bliley—more difficult since banks cannot easily adjust the equipment and the software.

Mr. SCHUMER. I ask unanimous consent that the letter the chairman, the ranking member, and myself are submitting to the Federal Reserve Board be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
BANKING, HOUSING, AND URBAN
AFFAIRS.

Washington, DC, November 6, 2003.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR CHAIRMAN GREENSPAN: We are writing to request a study by the Board of Governors of the disclosure of fees imposed by financial institutions on consumers in debit card transactions. Our request is outlined in the attached document.

As you know, consumers are increasingly using debt cards as an alternative to cash or credit cards. In 2001, there were estimated to be over 250 million bank cards in circulation with a debit function, and today it is estimated that debit payments make up almost 12 percent of retail payments. The reasons for this growth are clear. Debit cards offer convenience for consumers, and they offer substantial cost savings for banks through more efficient electronic processing.

Debit cards can be used by a consumer in two ways. In an online transaction, the consumer enters his/her personal identification number (PIN), and the debit occurs through an electronic transfer of funds over a local debit network, e.g., InterLink or Plus, from the consumer's bank to the merchant's bank. In an offline transaction, the consumer signs his/her name on a receipt, and the transaction occurs over a MasterCard or Visa network linked to the bank.

However, depending on how the consumer chooses to use his or her debit card, banks charge and make different amounts of money. In an offline transaction, banks charge a merchant from approximately 1.5 percent to 1.99 percent of the total value of the transaction, similar to credit card transactions that utilize the Visa or MasterCard networks. For example, in a $100 transaction, the merchant would be charged up to $2.00 for the processing of the transaction over the Visa or MasterCard network. In an online transaction, banks charge the merchant a flat fee of about thirty cents.

As those numbers illustrate, banks typically make more money when consumers use their debit cards in the offline or credit card-like function. In fact, it has been estimated to us that in a typical transaction banks make three to four times more money on offline transactions than on online transactions.

In part to make up for this revenue differential, banks have introduced new debit card fees in the form of a charge to the consumer for each PIN-based, online transaction he or she makes. This fee comes on top of the flat fee already charged to the merchant.

However, the consumer may be unaware of these fees at the time of the purchase. He or she has no explicit disclosure of the fee at the point of sale, and no option to accept or deny the additional charge, or to pay cash or use a different payment to avoid the fee. The evidence of the debit car fee shows up only later on the consumer's monthly bank statement. The debit card fees are published together with ATM fees, making it difficult for the consumer to distinguish or understand the charges. Many consumers end up calling the retailer to complain about the fee in the mistaken belief that it was the retailer, not their bank, that initiated the charge.

The growth of debit cards and the rise in debit cards fees makes this an important issue. The number of parties involved in the debit cards transactions—retailers, consumers, electronic payment networks, and banks—makes this a complex issue. As always we appreciate your support and the diligence and expertise of the staff at the Federal Reserve Board in helping us to consider and to address the disclosure of debit cards fees to consumers.

Sincerely,

RICHARD SHELBY,
Chairman.
PAUL SARBANES,
Ranking Member.
CHARLES SCHUMER,
United States Senator.

Mr. SCHUMER. Mr. Chairman, I know you have been in support of the Feds doing the study so we can see what to do next year in terms of legislation; I ask if that is amenable to you?

Mr. SHELBY. Absolutely. Senator SARBANES and I agree with Senator SCHUMER and support further study of this issue. We have planned and drafted a letter to the Federal Reserve Board asking them to conduct a comprehensive review of this issue.

Mr. SCHUMER. I ask the ranking member for his views on this letter and what we have to do in terms of disclosure on debit cards.

Mr. SARBANES. I share the chairman's view. I think the Senator from New York has spotlighted a very important issue, but probably the best way to proceed now is with this joint letter to the Federal Reserve. Then we would have the benefit of their study of this issue as we move ahead to try to address it.

Mr. SCHUMER. I thank the ranking member. We will make progress on debit cards. I will not go into all the details of the study. The letter is quite detailed. The Federal Reserve is willing to do it.

I make two other points after commending my colleagues on the bill overall. I am proud to be a cosponsor and supporter of this bill. There are two parts of the bill in which I was particularly interested. One is identity theft which has become an epidemic. When your identity is stolen, it can take years to bring back your credit rating, even through no fault of your own. The criminals are getting very good at identity theft.

I introduced comprehensive legislation in this regard much earlier this year. The chairman has added provisions very similar to those I have introduced. As a result, this bill does a good job. Right now, becoming a victim of identity theft is as easy as saying your ABC's. With this legislation, it will be tougher.

My hometown, New York City, has the unfortunate distinction of being the identity theft capital of the world. I am glad we were able to do something quickly in that regard.

Second, on credit scoring, this is another issue on which the Senator from Colorado and myself worked long and hard. We thank the chairman and ranking member for incorporating that into the legislation.

The bottom line is, consumers have been kept in the dark about what their credit score is and how it is computed. This legislation, by adding the Schumer-Allard provision, lifts the veil of secrecy over credit scores. When a bank is going to charge you more for your mortgage, which could mean hundreds and hundreds of dollars every quarter, much more money every month, now you will be able to find out why and if there is incorrect information as to why you are being charged more. Maybe it is because you have a whole lot of credit cards, for instance, even if you pay your bills on time. You will be able to correct it.

This is fine legislation. I am speeding things along here because I know people want to move quickly. I thank the chairman.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2064

Mr. CORZINE. Madam President, I have a couple of general remarks about the overall legislation and I have an amendment at the desk which I call up, No. 2064.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] proposes an amendment numbered 2064.

Mr. CORZINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require financial institutions and other users of consumer reports to provide notice to appropriate Federal agencies in cases in which consumer information is compromised)

On page 16, line 25, strike the period at the end and insert the following: "; and

"(C) prescribe regulations requiring each financial institution and each other person that is a creditor or other user of a consumer report to notify the Federal Trade Commission (and any other agency or person that such rulemaking agency determines appropriate) in any case in which there has been, or is reasonably believed to have been unauthorized access to computerized or physical records which compromises the security, confidentiality, or integrity of consumer information maintained by or on behalf of that entity, except that such regulations shall not apply to a good faith acquisition of information by an employee or agent of such entity for a business purpose of that entity, if the information is not subject to further unauthorized access.".

Mr. CORZINE. I understand the amendment will be agreed to by both of the managers but let me first say that this amendment is about disclosure of breached customer data that may exist in our system. Frankly, 85 percent of businesses that have sophisticated computer systems have identified breaches in their system. My amendment asks for the reporting of those breaches to the FTC so we can get a database and understand it.

Mr. SHELBY. Madam President, the managers are prepared to accept the amendment offered by Senator CORZINE. It is a good amendment and makes a lot of sense.

Mr. SARBANES. The amendment of the Senator from New Jersey makes a positive contribution to this legislation. I am certainly happy to accept it.

I also thank the Senator for all the work he did in the committee on so many provisions in this legislation. He had a major hand in shaping the bill. I deeply appreciate that.

Mr. CORZINE. I appreciate that recognition.

The reality is the chairman and ranking member showed great stewardship and leadership to get this bill in a position where it has broad support in this body. It is going to make a big difference in the financial marketplace for consumers.

Both the reauthorization and additional elements embedded in this bill have truly improved our credit system, which is already the finest in the world. I thank the ranking member. I want to make sure the chairman knows that I appreciate the bipartisanship, the cooperation, and comity that has accompanied the framing of this bill. I very much appreciate the inclusion of the disclosure of breached consumer data as part of the bill.

There are some elements of this bill that I will highlight that others have given emphasis to. It is particularly important to strengthen the controls on personal, financial, and medical data in this bill; however, nothing is more important, in my view, than someone having the ability of requesting a credit file on themselves from the credit agencies once a year. People ought to be able to understand how they are being viewed in the system, if ever they are going to correct issues. That, to me, is one of the most important controls.

Very much to the credit of the ranking member, there is emphasis on promoting financial literacy embedded in this legislation that creates a real foundation for how we can talk to the general public, teach the principles of proper financial management, which is one of the most important elements in individual personal finances. When citizens find they are on the short end of their credit reports and they are in court to solve a bankruptcy, they wish they had learned more in school regarding managing personal finances.

The identity theft issue, which is part of why I have offered the breached customer data amendment, is so important. This is an epidemic in our society. The number of breaches, the number of extraordinary cases of individual pain that has come from people breaching our technologically connected world today is overwhelming. The protections we have started to talk about—fraud alerts, limitations on transfer of debt, and this free credit report a year—will go a long way toward trying to shape it up.

We could go further in this area, in my own view. As the Senator from New York discussed, this is an important piece of legislation. I wish we had done a little more to control the use of financial information, particularly among affiliates in some of our most complex organizations where there are 1,000 or 1,500 affiliates, some spread out but not as broadly controlled as some Members might think relative to what I know is in the case of the world financial markets.

But that said, this is a fine piece of legislation. The manager and ranking member should be congratulated, as should all of the members of the committee, including the Presiding Officer.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, has that amendment been disposed of?

The PRESIDING OFFICER. It has not.

Is there further debate?

If not, the question is on agreeing to amendment No. 2064.

The amendment (No. 2064) was agreed to.

Mr. SARBANES. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have spoken to the two managers of the bill, and at this stage it appears we have two amendments left, both from the Senator from Wisconsin, Mr. FEINGOLD. He has agreed, with the permission of the managers, to offer one amendment, then offer the next amendment, and debate both those amendments at the same time; and then we would vote on both amendments following his debate on both amendments and, of course, the adequate response from the managers of the bill.

Senator FEINGOLD is here and he is in agreement with that, so we do not need a unanimous consent agreement, but people should understand what he intends to do at this time, and what we intend to do.

Following that, it is my understanding, from speaking to the two managers, there are no other amendments. I think there may be a statement or two that Senators wish to give on the bill, but other than that, I know of no substantive amendments.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I would anticipate we would be ready to go to final passage. I think we can move fairly quickly. I know Senators have conflicting demands on them, and we are trying to move along.

Mr. REID. Madam President, I have a statement that will take about 3 or 4 minutes that I will give at some time.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2065

Mr. FEINGOLD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2065.

Mr. FEINGOLD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for data-mining reports to Congress)

At the appropriate place, insert the following:

SEC. . DATA-MINING REPORTING ACT OF 2003.

(a) SHORT TITLE.—This section may be cited as the "Data-Mining Reporting Act of 2003".

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of the enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

Mr. FEINGOLD. Madam President, the Fair Credit Reporting Act was designed to make sure that personal financial information about consumers is fairly maintained and accurately reported by credit agencies and provided only to the appropriate people. Maintaining the privacy of the consumer is one of the central objectives of the Fair Credit Reporting Act. My amendment will ensure that the Federal Government is not overstepping its role in obtaining and using this highly personal information.

My amendment will require all Federal agencies to report to Congress on the practice of datamining but it would not impose any limits on the use of datamining. This amendment will provide the American people with critical information about the use of datamining technology and the way highly personal information, such as credit reports and other financial information, is obtained and used by our Government.

The untested and controversial intelligence procedure known as datamining is capable of maintaining extensive files containing both public and private records on each and every American. Periodically, after millions of dollars have been spent, we learn about a new datamining program under development. Congress and the public should not be learning the details about these programs only after millions of dollars are spent testing and using datamining against unsuspecting Americans.

Coupled with the expanded domestic surveillance undertaken by this administration in the wake of September 11, the unchecked development of datamining is a potentially troubling step that threatens one of the most important values that we are fighting for in the war against terrorism; and that, of course, is freedom. My amendment would simply require all Federal agencies to report to Congress within 90 days and every year thereafter on datamining programs used to find a pattern indicating terrorist or other criminal activity and how these programs implicate the civil liberties and privacy of all Americans. If necessary, information in the various reports can be classified.

The amendment does not end funding for any program, determine the rules for use of the technology or threaten any ongoing investigation that uses datamining technology. All it does is ensure that Congress has complete information about the current datamining plans and practices of the Federal Government. With this information, Congress will be able to conduct a thorough review of the costs and benefits of the practice of datamining on a program-by-program basis and make considered judgments about which programs should go forward and which ones should not.

My amendment would provide Congress with information about the nature of the technology and the data that will be used. The amendment would require all Government agencies to assess the efficacy of the datamining technology and whether the technology can deliver on the promises of each program. In addition, the amendment would make sure that the Federal agencies using datamining technology have considered and developed policies to protect the privacy and due process rights of individuals and ensure that only accurate information is collected and used.

Congressional review and oversight is necessary in order to find out whether and how Government agencies, such as the Department of Homeland Security, the Department of Justice, and the Department of Defense, plan to collect and analyze a combination of intelligence data and personal information such as individuals' traffic violations, credit card purchases, travel records, medical records, communications records, and virtually any information contained in commercial or public databases. Through comprehensive data mining, everything from people's video rentals or drugstore purchases made with a credit card to also their most private health records could be fed into a computer and monitored and reviewed by the Federal Government.

Using data mining, the Government hopes to be able to detect potential terrorists. There is no evidence, however, that data mining will, in fact, prevent terrorism. Data mining programs under development are being used to look into the future before being tested to determine if they would have even been able to anticipate past events like September 11 or the Oklahoma City bombing. Before we develop the ability to feed personal information about every man, woman, and child into a giant computer, we should learn what data mining can and can't do and what limits and protections are needed.

We must also consider the potential for errors in data mining. Most people don't even know what information is contained in their credit reports. Subjecting unchecked and uncorrected credit reports to massive data mining makes the prospect of ensnaring many innocents very real. If a credit agency has data bout John R. Smith on John D. Smith's credit report, even the best data mining technology might reach the wrong conclusion.

Most Americans believe that their private lives should remain private, especially from the Government. Data mining programs run the risk of intruding into the lives of individuals who have nothing to do with terrorism but who trust that their credit reports, financial records, shopping habits and doctor visits would not become a part of a gigantic computerized search engine, operating without any controls or oversight.

The executive branch should be required to report to Congress about the impact of the various data mining programs now underway or being developed, and the impact those programs may have on our privacy and civil liberties so that Congress can determine whether the proposed benefits of this practice come at too high a price to our privacy and our personal liberties.

Some may argue that this amendment does not belong in the bill before us. I respectfully disagree. As we consider legislation dealing with individuals' credit reports and their financial privacy, I think it is both relevant and important that we find out whether and to what extent the Government is reviewing databases containing highly personal information.

So I urge my colleagues to support this very simple reporting amendment. All it asks for is information to which Congress and the Americana people are entitled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I intend to oppose this amendment and all amendments that are not within the four corners of the Fair Credit Reporting Act legislation.

The committee spent a great deal of time, as the Presiding Officer knows, as a distinguished member of the Banking Committee, carefully considering the reauthorization and reform of the Fair Credit Reporting Act national standards.

The committee bill is carefully crafted, and it balances protecting consumer interests and ensuring the efficiency of our credit markets.

The committee bill was unanimously approved, as the Presiding Officer knows, by a voice vote in the committee, which is hard to get. It was unanimous.

Extraneous amendments, I believe, alter this balance and focus and threaten our ability to maintain the strong, bipartisan consensus necessary to pass this important legislation this year.

As a result, the managers of the bill—Senator SARBANES and I—intend to oppose including this amendment and all non-Fair Credit Reporting Act-related amendments, regardless of their merit. This might have some merit, but I think it can be better served at another place on another day.

At the proper time, I will move to table the amendment. Right now, I yield to Senator SARBANES.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, if I could respond briefly to the chairman, first, I congratulate the chairman and ranking member for putting this bill together. I intend to support it. I am pleased to support it. I recognize the managers had to achieve a balance, and they do not want to disrupt that balance.

I think I can pretty confidently assure my colleagues that a mere reporting requirement by Federal agencies could not possibly upset the balance they have so skillfully achieved. So I would argue in the case of this amendment—and my second amendment, which is also only about Federal Government reporting information—that it does no violence to what they have achieved and actually is, in this case, very consistent with the purposes of the bill that have to do with people's privacy of their financial records.

So I urge the chairman and ranking member to consider that this would be different from many other amendments that could upset the balance.

Mr. SARBANES. Madam President, I understand the data mining amendment encompasses the legislation which the Senator introduced and which is pending in the Judiciary Committee, if I am not mistaken. At least I am informed of that. So it is not within the scope of the work of our committee, I say with all due respect to the Senator.

I share some concerns about the issues he is raising, and I think they are worth paying attention to. But we have tried very hard to deal only with amendments that are relevant to the Fair Credit Reporting Act. A number of Members on both sides of the aisle, upon hearing that, have refrained or withheld from offering amendments that are outside that parameter, and we are very grateful to them for doing that. Obviously, it has enabled us to move this legislation along.

I think we have had a very open process in dealing with amendments that affect the provisions of the FCRA. We tried to keep it open and I think, in a sense, we have bent over backward to do that. But we have tried to dissuade the offering of amendments that are outside that scope.

I think this amendment falls into that category, and therefore I will be supportive of the chairman in the statement he made. This is not to speak to the substance of the Senator's amendment in any developed way; I assure him of that. But it seems to me this is not within the scope of what we do in the Banking, Housing, and Urban Affairs Committee.

Mr. FEINGOLD. Madam President, I will briefly respond with great respect. There were a number of other amendments with great substance that I would have very much wanted to offer, but did not in the spirit of trying to make sure nothing of great moment occurred on this bill. These are merely reporting amendments.

I understand the Senator's point. These are amendments that could have been possibly accepted; they are not particularly controversial. In any event, I respect what the managers have had to do in order to get the bill through.

I am prepared to move on to the next amendment, unless they want to continue to debate this. If the managers prefer, we could move on in the next amendment.

Mr. SHELBY. Madam President, I move to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Madam President, I ask unanimous consent that the vote be deferred temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2066

Mr. FEINGOLD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2066.

Mr. FEINGOLD. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report to Congress regarding Federal acquisitions of American-made products)

At the end of title VII, add the following:

SEC. 712. BUY AMERICAN REPORT.

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available by posting on an Internet website.

Mr. FEINGOLD. Madam President, I have come to this floor on several occasions this year to discuss the crisis in American manufacturing and some steps that I think Congress should take to stop the flow of manufacturing jobs overseas.

One step that I believe we should take to support American manufacturers is to ensure that the Federal Government buys American-made goods whenever reasonably possible. Congress enacted such a policy when it passed the Buy American Act of 1933. This law was enacted to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods.

However, the Buy American Act includes a number of waiver provisions which allow agencies to buy foreign-made goods in certain defined circumstances. I am concerned that agencies may be using these waiver provisions to get around the spirit, if not the letter, of the law. That's why, earlier this year, I introduced the Buy American Improvement Act, which would strengthen the existing act by tightening its waiver provisions.

Unfortunately, it's virtually impossible to get hard numbers on the Federal Government's purchases of foreign- and domestic-made goods. Under current law, only the Department of Defense is required to report annually to Congress regarding its use of waivers of the Buy American Act and its corresponding purchases of foreign-made goods. As for other agencies, there is no real disclosure or accountability in the waiver process.

I think that Congress and the public should know how taxpayer dollars are being spent, and that's what my amendment would do. The amendment is very simple and, I hope, noncontroversial. It would just require all Federal agencies to prepare an annual report that details their purchases of foreign-made goods. That's it. It would not make any changes in the Buy American Act; that law and its waiver provisions would remain the same. All that would change is that we would all know whether the Buy American Act is working.

My amendment would require that the annual report to be submitted by agency heads include the following information: the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; an itemized list of all applicable waivers granted with respect to such articles, materials, or supplies under the Buy American Act; and a summary of the total procurement funds spent by the Federal agency on goods manufactured in the United States versus on goods manufactured outside of the United States. The amendment also requires that the heads of all Federal agencies make these annual reports publicly available on the Internet.

Some may argue that this is a burdensome requirement. The truth is that it is similar to the reporting requirement that the Defense Department complies with every year. If the Pentagon, with its many procurement contracts, can report to Congress annually on its purchases of goods, so too can all other Federal agencies.

I am pleased that this amendment is supported by an array of business and labor groups including the AFL–CIO, Save American Manufacturing, the U.S. Business and Industry Council, and the International Brotherhood of Boilermakers.

Madam President, 2.5 million American manufacturing jobs have been lost since January 2001. The current unemployment rate is 6.1 percent. The stagnant economy and continued loss of high-paying manufacturing jobs underscore the need for the Federal Government to support American workers and businesses by buying American-made goods. This amendment is a modest step toward that goal.

I understand that the managers will oppose this and all amendments that are deemed to be non-relevant to the bill. I respect their prerogative to do so. I would have preferred to offer this important amendment to another bill. But opportunities to offer amendments have been few and far between this year, and it is the right of all Senators to offer amendments. I hope that my colleagues will not oppose this amendment simply because they do not feel it belongs on this particular bill. The question is not whether this amendment belongs on the bill; the question is whether it is good law. I think it is and I hope others will agree.

The American people deserve to know how their tax dollars are being spent, and to what extent these dollars are being used to support foreign jobs. I urge my colleagues to support American companies and American workers by supporting this amendment.

I yield the floor.

Mr. SHELBY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, as we approach the end of actually a rather short, abbreviated debate on this legislation, I want to say a few words encouraging my colleagues to join the Presiding Officer, myself, and our respective Republican and Democratic floor managers in supporting this measure.

Let me begin by saying to Chairman SHELBY and our ranking Democrat, Senator SARBANES, that I think it is rather remarkable that we have come through the deliberations of the past year. We had extensive, balanced hearings on this legislation that gave people from all sides of the issue the chance to comment on what they would like to see us do with respect to reauthorization of the Fair Credit Reporting Act.

This is the way the process is supposed to work. We have a deadline, and that deadline is to act by December 31. Our chairman and ranking Democrat have orchestrated a series of hearings, as I said earlier, which allowed financial institutions to come in, allowed consumer groups to come in, and other folks—rank-and-file citizens—to share with all of us on the Banking Committee how they think we ought to proceed.

We did not have one hearing; we have had a whole series of hearings. I think what emerged from those hearings is a consensus that we aspire to have, but all too rarely see. I am proud to be part of this process, and I suspect the Presiding Officer feels the same way.

Our national credit granting standards that are created under the Fair Credit Reporting Act allow all Americans quick and easy access to credit, whether it is to purchase a home, to purchase a car, or any number of other consumer goods. There is compelling evidence that failure to reauthorize the expiring provisions of the Fair Credit Reporting Act would have significant economic consequences, and not very positive ones.

I am pleased to say that the legislation before us today extends these uniform standards. It makes them permanent. We avoid any adverse impact on our national credit granting system, and we avoid any negative impact on our national economy.

The legislation before us also makes a number of improvements to current law. I think this is an important point. It is one made by others, but I want to make it again. Earlier this year, the Federal Trade Commission released a survey indicating that millions of consumers have been victimized by the crime of identity theft. My own family understands how disruptive and devastating this crime can be, as one of our relatives in your State, Madam President, was victimized over a period of several years by identity theft. It was an awful experience for her and not a pleasant one for her family.

The bill before us responds to this increasing trend by requiring the creation of a system of fraud alerts. This system of fraud alerts allows the victims of identity theft and also allows active duty military personnel to flag their credit reports for potential fraud. For example, if a consumer believes they have been the victim of identity theft, then that consumer can make one call and have a fraud alert put on his or her credit report. The alert will notify users of that report that this consumer could be the victim of a fraud. This alert, in turn, requires the users of this report to take extra steps before establishing new credit or establishing a credit limit.

In the year after the fraud alert is placed in the file, a consumer will be able to receive not one, but two free credit reports to make sure the information in their credit report is correct. In addition, consumers will have the ability to block information on their credit report that is the result of identity theft.

Importantly, the bill increases the maximum penalty for those who commit the crime of identity theft.

This legislation also gives consumers more control over the information that is contained in their credit reports. First of all, consumers will have easy access to a free credit report on an annual basis. This is a significant right that will allow consumers to review the information contained in their credit report and to make corrections to it.

To ensure consumers are aware of these rights, the Federal Trade Commission must actively publicize how consumers may obtain a free credit report and how to dispute information contained in that report.

I oftentimes use the analogy of if a tree falls in a forest, there is nobody there to hear it. My colleagues have probably heard that; probably used it a time or two. In this case, if a consumer has the ability to obtain a free copy of their credit report annually, but they don't know they have that right, is there a benefit that inures from this legislation?

In the legislation, we put the onus on others and the Federal Trade Commission to publicize how consumers can obtain a free credit report.

In addition, the bill gives consumers important protection for their medical information. One of our colleagues on the floor today was asking if they deal with a particular financial institution, a company that has access to some of the medical data, can they then share medical data with other affiliates of that company?

The answer is no; that is protected and prevented by this legislation. This bill prohibits the use of medical information in the credit granting process. In addition, as I just said, the legislation creates a system for consumer reporting agencies to code medical information so that someone looking at a credit report cannot discover a consumer's medical history.

Finally, the bill before us establishes the Financial Literacy and Education Commission. I believe this is an essential part of the legislation—it may not have gotten a lot of credit, but it is an important part of this bill—because a lot of consumers in this country have no knowledge or at least limited knowledge of how our credit system works. This new commission will be charged with reviewing financial literacy efforts throughout the Government to eliminate duplicative efforts. Importantly, the Commission will also coordinate the promotion of Federal financial literacy efforts, including outreach among State, and local governments, nonprofit organizations, as well as private enterprises.

This legislation creates many new tools for consumers. I have mentioned some of them. But if consumers lack basic financial literacy, they may not be able to use these tools with the kind of effectiveness that is intended.

Again, let me go back to where I started. We have seen this year a number of occasions when legislation has come to the floor without going through committee. We have seen legislation come to the floor for our consideration, sometimes rather complex legislation, and it has not had the benefit of the hearings it should have. The system has worked in this case: excellent hearings, the ability for us as Democrats and Republicans to work together to receive a whole lot of input from a broad cross-section of people and interest groups in this country, the ability to bring a bill out of committee on a unanimous voice vote. This is legislation that I think is going to be disposed of today.

I am proud to at least have been a small part of that process and pleased to lend my support. I urge my colleagues to do the same for this legislation.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, this is my opportunity to say a word or two about the National Consumer Credit Reporting System Improvement Act.

We always hear about how divided the Senate is and how divided we are politically, that there is so much partisanship. My experience indicates that when there is something that really is extremely important that needs to get done, we do it.

As I look back, there was the terrorism insurance, which was difficult to do, but in a bipartisan method we stepped forward and did that. We had significant problems after 9/11 with the airline industry. It was difficult to do, but we stepped forward with legislation that in fact allowed the airline industry as we know it in America to continue.

Fair credit reporting is an important issue, and the two sides have joined together. I think one reason we were able to do this was the experience and the abilities of the two managers of this bill. The Senator from Maryland has heard me brag about him on many occasions. He is a person of great intellect, a Rhodes scholar, someone who is very quiet. But whenever Senator SARBANES speaks, everyone should listen because he does not speak impulsively. He is aware of every word he says. His being the ranking member on this Banking Committee every day gives me comfort because it is an area of the law that I do not fully understand.

I have never been on the committees of jurisdiction that deal with these most important issues. This committee has wide-ranging jurisdiction. It deals with certainly much more than banking—housing, mass transit.

I also say, as I said this morning earlier about my friend from Alabama, the distinguished chairman of the committee, he is a fine legislator. We on this side of the aisle always look forward to the senior Senator from Alabama being part of legislation. Everyone in the Senate is a person of their word. I do not know anyone in the Senate, of the 99 other Senators, whose word we cannot trust.

The Senator from Alabama certainly is a man of his word, but the reason I have such great admiration for him is that he is willing to listen. He is willing to listen to someone who disagrees with him.

That this legislation arrived at the point it has, is the result of two fine legislators working through the committee system and reporting a bill to the Senate. This bill is proof that with enough hard work and commitment, we can move substantive, quality legislation through the Senate. Again, I applaud and commend the two managers of this legislation.

I have personally spent some time on this legislation, working with Members trying to work out an arrangement to allow us to have the bill on the floor today. We have been able to do that. We have worked to limit the number of amendments. The majority leader originally said he would not accept the agreement that we had. There were more amendments, so we went back and worked and whittled down the amendments. As a result of that, we were able to bring this to the floor.

I am very happy to see us moving this bill forward. It is very close to passage. It is an excellent example of what we can accomplish when Members make a dedicated effort to pursue a reasonable compromise. This legislation is not what Senator SARBANES wants, it is not what Senator SHELBY wants; it is what the committee wanted. They had to work with their Members. It is a compromise. Legislation is the art of compromise. That is not a bad word. That is the only way we can get legislation passed—consensus building—and they have done that.

This legislation will help safeguard the security of consumers' credit data at the same time it guarantees those consumers rapid, widely available, and inexpensive credit.

It is a win for the people all over Nevada. It's a win for a family in Elko who receives a better mortgage rate because a mortgage bank can be confident about the information in the parents' credit history. The family pays a lower rate for their mortgage and, as a consequence, will pay thousands less over the lifetime of the loan, and that money can be redirected toward childcare, college, a family vacation.

It is a win for the used car dealer in Reno, or anyplace else in Nevada, who receives more complete and reliable information about prospective buyers. He can review an applicant's credit history and feel greater confidence about the degree of risk he is assuming when he extends credit to his customers.

It is a win for the public who will receive better protection than ever before against identity theft.

The United States has the lowest cost, most effective consumer credit market in the entire world, due in part to the Fair Credit Reporting Act. This bill will preserve and extend the best elements of this law and add important new provisions and make it even better.

In closing, I am glad to see that our hard work negotiating this legislation has paid off with a solid bill, and I look forward to seeing consumers and business reaping the benefit of this legislation for years to come.

Mr. CARPER. Will the Senator from Nevada yield for just a moment?

Mr. REID. I am happy to yield to my friend from Delaware.

Mr. CARPER. The Senator from Nevada has again heaped praise on our chairman and our ranking Democrat, as others of us have done, and that is important. I failed to mention this in my remarks and I want to atone for that omission now, that we are blessed with wonderful staff, as we all know, on both the Republican and the Democratic sides, and on the subcommittee and the full committee. I want to take a moment to also express my thanks to them and say to my own counsel, Margaret Simmons, who has done great work on this bill, a special thank you. None of us do this stuff by ourselves, as we all know. In this case, we have been greatly assisted by their efforts.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2066 WITHDRAWN

Mr. FEINGOLD. Madam President, with regard to the second amendment I offered concerning the reporting for the Buy America Act, at this time I will withdraw the amendment, with my appreciation to the chairman for his interest in the matter, and I defer to his comments.

Mr. SHELBY. If the Senator will yield, I believe that is a good amendment. I think it ought to be in other legislation. I am going to work with Senator FEINGOLD. We all want to promote jobs in America. We believe the American worker can produce anything as well as, if not better than, any worker in the world. If we promote Buy America, I think we are saying something to our workers and our industry and our economy down the road, notwithstanding what others will argue.

So I commend the Senator from Wisconsin for bringing this up tonight. We are going to continue to work on this and try to put it in the proper legislation, where it is going to go somewhere.

Mr. FEINGOLD. Madam President, I thank the Senator from Alabama for his important statement to finally make some progress in strengthening the Buy America Act. I look forward to working with him on this matter.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. FEINGOLD. My understanding is the Senator intends to table my other amendment.

The PRESIDING OFFICER. The motion to table is pending.

Mr. SHELBY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 2067

Mr. SHELBY. Mr. President, on behalf of Senator NELSON of Florida, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] for Mr. NELSON of Florida, proposes an amendment numbered 2067.

The amendment follows:

(Purpose: To ensure proper disposal of consumer information and records derived from consumer reports)

At the end of title II, add the following:

SEC. 216. DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following:

“§ 627. Disposal of records

“(a) REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Federal Trade Commission shall issue final regulations requiring any person that maintains or otherwise possesses consumer information or any compilation of consumer information derived from consumer reports for a business purpose to properly dispose of any such information or compilation.

“(2) EXEMPTION AUTHORITY.—In issuing regulations under this section, the Federal Trade Commission may exempt any person or class of persons from application of those regulations, as the Commission deems appropriate to carry out the purpose of this section.

“(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect any requirement imposed under any other provision of law to maintain any record.”.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as amended by this Act, is amended by adding at the end the following:

“627. Disposal of records.”.

Mr. NELSON of Florida. Mr. President, most companies are required to adopt rules to ensure the proper disposal of a consumer's private financial records. I learned last year, before comprehensive privacy regulations took effect, that some companies do not have protocols in place outlining the proper way to dispose of private consumer information when it is no longer needed. Last year, thousands of files containing sensitive customer records were discarded in a dumpster. If the wrong person came across these files, he or she would have had everything necessary to commit numerous crimes, including identity theft.

Since this incident, the company has acted to correct its privacy policies and the Federal Trade Commission issued its safeguards rule. The rule applies to credit reporting agencies and financial institutions that maintain consumer records and also contains guidance for businesses, which includes the storage and proper disposal of records.

Although check-cashing businesses, ATM operators, real estate appraisers, and even couriers are covered by the safeguards rule, rental property companies that assess the creditworthiness of tenants and businesses that maintain consumer accounts, such as cell phone companies and utilities, are not covered by the rule.

Improper disposal of a credit report could compromise driver's license information, Social Security numbers, employment history and even bank account numbers. My amendment will close the loophole and further protect credit information by requiring the Federal Trade Commission to issue regulations regarding the proper disposal of consumer credit information.

Mr. SHELBY. Mr. President, Senator SARBANES and I have reviewed the amendment. We have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I support this amendment. Senator NELSON of Florida has focused on an important issue involving the disposal of consumer financial records. We commend the amendment to our colleagues.

Mr. SHELBY. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2067) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 1904

Mr. REID. Mr. President, there has been a lot of talk the last few days and different offers by the majority to go to conference on the Healthy Forests initiative and a number of other pieces of legislation. For the majority to say that going to conference is the only way to legislate between the two Houses is really, for lack of a better description, a bogus argument. Almost every day both Houses pass legislation for which a conference is not appointed. As I mentioned earlier today, just last night the Senate passed H.R. 3365, the Fallen Patriots Tax Relief Act. We amended it and sent it back to the House without asking for conference.

On other measures, we have done the same thing—H.R. 1584, H.R. 1298, H.R. 733, H.R. 13, H.R. 4146, and H.R. 659 just to name a few.

If there is any concern about holding up legislation, we believe the shoe fits the majority. The Healthy Forests initiative is something that needs to be done. We cannot understand on this side why the leadership has refused to send the bill to the House; that is, H.R. 1904, the Healthy Forests initiative, which passed here overwhelmingly just a few days ago. The House may not want to go to conference. They may like our legislation or they may want to amend it and send it back. But at least we ought to give the House this opportunity rather than holding the bill hostage. That is what is happening now. By refusing to send it to the House, the majority is holding the bill hostage.

I ask unanimous consent that the enrolling clerk be directed to immediately send H.R. 1904, which is the Healthy Forests initiative, as amended by the Senate, to the House of Representatives.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the regular order at this time?

The PRESIDING OFFICER. The regular order is the motion to table amendment No. 2065.

Mr. SHELBY. I believe the Senator from Wisconsin has an amendment pending.

Mr. DASCHLE. Mr. President, before the Senator from Alabama moves to table, first of all, I know we are getting close to the end of deliberations on this bill. I think that it merits broad bipartisan support.

I appreciate very much the efforts that have been made by the chairman and ranking member. Both Senators have worked very closely together to get it to this point. Obviously, there are outstanding issues that still have to be resolved. We have a couple of amendments.

I wanted to take a moment—I didn't realize we were this close to having the vote on the amendment itself—to draw a distinction in this legislation.

Obviously, because of the extraordinary effort that has been made on both sides to work together and the assurances I have been given by the chairman that it is not his intention to conduct a conference that would not involve the ranking member and members of the minority with regard to this bill and issues to be resolved in conference, I will recommend to our caucus that we move forward with a conference on this bill. I wish I could say that with regard to other legislation, but we have not been given the same assurances. We are not at that point yet. But in this case, we certainly intend to work with our colleagues and with the chairman in particular. I applaud him for his efforts and thank him for the kind of working relationship that our two colleagues have. It is a tribute to both of them. I acknowledge that prior to the time we take our vote.

Mr. SHELBY. Mr. President, I would like to respond to the Democratic leader.

First of all, we have gotten to where we are tonight on the Fair Credit Reporting Act coming out of the Banking Committee by working together in a bipartisan way. Senator SARBANES and the Democrats on the committee have been involved in the formulation of this legislation as so many members of the Banking Committee have. That is why we are here today. That is why we believe we have put together a far-reaching, very complex piece of legislation. We are going to continue—assuming this bill passes and goes into conference—to work together because that is the only way we are going to pass this legislation. This legislation, the Fair Credit Reporting Act, would expire at the end of this year. We know we are working on a deadline. We are working on a good piece of legislation. We want to continue that.

I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I simply want to observe that we had a fair and open working relationship in the committee in bringing the legislation forward. All Members participated from both sides. I would expect that same relationship to then continue in the conference committee. We have been dealt fairly by the chairman. I presume we will continue to be dealt fairly by the chairman. I just wanted to add that perception to this relationship.

Mr. DASCHLE. Mr. President, with that explanation of our circumstances involving this bill, as I say, we will not object to going to conference. I wish our colleagues well as we finish our work on this legislation before the end of the year.

I yield the floor.

Mr. SHELBY. Mr. President, if it is proper at this time, I move to table the Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is agreeing to the motion to table amendment No. 2065. The yeas and nays have already been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator form Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 61, nays 32, as follows:

[Rollcall Vote No. 435 Leg.]

YEAS—61

Alexander
Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Daschle
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
Miller
Murkowski
Nelson (NE)
Nickles
Pryor
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Voinovich
Warner

NAYS—32

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham (FL)
Harkin
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
McCain
Mikulski
Murray
Reed
Reid
Schumer
Stabenow
Wyden

NOT VOTING—7

Bunning
Edwards
Kerry
Lieberman
McConnell
Nelson (FL)
Thomas

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I would like to take a few moments to thank some of the staff who did outstanding work on the Banking Committee—Kathy Casey, chief of staff of the Banking Committee; Doug Nappi, our general counsel; Mark Oesterle, one of our counsel.

I also thank some of the Democratic staff who worked with us on this: Steve Harris, who is Democratic chief of staff; Marty Gruenberg; Lynsey Graham Rea, and Dean Shahinian. They have all worked together in a bipartisan fashion. I believe that is why this legislation was brought out of the committee unanimously and we will be able to pass it, because we had a lot of input from Members and committee staff on both sides of the aisle. It makes a difference.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I echo the chairman in expressing my deep appreciation to the staff people he enumerated: Kathy Casey, Doug Nappi, and Mark Oesterle on the Republican side, and Steve Harris, Lynsey Graham, Dean Shahinian, and Marty Gruenberg on the Democratic side.

We are fortunate in the Banking Committee that we have a very committed, able, dedicated staff on both sides of the aisle. Furthermore, they have been able to work with one another in a very productive and cooperative fashion. The chairman and I are keenly aware of the fact of how much we rely upon them, and we want them to know how much we appreciate their terrific effort, which was reflected in this legislation and in many other matters with which the committee deals.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I ask unanimous consent that the vote occur on passage of the bill on Wednesday—tomorrow—with no intervening action or debate, at a time determined by the majority leader, after consultation with the Democratic leader. Further, I ask unanimous consent that following that vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, with a ratio of 4 to 3. I also ask unanimous consent that S. 1753 then be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2673

Mr. STEVENS. Mr. President, I ask unanimous consent that following morning business on Wednesday, the Senate proceed to the consideration of H.R. 2673, the Agriculture appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, there is no objection. The persuasiveness of the chairman of the committee allays any fears Senator DASCHLE and I had of proceeding to this appropriations bill. We look forward to having as few amendments as possible. We hope to find out how many amendments we have even tonight. It would be good to get them to the cloakroom. We will be on this probably around 10:30 tomorrow morning.

Mr. STEVENS. Mr. President, I echo what the assistant minority leader said in making that request. We know of some amendments that are out there. We believe we can finish the bill tomorrow if we apply ourselves to the task.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET TAX NON-DISCRIMINATION ACT OF 2003

Mr. ALEXANDER. Mr. President, the distinguished occupant of the chair and I are new Members of the Senate. There are a great many privileges to being here, and one is the congeniality to new Members of the Senate. One is the seriousness of the issues with which we deal these days. One is the great traditions in the Senate. But there is a very special privilege of being here, and being here tonight, which I realize, and that is this: Every single one of us as Americans someday, sometime, while sitting at home or on our job, may suddenly realize something about our Government that really stirs us up and we wish we could say something and do something that somebody would hear. We are angry about it, we are upset about it, we want to say something about it. I have a privilege as a Member of the Senate of being able to do just that tonight.

Nothing used to make me more upset as the Governor of Tennessee for the 8 years I was Governor than when Members of this distinguished body and the other distinguished body—Members of Congress—would get together and come up with some great idea and pass a law and tell us to do it, and then send us the bill requiring us to pay for it, even though they were printing money up here and we were balancing budgets at home.

The distinguished occupant of the Chair was mayor of a great city for 8 years, I believe, the same amount of time as I was Governor. I know he must have felt the same way.

It might have been the case in terms of storm water runoff. Somebody in Washington, like the EPA, the Environmental Protection Agency, in that case may have said sometimes when it really rains hard, the water gets mixed up with the sewage and it runs into the river, so we need to fix that situation.

Great idea, but who is going to pay the bill? I tell you who pays the bill. In Minneapolis, you have to raise the property tax, or in Nashville, you have to raise the sales tax. Or in Maryville, TN, you have to fire some teachers so you have enough money to do the storm water runoff.

I remember back in the mid-1970s, about the time I was getting into politics, the Members of Congress decided we needed to help children with disabilities. We are all for that. That is a wonderful idea. But at the time, the Federal Government was paying, as it is today, about 7 percent of all the costs of elementary and secondary education in America. Most of that is paid for by Minnesota and Tennessee taxpayers through income taxes, and sales taxes, and property taxes that are raised at home.

The Congress said, "Help the children with disabilities," but they didn't pay the bill. So what happens. I meet with the Shelby County School Board in Memphis. What do they say to me? We have this huge, terrific cost and these orders from Washington and regulations about what to do, and then we have to take money we raise, that we would otherwise be spending for other purposes, and deal with the good idea from Washington, DC.

I have heard many Members of this body talk a little bit about No Child Left Behind and the new provisions in that bill, wondering whether those are unfunded Federal mandates, a Washington word that if you boil it down to plain English means: We will do it up here in Washington; we will claim credit for it, but you pay the bill.

On Thursday, thanks to the generosity of the majority leader in a very busy week, the Senate has agreed to consider whether we will impose yet one more unfunded Federal mandate on State and local governments, and I refer specifically to the proposal to extend the ban on State and local authority to tax access to the Internet.

In advance of that vote, which will occur in the next few days, I want to discuss three basic considerations with my colleagues.

No. 1, some of my colleagues have seemed surprised when I suggested the proposed ban on State and local Internet taxation is an unfunded Federal mandate. Let me say exactly in these remarks why the proposed ban on State and local ability to tax Internet access is an unfunded mandate plainly in violation of the Unfunded Mandates Reform Act of 1995 which was passed by this body with 91 votes, and 63 Senators who voted to ban unfunded Federal mandates in 1995 are still Members of this body. In 1994, over 300 Republican candidates stood on the steps of the U.S. Capitol and said in the Contract With America: We will stop passing unfunded Federal mandates, and if we break this contract, throw us out. That is why, when this legislation is offered later this week, I plan to offer a point of order against its consideration because the Unfunded Mandates Reform Act of 1995 says that it is out of order for this Senate to pass an unfunded Federal mandate. The first thing I want to describe why this proposed ban on Internet taxation is an unfunded Federal mandate.

No. 2, I want to discuss a strange case of amnesia that seems to have enveloped this distinguished body, a strange disease that has caused many Members to forget, as I mentioned a few moments ago, that in 1995, at the beginning of the 104th Congress, the new Senate majority leader, Bob Dole, went down to Williamsburg, VA, and promised Republican Governors that "The first bill in the Senate, S. 1, is going to be unfunded mandates."

This is especially surprising because Senator DOLE was good to his word and, in fact, the second plank of the

Contract With America that was enacted in this Congress was the ban on unfunded mandates. It was at the heart of the Contract With America. It was at the heart of the Republican revolution in 1994.

At that time, I was campaigning across this country in 1994. Nothing I found made local officials and citizens madder than Washington politicians who pass unfunded mandates, claiming credit without facing the costs, whether it was the legislation I described involving children with disabilities, storm water runoff, or highly qualified teachers. As a result, 91 Senators voted for the Unfunded Mandates Reform Act of 1995, and 63 of those Senators are still here today.

No. 3, I would like to discuss an amendment I will be proposing. I am filing tonight an amendment I call the Unfunded Federal Mandate Reimbursement Act. If a majority of the Senate should decide that banning State and local taxation of the Internet is important enough to create an unfunded Federal mandate—that is, claim the credit up here, but make it be done down there—then my amendment would provide a way for Congress to pay the bill for that by authorizing our Department of the Treasury to reimburse Tennessee and Minneapolis and other State and local governments each year for the cost of this new mandate.

Let me say briefly what we are talking about and what we are not talking about. We are not talking about the issue of whether to authorize States to require out-of-State companies, such as L. L. Bean, that sell by catalog or Internet, to collect the same Tennessee sales tax that Friedman's Army Surplus Store would collect when it sells me a red-and-black plaid shirt. That is an entirely different piece of legislation. The Senator from Wyoming and others have sponsored that legislation. The Senator from North Dakota is a part of that. We are not talking about making it easier to collect sales tax from Internet and catalog companies.

What we are talking about is whether Tennessee and other States can collect a sales tax from an Internet service provider when it connects my computer to the Internet, just as it collects sales tax from the telephone company when it connects my telephone or from the cable TV company when it connects my TV. Tennessee has been collecting this tax since 1996. Nine other States and the District of Columbia also collect a tax on Internet access.

The Knoxville News Sentinel had an excellent article on Sunday putting this into perspective. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Knoxville, News Sentinel]

INTERNET'S TAXING ISSUE

STATE, SERVICE PROVIDERS WAGE FIGHT OVER SALES TAX ON WEB ACCESS

(By Larisa Brass)

Pull out your monthly Internet bill and take a look at the bottom line.

See a sales tax charge? Maybe, maybe not.

Nearly a decade after the Internet's debut, the argument still rages in Tennessee over whether online connections should be taxed like your telephone bill or your cable service.

The State says wording of its tax code implicitly includes Internet access as a telecommunications service subject to sales tax. A number of Internet service providers disagree, however, saying that Internet access amounts to an information, not communications, service and is not subject to tax.

The argument has landed the Department of Revenue and six Internet Service Providers, or ISPs, in court.

Five cases—two involving AOL and three against CompuServe, Earthlink and AT&T—are now in litigation in Davidson County Chancery Court. One case involving Prodigy is awaiting review by the Tennessee Supreme Court.

A number of disputes between the Department of Revenue and other service providers have not yet reached the courts, although the department won't say how many or which companies are involved.

Tennessee officials say they should be getting $18 million in revenue on Internet access sales taxes each year. In reality, the State's Department of Revenue reports collections of half that amount.

For a State in dire financial straits, that isn't pocket change. Add it up over the past seven years—the State began pursuing collections in 1996—and you get about $60 million.

That's enough to fund the Department of Revenue for a year or pay 1,600 teachers' salaries. In the next five years, the state estimates it could lose $109 million in uncollected revenues.

On one side, the Department of Revenue argues that Internet access should be charged as a telecommunications service because it falls under the state's definition of "telecommunications."

That definition is: "communications by electric or electronic transmission of impulses, including transmission by or through any media, such as wires, cables, microwaves, radio waves, light waves or any combination of those or similar media."

But Internet services providers argue that the term "telecommunications" doesn't apply to them at all.

When the State began to actively collect sales tax on Internet access "the department simply didn't understand how ISPs work and that ISPs have never been considered telephone companies," said Henry Walker, a Nashville lawyer whose firm represents AOL and Planet Connect, a Kingsport-based Internet service whose dispute with the Department of Revenue has not yet reached the courts.

"(ISPs) don't sell telecommunications services," Walker said. "They sell access to the Internet, and that's different."

Internet providers simply sell access to information, he explained, not a communications service. He compared it to dialing a 1-900 number, saying that users already pay tax on the phone service and aren't charged separately for using that service to access information at the other end.

STATE VS. ISP

In the Prodigy case, the trial court and ultimately the Tennessee Court of Appeals agreed.

The court found that the intent of state lawmakers, when drafting the telecommunications tax code and the definition of telecommunications used by the Federal Communications Commission, supported Prodigy's claim that it should not have to collect sales tax on its service.

In addition, the court said that because telecommunications was not the "true aim" of Prodigy's service and because customers must supply their own, taxed telephone service to connect to Prodigy's servers, that the Internet connection should not be taxed as a telecommunications service.

Last month, the Department of Revenue appealed the ruling to the Tennessee Supreme Court.

"We think the court was wrong," said Loren Chumley, commissioner of the Tennessee Department of Revenue.

In a brief filed by the Tennessee attorney general on Oct. 9, the state argues Prodigy's services do "fall squarely within the definition" of telecommunications, according to Tennessee law, by providing access to "the Internet, chat rooms, e-mail and information services."

The state argued that Internet service should be taxed even though it was not explicitly included in the law.

"With all due respect to the Court of Appeals, the plain language of this statute should not be read narrowly to include only those technologies that existed when the statute was enacted," the filing stated, "but should be read to incorporate new technologies, including Internet access and e-mail services such as those provided by Prodigy.

". . . Only by giving statutes their full effect can the law keep up with technological advances."

In addition, the state argued that the Court of Appeals should not rely on the FCC's definition of telecommunications and that to do so is to contradict another state appeals court decision holding "that federal regulatory statutes should not affect the interpretation of state taxation statutes."

The Department of Revenue is awaiting the state Supreme Court's decision on whether it will take the case.

Walker admits the issue isn't black and white. He agrees that many people use the Internet for communication, such as placing online orders or using Internet chat rooms or instant messaging.

And, he said, there may be a place for taxing some types of Internet communications, such as voice over Internet protocol, which allows a customer to set up home phone service via the Internet.

But "at this point in time, the FCC has said, 'No, that's not telecommunications, that's information services,'" Walker said. "I thought (state officials) were on shaky ground from the get-go, and I think the court shut the door pretty hard."

TO TAX OR NOT TO TAX

In any case, the days of taxing Internet access appear to be numbered.

Tennessee is one of 10 states that, along with the District of Columbia, now collect sales tax on Internet access charges. They can do so because they were grandfathered into a law passed by Congress in 1998 known as the Internet Tax Moratorium.

The legislation forbade the collection of state Internet access taxes unless a state was collecting the taxes before the federal moratorium was passed.

Two bills now in Congress would end the state's ability to collect those taxes. One bill now stalled in the Senate would allow states to phase out the taxes within three years. The House version, already passed, would end the tax immediately.

Right now, states like Tennessee are more worried about provisions of the bill they say would end taxes on a broad array of telecommunications services and cost Tennessee $360 million in annual sales tax collections.

But Chumley said Tennessee stands to lose out, at least in the short-run, if the tax is abolished. The state is moving toward a streamlined sales tax system that would allow it to collect more taxes on the sale of goods via Internet companies, many of which are not now collecting state sales tax on purchases.

Chumley said that increased collections on Internet retail sales, however, won't immediately make up for projected losses due to repeal of the Internet access tax.

"I am concerned we could count on some revenue loss immediately," she said

If the tax is repealed, that won't affect state cases over tax collection of the past, Chumley said.

"It's not retroactive," she said. "Again, we're left back in our case with, well, what is the court going to do?" can do so because they were grandfathered into a law passed by Congress in 1998 known as the Internet Tax Moratorium.

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TAX NOT SO TAXING

Not all ISP's agree they shouldn't have to collect sales tax on the services they sell.

Ed Bryson, owner of Knoxville ISP Esper Systems, said he's been collecting sales tax since he started his business about eight years ago.

"I would actually support (Internet service) being taxed," he said. "This state needs revenue. Do we pay sales tax on telephone bills? Do we pay sales tax on cable? (Internet access is) a commodity service."

Bryson said it's not that he's such a big fan of taxes. He estimates that collecting and remitting the sales tax on his services cost about $500 per month. He says the company collects about $100,000 in sales taxes per year.

And Bryson figures he's lost a few customers to larger providers that don't charge sales tax.

But, he said, he doesn't believe that the Internet needs to be tax free for the country to go online.

"Do you really think the Internet needs any fertilizer right now? Do you really think that Tennessee needs to not tax the Internet to make jobs?" he said.

"I don't like taxes anymore than anybody else," Bryson added. "My philosophy is, just tell me what the rules are and I'll work within them. More than anything I'd like to see this (be) fair across the board."

INTERNET TAX

Internet access sales tax: local and state sales tax charged on Internet service. The State considers Internet access a telecommunications service under Tennessee tax law.

Tax implemented: 1966

Tax rate: 7 percent state; 2.5 percent local.

Revenues collected per year: $9 million

Estimated revenues uncollected per year: $9 million

Estimated total revenue loss: $63 million

Tennessee court cases involving Internet service sales tax collection: 6

Companies involved: AOL (two cases), AT&T, CompuServe, EarthLink and Prodigy.

Other States that tax Internet access: Connecticut, Iowa, New Mexico, North Dakota, Ohio, South Carolina, South Dakota, Texas, Wisconsin as well as the District of Columbia

THE BASICS

With multiple tax codes, legislation and initiatives, thing can get a bit confusing when it comes to sales tax and the Internet.

1. Sales tax on Internet access. This is a state sales tax levied on the monthly subscription fees paid by customers to an Internet service provider.

Some providers don't charge the tax to Tennessee customers, saying the state legally can't require collection.

The issue has pitted five Internet service providers against the Tennessee Department of Revenue in court. This tax does not apply to the sale of goods over the Internet. (See item No. 3 below.)

2. Internet Tax Moratorium. This law was passed by Congress in 1998 and prohibited states from charging sales tax on Internet access.

Tennessee, which already was collecting tax on Internet service, was one of 10 states, along with the District of Columbia, allowed to continue collecting the tax.

The moratorium expired Saturday, and the House and Senate are hashing out a new Internet sales tax law. Both versions, so far, would end the collection of Internet access sales tax for the 10 grandfathered states, although the House's bill would postpone its expiration for another three years. The Senate bill has been stalled by Tennessee Sen. Lamar Alexander because of controversial provisions that states say would hinder collection of sales tax on a broad array of telecommunications services.

3. Tax on sales via Internet. This is sales tax charged on items bought over the Internet.

This issue has been in the news recently because Congress is contemplating a bill, separate from the tax moratorium, that would mandate collection of state and local sales tax on goods sold via the Internet to customers in States that comply with the Streamlined Tax Initiative.

This currently voluntary initiative includes a simplified tax structure that allows companies to more easily collect state and local sales tax on goods sold online. Tennessee has passed legislation changing its tax code to comply with the streamlined tax guidelines.

Mr. ALEXANDER. I thank the Chair.

Let me go to my first point, why this proposed legislation is an unfunded mandate.

The proposed legislation is an unfunded mandate because it would make it illegal for these States to continue to collect State and local Internet access taxes. The Congressional Budget Office estimates that these losses would amount to $80 billion to $120 billion a year.

That is not all. The language of the legislation enacted by the House of Representatives, and every version of that language we have seen thus far in this Chamber, broadens the ban on taxation on Internet access and increases the size of the Federal unfunded mandates, extending to some degree to other telecommunications services, which is why I suppose we have begun to see the halls filled with lobbyists from the telecommunications industry as they anticipate the possibility that this Congress might be exempting them from some or maybe all of the taxes that State and local governments put on telecommunications.

Now, there are many estimates about how much this would cost State and local governments. I have a study prepared in November of 2001 by Ernst & Young for the telecommunications State and local tax coalition. This study by Ernst & Young says that telecommunications providers and consumers of telecommunications services paid a total of $18.1 billion in State and local taxes in 1999.

I am not suggesting this ban on Internet taxation would eliminate all of the $18 billion of State and local taxation on telecommunications, but virtually everyone agrees that it would eliminate some. Every time we, in our wisdom, tell a State or a city that it cannot use this tax, all we are doing is increasing the chance that Minneapolis or Tennessee will increase some other tax, or fire some teachers or lay off some employees or close some parks. We have to balance budgets where we come from. If we knock out a substantial part of the ability to State and local governments to tax the Internet and some part of the telecommunications industry, we are only increasing the possibility in Tennessee of raising the property tax, of raising the sales tax, of raising the tax on medicine, of raising the tax on food or, in our State, making it more likely that we will have sooner or later an income tax. That is just one estimate.

Another estimate by the Multistate Tax Commission reported on September 24, 2003: The Internet tax moratorium passed by the U.S. House of

Representatives on September 17 would end up reducing State and local revenue collections by at least $4 billion, and as much as $8.75 billion by 2006, rather than the $500 million estimated cost under the legislation's narrow original focus.

The sponsors of the Internet tax ban in the Senate, Senators ALLEN, WYDEN and others, have been working with State and local officials and with other Senators to try to reduce the amount of loss to State and local governments. The House bill, which is also before the Senate, would cost Philadelphia, Nashville, Minneapolis, and our States up to $4 billion according to this study. So which taxes are they going to raise to replace it? Which teachers are they going to fire, from which school? Which park are they going to close? We are substituting our judgment for theirs.

There are other more specific estimates. We have been hearing from States. The Governor of Tennessee called me. He is a Democrat. I am a Republican. That does not matter so much because I respect the office. I had lunch with another former Governor of Tennessee, one of my predecessors. He is a Democrat as well. He agrees with us, too.

The Tennessee Department of Revenues says the managers' amendment will cost us $358 million a year. That is what the improved version of the House bill will cost one State, according to our State revenue department.

Then other States have been writing me, and writing their Senators. They say the Allen-Wyden amendment will cost Kentucky $40 million to $50 million, maybe $200 million. The new Governor of Kentucky is being elected, I guess as we speak. He will have a surprise on his hands perhaps when he finds out that he has some taxes to raise or some services to cut because we, in our wisdom, wanted to dictate that. Iowa, $45 million to $50 million; Maine, $35 million; New Jersey, $600 million; Ohio, $55.7 million; South Dakota, $34 billion; Tennessee, $358 million, as I said; Washington State, $33 million.

These are what the State governments are telling us the new and improved Senate version of the Internet tax ban would cost State and local governments. Those are some of the estimates we have heard about.

Now, to my second point, why is this so important? Why should we just not let it go on through?

Well, maybe one of the advantages of having been around a little while is I have seen and heard some things that I remember, such as 1994. I remember the Contract with America. I see my distinguished colleague from Pennsylvania. He remembers the Contract with America. He was a candidate, I believe, in that same year.

While I do not believe he was there, surely we all remember the 300 Republicans who stood on the steps of the Capitol. This was in September of 1994. This was just before something that was to happen that had not happened in half a century. It was a resurgence in the country that elected a Republican Congress.

What fueled all of that? What fueled that, according to the Heritage Foundation, in a candidate's briefing book that they did in 1996, looking back at 1994, chapter 14: With frustrated Americans focusing their anger increasingly on Washington and gridlock, many political candidates in 1994 successfully ran against Washington, appealing to voters to throw the bums out, replace them with individuals more honest and devoted to the public welfare.

Then they began to list the items of the Contract with America, one of which was to stop unfunded mandates.

I can remember that in 1994, the Republican Governors assembled in Williamsburg. They typically do this after an election every 2 years. There were 30 of them there. Governor ALLEN, now Senator, was the host, and Bob Dole, the new majority leader, came down. This is what he promised the Republican Governors, that S. 1, the first bill of the Senate, was going to be unfunded mandates. That was what Senator Dole promised the Republican Governors.

At about the same time, the Heritage Foundation was making a list of the unfunded mandates in this country that had given rise to all of this anger and frustration among the American people. I will not read them all but it reports, for example, that the National Conference on State Legislatures had identified 192 unfunded mandates on the States, including Medicaid, regulations governing the use of underground storage tanks, the Clean Water Act, the Clean Air Act, the Resource Conservation Recovery Act, the Safe Drinking Water Act, the Endangered Species Act, the Americans with Disabilities Act, the Fair Labor Standards Act, only to name a few. Those are all wonderful acts, but what was happening was they were claiming credit up here and those of us who were down there were having to pay some of the bill. The U.S. Conference on Mayors and Price Waterhouse estimated that the 1994 to 1998 cost of these mandates, excluding Medicaid, on 314 cities was $54 billion, or 11.7 percent of all local taxes. The EPA estimates that environmental mandates cost State and local governments $30 billion to $40 billion annually. State and local governments spend $137 billion to ensure safe drinking water.

These are good laws. I would like to have voted for them. I wish I had proposed many of them.

But the reason we had to come in here this year and pass legislation sending $20 billion back to the States and to local governments was not just because of the recession. It was because, consistently over the last 20 years, we have undercut the ability of State and local officials to make decisions for themselves about what services to provide and how to pay the bills.

One of my most vivid memories is of the distinguished former majority leader of the Senate, Bob Dole, who was elected in 1995 with that new Congress. He had a little copy of the United States Constitution, and he pulled it out when he met with the Governors in 1994 in Williamsburg, when they made the "Williamsburg Resolve" to stop these unfunded mandates. Senator Dole said he wanted to read to them the tenth amendment of the United States Constitution:

> The powers not delegated to the United States by the Constitution, nor prohibited by it by State, are reserved to the States respectively, or to the people.

Senator Dole went across this country during 1995, reading this amendment to Republican audiences and to audiences in general. I know because I was there at many of the same meetings; and I know because I was there, that this is the heart and the soul of the Contract With America and the Republican revolution in 1994.

I am surprised that this case of amnesia has come over so many of my colleagues and that we have forgotten about the importance of this. This is a body that is very respectful of one another. It would not be appropriate, I do not think, for me to mention a Senator's name. I suppose I could do it within the rules of the Senate and then mention what he said about unfunded mandates in 1995 and apply it to the vote that we will be taking later this week. But let me read to you just a handful of examples of the kind of things that Members of this body said on this floor in 1995 when the Senate, by 91 to 9, passed the unfunded mandates bill. One Senator said:

> In my own State, I repeat to the Senate, local officials, whether it be the Secretary of the State or Labor implementing motor vehicle registrations, or the mayor of the little town where I come from, attempted to meet the needs of the small city. I have heard their appeals and they clearly are tired of the Federal Government telling them precisely how to do things by regulation when they could do it just as well in different ways at less cost to their people.

A Democrat from the South:

> I believe there is a tendency, particularly during a time of constrained Federal resources, to look to the imposition of obligations on State and local government as a means of accomplishing national objectives which we at the national Government are either unwilling or unable to pay for.

Another southern Senator, this one a Republican:

> We worry about how we attract good people into office. It is things like unfunded mandates that drives them out.

Another Senator from the West:

> I served in the legislature and a good deal of our budget was committed before we ever arrived by Federal unfunded mandates.

This goes on and on.

The one other matter that I would like to specifically mention before I conclude is I want to remind, if I may, my colleagues of why this is an unfunded mandate. Several have come up to me and said: This doesn't sound like an unfunded mandate to me. I thought an unfunded mandate was only when you pass a law to do a program, like help children with disabilities, and then only pay half the bill, which is what we do.

That is one kind of unfunded mandate. But another kind of unfunded mandate that is specifically defined by the Budget Act that was amended in 1995 by this Congress is a direct cost that

> . . . would be required to be spent or prohibited from raising in revenues, in order to comply with the Federal intergovernmental mandate.

In other words, the term "unfunded mandates" just requires the requirements that we impose when we don't pay the bill. Whether we are requiring a new program or whether we are telling the State it cannot do this tax or that tax, it is a requirement we are imposing without paying the bill. In other words, we are claiming credit and asking others to pay the cost.

The Uniform Unfunded Mandates Reform Act of 1995 created a very specific procedure for this. This isn't guesswork. It said that when there appears to be an unfunded mandate, that here is how we enforce that. First, the Senate committee of relevant jurisdiction—in this case it would be the Commerce Committee—under section 423 of the Budget Act, submits a request for an assessment, identification, and description of any unfunded Federal mandate.

That was done. The Commerce Committee asked the Congressional Budget Office: Is this ban on Internet access taxation an unfunded Federal mandate?

And the Congressional Budget Office said: Yes.

I ask unanimous consent that a report by the Congressional Research Service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(CRS Report for Congress—Received Through the CRS Web)

UNFUNDED MANDATES REFORM ACT SUMMARIZED

(By Keith Bea and Richard S. Beth, Specialist, American National Government, Government Division)

SUMMARY

This summary of the Unfunded Mandates Reform Act (UMRA) of 1995 will assist Members of Congress and staff seeking succinct information on the statute. The term "unfunded mandates" generally refers to requirements that a unit of government imposes without providing funds to pay for costs of compliance. UMRA establishes mechanisms to limit federal imposition of unfunded mandates on other levels of government (intergovernmental mandates) and on the private sector. The act establishes points of order against proposed legislation containing an unfunded intergovernmental mandates, requires executive agencies to seek comment on regulations that would constitute a mandate, and establishes a means for judicial enforcement. This report will be updated during the 106th Congress if the act is amended.

OVERVIEW OF UMRA

History of the Act. Enactment of the Unfunded Mandates Reform Act of 1995 (UMRA) culminated years of effort by nonfederal government officials and their advocates to control, if not eliminate, the federal imposition of unfunded mandates. Supporters contend that the statute is needed to forestall federal legislation and regulations that impose questionable or unnecessary burdens and have resulted in high costs and inefficiencies. Opponents argue that mandates may be necessary to achieve results in areas in which voluntary action may be insufficient or state actions have not achieved intended goals.

Since the mid-1980s, Congress debated legislation to slow or prohibit the enactment of unfunded federal manages. The inclusion of the issue in the Contract with America, the blueprint of legislation action developed by the House Republican leadership when it gained the majority practically guaranteed that action would be taken. UMRA was signed into law early in the 104th Congress, on March 22, 1995.

Coverage of the Act. Under UMRA, Federal mandates include provisions of law or regulation that impose enforceable duties, including taxes. They also include provisions that reduce or eliminate Federal financial assistance available for carrying out an existing duty. UMRA distinguishes between "intergovernmental mandates," imposed on state, local, or tribal governments, and "private sector mandates." Intergovernmental mandates include legislation or regulations that would: (1) reduce certain Federal services to State, local, and tribal governments (such as border control or reimbursement for services to illegal aliens); and (2) tighten conditions of assistance or reduce federal funding for existing intergovernmental assistance programs with entitlement authority of $550 million or more. Exclusions and exemptions outside the reach of the statute are discussed later in this report.

Under UMRA, an intergovernmental mandate is considered unfunded unless the legislation authorizing the mandate meets its costs by either (1) providing new budget authority (direct spending authority or entitlement authority) or (2) authorizing appropriations. If appropriations are authorized, the mandate is considered unfunded unless the legislation ensures that in any fiscal year: (1) the actual costs of the mandate will not exceed the appropriations actually provided; (2) the terms of the mandate will be revised so that it can be carried out with the funds appropriated; (3) the mandate will be abolished; or (4) Congress will enact new legislation to continue the mandate as an unfunded mandate.

Contents of the Act. The act consists of five prefatory sections and four titles. The prefatory sections address matters such as the purpose, short title, and exclusions from coverage of the act. Title I amends the Congressional Budget and Impoundment Control Act, as amended, to permit Congress to (1) identify legislation proposing mandates, and (2) decline to consider legislation proposing unfunded intergovernmental mandates. Title I also sets forth thresholds for action, authorizations, and definitions. Title II requires that Federal agencies assess the financial impact of proposed rules on nonfederal entities, determine whether federal resources exist to pay those costs, solicit and consider input from affected entities, and generally select the least costly or burdensome regulatory option.Title III called for a review of Federal mandates to be completed within 18 months of enactment. This statutory requirement was not completed. UMRA assigned the study to the Advisory Commission on Intergovernmental Relations (ACIR), which no longer exists. The ACIR completed a preliminary report in January, 1996, but the final report was not released. Title IV authorizes judicial review of federal agency compliance with Title II provisions.The remainder of this report summarizes the requirements set forth in Titles I, II, and IV of the act.

REVIEW OF PROPOSED LEGISLATION (TITLE I)

Referred to as "Legislative Accountability and Reform," Title I establishes requirements for committees and the Congressional Budget Office (CBO) to study and report on the magnitude and impact of mandates in proposed legislation. Title I also creates point-of-order procedures through which these requirements can be enforced and the consideration of measures containing unfunded intergovernmental mandates can be blocked.

Information Requirements. Under UMRA, congressional committees have the initial responsibility to identify Federal mandates in measures under consideration. Committees may have CBO study whether proposed legislation could have a significant budgetary impact on nonfederal governments, or a financial or employment impact on the private sector. Also, committee chairs and ranking minority members may have CBO study any legislation containing a Federal mandate.

When an authorizing committee orders reported a public bill or joint resolution containing a Federal mandate, it must provide the measure to CBO. CBO must report an estimate of mandate costs to the committee. The office must prepare full quantitative estimates if costs are estimated to exceed $50 million (for intergovernmental mandates) or $100 million (for private sector mandates), adjusted for inflation, in any of the first five fiscal years the legislation would be in effect. Below these thresholds, CBO must prepare brief statements of cost estimates. For each reported measure with costs over the thresholds, CBO is to submit to the committee an estimate of:

The direct costs of Federal mandates contained in it, or in any necessary implementing regulations; and

The amount of new or existing Federal funding the legislation authorizes to pay these costs.

If reported legislation authorizes appropriations to meet the estimated costs of an intergovernmental mandate, the CBO report must include a statement on the new budget authority needed, for up to 10 year, to meet these costs. For a measure that reauthorizes or amends an existing statute, the direct costs of any mandate it contains are to be measured by the projected increase over those costs required by existing law. The calculation of increased costs must include any projected decrease in existing Federal aid that provides assistance to nonfederal entities.

The committee is to include the CBO estimate in its report or publish it in the CONGRESSIONAL RECORD. The committee's report on the measure must also:

Identify the direct costs to the entities that must carry out the mandate;

Assess likely costs and benefits;

Describe how the mandate affects the "competitive balance" between the public and private sectors; and

State the extent to which the legislation would preempt state, local, or tribal law, and explain the effect of any preemption.

These requirements apply to all proposed mandates, both intergovernmental and private sector. For intergovernmental mandates alone, the committee is to describe in its report the extent to which the legislation authorizes federal funding for the direct costs, and details on whether and how funding is to be provided.

Points of Order for Initial Consideration. UMRA establishes that when any measure is taken up for consideration in either house, a point of order may be raised that the measure contains unfunded intergovernmental mandates exceeding the $50 million threshold. This point of order applies to the measure as reported, including, for example, a committee amendment in the nature of a substitute. For any measure reported from committee, a point of order against consideration may also be raised for either intergovernmental or private sector mandates, if the committee has not published a CBO estimate, or if CBO reported that no reasonable estimate was feasible.

In the Senate, if either point of order is sustained, the measure may not be considered. Otherwise, in ruling on the point of order, the chair is to consult with the Committee on Governmental Affairs on whether the measure contains intergovernmental mandates. Also, the unfunded costs of the mandate are to be determined based on estimates by the Committee on the Budget (which may draw for this purpose on the CBO estimate).

In the House, the chair does not rule on these points of order. Instead, under UMRA, the House votes on whether to consider the measure despite the point of order. To prevent dilatory use of the point of order, the chair need not put the question of consideration to a vote unless the point of order identifies specific language containing the unfunded mandate. Also, if several points of order could be raised against the same measure, House practices under UMRA afford means for all to be consolidated in a single vote. If the Committee on Rules proposes a special rule for considering the measure that waives the point of order, UMRA subjects the special rule itself to a point of order, which is disposed of by the same mechanism.

These procedures are intended to insure that the House, like the Senate, will always have an opportunity to determine, by vote, whether to consider a measure that may contain an unfunded mandate. Also, if the House votes to consider a measure in spite of the point of order, UMRA protects the ability of Members to offer amendments in the Committee of the Whole to strike out unfunded intergovernmental mandates, unless the special rule specifically prohibits such amendments.

Additional Enforcement Mechanisms. A point of order under the UMRA mechanism may be raised not only against initial consideration of a bill or resolution, but also against consideration of an amendment, conference report, or motion (e.g., a motion to recommit with instructions or a motion to concur in an amendment of the other house with an amendment) that would cause the unfunded costs of intergovernmental mandates in a measure to exceed the specified threshold. UMRA does not require amendments or motions to be accompanied by CBO mandate cost estimates, but a Senator may request CBO to estimate the costs of mandates in an amendment he or she prepares. If an amended bill or resolution or a conference report contains a new mandate or other new increases in mandate costs, the conferees are to request a supplemental estimate, which CBO is to attempt to provide. UMRA requires no publication of these supplemental estimates.

The UMRA points of order are not applicable against consideration of appropriations bills. However, if an appropriation bill contains legislative provisions that would create unfunded intergovernmental mandates in excess of the threshold, the UMRA point of order may be raised against the provisions themselves. In the Senate, if this point of order is sustained, the provisions are stricken from the bill.

Exclusions and Exemptions. Legislation pertinent to the following subject matters remains exempt from the UMRA point-of-order procedures: individual constitutional rights, discrimination prohibitions, auditing compliance, emergency assistance requested by nonfederal government officials, national security or treaty obligations, emergencies as designated by the President and the Congress, and Social Security. The provisions of Title I pertinent to Federal agencies (for example, the requirement that agencies determine whether sufficient appropriations exist to provide for proposed costs) do not apply to federal regulatory agencies. Also, provisions establishing conditions of Federal assistance or duties stemming from participation in voluntary Federal programs are not mandates.

ASSESSMENT OF MANDATES IN REGULATIONS (TITLE II)

Title II requires that Federal agencies prepare written statements that identify costs and benefits of a Federal mandate to be imposed through the rulemaking process. The requirement applies to regulatory actions determined to result in costs of $100 million or more in any one year. The written assessments to be prepared by Federal agencies must identify the law authorizing the rule, anticipated costs and benefits, the share of costs to be borne by the Federal Government, and the disproportionate costs on individual regions or components of the private sector. Assessments must also include estimates of the effect on the national economy, descriptions of consultations with nonfederal government officials, and a summary of the evaluation of comments and concerns obtained throughout the promulgation process. Impacts of "any regulatory requirements" on small governments must be identified; notice must be given to those governments; and technical assistance must be provided. Also, UMRA requires that Federal agencies consider "a reasonable number" of policy options and select the most cost-effective or least burdensome alternative.

JUDICIAL REVIEW (TITLE IV)

The requirements in Title II pertaining to the preparation of a mandate assessment statement and notification of impact on small governments remain subject to judicial review. A Federal court may compel a Federal agency to comply with these requirements, but such a court order cannot be used to stay or invalidate the rule.

Mr. ALEXANDER. Then there are some other steps that have to be taken. Not only is it defined as an unfunded intergovernmental mandate, there has to be a certain threshold of spending, $50 million adjusted by inflation, which today would be $64 million.

So the Congressional Budget Office has given its opinion on that, and they have said yes; it is an unfunded Federal mandate. So what the legislation provides, and what I plan to do when this comes up on Thursday, is as the law says. That it is not in order for this body to pass an unfunded Federal intergovernmental mandate, and that a point of order may be raised against its consideration. I plan to raise such a point of order.

The point of order may be waived by this body by 51 votes, which I hope it does not do because this body told the world in 1995 that it was through with this business of unfunded mandates. But we will see. We will see.

I will agree that it sounds good to say we are not going to tax Internet access. I will agree that there may be a Federal interest in not taxing Internet access. I agreed when the issue first came up in the 1990s that while the Internet was still an infant, maybe for the first 3 years a moratorium would be in order.

But if we think it is so important, then we should pay the bill. We should pay the bill. We should not fall into this bad habit that existed before the Republican revolution of 1994 of assuming that just because we were elected to come to Washington, suddenly we are all wise and that the Governors and mayors and legislators are not quite as wise and that we, therefore, ought to tell them what to do and that we ought to restrict their ability to do it or not do it based upon what their tax base is. Let them do their job and we can do ours.

I want to end where I began. It is a privilege to be in this body. One of the greatest privileges is to stand up here and say, on the floor of the Senate, something I used to think about as Governor time after time: Why are those Senators and those Congressmen assuming I can't do my job here? Why are they passing rules and then telling me to pay the bill, especially when they are printing money and we are balancing budgets?

I think we should draw the line. If we really believe that a ban on Internet access in a segment of the telecommunications interest is so overwhelmingly in the Federal interest, then let's pass an unfunded Federal mandate reimbursement bill and send a check to the States, to Minneapolis, Nashville, Tennessee, every year, for whatever the cost of that is.

I remind my colleagues, and I intend to do so as long as I am here, that they were right in 1994 about the Contract With America. They were right when they stood on the steps of the Capitol and promised: No more unfunded mandates. If we break our contract, throw us out. And they were right when they passed by 91 to 9 in 1995 the ban against unfunded Federal mandates.

I hope the 64 of my colleagues who are still here remember that vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, to comment on the legislation the Senator from Tennessee was discussing, I have some concerns about the Internet and taxation of the Internet. I listened with great interest to the arguments the Senator from Tennessee has made. I think they are very good arguments.

I have another argument that causes pause for me and that is that, while, yes, everybody is talking about all the commerce that occurs on the Internet, there is a lot more depravity that occurs on the Internet than commerce.

The top Web sites visited on the Internet are Web sites having to do with pornography. As the father of six young kids, I have to tell you that continuing in the sense of subsidies by not allowing taxation concerns me. It seems to me these Internet IFCs and others who are so concerned in coming up here saying don't tax us and don't hold back the potential of the Internet seem to be a heck of a lot less concerned about the impact of culture debasement that is going on as a result of the exposure of pornography and violence and what I would consider antisocial activities that occur with frequency and that are even more harmfully imposed on young kids in popup ads, through e-mail and spam and through other vehicles that these lecherous members of the international community—it is not just in this country—use to try to sell their wares on the Internet.

I am speaking not as a Senator but as a father who is very disturbed about people coming here and crying, Don't tax us, at the same time they are doing very little to stop what I think is one of the scourges that attacks the decency of our society.

As someone who has been a supporter of the moratorium, as someone who has never seen a tax cut I didn't like and never saw a tax I did like, I don't like what I see going on on the Internet. This whole comment about it is commerce, if you look at where the commerce is, it is not the kind of commerce I think we want to be supporting.

THE CARE ACT

Mr. SANTORUM. Mr. President, I will not take any more time than necessary because I know the Senator from Nevada, who has spent countless hours here on the floor, would like to leave, like so many others here, but I raise again the issue of H.R. 7.

H.R. 7 is the charitable giving act, the CARE Act, that passed both the House and the Senate. I want to state again for the RECORD this is a bipartisan bill. This is a bill that was worked out in the Senate by Senator LIEBERMAN and myself. I worked with Senators DURBIN and REED of Rhode Island and others when they brought up concerns about this bill. We wanted to have a balanced bill, a bipartisan bill, one that could pass here with the kind of support for a bill which encourages charitable giving and individual development accounts for low-income individuals and social services block grants to help those organizations that meet the needs of people who are hurting in our communities. It should pass on a bipartisan basis. We were able to work that out. I even worked out something I wasn't sure I could work out, which is a commitment to try to work with the House to make sure they didn't include language which Senator REED of Rhode Island requested and Senator DURBIN requested; that it not include language having to do with faith-based organizations and expanding charitable choice.

Charitable choice is a provision in the law that was passed here three times and signed by the President three times to allow faith-based organizations to participate in social service funding programs the Federal Government implements. I said I would do my best to make sure that it was not in the House bill, and lo and behold, I was successful and it is not in the House bill. It is not a conferenceable issue. The biggest concern by about government and faith being mixed together is not in this bill. It is not a conferenceable item. There is no poison pill that can come back in this bill because it is not a conferenceable item. I kept the commitment on a bipartisan basis to keep this bill clean.

There are controversies between the House and Senate bills. The Senate bill is paid for. We have offsets in the bill. The House bill is not paid for. The social services block grant, which is a very important component of this mix, is in the Senate bill and is not in the House bill. There are a variety of different tax provisions that are treated differently in the House and Senate.

This isn't going to necessarily be an easy conference. There will have to be a lot of give and take, as in most conferences, when we are dealing with taxes and spending.

I think it is important that we sit down with the House and have a conference. I will tell you that I fully anticipate needing and wanting support from my colleagues here in the Senate on both sides of the aisle to get this bill done. We are going to need that kind of leverage to go to the House and be able to work out this compromise. I will need their support because I want to pass this bill. It is a bill that is on the President's agenda. This is one of the bills he really wants to accomplish.

I fully anticipate that if this bill comes back in the form that is not acceptable to the minority, there is probably very little chance they are going to give us the votes to be able to pass it.

To be crass about it, we have to work together. But to be honest about it, I want to work together. I think I have shown throughout the entire legislative history of this act that I have done so, and I have done so honestly and straightforwardly. We have produced a bill that has gotten overwhelming support. Actually a higher percentage of Democrats voted for this bill than Republicans.

I am concerned. I understand the minority has said and the Senator from Nevada has said with frequency they are not being treated fairly in conference. I understand that, and I don't necessarily want to get into that issue. They may have points, and they can take them up with the committee chairman and with the leader. I am talking about this bill. This is the first bill on which this charge has been leveled. We are not going to conference on this bill because of those reasons. I think it is not the best bill to pass. There may be other bills that have not been worked on on a bipartisan basis. But the prospect of having a bipartisan compromise is less likely than with this bill. This is a bill that helps poor kids. This is a bill that is going to provide social services funding to make sure people do not go homeless or hungry. This is a bill that we need to finish before the holiday season.

It makes no sense for us to use this vehicle as sort of the line in the sand that the minority is going to draw to say we are not happy with the way we are being treated. Fine. You are not happy with the way you are being treated, I understand that. But you certainly haven't been treated poorly on this bill. On this bill, you have been treated, I hope, as good as on any bill that has been passed through this Chamber. I anticipate that continuing. I anticipate—in fact, solicit and expect—full participation from Senator BAUCUS, with whom I have talked on this issue, and Senator GRASSLEY, with whom I have talked. Senator GRASSLEY came to the floor yesterday and said he anticipates, as he does with most if not all of the conferences he has been involved with, working on a bipartisan basis as is the custom in the Finance Committee.

I say in conclusion, before I enter into the unanimous consent request, to please look at what this bill has the potential of doing—2 billion pounds of food and more will be donated as a result of this bill passing over the next few years, 2 billion pounds of food that will be donated so people in America who are hungry and people who will be homeless will no longer be hungry and homeless; people who want quality education will have a better opportunity to get that education; people who want to save and invest and start a small business or to go to school or to buy a home will have the opportunity to do that which they don't have today.

That is what this is all about. This should not be about disappointment over past practices. I hope we can focus on the goodness of this legislation and not take something that is accepted by both sides as a desirable and good thing for those who need help in America and use that as the point of departure of a new idea that says we are not going to go to conference because we have not been treated fairly.

I just hope in searching yourselves on the minority side that you will grab another piece of legislation and use that as the starting point. I don't think this legislation deserves it. I don't think the people who will benefit from it deserve it. I hope after further consideration we can have a reasonable conference and get this accomplished.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken; the Snowe amendment and the Grassley-Baucus amendment at the desk be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, as amended by the Snowe-Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read the third time and passed and the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and, lastly, that the Chair be authorized to appoint conferees with the ratio of 3 to 2 and any statements relating to the bill be printed in the RECORD.

Mr. REID. I object. To say going to a conference is the only way to legislate between the House and the Senate is not a valid argument. I personally favor this legislation. I voted for it and I think it is something that is needed. As everyone knows, I am not a cheerleader for the budget but I think this legislation is important for our country. I commend the President for moving forward on it.

As I indicated, saying that a conference is the only way to legislate between the House and the Senate is not a valid argument. Almost every day, both Houses pass legislation for which a conference is not appointed.

Last night, the Senate passed the Fallen Patriots Tax Relief Act. We amended this piece of legislation, then sent it back to the House without asking for a conference.

We have done this lots of times. Here are bills that are now public laws. These pieces of legislation are now public laws. That is how they became public laws. We bundled them up, sent them to the House. On some of the occasions they accepted them, other times they sent them back with an amendment with which we dealt. H.R. 1584, H.R. 1298, H.R. 733, H.R. 13, H.R. 3146, H.R. 659 are extremely important pieces of legislation that we thought at the time were important. They are now law.

It is my understanding that the Senate, because of the majority, is not willing to deal with the CARE Act, as has been so forcibly announced here today by the distinguished Senator from Pennsylvania.

I suggest and, in the form of a unanimous consent, request that we treat this legislation as we treat lots of legislation: Send it to the House; they might accept it. If they do not, they can send it back with an amendment or amendments on it. They may like our bill. They may want to amend our bill. They may want to send it back. At least we should give the House this opportunity rather than holding the bill hostage.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, which is at the desk; that all after the enacting clause be stricken; the Snowe amendment and the Grassley-Baucus amendment be agreed to en bloc; that the substitute amendment, which is the text of S. 476, as passed by the Senate and amended by the Snowe and Grassley-Baucus amendments, be agreed to; the bill, as amended, be read the third time and passed; and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. The objection is heard of the request of the Senator from Pennsylvania.

Is there objection to the request of the Senator from Nevada?

Mr. SANTORUM. I object.

Mr. President, I understand the Senator from Nevada has suggested we simply amend the bill we passed earlier this year and send it back to the House.

I respectfully suggest to the Senator from Nevada, through the Presiding Officer, we did that once. We passed this bill once and sent it to the House, and the House struck that bill and sent their version back. I don't think we gain anything by then taking the very bill they rejected and sending it back to them and expecting them to pass it. That is what I would call ping-pong. That is back and forth with nobody getting anywhere. That is why there are things such as conferences, where we actually sit down and try to work out differences.

I am not familiar with the list of bills the Senator from Nevada laid out when he said we have been able to accomplish passing of legislation without having a conference. And that is true. We are going to do one, hopefully, tomorrow, the Syria Accountability Act. But the changes between what the House wanted and what the Senate wanted were very minor changes, a couple of finding changes and basically a change in the waiver status. We talked to the House and they were willing to accept it because they were minor changes. That is an important piece of legislation. I would consider that a major piece of legislation, but it is not a particularly complex piece of legislation as we are dealing with—with a lot of the moving parts—as we have in the charitable giving act, the CARE Act. This is a rather complex piece of legislation, complex tax law.

There is a whole issue of $10 billion that is not paid for in one bill, in the House bill, and it is paid for here. How are we going to tell what, if anything, will be paid for and how much; what vehicles, what measures, we will use to offset this? This is a very complicated issue that has not just one—as the Syria Accountability bill—issue. There are many issues. There is the food donation provision. There are provisions on IRA rollovers. There are provisions on people who do not file long forms, people who do not itemize being able to deduct charitable giving. That is just three of probably a dozen issues we are going to have to deal with on this bill.

To suggest we can do so by ping-ponging the bill back and forth and trying to find some equilibrium—I suggest the people who have been in this Chamber for a lot longer than I have would recognize that a bill of this complexity does not get handled that way.

I hope we will recognize we have an obligation to try to finish this legislation. I hope we can do so in a way that will do well by the Senate. We have my commitment, the commitment of the Senator from Pennsylvania, to be inclusive, not just because that is the way we have done it but that is the way we need to do it in order to be successful and get a compromise that will pass both the House and the Senate.

I respectfully have to object to the unanimous consent request of the Senator from Nevada and hope we can continue to think of this and work on it and get to a successful conclusion.

Mr. REID. Mr. President, as my friend has said, we do not want to prolong this, but I make another suggestion that may work. That would be that the two amendments, the Snowe amendment which deals with the child tax credit and the other amendment that deals with tax extenders, really have nothing to do with charitable choice. I suggest those be taken from the bill and the pure bill that passed the Senate be sent to the House forthwith. That may make it easier for the House to deal with—I would hope so—and the other issues which I know are very important, we could deal with at a later time.

That is just a suggestion. I am not asking unanimous consent; I am just saying to my friend who has devoted so much of his time to this bill, which I know he believes in very sincerely, that might be a suggestion that is taken up with the majority leader and others who have some persuasive powers in their ability to move this matter.

For clarification with respect to my colloquy with the distinguished Senator from Pennsylvania, we are ready to send to the House all three components of the Senate amendment to H.R. 7, the version of S. 476, as passed the Senate, the Snowe-Lincoln child tax credit piece, and the Grassley-Baucus tax extenders piece. We are supportive of all these items. In order to help the Senator from Pennsylvania, we are ready to send all of them over separately, and of course, we are ready to go forward sending them over bundled just without the necessity of a conference.

Mr. SANTORUM. I appreciate the suggestion of the Senator from Nevada.

I suggest in response to that, again, this bill is the bill that has already passed the Senate. We already sent it over to the House. The House has already looked at the Senate bill and said: We have a better way. We do not want to have offsets to this bill; we do not want to have social service block grant funds; we do not want to have as generous a food donation provision. We want to have some other provisions that you do not have in this legislation. They sent it back.

Now when you have such differing viewpoints on how to solve this problem, the tradition in this body, and out of necessity, is to convene a conference and get that done. Sending different versions back and forth does not make progress and, with all due respect, I do not believe will solve the problem.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. DODD. Mr. President, I rise to honor the memory of Pfc. Anthony D'Agostino, of Waterbury, CT, who was killed in Iraq this past Sunday. He was just 4 days short of his 21st birthday.

Private D'Agostino was part of the U.S. Army's 16th Signal Brigade, based in Fort Hood, TX. He was one of 15 soldiers killed when a missile struck a Chinook helicopter that was carrying American troops to Baghdad International Airport for a trip home to spend 2 weeks with family and friends. I join all of America in mourning each and every one of these brave soldiers, and in praying for the recovery of the 20 soldiers who were injured in the attack.

It's a sad fact of war that as the death toll mounts, the daily casualty reports can become almost routine. But each time I read the story of a Connecticut soldier who has perished overseas and this is the sixth such story in this war I'm reminded of how many lives are touched by every single man or woman who makes the ultimate sacrifice so that all of us can live in peace, freedom, and security.

Anthony was a true Connecticut son, spending virtually his entire life in our State. He grew up in Middlebury, attending Middlebury Elementary School and Memorial Middle School, and in 2001, he graduated from the W.F. Kaynor Regional Vocational-Technical High School, specializing in electricity. After graduating, he lived in Waterbury until he enlisted in the Army 2 years ago.

Men and women across America who make the decision to join our Armed Forces do so for a variety of reasons. For Anthony D'Agostino, it was a decision that was forged in the fire of the attacks of September 11, 2001. Like so many Americans, in the aftermath of those terrible attacks, Anthony decided that he wanted to contribute something to his country. Tragically, he and his family would ultimately make the most painful contribution of all.

Joining the Army was a homecoming of sorts for Anthony. He was born in Georgia while his father Steven was stationed at Fort Benning. And when it was time for Anthony to enter basic training 19 years later, he returned to the same base where his father once served.

Those who knew Anthony say he had a tremendous work ethic, whether that meant giving his all on high school sports teams, or mowing his grandparents' lawn with a stand-up mower. Even while he was in Iraq, he asked his family to send over Spanish books so he could use what little spare time he had to better himself. He had dreams of returning home and attending the U.S. Military Academy in West Point.

Anthony D'Agostino knew he was facing serious danger when he left for Iraq 8 months ago. But it was a danger he was prepared and proud to accept as a soldier in the United States Army.

Anthony had a sense of responsibility, dedication, and commitment well beyond his years. And Connecticut will never forget him.

My heart goes out to Anthony's father Steven, his mother Deb, his stepfather Paul, and to his entire family.

Mr. DURBIN. Mr. President, I would like to take a few minutes to pay tribute to a truly remarkable individual whom I have had the privilege to know and work with, U.S. Army Lt. Colonel Patrick Sargent. Pat Sargent worked in my office for a year as a Congressional Fellow in 2001. He is a helicopter pilot and is currently the commander of the 421st Medical Battalion stationed in Germany. Lt. Colonel Sargent served in Operation Iraqi Freedom and is scheduled to return for a second deployment shortly.

This past August, Pat received the General Benjamin O. Davis Jr. Award by the Tuskegee Airmen Inc., an organization dedicated to preserving the amazing legacy of the World War II Tuskegee Airmen. This award is conferred annually to "a field grade officer who has exhibited outstanding performance in both professional and community service." It is the highest award given by this organization, and this year was the first time this honor has gone to an Army aviator.

Who were the Tuskegee Airmen? They were a group of American heroes who every American should know about. In recent years we have seen a surge in interest in World War II and the experiences of American servicemen who served in the worst conflict humanity has ever seen. Movies such as "Saving Private Ryan" have done much to illustrate the sacrifices of our World War II veterans, and we have begun construction of a World War II Memorial on the Mall here in Washington. All of these veterans sacrificed for the allied cause against totalitarianism.

But the Tuskegee Airmen faced an additional struggle on top of the war against the Axis Powers. They fought prejudice here at home, and they succeeded on both fronts. During World War II, the U.S. military began an experiment to determine whether African Americans were capable of successfully piloting combat aircraft. This "experiment" eventually evolved into the 332nd Fighter Group, consisting of four squadrons of fighter aircraft piloted entirely by African Americans. Under the command of then-Colonel Benjamin O. Davis, the 332nd flew 200 missions escorting U.S. bombers over Europe. It was the only U.S. fighter group of the war that never lost a bomber under its protection.

Pat Sargent is a modern-day descendent of those brave men. As I noted, he commands the 421st Medical Battalion. With 45 Black Hawk helicopters, 40 ground ambulances, 118 wheeled vehicles, and 591 personnel, it is the U.S. Army's largest medical evacuation battalion. Serving in Operation Iraqi Freedom, Pat became the first African

American to command a medical evacuation battalion in combat in our Nation's history. The motto of the 421st is "Anyone, Anywhere, Anytime." It is only three words in length, but it is telling nonetheless. The battalion's men and women are deployed to sites across the globe, including the Balkans, Iraq, Afghanistan, and Africa. They perform medical evacuations not only for American soldiers but for allied troops, wounded enemy soldiers that have been taken prisoner, and injured civilians. In Iraq, helicopters from the 421st on MedEvac missions are routinely fired upon. Think about that. The crews of these helicopters, these amazing men and women, are being shot at as they strive to bring life-saving medical care to Iraqis and Americans alike. Anyone, anywhere, anytime.

Colonel Donald Gagliano, commander of the 30th Medical Brigade of which the 421st Battalion is a part, commented on Pat's recent award: "This exemplary senior Army aviator is the quintessence of excellence. He is the epitome of the Tuskegee Airman, and his character, demeanor and professionalism are reflective and very similar to that of Gen. Benjamin O. Davis Jr."

I cannot adequately pay tribute to Pat without also discussing his wife Sherry. She is also a Lt. Colonel in the Army and is currently stationed in Iraq as part of the 1st Armored Division. She and Pat met early in their careers, while they were both in training to become officers. Together they have a lovely daughter Samantha. Sherry has been in Iraq since the spring and is not scheduled to leave until spring, 2004.

As Pat and Sherry have found themselves both deployed overseas, they have had to make arrangements for someone to look after Samantha. Fortunately, Sherry's parents have been able to relocate to Germany indefinitely to help care for Samantha.

The Sargent family illustrates the fact that when our Nation calls upon our military to deploy, be it for peacekeeping, for combat, or for another type of operation, the sacrifices are borne by more than just those individuals who wear a military uniform.

September 11, 2001, was, of course, a tragic day for all Americans. Some of us were touched more directly than others. As I stated, Pat Sargent spent 2001 as a Congressional Fellow in my Washington, DC office. During that time, his wife was working at the Pentagon. On that terrible morning of September 11, Sherry Sargent learned that two aircraft had struck the World Trade Center. She walked down the hall to an office with a TV in order to learn what was going on. At 9:40 AM, American Airlines Flight 77 crashed into the portion of the Pentagon where Sherry Sargent's office was located. She lost many friends and coworkers that day. Had she been in her office she would almost certainly have been among those who were killed or injured. As soon as he learned of the attack on the Pentagon, Pat rushed to the scene to locate Sherry. He caught the last shuttle bus from Capitol Hill to the Pentagon before the area was sealed off. After a long search on the crowded Pentagon grounds, Pat was able to find Sherry and learn that she had, fortunately, survived the attack.

In an e-mail to my office a few months ago, Pat noted that "High-tech weapons played a part in the success of this war; but, it was won with human capital—America's sons and daughters." He expressed his thanks for all that Congress has done to support our men and women in uniform.

Well, Pat, I want to thank you—and all of our dedicated service men and women—for your sacrifices, your commitment, and your bravery. And I congratulate you for your receipt of the General Benjamin O. Davis Award, an honor you richly deserve.

Mr. WARNER. Mr. President, I seek recognition to honor a Virginia soldier, Captain John Robert Teal, who was tragically killed in action in Iraq on Thursday, October 23, 2003. I want to express gratitude, on behalf of the Senate, for his service to our Nation. The American people, I am certain, join me in expressing their prayers and compassion to his family.

Captain John Robert Teal followed his father Joseph, a retired firefighter, into public service. He understood the importance of his present assignment and despite the personal risk, wanted to serve the United States and the people of Iraq during this critical time.

A medical officer attached to the Army's 4th Infantry Division, he was a dedicated and compassionate young man who, according to news reports, spent his final days helping sick children.

Captain Teal leaves behind his father Joseph; his mother Emmie; and his sister Elizabeth Kormanyos.

His parents, Joseph and Emmie, with whom I have had the pleasure to speak, albeit under tragic circumstances, are brave souls who have sacrificed so much for this Nation. We owe them and the other families who have lost their loved ones a debt of gratitude.

John was a 1990 graduate of Benedictine High School. Upon graduating from Benedictine, he attended the Virginia Military Institute from which he graduated in 1994 and received a commission in the United States Army.

He was an exceptional young man with a bright future in front of him. He was known as a wonderful person and according to friends, the kind of individual that no one could say anything bad about. The Commonwealth of Virginia and the entire Nation shall mourn his loss.

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Daniel Bader, a fellow Nebraskan and staff sergeant in the United States Army. Staff Sergeant Bader was killed on November 2 near Fallujah, Iraq when the Chinook helicopter he was aboard was shot down. Staff Sergeant Bader was one of 16 soldiers killed and 20 wounded en route to the United States for 2 weeks of leave. He was 28 years old.

Staff Sergeant Bader served in the 3rd Armored Cavalry, Tiger Squadron, based on Fort Carson, CO. He was deployed to Iraq on April 4, 2003.

A York, NE native, Staff Sergeant Bader was a dedicated soldier who was committed to his family and country. He joined the military shortly after graduating from high school and "absolutely loved" his career in the Army, said his wife Tiffany. In addition to his wife, Staff Sergeant Bader leaves behind a 14-month-old daughter, Taryn Makenzie. Our thoughts and prayers are with them both at this difficult time.

Staff Sergeant Bader and thousands of brave American service men and women confront danger every day in Iraq—their tremendous risks and sacrifices must never be taken for granted. For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Staff Sergeant Daniel Bader.

MOVING TO SUSPEND PARAGRAPH 4 OF RULE XVI

Mr. CRAPO. Mr. President, I submit the following notice in writing: "In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the Committee Amendment to the bill (H.R. 2673), Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, with respect to amendment No. 2068.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Mr. Robert Maricle, a bisexual man from Salinas, CA, disappeared from his community on December 14, 2002. Almost 4 months later, his body was discovered in a shallow grave. Mr. Maricle was reported missing after going out for drinks with three strangers. Police allege that those three strangers are responsible for Mr. Maricle's death, and committed the crime in part because of his sexual orientation.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through October 31, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is below the budget resolution by $14.6 billion in budget authority and by $14 billion in outlays in 2004. Current level for revenues is $108 million above the budget resolution in 2004.

Since my last report, dated October 14, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004: An act making further continuing appropriations for fiscal year 2004 (H.J. Res. 75); Check Clearing Act for the 21st Century (P.L. 108–100); and, an act to amend Title 44, U.S.C. (P.L. 108–102). In addition the Congress has cleared for the President's signature the following acts: Partial Birth Abortion Act of 2003 (S. 3); and, an act to amend Title XXI, of the Social Security Act (H.R. 3288).

I ask unanimous consent that a transmittal letter from CBO and report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 3, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached tables show the effects of Congressional action on the 2004 budget and are current through October 31, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last report dated October 10, 2003, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, and revenues for 2004: An act making further continuing appropriations for Fiscal Year 2004 (H.J. Res. 75); Check Clearing Act for the 21st Century (P.L. 108–100); and an act to amend Title 44, United States Code (P.L. 108–102).

In addition the Congress has cleared for the President's signature the following acts: Partial-Birth Abortion Act of 2003 (S.3); and an act to amend Title XXI, of the Social Security Act, (H.R. 3288).

The effects of these actions are detailed on Table 2.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Attachments.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 31, 2003

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/under (−) resolution
On-Budget:			
Budget Authority	1,873.5	1,858.9	−14.6
Outlays	1,897.0	1,883.0	−14.0
Revenues	1,331.0	1,331.1	0.1
Off-Budget:			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	0

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 31, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a	n.a	1,466,370
Permanents and other spending legislation [1]	1,081,649	1,054,550	n.a.
Appropriation legislation	0	345,754	n.a.
Offsetting receipts	−366,436	−366,436	n.a.
Total, enacted in previous sessions	715,213	1,033,868	1,466,370
Enacted this session:			
Authorizing Legislation:			
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108–15)	−1	−1	0
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108–18)	2,746	2,746	0
Clean Diamond Trade Act (P.L. 108–19)	0	0	(*)
Prosecutorial Remedies and Other Tools to End Exploitation of Children Today Act (P.L. 108–21)	0	0	(*)
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	13,313	13,312	−135,370
Veterans' Memorial Preservation and Recognition Act of 2003 (P.L. 108–29)	0	0	(*)
Welfare Reform Extension Act of 2033 (P.L. 108–40)	99	108	0
Burmese Freedom and Democracy Act (P.L. 108–61)	0	0	−10
Smithsonian Facilities Authorization Act (P.L. 108–72)	1	1	0
Family Farmer Bankruptcy Relief Act of 2003 (P.L. 108–73)	0	0	(*)
An act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,325	100	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	−5
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	−55
First Continuing Resolution, 2004 (P.L. 108–84)	−2,222	1	−2
Surface Transportation Extension Act of 2003 (P.L. 108–88)	6,405	0	0
An act to extend the Temporary Assistance for Needy Families block grant program (P.L. 138–89)	15	−36	33
An act to amend chapter 84 of title 5 of the United States Code (P.L. 108–92)	1	1	0
An act to amend the Immigration and Nationality Act (P.L. 108–99)	0	0	2
Second Continuing Resolution, 2004 (H.J. Res. 75)	1	0	(*)
The Check Clearing Act for the 21st Century (P.L. 108–100)	0	0	(*)
An act to amend Title 44 of the United States Code (P.L. 108–102)	0	0	(*)
Total, authorizing legislation	26,412	20,962	−135,262
Appropriations Acts:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	215	27,349	0
Legislative Branch Appropriations (P.L. 108–83)	3,539	3,066	0
Defense Appropriations (P.L. 108–87)	368,694	251,486	0
Homeland Security Appropriations (P.L. 108–90)	30,216	18,192	0
Total, appropriation acts	402,664	300,093	0
Passed Pending Signature:			
Partial-Birth Abortion Act of 2003 (S.3)	0	0	(*)
An act to amend Title XXI of the Social Security Act (H.R. 3288)	0	9	0
Total, passed pending signature	0	9	0
Continuing Resolution Authority: Second Continuing Resolution, 2004 (H.J. Res. 75)	356,166	189,919	0
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	358,447	333,124	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF OCTOBER 31, 2003—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total Current Level[1] [2]	1,858,902	1,882,975	1,331,108
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	n.a.	n.a.	108
Current Level Under Budget Resolution	14,557	13,998	n.a.

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the current level excludes prior-year outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69), and $456 million from funds provided in the Legislative Branch Appropriations Act, 2004 (P.L. 108–83).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a.=not applicable; P.L.=Public Law; *=less than $500,000.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, available for brief debate and confirmation votes by the United States Senate are several of the President's judicial nominees. Roger W. Titus of Maryland was unanimously reported by the Judiciary Committee to the Senate more than a month ago. This nomination was greeted with universal acclaim. He is an outstanding Maryland lawyer and leader of the bar, an active litigator in Maryland for over 37 years, a partner at the Venable law firm, a former President of the Maryland Bar Association. He has also served as an Adjunct Professor at the Georgetown University Law Center. Mr. Titus earned a unanimous "Well-Qualified" rating from the ABA, and an AV rating from Martindale-Hubbell.

In 2001, Mr. Titus was honored with The Baltimore Daily Record's first Leadership in the Law Award, which recognizes members of the legal community for their devotion to the betterment of the profession and their communities. In 1999, Mr. Titus received the Century of Service Award from the Montgomery County Bar Association for his outstanding contributions to the legal profession and community during the twentieth century.

According to an article in The Baltimore Sun, Mr. Titus was apparently in the running to be nominated for a seat on the U.S. Court of Appeals for the Fourth Circuit. In light of his stellar qualifications, deep roots in his legal community and ability to garner the bipartisan support of his elected officials he would have been a consensus choice for this important appellate seat. This White House was not interested in appointing a consensus nominee to the Fourth Circuit. It wanted to pick a fight. So it did. It nominated someone from Virginia to the Maryland vacancy on the Fourth Circuit and precipitated a controversy. There are reportedly 30,000 practicing attorneys in the State of Maryland. Instead of nominating a well qualified Marylander like Mr. Titus to Judge Murnahan's vacant seat on the Fourth Circuit, the President selected a controversial nominee with very little litigation experience from another jurisdiction. That nominee, Claude Allen, received a partial "not qualified" rating by the American Bar Association and his selection has engendered significant opposition from concerned citizens groups and understandably from the Maryland Senators.

It is regrettable that this President has again chosen the course of confrontation and conflict for his appellate court nominations. Mr. Titus, with his many years of litigation experience and his well-deserved reputation as a leader among lawyers in Maryland is the type of person who should have been chosen for Judge Murnahan's vacant seat on the Fourth Circuit. His nomination stands in sharp contrast to the inexperienced and divisive candidates chosen by the White House for too many appellate judgeships in what appear to be an effort to pack the court with ideological nominees and tilt these courts.

There is no doubt that Mr. Titus is a Republican, yet he has the support of both of his home-state Senators, both Democrats, and has earned the unanimous support of the Members of the Judiciary Committee. I would have supported his nomination to the Fourth Circuit vacancy. I continue to support his nomination to the District Court. The month-long delay the Republican leadership has already caused in his consideration for the District Court position reminds me of their delay in scheduling a vote on the Fifth Circuit nomination of Judge Edward Prado earlier this year. Then they did not want to allow Democratic Senators to vote for a conservative Hispanic nominee when they were trying desperately to mischaracterize Senate Democrats as anti-Hispanic. Now it seems we are making too much progress on too many judicial nominees to suit their partisan interests in mischaracterizing Senate Democrats as blockading Bush nominee's to the courts.

The truth is that in less than three years' time, President George W. Bush exceeded the number of judicial nominees confirmed for President Reagan in all four years of his first term in office. Senate Democrats have cooperated so that this President already surpassed the record of the President Republicans acknowledge to be the "all time champ" at appointing Federal judges. Since July, 2001, despite the fact that the Senate majority has shifted twice, a total of 167 judicial nominations have already been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority and the Senate has proceeded to confirm another 67 judges during the comparative time of the Republican majority for a total of 167 judges.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating themselves for putting more lifetime appointed judges on the federal bench than President Reagan did in his entire first term and doing it in three-quarters the time. One would think that they would be building upon that success by scheduling prompt votes on noncontroversial nominees like Roger Titus. But Republicans have a different partisan message and this truth is not consistent with their efforts to mislead the American people into thinking that Democrats have obstructed judicial nominations. That is why the President chose to criticize the Senate from the Rose Garden again last week and in campaign appearances around the country last weekend and earlier this week rather than work with us and recognize what we can accomplish together.

Not only has this President been accorded more Senate confirmations than President Reagan achieved during his entire first term, but he has also achieved more confirmations this year than in any of the six years that Republicans controlled the Senate when President Clinton was in office. Not once was President Clinton allowed 67 confirmations in a year when Republicans controlled the pace of confirmations. Despite the high numbers of vacancies and availability of highly qualified nominees, Republicans never cooperated with President Clinton to the extent Senate Democrats have. President Bush has appointed more lifetime circuit and district court judges in 10 months this year than President Clinton was allowed in 1995, 1996, 1997, 1998, 1999, or 2000.

Last year alone, the Democratic majority in the Senate proceeded to confirm 72 of President Bush's judicial nominees and was savagely attacked nonetheless. With a little cooperation from Senate Republicans we might match that record before adjournment this year, as well.

In fact, President Bush has now already appointed more judges in his third year in office than in the third year of the last five presidential terms, including the most recent term when Republicans controlled the Senate and President Clinton was leading the country to historic economic achievements. That year, in 1999, Republicans allowed only 34 judicial nominees of President Clinton's to be confirmed all year, including only 7 circuit court nominees. Those are close to the average totals for the six years 1995–2000 when a Republican Senate majority was determining how quickly to consider the judicial nominees of a Democratic President. By contrast, the Senate this year has already confirmed 67 judicial nominees, including 12 circuit court nominees, almost double the totals for 1999.

We have worked hard and bent over backwards cooperating with a very uncooperative White House and Senate Republican majority. In spite of their false charges and partisanship, Senate Democrats have continued working to make progress in filling judicial vacancies. According to the website of the Republican Chairman of the Judiciary Committee we have reduced the number of judicial vacancies below 40. Had the Senate Democratic majority not acted last year to authorize between 15 and 20 additional judgeships, the vacancies total might well be in the low 20's. After inheriting 110 vacancies when the Senate Judiciary Committee reorganized under Democratic control in 2001, I helped move through and confirm 100 of the President's judicial nominees in just 17 months. Through hard work we have proceeded to reduce vacancies to the lowest number in 13 years and arguably the lowest level since President Reagan. There are more Federal judges on the bench today than at any time in American history. These facts stand in stark contrast to the false partisan rhetoric that demonize the Senate for having blocked all of this President's judicial nominations. The reality is that the Senate is proceeding at a record pace and achieving record numbers.

Also on the Senate calendar awaiting action is the nomination of Gary Sharpe of New York. That nomination was reported unanimously by the Judiciary Committee two weeks ago. He remains on the Senate Executive Calendar because the Senate Republican leadership has no interest in scheduling this noncontroversial judicial nominee for a vote.

Also on the Senate Executive Calendar awaiting scheduling of debate and a final vote are the nominations of Judge Dora Irizarry of New York and J. Leon Holmes of Arkansas. Mr. Holmes nomination has been awaiting debate since May, more than six months. Let us be clear. There is no Democratic hold preventing debate and votes on either of these nominees. They merit debate. There was debate in the Judiciary Committee. There should be debate on the Senate floor. And then the Senate will vote.

Indeed, following the debate on Judge Irizarry more than half of the Republican Members indicated that they opposed the President's nomination. I respect and understand their concern. I have had similar concerns about a number of this President's nominees. More than two dozen have received ratings or partial ratings of "not qualified" by the ABA. Some, like Timothy Hardiman of Pennsylvania and Dora Irizarry of New York, do not have the support of their local bar association either.

Unlike the way Republicans treated the nomination of Justice Ronnie White of Missouri when he was ambushed on the Senate floor and defeated in a party line vote. I do not expect that to happen with Judge Irizarry. Those with concerns have been forthright in coming forward. I do not expect Democratic Senators to do what Republicans did in 1999 to Ronnie White when they switch their votes and voted lockstep in a partisan effort to defeat his nomination on the floor.

With these four nominees for additional lifetime appointments to the federal bench, the Senate has the chance to reach a total of more than 170 judicial confirmations for the President in less than three years. Maybe that is why the Republican leadership has chosen not to go forward. Could it be that they do not want the American people to know that we have cooperating in filing 170 judicial vacancies in less than three years? That would not be consistent with the talking points the Administration is peddling to friendly media outlets all over town and around the country.

Over the last several days more than 200 people have been killed or wounded in Baghdad. The number of unemployed Americans has been at or near levels not seen in years, poverty is on the rise in our country, and the current Administration seems intent on saddling our children and grandchildren with trillions in deficits and debt. For the first time in a dozen years, charitable giving in this country is down.

While negative indicators are spiking, the Republican leadership of the Congress would rather demonize Democrats, engage in name calling and charge obstruction where the facts are historic levels of cooperation. The Senate wheel-spinning exercises involving the most controversial judicial nominees and the Republican leadership's insistence on unsuccessful cloture votes are unhelpful to the Senate or the courts. Despite the heated rhetoric on the other side of the aisle, we have made progress on judicial vacancies when and where the Administration has been willing to work with the Senate.

Only a handful of the President's most extreme and controversial nominations have been denied consent by the Senate. Up to today only four have failed. That record is in stark contrast to the more than 60 judicial nominees from President Clinton who were blocked by a Republican-led Senate. One-hundred sixty-seven to four, but as I have said, that total could be 170 to four if the Republican leadership would work with us and schedule voted and debate on the four nominees I have identified.

But despite this record of progress, made possible only through good faith effort by Democrats on behalf of a Republican President's nominees, and in the wake of the years of unfairness shown the nominees of a Democratic President, the Republican leadership has decided to use partisan plays out of its playbook as this year winds down.

Instead of putting partisanship aside and bridging our differences for the sake of accomplishing what we can for the American people, we are asked to participate in a transparently political exercise initiated by a President. With respect to his extreme judicial nominations, President George W. Bush is the most divisive President in modern times. Through his extreme judicial nominations, he is dividing the American people and he is dividing the Senate. Far from a uniter, on judicial nominations he has chosen to be a divider.

IN RECOGNITION OF TWO U.S. ARMY CIVILIANS RECEIVING AWARDS FOR OUTSTANDING SERVICE ON CAPITOL HILL

Mr. INOUYE. Mr. President, I would like to bring my colleagues' attention to two civil servants whose exemplary work in the U.S. Senate Army Congressional Liaison office has been formally recognized by the U.S. Army at a recent awards ceremony. For many years, my constituents have benefitted from their outstanding, timely, and compassionate service. It is my honor to also recognize their service, and to bring to your attention the nature of the awards given to Ms. Margaret Tyler and Mrs. Trulesta Pauling.

Ms. Tyler and Mrs. Pauling, both assigned to the Office of the Chief, Legislative Liaison, Headquarters, Department of the Army, were recognized in a ceremony held on October 23, 2003.

Ms. Tyler and Mrs. Pauling, Congressional Liaison Representatives for the U.S. Army's Senate Liaison Division on Capitol Hill, were each awarded the Army Staff Identification Badge and the Commander's Award for Civilian Service for exceptionally meritorious achievement. Both women were recognized for their work in support of Operations Enduring Freedom and Iraqi Freedom.

According to the award citations, Ms. Tyler and Mrs. Pauling managed their increased caseload with calm, grace, professionalism, and efficiency. Their commitment to excellence and devotion to duty has had a significant and long-lasting, positive impact on soldiers and their families.

The Commander's Award for Civilian Service is the fourth highest Department of the Army award for civilians. All Army civilian employees are eligible for consideration to receive this award for service, achievement and heroism. It is equivalent to the Army Commendation Medal awarded to soldiers.

The Army Staff Identification Badge was first proposed by General Douglas MacArthur while he was Chief of Staff of the U.S. Army, on December 28, 1931. The award of the lapel button for civilian personnel in the grade of GS–11 and higher was authorized in 1982 and is a symbol of exemplary service.

Once again, I extend my sincere congratulations to these two outstanding civil servants.

NOMINATION OF JOSEPH TIMOTHY KELLIHER

Mr. GRASSLEY. Mr. President, I rise today to state that I object to proceeding to the consideration of an executive nominee to the Federal Energy Regulatory Commission. The nominee is Joseph Timothy Kelliher, who is listed as a "senior policy advisor" to the Secretary of the Energy Department.

I have an outstanding document request at the Energy Department, and I must be certain that it will be answered in a timely and complete manner. I am also concerned that some Department of Energy officials are, among other things, misconstruing an amendment that I offered to H.R. 2754. My amendment is section 316 of the Energy and Water Appropriations Act, H.R. 2754, and it transfers claims processing responsibilities for "Subtitle D" of the Energy Employees Occupational Illness Compensation Program Act of 2000, EEOICPA, from the Department of Energy to the Department of Labor. I am trying to get some answers and straighten that out as well.

PROFESSOR GEOFFREY STONE'S SPEECH, "CIVIL LIBERTIES IN WARTIME"

Mr. DURBIN. Mr. President, I ask unanimous consent to print in the RECORD a speech by University of Chicago Law Professor Geoffrey Stone on "Civil Liberties in Wartime," delivered at the annual luncheon of the Chicago Council of Lawyers on July 23. Professor Stone thoughtfully reviews America's history of restricting civil liberties during times of war and our subsequent regret for those decisions. His speech invites reflection by the Members of this Senate as we debate important issues of national security and civil rights, and counsels us to "value not only [our] own liberties but the liberties of others . . . and to have the wisdom to know excess when it exists and the courage to preserve liberty when it is imperiled."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CIVIL LIBERTIES IN WARTIME

(By Geoffrey R. Stone)

We live in perilous times. This is true along several dimensions, but I focus this afternoon on only one of them: Civil Liberties in Wartime. Or, more precisely, how are we, as a nation, responding to the threat of terrorism?

Since September 11th, our government, in our name, has secretly arrested and detained more than a thousand non-citizens; it has deported hundreds of non-citizens in secret proceedings; it has eviscerated long-standing Justice Department restrictions on FBI surveillance of political and religious activities; it has vastly expanded the power of federal officials to invade the privacy of our libraries and our e-mails; it has incarcerated an American citizen, arrested on American soil, for almost a year—incommunicado, with no access to a lawyer, and with no effective judicial review; it has sharply restricted the protections of the Freedom of Information Act; it has proposed a TIPS program to encourage American citizens to spy on one another; it has laid the groundwork for a Department of Defense Total Information Awareness program to enable the government to engage in massive and unprecedented data collection on American citizens; it has detained a thousand prisoners of war in Guantanamo Bay in cynical disregard of the laws of war; and it has established military tribunals without due process protections. We live in perilous times.

Of course, we have lived in perilous times before. What I want to discuss this afternoon is how we have responded to such peril in the past, what we can learn from those experiences, and what our responsibilities are as lawyers.

I have a simple thesis: In time of war, we respond too harshly in our restriction of civil liberties, and then, later, regret our behavior. To test this thesis, I will review, very briefly, our experiences in 1798, the Civil War, World War I, World War II, the Cold War and the Viet Nam War. I will then offer some observations.

To begin, at the beginning. In 1798, the United States found itself embroiled in a European war that then raged between France and England. A bitter political and philosophical debate divided the Federalists, who favored the English, and the Republicans, who favored the French. The Federalists were then in power, and the administration of President John Adams initiated thus a dramatic series of defense measures that brought the United States into a state of undeclared war with France.

The Republicans fiercely opposed these measures, leading the Federalists to accuse them of disloyalty. President Adams, for example, declared that the Republicans "would sink the glory of our country and prostrate her liberties at the feet of France." Against this backdrop, the Federalists enacted the Alien and Sedition Acts of 1798. The Alien Act empowered the President to deport any non-citizen he judged to be dangerous to the peace and safety of the United States. The Act accorded the non-citizen no right to a hearing, no right to present evidence and no right to judicial review.

The Sedition Act prohibited criticism of the government, the Congress or the President, with the intent to bring them into contempt or disrepute. The Act was vigorously enforced, but only against supporters of the Republican Party. Prosecutions were brought against every Republican newspaper and against the most vocal critics of the Adams administration.

The Sedition Act expired on the last day of Adams's term of office. The new President, Thomas Jefferson, promptly pardoned all those who had been convicted under the Act, and forty years later Congress repaid all the fines. The Sedition Act was a critical factor in the demise of the Federalist Party, and the Supreme Court has never missed an opportunity in the years since to remind us that the Sedition Act of 1798 has been judged unconstitutional in the "court of history."

During the Civil War, the nation faced its most serious challenge. There were sharply divided loyalties, fluid military and political boundaries, easy opportunities for espionage and sabotage, and more than 600,000 combat fatalities. In such circumstances, and in the face of widespread and often bitter opposition to the war, the draft and the Emancipation Proclamation, President Lincoln had to balance the conflicting interests of military necessity and individual liberty.

During the course of the Civil War, Lincoln suspended the writ of habeas corpus on eight separate occasions. The most extreme of these suspensions, which applied throughout the entire nation, declared that "all persons . . . guilty of any disloyal practice . . . shall be subject to court martial." Under this authority, military officers arrested and imprisoned 38,000 civilians, with no judicial proceedings and no judicial review.

In 1866, a year after the war ended, the Supreme Court ruled in Ex parte Milligan that Lincoln had exceeded his constitutional authority, holding that the President could not constitutionally suspend the writ of habeas corpus, even in time of war, if the ordinary civil courts were open and functioning.

The story of civil liberties during World War I is, in many ways, even more disturbing. When the United States entered the war in April 1917, there was strong opposition to both the war and the draft. Many citizens vehemently argued that our goal was not to "make the world safe for democracy," but to protect the investments of the wealthy, and that this cause was not worth the life of one American soldier, let alone ten or hundreds of thousands.

President Wilson had little patience for such dissent. He warned that disloyalty "must be crushed out" of existence and that disloyalty "was . . . not a subject on which there was room for . . . debate." Disloyal individuals, he explained, "had sacrificed their right to civil liberties."

Shortly after the United States entered the war, Congress enacted the Espionage Act of 1917. Although the Act was not directed at dissent generally, aggressive federal prosecutors and compliant Federal judges soon transformed it into a blanket prohibition of seditious utterance. The administration's intent in this regard was made evident in November 1917 when Attorney General Charles Gregory, referring to war dissenters, declared: "May God have mercy on them, for they need expect none from an outraged people and an avenging government."

In fact, the government worked hard to create an "outraged people." Because there had been no direct attack on the United States, and no direct threat to our national security, the Wilson administration had to generate a sense of urgency and anger in order to exhort Americans to enlist, to contribute money and to make the many sacrifices that war demands. To this end, Wilson established the Committee for Public Information, which produced a flood of inflammatory and often misleading pamphlets, news releases, speeches, editorials and motion pictures, all designed to instill a hatred of all things German and of all persons whose "loyalty" might be open to doubt.

During World War I, the government prosecuted more than 2,000 dissenters for opposing the war or the draft, and in an atmosphere of fear, hysteria and clamor, most judges were quick to mete out severe punishment—often 10 to 20 years in prison—to those deemed disloyal. The result was the suppression all genuine debate about the merits, the morality and the progress of the war.

But even this was not enough. A year later, Congress enacted the Sedition Act of 1918, which expressly prohibited any disloyal, scurrilous, or abusive language about the form of government, the Constitution, the flag, the uniform, or the military forces of the United States. Even the Armistice didn't bring this era to a close, for the Russian Revolution triggered a period of intense public paranoia in the United States, known to us today as the "Red Scare" of 1919–1920. Attorney General A. Mitchell Palmer unleashed a horde of undercover agents to infiltrate so-called radical organizations, and in a period of only two months the government arrested more than 5,000 American citizens and summarily deported more than a thousand aliens on "suspicion" of radicalism.

The story of the Supreme Court in this era is too familiar, and too painful, to bear repeating in detail. In a series of decisions in 1919 and 1920—most notably Schenck, Debs, and Abrams—the Court consistently upheld the convictions of individuals who had agitated against the war and the draft—individuals as obscure as Mollie Steimer, a twenty-year-old Russian-Jewish émigré who had thrown anti-war leaftlets in Yiddish from a rooftop on the lower East Side of New York, and as prominent as Eugene Debs, who had received almost a million votes in 1912 as the Socialist Party candidate for President.

As Harry Kalven has observed, these decisions left no doubt of the Court's position: "While the nation is at war, serious, abrasive criticism . . . is beyond constitutional protection." These decisions, he added, "are dismal evidence of the degree to which the mood of society can penetrate judicial chambers." The Court's performance was "simply wretched."

In December 1920, after all the dust had settled, Congress quietly repealed the Sedition Act of 1918. Between 1919 and 1923, the government released from prison every individual who had been convicted under the Espionage and Sedition Acts. A decade later, President Roosevelt granted amnesty to all of these individuals, restoring their full political and civil rights. Over the next half-century, the Supreme Court overruled every one of its World War I decisions, holding in effect that every one of the individuals who had been imprisoned or deported in this era for his or her dissent had been punished for speech that should have been protected by the First Amendment.

On December 7, 1941, Japan attacked Pearl Harbor. Two months later, on February 19, 1942, President Roosevelt signed Executive Order 9066, which authorized the Army to "designate military areas" from which "any persons may be excluded." Although the words "Japanese" or "Japanese American" never appeared in the Order, it was understood to apply only to persons of Japanese ancestry.

Over the next eight months, 120,000 individuals of Japanese descent were forced to leave their homes in California, Washington, Oregon and Arizona. Two-thirds of these individuals were American citizens, representing almost 90% of all Japanese-Americans. No charges were brought against these individuals; there were no hearings; they did not know where they were going, how long they would be detained, what conditions they would face, or what fate would await them. Many families lost everything.

On the orders of military police, these individuals were transported to one of ten internment camps, which were located in isolated areas in wind-swept deserts or vast swamp lands. Men, women and children were placed in overcrowded rooms with no furniture other than cots. They found themselves surrounded by barbed wire and military police, and there they remained for three years.

In Korematsu v. United States, decided in 1944, the Supreme Court, in a six-to- three decision, upheld the President's action. The Court offered the following explanation:

> We are not unmindful of the hardships imposed upon a large group of American citizens. But hardships are part of war, and war is an aggregation of hardships. Korematsu was not excluded from the West Coast because of hostility to his race, but because the military authorities decided that the urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the area. We cannot—by availing ourselves of the calm perspective of hindsight—say that these actions were unjustified.

In 1980, a congressional commission declared that the Japanese internment had been based, not on considerations of military necessity, but on crass racial prejudice and political expediency. Eight years later, President Reagan signed the Civil Liberties Restoration Act of 1988, which offered an official Presidential apology and reparations to each of the Japanese-American internees who had suffered discrimination, loss of liberty, loss of property and personal humiliation because of the actions of the United States government.

As World War II drew to a close, the nation moved almost seamlessly into the Cold War. As the glow of our wartime alliance with the Soviet Union evaporated, President Truman came under increasing attack from a coalition of Southern Democrats and anti-New Deal Republicans who sought to exploit fears of Communist aggression. As House Republican leader Joe Martin declared on the eve of the 1946 election, "the people will choose tomorrow 'between communism and the preservation of our American life.'" The next day, the Democrats lost 56 seats in the House.

Thereafter, the issue of loyalty became a shuttlecock of party politics. By 1948, President Truman was boasting on the stump that he had imposed on the federal civil service the most extreme loyalty program in the entire "Free World," and he had. But there were limits to Truman's anti-communism. In 1950, he vetoed the McCarren Act, which required the registration of all Communists. Truman explained that the Act was the product of "public hysteria" and would lead to "witch hunts." Congress passed the Act over Truman's veto.

In 1954, Congress enacted the Communist Control Act, which stripped the Communist Party of "all rights, privileges, and immunities." Only one Senator, Estes Kefauver, dared to vote against it. Irving Howe lamented "this Congressional stampede to . . . trample . . . liberty in the name of destroying its enemy."

Hysteria over the Red Menace swept the nation and produced a wide-range of federal, state and local restrictions on free expression and free association, including extensive loyalty programs for government employees; emergency detention plans for alleged "subversives"; abusive legislative investigations designed to punish by exposure; public and private blacklists of those alleged "pinkos" who had been "exposed"; and criminal prosecution of the leaders and members of the Communist Party of the United States.

The Supreme Court's response was mixed. The key decision, however, was Dennis v. United States, which involved the direct prosecution under the Smith Act of the leaders of the American Communist Party. In a six-to-two decision, the Court held in 1951 that the defendants could constitutionally be punished for their speech under the clear and present danger test even though the Court readily conceded that the danger was neither clear nor present. It was a memorable stroke of judicial legerdemain.

Over the next several years, the Court upheld far-reaching legislative investigations of "subversive" organizations and individuals and the exclusion of members of the Communist Party from the bar, the ballot and public employment. In so doing, the Court clearly put its stamp of approval on an array of actions we look back on today as models of McCarthyism.

In the Vietnam War, as in the Civil War and World War I, there was substantial opposition both to the war and the draft. Lest we forget the stresses of those years, let me quote briefly from Theodore White's eyewitness account of the 1968 Democratic Convention:

> The demonstrators chant "Peace Now" as they approach the Chicago police picket-lines. Then, like a fist, comes a hurtling column of police. It is a scene from the Russian revolution. Gas grenades explode. Demonstrators kneel and begin singing America the Beautiful. Clubs come down. "The Whole World is Watching."

Over the next several years, the nation entered a period of intense and often violent struggle. After President Nixon announced the American "incursion" into Cambodia, student strikes closed a hundred campuses. Governor Ronald Reagan, asked about campus militants, replied: "If it takes a bloodbath, let's get it over with." On May 4, National Guardsmen at Kent State University responded to taunts and rocks by firing their M–1 rifles into a crowd of students, killing four and wounding nine others. Protests and strikes exploded at more than twelve hundred of the nation's colleges and universities. Thirty ROTC buildings were burned or bombed in the first week of May. The National Guard was mobilized in sixteen states. As Henry Kissinger put it later, "The very fabric of government was falling apart."

Despite all this, there was no systematic effort during the Vietnam War to prosecute individuals for their opposition to the war. As Todd Gitlin has rightly observed, in comparison to World War I, "the repression of the late sixties and early seventies was mild." There are many reasons for this, including, of course, the rather compelling fact that most of the dissenters in this era were the sons and daughters of the middle class, and thus could not so easily be targeted as the "other." But the courts, and especially the Supreme Court, played a key role in this period. In 1969, the Court, in Brandenburg, overruled Dennis and held that even advocacy of unlawful conduct cannot be punished unless it is likely to incite "imminent lawless action." The Court had come a long way in the fifty years since World War I.

But the Court did not rest there. In other decisions it held that the Georgia House of Representatives could not deny Julian Bond his seat because of his express opposition to the draft; that a public university could not deny recognition to the SDS because it advocated a philosophy of violence; that the government could not conduct national security wiretaps without prior judicial approval; and, of course, that the government could not constitutionally enjoin the publication of the Pentagon Papers, even though the Defense Department claimed that publication would endanger national security.

This is not to say that the government did not find other ways to impede dissent. The most significant of these was the FBI's extensive effort to "expose, disrupt and otherwise neutralize" allegedly "subversive" organizations, ranging from civil rights groups to the various factions of the anti-war movement. In this COINTELPRO operation, the FBI compiled political dossiers on more than half-a-million Americans.

When these activities came to light they were sharply condemned by congressional committees, and Attorney General Edward Levi declared such practices incompatible with our national values. In 1976, he instituted a series of guidelines designed to restrict the political surveillance activities of the Federal Bureau of Investigation.

What can we learn from this history? I would like to offer at least a dozen observations. But time limits me to only six.

First, we have a long and unfortunate history of overreacting to the perceived dangers of wartime. Time after time, we have allowed our fears to get the better of us.

Second, it is often argued that given the sacrifices we ask citizens (especially soldiers) to make in time of war, it is small price to ask others to surrender some of their peacetime freedoms to help the war effort. As the Supreme Court argued in Korematsu, "hardships are part of war, and war is an aggregation of hardships."

This is a seductive, but dangerous argument. To fight a war successfully, it is necessary for soldiers to risk their lives. But it is not necessarily "necessary" for others to surrender their freedoms. That necessity must be convincingly demonstrated, not merely presumed. And this is especially true when, as is usually the case, the individuals whose rights are sacrificed are not those who make the laws, but minorities, dissidents and non-citizens. In those circumstances, "we" are making a decision to sacrifice "their" rights—not a very prudent way to balance the competing interests.

Third, the Supreme Court matters. It's often said that presidents do what they please in wartime. Attorney General Biddle once observed that "the Constitution has not greatly bothered any wartime President," and Chief Justice Rehnquist recently argued that "there is no reason to think that future wartime presidents will act differently from Lincoln, Wilson, or Roosevelt."

In fact, however, the record is more complex than this suggests. Although presidents may think of themselves as bound more by political than by constitutional constraints in time of war, the two are linked. Lincoln did not propose a Sedition Act, Wilson rejected calls to suspend the writ of habeas corpus and Bush has not advocated loyalty oaths. The fact is that even during wartime, presidents have not attempted to restrict civil liberties in the face of settled Supreme Court precedent. Although presidents often will push the envelope where the law is unclear, they do not defy established constitutional doctrine.

Fourth, it is often said that the Supreme Court will not decide a case against the government on an issue of military security during a period of national emergency. The decisions most often cited in support of this proposition are, of course, Korematsu and Dennis. In fact, however, there are many counter-examples.

During World War II, the Court upheld the constitutional rights of American fascists in a series of criminal prosecutions and denaturalization proceedings, effectively putting a halt to government efforts to punish such individuals. During the Cold War, the Court rejected President Truman's effort to seize the steel industry and eventually helped put an end to the era of McCarthyism. And during Vietnam, the Court repeatedly rejected national security claims by the Executive. So, although it is true that the Court tends to be wary not to "hinder" an ongoing war unnecessarily, it is also true that the Court has a significant record of fulfilling its constitutional responsibility to protect individual liberties—even in time of war.

Fifth, it is useful to note the circumstances that have tended to produce these abuses. They invariably arise out of the combination of a national perception of peril and a concerted campaign by government to promote a sense of national hysteria by exaggeration, manipulation and distortion. The goal of the government in fostering such public anxiety may be either to make it easier for it to gain public acceptance of the measures it seeks to impose or to gain partisan political advantage, or, of course, both. If all that sounds familiar, it should.

Finally, I want to say a word about our responsibilities as lawyers. In each of these episodes, lawyers played an important role, both in imposing the restrictions on civil liberties, and in opposing them. At the moment, I'm more interested in the latter. Albert Gallatin offered brilliant arguments in opposition to the Alien and Sedition Acts. Gilbert Roe defended the free speech rights of dissenters in World War I. Professors Ernst Freund and Felix Frankfurter, of the Chicago and Harvard law schools, played a critical role in illuminating the civil rights violations of the Red Scare and bringing that era to a close. Francis Biddle played a courageous role within the Roosevelt administration during World War II in opposing both the Japanese internment and the prosecution of American fascists. Joseph Welsch, a Boston lawyer, publicly humiliated Senator Joseph McCarthy hearings with his blistering questions "Have you no sense of decency, sir, at long last? Have you left no sense of decency?" And a group of lawyers here in Chicago from such organizations as BPI, the ACLU, the Better Government Association and the Alliance to End Repression helped put an end to end COINTELPRO and to the City of Chicago's Red Squad during the Vietnam War.

Now, to return to our own perilous time. The threat of terrorism is real, and we expect our government to protect us. But we have seen disturbing, and all-too-familiar, patterns in our government's activities. To strike the right balance in our time, we need judges who will stand fast against the furies of the age; members of the academy who will help us see ourselves clearly; an informed and tolerant public who will value not only their own liberties, but the liberties of others; and, perhaps most of all, lawyers with the wisdom to know excess when it exists and the courage to preserve liberty when it is imperiled.

Thank you.

ADDITIONAL STATEMENTS

CABOT TEACHES THE VALUE OF DAIRY

• Mr. LEAHY. Mr. President, I am pleased to take this opportunity to commend one of Vermont's most successful farmer-owned enterprises, the world-renowned Cabot Creamery of Vermont. Since its founding by 94 farmers in 1919, Cabot's farm families have preserved the heritage and proud agrarian traditions of the State of Vermont and our great nation.

Cabot has an 80-year history of doing what they do best, making the world's best cheddar cheeses. When Cabot Creamery earned the title of "Best Cheddar in the World" and "Best Flavored Cheddar" at the 22nd Biennial World Championship Cheese Contest, they did it as a team, steeped in family traditions and pride and with skill and expertise that has been painstakingly built over the generations. That same teamwork goes into every aspect of their business.

In 1992 Cabot joined forces with another New England farmer-owned cooperative, Agri-Mark Inc., to open new markets for Vermont dairy farmers. Today the cheese made by Cabot is from the milk of more than 1,450 Agri-Mark dairy producers throughout Vermont, New England and New York. The Cabot Creamery of Vermont combines the best aspects of both cooperative farming and value-added agricultural products to provide much-needed price premiums to Vermont dairy farmers.

The dairy farmers of Cabot Creamery also have a rich history in teaching their communities about the importance of dairy to the economy and to nutrition and health. Dairy products pack a powerful punch of eight additional nutrients needed for stronger bones and healthier bodies. Throughout New England, Cabot runs the Ag in the Classroom program, an educational program for elementary students that teaches them about agriculture. This program has been recognized by educators as a valuable resource that helps connect students to their communities, raises self-awareness and fosters creativity.

Cabot also has sponsored Calcium Crisis Challenge, a program for 6th—8th-grade students that helps them learn about calcium and its importance for stronger bones and healthy living. The program brings attention to the fact that more than 75 percent of Americans do not get enough calcium in their diets.

This week in Washington, D.C., the dairy farmers of Cabot Creamery will host a reception to highlight the national 3-A-Day education campaign. The 3-A-Day campaign is simple—three servings of milk, cheese or yogurt is a deliciously easy way to help build stronger bones and better bodies. Most Americans are eating only half the daily recommended servings of dairy each day, resulting in loss of bone density and in related health problems. Eating 3-A-Day of dairy is an easy and wholesome way for families to help meet their calcium needs.

Along with Senator JEFFORDS and Congressman SANDERS, I am pleased to join Cabot's involvement with this important education campaign to highlight the importance of dairy products to healthy diets.•

IN HONOR OF NATIONAL BIBLE WEEK

• Mr. MILLER. Mr. President, I am honored and humbled to serve as the Senate Co-chairman of the 2003 National Bible Week. During the week of November 23 to 30, communities and churches across this Nation will participate in this fine tradition by reading and reflecting on the teachings of the Bible. I am very proud to be a part of this celebration and I salute the National Bible Association for its sponsorship of this annual event.

The very first National Bible Week was organized in 1941, during World War II. Organizers created National Bible Week as a way to extend comfort and hope to our Nation during a troubled time. Today, in 2003, we are facing another troubled time when our country could use a dose of comfort and hope. The Holy Bible is our richest source of great inspiration, spiritual guidance and strength. That is why so many refer to it as their solid rock, their foundation.

During National Bible Week, I encourage everyone to read the Bible every day and to pledge to continue to turn to this Good Book throughout the year. Reflecting on Scripture, using the Bible's stories to teach our children right from wrong, and seeking to appreciate the literature on which our great United States of America was established is always time well spent. I congratulate the National Bible Association for its dedication to the celebration of God's word, the Holy Bible.•

MESSAGES FROM THE HOUSE

At 10:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993; to the Committee on the Judiciary.

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003; to the Committee on Foreign Relations.

The message also announced that pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 8, 2003, the Speaker appoints the following member on the part of the House of Representatives to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon: Mrs. Elisabeth Devos of Grand Rapids, Michigan.

At 6:38 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House has signed the following enrolled bills:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes;

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State; and

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The enrolled bills, previously signed by the Speaker of the House, were signed on today, November 4, 2003, by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 291. Concurrent resolution expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993; to the Committee on the Judiciary.

H. Con. Res. 302. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4984. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS; Implementation of Section 309(i) of the Communications Act—Competitive Bidding, Narrowband PCS, GEN Doc. No. 90-314" (FCC01-135) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4985. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "2000 Biennial Regulatory Review—Spectrum Aggregation Limits for Commercial Mobile Radio Services" (FCC01-328) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4986. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico" (FCC01-387) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4987. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Competitive Bidding Rules to License Certain Rural Service Areas" (FCC02-09) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4988. A communication from the Attorney Advisor, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309(i) and 337 of the Communications Act of 1934 as Amended" (FCC02-82) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4989. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The 4.9 GHz Band Transferred from Federal Government Use" (FCC02-41) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4990. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Agency Communication Requirements Through the Year 2010" (FCC02-216) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4991. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review—Private Land Mobile Radio Services" (FCC02-139) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4992. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications

Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended" (FCC00–403) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4993. A communication from the Associate Bureau Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical, and Spectrum Regulrements for Meeting Federal, State, and Local Public Safety Communication Requirements Through the Year 2010" (FCC01–10) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4994. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service" (FCC02–286) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4995. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charles Town, West Virginia, and Stephens City, Virginia)" (MB Doc. No. 03–12) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4996. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ehrenberg, Arizona)" (MB Doc. No. 03–174) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4997. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wright City, OK)" (MM Doc. No. 01–255) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4998. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crowell, TX and Florien, LA)" (MB Doc. No. 02–168, –169) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4999. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickens, Floydada, Rankin, San Diego, and Westbrook, TX)" (MB Doc. No. 02–258, –259, –262, –264, –265) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5000. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cobleskill and Saint Johnsville, NY)" (MM Doc. No. 00–40) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5001. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cambria, CA)" (MB Doc. No. 03–182) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5002. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lamont and McFarland, CA)" (MB Doc. No. 03–64) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5003. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (RIN2120–AA65) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5004. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Route J–147 Doc. No 03–AEA–3" (RIN2120–AA66) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5005. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC–8–102, 103, 106, 201, 202, 301, 311, and 315 Airplanes" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5006. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Goodrich Avionics Systems, Inc. TAWS8000 Terrain Awareness Warning System" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5007. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc. Model 369A,D ,e<h<HE, HM, HS, F, and FF Helicopter" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5008. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW 4074, PW4074D, PW4077D, PW4090, and PW4090–3 Turbofan Engines" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5009. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Airplanes" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5010. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Augusta Model A109K2 Helicopters" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5011. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5012. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR42–200, 300, 320, and 500 Series Airplanes and Model ATR72 Series Airplanes" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5013. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–2B19 Regional Jet Series 100 and 440 Airplanes" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5014. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Textron Lycoming Fuel Injected Reciprocating Engines" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5015. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company 90, 100, and 200 Series Airplanes" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5016. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Point Pilot, AK" (RIN2120–AA66) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5017. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft Inc., SA226 Series and SA227 Airplanes" (RIN2120–AA64) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5018. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Telecommunications Relay Services, and

Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities" (FCC03-190) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5019. A communication from the Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities" (FCC02-121) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5020. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (FCC02-120) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5021. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 90.20(e)(6) of the Commission's Rules to Revise the Authorized Duty Cycle on 173.075 MHz" (FCC02-232) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5022. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Regarding Multiple Address Systems" (FCC01-171) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5023. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2, 73, 74, 80, 90, and 97 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Below 28000 kHz" (FCC03-39) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5024. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures" (FCC01-270) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5025. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5026. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area to Prevent Exceeding the 2003 Halibut Bycatch Allowance" received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5027. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Fishing for Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5028. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Groundfish by Vessels Using Hook-and-Line Gear in the Gulf of Alaska, Except for Demersal Shelf Rockfish in the Southeast outside District or Sablefish" received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5029. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: [CGD05-03-050], Great Channel Between Stone Harbor and Nummy Island, NJ" (RIN1625-AA09) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5030. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [COTP Los Angeles-Long Beach 03-011], [COTP Prince William Sound 03-002]" (RIN1625-AA00) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5031. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [COTP Mobile 03-022], Bayou Castle, Chevron Pascagoula Refinery, Pascagoula, MS" (RIN1625-AA00) received on October 31, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5032. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Time Zone Boundary in the State of South Dakota: Relocation of Jones, Mellette, and Todd Counties" (RIN2105-AD30) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-5033. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Policy Statement on Airline Preemption" (RIN2105-AA46) received on November 3, 2003; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1815. A bill to designate the Department of Veterans Affairs Medical Center in Salt Lake City, Utah; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 1816. A bill to designate the building located at 15 Henry Street in Binghamton, New York, as the "Kevin J. Tarsia Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 1817. A bill to amend the Internal Revenue Code of 1986 to include influenza vaccines in the Vaccine Injury Compensation Program; to the Committee on Finance.

By Mr. GRAHAM of South Carolina:

S. 1818. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1819. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 258. A resolution expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 557

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 722

At the request of Mr. DURBIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 722, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements submit to the Food and Drug Administration reports on adverse experiences with dietary supplements, and for other purposes.

S. 863

At the request of Mr. EDWARDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 863, a bill to amend the Higher Education Act of 1965 to allow soldiers to serve their country without being disadvantaged financially by Federal student aid programs.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1217

At the request of Mr. ENZI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1217, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1304

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1304, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1619

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1619, a bill to amend the Individuals With Disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes.

S. 1700

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1730

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1730, a bill to require the health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1807

At the request of Mr. MCCAIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1807, a bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes.

S. 1813

At the request of Mr. LEAHY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1813, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 56

At the request of Mr. CORZINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Gunnery Sergeant John Basilone, a great American hero.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1819. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator Ensign to introduce this bill, which will address important public land issues in central Nevada. As you might know, the Federal Government controls over 87 percent of the State of Nevada. Many of our colleagues from other States may not understand the challenge this presents for communities in Nevada. With such large tracts of land controlled by Federal agencies, it can be difficult to acquire land for vital efforts in both the public and private sectors.

This bill will convey two cemeteries in central Nevada from the Federal Government back to the local communities. Kingston is a small town in southern Lander County, and Beowawe is a small community located in Eureka County. The original communities were home to pioneers and immigrants who settled the isolated high desert valleys of the central Great Basin. In the late 1800s, the pioneers established and managed the cemeteries to provide a final resting place for friends and family. Much of the original Kingston Cemetery is on land now managed by the U.S. Forest Service. The Maiden's Grave Cemetery in Beowawe is on land currently managed by the Bureau of Land Management.

Under current law, these agencies must sell the cemeteries back to the communities at fair market value. However, these historic cemeteries were established prior to the designation of the Federal agencies that now manage them. For over 2 years, Lander County has been required to lease much of the Kingston Cemetery from the Forest Service. The Forest Service recently sold approximately 1 acre to the Town of Kingston, but this conveyance did not allow for the protection of uncharted graves, nor for the implementation of the community's original site plan.

It is wrong that Beowawe and Kingston should have to buy or lease cemeteries from Federal agencies that did not even exist at the time that the cemeteries were established. Our bill simply provides for the conveyance of the Maiden's Grave Cemetery to Eureka County and the balance of the original location of the Kingston Cemetery to Lander County, Nevada.

The conveyances provided by this bill will benefit our Federal land managers as well as our rural communities. The disposal of these small parcels of land for no consideration will benefit the United States because they represent isolated tracts that prove difficult to manage for public use. I sincerely hope that my colleagues recognize the benefit that the conveyances would provide to the local communities and support passage of this legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Nevada Rural Cemeteries Act".

SEC. 2. CONVEYANCE TO LANDER COUNTY, NEVADA.

(a) Findings.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Kingston Cemetery" in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated;

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency;

(3) in accordance with Public Law 85-569 (commonly known as the "Townsite Act") (16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified; and

(4) to ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) Conveyance on Condition Subsequent.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) Description of Land.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as "Kingston Cemetery", consisting of approximately 10 acres and more particularly described as SW1/4SE1/4SE1/4 of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) Easement.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) Condition on Use of Land.—

(1) In general.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) Reversion.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) Waiver.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SEC. 3. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) Findings.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) Conveyance on Condition Subsequent.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) Description of Land.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S1/2NE1/4SW1/4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) Easement.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) Condition on Use of Land.—

(1) In general.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) Reversion.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) Waiver.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 258—EXPRESSING THE SENSE OF THE SENATE ON THE ARREST OF MIKHAIL B. KHODORKOVSKY BY THE RUSSIAN FEDERATION

Mr. LUGAR (for himself and Mr. Biden) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 258

Whereas the Russian Federation is now a member of the family of democratic countries;

Whereas the United States supports the development of democracy, free markets, and civil society in the Russian Federation and in other states of the former Soviet Union;

Whereas the rule of law, the impartial application of the law, and equal justice for all in courts of law are pillars of all democratic societies;

Whereas investment, both foreign and domestic, in the economy of Russia is necessary for the growth of the economy and raising the standard of living of the citizens of the Russian Federation;

Whereas property rights are a bulwark of civil society against encroachment by the state, and a fundamental building block of democracy; and

Whereas reports of the arrest of Mikhail B. Khodorkovsky and the freezing of shares of the oil conglomerate YUKOS have raised questions about the possible selective application of the law in the Russian Federation and may have compromised investor confidence in business conditions there: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the law enforcement and judicial authorities of the Russian Federation should ensure that Mikhail B. Khodorkovsky is accorded the full measure of his rights under the Russian Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done, but also so that the efforts the Russian Federation has been making to reform its system of justice may be seen to be moving forward; and

(2) such authorities of the Russian Federation should make every effort to dispel growing international concerns that—

(A) the cases against Mikhail B. Khodorkovsky and other business leaders are politically motivated; and

(B) the potential remains for misuse of the justice system in the Russian Federation.

AMENDMENTS SUBMITTED & PROPOSED

SA 2053. Mr. SHELBY (for himself and Mr. SARBANES) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes.

SA 2054. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. HARKIN, Mr. FEINGOLD, Mr. DURBIN, Mr. LAUTENBERG, and Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, supra.

SA 2055. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2056. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2057. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2058. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, supra; which was ordered to lie on the table.

SA 2059. Ms. CANTWELL (for herself, Mr. ENZI, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes.

SA 2060. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1753, supra.

SA 2061. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. KENNEDY) proposed an amendment to the bill S. 1753, supra.

SA 2062. Mr. DURBIN proposed an amendment to the bill S. 1753, supra.

SA 2063. Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. BOXER, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2064. Mr. CORZINE proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes.

SA 2065. Mr. FEINGOLD proposed an amendment to the bill S. 1753, supra.

SA 2066. Mr. FEINGOLD proposed an amendment to the bill S. 1753, supra.

SA 2067. Mr. SHELBY (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, supra.

SA 2068. Mr. CRAPO (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2069. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy , and for other purposes; which was ordered to lie on the table.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

SA 2071. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2053. Mr. SHELBY (for himself and Mr. SARBANES) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Consumer Credit Reporting System Improvement Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IDENTITY THEFT PREVENTION AND CREDIT HISTORY RESTORATION

Subtitle A—Identity Theft Prevention

Sec. 111. Definitions.
Sec. 112. Fraud alerts and active duty alerts.
Sec. 113. Truncation of credit card and debit card account numbers.
Sec. 114. Establishment of procedures for the identification of possible instances of identity theft.
Sec. 115. Amendments to existing identity theft prohibition.
Sec. 116. Authority to truncate social security numbers.

Subtitle B—Protection and Restoration of Identity Theft Victim Credit History

Sec. 151. Summary of rights of identity theft victims.
Sec. 152. Blocking of information resulting from identity theft.
Sec. 153. Coordination of identity theft complaint investigations.
Sec. 154. Prevention of repollution of consumer reports.
Sec. 155. Notice by debt collectors with respect to fraudulent information.
Sec. 156. Statute of limitations.

TITLE II—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

Sec. 211. Free credit reports.
Sec. 212. Credit scores.
Sec. 213. Enhanced disclosure of the means available to opt out of prescreened lists.
Sec. 214. Affiliate sharing.
Sec. 215. Study of effects of credit scores and credit-based insurance scores on availability and affordability of financial products.

TITLE III—ENHANCING THE ACCURACY OF CONSUMER REPORT INFORMATION

Sec. 311. Risk-based pricing notice.
Sec. 312. Procedures to enhance the accuracy and completeness of information furnished to consumer reporting agencies.
Sec. 313. Federal Trade Commission and consumer reporting agency action concerning complaints.

Sec. 314. Ongoing audits of the accuracy of consumer reports.
Sec. 315. Improved disclosure of the results of reinvestigation.
Sec. 316. Reconciling addresses.
Sec. 317. FTC study of issues relating to the Fair Credit Reporting Act.

TITLE IV—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

Sec. 411. Protection of medical information in the financial system.
Sec. 412. Confidentiality of medical contact information in consumer reports.

TITLE V—FINANCIAL LITERACY AND EDUCATION IMPROVEMENT

Sec. 511. Short title.
Sec. 512. Definitions.
Sec. 513. Establishment of Financial Literacy and Education Commission.
Sec. 514. Duties of the Commission.
Sec. 515. Powers of the Commission.
Sec. 516. Commission personnel matters.
Sec. 517. Study by the Comptroller General.
Sec. 518. Authorization of appropriations.

TITLE VI—RELATION TO STATE LAW

Sec. 611. Relation to State law.

TITLE VII—MISCELLANEOUS

Sec. 711. Clerical amendments.

TITLE I—IDENTITY THEFT PREVENTION AND CREDIT HISTORY RESTORATION

Subtitle A—Identity Theft Prevention

SEC. 111. DEFINITIONS.

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

"(q) DEFINITIONS RELATING TO FRAUD ALERTS.—

"(1) ACTIVE DUTY MILITARY CONSUMER.—The term 'active duty military consumer' means a consumer in military service who—

"(A) is on active duty (as defined in section 101(d)(1) of title 10, United States Code) or is a reservist performing duty under a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10, United States Code; and

"(B) is assigned to service away from the usual duty station of the consumer.

"(2) FRAUD ALERT; ACTIVE DUTY ALERT.—The terms 'fraud alert' and 'active duty alert' mean a statement in the file of a consumer that—

"(A) notifies all prospective users of a consumer report relating to the consumer that the consumer may be a victim of fraud, including identity theft, or is an active duty military consumer, as applicable;

"(B) provides to all prospective users of a consumer report relating to the consumer, a telephone number or other reasonable contact method designated by the consumer for the user to obtain authorization from the consumer before establishing new credit (including providing any increase in a credit limit with respect to an existing credit account) in the name of the consumer; and

"(C) is presented in a manner that facilitates a clear and conspicuous view of the statement described in subparagraph (A) or (B) by any person requesting such consumer report.

"(r) CREDIT CARD.—The term 'credit card' has the same meaning as in section 103 of the Truth in Lending Act.

"(s) DEBIT CARD.—The term 'debit card' means any card issued by a financial institution to a consumer for use in initiating an electronic fund transfer from the account of the consumer at such financial institution, for the purpose of transferring money between accounts or obtaining money, property, labor, or services.

"(t) ACCOUNT AND ELECTRONIC FUND TRANSFER.—The terms 'account' and 'electronic fund transfer' have the same meanings as in section 903 of the Electronic Fund Transfer Act.

"(u) CREDIT AND CREDITOR—The terms 'credit' and 'creditor' have the same meanings as in section 702 of the Equal Credit Opportunity Act.

"(v) FEDERAL BANKING AGENCIES.—The term 'Federal banking agencies' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(w) FINANCIAL INSTITUTION.—The term 'financial institution' means a State or National bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person that, directly or indirectly, holds an account belonging to a consumer.

"(x) RESELLER.—The term 'reseller' means a consumer reporting agency that—

"(1) assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party, to the extent of such activities; and

"(2) does not maintain a database of the assembled or merged information from which new consumer reports are produced.

"(y) DEFINITIONS RELATING TO CREDIT SCORES.—

"(1) CREDIT SCORE AND KEY FACTORS.—When used in connection with an application for an extension of credit for a consumer purpose that is to be secured by a dwelling—

"(A) the term 'credit score'—

"(i) means a numerical value or categorization derived from a statistical tool or modeling system used to predict the likelihood of certain credit behaviors, including default; and

"(ii) does not include—

"(I) any mortgage score or rating of an automated underwriting system that considers 1 or more factors in addition to credit information, including the loan-to-value ratio, the amount of down payment, or the financial assets of a consumer; or

"(II) other elements of the underwriting process or underwriting decision; and

"(B) the term 'key factors' means all relevant elements or reasons affecting the credit score for a consumer, listed in the order of their importance, based on their respective effects on the credit score.

"(2) DWELLING.—The term 'dwelling' has the same meaning as in section 103 of the Truth in Lending Act.

"(z) IDENTITY THEFT REPORT.—The term 'identity theft report' means a report—

"(1) that alleges an identity theft;

"(2) that is filed by a consumer with an appropriate Federal, State, or local government agency, including the United States Postal Inspection Service and any law enforcement agency; and

"(3) the filing of which subjects the person filing the report to criminal penalties relating to the filing of false information if, in fact, the information in the report is false.".

SEC. 112. FRAUD ALERTS AND ACTIVE DUTY ALERTS.

The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605 the following:

"§ 605A. Identity theft prevention; fraud alerts and active duty alerts

"(a) ONE-CALL FRAUD ALERTS.—

"(1) INITIAL ALERTS.—Upon the request of a consumer who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency described in section 603(p) that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall—

"(A) include a fraud alert in the file of that consumer for a period of not less than 90 days, beginning on the date of such request, unless the consumer requests that such fraud alert be removed before the end of such period, and the agency has received appropriate proof of the identity of the requester for such purpose; and

"(B) refer the information regarding the fraud alert under this paragraph to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).

"(2) ACCESS TO FREE REPORTS.—In any case in which a consumer reporting agency includes a fraud alert in the file of a consumer pursuant to this subsection, the consumer reporting agency shall—

"(A) disclose to the consumer that the consumer may request a free copy of the file of the consumer pursuant to section 612(d); and

"(B) provide to the consumer all disclosures required to be made under section 609, without charge to the consumer, not later than, 3 business days after any request described in subparagraph (A).

"(b) EXTENDED ALERTS.—

"(1) IN GENERAL.—Upon the request of a consumer who submits an identity theft report to a consumer reporting agency described in section 603(p) that maintains a file on the consumer, if the agency has received appropriate proof of the identity of the requester, the agency shall—

"(A) include a fraud alert in the file of that consumer during the 7-year period beginning on the date of such request, unless the consumer requests that such fraud alert be removed before the end of such period and the agency has received appropriate proof of the identity of the requester for such purpose;

"(B) during the 7-year period beginning on the date of such request, exclude the consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer requests that such exclusion be rescinded before the end of such period; and

"(C) refer the information regarding the extended fraud alert under this paragraph to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).

"(2) VERIFICATION OF IDENTITY THEFT CLAIM.—For purposes of paragraph (1), a consumer reporting agency shall accept as proof of a claim of identity theft, in lieu of an identity theft report—

"(A) a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

"(B) any affidavit of fact that is acceptable to the consumer reporting agency for that purpose.

"(3) ACCESS TO FREE REPORTS.—In any case in which a consumer reporting agency includes a fraud alert in the file of a consumer pursuant to this subsection, the consumer reporting agency shall—

"(A) disclose to the consumer that the consumer may request 2 free copies of the file of the consumer pursuant to section 612(d) during the 12-month period beginning on the date on which the fraud alert was included in the file; and

"(B) provide to the consumer all disclosures required to be made under section 609, without charge to the consumer, not later than 3 business days after any request described in subparagraph (A).

"(c) Active Duty Alerts.—Upon the request of an active duty military consumer, a consumer reporting agency described in section 603(p) that maintains a file on the active duty military consumer and has received appropriate proof of the identity of the requester shall—

"(1) include an active duty alert in the file of that active duty military consumer during a period of not less than 12 months, beginning on the date of the request, unless the active duty military consumer requests that such fraud alert be removed before the end of such period, and the agency has received appropriate proof of the identity of the requester for such purpose;

"(2) during the 12-month period beginning on the date of such request, exclude the active duty military consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer requests that such exclusion be rescinded before the end of such period; and

"(3) refer the information regarding the active duty alert to each of the other consumer reporting agencies described in section 603(p), in accordance with procedures developed under section 621(f).

"(d) Procedures.—Each consumer reporting agency described in section 603(p) shall establish policies and procedures to comply with this section, including procedures that allow consumers and active duty military consumers to request temporary, extended, or active duty alerts (as applicable) in a simple and easy manner, including by telephone.

"(e) Referrals of Fraud Alerts.—Each consumer reporting agency described in section 603(p) that receives a referral of a fraud alert or active duty alert from another consumer reporting agency pursuant to this section shall, as though the agency received the request from the consumer directly, follow the procedures required under—

"(1) paragraphs (1)(A) and (2) of subsection (a), in the case of a referral under subsection (a)(1)(B);

"(2) paragraphs (1)(A), (1)(B), and (3) of subsection (b), in the case of a referral under subsection (b)(1)(C); and

"(3) paragraphs (1) and (2) of subsection (c), in the case of a referral under subsection (c)(3).

"(f) Duty of Reseller To Reconvey Alert.—A reseller shall include in its report any fraud alert or active duty alert placed in the file of a consumer pursuant to this section by another consumer reporting agency.

"(g) Duty of Other Consumer Reporting Agencies To Provide Contact Information.—If a consumer contacts any consumer reporting agency that is not described in section 603(p) to communicate a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, the agency shall provide information to the consumer on how to contact the Federal Trade Commission and the consumer reporting agencies described in section 603(p) to obtain more detailed information and request alerts under this section.".

SEC. 113. TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following:

"(g) Truncation of Credit Card and Debit Card Numbers.—

"(1) In general.—Except as otherwise specifically provided in this subsection, no person that accepts credit cards or debit cards for the transaction of business shall print more than the last 5 digits of the card account number or the expiration date upon any receipt provided to the cardholder at the point of the sale or transaction.

"(2) Limitation.—This subsection applies only to receipts that are electronically printed, and does not apply to transactions in which the sole means of recording a credit card or debit card account number is by handwriting or by an imprint or copy of the card.

"(3) Effective date.—This subsection shall become effective—

"(A) 3 years after the date of enactment of this subsection, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is in use before January 1, 2005; and

"(B) 1 year after the date of enactment of this subsection, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is first put into use on or after January 1, 2005.".

SEC. 114. ESTABLISHMENT OF PROCEDURES FOR THE IDENTIFICATION OF POSSIBLE INSTANCES OF IDENTITY THEFT.

(a) In General.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(1) by striking "(e)" at the end; and

(2) by adding at the end the following:

"(e) Red Flag Guidelines and Regulations Required.—

"(1) Guidelines.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in paragraph (2)—

"(A) establish and maintain guidelines for use by each financial institution and each other person that is a creditor or other user of a consumer report regarding identity theft with respect to account holders at, or customers of, such entities, and update such guidelines as often as necessary; and

"(B) prescribe regulations requiring each financial institution and each other person that is a creditor or other user of a consumer report to establish reasonable policies and procedures for implementing the guidelines established pursuant to paragraph (1), to identify possible risks to account holders or to the safety and soundness of the institution or customers.

"(2) Coordination.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

"(3) Criteria.—In developing the guidelines required by paragraph (1)(A), the agencies described in paragraph (1) shall identify patterns, practices, and specific forms of activity that indicate the possible existence of identity theft.

"(4) Consistency with verification requirements.—Policies and procedures established pursuant to paragraph (1) shall not be inconsistent with, or duplicative of, the policies and procedures required under section 5318(l) of title 31, United States Code.

"(f) Investigation of Changes of Address.—

"(1) In general.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission, in carrying out the responsibilities of such agencies under subsection (e) shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in paragraph (2), prescribe regulations applicable to card issuers to ensure that, if any such card issuer receives a request for an additional or replacement card for an existing account not later than 30 days after the card issuer has received notification of a change of address for the same account, the card issuer will follow reasonable policies and procedures that prohibit, as appropriate, the card issuer from issuing the additional or replacement card, unless the card issuer—

"(A) notifies the cardholder of the request at the former address of the cardholder and provides to the cardholder a means of promptly reporting incorrect address changes;

"(B) notifies the cardholder of the request by such other means of communication as the cardholder and the card issuer previously agreed to; or

"(C) uses other means of assessing the validity of the change of address, in accordance with reasonable policies and procedures established by the card issuer in accordance with the regulations prescribed under subsection (e).

"(2) Coordination.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

"(3) Definition of card issuer.—For purposes of this subsection, the term 'card issuer' means—

"(A) any person who issues a credit card, or the agent of such person with respect to such card; and

"(B) any person who issues a debit card.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

SEC. 115. AMENDMENTS TO EXISTING IDENTITY THEFT PROHIBITION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7)—

(A) by striking "transfers" and inserting "transfers, possesses,"; and

(B) by striking "abet," and inserting "abet, or in connection with,";

(2) in subsection (b)(1)(D), by striking "transfer" and inserting "transfer, possession,"; and

(3) in subsection (b)(2), by striking "three years" and inserting "5 years".

SEC. 116. AUTHORITY TO TRUNCATE SOCIAL SECURITY NUMBERS.

Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended by striking "except that nothing" and inserting the following: "except that—

"(A) if the consumer to whom the file relates requests that the first 5 digits of the social security number (or similar identification number) of the consumer not be included in the disclosure and the consumer reporting agency has received appropriate proof of the identity of the requester, the consumer reporting agency shall so truncate such number in such disclosure; and

"(B) nothing".

Subtitle B—Protection and Restoration of Identity Theft Victim Credit History

SEC. 151. SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.

(a) In General.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following:

"(d) Summary of Rights of Identity Theft Victims.—

"(1) In General.—The Federal Trade Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall prescribe the form and content of a summary of the rights of consumers under this title with respect to the procedures for remedying the effects of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution.

"(2) Summary of Rights and Contact Information.—If any consumer contacts a consumer reporting agency and expresses a belief that the consumer is a victim of fraud or identity theft involving credit, an electronic fund transfer, or an account or transaction at or with a financial institution, the consumer reporting agency shall, in addition to any other action that the agency may take, provide the consumer with the model summary of rights prepared by the Federal Trade Commission under paragraph (1) and information on how to contact the Commission to obtain more detailed information.".

(b) Public Campaign To Prevent Identity Theft.—Not later than 2 years after the date of enactment of this Act, the Federal Trade Commission shall establish and implement a media and distribution campaign to teach the public how to prevent identity theft. Such campaign shall include existing Federal Trade Commission education materials, as well as radio, television, and print public service announcements, video cassettes, interactive digital video discs (DVD's) or compact audio discs (CD's), and Internet resources.

(c) Conforming Amendment.—Section 624(b)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3), regarding relation to State laws) is amended by striking "section 609(c)" and inserting "subsection (c) or (d) of section 609".

SEC. 152. BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.

(a) In General.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605A, as added by this Act, the following:

"§ 605B. Block of information resulting from identity theft

"(a) Block.—Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft, not later than 3 business days after the date of receipt by such agency of—

"(1) appropriate proof of the identity of the consumer;

"(2) a copy of an identity theft report; and

"(3) the identification of such information by the consumer.

"(b) Notification.—A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under subsection (a)—

"(1) that the information may be a result of identity theft;

"(2) that an identity theft report has been filed;

"(3) that a block has been requested under this section; and

"(4) of the effective dates of the block.

"(c) Authority To Decline or Rescind.—

"(1) In General.—A consumer reporting agency may decline to block, or may rescind any block, of information relating to a consumer under this section, if the consumer reporting agency reasonably determines that—

"(A) the information was blocked in error or a block was requested by the consumer in error;

"(B) the information was blocked, or a block was requested by the consumer, on the basis of a material misrepresentation of fact relevant to the request to block; or

"(C) the consumer obtained possession of goods, services, or money as a result of the blocked transaction or transactions.

"(2) Notification to Consumer.—If a block of information is declined or rescinded under this subsection, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 611(a)(5)(B).

"(3) Significance of Block.—For purposes of this subsection, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block.

"(d) Exception for Resellers.—

"(1) No Reseller File.—This section shall not apply to a consumer reporting agency, if the consumer reporting agency—

"(A) is a reseller;

"(B) is not, at the time of the request of the consumer under subsection (a), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

"(C) informs the consumer, by any means, that the consumer may report the identity theft to the Federal Trade Commission to obtain consumer information regarding identity theft.

"(2) Reseller With File.—The sole obligation of the consumer reporting agency under this section, with regard to any request of a consumer under this section, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use, if—

"(A) the consumer, in accordance with the provisions of subsection (a), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and

"(B) the consumer reporting agency is a reseller of the identified information.

"(3) Notice.—In carrying out its obligation under paragraph (2), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

"(e) Exception for Verification Companies.—The provisions of this section do not apply to a check services company, acting as such, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments, except that, beginning 3 business days after receipt of information described in paragraphs (1) through (3) of subsection (a), a check services company shall not report to a national consumer reporting agency described in section 603(p), any information identified in the subject identity theft report as resulting from identity theft.

"(f) Access to Blocked Information by Law Enforcement Agencies.—No provision of this section shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.".

(b) Clerical Amendment.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after the item relating to section 605 the following new items:

"605A. Identity theft prevention; fraud alerts and active duty alerts.
"605B. Block of information resulting from identity theft.".

SEC. 153. COORDINATION OF IDENTITY THEFT COMPLAINT INVESTIGATIONS.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following:

"(f) Coordination of Consumer Complaint Investigations.—

"(1) In General.—Each consumer reporting agency described in section 603(p) shall develop and maintain procedures for the referral to each other such agency of any consumer complaint received by the agency alleging identity theft, or requesting a fraud alert under section 605A or a block under section 605B.

"(2) Model Form and Procedure for Reporting Identity Theft.—The Federal Trade Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop a model form and model procedures to be used by consumers who are victims of identity theft for contacting and informing creditors and consumer reporting agencies of the fraud.

"(3) Annual Summary Reports.—Each consumer reporting agency described in section 603(p) shall submit an annual summary report to the Federal Trade Commission on consumer complaints received by the agency on identity theft or fraud alerts.".

SEC. 154. PREVENTION OF REPOLLUTION OF CONSUMER REPORTS.

(a) Prevention of Reinsertion of Erroneous Information.—

(1) Duties of Furnishers Upon Notice of Identity Theft-Related Disputes.—Section 623(b) of the Fair Credit Reporting Act (15 U.S.C. 1681s-2(b)) is amended—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

"(2) Duties of Furnishers Upon Notice of Identity Theft-Related Disputes.—A person that furnishes information to any consumer reporting agency shall—

"(A) have in place reasonable procedures to respond to any notification that it receives from a consumer reporting agency under section 605B relating to information resulting from identity theft, to prevent that person from refurnishing such blocked information; and

"(B) take the actions described in subparagraphs (A) through (D) of paragraph (1), if such person receives directly from a consumer, an identity theft report or a properly completed copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission."; and

(C) in paragraph (3), as redesignated, by striking "paragraph (1)" and inserting "this subsection".

(2) CONFORMING AMENDMENTS RELATING TO NOTICE OF IDENTITY THEFT DIRECTLY FROM CONSUMERS.—Section 623(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(b)(1)) is amended—

(A) in the matter preceding subparagraph (A), by inserting "or as described in paragraph (2)(B)," after "agency,";

(B) subparagraph (B), by inserting before the semicolon the following: ", and by the consumer, and other documentation reasonably available to the person that is necessary to conduct a reasonable investigation"; and

(C) in subparagraph (C), by inserting before the semicolon at the end the following: ", and to the consumer, if notice of the dispute was received directly from the consumer, as described in paragraph (2)(B)".

(b) PROHIBITION ON SALE OR TRANSFER OF DEBT CAUSED BY IDENTITY THEFT.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

"(g) PROHIBITION ON SALE OR TRANSFER OF DEBT CAUSED BY IDENTITY THEFT.—

"(1) IN GENERAL.—No person shall sell, transfer for consideration, or place for collection a debt that such person has been notified under section 605B has resulted from identity theft.

"(2) APPLICABILITY.—The prohibitions of this subsection shall apply to all persons collecting a debt described in paragraph (1) after the date of a notification under paragraph (1).

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit—

"(A) the repurchase of a debt in any case in which the assignee of the debt requires such repurchase because the debt has resulted from identity theft;

"(B) the securitization of a debt; or

"(C) the transfer of debt as a result of a merger, acquisition, purchase and assumption transaction, or transfer of substantially all of the assets of an entity.".

SEC. 155. NOTICE BY DEBT COLLECTORS WITH RESPECT TO FRAUDULENT INFORMATION.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

"(h) DEBT COLLECTOR COMMUNICATIONS CONCERNING IDENTITY THEFT.—If a person acting as a debt collector (as that term is defined in title VIII) on behalf of a third party that is a creditor or other user of a consumer report is notified that any information relating to a debt that the person is attempting to collect may be fraudulent or may be the result of identity theft, that person shall—

"(1) notify the third party that the information may be fraudulent or may be the result of identity theft; and

"(2) upon request of the consumer to whom the debt purportedly relates, provide to the consumer all information to which the consumer would otherwise be entitled if the consumer were not a victim of identity theft, but wished to dispute the debt under provisions of law applicable to that person.".

SEC. 156. STATUTE OF LIMITATIONS.

Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

"§ 618. Jurisdiction of courts; limitation of actions

"An action to enforce any liability created under this title may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier of—

"(1) 2 years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

"(2) 7 years after the date on which the violation that is the basis for such liability occurs.".

TITLE II—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

SEC. 211. FREE CREDIT REPORTS.

(a) IN GENERAL.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended—

(1) by redesignating subsection (a) as subsection (f), and transferring it to the end of the section;

(2) by inserting before subsection (b) the following:

"(a) FREE ANNUAL DISCLOSURE.—

"(1) IN GENERAL.—A consumer reporting agency described in section 603(p) shall make all disclosures pursuant to section 609 once during any 12-month period upon request of the consumer and without charge to the consumer, only if the request is made by mail or through an Internet website using the centralized system and the standardized form established for such requests in accordance with section 211(c) of the National Consumer Credit Reporting System Improvement Act of 2003.

"(2) TIMING.—A consumer reporting agency shall provide a consumer report under paragraph (1) not later than 15 days after the date on which the request is received under paragraph (1).

"(3) REINVESTIGATIONS.—Notwithstanding the time periods specified in section 611(a)(1), a reinvestigation under that section by a consumer reporting agency upon a request of a consumer that is made after receiving a consumer report under this subsection shall be completed not later than 45 days after the date on which the request is received.";

(3) by redesignating subsection (d) as subsection (e);

(4) by inserting before subsection (e), as redesignated, the following:

"(d) FREE DISCLOSURES IN CONNECTION WITH FRAUD ALERTS.—Upon the request of a consumer, a consumer reporting agency described in section 603(p) shall make all disclosures pursuant to section 609 without charge to the consumer, as provided in subsections (a)(2) and (b)(3) of section 605A, as applicable.";

(5) in subsection (e), as redesignated, by striking "subsection (a)" and inserting "subsection (f)"; and

(6) in subsection (f), as redesignated, by striking "Except as provided in subsections (b), (c), and (d), a" and inserting "In the case of a request from a consumer other than a request that is covered by any of subsections (a) through (d), a".

(b) SUMMARY OF RIGHTS TO OBTAIN AND DISPUTE INFORMATION IN CONSUMER REPORTS AND TO OBTAIN CREDIT SCORES.—Section 609(c) of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended to read as follows:

"(c) SUMMARY OF RIGHTS TO OBTAIN AND DISPUTE INFORMATION IN CONSUMER REPORTS AND TO OBTAIN CREDIT SCORES.—

"(1) COMMISSION SUMMARY OF RIGHTS REQUIRED.—

"(A) IN GENERAL.—The Federal Trade Commission shall prepare a model summary of the rights of consumers under this title.

"(B) CONTENT OF SUMMARY.—The summary of rights prepared under subparagraph (A) shall include a description of—

"(i) the right of a consumer to obtain a copy of a consumer report under subsection (a) from each consumer reporting agency;

"(ii) the frequency and circumstances under which a consumer is entitled to receive a consumer report without charge under section 612;

"(iii) the right of a consumer to dispute information in the file of the consumer under section 611;

"(iv) the right of a consumer to obtain a credit score from a consumer reporting agency, and a description of how to obtain a credit score; and

"(v) the method by which a consumer can contact, and obtain a consumer report from, a consumer reporting agency without charge, as provided in the regulations of the Federal Trade Commission prescribed under section 211(c) of the National Consumer Credit Reporting System Improvement Act of 2003.

"(C) AVAILABILITY OF SUMMARY OF RIGHTS.—The Federal Trade Commission shall—

"(i) actively publicize the availability of the summary of rights prepared under this paragraph;

"(ii) conspicuously post on its Internet website the availability of such summary of rights; and

"(iii) promptly make such summary of rights available to consumers, on request.

"(2) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH AGENCY DISCLOSURES.—A consumer reporting agency shall provide to a consumer, with each written disclosure by the agency to the consumer under this section—

"(A) the summary of rights prepared by the Federal Trade Commission under paragraph (1);

"(B) in the case of a consumer reporting agency described in section 603(p), a toll-free telephone number established by the agency, at which personnel are accessible to consumers during normal business hours;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title, and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency;

"(D) a statement that the consumer may have additional rights under State law, and that the consumer may wish to contact a State or local consumer protection agency or a State attorney general (or the equivalent thereof) to learn of those rights; and

"(E) a statement that a consumer reporting agency is not required to remove accurate derogatory information from the file of a consumer, unless the information is outdated under section 605 or cannot be verified.".

(c) RULEMAKING REQUIRED.—

(1) IN GENERAL.—The Federal Trade Commission shall prescribe regulations applicable to consumer reporting agencies described in section 603(p) of the Fair Credit Reporting Act to require the establishment of—

(A) a centralized source, through which consumers may obtain a consumer report from each consumer reporting agency described in that section 603(p) using a single request and without charge to the consumer, as provided in section 612(a) of the Fair Credit Reporting Act (as amended by this Act);

(B) a standardized form for a consumer to make such a request for a consumer report by mail or through an Internet website; and

(C) streamlined methods by which such a consumer reporting agency shall provide such consumer reports, after consideration of—

(i) the significant demands that may be placed on consumer reporting agencies in providing such consumer reports;

(ii) appropriate means to ensure that consumer reporting agencies can satisfactorily meet those demands, including the efficacy of a system of staggering the availability to consumers of such consumer reports using a quarterly method based on the birth month of the consumer; and

(iii) the ease by which consumers should be able to contact consumer reporting agencies with respect to access to such consumer reports.

(2) TIMING.—Regulations required by this subsection shall—

(A) be issued in final form not later than 6 months after the date of enactment of this Act; and

(B) become effective not later than 6 months after the date on which they are issued in final form.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective on the effective date of the regulations prescribed by the Federal Trade Commission in accordance with subsection (c).

SEC. 212. CREDIT SCORES.

(a) DUTIES OF CONSUMER REPORTING AGENCIES TO DISCLOSE CREDIT SCORES.—

(1) IN GENERAL.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following:

"(6) In connection with an application for an extension of credit for a consumer purpose that is to be secured by a dwelling—

"(A) the current, or most recent, credit score of the consumer that was previously calculated by the agency;

"(B) the range of possible credit scores under the model used;

"(C) the key factors, if any, not to exceed 4, that adversely affected the credit score of the consumer in the model used;

"(D) the date on which the credit score was created; and

"(E) the name of the person or entity that provided the credit score or the credit file on the basis of which the credit score was created.".

(2) LIMITATIONS ON REQUIRED PROVISION OF CREDIT SCORE.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g), as amended by this Act, is amended by adding at the end the following:

"(e) LIMITATIONS ON REQUIRED PROVISION OF CREDIT SCORE.—

"(1) IN GENERAL.—Subsection (a)(6) may not be construed—

"(A) to compel a consumer reporting agency to develop or disclose a credit score if the agency does not, in the ordinary course of its business—

"(i) distribute scores that are used in connection with extensions of credit secured by residential real property; or

"(ii) develop credit scores that assist creditors in understanding the general credit behavior of the consumer and predicting future credit behavior;

"(B) to require a consumer reporting agency that distributes credit scores developed by another person or entity to provide a further explanation of those scores, or to process a dispute arising pursuant to section 611(a), except that the consumer reporting agency shall be required to provide to the consumer the name and information for contacting the person or entity that developed the score;

"(C) to require a consumer reporting agency to maintain credit scores in its files; or

"(D) to compel disclosure of a credit score, except upon specific request of the consumer, except that if a consumer requests the credit file and not the credit score, then the consumer shall be provided with the credit file and a statement that the consumer may request and obtain a credit score.

"(2) PROVISION OF SCORING MODEL.—In complying with subsection (a)(6) and this subsection, a consumer reporting agency shall supply to the consumer—

"(A) a credit score that is derived from a credit scoring model that is widely distributed to users of credit scores by that consumer reporting agency in connection with any extension of credit secured by a dwelling; or

"(B) a credit score that assists the consumer in understanding the credit scoring assessment of the credit behavior of the consumer and predictions about future credit behavior.".

(3) CONFORMING AMENDMENT.—Section 609(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)(B)), as so designated by section 116, is amended by inserting before the period ", other than as provided in paragraph (6)".

(b) DUTIES OF USERS OF CREDIT SCORES.—

(1) IN GENERAL.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

"(i) DUTIES OF USERS OF CREDIT SCORES.—

"(1) DISCLOSURES.—Any person that makes or arranges extensions of credit for consumer purposes that are to be secured by a dwelling and that uses credit scores for that purpose, shall be required to provide to the consumer to whom the credit score relates, as soon as is reasonably practicable after such use—

"(A) a copy of the information described in section 609(a)(6) that was obtained from a consumer reporting agency or that was developed and used by that user of the credit score information; or

"(B) if the user of the credit score information obtained such information from a third party that developed such information (other than a consumer reporting agency or the user itself), only—

"(i) a copy of the information described in section 609(a)(6) provided to the user by the person or entity that developed the credit score; and

"(ii) a notice that generally describes credit scores, their use, and the sources and kinds of data used to generate credit scores.

"(2) RULE OF CONSTRUCTION.—This subsection may not be construed to require the user of a credit score described in paragraph (1)—

"(A) to explain to the consumer the information provided pursuant to section 609(a)(6), unless that information was developed by the user;

"(B) to disclose any information other than a credit score or the key factors required to be disclosed under section 609(a)(6)(C);

"(C) to disclose any credit score or related information obtained by the user after a transaction occurs; or

"(D) to provide more than 1 disclosure under this subsection to any 1 consumer per credit transaction.

"(3) LIMITATION.—Except as otherwise provided in this subsection, the obligation of a user of a credit score under this subsection shall be limited solely to providing a copy of the information that was received from the consumer reporting agency or other person. A user of a credit score has no liability under this subsection for the content of credit score information received from a consumer reporting agency or for the omission of any information within the report provided by the consumer reporting agency.".

(2) CONFORMING AMENDMENT.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended in the section heading, by adding at the end the following: "**and credit scores**".

(c) CONTRACTUAL LIABILITY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following:

"(d) USE OF CREDIT SCORES.—Any provision of any contract that prohibits the disclosure of a credit score by a consumer reporting agency or a person who makes or arranges extensions of credit to the consumer to whom the credit score relates is void. A user of a credit score shall not have liability under any such contractual provision for disclosure of a credit score.".

(d) RELATION TO STATE LAWS.—Section 624(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1), regarding relation to State laws) is amended—

(1) in subparagraph (E), by striking "or" at the end; and

(2) by adding at the end the following:

"(G) subsections (a)(6) and (e) of section 609, relating to the disclosure of credit scores by consumer reporting agencies in connection with an application for an extension of credit that is to be secured by a dwelling;

"(H) section 615(i), relating to the duties of users of credit scores to disclose credit score information to consumers in connection with an application for an extension of credit that is to be secured by a dwelling; or".

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 180 days after the date of enactment of this Act.

SEC. 213. ENHANCED DISCLOSURE OF THE MEANS AVAILABLE TO OPT OUT OF PRESCREENED LISTS.

(a) NOTICE AND RESPONSE FORMAT FOR USERS OF REPORTS.—Section 615(d)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681m(d)(2)) is amended to read as follows:

"(2) DISCLOSURE OF ADDRESS AND TELEPHONE NUMBER; FORMAT.—A statement under paragraph (1) shall—

"(A) include the address and toll-free telephone number of the appropriate notification system established under section 604(e); and

"(B) be presented in such format and in such type size and manner as is established by the Federal Trade Commission, by rule, in consultation with the Federal banking agencies and the National Credit Union Administration.".

(b) RULEMAKING SCHEDULE.—Regulations required by section 615(d)(2) of the Fair Credit Reporting Act, as amended by this section, shall be issued in final form not later than 1 year after the date of enactment of this Act.

(c) DURATION OF ELECTIONS.—Section 604(e) of the Fair Credit Reporting Act (15 U.S.C. 1681b(e)) is amended in each of paragraphs (3)(A) and (4)(B)(i)), by striking "2-year period" each place that term appears and inserting "7-year period".

(d) PUBLIC AWARENESS CAMPAIGN.—The Federal Trade Commission shall actively publicize and conspicuously post on its website any address and the toll-free telephone number established as part of a notification system for opting out of prescreening under section 604(e), and otherwise take measures to increase public awareness regarding the availability of the right to opt out of prescreening.

SEC. 214. AFFILIATE SHARING.

(a) LIMITATION.—The Fair Credit Reporting Act (15 U.S.C. 1601 et seq.) is amended—

(1) by redesignating section 624 (regarding relation to State laws), as so designated by section 2413(b) of the Consumer Credit Reporting Reform Act of 1996 (110 Stat. 3009-447), as section 625;

(2) by redesignating section 624 (regarding disclosures to FBI for counterintelligence purposes), as added by section 601(a) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974) (15 U.S.C. 1681u)), as section 626; and

(3) by inserting after section 623 the following:

"SEC. 624. AFFILIATE SHARING.

"(a) Special Rule for Solicitation for Purposes of Marketing.—

"(1) Notice.—Any person that receives from another person related to it by common ownership or affiliated by corporate control a communication of information that would be a consumer report, except for clauses (i) through (iii) of section 603(d)(2)(A), may not use the information to make a solicitation for marketing purposes to a consumer about its products or services, unless—

"(A) it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons for purposes of making such solicitations to the consumer; and

"(B) the consumer is provided an opportunity and a simple method to prohibit the making of such solicitations to the consumer by such person.

"(2) Consumer Choice.—

"(A) In General.—The notice required under paragraph (1) shall allow the consumer the opportunity to prohibit all such solicitations, and may allow the consumer to choose from different options when electing to prohibit the sending of such solicitations, including options regarding the types of entities and information covered, and which methods of delivering solicitations the consumer elects to prohibit.

"(B) Format.—Notwithstanding subparagraph (A), the notice required under paragraph (1) must be clear, conspicuous, and concise, and any method provided under paragraph (1)(B) must be simple. The regulations prescribed to implement this section shall provide specific guidance regarding how to comply with such standards.

"(3) Duration.—The election of the consumer pursuant to paragraph (1)(B) to prohibit the sending of solicitations shall be effective for 5 years, beginning on the date on which the person receives the election of the consumer, unless the consumer requests that such election be revoked before the end of such period. At such time as the election of the consumer pursuant to paragraph (1)(B) is no longer effective, a person may not use information it receives as described in paragraph (1) to make a solicitation for marketing purposes to such consumer unless the consumer receives a notice and an opportunity to extend the opt out for another period of 5 years, pursuant to the procedure described in paragraph (1).

"(4) Scope.—This section shall not apply to a person—

"(A) using information to make a solicitation for marketing purposes to a consumer with whom the person has a pre-existing business relationship;

"(B) using information to perform services on behalf of another person related by common ownership or affiliated by corporate control, except that this subparagraph shall not permit a person to send solicitations on behalf of another person if such other person would not be permitted to send the solicitation on its own behalf as a result of the election of the consumer to prohibit solicitations under paragraph (1)(B);

"(C) using information in direct response to a communication initiated by the consumer in which the consumer has requested information about a product or service; or

"(D) using information to directly respond to solicitations authorized or requested by the consumer.

"(b) Notice for Other Purposes Permissible.—A notice or other disclosure that is equivalent to the notice required by subsection (a), and that is provided by a person described in subsection (a) to a consumer together with disclosures required by any other provision of law shall satisfy the requirements of subsection (a).".

(b) Rulemaking Required.—

(1) In General.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621 of the Fair Credit Reporting Act, and in coordination as described in paragraph (2), prescribe regulations to implement section 624 of the Fair Credit Reporting Act, as added by this section.

(2) Coordination.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

(3) Considerations.—In promulgating regulations under this subsection, the Federal Trade Commission shall—

(A) ensure that affiliate sharing notification methods provide a simple means for consumers to make determinations and choices under section 624 of the Fair Credit Reporting Act, as added by this section; and

(B) consider the affiliate sharing notification practices employed on the date of enactment of this Act by persons that will be subject to that section 624.

(4) Timing.—Regulations required by this subsection shall—

(A) be issued in final form not later than 6 months after the date of enactment of this Act; and

(B) become effective not later than 3 months after the date on which they are issued in final form.

(c) Conforming Amendment.—Section 603(d)(2)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)) is amended by inserting "subject to section 624," after "(A)".

(d) Clerical Amendment.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended in the table of sections, by striking the items following the item relating to section 623 and inserting the following:

"624. Affiliate sharing.
"625. Relation to State laws.
"626. Disclosures to FBI for counterintelligence purposes.".

(e) Studies of Information Sharing Practices.—

(1) In General.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly conduct regular studies of the consumer information sharing practices by financial institutions and other persons that are creditors or users of consumer reports with their affiliates.

(2) Matters for Study.—In conducting the studies required by paragraph (1), the agencies described in paragraph (1) shall—

(A) identify—

(i) the purposes for which financial institutions and other creditors and users of consumer reports share consumer information;

(ii) the types of information shared by such entities with their affiliates;

(iii) the number of choices provided to consumers with respect to the control of such sharing, and the degree to and manner in which consumers exercise such choices, if at all; and

(iv) whether such entities share or may share personally identifiable transaction or experience information with affiliates for purposes—

(I) that are related to employment or hiring, including whether the person that is the subject of such information is given notice of such sharing, and the specific uses of such shared information; or

(II) of general publication of such information; and

(B) specifically examine the information sharing practices that financial institutions and other creditors and users of consumer reports and their affiliates employ for the purpose of making underwriting decisions or credit evaluations of consumers.

(3) Reports.—

(A) Initial Report.—Not later than 3 years after the date of enactment of this Act, the Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly submit a report to the Congress on the results of the initial study conducted in accordance with this subsection, together with any recommendations for legislative or regulatory action.

(B) Followup Reports.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, not less frequently than once every 3 years following the date of submission of the initial report under subparagraph (A), jointly submit a report to the Congress that, together with any recommendations for legislative or regulatory action—

(i) documents any changes in the areas of study referred to in paragraph (2)(A) occurring since the date of submission of the previous report;

(ii) identifies any changes in the practices of financial institutions and other creditors and users of consumer reports in sharing consumer information with their affiliates for the purpose of making underwriting decisions or credit evaluations of consumers occurring since the date of submission of the previous report; and

(iii) examines the effects that changes described in clause (ii) have had, if any, on the degree to which such affiliate sharing practices reduce the need for financial institutions, creditors, and other users of consumer reports to rely on credit reports for such decisions.

(f) Definitions.—As used in this section—

(1) the terms "consumer", "consumer report", "consumer reporting agency", "creditor", "Federal banking agencies", and "financial institution", have the same meanings as in section 603 of the Fair Credit Reporting Act, as amended by this Act; and

(2) the term "affiliates" means persons that are related by common ownership or affiliated by corporate control.

SEC. 215. STUDY OF EFFECTS OF CREDIT SCORES AND CREDIT-BASED INSURANCE SCORES ON AVAILABILITY AND AFFORDABILITY OF FINANCIAL PRODUCTS.

(a) Defined Term.—As used in this section, the term "credit score" means a numerical value or a categorization derived from a statistical tool or modeling system used to predict the likelihood of certain credit or insurance behaviors, including default.

(b) Study Required.—The Federal Trade Commission shall conduct a study of—

(1) the effects of the use of credit scores and credit-based insurance scores on the availability and affordability of financial products and services, including credit cards, mortgages, auto loans, and property and casualty insurance;

(2) the degree of correlation between the factors considered by credit score systems and the quantifiable risks and actual losses experienced by businesses, including the extent to which each of the factors considered or otherwise taken into account by such systems correlated to risk or loss;

(3) the extent to which the use of credit scoring models, credit scores and credit-based insurance scores benefit or negatively impact persons based on geography, income, ethnicity, race, color, religion, national origin, age, sex, marital status, or creed; and

(4) the extent to which credit scoring systems are used by businesses, the factors considered by such systems, and the effects of variables which are not considered by such systems.

(c) Public Participation.—The Federal Trade Commission shall seek public input about the prescribed methodology and research design of the study required by subsection (b).

(d) Report.—

(1) In general.—Before the end of the 18-month period beginning on the date of enactment of this Act, the Federal Trade Commission shall submit a detailed report on the study conducted under this section to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) the findings and conclusions of the Commission;

(B) recommendations to address specific areas of concern that were identified in the study; and

(C) recommendations for legislative or administrative action that the Commission may determine to be necessary to ensure that credit and credit-based insurances score are used appropriately and fairly.

TITLE III—ENHANCING THE ACCURACY OF CONSUMER REPORT INFORMATION

SEC. 311. RISK-BASED PRICING NOTICE.

(a) Duties of Users.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by this Act, is amended by adding at the end the following:

"(j) Duties of Users in Certain Credit Transactions.—

"(1) In general.—Subject to rules prescribed as provided in paragraph (5), if any person uses a consumer report in connection with a grant, extension, or other provision of credit on material terms that are materially less favorable than the most favorable terms available to a substantial proportion of consumers from or through that person, based in whole or in part on a consumer report, the person shall provide a notice to the consumer in the form and manner required by regulations prescribed in accordance with this subsection.

"(2) Exceptions.—No notice shall be required from a person under this subsection if—

"(A) the consumer applied for specific material terms and was granted those terms, unless those terms were initially specified by the person after the transaction was initiated by the consumer and after the person obtained a consumer report; or

"(B) the person has provided or will provide a notice to the consumer under subsection (a) in connection with the transaction.

"(3) Other notice not sufficient.—A person that is required to provide a notice under subsection (a) cannot meet that requirement by providing a notice under this subsection.

"(4) Content and delivery of notice.—A notice under this subsection shall include, at a minimum—

"(A) a statement informing the consumer that the terms offered to the consumer were set based on information from a consumer report;

"(B) identification of the consumer reporting agency that furnished that report;

"(C) a statement informing the consumer that the consumer may obtain a copy of a consumer report from that consumer reporting agency without charge; and

"(D) the contact information specified by that consumer reporting agency for obtaining such consumer reports (including a toll-free telephone number established by the agency in the case of a consumer reporting agency described in section 603(p)).

"(5) Rulemaking.—

"(A) Rules required.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System shall jointly prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this subsection.

"(B) Content.—Rules required by subparagraph (A) shall address, but are not limited to—

"(i) the form, content, time, and manner of delivery of any notice under this subsection;

"(ii) clarification of the meaning of terms used in this subsection, including what credit terms are material, and when credit terms are materially less favorable;

"(iii) exceptions to the notice requirement under this subsection for classes of persons or transactions regarding which the agencies determine that notice would not significantly benefit consumers; and

"(iv) a model notice that may be used to comply with this subsection.".

(b) Relation to State Laws.—Section 625(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1), regarding relation to State laws), as so designated and amended by this Act, is amended by adding at the end the following:

"(I) section 615(j), relating to the duties of users of consumer reports to provide notice with respect to terms in certain credit transactions;".

SEC. 312. PROCEDURES TO ENHANCE THE ACCURACY AND COMPLETENESS OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.

(a) Accuracy Guidelines and Regulations.—Section 623 of the Fair Credit Reporting Act (15 U.S.C. 15 U.S.C. 1681s–2) is amended by adding at the end the following:

"(e) Accuracy Guidelines and Regulations Required.—

"(1) Guidelines.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in paragraph (2)—

"(A) establish and maintain guidelines for use by each person that furnishes information to a consumer reporting agency regarding the accuracy and completeness of the information relating to consumers that such entities furnish to consumer reporting agencies, and update such guidelines as often as necessary; and

"(B) prescribe regulations requiring each person that furnishes information to a consumer reporting agency to establish reasonable policies and procedures for implementing the guidelines established pursuant to subparagraph (A).

"(2) Coordination.—Each agency required to prescribe regulations under paragraph (1) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

"(3) Criteria.—In developing the guidelines required by paragraph (1)(A), the agencies described in paragraph (1) shall—

"(A) identify patterns, practices, and specific forms of activity that can compromise the accuracy and completeness of information furnished to consumer reporting agencies;

"(B) review the methods (including technological means) used to furnish information relating to consumers to consumer reporting agencies;

"(C) determine whether persons that furnish information to consumer reporting agencies maintain and enforce policies to provide complete and accurate information to consumer reporting agencies; and

"(D) examine the policies and processes that persons that furnish information to consumer reporting agencies employ to conduct reinvestigations and correct inaccurate information relating to consumers that has been furnished to consumer reporting agencies.".

(b) Furnisher Liability Exception.—Section 623(a)(5) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(5)) is amended—

(1) by striking "A person" and inserting the following:

"(A) In general.—A person";

(2) by inserting "date of delinquency on the account, which shall be the" before "month";

(3) by inserting "on the account" before "that immediately preceded"; and

(4) by adding at the end the following:

"(B) Rule of construction.—For purposes of this paragraph only, and provided that the consumer does not dispute the information, a person that furnishes information on a delinquent account that is placed for collection, charged for profit or loss, or subjected to any similar action, complies with this paragraph, if—

"(i) the person reports the same date of delinquency as that provided by the creditor to which the account was owed at the time at which the commencement of the delinquency occurred, if the creditor previously reported that date of delinquency to a consumer reporting agency;

"(ii) the creditor did not previously report the date of delinquency to a consumer reporting agency, and the person establishes and follows reasonable procedures to obtain the date of delinquency from the creditor or another reliable source and reports that date as the date of delinquency; or

"(iii) the creditor did not previously report the date of delinquency to a consumer reporting agency and the date of delinquency cannot be reasonably obtained as provided in clause (ii), the person establishes and follows reasonable procedures to ensure the date reported as the date of delinquency precedes the date on which the account is placed for collection, charged to profit or loss, or subjected to any similar action, and reports such date to the credit reporting agency.".

(c) LIABILITY AND ENFORCEMENT.—

(1) CIVIL LIABILITY.—Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681s–2) is amended by striking subsections (c) and (d) and inserting the following:

"(c) LIMITATION ON LIABILITY.—Except as provided in section 621(c)(1)(B), sections 616 and 617 do not apply to any violation of—

"(1) subsection (a) of this section;

"(2) subsection (e) of this section, except that nothing in this paragraph shall limit, expand, or otherwise affect liability under section 616 or 617, as applicable, for violations of subsection (b) of this section;

"(3) subsection (e) or (f) of section 615; or

"(4) subparagraph (A) of subsection (b)(2) of this section that is based on the development of procedures required by that subparagraph, except that refurnishing information otherwise in violation of subsection (b) shall be subject to liability under sections 616 and 617, as applicable, to the same extent as such a refurnishing violation was subject to such liability on the day before the date of enactment of the National Consumer Credit Reporting System Improvement Act of 2003.

"(d) LIMITATION ON ENFORCEMENT.—The provisions of law described in paragraphs (1) through (4) of subsection (c) (other than with respect to the exceptions described in paragraphs (2) and (4) of subsection (c)) shall be enforced exclusively as provided under section 621 by the Federal agencies and officials and the State officials identified in section 621.".

(2) STATE ACTIONS.—Section 621(c) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)) is amended—

(A) in paragraph (1)(B)(ii), by striking "of section 623(a)" and inserting "described in any of paragraphs (1) through (4) of section 623(c) (other than with respect to the exception described in paragraph (4) of section 623(c))"; and

(B) in paragraph (5)—

(i) in each of subparagraphs (A) and (B), by inserting after "section 623(a)(1)" each place that term appears the following: "or a violation described in any of paragraphs (2) through (4) of section 623(c) (other than with respect to the exception described in paragraph (4) of section 623(c))"; and

(ii) by amending the paragraph heading to read as follows:

"(5) LIMITATIONS ON STATE ACTIONS FOR CERTAIN VIOLATIONS.—".

(d) RULE OF CONSTRUCTION.—Nothing in this section, the amendments made by this section, or any other provision of this Act shall be construed to affect any liability under section 616 or 617 of the Fair Credit Reporting Act (15 U.S.C. 1681n, 1681o) that existed on the day before the date of enactment of this Act.

SEC. 313. FEDERAL TRADE COMMISSION AND CONSUMER REPORTING AGENCY ACTION CONCERNING COMPLAINTS.

Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following:

"(e) TREATMENT OF COMPLAINTS AND REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Federal Trade Commission shall—

"(A) compile all complaints that it receives that a file of a consumer that is maintained by a consumer reporting agency described in section 603(p) contains incomplete or inaccurate information, with respect to which, the consumer appears to have disputed the completeness or accuracy with the consumer reporting agency or otherwise utilized the procedures provided by subsection (a); and

"(B) transmit each such complaint to each consumer reporting agency involved.

"(2) EXCLUSION.—Complaints received or obtained by the Federal Trade Commission pursuant to its investigative authority under the Federal Trade Commission Act shall not be subject to this paragraph (1).

"(3) AGENCY RESPONSIBILITIES.—Each consumer reporting agency described in section 603(p) that receives a complaint transmitted by the Federal Trade Commission pursuant to paragraph (1) shall—

"(A) review each such complaint to determine whether all legal obligations imposed on the consumer reporting agency under this title (including any obligation imposed by an applicable court or administrative order) have been met with respect to the subject matter of the complaint;

"(B) provide reports on a regular basis to the Commission regarding the determinations of and actions taken by the consumer reporting agency, if any, in connection with its review of such complaints; and

"(C) maintain, for a reasonable time period, records regarding the disposition of each such complaint that is sufficient to demonstrate compliance with this subsection.

"(4) RULEMAKING AUTHORITY.—The Federal Trade Commission may prescribe regulations in accordance with the requirements of section 553 of title 5, United States Code, as appropriate to implement this subsection.

"(5) ANNUAL REPORT.—The Federal Trade Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives an annual report regarding information gathered by the Commission under this subsection.".

SEC. 314. ONGOING AUDITS OF THE ACCURACY OF CONSUMER REPORTS.

(a) AUDITS REQUIRED.—The Board of Governors of the Federal Reserve System (in this section referred to as "the Board") shall conduct ongoing audits of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies. The Board shall independently verify the accuracy and completeness of information contained in consumer reports by evaluating information and data provided by consumer reporting agencies (as defined in section 603 of the Fair Credit Reporting Act).

(b) SUBJECT MATTERS.—In conducting audits under this section, the Board shall examine—

(1) the accuracy and completeness of information contained in consumer reports, including an analysis of the type of inaccurate or incomplete information, if any, that may have the most significant impact on the availability and terms of various credit products offered to borrowers; and

(2) the impact, if any, of incomplete and inaccurate information on the credit and credit-based insurance scores that are most widely used to determine borrower credit worthiness and to make insurance underwriting and rating decisions, including an analysis of how, if at all, changes to credit scores resulting from inaccurate or incomplete credit reporting information affect the availability and terms of various credit products offered to borrowers.

(c) BIENNIAL REPORTS REQUIRED.—

(1) IN GENERAL.—The Board shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives at the end of the 2-year period beginning on the date of enactment of this Act. Thereafter, the Board shall conduct additional audits and submit additional reports once every 2 years.

(2) CONTENTS.—Each report submitted under this subsection shall contain a detailed summary of the findings and conclusions of the Board with respect to the audits required by this section, and such recommendations for legislative and administrative action as the Board may determine to be appropriate.

(d) PROVISION OF REPORTS TO THE BOARD FOR PURPOSES OF ANALYSIS.—Section 604(d) of the Fair Credit Reporting Act (12 U.S.C. 1681b(d)) is amended to read as follows:

"(d) FURNISHING CONSUMER REPORTS FOR ACCURACY OR COMPLIANCE AUDITS.—A consumer reporting agency shall provide consumer reports to the Board of Governors of the Federal Reserve System, upon request, for the purpose of conducting an accuracy or compliance audit in accordance with section 314 of the National Consumer Credit Reporting System Improvement Act of 2003.".

SEC. 315. IMPROVED DISCLOSURE OF THE RESULTS OF REINVESTIGATION.

(a) IN GENERAL.—Section 611(a)(5)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by striking "shall" and all that follows through the end of the subparagraph, and inserting the following: "shall—

"(i) promptly delete that item of information from the file of the consumer, or modify that item of information, as appropriate, based on the results of the reinvestigation; and

"(ii) promptly notify the furnisher of that information that the information has been modified or deleted from the file of the consumer.".

(b) FURNISHER REQUIREMENTS RELATING TO INACCURATE, INCOMPLETE, OR UNVERIFIABLE INFORMATION.—Section 623(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s-2(b)(1)) is amended—

(1) in subparagraph (C), by striking "and" at the end; and

(2) in subparagraph (D), by striking the period at the end and inserting the following: "; and

"(E) if an item of any information disputed by a consumer is found to be inaccurate or incomplete or cannot be verified after any reinvestigation under paragraph (1), promptly delete that item of information from the furnisher's records or modify that item of information, as appropriate, based on the results of the reinvestigation.".

SEC. 316. RECONCILING ADDRESSES.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by this Act, is amended by adding at the end the following:

"(h) NOTICE OF DISCREPANCY IN ADDRESS.—

"(1) IN GENERAL.—If a person has requested a consumer report relating to a consumer from a consumer reporting agency described in section 603(p), the request includes an address for the consumer that substantially differs from the addresses in the file of the consumer, and the agency provides a consumer report in response to the request, the consumer reporting agency shall notify the requester of the existence of the discrepancy.

"(2) REGULATIONS.—

"(A) REGULATIONS REQUIRED.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, with respect to the entities that are subject to their respective enforcement authority under section 621, and in coordination as described in subparagraph (B), prescribe regulations providing guidance regarding reasonable policies and procedures that a user of a consumer report should employ when such user has received a notice of discrepancy under paragraph (1).

"(B) Coordination.—Each agency required to prescribe regulations under subparagraph (A) shall consult and coordinate with each other such agency so that, to the extent possible, the regulations prescribed by each such entity are consistent and comparable with the regulations prescribed by each other such agency.

"(C) Policies and procedures to be included.—The regulations prescribed under subparagraph (A) shall describe reasonable policies and procedures for use by a user of a consumer report—

"(i) to form a reasonable belief that the user knows the identity of the person to whom the consumer report pertains; and

"(ii) if the user establishes a continuing relationship with the consumer, and the user regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which the notice of discrepancy pertaining to the consumer was obtained, to reconcile the address of the consumer with the consumer reporting agency by furnishing such address to such consumer reporting agency as part of information regularly furnished by the user for the period in which the relationship is established.".

SEC. 317. FTC STUDY OF ISSUES RELATING TO THE FAIR CREDIT REPORTING ACT.

(a) Study Required.—

(1) In general.—The Federal Trade Commission shall conduct a study on ways to improve the operation of the Fair Credit Reporting Act.

(2) Areas for study.—In conducting the study under paragraph (1), the Federal Trade Commission shall review—

(A) the efficacy of increasing the number of points of identifying information that a credit reporting agency is required to match to ensure that a consumer is the correct individual to whom a consumer report relates before releasing a consumer report to a user, including—

(i) the extent to which requiring additional points of such identifying information to match would—

(I) enhance the accuracy of credit reports; and

(II) combat the provision of incorrect consumer reports to users;

(ii) the extent to which requiring an exact match of the first and last name, social security number, and address and ZIP Code of the consumer would enhance the likelihood of increasing credit report accuracy; and

(iii) the effects of allowing consumer reporting agencies to use partial matches of social security numbers and name recognition software on the accuracy of credit reports;

(B) requiring notification to consumers when negative information has been added to their credit reports, including—

(i) the potential impact of such notification on the ability of consumers to identify errors on their credit reports; and

(ii) the potential impact of such notification on the ability of consumers to remove fraudulent information from their credit reports;

(C) the effects of requiring that a consumer who has experienced an adverse action based on a credit report receives a copy of the same credit report that the creditor relied on in taking the adverse action, including—

(i) the extent to which providing such reports to consumers would increase the ability of consumers to identify errors in their credit reports; and

(ii) the extent to which providing such reports to consumers would increase the ability of consumers to remove fraudulent information from their credit reports;

(D) any common financial transactions that are not generally reported to the consumer reporting agencies, but would provide useful information in determining the credit worthiness of consumers; and

(E) any actions that might be taken within a voluntary reporting system to encourage the reporting of the types of transactions described in subparagraph (D).

(3) Costs and benefits.—With respect to each area of study described in paragraph (2), the Federal Trade Commission shall consider the extent to which such requirements would benefit consumers, balanced against the cost of implementing such provisions.

(b) Report Required.—Not later than 270 days after the date of enactment of this Act, the chairman of the Federal Trade Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study under this section, together with such recommendations for legislative or administrative actions as may be appropriate.

TITLE IV—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

SEC. 411. PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM.

(a) In General.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) is amended to read as follows:

"(g) Protection of Medical Information.—

"(1) Limitation on consumer reporting agencies.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit or insurance transaction, a consumer report that contains medical information about a consumer, unless—

"(A) if furnished in connection with an insurance transaction, the consumer affirmatively consents to the furnishing of the report;

"(B) if furnished for employment purposes or in connection with a credit transaction—

"(i) the information to be furnished is relevant to process or effect the employment or credit transaction; and

"(ii) the consumer provides specific written consent for the furnishing of the report that describes in clear and conspicuous language the use for which the information will be furnished; or

"(C) such information is restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer, unless the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance, other than property and casualty insurance.

"(2) Limitation on creditors.—Except as permitted pursuant to paragraph (3)(C) or regulations prescribed under paragraph (5)(A), a creditor shall not obtain or use medical information pertaining to a consumer in connection with any determination of the consumer's eligibility, or continued eligibility, for credit.

"(3) Actions authorized by federal law, insurance activities and regulatory determinations.—Section 603(d)(3) shall not be construed so as to treat information or any communication of information as a consumer report if the information or communication is disclosed—

"(A) in connection with the business of insurance or annuities, including the activities described in section 18B of the model Privacy of Consumer Financial and Health Information Regulation issued by the National Association of Insurance Commissioners (as in effect on January 1, 2003);

"(B) for any purpose permitted without authorization under the Standards for Individually Identifiable Health Information promulgated by the Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, or referred to under section 1179 of such Act, or described in section 502(e) of Public Law 106–102; or

"(C) as otherwise determined to be necessary and appropriate, by regulation or order and subject to paragraph (6), by the Federal Trade Commission, any Federal banking agency or the National Credit Union Administration (with respect to any financial institution subject to the jurisdiction of such agency or Administration under paragraph (1), (2), or (3) of section 621(b), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).

"(4) Limitation on redisclosure of medical information.—Any person that receives medical information pursuant to paragraph (1) or (3) shall not disclose such information to any other person, except as necessary to carry out the purpose for which the information was initially disclosed, or as otherwise permitted by statute, regulation, or order.

"(5) Regulations and effective date for paragraph (2).—

"(A) Regulations required.—Each Federal banking agency and the National Credit Union Administration shall, subject to paragraph (6) and after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs, consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.

"(B) Final regulations required.—The Federal banking agencies and the National Credit Union Administration shall issue the regulations required under subparagraph (A) in final form before the end of the 6-month period beginning on the date of enactment of the National Consumer Credit Reporting System Improvement Act of 2003.

"(6) Coordination with other laws.—No provision of this subsection shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.".

(b) Restriction on Sharing of Medical Information.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended—

(1) in paragraph (2), by striking "The term" and inserting "Except as provided in paragraph (3), the term"; and

(2) by adding at the end the following new paragraph:

"(3) Restriction on sharing of medical information.—Except for information or any communication of information disclosed as provided in section 604(g)(3), the exclusions in paragraph (2) shall not apply with respect to information disclosed to any person related by common ownership or affiliated by corporate control, if—

"(A) the information is medical information; or

"(B) the information is an individualized list or description based on a consumer's payment transactions for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.".

(c) Effective Dates.—This section shall take effect at the end of the 180-day period beginning on the date of enactment of this Act, except that paragraph (2) of section 604(g) of the Fair Credit Reporting Act (as amended by subsection (a)) shall take effect on the later of—

(1) the end of the 90-day period beginning on the date on which the regulations required under paragraph (5)(B) of such section 604(g) (as added by subsection (a) of this section) are issued in final form; or

(2) the date specified in the regulations referred to in paragraph (1).

SEC. 412. CONFIDENTIALITY OF MEDICAL CONTACT INFORMATION IN CONSUMER REPORTS.

(a) Duties of Medical Information Furnishers.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended by adding at the end the following:

"(6) Duty to provide notice of status as medical information furnisher.—A person whose primary business is providing medical services, products, or devices, or the person's agent or assignee, who furnishes information to a consumer reporting agency on a consumer shall be considered a medical information furnisher for purposes of this title, and shall notify the agency of such status.".

(b) Restriction of Dissemination of Medical Contact Information.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following:

"(6) The name, address, and telephone number of any medical information furnisher that has notified the agency of its status, unless—

"(A) such name, address, and telephone number are restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer; or

"(B) the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.".

(c) No Exceptions Allowed for Dollar Amounts.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended by striking "The provisions of subsection (a)" and inserting "The provisions of paragraphs (1) through (5) of subsection (a)".

(d) Coordination With Other Laws.—No provision of any amendment made by this section shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.

(e) FTC Regulation of Coding of Trade Names.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), as amended by this Act, is amended by adding at the end the following:

"(g) FTC Regulation of Coding of Trade Names.—If the Federal Trade Commission determines that a person described in paragraph (6) of section 623(a) has not met the requirements of such paragraph, the Commission shall take action to ensure the person's compliance with such paragraph, which may include issuing model guidance or prescribing reasonable policies and procedures as necessary to ensure that such person complies with such paragraph.".

(f) Technical and Conforming Amendments.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)), as amended by section 411 of this Act, is amended—

(1) in paragraph (1), by inserting "(other than medical contact information treated in the manner required under section 605(a)(6))" after "a consumer report that contains medical information"; and

(2) in paragraph (2), by inserting "(other than medical information treated in the manner required under section 605(a)(6))" after "a creditor shall not obtain or use medical information".

(g) Effective Date.—The amendments made by this section shall take effect at the end of the 15-month period beginning on the date of enactment of this Act.

TITLE V—FINANCIAL LITERACY AND EDUCATION IMPROVEMENT

SEC. 511. SHORT TITLE.

This title may be cited as the "Financial Literacy and Education Improvement Act".

SEC. 512. DEFINITIONS.

As used in this title—

(1) the term "Chairperson" means the Chairperson of the Financial Literacy and Education Commission; and

(2) the term "Commission" means the Financial Literacy and Education Commission established under section 513.

SEC. 513. ESTABLISHMENT OF FINANCIAL LITERACY AND EDUCATION COMMISSION.

(a) In General.—There is established a commission to be known as the "Financial Literacy and Education Commission".

(b) Purpose.—The Commission shall serve to improve the financial literacy and education of persons in the United States.

(c) Membership.—

(1) Composition.—The Commission shall be composed of—

(A) the Secretary of the Treasury;

(B) the respective head of each of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, the Securities and Exchange Commission, each of the Departments of Education, Agriculture, Defense, Health and Human Services, Housing and Urban Development, Labor, and Veterans Affairs, the Federal Trade Commission, the General Services Administration, the Small Business Administration, the Social Security Administration, the Commodity Futures Trading Commission, and the Office of Personnel Management; and

(C) at the discretion of the President, not more than 5 individuals appointed by the President from among the administrative heads of any other Federal agencies, departments, or other Government entities, whom the President determines to be engaged in a serious effort to improve financial literacy and education.

(2) Alternates.—Each member of the Commission may designate an alternate if the member is unable to attend a meeting of the Commission. Such alternate shall be an individual who exercises significant decisionmaking authority.

(d) Chairperson.—The Secretary of the Treasury shall serve as the Chairperson.

(e) Meetings.—The Commission shall hold, at the call of the Chairperson, at least 1 meeting every 4 months. All such meetings shall be open to the public. The Commission may hold, at the call of the Chairperson, such other meetings as the Chairperson sees fit to carry out this title.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Initial Meeting.—The Commission shall hold its first meeting not later than 60 days after the date of enactment of this Act.

SEC. 514. DUTIES OF THE COMMISSION.

(a) Duties.—

(1) In general.—The Commission, through the authority of the members referred to in section 513(c), shall take such actions as it deems necessary to streamline, improve, or augment the financial literacy and education programs, grants, and materials of the Federal Government, including curricula for all Americans.

(2) Areas of emphasis.—To improve financial literacy and education, the Commission shall emphasize, among other elements, basic personal income and household money management and planning skills, including how to—

(A) create household budgets, initiate savings plans, and make strategic investment decisions for education, retirement, home ownership, wealth building, or other savings goals;

(B) manage spending, credit, and debt, including credit card debt, effectively;

(C) increase awareness of the availability and significance of credit reports and credit scores in obtaining credit, the importance of their accuracy (and how to correct inaccuracies), their effect on credit terms, and the effect common financial decisions may have on credit scores;

(D) ascertain fair and favorable credit terms;

(E) avoid abusive, predatory, or deceptive credit offers and financial products;

(F) understand, evaluate, and compare financial products, services, and opportunities;

(G) understand resources that ought to be easily accessible and affordable, and that inform and educate investors as to their rights and avenues of recourse when an investor believes his or her rights have been violated by unprofessional conduct of market intermediaries; and

(H) improve financial literacy and education through all other related skills.

(b) Website.—

(1) In general.—The Commission shall establish and maintain a website, such as the domain name "FinancialLiteracy.gov", or a similar domain name.

(2) Purposes.—The website established under paragraph (1) shall—

(A) serve as a clearinghouse of information about Federal financial literacy and education programs;

(B) provide a coordinated entry point for accessing information about all Federal publications, grants, and materials promoting enhanced financial literacy and education;

(C) offer information on all Federal grants to promote financial literacy and education, and on how to target, apply for, and receive a grant that is most appropriate under the circumstances;

(D) as the Commission considers appropriate, feature website links to efforts that have no commercial content and that feature information about financial literacy and education programs, materials, or campaigns; and

(E) offer such other information as the Commission finds appropriate to share with the public in the fulfillment of its purpose.

(c) TOLL-FREE HOTLINE.—The Commission shall establish a toll-free telephone number that shall be made available to members of the public seeking information about issues pertaining to financial literacy and education.

(d) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—The Commission shall—

(1) develop materials to promote financial literacy and education; and

(2) disseminate such materials to the general public.

(e) COORDINATION OF EFFORTS.—The Commission shall take such steps as are necessary to coordinate and promote financial literacy and education efforts at the State and local level, including promoting partnerships among Federal, State, and local governments, nonprofit organizations, and private enterprises.

(f) NATIONAL STRATEGY.—

(1) IN GENERAL.—The Commission shall—

(A) not later than 18 months after the date of enactment of this Act, develop a national strategy to promote basic financial literacy and education among all American consumers; and

(B) coordinate Federal efforts to implement the strategy developed under subparagraph (A).

(2) STRATEGY.—The strategy to promote basic financial literacy and education required to be developed under paragraph (1) shall provide for—

(A) participation by State and local governments and private, nonprofit, and public institutions in the creation and implementation of such strategy;

(B) the development of methods—

(i) to increase the general financial education level of current and future consumers of financial services and products; and

(ii) to enhance the general understanding of financial services and products;

(C) review of Federal activities designed to promote financial literacy and education, and development of a plan to improve coordination of such activities; and

(D) the identification of areas of overlap and duplication among Federal financial literacy and education activities and proposed means of eliminating any such overlap and duplication.

(3) NATIONAL STRATEGY REVIEW.—The Commission shall, not less than annually, review the national strategy developed under this subsection and make such changes and recommendations as it deems necessary

(g) CONSULTATION.—The Commission shall actively consult with a variety of representatives from private and nonprofit organizations and State and local agencies, as determined appropriate by the Commission.

(h) REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of the first meeting of the Commission, and annually thereafter, the Commission shall issue a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the progress of the Commission in carrying out this title.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) information concerning the implementation of the duties of the Commission under subsections (a) through (g);

(B) an assessment of the success of the Commission in implementing the national strategy developed under subsection (f);

(C) an assessment of the availability, utilization, and impact of Federal financial literacy and education materials;

(D) information concerning the content and public use of—

(i) the website established under subsection (b); and

(ii) the toll-free telephone number established under subsection (c);

(E) a brief survey of the financial literacy and education materials developed under subsection (d), and data regarding the dissemination and impact of such materials, as measured by improved financial decision making;

(F) a brief summary of any hearings conducted by the Commission, including a list of witnesses who testified at such hearings;

(G) information about the activities of the Commission planned for the next fiscal year;

(H) a summary of all Federal financial literacy and education activities targeted to communities that have historically lacked access to financial literacy materials and education, and have been underserved by the mainstream financial systems; and

(I) such other materials relating to the duties of the Commission as the Commission deems appropriate.

(3) INITIAL REPORT.—The initial report under paragraph (1) shall include information regarding all Federal programs, materials, and grants which seek to improve financial literacy, and assess the effectiveness of such programs.

(i) TESTIMONY.—The Commission shall provide, upon request, testimony by the Chairperson to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 515. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Commission.

(c) PERIODIC STUDIES.—The Commission may conduct periodic studies regarding the state of financial literacy and education in the United States, as the Commission determines appropriate.

SEC. 516. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall serve without compensation in addition to that received for their service as an officer or employee of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) ASSISTANCE.—

(1) IN GENERAL.—The Director of the Office of Financial Education of the Department of the Treasury shall provide assistance to the Commission, upon request of the Commission, without reimbursement.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 517. STUDY BY THE COMPTROLLER GENERAL.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress assessing the effectiveness of the Commission in promoting financial literacy and education.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this title, including administrative expenses of the Commission.

TITLE VI—RELATION TO STATE LAW

SEC. 611. RELATION TO STATE LAW.

Section 625(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d), regarding relation to State laws), as so designated by section 214 of this Act, is amended—

(1) by striking paragraph (2);

(2) by striking “(c)—” and all that follows through “do not affect” and inserting “(c) do not affect”; and

(3) by striking “1996; and” and inserting “1996.”.

TITLE VII—MISCELLANEOUS

SEC. 711. CLERICAL AMENDMENTS.

(a) SHORT TITLE.—Section 601 of the Fair Credit Reporting Act (15 U.S.C. 1601 note) is amended by striking “the Fair Credit Reporting Act.” and inserting “the ‘Fair Credit Reporting Act’.”.

(b) SECTION 604.—Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)) is amended in paragraphs (1) through (5), other than subparagraphs (E) and (F) of paragraph (3), by moving each margin 2 ems to the right.

(c) SECTION 605.—

(1) Section 605(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(1)) is amended by striking “(1) cases” and inserting “(1) Cases”.

(2)(A) Section 5(1) of Public Law 105–347 (112 Stat. 3211) is amended by striking “Judgments which” and inserting “judgments which”.

(B) The amendment made by subparagraph (A) shall be deemed to have the same effective date as section 5(1) of Public Law 105–347 (112 Stat. 3211).

(d) SECTION 609.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended—

(1) in paragraph (2), by moving the margin 2 ems to the right; and

(2) in paragraph (3)(C), by moving the margins 2 ems to the left.

(e) SECTION 617.—Section 617(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681o(a)(1)) is amended by adding “and” at the end.

(f) SECTION 621.—Section 621(b)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)(1)(B)) is amended by striking “25(a)” and inserting “25A”.

(g) TITLE 31.—Section 5318 of title 31, United States Code, is amended by redesignating the second item designated as subsection (l) (relating to applicability of rules) as subsection (m).

(h) CONFORMING AMENDMENT.—Section 2411(c) of Public Law 104–208 (110 Stat. 3009–445) is repealed.

SA 2054. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. HARKIN, Mr. FEINGOLD, Mr. DURBIN, Mr. LAUTENBERG, and Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

Strike section 214 and insert the following:

SEC. 214. AFFILIATE SHARING.

(a) LIMITATION.—The Fair Credit Reporting Act (15 U.S.C. 1601 et seq.) is amended—

(1) by redesignating section 624, as so designated by section 2413(b) of the Consumer Credit Reporting Reform Act of 1996 (110 Stat. 3009–447), regarding relation to State laws, as section 625;

(2) by redesignating section 624, as added by section 601(a) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) (15 U.S.C. 1681u)), regarding disclosures to FBI for counterintelligence purposes, as section 626; and

(3) by inserting after section 623 the following:

"SEC. 624. AFFILIATE SHARING.

"(a) OPT-OUT FOR AFFILIATE SHARING.—Any persons that are related by common ownership or affiliated by corporate control, and that share information that would be a consumer report except for clause (i) or (ii) of section 603(d)(2), shall provide to each consumer to which the information relates, a notice that—

"(1) clearly and conspicuously discloses to the consumer that the information may be shared among such persons for marketing or other purposes; and

"(2) provides an opportunity and a simple method for the consumer to prohibit the sharing of such information.

"(b) EXCEPTIONS.—Nothing in this section shall restrict or prohibit the sharing of the information described in subsection (a) between persons related by common ownership or affiliated by corporate control—

"(1) if—

"(A) the persons are regulated by the same functional regulator;

"(B) the affiliate disclosing such information and the affiliate receiving such information are both principally engaged in the same line of business;

"(C) the affiliate disclosing such information and the affiliate receiving such information share a common brand, excluding a brand consisting solely of a graphic element or symbol, within their trade mark, service mark, or trade name, which is used to identify the source of the products and services provided; and

"(D) the affiliate disclosing such information and the affiliate receiving such information are wholly owned subsidiaries, whether wholly owned directly or wholly owned indirectly in a chain of wholly owned subsidiaries, of the same person or holding company;

"(2) as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer, or in connection with—

"(A) servicing or processing a financial product or service requested or authorized by the consumer;

"(B) maintaining or servicing the consumer's account with any such affiliate as part of a private label credit card program or other extension of credit on behalf of such entity; or

"(C) a proposed or actual securitization, secondary market sale (including sales of servicing rights), or similar transaction related to a transaction of the consumer;

"(3) with the consent or at the direction of the consumer;

"(4) to protect the confidentiality or security of an affiliate's records pertaining to the consumer, the service or product, or the transaction therein;

"(5) to protect against or prevent actual or potential fraud, identity theft, unauthorized transactions, claims, or other liability;

"(6) for required institutional risk control, or for resolving customer disputes or inquiries;

"(7) to persons holding a legal or beneficial interest relating to the consumer, including for purposes of debt collection;

"(8) to persons acting in a fiduciary or representative capacity on behalf of the consumer;

"(9) to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies, persons assessing an affiliate's compliance with industry standards, and an affiliate's attorneys, accountants, and auditors;

"(10) to the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978, to law enforcement agencies (including a Federal functional regulator, the Secretary of the Treasury with respect to subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), a State insurance authority, the Federal Trade Commission), a self-regulatory organization, as defined in section 3 of the Securities Exchange Act of 1934, or for an investigation on a matter related to public safety;

"(11) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of the information concerns solely consumers of such business or unit;

"(12) to comply with Federal, State, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities, or to respond to judicial process or government regulatory authorities having jurisdiction over the affiliate for examination, compliance, or other purposes as authorized by law;

"(13) if such information is released to an affiliate in order for the affiliate to perform business or professional services, such as printing, mailing services, data processing or analysis, or customer surveys, on behalf of another affiliate, if—

"(A) the services to be performed by the affiliate could lawfully be performed by the affiliate;

"(B) there is a written contract between the affiliates that prohibits the affiliate from disclosing or using such information other than to carry out the purpose for which the information is disclosed, as set forth in the written contract;

"(C) the information provided to the affiliate is limited to that which is necessary for an affiliate to perform the services contracted for on behalf of the other affiliate; and

"(D) the affiliate providing the information does not receive any payment from or through the affiliate receiving the information in connection with, or as a result of, the release of the information;

"(14) if the information is released to identify or locate missing and abducted children, witnesses, criminals and fugitives, parties to lawsuits, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs, or to report a known or suspected instance of elder or dependent adult financial abuse;

"(15) if the information is released to a real estate appraiser licensed or certified by a State for submission to central data repositories and the information is compiled strictly to complete other real estate appraisals and is not used for any other purpose;

"(16) if the information is released as required by title III of the Federal United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the USA PATRIOT ACT); or

"(17) if the information is released in connection with a written agreement between a consumer and a broker-dealer registered under the Securities Exchange Act of 1934, or an investment adviser registered under the Investment Advisers Act of 1940, to provide investment management services, portfolio advisory services, or financial planning, and the information is released for the sole purpose of providing the products and services covered by that agreement.

"(c) NO EFFECT ON EXISTING LAW.—Nothing in this section is intended to affect any provision of law in effect on the date of enactment of the National Consumer Credit Reporting System Improvement Act of 2003 relating to access by law enforcement agencies to information held by financial institutions.

"(d) LIMIT ON REUSE AND REDISCLOSURE.—A person that receives information pursuant to—

"(1) paragraph (1) of subsection (b) shall not directly or indirectly further disclose such information, except as permitted under subsection (b); and

"(2) any of paragraphs (2) through (17) of subsection (b) shall not use or disclose the information, except in the ordinary course of business to carry out the activity covered by the exception under which the information was received.

"(e) NOTICE FOR OTHER PURPOSES PERMISSIBLE.—A notice or other disclosure that is equivalent to the notice required by subsection (a), and that is provided by a person described in subsection (a) to a consumer, together with disclosures required by any other provision of law, shall satisfy the requirements of subsection (a).

"(f) RULE OF CONSTRUCTION.—For purposes of this section, a person does not disclose information to, or share information, with, its affiliate solely because information described in subsection (a) is maintained in a common information system or database, and employees of the person and its affiliate have access to that common information system or database, or a consumer accesses a website jointly operated or maintained under a common name by or on behalf of the person and its affiliate, provided that in any case in which a consumer has exercised his or her right to prohibit the sharing of information pursuant to this section, the information described in subsection (a) is not accessed, disclosed, or used by an affiliate, except as permitted by this section.

"(g) DEFINITIONS.—

"(1) FUNCTIONAL REGULATORS.—For purposes of subsection (b)(1)—

"(A) financial institutions regulated by the Office of the Comptroller of the Currency, Office of Thrift Supervision, National Credit Union Administration, or a State regulator of depository institutions shall be deemed to be regulated by the same functional regulator;

"(B) persons regulated by the Securities and Exchange Commission, the United

States Department of Labor, or a State securities regulator shall be deemed to be regulated by the same functional regulator; and

"(C) insurers licensed by a State, or otherwise permitted by the State, to engage in the business of insurance shall be deemed to be in compliance with subsection (b)(2).

"(2) LINE OF BUSINESS.—As used in subsection (b)(2), the term 'same line of business' describes a condition where both affiliates are principally engaged in the business of—

"(A) insurance;

"(B) banking;

"(C) securities; or

"(D) any other distinct line of business identified, by rule, by the Federal Trade Commission.".

(b) RULEMAKING REQUIRED.—

(1) IN GENERAL.—The Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission shall jointly promulgate regulations to implement section 624 of the Fair Credit Reporting Act, as amended by this section.

(2) CONSIDERATIONS.—In promulgating regulations under this subsection, the agencies referred to in paragraph (1) shall—

(A) ensure that affiliate sharing notification methods provide a simple means for consumers to make determinations and choices under section 624 of the Fair Credit Reporting Act as amended by this section; and

(B) consider the affiliate sharing notification practices employed on the date of enactment of this Act by persons that will be subject to that section 624.

(3) TIMING.—Regulations required by this subsection shall—

(A) be issued in final form not later than 6 months after the date of enactment of this Act; and

(B) become effective not later than 3 months after the date on which they are issued in final form.

(c) CONFORMING AMENDMENT.—Section 603(d)(2)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)) is amended by inserting "subject to section 624," after "(A)".

(d) CLERICAL AMENDMENT.—The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended in the table of sections for title VI, by striking the items following the item relating to section 623 and inserting the following:

"624. Affiliate sharing.
"625. Relation to State laws.
"626. Disclosures to FBI for counterintelligence purposes.".

(e) STUDIES OF INFORMATION SHARING PRACTICES.—

(1) IN GENERAL.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly conduct regular studies of the consumer information sharing practices by financial institutions and other persons that are creditors or users of consumer reports with their affiliates.

(2) MATTERS FOR STUDY.—In conducting the studies required by paragraph (1), the agencies described in paragraph (1) shall—

(A) identify—

(i) the purposes for which financial institutions and other creditors and users of consumer reports share consumer information;

(ii) the types of information shared by such entities with their affiliates;

(iii) the number of choices provided to consumers with respect to the control of such sharing, and the degree to and manner in which consumers exercise such choices, if at all; and

(iv) whether such entities share or may share personally identifiable transaction or experience information with affiliates for purposes—

(I) that are related to employment or hiring, including whether the person that is the subject of such information is given notice of such sharing, and the specific uses of such shared information; or

(II) of general publication of such information; and

(B) specifically examine the information sharing practices that financial institutions and other creditors and users of consumer reports and their affiliates employ for the purpose of making underwriting decisions or credit evaluations of consumers.

(3) REPORTS.—

(A) INITIAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall jointly submit a report to the Congress on the results of the initial study conducted in accordance with this subsection, together with any recommendations for legislative or regulatory action.

(B) FOLLOWUP REPORTS.—The Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission shall, not less frequently than once every 3 years following the date of submission of the initial report under subparagraph (A), jointly submit a report to the Congress that, together with any recommendations for legislative or regulatory action—

(i) documents any changes in the areas of study referred to in paragraph (2)(A) occurring since the date of submission of the previous report;

(ii) identifies any changes in the practices of financial institutions and other creditors and users of consumer reports in sharing consumer information with their affiliates for the purpose of making underwriting decisions or credit evaluations of consumers occurring since the date of submission of the previous report; and

(iii) examines the effects that changes described in clause (ii) have had, if any, on the degree to which such affiliate sharing practices reduce the need for financial institutions, creditors, and other users of consumer reports to rely on credit reports for such decisions.

(f) DEFINITIONS.—As used in this section—

(1) the terms "consumer", "consumer report", "consumer reporting agency", "creditor", "Federal banking agencies", and "financial institution", have the same meanings as in section 603 of the Fair Credit Reporting Act, as amended by this Act; and

(2) the term "affiliates" means persons that are related by common ownership or affiliated by corporate control.

SA 2055. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 63, strike line 20, and all that follows through page 64, line 11, and insert the following:

In addition, for the costs of worldwide security upgrades, $644,373,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $157,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 shall not apply to funds available under this heading.

SA 2056. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 1 through 22.

SA 2057. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 98, strike line 23 and all that follows through page 99, line 18.

On page 77, between lines 20 and 21, insert the following new section:

(TRANSFER OF FUNDS)

SEC. 413. The funds appropriated in title II under the heading "INTERNATIONAL FISHERIES COMMISSIONS" are hereby transferred to the Secretary of State for the purposes described, and may be advanced as provided, under such heading.

SA 2058. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1585, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 20 and 21, insert the following new section:

SEC. 413. It is the sense of Congress that the total amount requested by the President for the Congress-Bundestag youth exchange program, $2,994,000, should be made available for the program in fiscal year 2004.

SA 2059. Ms. CANTWELL (for herself, Mr. ENZI, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

On page 22, line 6, strike the quotation marks and the final period and insert the following:

"(e) INFORMATION AVAILABLE TO VICTIMS.—

"(1) IN GENERAL.—For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 20 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to—

“(A) the victim;

“(B) any Federal, State, or local governing law enforcement agency or officer specified by the victim in such a request; or

“(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

“(2) VERIFICATION OF IDENTITY AND CLAIM.—Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, is otherwise able to verify the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—

“(A) as proof of positive identification of the victim, at the election of the business entity—

“(i) the presentation of a government-issued identification card;

“(ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

“(iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and

“(B) as proof of a claim of identity theft, at the election of the business entity—

“(i) a copy of a police report evidencing the claim of the victim of identity theft; and

“(ii) a properly completed—

“(I) copy of a standardized affidavit of identity theft developed and made available by the Federal Trade Commission; or

“(II) an affidavit of fact that is acceptable to the business entity for that purpose.

“(3) PROCEDURES.—The request of a victim under paragraph (1) shall—

“(A) be in writing; and

“(B) be mailed to an address specified by the business entity, if any.

“(4) NO CHARGE TO VICTIM.—Information required to be provided under paragraph (1) shall be so provided without charge.

“(5) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that—

“(A) this subsection does not require disclosure of the information;

“(B) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or

“(C) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

“(6) LIMITATION ON LIABILITY.—Except as provided in section 621, sections 616 and 617 do not apply to any violation of this subsection.

“(7) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

“(8) RULE OF CONSTRUCTION.—

“(A) IN GENERAL.—No provision of Federal or State law (except a law involving the nondisclosure of information related to a pending Federal criminal investigation) prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

“(B) LIMITATION.—Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

“(9) AFFIRMATIVE DEFENSE.—In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

“(A) the business entity has made a reasonably diligent search of its available business records; and

“(B) the records requested under this subsection do not exist or are not available.

“(10) DEFINITION OF VICTIM.—For purposes of this subsection, the term ‘victim’ means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, identity theft or any other violation of law.”.

On page 33, line 6, strike “7” and insert “5”.

On page 41, line 19, strike “(e)” and insert “(f)”.

On page 47, line 1, strike “(e)” and insert “(f)”.

SA 2060. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

On page 50, strike line 12 and all that follows through page 51, line 3 and insert the following:

“(3) DURATION.—The election of a consumer pursuant to paragraph (1)(B) to prohibit the sending of solicitations shall be effective permanently, beginning on the date on which the person receives the election of the consumer, unless the consumer requests that such election be revoked.

“(4) DEFINITION.—For purposes of this section, the term ‘pre-existing business relationship’ means a relationship between a person and a consumer, based on—

“(A) the purchase, rental, or lease by the consumer of that person's goods or services, or a financial transaction between the consumer and that person during the 18-month period immediately preceding the date on which the consumer receives the notice required under this section; or

“(B) an inquiry or application by the consumer regarding a product or service offered by that person, during the 3-month period immediately preceding the date on which the consumer receives the notice required under this section.

“(5) SCOPE.—This section shall not apply to a”.

SA 2061. Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. KENNEDY) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

On page 81, strike lines 6 through 15 and insert the following: “to any person related by common ownership or affiliated by corporate control, if the information is medical information, including information that is an individualized list or description based on the payment transactions of the consumer for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.”.

(c) DEFINITION.—Section 603(i) of the Fair Credit Reporting Act (15 U.S.C. 1681a(i)) is amended to read as follows:

“(i) MEDICAL INFORMATION.—The term ‘medical information’ means information or data, other than age or gender, whether oral or recorded, in any form or medium, created by or derived from a health care provider or the consumer, that relates to—

“(1) the past, present, or future physical, mental, or behavioral health or condition of an individual;

“(2) the provision of health care to an individual; or

“(3) the payment for the provision of health care to an individual.”.

SA 2062. Mr. DURBIN proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

At the end of section 312, insert the following:

(c) REPORTS TO CONSUMER REPORTING AGENCIES.—

(1) REPORTS.—Section 430A(a) of the Higher Education Act of 1965 (20 U.S.C. 1080a(a)) is amended to read as follows:

“(a) AGREEMENTS TO EXCHANGE INFORMATION.—

“(1) IN GENERAL.—For the purpose of promoting responsible repayment of loans covered by Federal loan insurance pursuant to this title or covered by a guaranty agreement pursuant to section 428, the Secretary, each guaranty agency, eligible lender, and subsequent holder shall enter into an agreement with each national consumer reporting agency as described in section 603(p) of the

Fair Credit Reporting Act (15 U.S.C. 1681a(p)) to exchange such information as is required by the Secretary concerning each borrower of a loan made, insured, or guaranteed under this title who is served by the Secretary, agency, lender, or holder, respectively, regardless of the default status of the borrower. Such information shall be reported to the agencies regularly, shall be identified as pertaining to such a loan, and shall include any positive or negative repayment information relevant to the borrower.

"(2) OBJECTIONS RAISED BY BORROWERS.—For the purpose of assisting the reporting agencies in complying with the Fair Credit Reporting Act, such agreements may provide for timely response by the Secretary (concerning loans covered by Federal loan insurance), by a guaranty agency, eligible lender, or subsequent holder (concerning loans covered by a guaranty agreement), or to requests from the reporting agencies, for responses to objections raised by borrowers.

"(3) NONPAYMENT.—Subject to the requirements of subsection (c), such agreements shall require the Secretary, the guaranty agency, eligible lender, or subsequent holder, as appropriate, to disclose to the reporting agencies, with respect to any loan under this part that has not been repaid by the borrower—

"(A) the total amount of loans made to any borrower under this part and the remaining balance of the loans;

"(B) information concerning the date of any default on the loan and the collection of the loan, including information concerning the repayment status of any defaulted loan on which the Secretary has made a payment pursuant to section 430(a) or the guaranty agency has made a payment to the previous holder of the loan; and

"(C) the date of cancellation of the note upon completion of repayment by the borrower of the loan or payment by the Secretary pursuant to section 437.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(A) in section 427(a)(2)(G)(i) (20 U.S.C. 1077(a)(2)(G)(i)), by striking "credit bureau organizations" and inserting "reporting agencies";

(B) in section 428C(b)(4)(E)(i) (20 U.S.C. 1078-3(b)(4)(E)(i)), by striking "credit bureau organizations" and inserting "reporting agencies"; and

(C) in section 430A (20 U.S.C. 1080a)—

(i) in subsection (b)—

(I) by striking "such organizations" and inserting "the reporting agencies"; and

(II) by striking "(a)(2)" and inserting "(a)(3)(B)";

(ii) in subsection (c)(2), by striking "such organizations" and inserting "the reporting agencies";

(iii) in subsection (b)(4)—

(I) by striking "(a)(2)" and inserting "(a)(3)(B)"; and

(II) by striking "credit bureau organizations" and inserting "the reporting agencies";

(iv) in subsection (d), by striking "credit bureau organization" and inserting "reporting agency"; and

(v) in subsection (f), by striking "consumer reporting agency" each place the term appears and inserting "reporting agency".

SA 2063. Mr. LAUTENBERG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. BOXER, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes: which was ordered to lie on the table; as follows:

On page 98, line 5, before the period at the end, insert the following: ", of which, in addition to any other amounts provided under this heading for compliance monitoring, civil enforcement, and capacity building in the Office of Enforcement and Compliance Assurance, $5,400,000 shall be made available for those activities".

SA 2064. Mr. CORZINE proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

On page 16, line 25, strike the period at the end and insert the following: "; and

"(C) prescribe regulations requiring each financial institution and each other person that is a creditor or other user of a consumer report to notify the Federal Trade Commission (and any other agency or person that such rulemaking agency determines appropriate) in any case in which there has been, or is reasonably believed to have been unauthorized access to computerized or physical records which compromises the security, confidentiality, or integrity of consumer information maintained by or on behalf of that entity, except that such regulations shall not apply to a good faith acquisition of information by an employee or agent of such entity for a business purpose of that entity, if the information is not subject to further unauthorized access.".

SA 2065. Mr. FEINGOLD proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . DATA-MINING REPORTING ACT OF 2003.

(a) SHORT TITLE.—This section may be cited as the "Data-Mining Reporting Act of 2003".

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of the enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

SA 2066. Mr. FEINGOLD proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 712. BUY AMERICAN REPORT.

(a) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available by posting on an Internet website.

SA 2067. Mr. SHELBY (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 216. DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following:

"§ 627. Disposal of records

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Federal Trade Commission shall issue final regulations requiring any person that maintains or otherwise possesses consumer information or any compilation of consumer information derived from consumer reports for a business purpose to properly dispose of any such information or compilation.

"(2) EXEMPTION AUTHORITY.—In issuing regulations under this section, the Federal Trade Commission may exempt any person or class of persons from application of those regulations, as the Commission deems appropriate to carry out the purpose of this section.

"(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect any requirement imposed under any other provision of law to maintain any record.".

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as amended by this Act, is amended by adding at the end the following:

"627. Disposal of records.".

SA 2068. Mr. CRAPO (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, strike line 7 and insert the following:

the provisions of this title.".

DIVISION B—HEALTHY FORESTS RESTORATION

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Healthy Forests Restoration Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuel reduction projects.
Sec. 103. Prioritization.
Sec. 104. Environmental analysis.
Sec. 105. Special administrative review process.
Sec. 106. Judicial review in United States district courts.
Sec. 107. Effect of title.
Sec. 108. Authorization of appropriations.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.
Sec. 205. Improved biomass use research program.
Sec. 206. Rural revitalization through forestry.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purposes.
Sec. 302. Watershed forestry assistance program.
Sec. 303. Tribal watershed forestry assistance.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

Sec. 401. Findings and purpose.
Sec. 402. Definitions.
Sec. 403. Accelerated information gathering regarding forest-damaging insects.
Sec. 404. Applied silvicultural assessments.
Sec. 405. Relation to other laws.
Sec. 406. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Restoration plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Protections and measures
Sec. 507. Involvement by other agencies and organizations.
Sec. 508. Authorization of appropriations.

TITLE VI—PUBLIC LAND CORPS

Sec. 601. Purposes.
Sec. 602. Definitions.
Sec. 603. Public Land Corps.
Sec. 604. Nondisplacement.
Sec. 605. Authorization of appropriations.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

Sec. 701. Purpose
Sec. 702. Definitions.
Sec. 703. Rural community forestry enterprise program.

TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT

Sec. 801. Short Title.
Sec. 802. Monitoring of firefighters in disaster areas.

TITLE IX—DISASTER AIR QUALITY MONITORING ACT

Sec. 901. Short Title.
Sec. 902. Monitoring of air quality in disaster areas.

TITLE X—HIGHLANDS REGION CONSERVATION

Sec. 1001. Short title.
Sec. 1002. Findings.
Sec. 1003. Purposes.
Sec. 1004. Definitions.
Sec. 1005. Land conservation partnership projects in the Highlands region.
Sec. 1006. Forest Service and USDA programs in the Highlands region.
Sec. 1007. Private property protection and lack of regulatory effect.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Forest inventory and management.
Sec. 1102. Program for emergency treatment and reduction of nonnative invasive plants.
Sec. 1103. USDA National Agroforestry Center.
Sec. 1104. Upland Hardwoods Research Center.
Sec. 1105. Emergency fuel reduction grants.
Sec. 1106. Eastern Nevada landscape coalition.
Sec. 1107. Sense of Congress regarding enhanced community fire protection.
Sec. 1108. Collaborative monitoring.
Sec. 1109. Best-value contracting.
Sec. 1110. Suburban and community forestry and open space program; Forest Legacy Program.
Sec. 1111. Wildland firefighter safety.
Sec. 1112. Green Mountain National Forest boundary adjustment.
Sec. 1113. Puerto Rico karst conservation.
Sec. 1114. Farm Security and Rural Development Act.
Sec. 1115. Enforcement of animal fighting prohibitions under the Animal Welfare Act.
Sec. 1116. Increase in maximum fines for violation of public land regulations and establishment of minimum fine for violation of public land fire regulations during fire ban.

SEC. 2. PURPOSES.

The purposes of this division are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk

Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

SEC. 3. DEFINITIONS.

In this division:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

In this title:

(1) AT-RISK COMMUNITY.—The term "at-risk community" means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice entitled "Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire" issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

(2) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT.—The term "authorized hazardous fuel reduction project" means the measures and methods described in the definition of "appropriate tools" contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) COMMUNITY WILDFIRE PROTECTION PLAN.—The term "community wildfire protection plan" means a plan for an at-risk community that—

(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsibile for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and

(C) recommends measures to reduce structural ignitability throughout the at-risk community.

(4) CONDITION CLASS 2.—The term "condition class 2", with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (RMRS-87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(5) CONDITION CLASS 3.—The term "condition class 3", with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(6) DAY.—The term "day" means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(7) DECISION DOCUMENT.—The term "decision document" means—

(A) a decision notice (as that term is used in the Forest Service Handbook);

(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and

(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).

(8) FIRE REGIME I.—The term "fire regime I" means an area—

(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.

(9) FIRE REGIME II.—The term "fire regime II" means an area—

(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.

(10) FIRE REGIME III.—The term "fire regime III" means an area—

(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and

(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.

(11) IMPLEMENTATION PLAN.—The term "Implementation Plan" means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-64) (and subsequent revisions).

(12) MUNICIPAL WATER SUPPLY SYSTEM.—The term "municipal water supply system" means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.

(13) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(14) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(15) THREATENED AND ENDANGERED SPECIES HABITAT.—The term "threatened and endangered species habitat" means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

(16) WILDLAND-URBAN INTERFACE.—The term "wildland-urban interface" means—

(A) an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan; or

(B) in the case of any area for which a community wildfire protection plan is not in effect—

(i) an area extending ½-mile from the boundary of an at-risk community;

(ii) an area extending more than ½-mile from the boundary of an at-risk community, if the land adjacent to the at-risk community—

(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community; or

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top, within ¾-mile of the nearest at-risk community boundary; and

(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.

(a) Authorized Projects.—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—

(1) Federal land in wildland-urban interface areas;

(2) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(4) Federal land on which windthrow or blowdown, ice storm damage, or the existence of disease or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land;

(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—

(A) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).

(b) Relation to Agency Plans.—An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.

(c) Acreage Limitation.—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.

(d) Exclusion of Certain Federal Land.—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(3) a Wilderness Study Area.

(e) Old Growth Stands.—

(1) Definitions.—In this subsection and subsection (f):

(A) Covered project.—The term "covered project" means an authorized hazardous fuel reduction project carried out under paragraph (1), (2), (3), or (5) of subsection (a).

(B) Old growth stand.—The term "old growth stand" has the meaning given the term under standards used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(C) Standards.—The term "standards" means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(2) Project requirements.—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

(3) Newer standards.—

(A) In general.—If the standards for an old growth stand were established during the 10-year period ending on the date of enactment of this Act, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards.

(B) Amendments or revisions.—Any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2) for the purpose of carrying out covered projects.

(4) Older standards.—

(A) In general.—If the standards for an old growth stand were established before the 10-year period described in paragraph (3)(A), the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards—

(i) during the 2-year period beginning on the date of enactment of this Act; or

(ii) if the Secretary is in the process of revising a resource management plan as of the date of enactment of this Act, during the 3-year period beginning on the date of enactment of this Act.

(B) Review required.—During the applicable period described in subparagraph (A) for the standards for an old growth stand under a resource management plan, the Secretary shall—

(i) review the standards, taking into account any relevant scientific information made available since the adoption of the standards; and

(ii) revise the standards to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the resource management plan.

(C) Review not completed.—

(i) In general.—If the Secretary does not complete the review of the standards in accordance with subparagraph (B), during the applicable period described in subparagraph (A), the Secretary shall not carry out any portion of a covered project in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping.

(ii) Period.—Clause (i) applies during the period—

(I) beginning on the termination of the applicable period for the standards described in subparagraph (A); and

(II) ending on the earlier of—

(aa) the date the Secretary completes the action required by subparagraph (B) for the standards; or

(bb) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by subsequent Act of Congress) is reached.

(f) Large Tree Retention.—Except in old growth stands where the standards are consistent with subsection (e)(2), the Secretary shall carry out a covered project in a manner that—

(1) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(2) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands and the purposes of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

(g) Monitoring and Assessing Forest and Rangeland Health.—

(1) In general.—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—

(A) monitor the results of the projects authorized under this section; and

(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(2) Consistency of projects with recommendations.—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.

(3) Similar vegetation types.—The results of a monitoring report shall be made available in, and (if appropriate) used for, a project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.

(4) Monitoring and assessments.—From a representative sample of authorized hazardous fuel reduction projects, for each management unit, monitoring and assessment shall include a description of the effects on changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—

(A) pretreatment conditions;

(B) historical fire regimes; and

(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.

(5) Tracking.—For each management unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).

(6) Monitoring and maintenance of treated areas.—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.

SEC. 103. PRIORITIZATION.

(a) In General.—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.

(b) Collaboration.—

(1) In general.—The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.

(2) Exemption.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) Administration.—

(1) In general.—Federal agency involvement in a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Compliance.—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) Funding Allocation.—

(1) Federal land.—

(A) In general.—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) Applicability and allocation.—The funding allocation in subparagraph (A) shall apply at the national level, and the Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).

(2) Non-federal land.—In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) Authorized Hazardous Fuel Reduction Projects.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(2) other applicable laws.

(b) Environmental Assessment or Impact Statements.—

(1) In general.—The Secretary shall prepare an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) for any authorized hazardous fuel reduction project.

(2) Alternatives.—In the environmental assessment or environmental impact statement prepared under paragraph (1), the Secretary shall study, develop, and describe—

(A) the proposed agency action;

(B) the alternative of no action; and

(C) an additional action alternative, if the additional alternative—

(i) is proposed during scoping or the collaborative process; and

(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

(3) Multiple additional alternatives.—If more than 1 additional alternative is proposed under paragraph (2)(C), the Secretary shall—

(A) select which additional alternative to consider; and

(B) provide a written record describing the reasons for the selection.

(c) Public Notice and Meeting.—

(1) Public notice.—The Secretary shall provide notice of each authorized hazardous fuel reduction project in accordance with applicable regulations and administrative guidelines.

(2) Public meeting.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(d) Public Collaboration.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments, and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.

(e) Environmental Analysis and Public Comment.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.

(f) Decision Document.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.

SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.

(a) Interim Final Regulations.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.

(2) Period.—The predecisional administrative review process required under paragraph (1) shall occur during the period—

(A) beginning after the completion of the environmental assessment or environmental impact statement; and

(B) ending not later than the date of the issuance of the final decision approving the project.

(3) Effective date.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(b) Final Regulations.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the interim final regulations have been published and reasonable time has been provided for public comment.

(c) Administrative Review.—

(1) In general.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—

(A) the administrative review process established by the Secretary of Agriculture under this section; or

(B) the administrative hearings and appeals procedures established by the Department of the Interior.

(2) Issues.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).

(3) Exception.—An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.

SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.

(a) Venue.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for the district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

(b) Expeditious Completion of Judicial Review.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(c) Injunctions.—

(1) In general.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.

(2) Renewal.—

(A) In general.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

SEC. 107. EFFECT OF TITLE.

(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) NATIONAL FOREST SYSTEM.—For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $760,000,000 for each fiscal year to carry out—

(1) activities authorized by this title; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States for activities authorized by law.

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds that—

(1)(A) thousands of communities in the United States, many located near Federal land, are at risk of wildfire;

(B) more than 100,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future; and

(C) the accumulation of heavy forest and rangeland fuel loads continues to increase as a result of fire exclusion, disease, insect infestations, and drought, further raising the risk of fire each year;

(2)(A) more than 70,000,000 acres across all land ownerships are at risk of higher than normal mortality during the 15-year period beginning on the date of enactment of this Act because of insect infestation and disease; and

(B) high levels of tree mortality from insects and disease result in—

(i) increased fire risk;

(ii) loss of older trees and old growth;

(iii) degraded watershed conditions;

(iv) changes in species diversity and productivity;

(v) diminished fish and wildlife habitat;

(vi) decreased timber values; and

(vii) increased threats to homes, businesses, and community watersheds;

(3)(A) preventive treatments (such as reducing fuel loads, crown density, ladder fuels, and hazard trees), planting proper species mix, restoring and protecting early successional habitat, and completing other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health, maintenance, and enhancement by creating a mosaic of species-mix and age distribution; and

(B) those vegetation management treatments are widely acknowledged to be more successful and cost-effective than suppression treatments in the case of insects, disease, and fire;

(4)(A) the byproducts of vegetative management treatment (such as trees, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangeland represent an abundant supply of—

(i) biomass for biomass-to-energy facilities; and

(ii) raw material for business; and

(B) there are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities; and

(5) the United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through vegetation treatment activities relating to hazardous fuels reduction, disease, and insect infestation;

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities; and

(C) promote research and development to provide, for the by-products, economically and environmentally sound—

(i) management systems;

(ii) harvest and transport systems; and

(iii) utilization options.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term "biomass" means trees and woody plants (including limbs, tops, needles, other woody parts, and wood waste) and byproducts of preventive treatment (such as wood, brush, thinnings, chips, and slash) that are removed—

(A) to reduce hazardous fuels;

(B) to reduce the risk of or to contain disease or insect infestation; or

(C) to improve forest health and wildlife habitat conditions.

(2) PERSON.—The term "person" includes—

(A) an individual;

(B) a community (as determined by the Secretary);

(C) an Indian tribe;

(D) a small business, microbusiness, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(3) PREFERRED COMMUNITY.—The term "preferred community" means—

(A) any town, township, municipality, Indian tribe, or other similar unit of local government (as determined by the Secretary) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land that—

(I) is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) suffers from disease or insect infestation; or

(B) any area or unincorporated area represented by a nonprofit organization approved by the Secretary, that—

(i) is not wholly contained within a metropolitan statistical area; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land—

(I) the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) that suffers from disease or insect infestation.

(4) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Federal land under the jurisdiction of the Secretary of the Interior (including land held in trust for the benefit of an Indian tribe).

SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, COMPOST, VALUE-ADDED PRODUCTS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, substitutes for petroleum-based products, wood-based products, pulp, or other commercial products to offset the costs incurred to purchase biomass for use by the facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—

(A) IN GENERAL.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass.

(B) ACCESS.—On notice by a representative of the Secretary, the grant recipient shall afford the representative—

(i) reasonable access to the facility that purchases or uses biomass; and

(ii) an opportunity to examine the inventory and records of the facility.

(b) VALUE-ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary—

(A) may make grants to persons to offset the cost of projects to add value to biomass; and

(B) in making a grant under subparagraph (A), shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary shall select a grant recipient under paragraph (1)(A) after giving consideration to—

(A) the anticipated public benefits of the project;

(B) opportunities for the creation or expansion of small businesses and microbusinesses resulting from the project; and

(C) the potential for new job creation as a result of the project.

(3) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000.

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall comply with applicable endangered species and riparian protections in making grants under this section.

(2) PROJECTS.—Projects funded using grant proceeds shall be required to comply with the protections.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 204. REPORTING REQUIREMENT.

(a) Report Required.—Not later than October 1, 2008, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) Contents of Report.—The report shall include—

(1) an identification of the source, size, type, and the end-use of biomass by persons that receive grants under section 203;

(2) the haul costs incurred and the distance between the land from which the biomass was removed and the facilities that used the biomass;

(3) the economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations; and

(4) the environmental effects of the activities described in this section.

SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.

(a) Uses of Grants, Contracts, and Assistance.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—

"(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

"(i) the cost to deliver varying quantities of wood to a particular location; and

"(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

"(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

"(i) capable of being used on land without significant adverse effects on the land;

"(ii) capable of handling large and varied landscapes;

"(iii) adaptable to handling a wide variety of tree sizes;

"(iv) inexpensive; and

"(v) adaptable to various terrains; and

"(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).".

(b) Funding.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking "$49,000,000" and inserting "$54,000,000".

SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

"(d) Rural Revitalization Technologies.—

"(1) In general.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

"(A) to accelerate adoption of technologies using biomass and small-diameter materials;

"(B) to create community-based enterprises through marketing activities and demonstration projects; and

"(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

"(2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.".

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) Purposes.—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

"SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

"(a) Definition of Nonindustrial Private Forest Land.—In this section, the term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(1) has existing tree cover or that is suitable for growing trees; and

"(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

"(b) General Authority and Purpose.—The Secretary, acting through the Chief of the Forest Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, and officials of the Cooperative State Research, Education, and Extension Service for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

"(c) Technical Assistance To Protect Water Quality.—

"(1) In general.—The Secretary, in cooperation with State foresters, officials of the Cooperative State Research, Education, and Extension Service, or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

"(2) Purpose of program.—The program under this subsection shall be designed—

"(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

"(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

"(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

"(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

"(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

"(3) Implementation.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

"(d) Watershed Forestry Cost-Share Program.—

"(1) In general.—The Secretary shall establish a watershed forestry cost-share program—

"(A) which shall be—

"(i) administered by the Forest Service; and

"(ii) implemented by State foresters or equivalent State officials in participating States; and

"(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

"(2) Watershed forestry projects.—The State forester, State Research, Education and Extension official, or equivalent State official of a participating State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

"(3) Project elements and objectives.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

``(A) the use of trees as solutions to water quality problems in urban and rural areas;

``(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

``(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

``(D) watershed-scale forest management activities and conservation planning; and

``(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

``(ii) the establishment of riparian vegetative buffers.

``(4) COST-SHARING.—

``(A) FEDERAL SHARE.—

``(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

``(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

``(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

``(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

``(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

``(A) lead statewide programs; and

``(B) coordinate watershed-level projects.

``(e) DISTRIBUTION.—

``(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

``(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

``(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

``(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

``(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

``(B) the miles of riparian buffer needed;

``(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

``(D) the number of owners of nonindustrial private forest land in each State; and

``(E) water quality cost savings that can be achieved through forest watershed management.

``(f) WILLING OWNERS.—

``(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

``(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

``(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the ``Secretary''), acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

(c) WATERSHED FORESTRY PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a watershed forestry program to be administered by Indian tribes.

(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(C) watershed-scale forest management activities and conservation planning;

(D) the restoration of wetland and streamside forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) DISTRIBUTION.—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning on the ground to Indian tribes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.

TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

(A) increased fire risk;

(B) loss of old trees and old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.

(b) Purposes.—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. DEFINITIONS.

In this title:

(1) Applied silvicultural assessment.—

(A) In general.—The term "applied silvicultural assessment" means any vegetative or other treatment carried out for a purpose described in section 403.

(B) Inclusions.—The term "applied silvicultural assessment" includes (but is not limited to) timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) 1890 institution.—

(A) In general.—The term "1890 Institution" means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) Inclusion.—The term "1890 Institution" includes Tuskegee University.

(3) Forest-damaging insect.—The term "forest-damaging insect" means—

(A) a Southern pine beetle;

(B) a mountain pine beetle;

(C) a spruce bark beetle;

(D) a gypsy moth;

(E) a hemlock woolly adelgid;

(F) an emerald ash borer;

(G) a red oak borer;

(H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) Secretary.—The term "Secretary" means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.

(a) Information Gathering.—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation, prevention, and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

(b) Cooperation and Assistance.—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.

(a) Assessment Efforts.—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) Limitations.—

(1) Exclusion of certain areas.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) Certain treatment prohibited.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) Peer review.—

(A) In general.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) Existing peer review processes.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) Public Notice and Comment.—

(1) Public notice.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) Public comment.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) Categorical Exclusion.—

(1) In general.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Administration.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) Maximum categorical exclusion.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) No additional findings required.—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

SEC. 405. RELATION TO OTHER LAWS.

The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) Establishment.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) Coordination.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) In General.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) Eligibility.—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing, State-listed species, or special concern species.

(c) Other Considerations.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

(d) Enrollment by Willing Owners.—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) Maximum Enrollment.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) Methods of Enrollment.—

(1) In general.—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year agreement; or

(C) an agreement of not more than 99 years.

(2) Proportion.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) Enrollment Priority.—

(1) Species.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing, State-listed species, or special concern species.

(2) Cost-effectiveness.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

SEC. 503. RESTORATION PLANS.

(a) In General.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture.

(b) Practices.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

SEC. 504. FINANCIAL ASSISTANCE.

(a) Agreements of Not More Than 99 Years.—In the case of land enrolled in the healthy forests reserve program using an agreement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the agreement, less the fair market value of the land encumbered by the agreement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the agreement.

(b) 30-Year Agreement.— In the case of land enrolled in the healthy forests reserve program using a 30-year agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the agreement; and

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) 10-Year Agreement.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

(d) Acceptance of Contributions.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

(a) In General.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements) under the healthy forests reserve program.

(b) Technical Service Providers.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

SEC. 506. PROTECTIONS AND MEASURES

(a) Protections.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) Measures.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.

In carrying out this title, the Secretary of Agriculture may consult with—

(1) nonindustrial private forest landowners;

(2) other Federal agencies;

(3) State fish and wildlife agencies;

(4) State forestry agencies;

(5) State environmental quality agencies;

(6) other State conservation agencies; and

(7) nonprofit conservation organizations.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $25,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2008.

TITLE VI—PUBLIC LAND CORPS

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to carry out, in a cost-effective and efficient manner, rehabilitation, enhancement, and beautification projects;

(2) to offer young people, ages 16 through 25, particularly those who are at-risk or economically disadvantaged, the opportunity to gain productive employment and exposure to the world of work;

(3) to give those young people the opportunity to serve their communities and their country; and

(4) to expand educational opportunities by rewarding individuals who participate in the Public Land Corps with an increased ability to pursue higher education or job training.

SEC. 602. DEFINITIONS.

In this title:

(1) Alaska native corporation.—The term "Alaska Native Corporation" means a Regional Corporation or Village Corporation, as defined in section 101(11) of the National and Community Service Act of 1990 (42 U.S.C. 12511(11)).

(2) Corps.—The term "Corps" means the Public Land Corps established under section 603(a).

(3) Hawaiian home lands.—The term "Hawaiian home lands" means that term, within the meaning of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(4) Indian lands.—The term "Indian lands" has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(5) Secretaries.—The term "Secretaries" means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(6) Service and conservation corps.—The term "service and conservation corps" means any organization established by a State or local government, nonprofit organization, or Indian tribe that—

(A) has a demonstrable capability to provide productive work to individuals;

(B) gives participants a combination of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values through service to their communities and the United States.

(7) State.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

SEC. 603. PUBLIC LAND CORPS.

(a) Establishment.—There is established a Public Land Corps.

(b) Participants.—The Corps shall consist of individuals who are enrolled as members of a service or conservation corps.

(c) Contracts or Agreements.—The Secretaries may enter into contracts or cooperative agreements—

(1) directly with any service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects; or

(2) with a department of natural resources, agriculture, or forestry (or an equivalent department) of any State that has entered into a contract or cooperative agreement with a service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects.

(d) Projects.—

(1) In general.—The Secretaries may use the members of a service and conservation corps to perform rehabilitation, enhancement, or beautification projects authorized by law.

(2) Included land.—In addition to Federal and State lands, the projects may be carried out on—

(A) Indian lands, with the approval of the applicable Indian tribe;

(B) Hawaiian home lands, with the approval of the relevant State agency in the State of Hawaii; and

(C) Alaska native lands, with the approval of the applicable Alaska Native Corporation.

(e) Preference.—In carrying out this title, the Secretaries shall give preference to projects that will—

(1) provide long-term benefits by reducing hazardous fuels on Federal land;

(2) instill in members of the service and conservation corps—

(A) a work ethic;

(B) a sense of personal responsibility; and

(C) a sense of public service;

(3) be labor intensive; and

(4) be planned and initiated promptly.

(f) Supportive Services.—The Secretaries may provide such services as the Secretaries consider necessary to carry out this title.

(g) Technical Assistance.—To carry out this title, the Secretaries shall provide technical assistance, oversight, monitoring, and evaluation to—

(1) State Departments of Natural Resources and Agriculture (or equivalent agencies); and

(2) members of service and conservation corps.

SEC. 604. NONDISPLACEMENT.

The nondisplacement requirements of section 177(b) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)) shall apply to activities carried out by the Corps under this title.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM

SEC. 701. PURPOSE

The purpose of this title is to assist in the economic revitalization of rural forest resource-dependent communities through incentives and collaboration to promote investment in private enterprise and community development by—

(1) the Department of Agriculture;

(2) the Department of the Interior;

(3) the Department of Commerce;

(4) the Small Business Administration;

(5) land grant colleges and universities; and

(6) 1890 Institutions.

SEC. 702. DEFINITIONS.

In this title:

(1) 1890 institution.—The term "1890 Institution" has the meaning given the term in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

(2) Eligible entity.—The term "eligible entity" means—

(A) a unit of State or local government;

(B) an Indian tribe;

(C) a nonprofit organization;

(D) a small forest products business;

(E) a rural forest resource-dependent community;

(F) a land grant college or university; or

(G) an 1890 institution.

(3) Eligible project.—The term "eligible project" means a project described in section 703 that will promote the economic development in rural forest resource-dependent communities based on—

(A) responsible forest stewardship;

(B) the production of sustainable forest products; or

(C) the development of forest related tourism and recreation activities.

(4) Forest products.—The term "forest products" means—

(A) logs;

(B) lumber;

(C) chips;

(D) small-diameter finished wood products;

(E) energy biomass;

(F) mulch; and

(G) any other material derived from forest vegetation or individual trees or shrubs.

(5) Nonprofit organization.—The term "nonprofit organization" means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under 501(a) of that Code.

(6) Program.—The term "program" means the rural community forestry enterprise program established under section 703.

(7) Small forest products business.—The term "small forest products business" means a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is classified under subsector 113 or code number 115310 of the North American Industrial Classification System.

(8) Rural forest resource-dependent community.—

(A) In general.—The term "rural forest resource-dependent community" means a community located in a rural area of the United States that is traditionally dependent on forestry products as a primary source of community infrastructure.

(B) Inclusions.—The term "rural forest resource-dependent community" includes a community described in subparagraph (A) located in—

(i) the northern forest land of Maine;

(ii) New Hampshire;

(iii) New York;

(iv) Vermont;

(v) the Upper Peninsula of Michigan;

(vi) northern California; and

(vii) eastern Oregon.

(9) Secretary.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM.

(a) In General.—

(1) Establishment.—The Secretary shall establish within the Forest Service a program to be known as the "Rural Community Forestry Enterprise Program".

(2) Consultation.—In carrying out the program, the Secretary shall consult with—

(A) the Small Business Administration;

(B) the Economic Development Administration;

(C) land grant colleges and universities;

(D) 1890 institutions;

(E) research stations and laboratories of the Forest Service;

(F) other agencies of the Department of Agriculture that administer rural development programs; and

(G) private nonprofit organizations.

(b) Purposes.—The purposes of the program are—

(1) to enhance technical and business management skills training;

(2) to organize cooperatives and marketing programs;

(3) to establish and maintain timber worker skill pools;

(4) to establish and maintain forest product distribution networks and collection centers;

(5) to facilitate technology transfer for processing small diameter trees and brush into useful products;

(6) to develop, where support exists, a program to promote science-based technology implementation and technology transfer that expands the capacity for small forest product businesses to work within market areas;

(7) to promote forest-related tourism and recreational activities;

(8) to enhance the rural forest business infrastructure needed to reduce hazardous fuels on public and private land; and

(9) to carry out related programs and activities, as determined by the Secretary.

(c) Forest Enterprise Centers.—

(1) In general.—The Secretary shall establish Forest Enterprise Centers to provide services to rural forest-dependent communities.

(2) Location.—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least 1 center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(3) Duties.—A Center shall—

(A) carry out eligible projects; and

(B) coordinate assistance provided to small forest products businesses with—

(i) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(ii) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture;

(iii) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration; and

(iv) research stations and laboratories of the Forest Service.

(d) Forest Enterprise Technical Assistance and Grant Program.—

(1) In general.—The Secretary, acting through the Forest Enterprise Centers established under subsection (c), shall establish a program to provide technical assistance and grants to eligible entities to carry out eligible projects.

(2) Criteria.—The Secretary shall work with each Forest Enterprise Center to develop appropriate program review and prioritization criteria for each Research Station.

(3) MATCHING FUNDS.—Grants under this section shall—

(A) not exceed 50 percent of the cost of an eligible project; and

(B) be made on the condition that non-Federal sources pay for the remainder of the cost of an eligible project (including payment through in-kind contributions of services or materials).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2004 through 2008.

TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT

SEC. 801. SHORT TITLE.

This title shall be referred to as the "Firefighters Medical Monitoring Act of 2003".

SEC. 802. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.

(a) IN GENERAL.—The National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) AUTHORIZATION.—To carry out this title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

TITLE IX—DISASTER AIR QUALITY MONITORING ACT

SEC. 901. SHORT TITLE.

This title shall be referred to as the "Disaster Air Quality Monitoring Act of 2003".

SEC. 902. MONITORING OF AIR QUALITY IN DISASTER AREAS.

(a) IN GENERAL.—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) DISASTER AREAS.—The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) CONTINUOUS MONITORING.—The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in Public Law 95-95, section 112(b).

(d) AUTHORIZATION.—To carry out this title, there are authorized to be appropriated $8,000,000.

TITLE X—HIGHLANDS REGION CONSERVATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Highlands Conservation Act".

SEC. 1002. FINDINGS.

Congress finds the following:

(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) The Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

(4) More than 1,400,000 residents live in the Highlands region.

(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner.

(6) Continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

(8) The national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001-2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Great Swamp National Wildlife Refuge;

(M) the proposed Crossroads of the Revolution National Heritage Area;

(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(O) the Farmington River Wild and Scenic Area in Connecticut;

(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

SEC. 1003. PURPOSES.

The purposes of this title are as follows:

(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States.

(2) To authorize the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(3) To continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

SEC. 1004. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term "Highlands region" means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term "Highlands State" means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any Highlands State.

(3) LAND CONSERVATION PARTNERSHIP PROJECT.—The term "land conservation partnership project" means a land conservation project located within the Highlands region

identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term "non-Federal entity" means any Highlands State, or any agency or department of any Highlands State with authority to own and manage land for conservation purpose, including the Palisades Interstate Park Commission.

(5) STUDY.—The term "study" means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term "update" means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. 1005. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

(b) CONSIDERATION OF PROJECTS.—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) that are eligible to receive financial assistance under this section.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share required under subsection (d);

(3) describes the management objectives for the land that will assure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(A) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(B) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in the following:

(A) Important Areas portion of the Forest Service study.

(B) Conservation Focal Areas portion of the Forest Service update.

(C) Conservation Priorities portion of the update.

(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the update.

(d) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. 1006. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—In order to meet the land resource goals of, and the scientific and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

(b) DUTIES.—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research as appropriate in the Highlands region consistent with the purposes of this title;

(2) communicate the findings of the study and update and maintain a public dialogue regarding implementation of the study and update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for each of the fiscal years 2005 through 2014.

SEC. 1007. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Nothing in this title shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this title shall be construed to require the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this title.

(e) PURCHASE OF LANDS OR INTERESTS IN LANDS FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this title shall be used to purchase lands or interests in lands only from willing sellers.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

"SEC. 17. FOREST INVENTORY AND MANAGEMENT.

"(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands on—

"(1) units of the National Forest System; and

"(2) private forest land, with the consent of the owner of the land.

"(b) MEANS.—The Secretary shall carry out the program through the use of—

"(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

"(2) emerging geospatial capabilities in research activities;

"(3) validating techniques, including coordination and reconciliation with existing data through field verification, using application demonstrations; and

"(4) integration of results into pilot operational systems.

"(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

"(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

"(2) loss or degradation of forests;

"(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

"(4) quantification of carbon uptake rates;

"(5) management practices that focus on preventing further forest degradation; and

"(6) characterization of vegetation types, density, fire regimes, post-fire effects, and condition class.

"(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

"(1) isolate and treat a threat before the threat gets out of control; and

"(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

"(e) ADMINISTRATION.—To carry out this section, the Secretary shall—

"(1) designate a facility within Forest Service Region 8 that—

"(A) is best-suited to take advantage of existing resources to coordinate and carry out the program through the means described in subsection (b); and

"(B) will address the issues described in subsection (c), with a particular emphasis on hardwood forest stands in the Eastern United States; and

"(2) designate a facility in the Ochoco National Forest headquarters within Forest Service Region 6 that will address the issues described in subsection (c), with a particular emphasis on coniferous forest stands in the Western United States.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 1102. PROGRAM FOR EMERGENCY TREATMENT AND REDUCTION OF NONNATIVE INVASIVE PLANTS.

(a) DEFINITIONS.—In this section:

(1) INTERFACE COMMUNITY.—The term "interface community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(2) INTERMIX COMMUNITY.—The term "intermix community" has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(3) PLANT.—The term "plant" includes—

(A) a tree;

(B) a shrub; and

(C) a vine.

(4) PROGRAM.—The term "program" means the program for emergency treatment and reduction of nonnative invasive plants established under subsection (b)(1).

(5) SECRETARIES.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretaries shall establish a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area.

(2) COORDINATION.—In carrying out the program, the Secretaries shall coordinate with such Federal agencies, State and local governments and agencies, and conservation districts as are affected by projects under the program.

(c) ELIGIBLE LAND.—A project under the program shall—

(1) be carried out only on land that is located—

(A) in an interface community or intermix community; or

(B) in such proximity to an interface community or intermix community as would pose a significant risk in the event of the spread of a fire disturbance event from the land (including a risk that would threaten human life or property in proximity to or within the interface community or intermix community), as determined by the Secretaries;

(2) remove fuel loads determined by the Secretaries, a State or local government, a tribal government, or a private landowner to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area; and

(3) involve the removal of nonnative invasive plants.

(d) USE OF FUNDS.—Funds made available for a project under the program shall be used only for—

(1) the removal of plants or other potential fuels that are—

(A) adjacent to or within the wildland urban interface; or

(B) adjacent to a municipal watershed, river, or water course;

(2) the removal of erosion structures that impede the removal of nonnative plants; or

(3) the replanting of native vegetation to reduce the reestablishment of nonnative invasive plants in a treatment area.

(e) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant provided to a willing owner to carry out a project on non-Federal land under this section, the owner shall deposit into a revolving fund established by the Secretaries any proceeds derived from the sale of timber or biomass removed from the non-Federal land under the project.

(2) USE.—The Secretaries shall use amounts in the revolving fund to make additional grants under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 1103. USDA NATIONAL AGROFORESTRY CENTER.

(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.";

and

(2) in subsection (a)—

(A) by striking "SEMIARID" and inserting "USDA NATIONAL"; and

(B) by striking "Semiarid" and inserting "USDA National".

(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by inserting "local governments, community organizations, the Institute of Tropical Forestry and the Institute of Pacific Islands Forestry of the Forest Service," after "entities,";

(2) in paragraph (1), by striking "on semiarid lands";

(3) in paragraph (3), by striking "from semiarid land";

(4) by striking paragraph (4) and inserting the following:

"(4) collect information on the design, installation, and function of forested riparian and upland buffers to—

"(A) protect water quality; and

"(B) manage water flow;";

(5) in paragraphs (6) and (7), by striking "on semiarid lands" each place it appears;

(6) by striking paragraph (8) and inserting the following:

"(8) provide international leadership in the worldwide development and exchange of agroforestry practices;";

(7) in paragraph (9), by striking "on semiarid lands";

(8) in paragraph (10), by striking "and" at the end;

(9) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(10) by adding at the end the following:

"(12) quantify the carbon storage potential of agroforestry practices such as—

"(A) windbreaks;

"(B) forested riparian buffers;

"(C) silvopasture timber and grazing systems; and

"(D) alley cropping; and

"(13) modify and adapt riparian forest buffer technology used on agricultural land for use by communities to manage stormwater runoff.".

SEC. 1104. UPLAND HARDWOODS RESEARCH CENTER.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an Upland Hardwood Research Center.

(b) LOCATION.—The Secretary of Agriculture shall locate the Research Center in an area that, as determined by the Secretary of Agriculture, would best use and study the upland hardwood resources of the Ozark Mountains and the South.

(c) DUTIES.—The Upland Hardwood Research Center shall, in conjunction with the Southern Forest Research Station of the Department of Agriculture—

(1) provide the scientific basis for sustainable management of southern upland hardwood forests, particularly in the Ozark Mountains and associated mountain and upland forests; and

(2) conduct research in all areas to emphasize practical application toward the use and preservation of upland hardwood forests, particularly—

(A) the effects of pests and pathogens on upland hardwoods;

(B) hardwood stand regeneration and reproductive biology;

(C) upland hardwood stand management and forest health;

(D) threatened, endangered, and sensitive aquatic and terrestrial fauna;

(E) ecological processes and hardwood ecosystem restoration; and

(F) education and outreach to nonindustrial private forest landowners and associations.

(d) RESEARCH.—In carrying out the duties under subsection (c), the Upland Hardwood Research Center shall—

(1) cooperate with the Center for Bottomland Hardwood Research of the Southern Forest Research Station of the Department of Agriculture, located in Stoneville, Mississippi; and

(2) provide comprehensive research in the Mid-South region of the United States, the Upland Forests Ecosystems Unit of the Southern Forest Research Station of the Department of Agriculture, located in Monticello, Arkansas.

(e) PARTICIPATION OF PRIVATE LANDOWNERS.—The Secretary of Agriculture shall encourage and facilitate the participation of private landowners in the program under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each fiscal year.

SEC. 1105. EMERGENCY FUEL REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Agriculture shall establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service.

(b) ELIGIBLE PROJECTS.—To be eligible to be carried out with a grant under the program, a hazardous fuel reduction project shall—

(1) be surrounded by or immediately adjacent to the boundary of a national forest;

(2) be determined to be of paramount urgency, as indicated by declarations to that effect by both local officials and the Governor of the State in which in the project is to be carried out; and

(3) remove fuel loading that poses a serious threat to human life, as determined by the Forest Service.

(c) USES OF GRANTS.—A grant under the program may be used only—

(1) to remove trees, shrubs, or other potential fuel adjacent to a primary evacuation route;

(2) to remove trees, shrubs, or other potential fuel that are adjacent to an emergency response center, emergency communication facility, or site designated as a shelter-in-place facility; or

(3) to conduct an evacuation drill or preparation.

(d) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant under the program that is used to carry out a project on private or county land, the grant recipient shall deposit in a revolving fund maintained by the Secretary any proceeds from the sale of timber or biomass as a result of the project.

(2) USE.—The Secretary shall use amounts in the revolving fund to make other grants under this section, without further appropriation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $50,000,000 for each fiscal year.

SEC. 1106. EASTERN NEVADA LANDSCAPE COALITION.

(a) IN GENERAL.—(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Notwithstanding sections 6301 through 6308 of title 31, United States Code, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1107. SENSE OF CONGRESS REGARDING ENHANCED COMMUNITY FIRE PROTECTION.

It is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 473)).

SEC. 1108. COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, nonprofit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds.

SEC. 1109. BEST-VALUE CONTRACTING.

To conduct a project under this division, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally.

SEC. 1110. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COMMITTEE.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

"(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

"(B) the State forester, in consultation with the Committee, determines—

"(i) has the abilities necessary to acquire and manage interests in real property; and

"(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

"(3) ELIGIBLE PROJECT.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

"(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

"(A) described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

"(6) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

"(A) capable of producing commercial forest products; and

"(B) owned by—

"(i) a private entity; or

"(ii) an Indian tribe.

"(7) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

"(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

"(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

"(B) provide communities a means by which to address significant suburban sprawl.

"(c) GRANT PROGRAM.—

"(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

"(A) CRITERIA.—

"(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

"(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

"(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

"(II) the identification of eligible entities.

"(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

"(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

"(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

"(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

"(II) is threatened by present or future conversion to nonforest use.

"(2) GRANTS.—

"(A) ELIGIBLE PROJECTS.—

"(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

"(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

"(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

"(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

"(ii) a stewardship plan that describes the manner in which—

"(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

"(II) the stewardship plan will be implemented; and

"(III) the public benefits to be achieved from implementation of the stewardship plan.

"(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

"(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

"(ii) submit to the Secretary—

"(I) the application submitted under subparagraph (B); and

"(II) the assessment of need.

"(D) APPROVAL OR DISAPPROVAL.—

"(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

"(I) review the application; and

"(II)(aa) award a grant to the applicant; or

"(bb)(AA) disapprove the application; and

"(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

"(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

"(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

"(II) give priority to applicants that propose to fund eligible projects that promote—

"(aa) the preservation of suburban forest land and open space;

"(bb) the containment of suburban sprawl;

"(cc) the sustainable management of private forest land;

"(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

"(ee) community and school education programs and curricula relating to sustainable forestry.

"(3) COST SHARING.—

"(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

"(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

"(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

"(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

"(1) PURCHASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

"(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

"(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

"(A) a State;

"(B) a unit of local government; or

"(C) a nonprofit organization.

"(3) TERMINATION OF EASEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

"(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

"(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

"(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

"(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

"(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $50,000,000 for fiscal year 2004; and

"(2) such sums as are necessary for each fiscal year thereafter.".

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking "subsection (b)" and inserting "this section";

(3) in subsection (j)(1), by inserting "(other than by donation)" after "acquired";

(4) in subsection (k)(2), by striking "the United States or its" and inserting "the United States, a State, or other entity, or their"; and

(5) in subsection (l), by adding at the end the following:

"(3) STATE AUTHORIZATION.—

"(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

"(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

"(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

"(D) MONITORING AND ENFORCEMENT.—

"(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

"(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

"(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

"(E) TERMINATION OF EASEMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

"(I) the qualified organization fails to enforce the terms of the conservation easement;

"(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

"(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

"(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

"(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.".

SEC. 1111. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.—

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

SEC. 1112. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II", each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the Green Mountain National Forest, as adjusted by this division, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 1113. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the "Puerto Rico Karst Conservation Act of 2003".

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term "Commonwealth" means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term "Forest Legacy Program" means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term "Fund" means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term "Karst Region" means the areas in the Commonwealth generally depicted on the map entitled "Karst Region Conservation Area" and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term "land" includes land, water, and an interest in land or water.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the "Puerto Rico Karst Conservation Fund".

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1114. FARM SECURITY AND RURAL INVESTMENT ACT.

Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act.

SEC. 1115. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

"(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.";

(3) in subsection (e) (as redesignated by paragraph (1)), by striking "(c)" and inserting "(d)";

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking "(a), (b), or (c)" and inserting "(a), (b), (c), or (d)"; and

(B) by striking "1 year" and inserting "2 years";

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

"(g) INVESTIGATIONS.—

"(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

"(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

"(3) WARRANTS.—

"(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

"(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

"(4) STORAGE OF ANIMALS.—

"(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

"(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

"(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

"(ii)(I) keep the remaining animals at the location where the animals were seized;

"(II) provide for the humane care of the animals; and

"(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

"(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

"(6) FORFEITURE.—

"(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

"(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

"(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

"(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

"(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

"(D) CLAIM TO PROPERTY.—

"(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

"(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

"(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

"(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain."; and

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SA 2069. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1753, to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, after line 25, insert the following:

SEC. 519. THE NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGN TO ENHANCE THE STATE OF FINANCIAL LITERACY.

(a) IN GENERAL.—The Commission, as part of any national strategy, shall develop, implement, and conduct a pilot national public service multimedia campaign to enhance the state of financial literacy and education in the United States.

(b) PROGRAM REQUIREMENTS.—

(1) PUBLIC SERVICE CAMPAIGN.—The Commission shall select and work with an organization that is especially well-qualified in the distribution of public service campaigns and has secured private sector funds to produce the pilot national public service multimedia campaign.

(2) DEVELOPMENT OF MULTIMEDIA CAMPAIGN.—The Commission shall develop, in consultation with nonprofit, public, or private organizations, especially those that are well qualified by virtue of their experience in the field of financial literacy and education, to develop the financial literacy national public service multimedia campaign.

(3) FOCUS OF CAMPAIGN.—The pilot national public service multimedia campaign shall be consistent with the national strategy developed by the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission not to exceed $3,000,000 for fiscal years 2004, 2005, and 2006 for the development, production, and distribution of a pilot national public service multimedia campaign.

(d) PERFORMANCE MEASURES.—The Commission shall develop measures to evaluate the effectiveness of the pilot national public service multimedia campaign, as measured by improved financial decision making among individuals.

(e) REPORT.—For each fiscal year for which there are appropriations pursuant to the authorization in subsection (c), the Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives describing the status and implementation of the provisions of this section and the state of financial literacy in the United States.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REIMBURSEMENT OF LOST STATE REVENUE.

(A) REPORT.—

(1) OMB.—Not later than November 1 of each year, the Director of Office of Management and Budget shall report to the Secretary of the Treasury the State tax revenue amount for each State and local government that was not received by that State or local government during the most recent fiscal year ending September 30 as a result of the Internet Tax Freedom Act.

(2) CBO.—Not later than November 5 of each year, the Director of the Congressional Budget Office shall report to Congress the information required by paragraph (1) and include an explanation of any differences with the report submitted under paragraph (1).

(b) PAYMENT.—Not later than November 20 of each year and subject to appropriations, the Secretary of the Treasury shall make a payment out of the Treasury to each State in an amount equal to the amount determined for that State and local governments in that State under subsection (a)(1). Each State shall distribute the amounts attributable to local governments in that State to the local governments.

(c) APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2071. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 7 and 8, insert the following:

SEC. 7 . USE OF ELIGIBLE COMMODITIES.

(a) AVAILABILITY.—Section 416(b)(1) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(1)) is amended in the first sentence by striking "1954 and under the Food for Progress Act of 1985," and inserting "1954 (7 U.S.C. 1721 et seq.), the Food for Progress Act of 1985 (7 U.S.C. 1736*o*), and section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736*o*-1),".

(b) MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.—Section 3107(*l*) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736*o*-1(*l*)) is amended by adding at the end the following:

"(4) USE OF ELIGIBLE COMMODITIES.—In addition to other funds that are available under other provisions of law, the President may use commodities and funds made available under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)) to carry out this section (including payment for transportation of eligible commodities).".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 12 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to conduct oversight of the implementation of the Energy Employees Occupational Illness Compensation Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 4, 2003, at 9:30 a.m. on the nominations of Kirk Van Tine and Jeffrey Rosen, DOT; Michael Gallagher, DOC; Cheryl Halpern and Elizabeth Courtney, CPB.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, November 4, 2003, at 10 a.m., to hear testimony on nominations of Michael O'Grady, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services; Jennifer Young, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services; and Bradley G. Belt, to be Member of the Social Security Advisory Board, Social Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session on Tuesday, November 4, 2003 at 9:30 a.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session on Tuesday, November 4, 2003 at 2:30 p.m. to hold a subcommittee hearing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittees on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "Database Security: Finding Out When Your Information Has Been Compromised," on Tuesday, November 4, 2003, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness list: Mr. Mark MacCarthy, Senior Vice President of Public Policy, Visa U.S.A., Inc., Washington, DC; Mr. David McIntyre, President and CEO, TriWest Healthcare Alliance, Phoenix, AZ; and Mr. Evan Hendricks, Editor, Privacy Times, Cabin John, MD.

The PRESIDING OFFICER. Without objection, it is so ordered.

subcommittee on substance abuse and mental health services

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on "Recommendations to Improve Mental Health Care in America: Report from the President's New Freedom Commission on Mental Health" during the session of the Senate on Tuesday, November 4, 2003, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 4, 2003, at 2:30 p.m. to conduct a hearing on "Financial Reconstruction in Iraq."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Naomi Camper, Adam Healy, and Elizabeth Canter of my staff be granted the privilege of the floor during debate on S. 1753, the National Consumer Credit Reporting System Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I have a unanimous consent request that we proceed to the Pryor nomination. But I would just ask the Senator from Nevada if there is a possibility that we could get a unanimous consent agreement, however much time the minority would need, to debate this nominee so we can give the attorney general of Alabama, who has been nominated to the Eleventh Circuit, the opportunity to have an up-or-down vote on the floor of the Senate, which has been the custom here for over 225 years.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I would say to my friend, and the entire Senate, we have already spoken on this. There has been a vote to invoke cloture. That failed. I am confident if this comes up again, the vote will be the same. So I think that actually we are just wasting the time of the Senate, with all the many important things we have to do, and it would just be a repeat of the prior effort to invoke cloture, which failed.

So I object to my friend's request.

The PRESIDING OFFICER. The objection is heard.

EXECUTIVE SESSION

NOMINATION OF WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

Mr. SANTORUM. Mr. President, I now ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 310, the nomination of William Pryor, to be U.S. circuit judge for the Eleventh Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SANTORUM. The clerk will report.

The legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

Mr. SANTORUM. Mr. President, on behalf of the majority leader, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 310, the nomination of William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Rick Santorum, Ben Nighthorse Campbell, Lindsey Graham, Norm Coleman, John Sununu, Jon Kyl, Mike DeWine, Wayne Allard, Elizabeth Dole, Pete Domenici, Mitch McConnell, Robert F. Bennett, Jeff Sessions, Michael B. Enzi, John Ensign, John Cornyn.

Mr. SANTORUM. Mr. President, I further ask unanimous consent that the live quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nomination on today's Executive Calendar: Calendar No. 420. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

REFERRAL OF NOMINATION—EXECUTIVE CALENDAR NO. 299

Mr. HATCH. Mr. President, I appreciate Senator COLLINS, chair of the Governmental Affairs Committee, entering into a colloquy on a matter that concerns the Judiciary Committee. In particular, our colloquy involves the nomination of Michael Garcia to be Assistant Secretary of Homeland Security. Following our statements, I will seek an unanimous consent agreement to refer Mr. Garcia's nomination to the Judiciary Committee.

All committees derive their "respective jurisdictions" from Senate Rule XXV, among other sources. As such, the Governmental Affairs Committee, in its responsibility for the "organization and reorganization of the executive branch of the Government," played a crucial role in establishing the new Department of Homeland Security. I would like to compliment Senator COLLINS on her leadership and the significant improvements that have resulted in our Nation's security since September 11.

Also, under Senate Rule XXV, the Committee on the Judiciary has jurisdiction over "immigration and naturalization." It is important for the immigration and naturalization functions which have been transferred from the Department of Justice and other law enforcement agencies to the Department of Homeland Security to remain under the jurisdiction of the Judiciary Committee.

With the formation of three new bureaus for immigration policy in the Department of Homeland Security, countless situations—from day-to-day immigration services and enforcement to long-term border security planning—will arise in which legislation affecting these bureaus and oversight of these bureaus is an essential role of the Judiciary Committee. I appreciate my colleague taking the time to clarify the confirmation process for Mr. Garcia and the commitment to Senate Rules XXI and XXVI, Section 8 as it affects the Judiciary Committee's jurisdiction.

Ms. COLLINS. I appreciate the Senator's comments, and I look forward to working with him. I would also like to assure him that I do not believe the Governmental Affairs Committee's jurisdiction affects in any way the Judiciary Committee's jurisdiction over immigration and naturalization matters, as set forth in Senate Rule XXV. The Governmental Affairs Committee was responsible for the Homeland Security Act of 2002 which created the new Department of Homeland Security. The committee has conducted wide-ranging and vigorous oversight of the Department and, this year alone, has reported out six bills that address homeland security concerns. In total, the Governmental Affairs Committee has held over 30 hearings on homeland security matters, thus reflecting the paramount role it plays with respect to these matters.

The committee also has handled the nominations of almost all of the Department's nominees. On June 5 of this year, our committee held a hearing on Mr. Garcia's nomination. We reported his nomination to the full Senate on June 17. We then agreed to a referral of Mr. Garcia's nomination to the Judiciary Committee. I understand that my colleague, the distinguished chairman of the Judiciary Committee, now seeks a second referral of the nomination in order to complete its work thereon. I have no objection to my colleagues' request.

Mr. HATCH. I thank the chair of the Governmental Affairs Committee for her comments and efforts on this matter.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Executive Calendar No. 299, the nomination of Michael Garcia, to be an Assistant Secretary of Homeland Security, be referred to the Committee on the Judiciary for a period not to exceed 30 days of Senate session, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

FEDERAL COURT PROCEEDINGS IN PLANO, TX

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 355, S. 1720.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 1720) to provide for the Federal court proceedings in Plano, Texas.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. FEDERAL COURT PROCEEDINGS IN PLANO, TEXAS.

[Section 124(c)(3) of title 28, United States Code, is amended by inserting "and Plano" after "held at Sherman".]

SECTION 1. CHANGE IN COMPOSITION OF DIVISIONS OF EASTERN DISTRICT OF TEXAS.

(a) IN GENERAL.—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "Denton, and Grayson" and inserting "Delta, Denton, Fannin, Grayson, Hopkins, and Lamar"; and

(B) by inserting "and Plano" after "held at Sherman";

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting "Red River," after "Franklin,".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern

Judicial District of Texas on the effective date of this section.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read for the third time and passed, the motion to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1720), as amended, was read the third time and passed.

FALLEN PATRIOTS TAX RELIEF ACT

AMENDMENT NO. 2051, AS MODIFIED

Mr. SANTORUM. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 3365, amendment No. 2051 be modified with the technical correction at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Military Family Tax Relief Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amend-

ORDERS FOR WEDNESDAY, NOVEMBER 5, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 5. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of Senator ROBERTS or his designee and the second 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to the consideration of H.R. 2673, the Agriculture appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. For the information of all Senators, tomorrow, following morning business, the Senate will begin consideration of H.R. 2673, the Agriculture appropriations bill. The bill managers will be here in the morning to begin working through the amendments to the bill. It is the majority leader's intention to complete action on the bill during tomorrow's session. Senators who have amendments are encouraged to contact the bill managers as soon as possible.

In addition to the Agriculture appropriations bill, the Senate will also complete action on both the fair credit reporting bill and the Syria Accountability Act during tomorrow's session. Therefore, Senators should expect a very busy day tomorrow, with rollcall votes occurring throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Wednesday, November 5, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate November 4, 2003:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

GWENDOLYN BROWN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, November 4, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. RENZI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 4, 2003.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2800. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2800) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints, Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. DEWINE, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills and a joint resolution and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 269. An act to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 1132. An act to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes.

S. 1210. An act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

S. 1400. An act to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes.

S. 1757. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

S.J. Res. 22. Joint resolution recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research.

S. Con. Res. 58. Concurrent resolution raising awareness and encouraging prevention of stalking by urging the establishment of January 2004 as National Stalking Awareness Month.

S. Con. Res. 76. Concurrent resolution recognizing that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the following Senator to serve as a member of the National Council of the Arts: The Senator from Utah (Mr. BENNETT), in lieu of the Senator from Alabama (Mr. SESSIONS).

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the following Senator to serve as a member of the National Council of the Arts.

The Senator from Ohio (Mr. DEWINE).

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

POST OFFICE COMMUNITY PARTNERSHIP ACT

Mr. BLUMENAUER. Mr. Speaker, I came to Congress to help the Federal Government be a better partner with local communities, to make them liveable, to make our families safe, healthy and economically secure. The simplest way to achieve that objective does not require new laws, regulations, fees or massive outlays of Federal dollars driving us even deeper into debt.

The simplest way is simply for the Federal Government to merely obey the rules that it sets for others. One of the best illustrations of this principle has been realized in massive grass roots support across America for the postal service to obey the rules in locating its facilities.

We have had support from the National Association of Home Builders, the Sierra Club, the Trust for Historic Preservation, realtors, landscape architects, the American Planning Association. Good government organizations across the country have joined with local officials, mayors and Governors, to understand that the over 37,000 postal facilities are not just remote outposts of Federal activities. They can, often are and always should be the centers of community activity.

As a local official, I had my own experiences where the postal service was sadly indifferent to the impacts of its operations on local communities. When putting in a new facility they refused, for example, to pave the sidewalks, to integrate the facility into the local fabric and make them accessible to citizens. I had experiences where the postal service would not work with us to promote orderly traffic flow.

In Florida there was a post office where they were going to put in a parking lot by paving a flood plain. If a private developer had tried to do that, people would have demanded that they be put in jail.

These experiences from around the country were the inspiration for the Post Office Community Partnership Act on which we have been working the last several Congresses. The bill outlines minimum community involvement that the United States Postal Service must pursue to significantly change any post office. More important, the bill requires the postal service to fully comply with local zoning, planning and other land use laws, to play by the same rules as everyone else.

In the past, we have had a majority of the House cosponsor this legislation. Once it even passed the Senate, but so far it has been the victim of politics of postal reform. In recent sessions, all of the major efforts of more comprehensive legislation have included some variation of this bill as an enticement for passage.

The pressure from our legislation has, in fact, encouraged the postal service to make significant progress, and I have been encouraged by meetings I have had with members of the Board of Governors, the Postal Rate Commissioners, and recent Postmaster

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Generals. They have made progress. Outstanding examples exist from coast to coast.

In Fairview, Oregon, in my district, working with the developers in the community, the post office was the first civic building in a new development, enacted as an anchor for what has developed into a retail street. By centrally locating the post office as the developers proposed, the residents can easily walk or drive to the post office from anywhere in this village.

In Castine, Maine, the postal service first proposed moving the oldest operating post office in the country, an historic landmark, from its downtown location out to the suburbs. After a public outcry, the postal service and the town worked together to find a way to expand the existing location and keep the post office in its historic downtown location.

It is time, however, to make this relationship something that every community can count on. It should not be the exception. It should not require luck or extraordinary political action. There should be no variation in the commitment of the post office to be part of each and every community.

The recent report from the President's Commission on Postal Service is going to prompt more discussion and analysis of operations. If the recommendations are implemented from the Commission to streamline the postal service, it will result in closure of rural and innercity of post offices. Additionally, opportunities for public response and hearings will be cut, and the role will shrink to giving written complaints to the regulatory board after the decisions are made.

Now is the time to act. I urge my colleagues to sponsor the Post Office Community Partnership Act to guarantee that the postal service is a better partner and to set the tone for the Federal Government to lead by example in the livability of our communities, so that our families are safer, healthier and more economically secure.

WE WILL NOT RUN

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for such time as he may consume.

Mr. DELAY. Mr. Speaker, 2 days ago in Iraq, the United States lost 16 soldiers in a missile attack on an Army CH–47 Chinook helicopter. Twenty more American servicemen and women were wounded. All on board were headed to Baghdad, on the way to the airport and a well-deserved break from combat service.

Today, we all mourn their loss and offer our heartfelt prayers for the victims and, most especially, their families. But, Mr. Speaker, we will not run. The United States will stay in Iraq, along with our coalition partners, until the work there is done.

Until innocent Iraqis are no longer threatened by thuggish holdovers from the old regime; until state-sponsored murderers from neighboring counties no longer enter Iraq to terrorize its people; until the citizens of Iraq have a democratic government to set their own course among the free nations of the Earth; and until the nexus of the weapons of mass destruction, international terrorism, and outlaw regimes can no longer threaten the United States from Iraq.

These things, these long overdue and wonderful things, are going to happen. Let there be no mistaking in this or any capital around the globe, justice is coming to the Middle East with hope and freedom riding close behind.

We all have always known that delivering these basic human rights to a region unfamiliar with them will be hard, but that is our mission, and one worth the sacrifice.

Just as it has been since we began debating the removal of Saddam Hussein from Iraq, this war remains a test of America's moral leadership in the world.

Are we serious about destroying international terrorism? Are we serious about holding outlaw regimes accountable for their sponsorship of it? Are we resolved to see our mission through to the end, despite the disproportionate costs and risks we must assume? And finally, is human freedom worth fighting for?

The answers to all of these, of course, is yes. And so we will not run. No matter how perilous our journey, we will stand and fight and humanity will win. Iraq will be free. Terrorism will fall. Evil will be turned back. And the Chinook 16, Mr. Speaker, will not have died in vain.

AMERICA WILL NOT RETREAT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, I voted in favor of the resolution to remove the poisonous, snake-infested Iraqi regime because I believe it was the appropriate response.

Do I approve of the manner in which the postcombat peacekeeping effort is developing? No.

It appears to me that we should be beneficiary of more precise intelligence gathering from our Iraqi allies on the ground. We must insist upon better, more timely intelligence. These ruthless murderers who kill and wound our servicemen and women, who bomb and destroy hotels and other facilities must be identified and apprehended before they subsequently kill and destroy. Granted, the borders are porous and terrorists enter at will, but I believe that better surveillance can be effected, and we must insist upon it.

Some Members of Congress, Mr. Speaker, have accused President Bush of practicing political opportunism by dispatching troops into Iraq. They should be ashamed. Common sense clearly concludes the safe political course would have been to have done nothing. President Bush acted presidential. The approval ratings of President Bush and Prime Minister Blair would be far more favorable had they turned blind eyes to Iraq. Great risk was assumed in going forward, but they responded as able leaders.

Approximately 18 months ago, an Iraqi citizen said to me, the U.S. must take out Saddam. We are afraid of him because we know what punishment and torture he is capable of inflicting. The U.S. must remove him. The world is not safe as long as he remains in power, he concluded.

I then asked him, If we remove this evil regime, will the Iraqi people embrace us or reject us?

The gentleman was silent. I repeated my question, and he reluctantly replied, I do not know. I said, Neither do I and that concerns me.

It continues to concern me. It concerns me, as well, that we have become the Rodney Dangerfield in the world of diplomacy to some; no respect for what we have done. Oh, yes, Mr. Speaker, the great majority wanted Saddam gone, but they did not want to become involved. Let someone else do the heavy lifting. Let others expose themselves to danger.

We were given warnings. The first attack on the World Trade Center in the nineties; our two embassies subsequently attacked; the attack upon the USS *Cole*, and we did virtually nothing in response. No surprise that the terrorists concluded these Americans have no backbone. They have no will to respond. We can attack them with impunity. Then 9/11. Some insist we should have delayed our efforts to remove Saddam.

Delay for what? The U.N. was indecisive. The U.N. observed Saddam's violation of one agreement after another without reprimand, and all the while Saddam operated as he pleased. Surely, Saddam must have viewed the U.N. as his own personal dancing bear.

Some insist that our responding to the 9/11 attack was a mistake, implying that had we done nothing in response, that terrorists would simply have gone away. That gang does not simply go away.

Finally, weapons of mass destruction. There is ample evidence voiced by Democrats and Republicans alike that Iraq and Saddam did possess, in fact, weapons of mass destruction. They have not been detected, but do we then conclude that these weapons do not exist? Neither have Saddam nor Osama bin Laden been detected, so applying this logic, I suppose they do not exist.

We are at war. And war has a way, Mr. Speaker, of frustrating timetables, good intentions notwithstanding; I cite Bosnia.

I know we in the Congress are appreciative to the countries around the world that are assisting us in this effort and to our servicemen and women as well. If we prevail, the world will be better for it, but we must be strong. As we know from the outset, it will not be a quick fix. Many have compared Saddam and Osama bin Laden and their fellow terrorists with Adolf Hitler, but there is a salient distinction, Mr. Speaker. Hitler and his gang wanted to conquer the world. Saddam and Osama bin Laden and their thugs are not averse to destroying the world. Therein lies a distinction, Mr. Speaker, that makes our task far more formidable.

As the majority leader just said earlier, to retreat at this juncture would be ill-advised.

GOOD ECONOMIC NEWS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, last week brought the American taxpayers some good news. Whether it was in the USA Today newspaper, Associated Press stories, the New York Times or the Washington Post, they all said pretty much the same thing. The U.S. economy grew at a rapid pace of 7.2 percent during the third quarter of this year.

☐ 1245

Mr. Speaker, this is an accomplishment that has not been seen in 19 years, or since 1984, when Ronald Reagan was President of the United States. Most economic analysts were expecting just a 6 percent gain. In addition, the growth rate accelerated from a 3.3 percent rate in the second quarter. This must come as quite a surprise to those who have been hoping for bad economic news.

I would like to greet the economic detractors with even more positive news: the value of U.S. stock markets has increased with shareholder wealth up $2.9 trillion, an increase of 22 percent since October 2002; and the 10,000 mark in the Dow Jones is well within reach. Disposable income is up 5.8 percent at an annual rate in 2003.

This is very interesting. U.S. homeownership in the United States was 68.4 percent in the third quarter. Now this is the highest level it has ever been.

Productivity growth remains strong, which has bolstered business profits. Orders of manufacturing goods have been increasing since earlier this year, and shipments of durable goods have increased since this summer after, of course, a period of decline and stagnation.

Consumer confidence has increased and consumer spending has increased on food and clothes by 7.9 percent, and this is the best increase since 1976.

Business spending on equipment and business software has increased 15.4 percent, the largest increase since 2001.

Mr. Speaker, these economic facts are evidence that what President Bush proposed and Congress passed was right in passing the Jobs Growth and Tax Relief package, that is, the tax cuts. It has given the economy the shot it needed from the recession that started at the end of the Clinton administration; and with higher economic activity, American workers obtain better wages and living standards.

While this significant growth is encouraging, we must strive to ensure that our economy continues on this positive track. Of course, we cannot logically expect that the economy will continue to grow at this rate as it did in the third quarter, but most private forecasters predict the economy will be above the historical average.

Of course, one thing a good economy must do is create jobs; 57,000 new jobs were created in September, the first gain in nonfarm payroll employment since January. This is positive news, and we are seeing signs that the labor market is improving. Initial claims for unemployment insurance have declined by more than 10 percent, and the 4-week moving average has stayed below 400,000 claims for 4 straight weeks.

As the economy has recovered, the U.S. has become more productive. With higher productivity, fewer people are needed to do the same job. Because of this, there has not been a corresponding job increase in the national economic growth.

Of course, I think there is more we need to do to continue these progrowth policies. I would offer one caveat this afternoon. Part of a progrowth economic policy is to reduce spending. Federal Government spending increased by 1.4 percent in the third quarter alone. Over the past 5 years, the government has increased spending by $586 billion. Spending is now just over 20 percent of the gross domestic product. If we continue to follow an alarming increase in Federal spending, the government will be faced with more and more difficult choices, none of which will help our economic recovery and economic growth.

We have a healthy economy to look forward to today. Let us keep it that way. Let us control government spending.

RECESS

The SPEAKER pro tempore (Mr. RENZI). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 2 p.m. today.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEFLEY) at 2 p.m.

PRAYER

The Reverend Johnny L. Green, Senior Pastor, Bethel Assembly of God, Savage, Maryland, offered the following prayer:

O Lord, I stand before You this afternoon in this prestigious place: a place where decisions are made and honor is given; a place where discussions and debates are challenged and recommendations are forwarded; yes, Lord, in this place. In this home of the free and land of the brave, Your Word tells us to "make prayers, intercession, and thanksgiving for those in authority, for this pleases You." I offer that prayer today. For this opportunity to pray for our Nation, its leaders, and our people, I give You thanks. For each man and woman chosen to lead in the directing of this Nation, would You provide wisdom and guidance for them to perform it? May each Representative here truly acknowledge and seek Your grace in every decision they make. For it is by Your grace that I stand here today and proclaim "How Great Thou Art." Lord, please bless America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2003.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2003 at 11:40 a.m.

That the Senate passed without amendment H.R. 3288.

That the Senate passed without amendment H. Con. Res. 159.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2003.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2003 at 6:26 p.m.

That the Senate agreed to conference report H.R. 2691.

That the Senate agreed to conference report H.R. 3289.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes on postponed questions will be taken after 6:30 p.m. today.

JOHN G. DOW POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3166) to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G. Dow Post Office Building."

The Clerk read as follows:

H.R. 3166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN G. DOW POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, shall be known and designated as the "John G. Dow Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the John G. Dow Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3166, introduced by the gentleman from New York (Mr. ENGEL), designates this U.S. Postal Service facility in Tappan, New York as the "John G. Dow Post Office Building." The entire New York State delegation has cosponsored this legislation.

Congressman John Dow was elected to a seat in this House from the people of New York's Hudson Valley in 1964. He dutifully served three terms in this body during the height of the Vietnam War. He was known for his strong opposition to the war during that tumultuous period in American history.

Congressman Dow passed away on March 11th of this year at the age of 97. He was a principled, poised, and passionate representative of the people of New York.

Along with the gentleman from New York (Mr. ENGEL), I certainly want to extend the best wishes of this House to the family of John Dow. The post office in Tappan will be a deserved commemoration of his public service. Mr. Speaker, I urge all Members to support the passage of H.R. 3166, and I congratulate the gentleman from New York for having his bill considered by the whole House.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I rise in support of H.R. 3166, legislation naming a postal facility located at 57 Old Tappan Road in Tappan, New York, after John G. Dow. H.R. 3166, introduced by the gentleman from New York (Mr. ENGEL) on September 24, 2003, was unanimously approved by our committee on October 8, 2003. The measure has met the Committee on Government Reform policy and has the support and cosponsorship of the entire New York State delegation.

Mr. John G. Dow was a former Member of Congress and a staunchly liberal New York Democrat from the lower Hudson Valley. One of the earliest congressional opponents of the Vietnam War, he died in March of this year at the age of 97. John Dow was born in New York City in 1905 and grew up in New Jersey. His family later moved to Kennebunkport, Maine. He graduated from Harvard University, became a businessman and began dabbling in local politics, serving as chairman of the Zoning and Appeals Board.

In 1964, Mr. Dow won election to Congress, representing Rockland County, New York. Representative John Dow served two terms before he was defeated. He later ran again and won his seat back, serving one term before being defeated by Representative Benjamin Gilman.

Mr. Speaker I commend my colleagues for seeking to honor the memory of the late Representative John Dow by naming a postal facility after him, and I urge swift adoption of this bill.

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 3166, legislation to name the United States Postal Facility at 57 Old Tappan Road in Tappan, New York after former Congressman John G. Dow. The House of Representatives lost a member of its family on March 11th of this year when John Dow passed on at the age of 97. After living a storied life dedicated to serving the propel of Rockland County and the State of New York, it is a privilege to honor this great man on the floor of the House of Representatives.

Born and bred in New York, John Dow earned a bachelor's degree from Harvard University and later a master's from Columbia University. In 1954 he began his career in public service holding the post of Civil Defense Director in Grandview, NY and later Chairman of the Grand View Zoning Board of Appeals. John Dow then stepped onto the national political scene, winning a seat in Congress in 1965 in the 22nd Congressional District, which encompassed Rockland County.

John Dow served just six years in Congress but his imprint on this body was far greater than his tenure. He was one of the few Members of Congress that openly questioned and opposed the U.S. involvement in the Vietnam War. Despite popular opinion, he spoke out against laws that would ban flag burning and fiercely defended the civil rights movements, even marching in the south to show his support for equal rights. He was an independent thinker that did not always take the popular stand but fought for what he felt was right for Rockland County, for New York, and for the United States.

John Dow upheld the great values of this country at a time when we most needed it. He was considered a voice of dissent in the Congress against the Vietnam War even though it was a President of the same party leading us into that war. John Dow's warnings and cautions would ring true in later years as the reality of the Vietnam War set in. His principled stance eventually cost him the opportunity to continue serving in Congress but that did not deter him. As the political winds shifted, John Dow was swept out of office in 1968. He would return for another term, winning election in 1970, but would lose his seat for good two years later. However, John Dow would continue serving the people of New York and Rockland County until his death.

Mr. Speaker, I am a life-long New Yorker and I am proud of that fact. I am proud to serve the people of my district and the Rocklanders that John Dow once represented. It is a tribute to his service and his memory that every Member of the New York delegation, Democrat and Republican alike cosponsored this legislation to honor one of our own. I want to thank Chairman DAVIS and Congressman WAXMAN for expediting this legislation so that we can honor Congressman Dow and his service to this great nation.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TURNER of Ohio. Mr. Speaker, I urge passage of H.R. 3166. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 3166.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

S. TRUETT CATHY POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3029) to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building".

The Clerk read as follows:

H.R. 3029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. S. TRUETT CATHY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, shall be known and designated as the S. Truett Cathy Post Office Building.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the S. Truett Cathy Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3029, introduced by the distinguished gentleman from the State of Georgia (Mr. SCOTT) designates the U.S. Postal Service facility in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building." All members of the Georgia State delegation have signed on to this legislation.

Mr. Speaker, this legislation honors a wonderful American entrepreneur, S. Truett Cathy. The respected founder of the Chick-Fil-A restaurant chain, Mr. Cathy has developed one of the most successful privately-owned restaurant chains in the United States. S. Truett Cathy lived the American Dream by spending just a few thousand dollars to open a tiny diner with his brother, Ben, in the Atlanta suburb of Hapeville, Georgia, in 1946. It was almost 20 years later, in 1967, before Mr. Cathy opened his first Chick-Fil-A restaurant in an Atlanta shopping mall. Today there are over 1,000 Chick-Fil-A restaurants from coast to coast.

Many people know that Chick-Fil-A restaurants are not open on Sundays. This has been true ever since the first restaurant opened in 1967. Mr. Cathy makes no exceptions for his "closed-on-Sunday" policy, ensuring that all Chick-Fil-A employees have a chance to worship, spend time with their families and friends, and simply relax 1 day a week. On his day off, Mr. Cathy has taught Sunday school classes for nearly 50 years.

Mr. Cathy also should be recognized for his work in offering educational scholarships. He has established the Chick-Fil-A Team Member Scholarship that awards a $1,000 scholarship to 25 Chick-Fil-A employees each year, encouraging them to pursue advanced educations. Chick-Fil-A has generously given away nearly $18 million to its employees through this program. Mr. Cathy has also created the WinShape Centre Foundation that annually grants dozens of $24,000 scholarships to students wishing to attend Berry College in Rome, Georgia. Chick-Fil-A has also provided $25,000 in general scholarship funds to each of the universities who participate in the Chick-Fil-A Peach Bowl football game in late December.

Mr. Speaker, for all these reasons, I commend the gentleman from Georgia for his meaningful work on H.R. 3029 that honors S. Truett Cathy. S. Truett Cathy's success as an entrepreneur and charity as a philanthropist are truly worthy of commendation by this House.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Ohio (Mr. TURNER) in support of H.R. 3029, legislation naming a Postal Service facility located at 255 North Main Street in Jonesboro, Georgia, after S. Truett Cathy. H.R. 3029 was introduced by the gentleman from Georgia (Mr. SCOTT) on September 5, 2003. The bill has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Georgia delegation.

S. Truett Cathy is the founder and chairman of the third largest fast-food chicken chain in the United States. The first restaurant opened in 1967 in Atlanta, Georgia. As of February, 2003, there are more than 1,000 restaurants in 36 States and Washington, D.C.

Not content to be just a successful businessman, Mr. Cathy continues to give back to his community. He provides leadership scholarships to employees, scholarships to young people to attend college, sponsors long-term care for foster children, and a summer camp program to build self-esteem. He also sponsors golf and football sporting events.

□ 1415

Mr. Speaker, naming a postal facility after Mr. S. Truett Cathy continues the tradition of honoring dedicated and committed individuals who make a difference in their community and in our Nation. I am pleased to join in urging swift adoption of H.R. 3029.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. SCOTT), the proud Georgian sponsor of this legislation.

Mr. SCOTT of Georgia. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. DAVIS) and the gentleman from Ohio (Mr. TURNER) for their excellent remarks.

Mr. Speaker, as the sponsor of this legislation today, I am pleased to speak on the House floor regarding H.R. 3029. This legislation honors a Georgia entrepreneur and restaurateur and a great American, S. Truett Cathy, the founder, chairman and CEO of Chick-Fil-A, Incorporated. This legislation designates the post office in Jonesboro, Georgia, in my district, as the S. Truett Cathy Post Office Building. I appreciate the support of the entire Georgia congressional delegation, which has cosponsored this important legislation.

The Chick-Fil-A story began in 1946 when Truett and his younger brother, Ben, spent $10,000 to open a tiny 24-hour restaurant called the Dwarf Grill in Hapeville, Georgia; and the Dwarf Grill still stands in Hapeville, Georgia. In 1967, Mr. Cathy opened his first Chick-Fil-A restaurant at Atlanta's Greenbriar Mall, which established the in-mall fast-food quick-service restaurant concept in this Nation. Today, Chick-Fil-A is the third largest quick-service chicken restaurant chain in the entire United States based on annual sales. Currently, there are more than 1,080 restaurants in 36 States and in Washington, D.C.

Truett Cathy is a devoted religious man who built his life and his business based upon hard work, humanity, humility, and Biblical principles. Based on these principles, all of Chick-Fil-A's restaurants operate with a closed-on-Sunday policy, without exception, to allow the employees of Chick-Fil-A to attend services on Sunday. When not managing his company, Cathy donates his time to community efforts and teaches a Sunday school class to 13-year-old boys, as he has done for more than 45 straight years.

Chick-Fil-A's official statement of corporate purpose says that it exists "to glorify God by being a faithful steward of all that is entrusted to us and to have a positive influence on all who come in contact with Chick-Fil-A." That is why Mr. Cathy invests in scholarships, character-building programs for kids, foster homes and other community services.

Mr. Cathy has established the WinShape Centre Foundation, the Leadership Scholarship Program, and the WinShape Homes Program. The WinShape Center Foundation annually awards 20 to 30 students wishing to attend Berry College in Georgia with $24,000 scholarships that are jointly funded by the Rome, Georgia, institution. Through its Leadership Scholarship Program, the Chick-Fil-A chain has given over $17.5 million in $1,000 scholarships to Chick-Fil-A restaurant employees since 1973. As part of his WinShape Homes Program, a long-term care program for foster children, 13 foster care homes have been started in Georgia, Alabama, Tennessee, and even in Brazil. They are operated by Cathy and the WinShape Foundation.

S. Truett Cathy is a dedicated husband and family man. He is a father and grandfather. Cathy and his wife, Jeanette, have 12 grandchildren and more than 125 foster grandchildren. Due to inspiring his life story and his dedication to community service, I am pleased to honor this great Georgian and his legacy in this manner.

I especially would like to thank my colleagues from Georgia, the gentleman from Georgia (Mr. KINGSTON), the gentleman from Georgia (Mr. BISHOP), the gentleman from Georgia (Mr. MARSHALL), the gentlewoman from Georgia (Ms. MAJETTE), the gentleman from Georgia (Mr. LEWIS), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Georgia (Mr. LINDER), the gentleman from Georgia (Mr. COLLINS), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Georgia (Mr. DEAL), the gentleman from Georgia (Mr. GINGREY), and the gentleman from Georgia (Mr. BURNS) for their support in joining me as sponsors of this legislation.

In addition, I would like to thank the members of the Committee on Government Reform and the committee staff for including my bill in the list of suspension bills today. I would especially like to thank my good friend, the gentleman from Illinois (Mr. DAVIS), for managing this bill on the floor, and the gentleman from Georgia (Mr. DEAL) for all his efforts as a member of the committee on behalf of my legislation.

I encourage all of my colleagues to support this legislation and pass this bill in the House today. I look forward to working with Senator MILLER and Senator CHAMBLISS and the Senate Governmental Affairs Committee and the entire Senate in order to gain quick passage of this bill in the Senate.

What an outstanding story, what an outstanding life, what an outstanding man is S. Truett Cathy. We humbly honor this great servant of God by naming this post office in Jonesboro, Georgia, after him.

Mr. TURNER of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I rise today in support of H.R. 3029, renaming the post office in Jonesboro, Georgia, for S. Truett Cathy. I join my distinguished colleague, the gentleman from Georgia (Mr. SCOTT), in recognizing this man's great achievement in our State, in our community, and in our Nation. Truett Cathy is truly a leader and truly a friend, and I am very honored to call him a friend of not only Georgia, but of the Nation.

Certainly at his opening of that first small restaurant called the Dwarf Grill back in the 1940s, no one could have imagined the impact that he has had on our communities throughout the Nation. He developed a keen art of both marketing and culinary skills and developed what we all know as the Chick-Fil-A sandwich. I will tell you one of the things I enjoy most when I have the opportunity is to visit one of his restaurants. Begun in 1967, it is now the third largest chicken quick-serve establishment in the world.

The most interesting thing about Mr. Cathy is he has been true to his principles. As the gentleman from Georgia (Mr. SCOTT) pointed out, he chooses not to operate his business on Sunday so that his employees can worship their God and enjoy their families. He is a member and deacon of the First Baptist Church in Jonesboro.

I got to know Truett Cathy through his involvement in education, not only at Berry College, but at multiple universities around the State. At the university that I had an opportunity to be on the faculty of at Georgia Southern, he was one of our strongest supporters. We have a Chick-Fil-A Room in our university where we teach marketing. His son Dan is a graduate of Georgia Southern; and he continues to be very, very active in education throughout our State and throughout our Nation.

As the gentleman from Georgia (Mr. SCOTT) pointed out, he has the WinShape Foundation that operates long-term care programs for foster children. He provides scholarships to Berry College, and he provides scholarships to employees of Chick-Fil-A, over $17 million worth of development and education scholarships. He believes in the youth of America. He believes that our future is in those individuals that will shape and mold and become the future leaders that we so desperately need.

I am indeed privileged to join the gentleman from Georgia (Mr. SCOTT) and to join the rest of the Georgia delegation as we provide a tribute to the life and the accomplishments of S. Truett Cathy. I urge my colleagues in this body to join us as we vote today on H.R. 3029.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is clear that Mr. Cathy is indeed a remarkable man. I congratulate the gentleman from Georgia (Mr. SCOTT) and the Georgia delegation. I urge swift passage of this legislation.

Ms. MAJETTE. Mr. Speaker, I rise today to honor S. Truett Cathy. Guided by his ability, dedication, and faith, Mr. Cathy took a small restaurant in Atlanta, Georgia, and built Chick-Fil-A, Inc., the third largest fast food chicken restaurant in America, with more than 1,080 restaurants nationwide.

This is in itself a great enterprise. Yet Mr. Cathy, through his success in business and exemplary community service, has come to serve as a paradigm of excellence. In 1984, Mr. Cathy founded the WinShape Center Foundation, designed to "shape winners" by helping young people succeed in life through scholarships and other youth-support programs.

Like Mr. Cathy, the foundation he began is the epitome of responsible citizenry. The foundation annually joins Berry College in Rome, Georgia to award 20 to 30 students with $24,000 scholarships. In addition, through its Leadership Scholarship Program, the Chick-Fil-A chain has awarded more than $17.5 million in $1,000 scholarships to Chick-Fil-A restaurant employees since 1973. Chick-Fil-A's partnerships with the LPGA and college football's Peach Bowl have resulted in more than $1.25 million for WinShape homes and other charities in 2002 alone.

Mr. Cathy's philanthropic endeavors extend to children as well. As part of his WinShape Homes program—a long-term care program for foster children—Mr. Cathy launched and operates 13 foster care homes in Georgia, Alabama, Tennessee, and Brazil. These homes, accommodating up to 12 children with two full-time foster parents, provide long-term care for foster children with a positive family environment. In addition, more than 1,600 young campers from throughout the country attend annual sessions at Camp WinShape. An initiative of the WinShape Center Foundation, this camp offers a series of two-week summer programs to help boys and girls build self-esteem through physical and spiritual activities.

Mr. Cathy is a devoutly religious man who built his life and business on hard work, humanity and biblical principles. Based on his strong faith and sense of purpose, all of Chick-Fil-A's restaurants operate with a "closed-on-Sunday" policy, allowing employees to practice their faith and spend time with their families. Mr. Cathy spends his day off teaching a Sunday school class to 13-year-old boys, as he has done for more than 45 years.

S. Truett Cathy represents the best that Georgia and this country has to offer. I am proud to be a co-sponsor of H.R. 3029, designating the post office of Jonesboro, Georgia as the "S. Truett Cathy Post Office Building."

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TURNER of Ohio. Mr. Speaker, I have no other speakers. I urge passage of H.R. 3029, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 3029.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAJOR HENRY A. COMMISKEY, SR. POST OFFICE BUILDING

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2438) to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the "Major Henry A. Commiskey, Sr. Post Office Building".

The Clerk read as follows:

H.R. 2438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR HENRY A. COMMISKEY, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, shall be known and designated as the "Major Henry A. Commiskey, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Major Henry A. Commiskey, Sr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2438.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I am pleased that the House is considering H.R. 2438. This post office designation bill, introduced by the gentleman from Mississippi (Mr. TAYLOR), honors the service of Major Henry A. Commiskey, Sr.

Major Commiskey earned the Medal of Honor and a Purple Heart for his service to our Nation in the U.S. Marine Corps. Born on January 10, 1927, in Hattiesburg, Mississippi, he enlisted in the Marines at age 17. He ultimately served in the Pacific Theater during World War II. Major Commiskey earned the Purple Heart for his valor during the invasion of Iwo Jima in 1945.

After World War II ended, he returned safely home and continued to serve in the Marine Corps. He advanced to the rank of staff sergeant and became a drill instructor at Parris Island, South Carolina. When war broke out in Korea, he was shipped overseas again. For his tremendous efforts during the conflict in Korea, he earned the Medal of Honor.

Mr. Speaker, we owe so much to members of our Armed Forces who have fought for democracy and freedom throughout our Nation's history. Major Commiskey deserves all our thanks and praise, and this legislation is a way for the Members of this House to honor his brave legacy.

Mr. Speaker, I urge support for H.R. 2438 that names a post office after the late Major Henry A. Commiskey, Sr.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2438, legislation naming a postal facility located at 115 West Pine Street in Hattiesburg, Mississippi, after Major Henry A. Commiskey, Sr. H.R. 2438, introduced by the gentleman from Mississippi (Mr. TAYLOR) on June 11, 2003, was unanimously approved by our committee on July 10, 2003. The measure has met the Committee on Government Reform policy and has the support and cosponsorship of the entire Mississippi State congressional delegation.

Mr. Speaker, Henry A. Commiskey was born in Hattiesburg, Mississippi, in 1927. He enlisted in the Marine Corps at age 17 during World War II and participated in the 1945 invasion of Iwo Jima, where he earned the Purple Heart. He remained in the corps after the war, rose to the rank of staff sergeant to become a drill instructor at Parris Island, and then graduated from Officer Candidate School in 1949.

Henry volunteered for combat service at the outbreak of the Korean War and was presented the distinguished Medal of Honor by President Truman in 1951 for leading a charge up Hill 85 in North Korea and killing seven enemy soldiers in hand-to-hand combat on September 20, 1950.

Henry A. Commiskey obtained the rank of major before retiring from the corps.

Last year, the Hattiesburg City Council and the Board of Supervisors for Forrest County, Mississippi, passed official resolutions requesting the assistance of the gentleman from Mississippi (Mr. TAYLOR) in renaming the city's downtown post office after the late Major Henry A. Commiskey, Sr., a long-time resident of the community and Medal of Honor recipient from the Korean War.

□ 1430

I want to thank the gentleman from Virginia (Chairman DAVIS) and the gentleman from California (Ranking Member WAXMAN) and the House majority and minority leadership for moving this bill to the floor so expeditiously. I also commend my colleague, the gentleman from Mississippi (Mr. TAYLOR) for seeking to honor the tremendous sacrifice of Major Commiskey.

Mr. Speaker, I know that the gentleman from Mississippi (Mr. TAYLOR) has been trying to get here, but he has been traveling from Mississippi and has not made it yet. He wanted to be here to speak in favor of this legislation. Unfortunately, he did not make it. So I will insert his statement in the RECORD at the appropriate place, and I urge swift passage of this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. TURNER of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 2438.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF THE NATIONAL ANTHEM "SINGAMERICA" PROJECT

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 262) expressing the sense of the Congress in support of the National Anthem "SingAmerica" project.

The Clerk read as follows:

H. CON. RES. 262

Whereas the performance and singing of traditional, patriotic music has served as a vital instrument for the recruitment and retention of members of the armed forces of the United States, has been a catalyst for the development of public support for a common defense policy, and has united Americans of all backgrounds throughout the history of the United States as an inspirational expression of the national purpose of freedom;

Whereas the national anthem, the Star Spangled Banner, holds a special place in the hearts and minds of the American people as a symbol of national unity, resolve, and willingness to sacrifice in order to preserve the nation's sacred heritage of freedom;

Whereas the members of the MENC: the National Association for Music Education, the officers of the Smithsonian Institution, and the members of the American Sportscasters Association have joined in the National Anthem "SingAmerica" project to restore the original Star Spangled Banner flag and to renew national awareness of the patriotic musical traditions of the United States; and

Whereas this dynamic national initiative promises to invigorate and inspire the American people to have a greater appreciation of their patriotic musical heritage and the preeminent role that heritage has in promoting national defense efforts, motivating public and military service, infusing national pride, encouraging good citizenship practices, and teaching American history: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the MENC: The National Association for Music Education, the Smithsonian Institution, the American Sportscasters Association, and all those involved in the National Anthem "SingAmerica" project for their initiative to promote national awareness of the patriotic musical heritage of the United States; and

(2) urges all Americans to assist, enjoy, and participate in the National Anthem "SingAmerica" project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 262, introduced by the distinguished chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS), expresses support for the National Anthem "SingAmerica" project.

Mr. Speaker, the "SingAmerica" project is an ongoing patriotic effort about which most Americans may not be aware. "SingAmerica" is a collaboration between the Smithsonian National Museum of American History and the National Association for Music Education, along with a great deal of support from the American Sportscasters Association. The project aims to remind all Americans of the importance of our magnificent National Anthem.

The project has begun this fall during the National Football League season by encouraging the singing of the National Anthem before all games. Other professional sports leagues will also take part in the project over the next few years, including the National Basketball Association, the Women's National Basketball Association, and Major League Baseball.

The culminating event of the "SingAmerica" project will be here in Washington, D.C. on June 14, 2006. This event will be called "A Star Spangled Celebration" and will feature the President and First Lady, celebrity musicians, and literally thousands of bands from across the country. These artists will join together for the largest performance of the National Anthem in history.

Mr. Speaker, on behalf of the gentleman from Virginia (Chairman DAVIS), I urge all Americans to enjoy and participate in the National Anthem "SingAmerica" project. I also urge all Members to support the adoption of House Concurrent Resolution 262.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the members of the National Association for Music Education, the offices of the Smithsonian Institute, and the members of the American Sportscasters Association have joined in the National Anthem "SingAmerica" project.

The "SingAmerica" project aims to restore the original Star Spangled Banner Flag and to renew national awareness of the patriotic musical traditions of the United States. The performance and singing tradition of patriotic music has served as a vital instrument for the recruitment and retention of the Armed Forces of the United States. Such patriotic music can be found on the SingAmerica! Patriotic Collection CD, which marks the first time all of the U.S. military bands: Army, Marine Corps, Navy, Air Force, and Coast Guard have been recorded on a single album.

The National Anthem and the Star Spangled Banner hold a special place in the hearts and minds of the American people as symbols of national unity, resolve, and willingness to sacrifice in order to preserve the Nation's sacred heritage of freedom. This resolution urges all Americans to assist, enjoy, and participate in the National Anthem "SingAmerica" project.

Sometimes, when you are listening to just the song, you can imagine that you see Francis Scott Key as he looked out and saw that the flag was still waving in the pitch of battle and was inspired to write the words "Oh, say can you see by the dawn's early light. What so proudly we hailed at the twilight's last gleaming."

Or, you think of other patriotic songs like "America, The Beautiful" and "God bless America." All of those symbolize what America has been, but also what America has the potential of being.

Mr. Speaker, this is an excellent project, and I would urge passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I have no other speakers. I urge all Members to support the adoption of House Concurrent Resolution 262. I thank the gentleman from Virginia (Chairman DAVIS) for introducing this patriotic measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND SUPPORTING FINANCIAL PLANNING WEEK

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 176) supporting the goals and ideals of Financial Planning Week, recognizing the significant impact of sound financial planning on achieving life's goals, and honoring American families and the financial planning profession for their adherence and dedication to the financial planning process.

The Clerk read as follows:

H. CON. RES. 176

Whereas the financial planning process can play a vital role in helping American workers achieve financial independence by empowering them to identify and manage realistic financial objectives and negotiate the financial challenges that arise at every stage of life;

Whereas all Americans can improve their quality of life by securing competent, objective, and comprehensive financial advice to assist them in attaining their financial goals;

Whereas, in the past year, proclamations have been issued in numerous States and the District of Columbia recognizing the importance of the financial planning process in meeting the goal of financial independence and other long-term financial objectives;

Whereas widespread adherence to a financial planning process can help reduce the burdens and obligations of the public and private sectors in providing a financial safety net for less fortunate Americans; and

Whereas the Financial Planning Association has designated the week beginning October 6, 2003, as "Financial Planning Week": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of "Financial Planning Week";

(2) recognizes the significant impact that sound financial planning can have on securing financial independence and achieving life's goals and dreams;

(3) acknowledges and commends the millions of American families across the United States, as well as the financial planning profession, for their adherence and dedication to the financial planning process; and

(4) encourages the American people to observe "Financial Planning week" with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 176 supports the goals and ideals of Financial Planning Week. This resolution, introduced by the gentleman from Pennsylvania (Mr. PLATTS), the chairman of the Committee on Government Reform Subcommittee on Government Efficiency and Financial Management, aims to make all Americans aware of the importance of effective financial planning to prepare for all stages of life.

Mr. Speaker, all Americans were happy to learn last week that the gross domestic product for the third quarter of fiscal year 2003 grew at a rate of 7.2 percent, the highest rate since the 1980s. Clearly, that is good news about the direction our economy is headed and, hopefully, that will translate into increased job growth and more income for all Americans.

However, smart financial planning is a timeless and invaluable way for all of us to help ensure a secure financial future. American families are working harder today than perhaps at any other time in our Nation's history, but it is imperative that we all accompany our hard work with thoughtful, personal financial planning.

I want to cite the third resolved clause of the resolution that states that "Congress acknowledges and commends the millions of American families across the United States for their adherence and dedication to the financial planning process." No one takes time out to recognize the millions of Americans who are working, spending wisely, and prudently saving for their own and their family's future. This resolution attempts to acknowledge these people.

Mr. Speaker, I commend the chairman of the Subcommittee on Government Efficiency and Financial Management for introducing this important legislation, and I support the adoption of House Concurrent Resolution 176.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a young child, I was taught that he or she who fails to plan, plans to fail. Therefore, Mr. Speaker, this resolution is very timely, given the sluggish economy and loss of jobs.

H. Con. Res. 176 supports the goals and ideals of Financial Planning Week. The financial planning process allows individuals to achieve their dreams by empowering themselves to identify and manage realistic financial goals, and to negotiate the financial barriers that arise at every stage of life.

Everyone can benefit from knowing about the value of financial planning and where to turn for objective financial advice. The Financial Planning Association designated the week beginning October 6, 2003 as Financial Planning Week, and with good reason.

Saving money has steadily declined in this country over the past 50 years, while borrowing has increased. In 1950, savings averaged 12.3 percent of national output. By the 1960s, it was down to 8.5 percent. By the 1980s it was down to 4.7 percent. In the early 1990s, it was only 2.4 percent. Americans need to work to achieve financial independence, and financial planning is crucial to that process.

Determining what you have, determining what resources you need for living, and setting goals are all part of the financial planning process. Experts suggest setting aside a goal to pay ourselves first, to plan and to manage our spending so that we will be able to save. We then should gradually increase the percentage of our income that we save. Over time, Americans should try to set aside enough savings to meet each of the following needs: Day-to-day living expenses, including debt repayment; common emergencies; large recurrent expenses; short-term goals; long-term goals; and special opportunities that would require substantial sums in the future.

We as individuals are responsible for becoming well-informed and for making thoughtful decisions that improve our prospects for financial security. H. Con. Res. 176 serves as a reminder of how important it is for us to save and to have a financial plan, so that we can improve not only our individual quality of life, but so that we can have a better outlook for our Nation and improve the quality of life for all Americans.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TURNER of Ohio. Mr. Speaker, I strongly support the adoption of House Concurrent Resolution 176, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 176.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TURNER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ORVILLE WRIGHT FEDERAL BUILDING AND WILBUR WRIGHT FEDERAL BUILDING

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3118) to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

The Clerk read as follows:

H.R. 3118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ORVILLE WRIGHT FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building located at 800 Independence Avenue, Southwest, in Washington, District of Columbia, shall be known and designated as the "Orville Wright Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Orville Wright Federal Building".

SEC. 2. WILBUR WRIGHT FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building located at 600 Independence Avenue, Southwest, in Washington, District of Columbia, shall be known and designated as the "Wilbur Wright Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Wilbur Wright Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3118, offered by the gentleman from North Carolina (Mr. HAYES), designates the building located at 800 Independence Avenue, Southeast as the "Orville Wright Federal Building," and the building located at 600 Independence Avenue, Southeast as the "Wilbur Wright Federal building."

Recognized as the fathers of aviation, Orville and Wilbur Wright were raised in Dayton, Ohio, the sons of Bishop Milton Wright and Susan Catherine Wright. The two brothers were raised in a home where education was important and creativeness was encouraged. At an early age, the boys showed an aptitude for mechanics, a skill that was useful in their early career making and selling bicycles.

In 1901, the boys built their first aircraft. Not much more than a glider and flown like a big kite, this initial step was critical in determining the aerodynamics of flight. The brothers tried various designs in their quest for flight and 2 years later, on December 17, 1903, they flew the world's first powered airplane.

Planes are still using the aeronautics developed by the Wright brothers. Their design of the propeller and wing are still the basic shapes we use today. They truly are the fathers of modern aviation.

□ 1445

It is fitting that we grant the Wright brothers this important honor at this time. This December will mark 100 years since the Wright brothers took their Wright Flyer aircraft on to the dunes of Kitty Hawk, North Carolina, and ushered in the age of flight. It is doubly fitting that we grant this honor as the buildings in question are in use by the Federal Aviation Administration.

Mr. Speaker, I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of this legislation. It is appropriate for us to designate the Federal Government building located down on Independence Avenue as the Orville Wright Federal Building. As the gentlewoman from West Virginia (Mrs. CAPITO) pointed out, we are approaching the centennial of the birth of flight. I only wish that we had available on the floor the repartee that we had in committee, Mr. Speaker, between our colleagues from Ohio and North Carolina about what State is the true birth place of flight.

Orville and Wilbur were from Ohio. That is where their bicycle shop was located; that is where they did the engineering and the research. There were some, I would not say unkind, but pointed comments from some of our colleagues that they had to go to North Carolina to get the hot air for the lift for the initial flight, although our friend, the gentleman from North Carolina (Mr. HAYES), I think had an interesting rejoinder.

Suffice it to say, this has been an important designation for our country. Aviation has played a critical part in the development of our industry in terms of the United States military might. In terms of today, it is one of the leading employers in our country still. Despite the travail of the industry and the economy, there are still more than 600,000 employees and the United States is the leading aviation country in the world with over 600 million passenger flights, including a number of people in this Chamber whose lives would not be possible in two States were it not for aviation.

It is fitting that we honor the matchless contributions of the Wright brothers, not only to American history but to the world.

Mr. Speaker, I support the legislation and urge its passage, but do point out as Chair of the Bicycle Caucus that this is yet another American innovation in infrastructure that owes its founding to the genius behind the cycling community.

Mrs. CAPITO. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, as a pilot of 35 years of experience, I appreciate the work that was done by Wilbur and Orville Wright, and I am pleased to sponsor H.R. 3118, which will honor the memory and achievements of Orville and Wilbur Wright by naming the Department of Transportation building, which houses the Federal Aviation Administration in Washington in their honor. It is a fitting tribute to men with a vision and determination to fly.

The first 12 seconds of flight started America down the path to such accomplishments as passing the speed of sound, achieving low-Earth orbit, developing reusable manned space vehicles, and even landing on the moon.

Today the U.S. aviation system is the busiest, safest system in the world, and in large measure we have the Wright brothers to thank for this. To commemorate the 100th anniversary of the milestone event, two celebrations in North Carolina deserve special recognition. This past May, Fayetteville, North Carolina held the Festival of Flight Celebration, and in December the State of North Carolina will present the First Flight Centennial Celebration to take place at the National Park in Kitty Hawk, North Carolina, not in Dayton, Ohio, where the Wright brothers first flew. A monument to the brothers was placed on the dunes of Kitty Hawk.

As we approach the 100th anniversary of the birth of aviation at Kitty Hawk, North Carolina, it is indeed fitting to recognize these two aviation pioneers by naming the Federal buildings at 600 and 800 Independence Avenue in their honor. I thank the Wright brothers.

Mr. TURNER. Mr. Speaker, the designation of two Federal Aviation Administration buildings in Washington, DC, in honor of Wilbur and Orville Wright's contribution to history with their invention of powered flight, is a fitting tribute to their conviction and courage.

I am fortunate to represent the hometown of the Wright Brothers, a place where they studied and tinkered over their design for an airplane. The lessons they learned from their failures, over time became the key to their successes.

In a little over a month, the world will celebrate the 100th anniversary of powered flight, one of the human race's greatest achievements. The contributions of powered flight to the world are immeasurable and have pushed the human race forward in countless ways.

Wilbur and Orville Wright dreamt of searing and sweeping across the sky, of far away places and thrilling adventures. They were crazy enough to believe that their dream of flight was within their grasp. On December 17, 1903, by making the dream of flight a reality, the Brothers gave us one of our hearts great desires, they gave us wings.

The Wilbur and Orville Wright Federal Buildings, located in Washington, DC, follows the long line of history makers that have left an indelible impression on the city and the country. Earlier this year, the Dayton community celebrated the Centennial of Flight and the shared aviation heritage of Dayton, OH and Kitty Hawk, NC. As a cosponsor of H.R. 3118, I am pleased to offer my support and to commend my good friend and colleague Representative ROBIN HAYES for his leadership.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3118, a bill to designate the Federal Building located at 800 Independence Avenue as the Orville Wright Federal Building, and the Federal building located at 600 Independence Avenue as the Wilbur Wright Federal Building. Fittingly, these buildings house the headquarters of the Federal Aviation Administration.

Wilbur Wright was born on a farm near Millville, Indiana, in 1867, and his younger brother Orville was born in Dayton, Ohio, in 1871. Both boys were excellent students with a love for invention. As young men in Dayton, the Wright brothers owned a now-famous bicycle shop where they sold and repaired bicycles. In a few short years the shop was a huge success, and the men earned a reputation as talented mechanics. The profits from their bicycle shop were put toward their aviation experiments, providing the seeds of what would become our modern aviation industry.

Between 1899 and 1903 the brothers had developed five experimental airplanes, including the 1899 Wright Kite and the 1902 Glider. Then, in 1903, with a flight of 120 feet lasting a total of 12 seconds, the Wright brothers launched the world into the age of aviation. These daring experiments laid the groundwork for the American aviation industry, which in 2002 employed 621,000 people, had more than 9 million departures, carried 612,000,000 passengers, flew 25 billion miles, included 5,000 passenger jets, 1,000 cargo jets, and over several hundred propeller planes.

The Wright brothers' personal history and amazing achievements are the stuff of American legend. This designation honors the contributions they made to American history.

As we approach the 100th anniversary of the Wright brothers' historic flight at Kitty Hawk on December 17, 1903, it is a just and fitting tribute to name the Federal Aviation Administration Headquarters Buildings after the "Fathers of Aviation".

I urge my colleagues to honor the Wright brothers and to support H.R. 3118.

Mr. HOBSON. Mr. Speaker, I rise today in support of H.R. 3118, legislation to name the Federal office buildings at 600 and 800 Independence Avenue, SW., in Washington, DC in honor of Wilbur and Orville Wright. I thank my colleague and friend from North Carolina, Robin Hayes, for introducing this bill, and I was pleased to add my name as an original co-sponsor.

This legislation is an appropriate honor for the Wright Brothers for two reasons. First, the office buildings currently house the main offices of the Federal Aviation Administration, which was made possible by the development of manned flight. Second, these two buildings are literally across the street from the original Wright 1903 Flyer, which is maintained in its place of honor at the National Air and Space Museum.

It is also appropriate that this action will take place this year, on the centennial of the Wright Brothers' great achievement. We have already seen an amazing series of events in the Dayton, Ohio area commemorating this landmark year, and we look forward to the 100th anniversary this December, where the first flight will be appropriately commemorated at Kitty Hawk in North Carolina.

As air travel continues to change our world, there has been a growing appreciation and public interest in the earliest days of manned flight. The past few years has seen the establishment in Ohio of the Dayton Aviation Heritage National Historical Park encompassing the Wright Cycle Shop; Huffman Prairie Flying Field; the John W. Berry, Sr. Wright Brothers Aviation Center; and the Paul Laurence Dunbar State Memorial. Additionally, a new interpretive center was recently opened at Huffman Prairie at Wright-Patterson Air Force Base in my district, where the Wright Brothers perfected the techniques they first used at Kitty Hawk.

As an Ohioan, I am proud to reside in the same state as the two brothers whose invention changed the world. I appreciate Representative HAYES authoring this legislation to provide a visible and appropriate commemoration of the lives of Wilbur and Orville Wright in our Nation's Capital, and urge its approval by the House of Representatives.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 3118.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE AMERICAN CONCRETE INSTITUTE

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 394) recognizing the American Concrete Institute's 100-year contribution as the standards development organization of the concrete industry and for the safe and technologically current construction activity it has enabled, which contributes to the economic stability, quality of life, durability of infrastructure, and international competitiveness of the United States.

The Clerk read as follows:

H. RES. 394

Whereas concrete is the world's most consumed man-made material and second only to water of all materials consumed;

Whereas production of concrete exceeded 3,500,000,000 cubic yards worldwide in 2002, more than a half cubic yard for every person on the planet;

Whereas production of concrete exceeded 500,000,000 cubic yards domestically in 2002, approximately two cubic yards for every person in the United States;

Whereas the ready mixed component alone of total concrete production in the United States in 2002 was enough to build a continuous road ten feet wide and four inches thick encircling the globe at the equator nearly 51 times;

Whereas concrete construction provided 2,000,000 jobs in the United States in 2002 during a time of economic recession;

Whereas the concrete industry provides employment to numerous skilled employees, including batchers, truck drivers, ironworkers, laborers, carpenters, finishers, equipment operators, and testing technicians, as well as professional engineers, architects, surveyors, and inspectors;

Whereas concrete was the predominant material of choice in a construction industry that built $843,000,000,000 of construction in 2001, being used in virtually every construction project;

Whereas concrete has an estimated $200,000,000 annual impact on Gross Domestic Product;

Whereas the concrete industry is a significant contributor to the economy of every Congressional district in the United States;

Whereas the many agencies of the Federal Government rely upon the American Concrete Institute, the technical society for the concrete industry, as a major standards developing organization for concrete design, construction, and repair;

Whereas the American Concrete Institute has, through its 18,000-member network of private and public sector volunteer citizens, developed and operated a review system that has provided concrete standards and guides for durable, safe, and uniform construction in the United States; and

Whereas the American Concrete Institute celebrates its 100th anniversary of service in advancing the technology of concrete for educational and scientific purposes in order to increase the knowledge and understanding of concrete materials and to support programs that improve concrete design and construction for the common good: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the American Concrete Institute—

(A) for 100 years of service to the people of the United States as the technical society for the concrete industry; and

(B) for the economic stability, quality of life, durability of infrastructure, and international competitiveness that the Institute has made possible to the United States; and

(2) encourages and supports the designation of an appropriate day as ACI Centennial Day in recognition of 100 years of service by the American Concrete Institute to the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 394 recognizes the American Concrete Institute's 100-year contribution as the standards development organization of the concrete industry. ACI has made a valuable and lasting contribution to our Nation's infrastructure and economy and improved the quality of life for all our citizens.

Concrete is the world's most consumed man-made material and is the predominant material of choice in a construction industry that built $843 billion of construction in the year 2001. Virtually every construction project uses concrete, from roads and bridges to homes and skyscrapers.

Major concrete operations continually function in every congressional district, creating well-paying jobs and boosting local economies. In 2002, concrete construction provided 2 million jobs in the United States. The concrete industry provides employment for numerous skilled employees, including batchers, truck drivers, iron workers, laborers, carpenters, finishers, equipment operators, and testing technicians, as well as professional engineers, architects, surveyors, and inspectors.

The American Concrete Institute has, through its 18,000-member network of public and private sector volunteer citizens, developed and operated a review system that has provided concrete standards and guides for durable, safe, and uniform construction in the United States. ACI's achievements over the past 100 years have strengthened our Nation both structurally and economically.

I commend the American Concrete Institute for 100 years of service to the people of the United States as the technical society for the concrete industry and look forward to working with them in the future to help improve our Nation's infrastructure.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of this resolution. As has been pointed out, concrete is ubiquitous in terms of our daily life. Life as we experience it in the United States, and, indeed, increasingly in any developed country would be impossible without the use of this product. It does, in fact, touch every community. It is a backbone in terms of economic development for organized labor, for skilled building trades. It touches a wide array of people who are actually making the built environment.

The work that has been done by the Concrete Institute is critical. We have seen across the world examples of what happens when we rely on concrete that is not properly made, where the standards are not observed. It is a serious matter in terms of destruction where in the case of an earthquake or other natural disaster we have seen lives lost and commerce disrupted.

Here in this country, as a result of the work of the institute and the thousands of companies and professionals who are associated with it, we have been able to extend the use of concrete in creative and innovative ways, protecting the environment, enhancing the built environment.

Mr. Speaker, I congratulate the American Concrete Institute as it celebrates its 100th anniversary, advancing the technology of concrete for educational and scientific purposes in order to increase the knowledge, understanding of the materials, and the safety of our communities.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of two resolutions under consideration in the House today: H. Con. Res. 280, which honors the 100th Anniversary of the National Stone, Sand and Gravel Association, and H. Res. 394, which recognizes the 100th Anniversary of the American Concrete Institute.

These resolutions come before us at a particularly appropriate time, as we continue working to reauthorize our Nation's primary transportation law. We all know that transportation investment yields tremendous economic dividends. For each $1 billion invested in our infrastructure, we create 47,500 jobs and generate $6.2 billion in economic activity. Of course, we could not accomplish any of this growth without the materials needed to pave new roads, build news mass transit systems, repair sidewalks and rehabilitate aging bridges.

Since coming to Congress and joining the House Transportation and Infrastructure Committee, I have had the privilege of learning more about the valuable contribution that these industries make in our communities and in the course of daily lives. If it weren't for the producers we are honoring today none of us could have flown to our Nation's capital, driven to this building or walked in this great building.

For 100 years, the National Stone, Sand and Gravel Association has represented producers of construction aggregates in this country and around the world. Their products have been the crucial building blocks in countless projects, from constructing the interstate highway system to building local hospitals for veterans. As this resolution notes, the Association has worked tirelessly to improve its products to save taxpayers money, and to further the professional development of industry employees to improve employee safety and health at workplaces.

The concrete industry has also contributed immensely to the development of our Nation. Production of concrete exceeded 3,500,000,000 cubic yards worldwide in 2002, with 500,000,000 cubic yards produced in our Nation alone. H. Res. 394 honors the American Concrete Industry's 100 years of service to the people of the United States as the technical society for the concrete industry and as an engine behind the extraordinary economic progress and prosperity that we have enjoyed as a Nation.

Mr. Speaker, I strongly support both of these resolutions, which honor great service to the American people and to the transportation community in particular. I urge my colleagues to do the same.

Mr. BLUMENAUER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the resolution, H. Res. 394.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE NATIONAL STONE, SAND & GRAVEL ASSOCIATION

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 280) recognizing the National Stone, Sand & Gravel Association for reaching its 100th Anniversary, and for the many vital contributions of its members to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life.

The Clerk read as follows:

H. CON. RES. 280

Whereas the National Quarry Owners Association, the precursor of the National Stone, Sand & Gravel Association, was founded on May 19, 1903, and represents approximately 800 members with more than 10,000 operations across North America;

Whereas the National Stone, Sand & Gravel Association, an international trade association with members throughout the United States, Canada, Mexico and throughout the world, represents producers of construction aggregates—sand, gravel, and crushed stone—and by product volume is the largest mining trade association in the world;

Whereas the National Stone, Sand & Gravel Association has advocated tirelessly for a strong infrastructure and transportation system that serves the Nation's needs and interests;

Whereas the National Stone, Sand & Gravel Association is a key member of the Transportation Construction Coalition and a founding member of Americans for Transportation Mobility whose objective is to improve the Nation's roads, bridges, mass transit systems, waterways, airports, and water and wastewater system that are the backbone of the Nation's economy;

Whereas the National Stone, Sand & Gravel Association invests valuable resources into improving the professional development of industry employees by sponsoring educational seminars, and advocates that members maintain a strong and unwavering commitment to safety and health at workplaces;

Whereas the National Stone, Sand & Gravel Association believes all legislation and regulations should be based on sound science and encourages members to meet all established environmental, safety, and health regulatory requirements, and where possible to do better than the law or regulation requires;

Whereas among the environmental benefits of the use of aggregates are erosion and flood control, reclaimed land and water improvements, wildlife and habitat creation and enhancement, water and sewage treatment plant construction, flue gas desulfurization, acid neutralization, and storm water runoff prevention;

Whereas the research and development supported by the National Stone, Sand & Gravel Association is creating increasingly superior asphalt and concrete products that are cost-effective, easier to maintain, and have a longer life span, resulting in significant savings for taxpayers;

Whereas 400 tons of aggregate is used on average per home and aggregate composes 80 percent of concrete and 94 percent of asphalt, making stone, sand, and gravel quarries essential members of communities as the product contributes to both the development and continued growth of neighborhoods;

Whereas the multi-modal transportation system, homes, skyscrapers, schools, hospitals, and many other structures created through the use of stone, sand, and gravel have made the economy of the United States the largest and strongest in the world providing an un-matched quality of life;

Whereas pulverized aggregates are used in the manufacture of such varied household items as paper, paint, plastics, roofing materials, cosmetics, pharmaceuticals, toothpaste, and cleansers that are important to the Nation's culture and quality of life; and

Whereas the leaders in the aggregates industry are continuously demonstrating their willingness and desire to act and operate responsibly in serving the construction needs of the country by respecting and observing the well-being and the environmental sensibilities of the communities of which they are an important part: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) acknowledges the achievements of the National Stone, Sand & Gravel Association and celebrates this 100th anniversary milestone;

(2) recognizes the grand impact the National Stone, Sand & Gravel Association and its members have had on the business, social, and cultural landscape by helping create an unparalleled quality of life in the United States; and

(3) congratulates the National Stone, Sand & Gravel Association for this achievement and challenges the association and its members to continue its tradition of excellence, increase research and development for the benefit of consumers, and to continue its vital advocacy in support of a strong transportation system for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 280 recognizes the National Stone, Sand, & Gravel Association for reaching its 100th anniversary and for the many vital contributions that its members make to the Nation's economy.

The National Stone, Sand, & Gravel Association is an international trade association representing approximately 800 members with more than 10,000 operations across North America. Its members are producers of construction aggregates, sand, gravel, and crushed stone. And by product volume this association is the largest mining trade association in the world.

The National Stone, Sand, & Gravel Association is a key member of the Transportation Construction Coalition and a founding member of Americans for Transportation Mobility, whose objective is to improve the Nation's roads, bridges, mass transit systems, waterways, airports, and water and waste water treatment that are the backbone of this Nation's economy.

This association has advocated tirelessly for a strong infrastructure and a comprehensive transportation system that serves the Nation's needs and interests. I commend them for their achievements, and I look forward to working with them as we move forward with the reauthorization of the aviation, water, infrastructure, and surface transportation infrastructure programs.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of our resolution today recognizing the National Stone, Sand, and Gravel Association. Again, Mr. Speaker, this is a part of the infrastructure that so many people take for granted, but they should not. This is an area that is absolutely vital to the way that we conduct our industry today. It employs well over 100,000 men and women, and the amounts of material that are moved are staggering: 2$^3/_1$ billion metric tons of crushed stone, sand, and gravel.

And it is not just the dollar value that approaches $15 billion. It is the way that it fits throughout how we run our economy today. For a typical home, there are about 400 tons of crushed stone, sand, and gravel that are used in the overall construction process. For a mile of interstate highway, it is 78 million pounds of aggregate.

Without aggregate we would not have the transportation infrastructure that we depend upon, whether for sidewalks, roads, airport runways, or railroad beds. They are so essential to human activity that virtually every county in the United States of any size has at least one of these facilities. I count in my State over two dozen active quarries, and eight companies just in my congressional district.

At times this produces a little heartburn for neighbors and local officials. But having the materials from a local quarry or sand or gravel mine significantly reduces the cost to the community in terms of residential, commercial, and industrial construction. It also reduces the wear and tear on other infrastructure transporting it and it saves energy.

We are learning today how many of these aggregate operation sites, can be reclaimed and converted to further beneficial use for the community. In some cases it is residential or commercial; in other cases office parks, golf courses, parks, storm water management facilities, or even farm land.

In my community we are watching a major reclamation effort taking place with Ross Island Sand and Gravel that has had a facility for years adjacent to and, in fact, in the Willamette River. As a result of the work with our State and local authorities, the company, and its owner Dr. Robert Pamplin, Jr., we are accelerating the reclamation of 118 acres of forest, 22 acres of wetlands, 14 additional acres of shallow water habitat. There is a commitment to make it a model in our community. It is going to be a jewel that for years has provided important materials but is going to be giving back to our community for generations to come.

There are other environmental benefits from the aggregates in terms of natural filtration, aggregates used in sewage control, waste water control, the purification of drinking water, wildlife protection. In many areas there are buffers around aggregate operations that can be used for wildlife habitat.

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In terms of flue gas desulfurization, aggregates like limestone are used in the reduction of sulphur dioxide from industrial smokestacks, the treatment of landfill leachate, and landfill construction to precipitate heavy metals from discharges and to line or cap landfills.

It is not easy having these facilities in and around our communities, but they are absolutely essential and can work in harmony with the environment.

There is also work that is being undertaken now how to recycle many of these materials. The benefit economically goes far beyond just the actual output, and the estimate is that it is a multiplier effect of more than 1½ times the output of the aggregate. For each million dollars expended on aggregate, we create almost 20 jobs.

Mr. Speaker, I am pleased today that the House is taking a moment to reflect on this often invisible top. It was valuable to remind the members of the Committee on Transportation and Infrastructure of the critical role these basic materials play and the progress that has been made to continue this essential supply on into the future in ways that not only advance the built environment, but protect the natural environment as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today in strong support of H. Con. Res. 280, honoring 100 years of contributions by the National Stone, Sand, and Gravel Association to the growth, strength, and prosperity and jobs in the United States. As a cosponsor, I am proud to work with members of this distinguished association on infrastructure projects that are vital to local, State, and national interests.

Members of this association play a crucial role in the economic development and job creation across the United States. A typical example can be found in my hometown of Concord, North Carolina, where Vulcan Materials Company is working cooperatively with Concord Regional Airport on expansion projects. Vulcan is supplying the airport with excess material that will be used to help extend the runway and provide areas for future hangar construction.

The new, longer runway and additional hangar space are important components in recruiting new businesses and industry to relocate to the area. The increased business investment will improve the economic opportunities and outlook for the citizens of Cabarrus County.

As we look to the future, members of this influential association will play a leading role in providing necessary infrastructure, upgrades, and improvements that will increase the productivity, efficiency, and safety, and also reliability of our transportation system for the 21st century.

As the National Sand, Stone, and Gravel Association begins its second century of service, and as a former highway contractor, I urge my colleagues and thank my colleagues for supporting this bill.

Mr. CARSON of Oklahoma. Mr. Speaker, today, I rise to acknowledge the achievements of the National Stone, Sand and Gravel Association. I commend the association for its work in creating an unparalleled quality of life in the United States, and I challenge its members to continue this standard of excellence.

The National Stone, Sand and Gravel Association, previously the National Quarry Owners Association, was founded in 1903 and today we celebrate its 100th anniversary. In the course of these 100 years, the National Stone, Sand and Gravel Association has worked tirelessly to ensure a strong infrastructure and transportation system for this nation. An international trade association, the National Stone, Sand and Gravel Association represents producers of construction aggregates and, measured by product volume, is the largest mining trade association in the world.

The National Stone, Sand and Gravel Association has made a vital contribution to the nation's economy. The transportation system, as well as homes, office buildings, schools, and hospitals, all have been created and maintained through the use of aggregates. This extraordinary contribution to the nation's economy has created an unprecedented quality of life for our citizens, helping to make the United States economy the largest and strongest in the world.

The use of sand, stone, and gravel aggregates provides many environmental benefits. Providing control of erosion and floods, improving reclaimed land and water, creating and enhancing wildlife habitats, and constructing water and sewage treatment plants are only a few benefits of aggregates. In addition, the association has sponsored numerous educational seminars and encouraged its members in an unwavering commitment to safety in the workplace.

Therefore, I rise today to congratulate the National Stone, Sand and Gravel Association on the occasion of this 100th milestone. I challenge this organization to continue its commitment to the tradition of excellence born a century ago by increasing its research and development for the benefit of our citizens and by continuing to support a strong transportation infrastructure in this great nation.

Mr. BISHOP of New York. I rise in strong support of two resolutions under consideration in the House today: H. Con. Res. 280, which honors the 100th Anniversary of the National Stone, Sand and Gravel Association, and H. Res. 394, which recognizes the 100th Anniversary of the American Concrete Institute.

These resolutions come before us at a particularly appropriate time, as we continue working to reauthorize our nation's primary transportation law. We all know that transportation investment yields tremendous economic dividends. For each $1 billion invested in our infrastructure, we create 47,500 jobs and generate $6.2 billion in economic activity. Of course, we could not accomplish any of this growth without the materials needed to pave new roads, build new mass transit systems, repair sidewalks and rehabilitate aging bridges.

Since coming to Congress and joining the House Transportation and Infrastructure Committee, I have had the privilege of learning more about the valuable contribution that these industries make in our communities and in the course of daily lives. If it weren't for the producers we are honoring today none of us could have flown to our nation's capital, driven to this building or walked in this great building.

For 100 years, the National Stone, Sand and Gravel Association has represented producers of construction aggregates in this country and around the world. Their products have been the crucial building blocks in countless projects, from constructing the interstate highway system to building local hospitals for veterans. As this resolution notes, the Association has worked tirelessly to improve its products to save taxpayers money, and to further the professional development of industry employees to improve employee safety and health at workplaces.

The Concrete industry has also contributed immensely to the development of our nation. Production of concrete exceeded 3,500,000,000 cubic yards worldwide in 2002, with 500,000,000 cubic yards produced in our nation alone. H. Res. 394 honors the American Concrete Industry's 100 years of service to the people of the United States as the technical society for the concrete industry and as an engine behind the extraordinary economic progress and prosperity that we have enjoyed as a nation.

Mr. Speaker, I strongly support both of these resolutions, which honor great service to the American people and to the transportation community in particular. I urge my colleagues to do the same.

Mr. HOLDEN. Mr. Speaker, I rise in support of H. Con. Res. 280 and congratulate my friends at the National Stone, Sand and Gravel Association on the occasion of reaching their 100th anniversary.

For 100 years, the National Stone, Sand and Gravel Association and its 800 members have made vital contributions to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life.

Mr. Speaker, each man, woman and child across the nation "uses" about 10 tons of aggregate (crushed stone, sand and gravel) each year. These aggregates are so essential to human activity that there is a quarry or sand and gravel pit in almost every county in the Nation.

Four hundred tons of crushed stone, sand and gravel are used in the construction of the average home; 38,000 tons of aggregate go into each mile of interstate highway. Pulverized minerals from rock are used in the manufacture of paint, paper, plastics, vinyl, pharmaceuticals, toothpaste, chewing gum, glass, cleansers and dozens of other everyday household items.

Without aggregates, there would be no paved streets, roads, sidewalks, airport runways or railroad beds. In fact, more than 94 percent of asphalt pavement and more than 80 percent of a concrete sidewalk is aggregate.

The National Stone, Sand and Gravel Association is a key member of the Transportation Construction Coalition and a founding member of Americans for Transportation Mobility, whose objective is to improve the Nation's roads, bridges, mass transit systems, waterways, airports, and water and wastewater system that are the backbone of the Nation's economy.

The association invests valuable resources in improving the professional development of industry employees by sponsoring educational seminars, and advocates that members maintain a strong and unwavering commitment to safety and health at workplaces.

Research and development supported by the National Stone, Sand and Gravel Association is creating increasingly superior asphalt and concrete products that are cost-effective, easier to maintain, and have a longer life span, resulting in significant savings for taxpayers.

The leaders in the aggregates industry are continuously demonstrating their willingness and desire to act and operate responsibly in serving the construction needs of the country by respecting and observing the well-being and the environmental sensibilities of the communities of which they are an important part.

Mr. Speaker, I am proud to stand in support of this resolution and give recognition to the 100th anniversary of the National Stone, Sand and Gravel Association. I strongly urge you to vote aye on H. Con. Res. 280.

Mr. PETRI. Mr. Speaker, I want to express my support for this resolution which recognizes the 100th Anniversary of the National Stone, Sand and Gravel Association. As a member of the Transportation and Infrastructure Committee, I know first hand the valuable role that the Association and all its many member companies play in building infrastructure around the country. This has a very direct impact on our quality of life and helps to maintain our transportation network that is so vital to our economic prosperity.

First founded as the National Quarry Owners Association one hundred years ago, the Association now represents about 800 members across North America. The Association devotes energy and resources to encouraging the professional development of its members, promoting safe workplaces, and conducting research to improve the quality and longevity of asphalt and concrete products.

Aggregates are one of the building blocks of our nation's infrastructure, composing 80 percent of concrete and 90 percent of asphalt. And in terms of building structures, about 400 tons of aggregate is used on the average home. The work of this industry can be seen all around us. And yet, most of us probably take for granted the contributions of this industry as we drive on roads, learn in schools, and even brush our teeth at night with toothpaste—all of which are created by aggregates in one form or another.

On the occasion of its 100th Anniversary, I want to recognize the efforts of the National Stone, Sand and Gravel Association and the many contributions its members make to our nation every day.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 280.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3118, H. Res. 394, and H. Con. Res. 280.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida (during consideration of H. Con. Res. 280) submitted the following conference report and statement on the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–342)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2004, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,448,239,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $126,833,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 107–249, $137,850,000 are rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 107–64, $24,000,000 are rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 106–246, $17,415,000 are rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 106–52, $4,350,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,238,458,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $71,001,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 107–249, $27,213,000 are rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 107–64, $18,409,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,067,751,000, to remain available until September 30, 2008: Provided, That of this amount, not to exceed $95,778,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" in Public Law 107–249, $23,000,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $773,471,000, to remain available until September 30, 2008: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $65,130,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 107–249, $72,309,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $311,592,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States

Code, and Military Construction Authorization Acts, $222,908,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $88,451,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $45,498,000, to remain available until September 30, 2008.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $62,032,000, to remain available until September 30, 2008.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

(INCLUDING RESCISSION)

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $169,300,000, to remain available until expended: Provided, That of the funds appropriated for "North Atlantic Treaty Organization Security Investment Program" under Public Law 107–249, $8,000,000 are rescinded.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $383,591,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Army" under Public Law 107–249, $94,151,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $1,033,026,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $184,193,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Navy and Marine Corps" under Public Law 107–249, $40,508,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $835,078,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $657,065,000, to remain available until September 30, 2008: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 107–249, $19,347,000 are rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $816,074,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $350,000, to remain available until September 30, 2008.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,440,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING RESCISSION)

For the Department of Defense Family Housing Improvement Fund, $300,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities: Provided, That of funds available in the "Family Housing Improvement Fund", $9,692,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $370,427,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years *shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.*

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification to the appropriate committees of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 126. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 127. No funds appropriated in this Act under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2004 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 128. (a) COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.—(1) There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the "Commission").

(2)(A) The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the Majority Leader of the Senate;

(ii) two shall be appointed by the Minority Leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the Minority Leader of the House of Representatives.

(B) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) The Commission shall meet at the call of the Chairman.

(6) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) The Commission shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(2) In conducting the study, the Commission shall—

(A) assess the number of forces required to be forward based outside the United States;

(B) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(C) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(D) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(E) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas; and

(F) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(3)(A) Not later than December 31, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the

Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

(c) POWERS.—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2)(A) Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3)(A) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any employee of the Department of Defense, the Department of State, or the General Accounting Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—(1) Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

(g) FUNDING.—(1) Of the amount appropriated by this Act, $3,000,000 shall be available to the Commission to carry out this section.

(2) The amount made available by paragraph (1) shall remain available, without fiscal year limitation, until September 2005.

This Act may be cited as the "Military Construction Appropriations Act, 2004".

And the Senate agree to the same.

Joe Knollenberg,
James T. Walsh,
Robert B. Aderholt,
Kay Granger,
Virgil Goode,
David Vitter,
Jack Kingston,
Ander Crenshaw,
Bill Young,
Chet Edwards,
Sam Farr,
Allen Boyd,
Sanford D. Bishop, Jr.,
Norman Dicks,
David Obey,
Managers on the Part of the House.

Kay Bailey Hutchison,
Conrad Burns,
Larry E. Craig,
Mike DeWine,
Sam Brownback,
Ted Stevens,
Dianne Feinstein,
Daniel K. Inouye,
Tim Johnson,
Mary Landrieu,
Robert C. Byrd,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill (S. 1357). The conference agreement includes a revised bill.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 108–173 and Senate Report 108–82 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Army National Guard and Reserve Mobilization Facilities.—The conferees are concerned about the growing demand being placed upon mobilization facilities required to support Army National Guard and Reserve personnel. The conferees, therefore, direct the Chief of Staff of the Army to submit a report no later than April 15, 2004, which assesses the current status of Army National Guard and Reserve mobilization facilities and describes their adequacy to house, train, prepare, mobilize and demobilize soldiers. In particular the report should assess and make recommendations regarding mobilization centers' capacity to billet soldiers held for extended periods of time including for medical care and evaluation purposes. Likewise, the report should evaluate and make recommendations to improve the management of billeting resources that support mobilization.

Audit Trail Documents.—The conferees direct the Department to reinstate, beginning in March 2004, the semi-annual submission of audit trail documents as directed in House Report 99–275. These reports shall include line item detail on projects as budgeted in the Construction Annex and also include line item detail on projects funded under Minor Construction and Family Housing Improvements. The semi-annual reports shall include, but not be limited to, the following: (a) project amount (appropriation); (b) changes due to formal and below threshold reprogrammings; and (c) the current working estimate for each project. The audit trail documents shall reflect projects from fiscal year 2000 forward.

Barracks Privatization.—The conferees agree that the Department should implement without delay the recommendations in General Accounting Office (GAO) report "Military Housing: Opportunities That Should Be Explored to Improve Housing and Reduce Costs for Unmarried Junior Service members, GAO-03–602, June 10, 2003." One of the findings of the GAO report is that the Department of Defense (DoD) and the services had not fully explored barracks privatization to determine whether the concept could provide a better economic value to the government than the use of military construction financing. As indicated in the FY 2003 Conference Report, the conferees continue to support the barracks privatization initiative and look forward to the Department of Navy report on lessons learned after implementation of three pilot projects (one in Norfolk, Virginia, and one each in San Diego and Camp Pendleton, California). The conferees continue to be concerned about the unknown consequences of commingling barracks privatization funds with family housing funds and the resulting integrity of the fiscal audit trail. Specifically, the conferees are concerned that the DoD and Congress must be able to clearly identify and track the financial advantages of privatizing unaccompanied barracks versus the traditional military construction approach. Merging the family housing and unaccompanied housing accounts cannot be endorsed by the conferees until further clarification of the project scope, debt structure, and impact on funding requirements can be presented.

Family Housing Operation and Maintenance: Financial Management.—The conferees agree to continue the restriction on the transfer of funds among subaccounts in the family housing operation and maintenance accounts. The limitation is ten percent to all primary accounts and subaccounts. Such transfers are to be reported to the appropriate Committees within thirty days of such action.

Family Housing Operation and Maintenance Reductions.—The conferees are concerned that the assumptions and methods underlying the budget request for family housing operation and maintenance accounts are not adequately explained by the service components. To better evaluate the efficacy of these estimates, and to more fully understand this account and its subaccounts, the conferees direct the GAO to conduct a study on the assumptions and methods utilized by each service component to develop their respective estimates, and to report to Congress no later than April 15, 2004.

Because of apparent miscalculations in estimating requirements, the conferees agree to reduce $10,000,000 each from the Army and Air Force operation and maintenance accounts. In addition, the conferees agree to reduce $17,700,000 from the Navy account, of which $7,700,000 is from the management account. Unlike the other service components, the Navy failed to adequately account for the reduction in housing units due to the public/private venture initiative.

The conferees are extremely concerned about transfers between the various family housing operation and maintenance subaccounts. Therefore, in addition to the above GAO study, the conferees direct GAO to review the transfer of funds between these accounts, including amounts over and under the established threshold and to report to Congress no later than April 15, 2004.

Housing Privatization: Rescission of Funds and Notification Requirements of Reductions in Funding.—The conferees agree to rescind $48,099,000 from Family Housing Construction accounts to reflect savings from projects where estimated equity contributions were unnecessary. Section 2853 of Title 10, United States Code, requires congressional notification of intent to cancel or reduce the scope of a previously approved military construction or family housing project by more than 25 percent. The conferees note this requirement applies to funds appropriated in the family housing improvement accounts for the purpose of privatizing military family housing. The Service Secretaries are, therefore, required to submit a 21-day prior notification of intent to cancel or reduce the amount previously appropriated for a specific housing privatization project by more than 25 percent. The notification shall include the amount of the reduction and the reasons therefor.

Clarification of Housing Privatization Reporting Requirements.—In accordance with current law, the Service Secretaries are required to submit a 30-day prior notification of each contract for the acquisition or construction of family housing units that the Secretary proposes to solicit under the housing privatization authorities and for each conveyance or lease proposed under Section 2878 of Title 10, United States Code.

Overseas Master Plans.—The conferees direct the Department to prepare comprehensive master plans for overseas military infrastructure and to submit the plans with the fiscal year 2006 budget submission instead of the fiscal year 2005 budget submission as proposed by the Senate. In addition, the conferees agree a report on the status of the comprehensive plans and their implementation is to be submitted with each yearly military construction budget submission through fiscal year 2009 instead of fiscal year 2008 as proposed by the Senate. Master plans are valuable planning documents. Therefore, the conferees may extend this requirement to installations in the continental United States.

Perchlorate.—The conferees direct the Department to submit a report identifying the sources of perchlorate on Base Realignment and Closure (BRAC) properties and the plans to remediate perchlorate contamination on these sites no later than April 30, 2004, instead of March 30, 2004 as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,448,239,000 for Military Construction, Army, instead of $1,533,660,000 as proposed by the House and $1,255,155,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $126,833,000 for study, planning, design, architect and engineer services, and host nation support instead of $122,710,000 as proposed by the House and $134,645,000 as proposed by the Senate. The conference agreement rescinds $183,615,000 from funds previously provided to this account as proposed by the House and Senate. The rescissions include the following amounts:

Public Law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
Germany: Bamberg	Child Development Center	-$7,000,000	-$7,000,000	-$7,000,000
Germany: Bamberg	Barracks Complex—Warner	-10,200,000	-10,200,000	-10,200,000
Germany: Coleman Barracks	Upgrade Access Control Points	-1,350,000	-1,350,000	-1,350,000
Germany: Darmstadt	Modified Record Fire Range	-3,500,000	-3,500,000	-3,500,000
Germany: Mannheim	Barracks Complex—Coleman	-42,000,000	-42,000,000	-42,000,000
Germany: Schweinfurt	Central Vehicle Wash Facility	-2,000,000	-2,000,000	-2,000,000
Korea: Camp Bonifas	Physical Fitness Training Center	-4,350,000	-4,350,000	0
Korea: Camp Castle	Physical Fitness Training Center	-6,800,000	-6,800,000	-6,800,000
Korea: Camp Hovey	Barracks Complex	-25,000,000	-25,000,000	-25,000,000
Korea: K–16 Airfield	Barracks Complex	-40,000,000	-40,000,000	-40,000 000
Subtotal	...	-142,200,000	-142,200,000	-137,850,000
Public Law 107–64 (FY 2002):				
Korea: Camp Hovey	Barracks Complex—Bid Savings	-10,770,000	-10,770,000	-10,770,000
Korea: Camp Stanley	Barracks Complex—Bid Savings	-13,230,000	-13,230,000	-13,230,000
Subtotal	...	-24,000,000	-24,000,000	-24,000,000
Public Law 106–246 (FY 2001): Korea: Camp Page	Barracks Complex	-17,415,000	-17,415,000	-17,415,000
Subtotal	...	-17,415,000	-17,415,000	-17,415,000
Public Law 106–52 (FY 2000): Korea: Camp Bonifas	Physical Fitness Training Center	0	0	-4,350,000
Subtotal	...	0	0	-4,350,000
Total	...	-183,615,000	-183,615,000	-183,615,000

Alabama—Anniston Army Depot: Powertrain Maintenance Facility.—The conferees agree that within funds provided for planning and design in this account, $1,000,000 shall be made available to design this facility instead of $1,050,000 in minor construction funds to construct a general instruction building at Anniston Army Depot, Alabama as proposed by the House.

Korea—Camp Humphreys: Barracks.—The administration has informed Congress of its plans to move substantial numbers of United States forces in Korea to bases south of their present locations, with Camp Humphreys being the primary consolidation point for the shift of U.S. Army combat forces and for personnel currently stationed at Yongsan Garrison. To support this transformation, the May 1, 2003 budget amendment requested that $212,000,000 in FY 2004 and prior year construction projects intended for other bases in Korea be moved to Camp Humphreys; extensive additional construction at the base is planned for future fiscal years. However, according to U.S. Forces Korea officials, no master plan exists for construction at Camp Humphreys, and cost-sharing arrangements to fund the move of U.S. forces are still under negotiation between the governments of the United States and the Republic of Korea.

While the conferees support the Defense Department's overall plan for the relocation of U.S. forces in Korea and have provided funding in this appropriations bill for two projects at Camp Humphreys, they are concerned that planning for this significant undertaking is insufficiently developed at this time. Though planning may proceed, construction may not proceed on the two barracks at Camp Humphreys provided for in this Act until:

(1) A master facilities plan is developed for the entire Camp Humphreys installation which accommodates the anticipated relocation of U.S. forces to that facility, and

(2) Cost-sharing arrangements for the relocation of U.S. forces are agreed to by the governments of the United States and the Republic of Korea.

Upon completion, the master facilities plan should be presented to the Military Construction Subcommittees.

MILITARY CONSTRUCTION, NAVY
(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,238,458,000 for Military Construction, Navy, instead of $1,211,077,000 as proposed by the House and $1,195,659,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $71,001,000 for study, planning, design, architect and engineer services instead of $65,612,000 as proposed by the House and $77,283,000 as proposed by the Senate. The conference agreement rescinds $45,622,000 from funds previously provided to this account instead of $39,322,000 as proposed by the House and Senate. The rescissions include the following amounts:

Public Law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
North Carolina: Cherry Point	T–56 Jet Engine Test Cell	–5,942,000	–5,942,000	–5,942,000
Greece: Larissa	Bachelor Enlisted Quarters	–6,592,000	–6,592,000	–6,592,000
Iceland: Keflavik NAS	Combined Dining Facility	–14,679,000	–14,679,000	–14,679,000
Subtotal		–27,213,000	–27,213,000	–27,213,000
Public Law 107–64 (FY 2002):				
California: El Centro NAF	Transient Quarters—Bid Savings	0	0	–2,100,000
Guam: Guam NSA	Bachelor Enlisted Qtrs—Bid Savings	0	0	–4,200,000
Greece: Larissa	Bachelor Enlisted Quarters	–12,109,000	–12,109,000	–12,109,000
Subtotal		–12,109,000	–12,109,000	–18,409,000
Total		–39,322,000	–39,322,000	–45,622,000

MILITARY CONSTRUCTION, AIR FORCE
(INCLUDING RESCISSION)

The conference agreement appropriates $1,067,751,000 for Military Construction, Air Force, instead of $896,136,000 as proposed by the House and $1,056,377,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $95,778,000 for study, planning, design, architect and engineer services instead of $80,543,000 as proposed by the House and $112,075,000 as proposed by the Senate. Though not included in the House or Senate bills, the conference agreement rescinds $23,000,000 from funds provided to this account in Public Law 107–249 to reflect a classified project that is no longer needed.

Alaska—Eielson Air Force Base: Replace Working Dog Kennel.—The conferees agree that within funds provided for unspecified minor construction in this account, $1,400,000 shall be made available to construct this facility instead of construction of a kennel at Elmendorf Air Force Base, Alaska as proposed by the Senate.

California—Vandenberg Air Force Base: Consolidated Fitness Center.—Although the conferees were unable to fund this project due to severe funding constraints, the conferees recognize the importance and necessity of this facility and strongly urge the Secretary of Defense to include the project in the President's fiscal year 2005 budget submission for the Air Force.

Wyoming—F.E. Warren Air Force Base: Stormwater Drainage System.—Although the conferees were unable to fund this project due to severe funding constraints, the conferees recognize the importance and necessity of this project and strongly urge the Secretary of Defense to include the project in the President's fiscal year 2005 budget submission for the Air Force.

MILITARY CONSTRUCTION, DEFENSE-WIDE
(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement appropriates $773,471,000 for Military Construction, Defense-wide, instead of $813,613,000 as proposed by the House and $712,567,000 as proposed by the Senate. Within this amount, the conference agreement earmarks $65,130,000 for study, planning, design, architect and engineer services instead of $63,884,000 as proposed by the House and $70,881,000 as proposed by the Senate. The conference agreement rescinds $72,309,000 from funds previously provided to this account instead of $32,680,000 as proposed by the House and Senate. The rescission includes the following amounts:

Public Law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
Germany: Spangdahlem AB	Elementary School Classroom Addition	–997,000	–997,000	–997,000
Germany: Spangdahlem AB	Hospital Replacement	0	0	–39,629,000
Korea: Seoul	Middle School Replacement	–31,683,000	–31,683,000	–31,683,000
Total		–32,680,000	–32,680,000	–72,309,000

Chemical Demilitarization.—As proposed by the House, the conferees include funding for the construction of chemical demilitarization facilities in the "Military Construction, Defense-wide" account. The budget request proposed consolidating the military construction component of the Chemical Demilitarization program in the "Chemical Agents Munitions Defense" account funded in the Defense Appropriations bill. In the future, the Department is directed to request military construction requirements for this program under the "Military Construction, Defense-wide" account.

Energy Conservation Investment Program: Renewable Energy Assessment.—The conferees direct the Department to submit a final report regarding an assessment of the regional potential of renewable energy generation, transmission, and distribution by industry on or near Department of Defense installations in the United States no later than November 30, 2004, instead of July 31, 2004 as proposed by the Senate.

Energy Conservation Investment Program: Overseas Projects.—Due to uncertainties regarding the future of overseas facilities, the Department is directed to obligate no funds from the Energy Conservation Investment Program to overseas projects.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates $311,592,000 for Military Construction, Army National Guard, instead of $208,033,000 as proposed by the House and $304,085,000 as proposed by the Senate.

California—Sacramento: Organizational Maintenance Shop.—The conferees agree that within funds provided for planning and design in this account, $306,000 shall be made available to design this facility instead of to design a readiness center as proposed by the Senate.

Colorado—Fort Carson: Centennial Training Site (Phases II and III).—Of the funds provided for planning and design in this account, the conferees direct that not less than $3,000,000 be made available to design this facility.

Georgia—Hunter Army Airfield: Readiness Center.—The conferees encourage the Army National Guard to include this project in the fiscal year 2005 budget request instead of an Army Aviation Support Facility at Hunter Army Airfield as proposed by the House.

Idaho—Gowen Field: TASS Barracks.—The conferees agree that within funds provided for planning and design in this account, $1,140,000 shall be made available to design this facility instead of for minor construction as proposed by the Senate.

Iowa—Fort Dodge: Readiness Center.—The conferees agree that within funds provided for unspecified minor construction, $1,500,000 shall be made available to construct this facility instead of constructing a readiness center at Camp Dodge, Iowa as proposed by the Senate.

Missouri—Fort Leonard Wood: Weapons of Mass Destruction (WMD) Responder Training Facility.—Funding was allocated in fiscal year 2003 to design this new training facility. Fort Leonard Wood is providing individual and certification training for Weapons of Mass Destruction Civil Support Teams and DOD Installation Emergency Responders. There are currently no dedicated facilities to provide this training. Training of Chemical, Biological, Radiological, and Nuclear Installation Support Teams, Rapid Response Teams, and Reconnaissance and Decontamination Teams for Civil Support has been directed. Construction of the facility is urgently needed to continue this critical homeland security training. The conferees, therefore, strongly urge the Army to advance this project in the fiscal year 2005 budget request.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates $222,908,000 for Military Construction, Air National Guard, instead of $77,105,000 as proposed by the House and $221,013,000 as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates $88,451,000 for Military Construction, Army Reserve, instead of $84,569,000 as proposed by the House and $73,979,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVAL RESERVE

The conference agreement appropriates $45,498,000 for Military Construction, Naval Reserve, instead of $38,992,000 as proposed by the House and $34,742,000 as proposed by the Senate.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates $62,032,000 for Military Construction, Air Force Reserve, instead of $56,212,000 as proposed by the House and $57,426,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

(INCLUDING RESCISSION)

NATO Security Investment Program (NSIP).—The conferees agree to rescind $8,000,000 from prior appropriations due to the slow spend out rate of the program and the recurrence of carryover amounts.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

The conference agreement appropriates $383,591,000 for Family Housing Construction, Army, instead of $409,191,000 as proposed by the House and the Senate. The conference agreement rescinds $94,151,000 from funds previously provided to this account instead of $52,300,000 as proposed by the House and Senate. The rescissions include the following amounts:

Public law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003):				
Hawaii: Schofield Barracks	Privatize Family Housing	0	0	−21,000,000
Virginia: Fort Belvoir	Privatize Family Housing	0	0	−8,700,000
Germany: Darmstadt	Improve 48 units	−4,200,000	−4,200,000	−4,200,000
Germany: Mannheim	Improve 72 units	−10,400,000	−10,400,000	−10,400,000
Germany: Mannheim	Improve 60 units	−10,000,000	−10,000,000	−10,000,000
Germany: Heidelberg	Improve 75 units	0	0	−12,151,000
Germany: Schweinfurt	Improve 234 units	−7,600,000	−7,600,000	−7,600,000
Germany: Vilseck	Improve 36 units	−3,900,000	−3,900,000	−3,900,000
Germany: Wuerzburg	Improve 136 units	−11,200,000	−11,200,000	−11,200,000
Korea: Yongsan	Improve 8 units	−1,900,000	−1,900,000	−1,900,000
Korea: Yongsan	Replace 10 units	−3,100,000	−3,100,000	−3,100,000
Total		−52,300,000	−52,300,000	−94,151,000

Construction Improvements.—The conferees agree to reduce the amount provided for construction improvements in this account by $25,600,000 to reflect savings from two projects no longer required in Baumholder, Germany.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates $1,033,026,000 for Family Housing Operation and Maintenance, Army instead of $1,043,026,000 as proposed by the House and the Senate.

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION)

The conference agreement rescinds $40,508,000 from funds previously provided to this account instead of $3,585,000 as proposed by the House and Senate. The rescission includes the following amounts:

Public law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003)				
California Monterey NPGS	Privatize Family Housing	0	0	−18,399,000
Hawaii Oahu	Privatize Family Housing—Bid Savings	−3,585,000	−3,585,000	−3,585,000
United Kingdom: Saint Mawgan	Replace 62 units	0	0	−18,524,000
Total		−3,585,000	−3,585,000	−40,508,000

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement appropriates $835,078,000 for Family Housing Operation and Maintenance, Navy and Marine Corps, instead of $852,778,000 as proposed by the House and the Senate.

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

The conference agreement appropriates $657,065,000 for Family Housing Construction, Air Force, as proposed by the House, instead of $657,026,000 as proposed by the Senate. The conference agreement rescinds $19,347,000 from funds previously provided to this account instead of $29,039,000 as proposed by the House and Senate. The rescission includes the following amounts:

Public law/location	Project title	House	Senate	Conference
Public Law 107–249 (FY 2003): Germany Spangdahlem AB	Improve Family Housing	−19,347,000	−19,347,000	−19,347,000
Subtotal		−19,347,000	−19,347,000	−19,347,000
Public Law 105–237 (FY 1999): Florida: Patrick AFB	Privatize Family Housing	−9,692,000	−9,692,000	0
Subtotal		−9,692,000	−9,692,000	0
Total		−29,039,000	−29,039,000	−19,347,000

The House and Senate proposed rescinding $9,692,000 from this account for funds no longer required for a housing privatization project at Patrick Air Force Base, Florida. The Department, however, transferred these funds to the Family Housing Improvement Fund (FHIF) before their authorization expired. The conference agreement, therefore, rescinds this amount from the FHIF.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement appropriates $816,074,000 for Family Housing Operation and Maintenance, Air Force, instead of $826,074,000 as proposed by the House and $834,468,000 as proposed by the Senate.

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

As proposed by the House, the conferees agree that operation and maintenance funds should be authorized for one year rather than for two years as proposed by the Senate.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING RESCISSION)

As discussed in the Family Housing Construction, Air Force account, the conference agreement rescinds $9,692,000 from this account because it is no longer required for a housing privatization project at Patrick Air Force Base, Florida.

BASE REALIGNMENT AND CLOSURE ACCOUNT

New York—Seneca Army Depot.—The conferees expect the Army to comply fully with environmental remediation and building maintenance requirements as required under the BRAC process at Seneca Army Depot. The conferees direct the Army to provide a report to the Military Construction Subcommittees by March 15, 2004, detailing the current status of cleanup at Seneca Army Depot, and to include a schedule for conveying the property to the local economic development authority.

GENERAL PROVISIONS

The conference agreement includes general provisions (sections 101-122) that were not amended by either the House or Senate in their versions of the bill.

The conference agreement includes a provision, section 123, as proposed by the Senate, which requires the Secretary of Defense to notify Congressional Committees sixty days prior to issuing a solicitation for a contract with the private sector for military family housing. The House bill contained no similar provision.

The conference agreement includes a provision, renumbered section 124, as proposed by the House and the Senate, which provides transfer authority from the Base Realignment and Closure (BRAC) account to the Homeowners Assistance Program.

The conference agreement includes a provision, renumbered section 125, as proposed by the House, regarding funding for operation and maintenance of General and Flag Officer Quarters (GFOQs) to no more than $35,000 per year without notification. The Senate bill contained a similar provision with additional language permitting the use of gift funds pursuant to 10 U.S.C. 2601 for the maintenance and repair of GFOQs.

The conference agreement includes a provision, renumbered section 126, as proposed by the House and the Senate, which limits funds from being transferred from this appropriation measure to any department, agency, or instrumentality of the United States Government without authority from an appropriation Act.

The conference agreement includes a provision, section 127, as proposed by the Senate, which prohibits funds appropriated for the NSIP from being obligated or expended for the purpose of missile defense studies. The House bill contained no similar provision. The conferees are concerned about the increased use of NSIP funds to finance studies rather than construction projects. The conferees, therefore, direct the Department to submit written notification to the Military Construction Appropriations Subcommittees 21 days prior to obligating NSIP funds for any study.

The conference agreement includes a provision, section 128, as proposed by the Senate, which establishes a commission to review the overseas military force structure and to provide a report of its findings to the President and Congress no later than December 31, 2004.

Those general provisions not included in the conference agreement are as follows:

The conference agreement deletes the House provision requiring the Secretary of Defense to certify and report to Congress that the United States and the Republic of Korea have entered into an agreement on the availability of land before obligating or expending funds made available in the bill for construction projects at Camp Humphreys, Korea. The Senate bill contained no similar provision.

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
REDSTONE ARSENAL		
VIBRATION DYNAMIC TEST FACILITY	5,500	5,500
AIR FORCE		
MAXWELL AFB		
INTEGRATED OPERATIONAL SUPPORT FACILITY	---	12,600
SQUADRON OFFICER COLLEGE DORMITORY (PHASE III)	13,400	13,400
DEFENSE-WIDE		
REDSTONE ARSENAL		
ADMIN/OPS COMPLEX, MISSILE DEF. AGENCY (PHASE III)	---	20,000
ARMY NATIONAL GUARD		
FORT MC CLELLAN		
FIRE STATION	1,873	1,873
FORT PAYNE		
READINESS CENTER ADDITION/ALTERATION	3,648	---
MOBILE		
ARMED FORCES RESERVE CENTER (PHASE II)	2,943	2,943
SPRINGVILLE		
READINESS CENTER ADDITION/ALTERATION	3,365	---
VINCENT		
READINESS CENTER ADDITION/ALTERATION	3,353	3,353
TOTAL, ALABAMA	34,082	59,669
ALASKA		
ARMY		
FORT RICHARDSON		
BARRACKS COMPLEX - D STREET (PHASE III)	33,000	33,000
VEHICLE MAINTENANCE SHOP	---	2,500
FORT WAINWRIGHT		
ALERT HOLDING AREA FACILITY	32,000	32,000
AMMUNITION SUPPLY POINT UPGRADE	10,600	10,600
BARRACKS COMPLEX -- LUZON AVENUE	21,500	21,500
MILITARY OPERATIONS ON URBAN TERRAIN FACILITY	11,200	11,200
MULTI-PURPOSE TRAINING RANGE COMPLEX	47,000	47,000
PALLET PROCESSING FACILITY	16,500	16,500
AIR FORCE		
EIELSON AFB		
DORMITORY	13,914	13,914
JOINT SECURITY FORCES COMPLEX	---	15,800
REPAIR/EXPAND ENROUTE RAMP	19,060	19,060
ELMENDORF AFB		
MAINTENANCE FACILITY	2,000	2,000
DEFENSE-WIDE		
EIELSON AFB		
REPLACE HYDRANT FUEL SYSTEM	17,000	17,000
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE V)	71,600	71,600
ARMY NATIONAL GUARD		
JUNEAU		
ORGANIZATIONAL MAINTENANCE SHOP	---	3,100
TOTAL, ALASKA	295,374	316,774
ARIZONA		
NAVY		
YUMA MARINE CORPS AIR STATION		
AIRCRAFT MAINTENANCE HANGAR	14,250	14,250
STATION ORDNANCE AREA (PHASE II)	7,980	7,980
AIR FORCE		
DAVIS-MONTHAN AFB		
C-130 APRON/SHOULDERS	1,954	1,954
HH-60 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	6,004	6,004
MISSION READY SUPPLY PARTS WAREHOUSE	1,906	1,906

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
LUKE AFB		
LAND ACQUISITION MODIFICATION	---	14,300
AIR NATIONAL GUARD		
TUCSON INTERNATIONAL AIRPORT		
COMPOSITE SUPPORT COMPLEX	---	5,900
TOTAL, ARIZONA	32,094	52,294
ARKANSAS		
AIR FORCE		
LITTLE ROCK AFB		
C-130 OPERATIONS TRAINING FACILITY	2,478	2,478
C-130J ADD/ALTER HANGAR 280	1,144	1,144
ARMY NATIONAL GUARD		
WARREN		
READINESS CENTER	---	3,610
TOTAL, ARKANSAS	3,622	7,232
CALIFORNIA		
NAVY		
CAMP PENDLETON MARINE CORPS BASE		
BACHELOR ENLISTED QUARTERS - SAN MATEO	22,930	22,930
TERTIARY SEWAGE TREATMENT PLANT (PHASE II)	24,960	24,960
CHINA LAKE NAVAL AIR WARFARE CENTER		
AIRFIELD PAVEMENTS UPGRADE	12,890	---
PROPELLANTS AND EXPLOSIVES LABORATORY (PHASE III)	---	12,230
LEMOORE NAVAL AIR STATION		
INTEGRATED MAINTENANCE HANGAR	24,610	24,610
OPERATIONAL TRAINER FACILITY	9,900	9,900
MIRAMAR MARINE CORPS AIR STATION		
AIRCRAFT FIRE AND RESCUE STATION	4,740	4,740
GROUND COMBAT TRAINING RANGE	---	2,900
MONTEREY NAVAL POSTGRADUATE SCHOOL		
BACHELOR OFFICER QUARTERS	35,550	35,550
EDUCATIONAL FACILITY REPLACEMENT (PHASE II)	---	7,010
NORTH ISLAND NAVAL AIR STATION		
SQUADRON OPERATIONS FACILITY	35,590	35,590
TAXIWAY/AIR TRAFFIC CONTROL TOWER	13,650	13,650
SAN NICOLAS ISLAND NAVAL AIR WEAPONS STATION		
TRANSIENT QUARTERS	6,150	6,150
SAN CLEMENTE NAVAL AIR FACILITY		
OPERATIONAL ACCESS - SHORE BOMBARDMENT AREA	18,940	18,940
SAN DIEGO NAVAL STATION		
BACHELOR ENLISTED QUARTERS - HOMEPORT ASHORE	42,710	42,710
TWENTYNINE PALMS		
BACHELOR ENLISTED QUARTERS	26,100	26,100
ENLISTED DINING FACILITY	---	13,700
EXPLOSIVE ORDNANCE OPERATIONS CENTER	2,290	2,290
AIR FORCE		
BEALE AFB		
GLOBAL HAWK DORMITORY	13,342	13,342
GLOBAL HAWK UPGRADE DOCK	8,958	8,958
EDWARDS AFB		
BASE OPERATIONS FACILITY	---	7,300
JOINT STRIKE FIGHTER COMPLEX (PHASE I)	19,060	19,060
LOS ANGELES AFB		
AREA B MAIN GATE COMPLEX	---	5,000
VANDENBERG AFB		
CONSOLIDATED FITNESS CENTER	16,500	---
DEFENSE-WIDE		
CORONADO NAVAL AMPHIBIOUS BASE		
SMALL ARMS RANGE	---	2,800
ARMY NATIONAL GUARD		
BAKERSFIELD		
READINESS CENTER	5,495	5,495

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
LOS ALAMITOS		
REPLACE UTILITIES INFRASTRUCTURE (PHASE I)........	---	21,000
NAVAL RESERVE		
NORTH ISLAND NAVAL AIR STATION		
C-40 AIRCRAFT MAINTENANCE HANGAR..................	15,973	15,973
TOTAL, CALIFORNIA..............................	360,338	402,888
COLORADO		
ARMY		
FORT CARSON		
VEHICLE MARSHALLING AREA..........................	---	2,150
AIR FORCE		
BUCKLEY AFB		
UPGRADE BASE INFRASTRUCTURE (PHASE III)...........	6,957	6,957
PETERSON AFB		
ADD/ALTER MISSION SUPPORT FACILITY................	---	10,200
DEFENSE-WIDE		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)...	---	88,388
U.S. AIR FORCE ACADEMY		
HOSPITAL ADDITION/ALTERATION......................	21,500	21,500
AIR NATIONAL GUARD		
BUCKLEY AFB		
CIVIL ENGINEER COMPLEX............................	6,900	6,900
AIR FORCE RESERVE		
PETERSON AFB		
CONSOLIDATED AERIAL PORT/AIRLIFT CNTRL FLIGHT FAC.	---	7,700
TOTAL, COLORADO................................	35,357	143,795
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
TOMAHAWK MISSILE MAGAZINE.........................	---	3,120
DEFENSE-WIDE		
NEW LONDON NAVAL SUBMARINE BASE		
DENTAL CLINIC REPLACEMENT.........................	6,400	6,400
ARMY NATIONAL GUARD		
NEWTOWN MILITARY RESERVATION		
WORKING ANIMAL BUILDING...........................	2,167	2,167
STONE RANCH MILITARY RESERVATION		
FIRE STATION......................................	2,422	2,422
TOTAL, CONNECTICUT.............................	10,989	14,109
DISTRICT OF COLUMBIA		
NAVY		
MARINE BARRACKS, 8TH AND I		
MOTOR TRANSPORT FACILITY ADDITION.................	1,550	1,550
AIR FORCE		
BOLLING AFB		
AIR FORCE CENTRAL ADJUDICATION FACILITY...........	9,300	---
DEFENSE-WIDE		
WASHINGTON NAVY YARD		
MEDICAL/DENTAL CLINIC CONVERSION/RENOVATION.......	15,714	15,714
WALTER REED ARMY MEDICAL CENTER		
HOSPITAL ENERGY PLANT ADDITION....................	9,000	9,000
TOTAL, DISTRICT OF COLUMBIA....................	35,564	26,264
FLORIDA		
NAVY		
BLOUNT ISLAND		
LAND ACQUISITION..................................	115,711	115,711

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
JACKSONVILLE NAVAL AIR STATION		
AIRCRAFT PARKING APRON (PHASE I)	---	6,000
AIRFIELD PERIMETER SECURITY	3,190	3,190
PANAMA CITY COASTAL SYSTEMS STATION		
LITTORAL WARFARE RESEARCH COMPLEX	9,550	9,550
WHITING FIELD NAVAL AIR STATION		
CLEAR ZONE LAND ACQUISITION	4,830	4,830
AIR FORCE		
HURLBURT FIELD		
AFC2TIG SYSTEM/WARRIOR SCHOOL COMPLEX	19,400	19,400
SPECIAL TACTICS ADVANCED SKILLS TRAINING FACILITY.	7,800	7,800
TYNDALL AFB		
1ST AIR FORCE AIR OPERATIONS CENTER (PHASE I)	---	9,500
F-22 PARKING APRON/RUNWAY EXTENSION	6,195	6,195
DEFENSE-WIDE		
EGLIN AFB		
REPLACE JET FUEL STORAGE COMPLEX	4,800	4,800
HURLBURT FIELD		
REPLACE FUEL PIER	3,500	3,500
AC-130 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	6,000	6,000
MACDILL AFB		
ADD/ALTER BUILDING 501A	25,500	25,500
ARMY NATIONAL GUARD		
CAMP BLANDING		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE II)	---	16,470
TOTAL, FLORIDA	206,476	238,446
GEORGIA		
ARMY		
FORT BENNING		
FIRE STATION, TWO COMPANY	---	2,850
INFANTRY SQUAD BATTLE COURSE	---	1,650
MULTI-PURPOSE TRAINING RANGE COMPLEX	30,000	30,000
FORT GORDON		
TRAINING SUPPORT CENTER	---	4,350
FORT STEWART		
BARRACKS (PHASE I)	17,000	17,000
BARRACKS COMPLEX - PERIMETER ROAD	49,000	49,000
COMMAND AND CONTROL FACILITY	25,050	---
PHYSICAL FITNESS TRAINING CENTER	15,500	15,500
NAVY		
KINGS BAY NAVAL SUBMARINE BASE		
RIFLE RANGE	8,170	8,170
WATERFRONT SECURITY FORCE FACILITY ADDITION	3,340	3,340
AIR FORCE		
ROBINS AFB		
CONSOLIDATED AIRCRAFT MAINTENANCE FACILITY	---	7,900
CORROSION CONTROL PAINT FACILITY	25,731	25,731
J-STARS FLIGHT SIMULATOR FACILITY	2,954	2,954
DEFENSE-WIDE		
FORT BENNING		
PHYSICAL EVALUATION CENTER	2,100	--
ARMY RESERVE		
FORT GILLEM		
ORG MAINT SHOP/DIRECT SUPPORT/PARTS WHSE/STORAGE	7,620	7,620
AIR FORCE RESERVE		
DOBBINS ARB		
CONSTRUCT NORTH SIDE OVERPASS	---	4,200
TOTAL, GEORGIA	186,465	180,265

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
HAWAII		
ARMY		
HELEMANO MILITARY RESERVATION		
LAND EASEMENT	1,400	1,400
POHAKULOA TNG AREA SADDLE RD ACCESS (PHASE III)	---	17,000
SCHOFIELD BARRACKS		
BARRACKS COMPLEX - CAPRON ROAD (PHASE II)	49,000	49,000
BARRACKS COMPLEX - QUAD E	49,000	49,000
INFORMATION SYSTEMS FACILITY	18,000	18,000
LAND ACQUISITION	19,400	19,400
MISSION SUPPORT TRAINING FACILITY	33,000	33,000
QUALIFICATION TRAINING RANGE (1)	---	8,700
NAVY		
LUALUALEI NAVAL MAGAZINES		
ORDNANCE HOLDING AREAS	6,320	6,320
PEARL HARBOR		
PERIMETER SECURITY LIGHTING	7,010	7,010
WATERFRONT IMPROVEMENTS	32,180	32,180
AIR FORCE		
HICKAM AFB		
C-17 CONSOLIDATED MAINTENANCE COMPLEX	7,529	7,529
C-17 CORROSION CONTROL/ MAINTENANCE FACILITY	30,400	30,400
C-17 FLIGHT SIMULATOR FACILITY	5,623	5,623
C-17 KUNTZ GATE AND ROAD	3,050	3,050
C-17 SQUADRON OPERATIONS FACILITY	10,674	10,674
C-17 SUPPORT UTILITIES (PHASE I)	4,098	4,098
ELECTRICAL DISTRIBUTION SYSTEM	---	6,800
EXPAND STRATEGIC AIRLIFT RAMP	10,102	10,102
DEFENSE-WIDE		
HICKAM AFB		
REPLACE HYDRANT FUEL SYSTEM	14,100	14,100
TOTAL, HAWAII	300,886	333,386
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB		
726TH AIR CONTROL SQUADRON COMPLEX	---	9,800
FITNESS CENTER ADDITION	5,337	5,337
TOTAL, IDAHO	5,337	15,137
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER		
BATTLE STATION TRAINING FACILITY (PHASE I)	13,200	13,200
RECRUIT BARRACKS	31,600	31,600
RECRUIT BARRACKS	34,130	34,130
AIR FORCE		
SCOTT AFB		
SHILOH GATE	1,900	1,900
ARMY NATIONAL GUARD		
GALESBURG		
READINESS CENTER	---	3,750
TOTAL, ILLINOIS	80,830	84,580
INDIANA		
NAVY		
CRANE NAVAL SURFACE WARFARE CENTER		
JOINT ORDNANCE ENGINEERING AND LOGISTICS FACILITY	---	11,400
DEFENSE-WIDE		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	---	15,207

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
READINESS CENTER ADDITION	2,849	2,849
ELKHART		
READINESS CENTER ADDITION	1,770	1,770
GARY		
LIMITED AVIATION SUPPORT FACILITY	---	15,581
READINESS CENTER ADDITION	1,417	1,417
SOUTH BEND		
READINESS CENTER ADDITION	1,496	1,496
TOTAL, INDIANA	7,532	49,720
IOWA		
AIR NATIONAL GUARD		
SIOUX GATEWAY AIRPORT		
KC-135 FIRE CRASH/RESCUE STATION	6,091	6,091
KANSAS		
ARMY		
FORT LEAVENWORTH		
LEWIS AND CLARK INSTRUCTIONAL FACILITY (PHASE I)	28,000	28,000
FORT RILEY		
BARRACKS COMPLEX - GRAVES STREET	40,000	40,000
COMBINED ARMS COLLECTIVE TRAINING FAC (PHASE II)	---	13,600
ARMY NATIONAL GUARD		
KANSAS CITY		
READINESS CENTER ADDITION/ALTERATION	2,982	2,982
AIR NATIONAL GUARD		
MCCONNELL AFB		
AIR INTELLIGENCE EXPLOITATION FACILITY	---	7,400
ARMY RESERVE		
FORT LEAVENWORTH		
RESERVE CENTER/OMS/UNHEATED STORAGE	---	7,962
TOTAL, KANSAS	70,982	99,944
KENTUCKY		
ARMY		
FORT CAMPBELL		
BARRACKS COMPLEX - RANGE ROAD (PHASE II)	49,000	49,000
FORT KNOX		
DINING FACILITY	---	10,000
MODIFIED RECORD FIRE RANGE	3,500	3,500
DEFENSE-WIDE		
BLUEGRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE IV)	---	16,220
FORT CAMPBELL		
FLIGHT SIMULATOR FACILITY	7,800	7,800
ARMY NATIONAL GUARD		
GREENVILLE		
FIRE STATION	2,238	2,238
MOREHEAD		
READINESS CENTER	4,997	4,997
RICHMOND		
READINESS CENTER ADDITION	756	756
TOTAL, KENTUCKY	68,291	94,511
LOUISIANA		
ARMY		
FORT POLK		
AIRCRAFT MAINTENANCE HANGAR	34,000	34,000
ALERT HOLDING AREA FACILITY	8,400	8,400
ARMS STORAGE FACILITY	1,350	1,350
MISSION TRAINING SUPPORT FACILITY	27,000	27,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SHOOT HOUSE	1,250	1,250
ARMY NATIONAL GUARD		
PINEVILLE		
CONSOLIDATED MAINTENANCE FACILITY (PHASE I)	18,579	18,579
AIR NATIONAL GUARD		
NEW ORLEANS NAVAL AIR STATION/JOINT RESERVE BASE		
VEHICLE MAINTENANCE SUPPORT EQUIPMENT FACILITY	---	6,300
NAVAL RESERVE		
NEW ORLEANS NAVAL AIR STATION/JOINT RESERVE BASE		
JOINT RESERVE CENTER (PHASE IV)	---	4,780
TOTAL, LOUISIANA	90,579	101,659
MAINE		
ARMY NATIONAL GUARD		
BANGOR INTERNATIONAL AIRPORT		
AVIATION SUPPORT FACILITY (PHASE II)	---	14,900
MARYLAND		
ARMY		
FORT MEADE		
DINING FACILITY	9,600	9,600
NAVY		
INDIAN HEAD NAVAL SURFACE WARFARE CENTER		
WATER SYSTEM IMPROVEMENTS	14,850	14,850
PATUXENT RIVER NAVAL AIR WARFARE CENTER		
JOINT STRIKE FIGHTER TEST AND SUPPORT FACILITIES	24,370	24,370
RELOCATE RANGE THEODOLITE TRACKING STATION	---	3,900
DEFENSE-WIDE		
FORT MEADE		
CRITICAL UTILITY CONTROL (PHASE II-B)	1,842	1,842
ARMY RESERVE		
FORT MEADE		
RESERVE CENTER/OMS/WAREHOUSE (PHASE I)	19,710	19,710
AIR FORCE RESERVE		
ANDREWS AFB		
ALTER AIRCRAFT MAINTENANCE SHOPS	2,900	2,900
HYDRANT FUEL SYSTEM	7,375	7,375
UPGRADE AIRFIELD PAVEMENTS	835	835
TOTAL, MARYLAND	81,482	85,382
MASSACHUSETTS		
ARMY		
NATICK SOLDIER SYSTEMS CENTER		
THERMAL TEST FACILITY	---	5,500
ARMY NATIONAL GUARD		
CAMP EDWARDS		
FIRE STATION	---	2,418
AIR NATIONAL GUARD		
OTIS ANGB		
FIRE CRASH/RESCUE STATION	---	11,000
TOTAL, MASSACHUSETTS	---	18,918
MICHIGAN		
ARMY NATIONAL GUARD		
CALUMET		
READINESS CENTER	---	3,370
JACKSON		
READINESS CENTER	5,591	5,591
SHIAWASSEE COUNTY		
READINESS CENTER	---	3,508
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT		
DINING FACILITY	---	8,500

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SELFRIDGE ANGB		
JOINT MEDICAL TRAINING FACILITY	---	9,600
TOTAL, MICHIGAN	5,591	30,569
MINNESOTA		
AIR NATIONAL GUARD		
DULUTH INTERNATIONAL AIRPORT		
AIRCRAFT MAINTENANCE FACILITY MODERNIZATION	---	9,000
AIR FORCE RESERVE		
MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT		
AEROMEDICAL EVACUATION FACILITY	---	3,650
TOTAL, MINNESOTA	---	12,650
MISSISSIPPI		
NAVY		
MERIDIAN NAVAL AIR STATION		
FIRE AND RESCUE STATION	4,570	4,570
AIR FORCE		
COLUMBUS AFB		
AIR TRAFFIC CONTROL TOWER	---	5,500
T-6 PARTS WAREHOUSE	---	2,200
KEESLER AFB		
CHILD DEVELOPMENT CENTER	---	2,900
ARMY NATIONAL GUARD		
CAMP SHELBY		
REGIONAL MILITARY EDUCATIONAL CENTER (PHASE 1)	7,733	7,733
AIR NATIONAL GUARD		
CAMP SHELBY		
C-17 ASSAULT RUNWAY	7,409	7,409
NAVAL RESERVE		
PASCAGOULA		
LITTORAL SURVEILLANCE SYSTEM FACILITY	---	6,100
AIR FORCE RESERVE		
KEESLER AFB		
FUEL CELL MAINTENANCE HANGAR	6,650	6,650
TOTAL, MISSISSIPPI	26,362	43,062
MISSOURI		
AIR FORCE		
WHITEMAN AFB		
EDUCATION CENTER	---	11,600
ARMY NATIONAL GUARD		
DEXTER		
READINESS CENTER	4,947	4,947
AIR NATIONAL GUARD		
ROSECRANS MEMORIAL AIRPORT		
AIR TRAFFIC CONTROL TRAINING COMPLEX	---	8,000
TOTAL, MISSOURI	4,947	24,547
MONTANA		
ARMY NATIONAL GUARD		
BILLINGS		
ORGANIZATIONAL MAINTENANCE SHOP ADDITION	1,209	1,209
KALISPELL		
ARMED FORCES RESERVE CENTER	---	9,020
ORGANIZATIONAL MAINTENANCE SHOP ADDITION	706	706
TOTAL, MONTANA	1,915	10,935

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
NEBRASKA		
DEFENSE-WIDE		
OFFUTT AFB		
REPLACE HYDRANT FUEL SYSTEM	13,400	13,400
ARMY NATIONAL GUARD		
CAMP ASHLAND		
CONSTRUCT FRONTAGE LEVEE SEGMENT	---	3,000
COLUMBUS		
READINESS CENTER ADDITION/ALTERATION	618	618
NORFOLK		
FIRE STATION	1,068	1,068
OMAHA		
READINESS CENTER	5,804	5,804
YORK		
READINESS CENTER ALTERATION	758	758
TOTAL, NEBRASKA	21,648	24,648
NEVADA		
AIR FORCE		
NELLIS AFB		
VEHICLE MAINTENANCE COMPLEX	---	11,800
DEFENSE-WIDE		
NELLIS AFB		
HYDRANT FUEL SYSTEM	12,800	12,800
AIR NATIONAL GUARD		
RENO - TAHOE INTERNATIONAL AIRPORT		
REPLACE TELECOMMUNICATIONS AND SECURITY FORCES FAC	---	9,000
TOTAL, NEVADA	12,800	33,600
NEW HAMPSHIRE		
AIR NATIONAL GUARD		
PEASE INTERNATIONAL AIRPORT		
FIRE STATION	---	6,100
NEW JERSEY		
ARMY		
LAKEHURST NAVAL AIR WARFARE CENTER		
SPECIAL PURPOSE BATTALION OPERATIONS FACILITY	---	2,250
PICATINNY ARSENAL		
EXPLOSIVES R&D LOADING FACILITY	---	8,000
NAVY		
EARLE NAVAL WEAPONS STATION		
GENERAL PURPOSE BERTHING PIER REPLACEMENT	26,740	26,740
LAKEHURST NAVAL AIR WARFARE CENTER		
ELECTROMAGNETIC AIRCRAFT LAUNCHING SYSTEM FACILITY	20,681	20,681
AIR FORCE		
MCGUIRE AFB		
C-17 MAINTENANCE TRAINING DEVICE FACILITY	6,862	6,862
C-17 ROADS & UTILITIES	4,765	4,765
ARMY RESERVE		
FORT DIX		
ADD/ALTER TIMMERMAN CONFERENCE CENTER	---	3,700
URBAN ASSAULT COURSE	---	2,700
TOTAL, NEW JERSEY	59,048	75,698
NEW MEXICO		
AIR FORCE		
CANNON AFB		
AEROSPACE GROUND EQUIPMENT COMPLEX	---	7,700
INSTALL APPROACH LIGHTS, RUNWAY 13	---	1,300
TULAROSA RADAR TEST SITE		
UPGRADE RADAR TEST FACILITY	3,600	3,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
KIRTLAND AFB		
ARSENIC TREATMENT SYSTEMS	6,957	6,957
ELECTRICAL POWER MAIN SWITCHING STATION	---	4,150
ARMY NATIONAL GUARD		
ALBUQUERQUE		
READINESS CENTER ADDITION/ALTERATION	2,533	2,533
TOTAL, NEW MEXICO	13,090	26,240
NEW YORK		
ARMY		
FORT DRUM		
BARRACKS - 10200 AREA	22,500	22,500
BARRACKS COMPLEX - WHEELER SACK AAF (PHASE I)	49,000	49,000
MOUNTAIN RAMP EXPANSION	11,000	11,000
TACTICAL UNMANNED AERIAL VEHICLE FACILITY	---	5,200
ARMY NATIONAL GUARD		
ROCHESTER		
READINESS CENTER ADDITION/ALTERATION	4,332	4,332
UTICA		
ORGANIZATIONAL MAINTENANCE SHOP	3,261	3,261
AIR NATIONAL GUARD		
HANCOCK FIELD		
MUNITIONS STORAGE COMPLEX	---	6,500
AIR FORCE RESERVE		
NIAGRA FALLS ARS		
TOTAL, NEW YORK	90,093	101,793
NORTH CAROLINA		
ARMY		
FORT BRAGG		
BARRACKS COMPLEX - BASTOGNE DRIVE (PHASE I)	47,000	47,000
BARRACKS COMPLEX - BUTNER ROAD (PHASE IV)	38,000	38,000
BARRACKS-D AREA (PHASE IV)	17,000	17,000
SOLDIER SUPPORT CENTER (PHASE II)	---	11,400
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
CONSOLIDATED ARMORIES	10,270	10,270
HEADQUARTERS AND ACADEMIC INSTRUCTION FACILITY	6,300	6,300
OPERATIONS AND TRAINING FACILITIES	12,880	12,880
NEW RIVER MARINE CORPS AIR STATION		
WATER TREATMENT FACILITY	6,240	6,240
AIR FORCE		
POPE AFB		
C-130J 2-BAY HANGAR	15,629	15,629
C-130J UPGRADE HANGAR 6	2,716	2,716
C-130J/30 RAMP UPGRADE	1,239	1,239
C-130J/30 TECH TRAINING FACILITY	4,431	4,431
SEYMOUR JOHNSON AFB		
BOUNDARY FENCE	1,500	1,500
DORMITORIES	9,530	9,530
FIRE/CRASH RESCUE STATIONS	---	11,400
DEFENSE-WIDE		
CAMP LEJEUNE		
NEW MAINSIDE PRIMARY SCHOOL	15,259	15,259
FORT BRAGG		
BATTALION AND COMPANY HEADQUARTERS	4,200	4,200
COMPANY OPERATIONS FACILITY ADDITION	1,500	1,500
JOINT OPERATIONS COMPLEX	19,700	19,700
MAZE AND FACADE	2,400	2,400
TRAINING COMPLEX	8,500	8,500
ARMY NATIONAL GUARD		
ASHEVILLE		
READINESS CENTER	6,251	6,251

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
LENOIR		
READINESS CENTER	5,184	5,184
MORRISVILLE		
FIRE STATION	1,306	1,306
SALISBURY		
FIRE STATION	926	926
TOTAL, NORTH CAROLINA	237,961	260,761
NORTH DAKOTA		
AIR FORCE		
MINOT AFB		
ADD/ALTER MISSILE MAINTENANCE VEHICLE FACILITY	3,050	3,050
FITNESS CENTER	---	9,500
ARMY NATIONAL GUARD		
BISMARCK		
ARMY AVIATION SUPPORT FACILITY COMPLEX	---	7,228
READINESS CENTER ADDITION	1,873	1,873
TOTAL, NORTH DAKOTA	4,923	21,651
OHIO		
AIR FORCE		
WRIGHT-PATTERSON AFB		
CONSOLIDATED FIRE/CRASH RESCUE STATION	---	10,600
DORMITORY	10,500	10,500
ARMY NATIONAL GUARD		
CAMP SHERMAN, CHILLICOTHE		
READINESS CENTER	---	5,560
AIR NATIONAL GUARD		
SPRINGFIELD-BECKLEY MUNICIPAL AIRPORT		
REPLACE CONTROL TOWER	---	8,000
ARMY RESERVE		
CLEVELAND		
RESERVE CENTER/OMS/AMSA/STORAGE/LAND	21,595	21,595
TOTAL, OHIO	32,095	56,255
OKLAHOMA		
ARMY		
FORT SILL		
CONSOLIDATED MAINTENANCE COMPLEX (PHASE II)	13,000	13,000
MODIFIED RECORD FIRE RANGE	3,500	3,500
URBAN ASSAULT COURSE	---	2,000
AIR FORCE		
ALTUS AFB		
C-17 MODIFY SIMULATOR BAYS	1,144	1,144
TINKER AFB		
BUILDING 3001 REVITALIZATION (PHASE I)	19,060	19,060
VANCE AFB		
CONSOLIDATED LOGISTICS COMPLEX	---	15,000
TOTAL, OKLAHOMA	36,704	53,704
OREGON		
AIR FORCE RESERVE		
PORTLAND INTERNATIONAL AIRPORT		
ALTER FLIGHTLINE FACILITIES	2,900	2,900
FIRE/CRASH RESCUE STATION	4,300	4,300
HYDRANT REFUELING SYSTEM (PHASE II)	3,050	3,050
TOTAL, OREGON	10,250	10,250

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
PENNSYLVANIA		
DEFENSE-WIDE		
HARRISBURG INTERNATIONAL AIRPORT		
C130J EQUIPMENT MAINTENANCE FACILITY	3,000	3,000
NEW CUMBERLAND DEFENSE DISTRIBUTION DEPOT		
REPLACE GENERAL PURPOSE WAREHOUSES	27,000	27,000
ARMY NATIONAL GUARD		
FORT INDIANTOWN GAP		
MULTI-PURPOSE TRAINING RANGE	---	15,338
TOTAL, PENNSYLVANIA	30,000	45,338
RHODE ISLAND		
NAVY		
NEWPORT NAVAL STATION		
BACHELOR ENLISTED QUARTERS REPLACEMENT	16,140	16,140
GATE I SECURITY IMPROVEMENTS	---	2,550
UNDERWATER WEAPON SYSTEMS LABORATORY	10,890	10,890
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT		
REPLACE COMPOSITE AIRCRAFT MAINTENANCE COMPLEX	18,500	18,500
TOTAL, RHODE ISLAND	45,530	48,080
SOUTH CAROLINA		
NAVY		
CHARLESTON NAVAL WEAPONS STATION		
AT/FP SOUTH ANNEX GATE 4	---	2,350
AIR FORCE		
CHARLESTON AFB		
DORMITORY	8,863	8,863
SHAW AFB		
DEPLOYMENT PROCESSING CENTER	---	8,500
TOTAL, SOUTH CAROLINA	8,863	19,713
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
B-1B WEAPONS SYSTEM TRAINING FACILITY	---	9,300
TENNESSEE		
AIR NATIONAL GUARD		
MEMPHIS INTERNATIONAL AIRPORT		
C-5 MAINTENANCE SHOPS CONVERSION	---	5,000
NASHVILLE INTERNATIONAL AIRPORT		
COMPOSITE AIRCRAFT MAINTENANCE COMPLEX (PHASE II)	---	11,000
MCGHEE-TYSON AIRPORT		
FIRE STATION/SECURITY FORCES FACILITY	---	6,000
ARMY RESERVE		
NASHVILLE		
RESERVE CENTER/OMS/UNHEATED STORAGE	8,955	8,955
TOTAL, TENNESSEE	8,955	30,955
TEXAS		
ARMY		
FORT BLISS		
TACTICAL EQUIPMENT SHOP	---	5,400
FORT HOOD		
BARRACKS COMPLEX - 67TH ST & BATTALION AVE	47,000	47,000
URBAN ASSAULT COURSE	2,800	2,800
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
CONTROL TOWER	---	5,400

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
INGLESIDE NAVAL STATION		
HEADQUARTERS, MINE WARFARE COMMAND................	---	7,070
AIR FORCE		
GOODFELLOW AFB		
FIRE TRAINING CLASSROOM FACILITY.................	1,863	1,863
STUDENT DORMITORY................................	18,107	18,107
LACKLAND AFB		
STUDENT DORMITORY................................	20,966	20,966
STUDENT DORMITORY................................	35,260	35,260
LAUGHLIN AFB		
AIRCRAFT WEATHER SHELTER.........................	---	5,200
STUDENT OFFICER QUARTERS (PHASE I)...............	---	7,200
RANDOLPH AFB		
FITNESS CENTER...................................	---	13,600
SHEPPARD AFB		
AIRFIELD OPERATIONS COMPLEX......................	---	9,000
STUDENT DORMITORY................................	28,590	28,590
DEFENSE-WIDE		
FORT HOOD		
CONSOLIDATED TROOP AND FAMILY CARE MEDICAL CLINIC.	---	9,400
KINGSVILLE NAVAL AIR STATION		
ABOVEGROUND STORAGE TANK FUEL FARM...............	---	9,200
LAUGHLIN AFB		
REPLACE TRUCK FUEL LOADING FACILITY..............	4,688	4,688
AIR NATIONAL GUARD		
KELLY FIELD ANNEX		
UPGRADE GENERAL PURPOSE SHOPS....................	---	4,000
NAVAL RESERVE		
FORT WORTH NAVAL AIR STATION/JOINT RESERVE BASE		
COMBINED PASSENGER TERMINAL......................	---	3,520
JOINT RESERVE POLICE STATION.....................	---	2,660
TOTAL, TEXAS.....................................	159,274	240,924
UTAH		
AIR FORCE		
HILL AFB		
AEF DEPLOYMENT CENTER............................	---	5,900
MUNITIONS MAINTENANCE FACILITY...................	1,000	1,000
REPLACE MUNITIONS STORAGE IGLOOS.................	13,000	13,000
SMALL DIAMETER BOMB STORAGE IGLOOS...............	1,811	1,811
TOTAL, UTAH......................................	15,811	21,711
VERMONT		
ARMY NATIONAL GUARD		
SOUTH BURLINGTON		
ARMY AVIATION SUPPORT FACILITY...................	23,827	23,827
VIRGINIA		
ARMY		
FORT BELVOIR		
NGIC LAND ACQUISITION............................	---	7,000
FORT LEE		
FIRE AND EMERGENCY SERVICES CENTER (PHASE II).....	---	3,850
FORT MYER		
VEHICLE MAINTENANCE FACILITY.....................	9,000	9,000
NAVY		
ARLINGTON - HENDERSON HALL		
PHYSICAL FITNESS CENTER ADDITION.................	1,970	1,970
DAHLGREN NAVAL SURFACE WARFARE CENTER		
OPERATIONS CENTER ADDITION.......................	20,520	20,520
WEAPONS DYNAMIC RDT&E CENTER.....................	---	3,500
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
GATE 1 IMPROVEMENTS..............................	3,810	3,810

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
NORFOLK		
AIRCRAFT MAINTENANCE HANGAR	36,460	36,460
BACHELOR ENLISTED QUARTERS - HOMEPORT ASHORE (PHASE II)	46,730	46,730
CRANE/WEIGHT HANDLING EQUIPMENT SHOP	17,770	17,770
PIER 11 REPLACEMENT (PHASE I)	27,610	27,610
OCEANA NAVAL AIR STATION		
CHILD DEVELOPMENT CENTER	---	10,000
QUANTICO MARINE CORPS BASE		
NETWORK OPERATIONS CENTER	---	14,420
WEAPONS TRAINING BATTALION LOAD AND TEST FACILITY	3,700	3,700
AIR FORCE		
LANGLEY AFB		
F-22 CLEAR WATER RINSE PAD	2,383	2,383
F-22 SQUADRON OPERATIONS/AMU/HANGAR	20,013	20,013
F-22 VERTICAL WING TANK STORAGE	2,573	2,573
DEFENSE-WIDE		
ARLINGTON		
PENTAGON ATHLETIC CENTER RESTORATION PROJECT	38,086	38,086
DAM NECK FLEET COMBAT TRAINING CENTER		
MISSION SUPPORT FACILITY	5,600	5,600
SMALL ARMS RANGE	9,681	9,681
FORT BELVOIR		
DEFENSE THREAT REDUCTION CENTER (PHASE II)	25,700	25,700
LANGLEY AFB		
REPLACE HYDRANT FUEL SYSTEM	13,000	13,000
AIR NATIONAL GUARD		
CAMP PENDLETON		
TROOP TRAINING QUARTERS (RED HORSE)	---	2,500
NAVAL RESERVE		
QUANTICO		
RESERVE CENTER	9,497	9,497
TOTAL, VIRGINIA	294,103	335,373
WASHINGTON		
ARMY		
FORT LEWIS		
BARRACKS COMPLEX - 17TH & B STREET (PHASE III)	48,000	48,000
DEPLOYMENT STAGING FACILITY	2,650	2,650
SHOOT HOUSE	1,250	1,250
NAVY		
BANGOR NAVAL SUBMARINE BASE		
SERVICE PIER UPGRADE AND BUILDING ADDITION	33,820	33,820
WATERFRONT SECURITY FORCE FACILITY	6,530	6,530
INDIAN ISLAND NAVAL MAGAZINES		
ORDNANCE TRANSFER FACILITY	2,240	2,240
PUGET SOUND NAVAL SHIPYARD		
SHIP REPAIR PIER 3 IMPROVEMENTS	---	6,020
WHIDBEY ISLAND NAVAL AIR STATION		
STRUCTURAL AIRCRAFT/FIRE STATION ADDITION	---	4,650
AIR FORCE		
MCCHORD AFB		
UPGRADE MISSION SUPPORT CENTER (PHASE II)	19,000	19,000
DEFENSE-WIDE		
MCCHORD AFB		
BULK FUEL STORAGE TANKS	8,100	8,100
AIR NATIONAL GUARD		
CAMP MURRAY		
RED HORSE AND MEDICAL TRAINING COMPLEX	---	7,500
TOTAL, WASHINGTON	121,590	139,760

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
WEST VIRGINIA		
ARMY NATIONAL GUARD		
ELEANOR		
ROAD SECURITY FORCE PROTECTION MODIFICATION.......	---	4,000
AIR NATIONAL GUARD		
MARTINSBURG		
AIR TRAFFIC CONTROL TOWER.........................	---	5,800
C-5 PARKING APRON, JET FUEL STORAGE, HYDRANT SYS..	---	15,000
TOTAL, WEST VIRGINIA...........................	---	24,800
WISCONSIN		
ARMY RESERVE		
FORT MCCOY		
BATTLE SIMULATION CENTER..........................	---	4,340
BAHRAIN		
NAVY		
BAHRAIN NAVAL SUPPORT ACTIVITY		
OPERATIONS CONTROL CENTER.........................	18,030	18,030
GERMANY		
ARMY		
GRAFENWOEHR		
BRIGADE COMPLEX - BARRACKS & MAINTENANCE/SUPPORT..	30,000	30,000
BRIGADE COMPLEX - TROOP SUPPORT FACILITIES........	46,000	46,000
HEIDELBERG		
BARRACKS - HEIDELBERG HOSPITAL....................	17,000	---
HOHENFELS		
PHYSICAL FITNESS TRAINING CENTER..................	13,200	---
VILSECK		
BARRACKS COMPLEX (PHASE I)........................	12,100	12,100
AIR FORCE		
RAMSTEIN AB		
CIVIL ENGINEERING MIDFIELD COMPLEX................	6,250	---
CONSOLIDATE 1ST COMBAT COMMUNICATIONS SQUADRON (PHASE II)....................................	19,713	19,713
FITNESS CENTER ANNEX..............................	15,903	15,903
SPANGDAHLEM AB		
FIRE STATION ANNEX & TRAINING FACILITY............	3,865	3,865
PASSENGER TERMINAL................................	1,546	1,546
DEFENSE-WIDE		
GRAFENWOEHR		
DISPENSARY/DENTAL CLINIC ADDITION/ALTERATION......	12,585	---
ELEMENTARY AND MIDDLE SCHOOL......................	36,247	---
HEIDELBERG		
ELEMENTARY SCHOOL.................................	3,086	---
STUTTGART		
FORWARD STATION COMPLEX...........................	11,400	---
VILSECK		
ELEMENTARY SCHOOL RENOVATION/ADDITION.............	1,773	---
TOTAL, GERMANY.................................	230,668	129,127
GUAM		
NAVY		
GUAM		
VICTOR WHARF FENDER SYSTEM........................	---	1,700
DEFENSE-WIDE		
ANDERSEN AFB		
MEDICAL/DENTAL CLINIC REPLACEMENT.................	24,900	24,900
TOTAL, GUAM....................................	24,900	26,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ITALY		
ARMY		
AVIANO AB		
JOINT DEPLOYMENT FACILITY (PHASE I)	15,500	15,500
JOINT DEPLOYMENT FACILITY (PHASE II)	13,000	13,000
LIVORNO		
VEHICLE MAINTENANCE FACILITY	22,000	22,000
NAVY		
LA MADALENA NAVAL SUPPORT FACILITY		
CONSOLIDATE SANTO STEFANO FACILITIES	39,020	39,020
SIGONELLA NAVAL AIR STATION		
BASE OPERATIONS SUPPORT FACILITIES (PHASE I)	34,070	34,070
BASE OPERATIONS SUPPORT FACILITIES (PHASE II)	14,679	---
AIR FORCE		
AVIANO AB		
REMOVE AIRFIELD OBSTRUCTION - SOUTH RAMP	7,730	7,730
MUNITIONS ADMINISTRATION FACILITY	5,301	5,301
ZULU ARM/DEARM PAD	994	994
DEFENSE-WIDE		
SIGONELLA NAVAL AIR STATION		
ELEMENTARY AND HIGH SCHOOL ADDITIONS/RENOVATIONS	13,969	13,969
VICENZA		
ELEMENTARY AND HIGH SCHOOL ADDITIONS/RENOVATIONS	16,374	16,374
TOTAL, ITALY	182,637	167,958
KOREA		
ARMY		
CAMP HUMPHREYS		
BARRACKS COMPLEX	35,000	---
BARRACKS COMPLEX	41,000	---
BARRACKS COMPLEX	29,000	---
BARRACKS COMPLEX	---	25,000
BARRACKS COMPLEX	---	40,000
AIR FORCE		
KUNSAN AB		
UPGRADE HARDENED AIRCRAFT SHELTERS	7,059	7,059
OSAN AB		
DORMITORY	16,638	16,638
TOTAL, KOREA	128,697	88,697
KWAJALEIN		
ARMY		
KWAJALEIN ATOLL		
VEHICLE PAINT & PREP FACILITY	9,400	9,400
PORTUGAL		
AIR FORCE		
LAJES FIELD		
ADD/ALTER FITNESS CENTER	4,086	4,086
TURKEY		
AIR FORCE		
INCIRLIK AB		
CONSOLIDATED COMMUNICATIONS FACILITY	3,262	---
UNITED KINGDOM		
NAVY		
SAINT MAWGAN JOINT MARITIME FACILITY		
BACHELOR ENLISTED QUARTERS	7,070	---
AIR FORCE		
RAF MILDENHALL		
CHILD DEVELOPMENT CENTER ANNEX	3,646	3,646
POST OFFICE	3,592	3,592
VEHICLE MAINTENANCE COMPLEX	3,320	3,320

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
RAF LAKENHEATH		
ADD/ALT CRASH FIRE STATION	2,667	2,667
COMMUNICATIONS FACILITY	8,436	8,436
DORMITORY	13,606	13,606
FAMILY SUPPORT CENTER	5,878	5,878
MOBILITY CARGO PROCESSING CENTER	11,900	11,900
TOTAL, UNITED KINGDOM	60,115	53,045
WAKE ISLAND		
AIR FORCE		
WAKE ISLAND		
REPAIR AIRFIELD PAVEMENT (PHASE III)	14,000	14,000
UPGRADE ISLAND-WIDE INFRASTRUCTURE (PHASE I)	10,000	10,000
TOTAL, WAKE ISLAND	24,000	24,000
NATO		
NATO SECURITY INVESTMENT PROGRAM	169,300	169,300
RESCISSION (P.L. 107-249)	---	-8,000
WORLDWIDE CLASSIFIED		
ARMY		
CLASSIFIED LOCATION		
CLASSIFIED PROJECT	178,700	---
AIR FORCE		
CLASSIFIED LOCATION		
CLASSIFIED PROJECT	3,250	3,250
PREDATOR B-SQUADRON OPS/AMU & HANGAR	25,731	25,731
TOTAL, WORLDWIDE CLASSIFIED	207,681	28,981
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION SUPPORT	22,000	22,000
PLANNING AND DESIGN	100,710	104,833
UNSPECIFIED MINOR CONSTRUCTION	20,000	32,606
RESCISSION (P.L. 107-249)	-66,050	-137,850
RESCISSION (P.L. 107-64)	---	-24,000
RESCISSION (P.L. 106-246)	---	-17,415
RESCISSION (P.L. 106-52)	---	-4,350
REDUCTION (PRIOR YEAR SAVINGS)	---	-10,000
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	65,612	71,001
UNSPECIFIED MINOR CONSTRUCTION	12,334	14,585
OUTLYING LANDING FIELD FACILITIES (PHASE I)	27,610	27,610
RESCISSION (P.L. 107-249)	-14,679	-27,213
RESCISSION (P.L. 107-64)	---	-18,409
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	79,116	95,778
UNSPECIFIED MINOR CONSTRUCTION	12,000	16,180
RESCISSION (P.L. 107-249)	---	-23,000
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION	8,960	8,960
ENERGY CONSERVATION INVESTMENT PROGRAM	69,500	50,000
RESCISSION (P.L. 107-249)	-997	-72,309

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
PLANNING AND DESIGN		
SPECIAL OPERATIONS COMMAND	14,768	14,768
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION	6,500	6,500
TRICARE MANAGEMENT ACTIVITY	18,616	18,616
UNDISTRIBUTED	20,997	25,246
SUBTOTAL, PLANNING AND DESIGN	60,881	65,130
UNSPECIFIED MINOR CONSTRUCTION		
SPECIAL OPERATIONS COMMAND	2,723	2,723
MISSILE DEFENSE AGENCY	2,600	2,000
DEFENSE FINANCE AND ACCOUNTING SERVICE	1,500	1,500
UNDISTRIBUTED	3,000	3,000
JOINT CHIEFS OF STAFF	6,330	6,330
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	16,153	15,553
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	26,570	38,376
UNSPECIFIED MINOR CONSTRUCTION	1,451	8,099
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	16,030	23,293
UNSPECIFIED MINOR CONSTRUCTION	5,500	8,615
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	7,712	8,983
UNSPECIFIED MINOR CONSTRUCTION	2,886	2,886
NAVAL RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,562	2,968
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	11,142	12,112
UNSPECIFIED MINOR CONSTRUCTION	5,160	6,360
TOTAL, WORLDWIDE UNSPECIFIED	492,163	301,382
FAMILY HOUSING, ARMY		
ALASKA		
FORT WAINWRIGHT (100 UNITS)	44,000	44,000
FORT WAINWRIGHT (40 UNITS)	20,000	20,000
ARIZONA		
FORT HUACHUCA (160 UNITS)	27,000	27,000
FORT HUACHUCA (60 UNITS)	14,000	14,000
KANSAS		
FORT RILEY (32 UNITS)	8,300	8,300
FORT RILEY (30 UNITS)	8,400	8,400
KENTUCKY		
FORT KNOX (178 UNITS)	41,000	41,000
NEW MEXICO		
WHITE SANDS MISSILE RANGE (58 UNITS)	14,600	14,500
OKLAHOMA		
FORT SILL (50 UNITS)	10,000	10,000
FORT SILL (70 UNITS)	15,373	15,373
VIRGINIA		
FORT LEE (90 UNITS)	18,000	18,000
CONSTRUCTION IMPROVEMENTS	156,030	130,430
PLANNING AND DESIGN	32,488	32,488
RESCISSION (P.L. 107-249)	-52,300	-94,151
SUBTOTAL, CONSTRUCTION	356,891	289,440

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	167,332	167,332
SERVICES ACCOUNT	46,735	46,735
MANAGEMENT ACCOUNT	86,326	86,326
MISCELLANEOUS ACCOUNT	1,311	1,311
FURNISHINGS ACCOUNT	44,658	44,658
LEASING	234,471	234,471
MAINTENANCE OF REAL PROPERTY	432,605	432,605
MORTGAGE INSURANCE PREMIUM	1	1
HOUSING PRIVATIZATION SUPPORT COSTS	29,587	29,587
GENERAL REDUCTION	---	-10,000
SUBTOTAL, OPERATION AND MAINTENANCE	1,043,026	1,033,026
TOTAL, FAMILY HOUSING, ARMY	1,399,917	1,322,466
FAMILY HOUSING, NAVY AND MARINE CORPS		
CALIFORNIA		
LEMOORE (187 UNITS)	41,585	41,585
FLORIDA		
PENSACOLA (25 UNITS)	3,197	3,197
NORTH CAROLINA		
CHERRY POINT (339 UNITS)	42,803	42,803
CAMP LEJEUNE (161 UNITS)	21,537	21,537
CAMP LEJEUNE (358 UNITS)	46,244	46,244
CONSTRUCTION IMPROVEMENTS	20,446	20,446
PLANNING AND DESIGN	8,381	8,381
RESCISSION (P.L. 107-249)	---	-40,508
SUBTOTAL, CONSTRUCTION	184,193	143,685
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	164,556	164,556
FURNISHINGS ACCOUNT	25,462	25,462
MANAGEMENT ACCOUNT	78,325	70,625
MISCELLANEOUS ACCOUNT	807	807
SERVICES ACCOUNT	62,730	62,730
LEASING	132,433	132,433
MAINTENANCE OF REAL PROPERTY	377,792	377,792
MORTGAGE INSURANCE PREMIUM	64	64
HOUSING PRIVATIZATION SUPPORT COSTS	10,609	10,609
GENERAL REDUCTION	---	-10,000
SUBTOTAL, OPERATION AND MAINTENANCE	852,778	835,078
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS	1,036,971	978,763
FAMILY HOUSING, AIR FORCE		
ARIZONA		
DAVIS-MONTHAN AFB (93 UNITS)	19,357	19,357
CALIFORNIA		
TRAVIS AFB (56 UNITS)	12,723	12,723
DELAWARE		
DOVER AFB (112 UNITS)	19,601	19,601
FLORIDA		
EGLIN AFB (279 UNITS)	32,166	32,166
IDAHO		
MOUNTAIN HOME AFB (186 UNITS)	37,126	37,126
MARYLAND		
ANDREWS AFB (50 UNITS)	20,233	20,233

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MISSOURI		
WHITEMAN AFB (100 UNITS)	18,221	18,221
MONTANA		
MALMSTROM AFB (94 UNITS)	19,368	19,368
NORTH CAROLINA		
SEYMOUR JOHNSON AFB (138 UNITS)	18,336	18,336
NORTH DAKOTA		
GRAND FORKS AFB (144 UNITS)	29,550	29,550
MINOT AFB (200 UNITS)	41,117	41,117
SOUTH DAKOTA		
ELLSWORTH AFB (75 UNITS)	16,240	16,240
TEXAS		
DYESS AFB (116 UNITS)	19,973	19,973
RANDOLPH AFB (96 UNITS)	13,754	13,754
KOREA		
OSAN AB (111 UNITS)	44,765	44,765
PORTUGAL		
LAJES FIELD (42 UNITS)	13,428	13,428
UNITED KINGDOM		
RAF LAKENHEATH (89 UNITS)	23,640	23,640
CONSTRUCTION IMPROVEMENTS	223,979	223,979
PLANNING AND DESIGN	33,488	33,488
RESCISSION (P.L. 107-249)	-19,347	-19,347
SUBTOTAL, CONSTRUCTION	637,718	637,718
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	132,651	132,651
MANAGEMENT ACCOUNT	70,083	70,083
SERVICES ACCOUNT	26,070	26,070
FURNISHINGS ACCOUNT	43,006	43,006
MISCELLANEOUS ACCOUNT	2,527	2,527
LEASING	119,908	111,514
MAINTENANCE OF REAL PROPERTY	395,650	395,650
MORTGAGE INSURANCE PREMIUM	37	37
HOUSING PRIVATIZATION SUPPORT COSTS	44,536	44,536
GENERAL REDUCTION	---	-10,000
SUBTOTAL, OPERATION AND MAINTENANCE	834,468	816,074
TOTAL, FAMILY HOUSING, AIR FORCE	1,472,186	1,453,792
FAMILY HOUSING, DEFENSE-WIDE		
CONSTRUCTION IMPROVEMENTS (NSA)	50	50
PLANNING AND DESIGN (DLA)	300	300
SUBTOTAL, CONSTRUCTION	350	350
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT (NSA)	413	413
FURNISHINGS ACCOUNT (NSA)	112	112
MANAGEMENT ACCOUNT (NSA)	13	13
MISCELLANEOUS ACCOUNT (NSA)	51	51
SERVICES ACCOUNT (NSA)	405	405
LEASING (NSA)	11,987	11,987
MAINTENANCE OF REAL PROPERTY (NSA)	2,528	2,528
FURNISHINGS ACCOUNT (DIA)	3,844	3,844
LEASING (DIA)	27,225	27,225
UTILITIES ACCOUNT (DLA)	412	412
FURNISHINGS ACCOUNT (DLA)	32	32

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SERVICES ACCOUNT (DLA)	72	72
MANAGEMENT ACCOUNT (DLA)	289	289
MAINTENANCE OF REAL PROPERTY (DLA)	2,057	2,057
SUBTOTAL, OPERATION AND MAINTENANCE	49,440	49.440
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	49,790	49,790
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND		
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.	300	300
RESCISSION	---	-9,692
TOTAL, DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND	300	-9.392
BASE REALIGNMENT AND CLOSURE ACCOUNT		
BASE REALIGNMENT AND CLOSURE ACCOUNT	370.427	370.427
GENERAL PROVISIONS		
GENERAL PROVISION (SEC. 118)	55.000	55,000
GRAND TOTAL	9,117,281	9,316.000

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the committee of conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2003	$10,698,800
Budget estimates of new (obligational) authority, fiscal year 2004	9,117,281
House bill, fiscal year 2004	9,196,000
Senate bill, fiscal year 2004	9,196,000
Conference agreement, fiscal year 2004	9,316,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	−1,382,800
Budget estimates of new (obligational) authority, fiscal year 2004	+198,719
House bill, fiscal year 2004	+120,000
Senate bill, fiscal year 2004	+120,000

JOE KNOLLENBERG,
JAMES T. WALSH,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE,
DAVID VITTER,
JACK KINGSTON,
ANDER CRENSHAW,
BILL YOUNG,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
NORMAN DICKS,
DAVID OBEY,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY LANDRIEU,
ROBERT C. BYRD,
Managers on the Part of the Senate.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2620) to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trafficking Victims Protection Reauthorization Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Trafficking in persons continues to victimize countless men, women, and children in the United States and abroad.

(2) Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad.

(3) On the other hand, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act.

(4) Additional research is needed to fully understand the phenomenon of trafficking in persons and to determine the most effective strategies for combating trafficking in persons.

(5) Corruption among foreign law enforcement authorities continues to undermine the efforts by governments to investigate, prosecute, and convict traffickers.

(6) International Law Enforcement Academies should be more fully utilized in the effort to train law enforcement authorities, prosecutors, and members of the judiciary to address trafficking in persons-related crimes.

SEC. 3. ENHANCING PREVENTION OF TRAFFICKING IN PERSONS.

(a) BORDER INTERDICTION, PUBLIC INFORMATION PROGRAMS, AND COMBATING INTERNATIONAL SEX TOURISM.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following new subsections:

"(c) BORDER INTERDICTION.—The President shall establish and carry out programs of border interdiction outside the United States. Such programs shall include providing grants to foreign nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. Such programs shall also include, to the extent appropriate, monitoring by such survivors of trafficking in persons of the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

"(d) INTERNATIONAL MEDIA.—The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

"(e) COMBATING INTERNATIONAL SEX TOURISM.—

"(1) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—The President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18, United States Code) is illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

"(2) MONITORING OF COMPLIANCE.—The President shall monitor compliance with the requirements of paragraph (1).

"(3) FEASIBILITY REPORT.—Not later than 180 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate a report that describes the feasibility of such United States Government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations."; and

(3) in subsection (f) (as redesignated), by striking "initiatives described in subsections (a) and (b)" and inserting "initiatives and programs described in subsections (a) through (e)".

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—Section 106 of such Act (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

"(g) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(1) TERMINATION.—The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds described in paragraph (2) are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.

"(2) ASSISTANCE DESCRIBED.—Funds referred to in paragraph (1) are funds made available to carry out any program, project, or activity abroad funded under major functional budget category 150 (relating to international affairs).".

SEC. 4. ENHANCING PROTECTION FOR TRAFFICKING VICTIMS.

(a) AMENDMENTS TO TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(1) COOPERATION BETWEEN FOREIGN GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Section 107(a)(1)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)(1)(B)) is amended by adding at the end before the period the following: ", and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations".

(2) ASSISTANCE FOR FAMILY MEMBERS OF VICTIMS OF TRAFFICKING IN UNITED STATES.—Section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended—

(A) in subparagraph (A), by inserting ", or an alien classified as a nonimmigrant under section 101(a)(15)(T)(ii)," after "in persons"; and

(B) in subparagraph (B)—

(i) by inserting "and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii)," after "United States,"; and

(ii) by adding at the end the following new sentence: "In the case of nonentitlement programs funded by the Secretary of Health and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.".

(3) CERTIFICATION OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Section 107(b)(1)(E)) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended by adding at the end the following new clause:

"(iv) ASSISTANCE TO INVESTIGATIONS.—In making the certification described in this subparagraph with respect to the assistance to investigation or prosecution described in clause (i)(I), the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person referred to in subparagraph (C)(ii)(II) has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking appear to have been involved.".

(4) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Chapter 77 of part I of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1595. Civil remedy

"(a) An individual who is a victim of a violation of section 1589, 1590, or 1591 of this chapter may bring a civil action against the perpetrator in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

"(b)(1) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

"(2) In this subsection, a 'criminal action' includes investigation and prosecution and is pending until final adjudication in the trial court.".

(B) CONFORMING AMENDMENT.—The table of contents of chapter 77 of part I of title 18, United States Code, is amended by adding at the end the following new item:

"1595. Civil remedy.".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—

(1) NONIMMIGRANT ALIEN CLASSES.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(A) in clause (i)(III)(bb), by striking "15 years of age," and inserting "18 years of age,"; and

(B) in clause (ii)(I), by inserting "unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause," before "and parents".

(2) ADMISSION OF NONIMMIGRANTS.—Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended—

(A) in paragraph (3), by inserting "siblings," before "or parents"; and

(B) by adding at the end the following:

"(4) An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(T)(i), and who was under 21 years of age on the date on which such parent applied for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(T)(ii), if the alien attains 21 years of age after such parent's application was filed but while it was pending.

"(5) An alien described in clause (i) of section 101(a)(15)(T) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.

"(6) In making a determination under section 101(a)(15)(T)(i)(III)(aa) with respect to an alien, statements from State and local law enforcement officials that the alien has complied with any reasonable request for assistance in the investigation or prosecution of crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000) appear to have been involved, shall be considered.".

(3) ADJUSTMENT OF STATUS.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) (as added by section 107(f) of Public Law 106–386) is amended—

(A) in paragraph (1)—

(i) by striking "admitted under that section" and inserting "admitted under section 101(a)(15)(T)(ii)"; and

(ii) by inserting "sibling," after "parent,"; and

(B) in paragraph (3)(B), by inserting "siblings," after "daughters,".

(4) EXEMPTION FROM PUBLIC CHARGE GROUND FOR INADMISSIBILITY.—Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)), as added by section 107(e)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(3)), is amended—

(A) in subparagraph (A), by striking the period at the end and adding the following: ", except that the ground for inadmissibility described in subsection (a)(4) shall not apply with respect to such a nonimmigrant."; and

(B) in subparagraph (B)—

(i) by amending clause (i) to read as follows:

"(i) subsection (a)(1); and"; and

(ii) in clause (ii)—

(I) by striking "such subsection" and inserting "subsection (a)"; and

(II) by inserting "(4)," after "(3),".

(5) AGGRAVATED FELONY DEFINED.—Section 101(a)(43)(K)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(K)(iii)) is amended to read as follows:

"(iii) is described in any of sections 1581–1585 or 1588–1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);".

SEC. 5. ENHANCING PROSECUTIONS OF TRAFFICKERS.

(a) SEX TRAFFICKING OF CHILDREN OR BY FORCE, FRAUD, OR COERCION.—Section 1591 of title 18, United States Code, is amended—

(1) in the heading, by inserting a comma after "**FRAUD**";

(2) in subsection (a)(1), by striking "in or affecting interstate commerce" and inserting "in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States"; and

(3) in subsection (b), by striking "the person transported" each place it appears and inserting "the person recruited, enticed, harbored, transported, provided, or obtained".

(b) DEFINITION OF RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code is amended by striking "sections 1581-1588 (relating to peonage and slavery)" and inserting "sections 1581-1591 (relating to peonage, slavery, and trafficking in persons).".

(c) CONFORMING AMENDMENTS.—(1) The heading for chapter 77 of part I of title 18, United States Code, is amended to read as follows:

"CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS".

(2) The table of contents for part I of title 18, United States Code, is amended in the item relating to chapter 77 to read as follows:

"77. Peonage, slavery, and trafficking in persons".

SEC. 6. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING.

(a) REPORT.—

(1) IN GENERAL.—Section 105(d) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)) is amended by adding at the end the following new paragraph:

"(7) Not later than May 1, 2004, and annually thereafter, the Attorney General shall submit to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this division, or any amendment made by this division, which shall include, at a minimum, information on—

"(A) the number of persons who received benefits or other services under section 107(b) in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

"(B) the number of persons who have been granted continued presence in the United States under section 107(c)(3) during the preceding fiscal year;

"(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i)) during the preceding fiscal year;

"(D) the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18, United States Code, during the preceding fiscal year and the sentences imposed against each such person;

"(E) the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 106 and 107 of this Act, or section 134 of the Foreign Assistance Act of 1961, during the preceding fiscal year;

"(F) the nature of training conducted pursuant to section 107(c)(4) during the preceding fiscal year; and

"(G) the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under section 105(f) of this division.".

(2) CONFORMING AMENDMENT.—Section 107(b)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended by striking subparagraph (D).

(b) SUPPORT FOR THE TASK FORCE.—

(1) AMENDMENT.—The second sentence of section 105(e) of the Victims of Trafficking

and Violence Protection Act of 2000 (22 U.S.C. 7103(e)) is amended by inserting at the end before the period the following: ", who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large".

(2) Applicability.—The individual who holds the position of Director of the Office to Monitor and Combat Trafficking of the Department of State may continue to hold such position notwithstanding the amendment made by paragraph (1).

(c) Senior Policy Operating Group.—

(1) Amendment.—Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended by adding at the end the following new subsection:

"(f) Senior Policy Operating Group.—

"(1) Establishment.—There shall be established within the executive branch a Senior Policy Operating Group.

"(2) Membership; related matters.—

"(A) In general.—The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order 13257 of February 13, 2002).

"(B) Chairperson.—The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

"(C) Meetings.—The Operating Group shall meet on a regular basis at the call of the Chairperson.

"(3) Duties.—The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

"(4) Availability of information.—Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this division.

"(5) Regulations.—Not later than 90 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).".

(2) Conforming amendment.—Section 406 of the Department of State and Related Agency Appropriations Act, 2003 (as contained in division B of Public Law 108–7) is hereby repealed.

(d) Minimum Standards for the Elimination of Trafficking.—Section 108(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (1)—

(A) by striking "that take place wholly or partly within the territory of the country" and inserting ", and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country"; and

(B) by adding at the end the following new sentences: "After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.";

(2) in paragraph (7)—

(A) by striking "and prosecutes" and inserting ", prosecutes, convicts, and sentences"; and

(B) by adding at the end the following new sentence: "After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.".

(3) by adding the following new paragraphs at the end:

"(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

"(9) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

"(10) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.".

(e) Special Watch List.—Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Special watch list.—

"(A) Submission of list.—Not later than the date on which the determinations described in subsections (c) and (d) are submitted to the appropriate congressional committees in accordance with such subsections, the Secretary of State shall submit to the appropriate congressional committees a list of countries that the Secretary determines requires special scrutiny during the following year. The list shall be composed of the following countries:

"(i) Countries that have been listed pursuant to paragraph (1)(A) in the current annual report and were listed pursuant to paragraph (1)(B) in the previous annual report.

"(ii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report and were listed pursuant to paragraph (1)(C) in the previous annual report.

"(iii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, where—

"(I) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

"(II) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or

"(III) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

"(B) Interim assessment.—Not later than February 1st of each year, the Secretary of State shall provide to the appropriate congressional committees an assessment of the progress that each country on the special watch list described in subparagraph (A) has made since the last annual report.

"(C) Relation of special watch list to annual trafficking in persons report.—A determination that a country shall not be placed on the special watch list described in subparagraph (A) shall not affect in any way the determination to be made in the following year as to whether a country is complying with the minimum standards for the elimination of trafficking or whether a country is making significant efforts to bring itself into compliance with such standards.".

(f) Enhancing United States Assistance.—Section 134(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d(b)) is amended by adding at the end the following new sentence: "Assistance may be provided under this section notwithstanding section 660 of this Act.".

(g) Research Relating to Trafficking in Persons.—

(1) In general.—The Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 112 the following new section:

"SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

"The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall carry out research, including by providing grants to nongovernmental organizations, as well as relevant United States Government agencies and international organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

"(1) The economic causes and consequences of trafficking in persons.

"(2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.

"(3) The interrelationship between trafficking in persons and global health risks.".

(2) Conforming amendment.—The table of contents of the Victims of Trafficking and Violence Protection Act of 2000 is amended by inserting after the item relating to section 112 the following new item:

"Sec. 112A. Research on domestic and international trafficking in persons.".

(h) SANCTIONS AND WAIVERS.—Section 110(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)) is amended—

(1) in paragraph (4), by inserting after "nonhumanitarian, nontrade-related foreign assistance" the following: "or funding for participation in educational and cultural exchange programs"; and

(2) in paragraph (5)(A)(i), by inserting after "foreign assistance" the following: "or funding for participation in educational and cultural exchange programs".

(i) SUBSEQUENT WAIVER AUTHORITY.—Section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended by adding at the end the following new subsection:

"(f) After the President has made a determination described in subsection (d)(1) with respect to the government of a country, the President may at any time make a determination described in paragraphs (4) and (5) of subsection (d) to waive, in whole or in part, the measures imposed against the country by the previous determination under subsection (d)(1).".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RELATED MATTERS.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking "105" and inserting "105(e), 105(f)"; and

(B) by striking "and $3,000,000 for each of the fiscal years 2002 and 2003" and inserting ", $3,000,000 for each of the fiscal years 2002 and 2003, and $5,000,000 for each of the fiscal years 2004 and 2005";

(2) in subsection (b), by adding at the end before the period the following: "and $15,000,000 for each of the fiscal years 2004 and 2005";

(3) in subsection (c)—

(A) in paragraph (1) to read as follows:

"(1) BILATERAL ASSISTANCE TO COMBAT TRAFFICKING.—

"(A) PREVENTION.—To carry out the purposes of section 106, there are authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years 2004 and 2005.

"(B) PROTECTION.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State $15,000,000 for fiscal year 2003 and $10,000,000 for each of the fiscal years 2004 and 2005.

"(C) PROSECUTION AND MEETING MINIMUM STANDARDS.—To carry out the purposes of section 134 of the Foreign Assistance Act of 1961, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2004 and 2005 to assist in promoting prosecution of traffickers and otherwise to assist countries in meeting the minimum standards described in section 108 of this Act, including $250,000 for each such fiscal year to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies."; and

(B) in paragraph (2), by striking "for each of the fiscal years 2001, 2002, and 2003" and inserting "for each of the fiscal years 2001 through 2005";

(4) in subsection (d)—

(A) by adding at the end before the period the following: "and $15,000,000 for each of the fiscal years 2004 and 2005"; and

(B) by adding at the end the following new sentence: "To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 (as added by section 109), there are authorized to be appropriated to the President, acting through the Attorney General and the Secretary of State, $250,000 for each of fiscal years 2004 and 2005 to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.";

(5) in subsection (e)—

(A) in paragraphs (1) and (2), by striking "for fiscal year 2003" each place it appears and inserting "for each of the fiscal years 2003 through 2005"; and

(B) by adding at the end the following new paragraph:

"(3) RESEARCH.—To carry out the purposes of section 112A, there are authorized to be appropriated to the President $300,000 for fiscal year 2004 and $300,000 for fiscal year 2005.";

(6) in subsection (f), by adding at the end before the period the following: "and $10,000,000 for each of the fiscal years 2004 and 2005"; and

(7) by adding at the end the following new subsection:

"(g) LIMITATION ON USE OF FUNDS.—

"(1) RESTRICTION ON PROGRAMS.—No funds made available to carry out this division, or any amendment made by this division, may be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

"(2) RESTRICTION ON ORGANIZATIONS.—No funds made available to carry out this division, or any amendment made by this division, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 103(8)(A) of this Act through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.".

SEC. 8. TECHNICAL CORRECTIONS.

(a) IMMIGRATION AND NATIONALITY ACT.—

(1) CLASSES OF NONIMMIGRANT ALIENS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by moving the margins of subparagraphs (T) and (U) 2 ems to the left;

(B) in subparagraph (T), by striking "214(n)," and inserting "214(o),";

(C) in subparagraph (U), by striking "214(o)," and inserting "214(p),"; and

(D) in subparagraph (V), by striking "214(o)," and inserting "214(q),".

(2) CLASSES OF ALIENS INELIGIBLE FOR VISAS AND ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by redesignating the paragraph (13) added by section 1513(e) of the Battered Immigrant Women Protection Act of 2000 (title V of division B of Public Law 106-386; 114 Stat. 1536) as paragraph (14).

(3) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by redesignating subsections (m) (as added by section 105 of Public Law 106-313), (n) (as added by section 107(e) of Public Law 106-386), (o) (as added by section 1513(c) of Public Law 106-386), (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively.

(4) ADJUSTMENT OF STATUS OF NONIMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in the subsection (l) added by section 107(f) of Public Law 106-386, by redesignating the second paragraph (2), and paragraphs (3) and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by redesignating the subsection (l) added by section 1513(f) of Public Law 106-386 as subsection (m).

(b) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—(1) Section 103(7)(A)(i) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(7)(A)(i)) is amended by inserting after "part II of that Act" the following: "in support of programs of nongovernmental organizations".

(2) Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by striking "214(n)(1)" and inserting "214(o)(2)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2620.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Trafficking Victims Protection Act of 2000, Public Law 106-386 has made an enormous positive difference in our efforts to end modern-day slavery, a nefarious enterprise that, according to the United Nations, nets the exploiters something in the order of $7 billion to $10 billion each year.

This modern-day slavery, this terrible practice that is in our midst, enslaves more than 800,000 to 900,000 people according to the United States Department of State, of which about 20,000 are brought to this country every year to be exploited in the sex trade and in other aspects of this modern-day slavery. That number, I would point out to my colleagues, does not even include those who are trafficked intra-country. For instance, in places like India where there are millions of women who are forced into sexual slavery, they are not even counted in this number. It is for the victim, a difference without a distinction like the difference between a refugee and the internally displaced person—IDP. They suffer the same misery, but they have not crossed a geographic border. But nevertheless, the exploitation continues.

The 3-year-old landmark law with its numerous mutually-reinforcing provisions to prevent trafficking, to protect victims, and to prosecute to the max those who traffic, has been a model statute worldwide. Indeed, many of its provisions have been adopted into law, in whole or in part, by governments around the world.

Mr. Speaker, the Trafficking Victims Protection Act of 2000 does not pull any punches. By naming the names of countries out of compliance with what we call "minimum standards", and by imposing smart sanctions that are prescribed in the Act, the withholding of nonhumanitarian foreign aid, for example, we have signaled to the world that ending this egregious practice is among the highest priorities of the United States. By prosecuting traffickers and imposing serious jail time, and I would note parenthetically that in my own State of New Jersey, a group of traffickers were convicted under the Act and got just over 17 years for their crimes. So the law is being implemented around the country. There is something in the order of 79 current Federal prosecutions that have been initiated. We are telling these exploiters that we are coming after you and you are going to have to pay for your crimes.

By protecting the victims, Mr. Speaker, and not sending them back to their home country where they are often exploited again in a cycle of exploitation, we say to the victims, we will try to make you safe and secure. I would point out that nearly 400 survivors of trafficking are already getting help here in the United States and rebuilding their shattered lives.

For its part, Mr. Speaker, the Bush administration has aggressively sought to implement both the spirit and the letter of the law. Our former Congressional colleague, John Miller, is doing an exemplary job as director of what we call the Trafficking in Persons Office. He is living this 24–7 and has a fire in the belly to try to stop the traffickers and provide a save haven for the women. I commend our former colleague for his outstanding work.

President Bush himself is deeply committed to ending slavery and recently told the U.N. General Assembly that trafficking was a "special evil in the abuse and exploitation of the most innocent and the most vulnerable." He called on the United Nations and its member states to do more; and I am proud of the fact that President Bush has led in both spirit, word and in deed.

Last year President Bush issued what is known as NSPD–22 which established a zero-tolerance policy regarding the U.S. Government employees and contractor personnel representing U.S. abroad who engage in trafficking in persons. In other words, if you do business with the United States, if you are one of our contractors, do not be involved in any way, shape or form, do not be complicit in trafficking. If you do, you are in big trouble and its going to cost you the contract.

The DOD Inspector General, Joseph Schmitz, has released phase one of a global assessment of human trafficking as it relates to the Department of Defense and its activity. We have found that in many of our deployments, that many of our soldiers, sailors, Marines and airmen were actually visiting places where women have been trafficked from Russia and the Philippines. And this is particularly the case in South Korea.

Thankfully, as a result of this Inspector General's report and the action plan that followed, we are achieving the zero-tolerance policy as it relates to our deployments, and hopefully NATO will follow suit soon.

Notwithstanding these initial successes, Mr. Speaker, it is clear that even more has to be done to destroy this mob-infested criminal enterprise known as human trafficking.

The bill before the House today, the Smith-Lantos bill, enhances our efforts. I thank the gentleman from California (Mr. LANTOS) for his leadership on this. We are working in a partnership that is really making a difference. This legislation that is before us today tries to update, expand, and improve our law. There have been lessons learned since the first law was enacted 3 years ago. They are incorporated into this legislation as we try to do a better job in mitigating the suffering of the victims while simultaneously going after those who traffic and the countries that harbor traffickers who are part of the problems themselves.

Mr. Speaker, I would ask my colleagues to support this legislation. It has a number of mutually-reenforcing provisions, just like the original bill. But it updates current law and expands it as well. For example, we would now require that U.S. contracts relating to international affairs contain clauses authorizing termination by the United States if a contractor engages in human trafficking or procures commercial sexual services while the contract is in force.

We have found, Mr. Speaker, through hearings that have been held, that companies like DynCorps, where we have provided money for their overseas work in the area of policing, particularly in the Balkans, that some of their members, some of those that we are underwriting the cost of, are engaged in trafficking. This is unacceptable. Unfortunately, the only things that happened to those individual employees was they were sent home. The contract continued unabated. This legislation will say, Department of State, DOD or any of the others can rip up that contract if a contractor's personnel are involved in trafficking.

We also promote innovative trafficking prevention initiatives, such as border interdiction programs. And we urge working with private/public partnership on trying to educate and alert travelers as to what is going on with our sex tourism laws so that they know they will be prosecuted. An informational campaign will follow from that.

We provide protections for trafficking victims by allowing State or local law enforcement authorities to assist in identifying the victims of trafficking who have cooperated in the investigation or prosecution of trafficking crimes.

We allow trafficking victims to sue their traffickers in U.S. courts. We eliminate the requirement that the victim of trafficking between the ages of 15 and 18 must cooperate with the investigation and the prosecution of his or her trafficker in order to be eligible for a T Visa. That was an oversight in the first law. It is fixed in this legislation.

We allow benefits and services available to victims of trafficking to be available to their family members and that they may be legally entitled to join them here in the United States. So we do not have the separation and we do not have the situation where they can be exploited back home because their daughter or their sister or their wife, who had been trafficked, goes into a situation of protection here. They are no longer vulnerable back home. They can come and join them as immigrants.

We also provide prosecution of trafficking-related crimes through a number of provisions, including making human trafficking crimes predicate offenses for RICO charges. We encourage the use of international law enforcement academies to train foreign law enforcement authorities, prosecutors and members of the judiciary regarding human trafficking. We permit Federal anti-trafficking statutes to be used to prosecute acts of trafficking involving foreign commerce or occurring in a special maritime or territorial jurisdiction of the United States.

Equally important in this bill we would elevate, John Miller's position, the Director of the Trafficking in Persons Office, an ambassador-at-large, raising his status and the ability to make changes both in the building, as well as outside of it, in this very important fight.

There is much more. Naturally, we authorize the money it will take to do the job and effectively implement the new law. By and large, this bill is a significant upgrading. This is a bipartisan bill. Again, I want to thank the gentleman from California (Mr. LANTOS) for his leadership on this.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, first I would like to congratulate my good friend, the gentleman from New Jersey (Mr. SMITH), vice chairman of the Committee on International Relations, for his continuing dedication to the critical issue of fighting trafficking in persons. The gentleman from New Jersey (Mr. SMITH) has brought his passionate and principled commitment to this most important matter, and I want to congratulate him.

I am proud to be an original cosponsor of this important reauthorization bill, and I want to thank the chairman, the gentleman from Illinois (Mr. HYDE), for bringing the matter to the floor today. I also want to express publicly my appreciation to the chief democratic council, Mr. David Abromowitz for his invaluable work in connection with this legislation.

Mr. Speaker, in the 106th Congress, the gentleman from New Jersey (Mr. SMITH) and our former colleague, my predecessor as the ranking member of the Committee on International Relations, Mr. Gejdenson of Connecticut, expended enormous energy to pass the Trafficking Victims Protection Act of 2000. At that time, the shocking truth was that thousands of men and women were being forced to labor in fields across the United States without pay, to work endless hours in sweatshops, and to serve in sexual slavery in cities across this country.

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U.S. prosecution of traffickers faltered because attorneys in our Department of Justice did not have the right tools to pursue new forms of trafficking, which often relied on threats, not chains, and on document fraud, not bills of sale.

Overseas, millions of people were being used as chattel, and the brothels of Bombay and Bangkok were overflowing with prostitutes, many of them pitifully young girls who were forced to provide sex.

Governments were barely aware of what was happening to their own people. They usually blamed the victims instead of helping them.

Today, Mr. Speaker, the picture is visibly brighter. Empowered by the Trafficking Victims Protection Act of 2000, the Attorney General is prosecuting cases from all over the United States. Victims are coming forward because of the Federal benefits we are offering to them as we treat them like the refugees that they are.

Naming countries that are not making significant efforts to combat trafficking and threatening them with sanctions are forcing measurable changes in the way that governments around the globe are facing this modern-day form of slavery. This vicious practice is under assault from all directions.

But, Mr. Speaker, trafficking in human beings remains a significant problem. In Brazil, for instance, an estimated 40,000 men, women, and children are forced to toil in large estates to clear land, mine for precious minerals, and produce charcoal and rubber. The abhorrent conditions in which they work amount to slavery in the 21st century in our own hemisphere.

Although the recently installed administration of President Lula has done much to free many of these trapped laborers, resource constraints, political unwillingness to seek legislative changes and a powerful group of large estate owners impede additional efforts.

Mr. Speaker, we clearly need to do more. In the 2½ years since the enactment of the trafficking legislation, we have learned much more about the phenomenon of trafficking and how to combat it. The legislation before us today, the Trafficking Victims Reauthorization Act of 2003, implements these new lessons. For example, our bill authorizes new strategies for prevention, including using trafficking victims to identify traffickers at the borders and deterring sex tourism, which is part of the fuel of sex slavery around the globe.

It increases protection by making measured expansions of the visa category for trafficking victims. It improves cooperation with respect to State and local trafficking prosecutions, which are increasingly in the front line of law enforcement in this area. It enhances prosecution of traffickers by ensuring that trafficking is treated like the organized crime that it is. It coordinates more effectively Federal efforts by ensuring a comprehensive report on our efforts and by establishing an interagency group to ensure compliance.

I believe the administration in this regard should consider using the expertise developed in the interagency group to review all U.S. assistance programs that affect trafficking victims, including public health programs such as HIV/AIDS that target trafficking victims.

Mr. Speaker, before concluding, I want to commend the President for expressing his commitment to combat trafficking human beings in his speech before the General Assembly of the United Nations this past September. I welcome the President joining our fight against human rights abuses, both in the area of sex trafficking and forced labor.

Indeed, our bill demonstrates a continuing congressional commitment to fighting this outrage by authorizing additional funds for U.S. agencies to combat this human rights crisis around the globe.

Finally, Mr. Speaker, the original legislation, we must all remember, was one of the singular achievements of our late colleague from Minnesota, Senator Paul Wellstone. Adopting this legislation is a fitting tribute to his memory.

I urge all of my colleagues to support H.R. 2620.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my good friend and colleague, who has been a champion on behalf of human rights in general but particularly on this issue of trafficking. His bill, the Commerce, Justice and State appropriations bill, contains many of the provisions that need to be implemented. And not only has he faithfully implemented those; he has provided additional funding and resources for that. So I want to thank him for his leadership.

Mr. WOLF. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 2620, the Trafficking Victims Protection Reauthorization Act of 2003. I want to particularly commend the gentleman from New Jersey (Mr. SMITH) for his leadership in Congress and around the world on combatting trafficking but also on all of these issues. Whenever we see the House is ready to take up an issue like trafficking or to help the exploited, whether it be women or children, the gentleman from New Jersey (Mr. SMITH) will always be here; the gentleman from California (Mr. LANTOS) will always be there; the gentleman from Illinois' (Mr. HYDE) name will always be on the bill. So I just want to particularly thank the gentleman from New Jersey (Mr. SMITH) today and the gentleman from California (Mr. LANTOS) for their efforts with regard to this issue.

I also want to thank the gentleman from Illinois (Mr. HYDE) for his work in moving this legislation. All of them, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE), have shown great leadership and vision and commitment in human rights on all of these issues.

I also want to particularly commend the Office of Trafficking at the State Department. It has done a good job under the leadership of our former colleague, John Miller. John Miller was a great Member of Congress. He represented the Seattle area and used to vote against giving MFN to the barbarians in China because they were persecuting Catholics, Protestants, Muslims, Tibetans, the Dalai Lama's people there. Yet John Miller used to get up and always oppose granting MFN and Seattle was ground zero with regard to Boeing.

John has done an outstanding job. The State Department produces an annual report that is improved each year on the status of trafficking in every country, and John has played a key, key role.

I heard the gentleman from California (Mr. LANTOS) mention it as I was walking in. I want to commend the President of the United States, President George Bush. I was pleasantly surprised, not surprised but pleased, to see the statement that the President made when he addressed the U.N., and he said there is a special evil in the abuse and exploitation of the most innocent and vulnerable. He went on to say we must show new energy in fighting back an old evil, and that is what the bill that the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) are handling today; and he said nearly two centuries after the abolition of the transatlantic slave trade, more than a century after slavery was initially ended in its last stronghold, to trade in human beings for any purpose must not be allowed to thrive in our time. The President was right, and I want to commend and we should commend the President for providing the leadership and putting John Miller where he is and working with the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) to take care of this problem.

Also, I would urge at the end we remember in our own city, there are several hundred thousand young women who are sexually trafficked here in the United States. As we tell countries abroad, put pressure on them, we have to make sure we do everything. So modeling what the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) did, we are going to try to have a national conference next year dealing with the issue in our own country so that we can eliminate this, not just reduce it, but eliminate it.

So in closing, I urge all Members to support this and want to again thank the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE) because those three each and every time have been down here defending the weak, the vulnerable in our society.

Mr. LANTOS. Mr. Speaker, first I want to thank my good friend from Virginia for his most gracious words.

Mr. Speaker, I am delighted to yield as much time as she might consume to my distinguished colleague and dear friend, the gentlewoman from California (Ambassador WATSON).

Ms. WATSON. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. LANTOS), for his thorough commitment to the right causes, and I thank the gentleman from New Jersey (Mr. SMITH) for being on the point.

According to the latest U.S. Government estimates, some 800,000 to 900,000 people worldwide are trafficked across borders each year for forced labor or sexual exploitation. Although men are also victimized, the overwhelming majority of those trafficked are women and children. In addition, trafficking in people for prostitution, domestic servitude, and forced labor is an increasing area of international criminal activity.

The reasons for the increase in trafficking are many. In general, the criminal business feeds on poverty, despair, war, crisis, and ignorance. Trafficking is considered one of the largest sources of profits for organized crime, generating 7 to $10 billion annually, according to United Nations estimates.

The largest number of victims are annually trafficked from Asia and the Pacific region, according to the U.S. Department of State. The growth of sexual tourism in this region is one of the main contributing factors.

Mr. Speaker, as my colleagues know, Congress passed the Victims of Trafficking and Violence Protection Act of 2000, which strengthened many provisions of law dealing with trafficking in persons for sexual and other exploitation. The Trafficking Victims Protection Reauthorization Act of 2003 is critical to maintaining the progress already achieved.

H.R. 2620 authorizes new strategies for prevention, including using trafficking victims to identify traffickers at the borders and to deter sex tourism. It increases protection by making measured expansions of the visa category for trafficking victims. It also improves cooperation with respect to State and local trafficking prosecutions, which are increasingly the front line of law enforcement in this area. This legislation will also enhance the prosecution of traffickers by ensuring that trafficking is treated like the organized crime that it is.

Mr. Speaker, we should also be very concerned about human trafficking and human rights that are violated right here in this country. H.R. 2620 coordinates Federal efforts by ensuring a comprehensive report on United States antitrafficking actions and by establishing an interagency group to ensure compliance.

I urge my colleagues to support this most-needed legislation, and I thank those who are sponsoring this piece of legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I just have a few closing comments. We have no further speakers, so I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before closing, I would first like to recognize my friend and colleague from New York (Ms. SLAUGHTER) for her leadership on this issue for many years and for her commitment to this most important cause.

I would like to yield for a colloquy with the distinguished vice chairman of our committee and the principal sponsor of this legislation.

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Mr. Speaker, as the gentleman from New Jersey (Mr. SMITH) knows, as in other bills, there are provisions in this legislation that represent a compromise and do not go as far as either side would like. In this case, Mr. Speaker, there is a provision that prohibits providing funds to any organization that promotes, supports, or advocates the legalization of the practice of prostitution. Some have raised concerns regarding this provision since the committee has reported this bill, and I think that this provision needs some clarification.

When this provision was drafted, it was my understanding that an organization can satisfy this requirement if it states in a grant application or in a grant agreement or both that it does not promote, support, or advocate such action since it has no policy regarding this issue. Just to be clear on this point, I yield to the gentleman from New Jersey (Mr. SMITH) to confirm that this is his understanding of the statute.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I agree with the interpretation of the gentleman from California (Mr. LANTOS). It was also my understanding that an organization can satisfy the prohibition that the gentleman has referred to if it states in a grant application, a grant agreement, or both that it does not promote, support, or advocate such actions since it has no policy regarding this issue.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH). On that basis, I would say this is a good bipartisan bill, and I strongly urge all of my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I thank the gentleman from California (Mr. LANTOS), and say a very special thanks to the gentleman from Illinois (Chairman HYDE), who has been a stalwart in promoting this legislation. When the gentleman from Illinois was chairman of the Committee on the Judiciary, 3 years ago, we ran into a serious barrier to provisions which referred to the Committee on the Judiciary. Mr. HYDE and Charles Kennedy, our former colleague, were indispensable in making sure that the legislation was not bottlenecked in that committee, and sure enough, a compromise was worked out, and the bill was released out of the Committee on the Judiciary.

I also thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue as well. And majority leader TOM DELAY for supporting the bill and getting it to the floor. I also thank Renee Austell and Walker Roberts for their work from the Committee on International Relations, Dorothy Taft who is our chief of staff for the Commission on Security Cooperation in Europe, Maureen Walsh, who is also from the commission, who has worked on this, George Phillips, Dina Funderburk who works in the office of the gentleman from Texas (Mr. DELAY), David Abramowitz, a good friend on the Democratic side who has worked so well with us, and I specially want to thank Joseph Rees, who is now our U.S. Ambassador to East Timor. He worked night and day on the original trafficking law and other pieces of legislation when he was staff director of the Subcommittee on International Operations and Human Rights. Joseph used to be the general counsel for the INS. He knew those issues intimately and was indispensable in getting the original trafficking legislation passed. It took almost 2 years to craft that legislation. It ran into a myriad of obstacles. It was referred to four full committees, 11 subcommittees. A number of barriers had to be overcome, and Joseph did a great job, and I thank him for that.

I also remind my colleagues, and I did not go through all of the provisions, but there is so much in this bill. Just recently, the President determined which countries were Tier III, egregious violators which were not making serious and sustained efforts to get off the list, thereby subjecting themselves to a number of sanctions that will be imposed. There are a number of countries that are Tier II. In other words, they have a very serious problem with human trafficking, but they have taken efforts to get off the list. They have passed laws, issued decrees, prosecuted traffickers, and protected victims, but we are concerned, that there could be some erosion or backsliding so they will be watched.

I believe under John Miller's leadership and, of course, with the strong oversight capabilities of the Congress, we will keep pressure on those countries. We create in this bill a new watch list to try to prevent that kind of slippage from occurring. Yes, the sword of Damocles has been removed, for the time being, from these countries, and there were some 15 that were on Tier III that were at risk of losing significant benefits from the United States Government, many of which got off that through a flurry of activity. But I want them to know, and I say this in bipartisan way, we will be watching. If there is any backsliding, if they do not continue the work to mitigate, and hopefully end, this horrific practice of human slavery, they will lose those benefits. We will take our case everywhere, including the World Bank, international multilateral lending institutions, and they will lose their support if they do not end this complicity in human trafficking. So the watch list is a very important inclusion in this statute or soon-to-be statute. I just want to bring Members' attention to it.

Mr. Speaker, this is a good bill, a bipartisan bill, and I hope Members will support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2620, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

E-911 IMPLEMENTATION ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2898) to improve homeland security, public safety and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "E-911 Implementation Act of 2003" .

SEC. 2. COORDINATION OF E-911 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 158. COORDINATION OF E-911 IMPLEMENTATION.

"(a) E-911 IMPLEMENTATION COORDINATION OFFICE.—

"(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

"(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E-911 services; and

"(B) create an E-911 Implementation Coordination Office to implement the provisions of this section.

"(2) MANAGEMENT PLAN.—The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5-year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

"(3) PURPOSE OF OFFICE.—The Office shall—

"(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve such coordination and communication;

"(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E-911 services;

"(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

"(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

"(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

"(4) REPORTS.—The Assistant Secretary and the Administrator shall provide a joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E-911 services.

"(b) PHASE II E-911 IMPLEMENTATION GRANTS.—

"(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, after consultation with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation of phase II E-911 services through planning, infrastructure improvements, telecommunications equipment purchases, and personnel training.

"(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 50 percent. The non-Federal share of the cost shall be provided from non-Federal sources.

"(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

"(A) in the case of an eligible entity that is a State government, the entity—

"(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

"(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of E-911 services, except that such designation need not vest such coordinator with direct legal authority to implement E-911 services or manage emergency communications operations;

"(iii) has established a plan for the coordination and implementation of E-911 services; and "(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E–911 services; or

"(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

"(4) CRITERIA.—The Assistant Secretary and the Administrator shall jointly issue regulations within 180 days of the enactment of the E–911 Implementation Act of 2003, after a public comment period of not less than 60 days, prescribing the criteria for selection for grants under this section, and shall update such regulations as necessary.

"(c) DIVERSION OF E–911 CHARGES.—

"(1) DESIGNATED E–911 CHARGES.—For the purposes of this subsection, the term 'designated E–911 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that—

"(A) appear on telecommunications services customers' bills; and

"(B) are designated or presented as dedicated to deliver or improve E–911 services.

"(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E–911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented.

"(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E–911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

"(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

"(A) not be eligible to receive the grant under subsection (b);

"(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

"(C) not be eligible to receive any subsequent grants under subsection (b).

"(d) AUTHORIZATION; TERMINATION.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than $100,000,000 for each of the fiscal years 2004 through 2008.

"(2) TERMINATION.—The provisions of this section shall cease to be effective on October 1, 2008.

"(e) DEFINITIONS.—As used in this section:

"(1) OFFICE.—The term 'Office' means the E–911 Implementation Coordination Office.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Highway Traffic Safety Administration.

"(3) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

"(B) INSTRUMENTALITIES.—Such term includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide E–911 services.

"(C) EXCEPTION.—Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

"(4) E–911 SERVICES.—The term 'E–911 services' means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission's regulations (47 CFR 20.18), as in effect on the date of enactment of this section, or as subsequently revised by the Federal Communications Commission.

"(5) PHASE II E–911 SERVICES.—The term 'phase II E–911 services' means only phase II enhanced 911 services, as described in such section 20.18 (47 CFR 20.18), as in effect on such date, or as subsequently revised by the Federal Communications Commission.".

SEC. 3. REPORT ON THE DEPLOYMENT OF E–911 PHASE II SERVICES BY TIER III SERVICE PROVIDERS.

Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate detailing—

(1) the number of tier III commercial mobile service providers that are offering phase II E–911 services;

(2) the number of requests for waivers from compliance with the Commission's phase II E–911 service requirements received by the Commission from such tier III providers;

(3) the number of waivers granted or denied by the Commission to such tier III providers;

(4) how long each waiver request remained pending before it was granted or denied;

(5) how many waiver requests are pending at the time of the filing of the report;

(6) when the pending requests will be granted or denied;

(7) actions the Commission has taken to reduce the amount of time a waiver request remains pending; and

(8) the technologies that are the most effective in the deployment of phase II E–911 services by such tier III providers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2898.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider H.R. 2898, the E–911 Implementation Act of 2003, bipartisan legislation introduced by two members of the Committee on Energy and Commerce Subcommittee on Telecommunications and the Internet, the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from California (Ms. ESHOO). As chairman of the Subcommittee on Telecommunications and the Internet, I am a proud original sponsor of this legislation as well.

Mr. Speaker, what many of our constituents may not realize is that when they make a 911 call from their cell phones, many emergency dispatch centers, otherwise known as public service answering points or PSAPs, cannot automatically locate where that call is coming from, unlike when such calls are made from landlines. All too often, we have heard horrific stories of how first responders could not get to a cell phone 911 caller quickly enough, or maybe not even at all, because they could not automatically locate where that caller was, and the circumstances were such that the caller was not able to tell the first responder where they were calling from. In such emergencies, time is of the essence. Seconds in such emergency responses can literally mean the difference between life and death.

For a number of years, our Nation's wireless carriers and PSAPs have been in the midst of deploying Phase II E–911, which would, in fact, provide PSAPs with the automatic location information of cell phone callers who dial 9–1–1. While our Nation's wireless carriers have been deploying the technology and the infrastructure to achieve Phase II E–911, our Nations PSAPs have been confronted by enormous challenges in getting their piece of the puzzle in place.

Our Subcommittee on Telecommunications and the Internet held a number of hearings on how we could overcome these challenges, and we arrived at a number of conclusions which form the basis of this legislation, H.R. 2898.

First and foremost, we need to help our Nation's PSAPs cope with the financial demands of becoming Phase II ready. This bill answers the call by providing a significant grant program in the amount of $100 million a year for 5 years, with a 50 percent non-Federal match requirement to States and municipalities to help them procure their Phase II equipment as well as their training.

Second, we need to ensure coordination and information sharing at all levels of government and with the other stakeholders as they continue to sort through the maze of challenges that lay ahead. This bill answers that call, too, by not only incentivizing States to have statewide E–911 coordinators, but also establishing a new Federal E–911 Coordination Office that will be a joint program office between NHTSA and the NTIA.

Third, we heard that some States have raided their E-911 surcharge monies collected from wireless customers for things completely unrelated to E-911. This is nothing more than picking the pockets of consumers and stealing the funds which should be going toward deployment of this life-saving technology. This bill answers that call by creating disincentives to States who raid those E-911 funds. More to the point, no entity will be eligible for grant monies under this bill if they reside in a State that is raiding those E-911 surcharge accounts.

This bill has been favorably and unanimously reported out of our subcommittee and the full committee as well. Also, I would note it has been endorsed by two major public safety communications associations: The National Emergency Numbering Association and the Association of Public Safety Communications Officers, not to mention the Cellular Telecommunication and Internet Association.

I commend the gentleman from Illinois (Mr. SHIMKUS), who will be speaking later, as well as the gentlewoman from California (Ms. ESHOO) who will control the time for the other side for their bipartisan leadership on this important issue.

I also thank the gentleman from Louisiana (Chairman TAUZIN); the ranking member on the full committee, the gentleman from Michigan (Mr. DINGELL); and the gentleman from Massachusetts (Mr. MARKEY), the subcommittee ranking member, for their cooperation and teamwork. Finally, I want to thank the staff who have committed so much time and effort to the legislation, including Howard Waltzman and Will Nordwind from the majority committee and subcommittee staffs; Pete Filon and Colin Crowell from the minority committee and subcommittee staffs; and Courtney Anderson and Eric Olson for the sponsors' staff.

Mr. Speaker, getting Phase II E-911 deployed will save lives, so passage of this bill is of the utmost importance. I would urge Members to support this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this E-911 Implementation Act of 2003, legislation introduced with the gentleman from Illinois (Mr. SHIMKUS), who is also the cochair of the E-911 caucus, and a long-time partner in ensuring that our public safety community has the very best tools to locate every caller who dials 9-1-1.

The tragic events of September 11 and the continuing threat of terrorism within our country have increased the need for a reliable 911 system. Citizens across the country are being encouraged to call 9-1-1 whenever they notice suspicious activity. Our 911 system is really the backbone of hometown security.

E-911 or Enhanced 911 provides caller information, location information to public safety officials the second a call is made. Many people do not realize that when an emergency call is made to 911, the speed with which the ambulance or the police car is dispatched depends on whether you are calling from your home phone or your cellular phone. Our bill ensures there is no difference in response between landline and cellular phones because every second counts when there is a life-threatening emergency.

Why should this be a priority for the Federal Government and the Congress, because over 150,000 wireless 911 calls are made every day representing over half of the 911 calls in our country. Each one of these calls is the single most important one that an individual will make because cell phones can and do save lives.

I have worked on this issue since 1996, when I introduced legislation to ensure that public safety entities would have the same ability to locate a wireless call as they do a wireline call.

□ 1545

The bill we bring before the House today passed both the Subcommittee on Telecommunications and the Internet and then the full Committee on Energy and Commerce by unanimous votes. That is not an easy thing to do with most legislation, so I am really proud of the effort that has been launched.

There are two key shortcomings hindering wireless 911 implementation today: funding and coordination. Our bill addresses both of these shortcomings by creating a joint E-911 implementation and coordination office at the Departments of Commerce and Transportation to better coordinate Federal, State, and local emergency communication services. If they are not coordinated, in short, it is not going to work. By authorizing $500 million in grants over 5 years to enhance our emergency communication systems all across our country in all of our communities; and by preventing any State that has diverted their 911 fees for other purposes from qualifying for these Federal dollars. So we are motivating the States to join with us and to be able to make use of the dollars that we are setting up and not divert the money for other uses anymore.

Unfortunately, some States, including my own State of California, have raided the funds they have collected for 911 services, and they have used the funds for other purposes. This bill will end that practice, and we will be able to use the dollars that are collected to upgrade our E-911 facilities. This bill provides a Federal authorization to upgrade and to improve that emergency communication network across our country.

As my colleagues know, every bill authorizing Federal funds must be coupled with corresponding appropriation. I will work with my colleagues on both sides of the aisle to make sure that this very important authorization is fully funded. If it is not, it is not going to work.

No bill makes it to the floor of the House without the support and the guidance of our chairmen and our ranking members. I want to especially thank and salute Chairman TAUZIN and Chairman UPTON, without them, clearly we would not be here today, as well as Ranking Members DINGELL and MARKEY for making this bill a priority. I also want to thank the staff members who helped shape this legislation, especially Howard Waltzman who has done yeoman's work. I really salute you, Howard. And to Will Norwind with the Committee on Energy and Commerce staff; Peter Filon with the gentleman from Michigan (Mr. DINGELL); Colin Crowell with the gentleman from Massachusetts (Mr. MARKEY); Courtney Anderson with the gentleman from Illinois (Mr. SHIMKUS); and our wise telecommunication legislative counsel, Steve Cope. No one has done more, in my view, than Eric Olson of my staff. I am proud of his work, and I am very grateful to him for it.

I would also like to thank Steve Seitz, Richard Taylor, John Melcher, and the brave men and women of the National Emergency Numbering Association who continually strive to improve and enhance our Nation's emergency communications system. I am especially proud of Chip Yarborough, a member of NENA, who has worked tirelessly to ensure the 911 system in my congressional district works seamlessly to help those who need it. Bob Gurss with the Association of Public Safety Communications Officials, David Ayward of ComCare, Jonas Neihardt with Qualcomm, Mike Amarosa of True Position and the Cellular Telephone Industry Association all deserve our thanks for making E-911 a priority. Their critical assistance has really ensured that this bill improved at every step of the process. It has been a long journey, and I want to salute them, too.

Last but not least, I want to thank the gentleman from Illinois (Mr. SHIMKUS), my wonderful colleague and partner in this. He has been a believer. He has been a leader. He has used his humor as well as all his legislative tools to move this along. I cannot thank him enough. He has been a wonderful partner. It has been fun doing this with the gentleman.

I urge all of my colleagues to support this legislation because it is good for our country and it is going to move us ahead and be able to coordinate at every level for every emergency whether it is at the local level or at the national level. I am proud to have been a part of this.

Mr. Speaker, I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the full committee.

Mr. TAUZIN. Mr. Speaker, let me first indicate that, of course, I am rising in strong support of H.R. 2898, the E–911 Implementation Act of 2003. House bill 2898 has already passed the House Committee on Energy and Commerce; and it did so unanimously, as one might expect.

Mr. Speaker, it is important we commend the authors, first of all. I want to congratulate the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from California (Ms. ESHOO) for this incredibly important legislation. I obviously want to thank the gentleman from Michigan (Mr. UPTON), the chairman of the subcommittee, who has done such a great job, along with the gentleman from Massachusetts (Mr. MARKEY), the ranking member, in moving this bill forward. Of course, we always need to extend our great thanks for the cooperative spirit we always get from the ranking member of our committee, the gentleman from Michigan (Mr. DINGELL), who has on so many occasions provided the bipartisan spirit by which we move important pieces of legislation like this.

Mr. Speaker, most of the bills we debate in this body are about money, about how to spend it and who to spend it on and what are our priorities, how to raise it and how to distribute it in this great country. This bill is about lives. It is about saving lives. It is about improving the infrastructure by which this country addresses the worst of situations Americans find themselves in, lost on a highway, in the middle of an accident with nobody there to help them; a young woman on a bike path or a jogging path who gets assaulted, who tries to get help in the 911 system but no one can locate her.

It is about whether or not an ambulance arrives in time to save a life or in some cases to save a limb or to save someone from a debilitating injury that could have been prevented if only the first responders could have gotten there in time. It is also about in this time of national concern with terrorism and this war we constantly battle now, a question of whether our infrastructure is going to be good enough for us to quickly respond when things happen that we hope will not happen again in this country.

It is about saving lives, like the Firestone investigation that our committee conducted several years ago that produced the first major rewrite of highway safety laws in 30 years that was adopted in this House unanimously and in the Senate unanimously. A remarkable process. Like that bill, this bill when it becomes law, when it is fully implemented, will save American lives, will create the possibility of smart cars, will take the search out of search and rescue, and will give us a chance to quickly locate people who need to be located quickly because relief, help, medical attention, other services must reach them quickly to save a life or prevent, as I said, a debilitating injury. E–911 is all about that.

The grants in this bill will go to those communities that more aggressively push out the PSAPs, the point of answers in the local systems that are going to be important to this system to work. It is going to help wireless systems and the wired systems cooperate so that we can in fact have an infrastructure that communicates well with one another. Those points of presence that are going to make a difference as to whether or not you have E–911 present in your community are going to be spreading out across this country and be more available to more and more communities as a result of the grants in this program. This bill makes it clear to communities that the moneys we have given them for E–911 deployment that have been siphoned off and used for other purposes is not going to be tolerated. This is lifesaving money, and no one should be raiding those funds for any other purpose. This bill makes it clear we will not tolerate that anymore.

The sooner these systems are in place, trust me, someone you love will thank you, because someone you know, someone you love in the district you are so honored and privileged to represent back home, someone will have some life saved. Someone will come out of a horrible accident with help in time to prevent a disabling condition that could have been prevented if the ambulance or the medics arrived in time. Someone will thank you that today this House, and hopefully the other body quickly, will pass a law that implements this system sooner rather than later in time to make a difference. That is how important this legislation is today.

So while we stay here in the waning days of November trying to wrap up our money business, all our appropriation measures and a few other critical, important things, today will be an extremely important day in the history of this Congress, because today we are going to save some lives.

Mr. Speaker, I rise today in strong support of H.R. 2898, the E–911 Implementation Act of 2003. H.R. 2898 passed the House Energy and Commerce Committee unanimously on October 1st.

I commend the bill's sponsor, Representatives SHIMKUS and ESHOO, for introducing this important legislation. And I commend Subcommittee Chairman UPTON and Ranking Member MARKEY for moving it expeditiously through their subcommittee. Finally, I want to thank my good friend JOHN DINGELL for his cooperation with moving H.R. 2898 through our committee.

H.R. 2898 will help states and localities that are making a strong effort to implement Phase II E–911 services. The nation's largest wireless carriers have done a good job implementing or putting themselves on a clear path to implementing Phase II E–911 technology in their networks and handsets.

But the readiness of carriers to provide safety answer points (PSAPs) with location information will be meaningless if PSAPs do not have the ability to use such information. And too many PSAPs are woefully behind in deploying E–911 services. Only 18 percent of PSAPs and 11.8 percent of counties nationwide have implemented Phase II E–911 technology.

Mr. Speaker, nationwide implementation of Phase II technology has enormous public safety and homeland security benefits for the United States. We can save countless lives if emergency personnel can locate people with life-threatening injuries. And law enforcement will be able to prevent or detect more terrorist activities.

Mr. Speaker, I would like to dispel a few myths about this bill. This bill does not reward counties and PSAPs that are sitting on their hands rather than deploying Phase II services.

No state, county, or PSAP, can simply come to the federal government and ask it to pay for Phase II deployment. H.R. 2898 has a minimum 50 percent matching requirement. You have to be actively engaged in Phase II deployment in order to qualify for money under this program.

Some have argued that Congress does not need to authorize new spending for this initiative and that funding for it should be derived from existing homeland security and law-enforcement funds. Well, robbing Peter to pay Paul is not how we are going to solve our nation's homeland security and law-enforcement problems. Congress should be funding homeland security and E–911 initiatives; Congress should not choose between the two.

Some have argued that H.R. 2898 does not provide enough specific eligibility criteria to ensure that the agencies implementing the legislation will not provide grants to wealthy counties. But Congress does not need to unnecessarily tie the hands of NTIA and NHTSA. I expect NTIA and NHTSA to work very closely with Congress when it crafts the eligibility requirements. Grants should be, and will be, distributed based on means and will reward entities that are devoting significant resources of their own on Phase II E–911 deployment.

And this bill ensures that grants cannot be distributed to counties in states that are raiding E–911 funds for other purposes. This critical element of the bill provides a huge incentive to states and localities to devote their resources to E–911 deployment.

Mr. Speaker, I again commend my colleagues for their hard work on H.R. 2898, and I strongly urge my colleagues to vote in favor of this legislation.

Mr. UPTON. Mr. Speaker, I submit three letters for printing in the CONGRESSIONAL RECORD: one from the

CTIA, another from APCO, and the remaining one from the National Emergency Number Association in support of the legislation.

CELLULAR TELECOMMUNICATIONS &
INTERNET ASSOCIATION,
WASHINGTON, DC, OCTOBER 27, 2003.

Hon. BILLY TAUZIN,
Chairman,
Hon. JOHN DINGELL,
Ranking Member,
Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN TAUZIN AND CONGRESSMAN DINGELL: On behalf of the Cellular Telecommunications & Internet Association (CTIA), I would like to express our support for H.R. 2898, the E9-1-1 Implementation Act of 2003. CTIA represents more than 400 member companies, including both wireless carriers and manufacturers of wireless telecommunications equipment.

Once in place, E9-1-1 location technology will speed delivery of emergency services to people in need. Unfortunately, too often, states and localities have diverted E9-1-1 funds collected by carries from wireless consumers to fund unrelated activities. This legislation will protect E9-1-1 funds while simultaneously strengthening statewide coordination and cooperation among local phone companies, wireless carriers, and public safety. The wireless industry has made important strides in developing and implementing E9-1-1 location technology. H.R. 2898 will help ensure that states and localities develop the necessary "best practices" to efficiently and effectively deploy location technology.

The wireless industry remains committed to implementing this vital technology and applauds your leadership on this important issue.

Sincerely,

STEVEN K. BERRY.

NATIONAL EMERGENCY NUMBER
ASSOCIATION,
Washington, DC, October 27, 2003.

Hon. JOHN SHIMKUS,
Hon. ANNA ESHOO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES SHIMKUS AND ESHOO: Those of us in the public safety community have long championed the belief that a robust nationwide Enhanced 9-1-1 (E9-1-1) system for wireless telephone calls is one of the most important components of a nationwide plan to promote national security and public safety. The accomplishment of this goal requires close coordination among public safety officials, the communications industry, and relevant government officials.

On behalf of the National Emergency Number Association (NENA), and our 7,000 members, we applaud your leadership, initiative and co-sponsorship of H.R. 2898, the "E9-1-1 Implementation Act of 2003." We further support your leadership, by endorsing H.R. 2898 and the need for national legislation to provide additional funding for state and local government implementation of E9-1-1 across the nation.

In supporting H.R. 2898, we seek priority of our nation's 9-1-1 system. And as a national priority, we must stop the improper siphoning of public funds that have been set aside to upgrade the 9-1-1 system. Equally we must provide additional assistance from the federal government to complete the implementation of E9-1-1. Enabling our 9-1-1 system to locate a caller in an emergency is fundamental to our nation's homeland security, defense and response capabilities in the 21st Century.

While there is much to applaud in the many ongoing efforts to implement E9-1-1, the goal of E9-1-1 "anywhere and everywhere" remains elusive. For this reason, we strongly encourage and support a greater role from the federal government to provide resources, leadership and expectations to ensure a fully functional E9-1-1 system today; and well into the future.

Again, we thank you for your leadership and urge the Congress to take steps to improve our nation's 9-1-1 system.

RICHARD TAYLOR,
President.

APCO INTERNATIONAL,
Daytona Beach, FL, October 27, 2003.

Hon. W.J. TAUZIN,
Chairman, Energy and Commerce Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMAN TAUZIN: I am writing to reiterate our strong support for H.R. 2898, the "E9-1-1 Implementation Act of 2003." The bill will provide a critical source of funding to help state and local governments to implement technology to locate 9-1-1 emergency calls from wireless telephones.

FCC regulations currently require wireless telephone companies to implement technology to locate 9-1-1 calls. Without that capability, emergency first responders may be unable to find emergencies in time to save lives and property, especially where those reporting the emergency are unable to identify accurately their exact location.

State and local government emergency communications centers, known as "Public Safety Answering Points" or "PSAPs" must upgrade their operations to receive and process location information from wireless phones. Unfortunately, many jurisdictions lack the resources to make those upgrades, and other funding sources are often insufficient. H.R. 2898 would establish a modest, but critical source of additional funding for this life-saving technology.

APCO is the nation's oldest and largest public safety communications organization. Most of APCO's over 16,000 members are involved in the management and operation of communications systems for state and local government police, fire, EMS and other public safety agencies. APCO hopes that Congress will move quickly to adopt this important legislation.

Sincerely,

VINCENT STILE,
President.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the bill.

Mr. SHIMKUS. Mr. Speaker, it is an honor and a privilege to be here today. I have some prepared remarks, but I think a lot of it has already been said. I have a plaque in my office that was given during my first term. It is a quote from Ronald Reagan that says: "You can get a lot done when you don't care who gets the credit." I think that is part of the success of this piece of legislation.

I want to also take the time to thank the gentlewoman from California (Ms. ESHOO) for her leadership and her friendship in this. A lot of times we move on legislation that we think is important. There are always people who see it early. She saw this need early. When we were talking about getting 911 to be the national number, she was already talking about, let's get location identification; let's worry about these other issues and push that. My personal thanks for shepherding this through.

I was at the FCC last week with my crack staffer and our friends in the other body were there, at least one of them, and I could gloat a little bit that I had heard from leadership that this bill was going to be brought up next week. Of course, in the People's house here, we always have that battle with our friends in the other body. So I also want to thank the leadership for allowing us to bring this up expeditiously because it is a piece of legislation that was crafted in the way we wish all pieces of legislation were. We know it cannot be based upon our fights over ideology and the like, but the system does work when we can look towards common goals. Our passage through the subcommittee, led by Chairman UPTON and then through the full committee led by Chairman TAUZIN, and, of course, the ranking members, MARKEY and DINGELL, made it a very easy case to say to the leadership, "this bill should be on the floor.

What does that mean? With our passage today, we now set a marker to our friends across the rotunda to say, let's move. Because this is just one part of the long dance that we have. We have to pass it here. They have to pass it. Hopefully, now we can get them to accept our language to move it more rapidly and then we can get something to the President's desk, because the sooner we get it into legislation, the sooner we get authorization language in the battle, then when the appropriations cycle begins, right now really. Even though we have not finished this year, we already should be looking at next year's appropriations cycle. We have got to get our placeholder there. We have got to get the marker in. As soon as this becomes true and just in the legislative language, we are going to have a lot of success.

We have talked with all the emergency responders. Everybody wants to do the right thing. Everybody is at different levels of technology and coordination. Basically this piece of legislation brings them together. Then it provides some grants. Everybody gets keyed up about Federal funding, but this is really small potatoes as far as dollars based upon the millions of dollars that are being put in from, in essence, the coalition, the Public Service Answer Points, the PSAPs, to the cellular industry itself, to the local exchanges. There is a lot of money being put out there.

I fortunately have a State that has been pretty good as far as putting their money into the programs. But that is not to say that they will always be that way. So when we also put this in the legislation saying this money has to go for that, otherwise you cannot apply for grants, we are going to address a major need that Chairman TAUZIN mentioned.

I have a list of 911 tragedies here. I am not going to read them, but they are from all over the country: Rochester, New York; Miami, Florida; Santa Fe, New Mexico; Fort Lauderdale, Florida; Littleton, Colorado; Day County, South Dakota; Atlanta, Georgia; Orlando, Florida; Lansing, Michigan; San Jose, California; Fort Wayne, Indiana; rural Michigan; and the State of New Jersey. No one is exempt from someone not being able to receive the care or the response because of not being identified. The 911 calls, 50 percent of them are cellular calls these days.

We are doing good public policy. I am very proud to be a part of the coalition of legislators that have found success so far. I am going to encourage all of my colleagues to help us do that in the passage today. Then we will have to get back to work and work on our friends in the other Chamber.

□ 1600

I think we will have receptive ears, and then, hopefully, we can go talk to the President and get this thing put into law.

Mr. Speaker, I thank the chairman for yielding me this time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Just in closing, I want to again thank the lead authors. They have both been real players on our subcommittee all year long. I have appreciated their active participation on so many issues. We have worked on a bipartisan basis on virtually everything, and as we look at the end of this legislative calendar year, this is certainly a major success, and I can remember our first hearings when we began this journey to get this legislation done, virtually every single Member, Republican and Democrat, personally had made a E-911 call from their cell phone. We had all had different experiences as we thought about the calls we made in our district. All of us know our district like a blanket. We could tell exactly where we were. But when we are in somebody else's district, whether it be here in Washington, D.C. or I remember the gentleman from Nebraska (Mr. TERRY), who is also very active on this, when he talked about going from Nebraska to Colorado, he had no clue where he was on that highway, wherever it was, and we all felt very frustrated as we saw these accidents literally appear before us. So this is legislation that perhaps some in the industry were not supportive of at the beginning. We pushed them along. They are now fully on board. We have sent a message to the States: They are collecting money from us in our bills to make sure that this legislation is coming through. Spend it the right way, and if they do not, then they do not participate in this program.

I think, too, the session that we had at the FCC, where the gentleman from Illinois and other Members on both sides of the aisle were there, we embarrassed some of the States that are using the money for other purposes. Let us get this money spent for the reason it is being collected, for the right cause so that we will save the lives that all of us want to save. I urge my colleagues to support this legislation.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 2898. This legislation is desperately needed to ensure the rollout of E–911 across the country.

I want to thank my colleagues ANNA ESHOO and JOHN SHIMKUS on the House Energy and Commerce Committee for their work on this issue and moving this to the floor as quickly as possible.

Improving public safety is a constant struggle, as I have learned working on improving 911 services for the Houston area and the entire state of Texas as a state legislator.

Enhanced 911, which will allow folks in trouble to be located by rescue crews and police just by dialing three simple numbers, is a necessary next step.

It is critical because many times when a wireless caller calls 911, they either cannot talk or they do not know where they are.

The technology exists to help people in danger—I saw successful demonstration at the FCC just last week. And this legislation addresses the technical issues for industry, local government, and regional concerns, so no further delay is justified.

While lives are being saved in my area of Harris County where we are Phase Two complete for E–911, lives are still being needlessly lost in other areas where compliance is lagging.

Unfortunately, many other jurisdictions, including many in large rural areas of Texas do not have the resources necessary to upgrade their 911 systems.

We are not all safe when we travel on the roads until E–911 is up and running nationwide.

Public safety should be a top priority. States moving E–911 funds to other purposes deceives wireless consumers who saw that E–911 funding on their cell phone bills.

Coming from Texas, I know what it means to children and families hit by huge budget cuts, but E–911 is necessary—it is a proven life-saver. This legislation brings funding, accountability, and sensitivity to rural areas to the process and deserves strong support.

Mr. DINGELL. Mr. Speaker, consumers who dial 911 from their wireless phones expect emergency responders to be able to locate them, just as if they had dialed 911 from a wireless phone. All too often today, however, emergency responders have no such ability.

The House is poised to take an important step to address this problem. To this end, I am pleased to support H.R. 2898, the "E-911 Implementation Act of 2003," as amended. This bill will take three important steps to help ensure that first responders can rapidly locate persons dialing 911 from a wireless phone. First, it will set up a federal office to help coordinate E-911 build-out. Second, it will provide federal matching grants to assist cash-strapped states and local communities in deploying E-911 technologies. Third, it will provide strong incentives to ensure that states no longer raid their E-911 funds for non-E-911 purposes.

I commend Chairmen TAUZIN and UPTON for working closely with Representatives ESHOO and SHIMKUS, the authors of the underlying bill and co-chairpersons of the Congressional E-911 Caucus. I am pleased to support this important bill and look forward to working with the appropriators to ensure that this grant program is fully funded.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H.R. 2898, the E–911 Implementation Act of 2003.

As a member of the Congressional E–911 Caucus, I want to thank my colleagues ANNA ESCHOO and JOHN SHIMKUS for their leadership and tireless advocacy on this critical public safety issue.

I would also like to recognize the efforts of a leader on this issue that many of you may not know—New York State Assemblyman David Koon.

Long before there was a Congressional E–911 Caucus, David was championing wireless enhanced 911. My constituents in Rochester have long appreciated David's tireless advocacy to get local government the resources they need to deploy E–911.

Today, 911 calls made on cell phones account for nearly a third of all emergency calls. By 2004, cell phones are expected to be the main source of 911 emergency calls. Most Americans with cells phones will tell you that they bought them for emergencies. They fully expect that if they have a health emergency or are in an accident—they can dial 9–1–1 and help will be on the way.

Back in 1999, Congress tried to make sure that happened by passing the Wireless Communications and Public Safety Act. However, today, most wireless phones still do not provide emergency dispatchers with automated caller location or identification information.

There's strong consumer demand for E–911, the technology needed to identify and locate wireless callers has long been available, and so Congress had to ask "why the holdup?"

The chief barrier to universal E–911 deployment is money. Many localities will tell you they have had to put off implementing E–911 because it is too costly.

This was not supposed to happen.

Under the 1999 Act, States were given the power to collect surcharges on all cell phones, blackberries and other wireless devices to fund E–911 service. Unfortunately, the E–911 fund has become an easy target for looting by states that are struggling to cover shortfalls in law enforcement and emergency service budgets.

In New York State alone, over $200 million has been collected in surcharges since 1991.

This money is supposed to be earmarked for setting up a state-wide Wireless Enhanced 911 system, but instead the money has gone to the state police, who have spent the funds on departmental dry cleaning bills, ballpoint pens, travel, are leases, grounds maintenance for precincts and winter boots, according to the New York State comptroller's office.

I strongly believe that the millions of New York residents who pay the "E–911 surcharge" on their monthly cell phone bills are owed E–911 service when they need it. That's why I am an original cosponsor of H.R. 2898.

Under this measure, $500 million in grants would be available to the states over five years to establish and upgrade E–911 facilities. I also am encouraged that H.R. 2898 would penalize states that redirect E–911 funds collected from consumer's cell phone bills. That's the only way to make them honest.

Mr. Speaker, I strongly urge my colleagues to join me in passing this important legislation.

Its essential that we act on this legislation. It will save lives. Bright, beautiful, hopeful lives of Americans are at stake.

Ten years ago, Jennifer Koon, an 18-year old, was abducted from a mall parking lot in Rochester. She called 911. Her call could not be traced and Jennifer was killed.

In 1993, the technology was not readily available. Today that is not the case. Mr. Speaker passage of H.R. 2898 is essential to providing parents, like Assemblyman David Koon, with the assurance that their children will get the help they need when they dial 911—regardless of whether they dial it on a cell phone or on their home phone.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 2898, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANIMAL DRUG USER FEE ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 313) to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs, as amended.

The Clerk read as follows:

S. 313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Drug User Fee Act of 2003".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health.

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications.

(3) The fees authorized by this Act will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

"PART 4—FEES RELATING TO ANIMAL DRUGS

"SEC. 739. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'animal drug application' means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

"(2) The term 'supplemental animal drug application' means—

"(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

"(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

"(3) The term 'animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

"(4) The term 'animal drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

"(5) The term 'investigational animal drug submission' means—

"(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application; or

"(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

"(6) The term 'animal drug sponsor' means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed from listing under section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

"(7) The term 'final dosage form' means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

"(8) The term 'process for the review of animal drug applications' means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

"(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

"(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(F) Development of standards for products subject to review.

"(G) Meetings between the agency and the animal drug sponsor.

"(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not such activities after an animal drug has been approved.

"(9) The term 'costs of resources allocated for the process for the review of animal drug applications' means the expenses incurred in connection with the process for the review of animal drug applications for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities,

"(B) management of information, and the acquisition, maintenance, and repair of computer resources,

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies, and

"(D) collecting fees under section 740 and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

"(10) The term 'adjustment factor' applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator year being 2003.

"(11) The term 'affiliate' refers to the definition set forth in section 735(9).

"SEC. 740. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

"(a) TYPES OF FEES.—Beginning in fiscal year 2004, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ANIMAL DRUG APPLICATION AND SUPPLEMENT FEE.—

"(A) IN GENERAL.—Each person that submits, on or after September 1, 2003, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:

"(i) A fee established in subsection (b) for an animal drug application; and

"(ii) A fee established in subsection (b) for a supplemental animal drug application for which safety or effectiveness data are required, in an amount that is equal to 50 percent of the amount of the fee under clause (i).

"(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

"(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

"(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

"(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph (B) if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

"(2) ANIMAL DRUG PRODUCT FEE.—Each person—

"(A) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

"(B) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application;

shall pay for each such animal drug product the annual fee established in subsection (b). Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

"(3) ANIMAL DRUG ESTABLISHMENT FEE.—Each person—

"(A) who owns or operates, directly or through an affiliate, an animal drug establishment, and

"(B) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

"(C) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual fee established in subsection (b) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment shall be assessed only one fee per fiscal year under this section, provided, however, that where a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

"(4) ANIMAL DRUG SPONSOR FEE.—Each person—

"(A) who meets the definition of an animal drug sponsor within a fiscal year; and

"(B) who, after September 1, 2003, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

"(b) FEE AMOUNTS.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be established to generate fee revenue amounts as follows:

"(1) TOTAL FEE REVENUES FOR APPLICATION AND SUPPLEMENT FEES.—The total fee revenues to be collected in animal drug application fees under subsection (a)(1)(A)(i) and supplemental animal drug application fees under subsection (a)(1)(A)(ii) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

"(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(2) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

"(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(3) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

"(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in sponsor fees under subsection (a)(4) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—The revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established; or

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2004 under this subsection.

"(2) WORKLOAD ADJUSTMENT.—After the fee revenues are adjusted for inflation in accordance with paragraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2004 to reflect changes in review workload. With respect to such adjustment:

"(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

"(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted for inflation under paragraph (1).

"(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2008, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first 3 months of fiscal year 2009. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of 3 months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2008.

"(4) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2003, for that fiscal year, animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

"(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

"(d) FEE WAIVER OR REDUCTION.—

‘‘(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that—

‘‘(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances,

‘‘(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person,

‘‘(C) the animal drug application or supplemental animal drug application is intended solely to provide for use of the animal drug in—

‘‘(i) a Type B medicated feed (as defined in section 558.3(b)(3) of title 21, Code of Federal Regulations (or any successor regulation)) intended for use in the manufacture of Type C free-choice medicated feeds, or

‘‘(ii) a Type C free-choice medicated feed (as defined in section 558.3(b)(4) of title 21, Code of Federal Regulations (or any successor regulation)),

‘‘(D) the animal drug application or supplemental animal drug application is intended solely to provide for a minor use or minor species indication, or

‘‘(E) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

‘‘(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

‘‘(3) RULES FOR SMALL BUSINESSES.—

‘‘(A) DEFINITION.—In paragraph (1)(E), the term ‘small business’ means an entity that has fewer than 500 employees, including employees of affiliates.

‘‘(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

‘‘(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver under paragraph (1)(E) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

‘‘(e) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 739(5)(B) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

‘‘(f) ASSESSMENT OF FEES.—

‘‘(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2003 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

‘‘(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, animal drug sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

‘‘(g) CREDITING AND AVAILABILITY OF FEES.—

‘‘(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

‘‘(2) COLLECTIONS AND APPROPRIATION ACTS.—

‘‘(A) IN GENERAL.—The fees authorized by this section—

‘‘(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

‘‘(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2003 multiplied by the adjustment factor.

‘‘(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of animal drug applications—

‘‘(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

‘‘(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

‘‘(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

‘‘(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

‘‘(A) $5,000,000 for fiscal year 2004;

‘‘(B) $8,000,000 for fiscal year 2005;

‘‘(C) $10,000,000 for fiscal year 2006;

‘‘(D) $10,000,000 for fiscal year 2007; and

‘‘(E) $10,000,000 for fiscal year 2008;

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

‘‘(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriations Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

‘‘(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

‘‘(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

‘‘(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

‘‘(k) ABBREVIATED NEW ANIMAL DRUG APPLICATIONS.—The Secretary shall—

‘‘(1) to the extent practicable, segregate the review of abbreviated new animal drug applications from the process for the review of animal drug applications, and

‘‘(2) adopt other administrative procedures to ensure that review times of abbreviated new animal drug applications do not increase from their current level due to activities under the user fee program.’’.

SEC. 4. ACCOUNTABILITY AND REPORTS.

(a) PUBLIC ACCOUNTABILITY.—

(1) CONSULTATION.—In developing recommendations to Congress for the goals and plans for meeting the goals for the process for the review of animal drug applications for the fiscal years after fiscal year 2008, and for the reauthorization of sections 739 and 740 of the Federal Food, Drug, and Cosmetic Act (as added by section 3), the Secretary of Health and Human Services (referred to in this section as the ‘‘Secretary’’) shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, veterinary professionals, representatives of consumer advocacy groups, and the regulated industry.

(2) RECOMMENDATIONS.—The Secretary shall—

(A) publish in the Federal Register recommendations under paragraph (1), after negotiations with the regulated industry;

(B) present the recommendations to the Committees referred to in that paragraph;

(C) hold a meeting at which the public may comment on the recommendations; and

(D) provide for a period of 30 days for the public to provide written comments on the recommendations.

(b) PERFORMANCE REPORTS.—Beginning with fiscal year 2004, not later than 60 days after the end of each fiscal year during which fees are collected under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

(c) FISCAL REPORT.—Beginning with fiscal year 2004, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (b), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2008, and section 4 shall not be in effect after 120 days after such date.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the lead sponsor of the House-passed version of the Animal Drug User Fee Act of 2003, it is my pleasure today to manage S. 313, the Senate version of the same legislation on the floor.

What we are doing today is taking up the Senate-passed version of the Animal Drug User Fee Act and inserting the updated House language from H.R. 1260, which was approved by this body by voice last month. We are doing so because we determined that it was the best way to expedite the final passage of this much-needed legislation giving the FDA the authority to begin collecting the user fees this fiscal year needed to substantially beef up the new animal drug development and review process.

I would like to take the opportunity again to acknowledge and thank the gentlewoman from Colorado (Ms. DEGETTE), my original cosponsor; the gentleman from Louisiana (Mr. TAUZIN), our committee chairman; the gentleman from Michigan (Mr. DINGELL), ranking member; the gentleman from Florida (Mr. BILIRAKIS), Health Subcommittee chairman; and the gentleman from Ohio (Mr. BROWN), ranking member; and the Members on both sides of the aisle who have cosponsored the bill. I am grateful too for the hard work of our committee staff, Brent Delmonte, Pat Ronan, John Ford, and for the assistance that we have received from the FDA and the Animal Health Alliance. And also Jane Williams, my health care expert, deserves special merit as well.

Closely modeled after the very successful Prescription Drug User Fee Act of 1992 for human drugs, the Animal Drug User Fee Act is designed to give the Food and Drug Administration's Center for Veterinary Medicine the right resources and incentives needed to significantly improve the animal drug review process. The bill is supported by a broad coalition of veterinary and producer groups, including the American Veterinary Medical Association and the American Farm Bureau.

The legislation is sorely needed. Despite a statutory review time of 180 days, the average new animal drug application review currently takes about 1½ years and sometimes may drag on for even several years. This slowdown in review time is jeopardizing the supply of the new, safe, and effective animal drugs needed to keep our pets, flocks, and herds healthy and to provide American consumers with a safe and wholesome food supply.

Under this proposal, the additional revenues generated from fees paid by the pioneer animal drug industry would be dedicated for use in expediting the testing and review of new animal drugs in accordance with the performance goals that have been mutually agreed upon by the FDA and the animal drug industry.

As FDA Commissioner Mark McClellan has noted, a faster, more predictable review process is expected to spur more spending on research and development by the industry, promoting animal health by increasing the availability and diversity of new, safe, and effective products.

Mr. Speaker, I encourage my colleagues to vote for this much-needed bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

I am pleased that we are bringing the Animal Drug User Fee Act to the floor today. This is a bipartisan bill that enjoys strong support from a number of veterinary and farm organizations, as well as from a significant number of Members of Congress.

The Food and Drug Administration is a seriously underfunded agency. This has always been a source of concern to me given the critical mission that the FDA has of protecting our food supply, our drug supply, and protecting consumers. Over the last few years, Congress has taken a number of steps to rectify the funding shortfall. Last year we renewed the Prescription Drug User Fee Act for the second time. We also passed new legislation, the Medical Device User Fee and Modernization Act, which created a user fee program for medical devices that will help speed new technology to the patients who need them.

The Animal Drug User Fee Act is the next in this slate of bills that are aimed at boosting FDA's resources. This bill will provide the FDA's Center for Veterinary Medicine with an additional $48 million over the next 5 years. The money will be directed and solely directed to hiring new staff and acquiring the additional resources needed to approve the applications for animal drugs in a speedier manner while still maintaining FDA's gold standard of safety and efficacy.

This bill will touch everyone's life in multiple ways, even though they may not think so, whether it is through lifesaving medications for pets or better, less toxic medications for farm animals. It is in everyone's best interest to have an FDA that is equipped to review these new drug applications in a safe and in a timely manner.

I want to thank the gentlewoman from Colorado (Ms. DEGETTE), who cannot be here. She is the one who really should be standing here rather than myself, and the gentleman from New York (Mr. TOWNS) for all of their hard work they put in on this bill with the gentleman from Michigan (Mr. UPTON), its sponsor. It is to their credit that it will be law. I also want to thank the gentleman from Michigan (Mr. DINGELL), our distinguished ranking member, and certainly his staff, John Ford, whom over and over and over again does superb work and tireless work in this specific case to help bring this bill through the committee and to the floor of the House. So to the gentleman from Michigan (Mr. UPTON), our chairman, I salute him. This is a great day for him on the floor because both the E-911 Implementation Act of 2003 and certainly this bill, the Animal Drug User Fee Act of 2003, are very important ones that push the edges of the envelope out and really help to protect consumers and the people of our country. So I salute him.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentlewoman from California (Ms. ESHOO), a very able replacement for the gentlewoman from Colorado (Ms. DEGETTE), who I too regret she is not here. This has been a bipartisan effort from get-go.

Mr. TAUZIN. Mr. Speaker, I am proud to rise in favor of S. 313, the Animal Drug User Fee Act ("ADUFA"), sponsored in the House by my good friend from Michigan, Mr. UPTON.

This legislation, modeled after the successful Prescription Drug User Fee Act (PDUFA), is designed to decrease the review time of new animal drugs at the Center for Veterinary Medicine (CVM) of the Food and Drug Administration (FDA). This legislation is essential to the health of pets and livestock, as well as food safety. CVM is currently experiencing sizable delays in its review of drug applications. These delays are problematic for CVM, drug sponsors, pet owners, veterinarians, and livestock producers.

Simply put, the CVM needs an infusion of funds to address review shortcomings. The slowdown of the approval process threatens to reduce the tools available to livestock and poultry producers to produce vibrant stock and to combat animal disease. The slowdown of the approval process also threatens the health and well being of family pets and zoo animals. Further, delays at CVM have a chilling effect on the animal health industry's investment in important research and development, threatening the pipeline of new products.

In conclusion, this is a very modest program, but one that is desperately needed. The pace of animal drug reviews has slowed in recent years and the FDA needs the proper resources to hire more reviewers. Please join me in supporting S. 313, The Animal Drug User Fee Act of 2003.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of S. 313, the Animal Drug User Fee Act. This legislation is modeled after the successful Prescription Drug User Fee Act, which ensures that consumers have timely access to lifesaving drugs. ADUFA would establish the same expedited process to ensure that pets and livestock also have access to groundbreaking pharmaceuticals.

Despite a current requirement that limits the review time of a new animal drug application to 180 days, the review process takes an average of 1.5 years to complete, with some applications taking several years. Eighty-eight percent of original new animal drug applications are overdue, the longest day being 717 days.

Mr. Speaker, we wouldn't stand for that kind of delay for people, and I don't think that Man's Best Friend, or the livestock that feeds all Americans, should have to either. I support this legislation, and am happy to see it on our agenda.

However, I would point out that this House has not yet acted on legislation which would authorize the FDA to require pharmaceuticals manufacturers to test their products on children. For too long, doctors have been guessing about how best to treat our children. Kids are being used as guinea pigs because pharmaceutical companies haven't done the testing necessary to ensure that their products are safe and effective for kids. Many of us have been fighting for several years to "codify the rule," and I am anxious to work on legislation that would do that. As important as animals are, nothing is more important than the health and safety of our children.

It is high time for us to put the interests of our children first. I urge the leadership of the House of Representatives to take up legislation which would ensure that the FDA has the authority it needs to require prescription drug manufacturers to test their products for children.

Mr. UPTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 313, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING OUTSTANDING CONTRIBUTIONS OF CHRISTIAN COLLEGES AND UNIVERSITIES

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 300) recognizing the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities, as amended.

The Clerk read as follows:

H. RES. 300

Whereas the United States has benefited greatly from over 1,000 Christian colleges, beginning with the Nation's first Christian college in 1636;

Whereas 900 such campuses continue to identify themselves as religious institutions, adding to the rich diversity of higher education in the Nation;

Whereas more than 125 Christian colleges, as members or affiliates of the Council for Christian Colleges & Universities provide faith-infused scholarship and service that produces students strongly dedicated to their faith, values, and morals;

Whereas the Council's member institutions are located in 30 States, represent more than 30 religious traditions, and with 15,000 faculty members serve more than 200,000 students;

Whereas nearly all (99 percent) of students at Council institutions participate in some form of service and learning through extracurricular activities and 80 percent participate in experiential learning;

Whereas alumni from Council institutions reported that their college education helped them develop moral principles and a sense of purpose in life, place a high priority on community service, helping the disadvantaged and strongly agreed that their college life prepared them to achieve success;

Whereas the Nation benefits from Council institution students and graduates whose faith, values, and morals provide an environment that encourages honesty, trust, respect, and responsibility in the many fields they enter including science, business, education, government, medicine, the arts, and in volunteer community service; and

Whereas the Council for Christian Colleges & Universities recognizes the month of October as Christian Higher Education Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Christian Higher Education Month, an event sponsored by the Council for Christian Colleges & Universities and established to recognize the vital contributions of the Nation's Christian colleges and universities; and

(2) congratulates Christian colleges and universities, their students, faculty and staff across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 300.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 300, which honors the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities. I am pleased that 28 of my colleagues on both sides of the aisle have joined as cosponsors of this resolution which also recognizes October as Christian Higher Education Month, in honor of the 367-year history of Christian higher education in our Nation.

□ 1615

Unfortunately, due to the full legislative schedule and the debate surrounding the supplemental appropriations bill, we were unable to schedule this resolution during the month of October, when many faith-based institutions celebrated their religious heritage.

The United States has a rich tradition of Christian higher education. Many of our Nation's oldest and most highly esteemed colleges and universities have their roots in Christian religious traditions, including Harvard, Yale, Princeton, Brown, Rutgers and Dartmouth.

Today, the array of opportunities in higher education are at an all-time high. According to the U.S. Department of Education, there are 6,250 different institutions eligible for Federal assistance under the Higher Education Act. Of these, 4,200 are degree-granting institutions of higher education in the United States. Approximately 1,600 of these are private, nonprofit campuses; and about 900 of these identify themselves as having some religious heritage or affiliation. This adds to the rich diversity of higher education in the United States.

Among these hundreds of campuses are Members who are affiliates of the Council for Christian Colleges and Universities, CCCU, an association founded in 1976 to support Christian higher education and to help its institutions transform lives by integrating faith, scholarship, and service. These 127 campuses are located in 32 States, enroll over 200,000 students, and have more than 15,000 faculty on staff. Council member institutions also represent more than 30 different denominational traditions.

It was this association that took the initiative to focus on a specific month to honor all institutions of higher education whose faith tradition is an important element in their history and ongoing mission.

According to the National Center for Education Statistics, during the last decade, there was an overall increase in enrollment across the country among public and private institutions of higher education. Interestingly, while enrollment at public colleges and universities increased at a rate of 4 percent and at private institutions they increased by 17 percent, at CCCU member institutions, student enrollment grew by 47 percent during the 1990s.

Enrollment at these faith-based institutions of higher education is not just growing; it is thriving. Council institutions generally have a smaller student body than their private and public counterparts, which produces several benefits for the students who choose to attend these institutions, including smaller student-faculty ratios, which gives students the opportunity for more personal interaction with their professors, a greater participation in extracurricular activities, and a greater sense of community with their fellow classmates.

Nearly all students at council institutions participate in some form of service and learning through extracurricular activities during their college tenure. A study of council alumni reported that their college education helped them develop moral principles and a sense of purpose. They place a high priority on community service, helping the disadvantaged and promoting civic engagement.

The Nation benefits from the rich diversity of all the different colleges and universities which make up higher education in our Nation. I am an ardent supporter of our system of higher education because it allows individuals to make choices based upon their own unique needs, personal goals, and interests. I strongly believe that ours is one of the best education models that exists due to its embracement of diversity, its rigorous standards and the manner in which it empowers students to make the choices that complement their individuality.

This resolution that we are considering today specifically recognizes those campuses whose faith traditions add to the mosaic of opportunities in post-secondary education. I am pleased that we are able to recognize them in this way and urge my colleagues to support this expression of appreciation.

Again, we are recognizing many of our Nation's oldest and most highly esteemed colleges and universities that have their roots in Christian education, including Harvard, Yale, Princeton, Brown, Rutgers, Dartmouth, and Hope College.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 300. This resolution recognizes the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities. All of our institutions of higher education, their faculty, staff, students and alumni play an important role in making our Nation stronger and more productive.

Higher education is a critical element in the lives of Americans. Obtaining a college degree translates into higher incomes, stronger families, and greater contributions to society.

Fortunately, the truly great aspect of the American higher education system is its diversity, including its rich religious heritage. We have a higher educational system, coupled with Pell grants and student loans, that can provide access to a quality education.

Whether you attend a 4-year public or private university, a 2-year community college or proprietary institution of higher education, we have outstanding educational opportunities. This recipe for success certainly includes Christian colleges. They are deeply rooted in the history and growth of this country. Their work and the work of their alumni is rightly being recognized today. It is this variety, this diversity, that truly makes higher education a national treasure in this country.

Mr. Speaker, in closing, I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I rise today to add my strong support for the passage of H. Res. 300. I commend the gentleman from Michigan (Mr. HOEKSTRA) for bringing this important legislation to the floor, and I thank him.

As a cosponsor of H. Res. 300, I share my colleague's commitment to recognizing the great contributions to education and society as a whole that our country's Christian colleges and universities provide. While the United States has benefited greatly as a result of over 1,000 Christian colleges since our Nation's first Christian college was founded in 1636, I would like to recognize one such university specifically, Colorado Christian University, located in Lakewood, Colorado, or CCU.

CCU is the only member of the Council for Christian Colleges and Universities in the Rocky Mountain region. A private, nondenominational institution, CCU provides a distinctive education that integrates Biblical teachings with academic scholarship. CCU offers more than 20 undergraduate and graduate programs designed to equip students to become knowledgeable leaders in their field. Outside the classroom, CCU students participate in mission trips to over 15 countries and serve the local Denver community through a variety of student-led ministries.

Approximately 1,000 students are enrolled in traditional undergraduate programs. Another 1,000 students are enrolled in graduate and adult programs throughout Colorado. On a daily basis, many of these students are providing invaluable leadership and service throughout the State.

Mr. Speaker, I want to say how glad I am that the House of Representatives has seen fit to recognize the vital contributions of our Nation's Christian colleges and universities, and especially the contributions of my constituents at CCU. I join all my colleagues today in congratulating all these institutions of higher learning, their students, their faculty and staff across the Nation for their ongoing contributions to education and for the key role they play in promoting and ensuring a brighter and stronger future for this Nation.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the outstanding contributions of the faculty, staff and students and alumni of Christian colleges and universities.

I am fortunate to have Greenville College, a Christian college, in my district, which I would like to recognize at this time. Greenville College is a 4-year, coeducational Christian liberal arts college located in Greenville, Illinois, founded in 1892 and affiliated with the Free Methodist Church. Its mission is to transform students for lives of character and service through a Christ-centered education in the liberal arts and sciences.

The school currently has record high enrollment. It has partnered with community colleges in my district to provide quality degrees to students around the State. In particular, this public-private partnership has given adult students the opportunity to obtain degrees in underserved careers such as teaching. The school has a national reputation for its Christian music degrees and has a very vibrant and exciting campus with motivated staff, faculty, and students.

I am a staunch supporter of the religious freedoms we have in this country. One of those freedoms is the ability of our young adults to freely practice their religious beliefs at a Christian college. I am pleased that more than 1.5 million students attend religious-affiliated colleges around the country. They provide a rich diversity to our local towns and communities, and exemplify the set of values that I and many of my colleagues hold so deeply.

Mr. HOEKSTRA. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from the great State of Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I thank the gentleman from Michigan (Mr. HOEKSTRA) for introducing this important resolution, and I would particularly like to commend three affiliates of the Council for Christian Colleges and Universities that are located within my district: Calvin College, Cornerstone University, and Reformed Bible College. Combined, these schools enroll approximately 6,600 undergraduates.

As a former professor at Calvin College, I fully realize the value of Christian higher education. Intentionally Christ-centered colleges and universities encourage students to consider their studies in light of God's word and creation. This perspective enables students to develop moral principles and a sense of purpose in life. It also encourages the students to place a high priority on community service and on helping the disadvantaged.

Christian colleges and universities not only prepare students for a life of service but also provide a well-rounded, academically excellent education. Let me once again refer to Calvin College as an example, because I am most familiar with that institution.

Calvin College offers nearly 100 academic options, and its largest programs are education, engineering, and economics and business. Because Calvin is a liberal arts college, its graduates are exceptionally well prepared for a variety of vocations, regardless of their major.

Furthermore, Calvin instills in its students a desire to serve others. Beginning at Streetfest, during first-year students' orientation, Calvin's Service and Learning Center encourages all students to serve people who are in need within the Grand Rapids community. In addition, most Calvin students have the opportunity to engage in service learning as part of their course work. This service orientation also extends to faculty. When faculty members are considered for promotion or tenure, their service to the community is one of the factors considered.

The overarching goal of Calvin's service-oriented, academically excellent education, is to enable students to better understand how they can serve God in their chosen vocations and in their lives.

I have used Calvin as an example simply because, as an alumnus and professor of 16 years at Calvin, I am very familiar with the college. But Calvin is just one of many Christian colleges and universities that make efforts to effectively equip students with a well-rounded education and the desire to serve others.

Again, I support the goals of Christian Higher Education Month, and I commend the more than 125 members and affiliates of the Council for Christian Colleges and Universities for their vital contributions to our Nation.

As the Committee on Education and the Workforce proceeds with reauthorization of the Higher Education Act, I am hopeful that the committee will be mindful of the valuable, faith-based education these colleges and universities provide.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague from Michigan for recognizing Calvin College. I would also like to express appreciation to Calvin College, because tomorrow they are going to let Hope College beat them in soccer, and Hope College will take the MIAA championship one more time.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I am here to work on another bill, but I could not let the opportunity pass to speak a little bit of my alma mater. I attended Brigham Young University, as have all of our six children and hopefully soon some of our grandchildren; and I also have in my district at home the Master's College, which is a Baptist college that works with young people in the Santa Clarita Valley and attracts students from all around the country.

□ 1630

Both of these schools, as many others that have been named and many that are not being named today by name, are doing a tremendous job in the country educating our young people about life and preparing them for life, but also are teaching Christian values and virtues along with the book learning that they are getting.

I started school in 1956 and actually graduated in 1985, and had the opportunity of chairing a subcommittee here that we titled Subcommittee on Education and Lifelong Learning. I guess the reason they gave me that one was because it took me 30 years to graduate. But I had the opportunity of graduating from Brigham Young University in 1985 with my oldest daughter. We both received our bachelor's and her husband received his master's on that day.

I had a great experience in school. I think it has had a lot of impact on my life, and I really appreciate the opportunity of serving in the Congress and working on the Committee on Education and the Workforce. I am thankful that the gentlemen from Michigan (Mr. HOEKSTRA) and (Mr. KILDEE) are presenting this bill here today.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, again, I want to commend the gentleman from Michigan (Chairman HOEKSTRA) for his leadership in recognizing the incredible role that Christian colleges and universities and institutions of higher learning have provided for this country. Being from the Eighth District of North Carolina, we certainly have wonderful examples, not only in the Eighth District, but throughout North Carolina: Camel College, Methodist College, Montreat College. As a matter of fact, if one checks the history of our institutions, one would probably find a very short list that did not have some connection to our Christian heritage and the Judeo-Christian values that we all hold dear.

I particularly want to take this opportunity to thank all of those men and women who over the years, going all the way back to our Founding Fathers, have instilled the values in our young people that are so important for this Nation to maintain the greatness that it enjoys today.

Christian institutions are not about imposing anyone's values on someone else; they are about proposing the values that have stood the test of time and which provide for us today those lessons learned that we can use to maintain the freedom and the democracy that is ours only in America.

Again, I thank the gentleman from Michigan (Mr. HOEKSTRA) for his leadership, and the gentleman from California (Mr. MCKEON). I think it is an important legislation, and I strongly urge all Members to support it.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman from Michigan (Mr. KILDEE) for participating with us in moving this resolution forward, and for his support. I thank my colleagues for coming to the floor and speaking about the institutions that they have in their districts or their personal experiences and demonstrating the value of Christian colleges and how they present a rich mix of higher-education opportunities in the United States and how important of a component that they are.

With that, I urge my colleagues to support this resolution.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of House Resolution 300, a bill that recognizes the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities.

America has benefited greatly from the more than 900 Christian colleges, beginning with the nation's first such college in 1636.

Christian colleges add to the rich diversity of higher education, offering students and faculty a place to learn and grow in a Christ-centered atmosphere.

There are four Christian universities in the 17th Congressional District of Texas: McMurry University, Abilene Christian University, Hardin-Simmins University and Howard Payne University. These Christian universities are actively rewarding scholarship and meaningful service. They help develop in their students respect and love for intellectual pursuits and faith in a loving and beneficent creator God.

They graduate students with a broad and biblical worldview, an appreciation for human diversity and dedication to a life of service.

I am truly honored to commend the high moral standards, Christian character and intellectual strength of the faculty, staff, students, and alumni of McMurry University, Abilene Christian University, Hardin-Simmins University and Howard Payne University.

These individuals teach us how to achieve success while engaging Christian principles.

I also want to acknowledge the invaluable contributions these Christian institutions bring to the Abilene and Brownwood communities.

The students and staff place a high priority on community service, and these West Texas communities benefit from their dedication and servant leadership.

Please join me in recognizing the unique contributions of the faculty, staff, students, and alumni of Christian colleges and universities, and other faith-based institutions, throughout this Great Nation.

I am pleased to support House Resolution 300, and I urge my colleagues to lend their support.

Mr. BOEHNER. Mr. Speaker, I rise in support of H. Res. 300, recognizing the contributions of the faculty, staff, students, and alumni of Christian colleges and universities.

The month of October is recognized by the Council for Christian Colleges and Universities as "Christian Higher Education Month." The United States has benefited tremendously from the over 1000 Christian colleges and universities that have been founded since the Nation's first Christian college was founded in 1636. My home state of Ohio has a number of Christian institutions, including my alma mater Xavier University.

In a national survey by the Council for Christian College and Universities of Council member schools' alumni, 95 percent reported that their Christian college education helped them develop moral principles that guide their actions and 90 percent said their Christian college helped them develop a sense of purpose in life. I have found that my foundation in Catholic education, including higher education, has helped me to strengthen my sense of purpose in life and prepared me to achieve my goals and ambitions.

I urge my colleagues to vote "yes" on this important resolution. The postsecondary education experience is enriched when students have the opportunity to determine their educational environment. H.R. 300 supports the goals and ideas of Christian Higher Education Month by recognizing and honoring the important work of all our Christian colleges and universities.

Mr. MCKEON. Mr. Speaker, I rise in support of House Resolution 300, introduced by the gentleman from Michigan, PETE HOEKSTRA. This resolution recognizes the university campuses affiliated with the Council for Christian Colleges and Universities, and other faith-based campuses and supports the goals and ideals of Christian Higher Education Month.

As Chairman of the 21st Century Competition Subcommittee, which has jurisdiction over the Higher Education Act, I believe that institutions of higher education that are Christ-centered play an important role in providing a quality post-secondary education to our Nation's students. These institutions are vital to the well-being of our country and offer their students an education which focuses on service and a dedication to God and their community.

In particular, I would like to recognize a college from my district, The Master's College, which has provided a quality post-secondary education to residents of California. The Master's College was established in 1927 with the mission to empower students for a life of enduring commitment to Christ, biblical fidelity, moral integrity, intellectual growth and lasting contribution to the kingdom of God. Located in Santa Clarita, this institution, under the direction of President John MacArthur, has been rated as one of America's best colleges by US News and World Report. In the last five out of six years alone, the Master's College has been ranked in the first tier of the Best Comprehensive Colleges—Bachelor's where it competes with over 324 colleges from all across the country. I am proud of the record that the Master's College has earned over the years and would like to recognize their dedication and service to our country.

I would also like to recognize my alma mater, Brigham Young University, which has been responsible for educating a majority of family. Established in 1875, BYU provides an outstanding education in an atmosphere consistent with the ideals and principle of its sponsor, the Church of Jesus Christ of Latter-day Saints. BYU's mission is to assist individuals in their quest for perfection and eternal life. To this end, BYU seeks to develop students of faith, intellect and character who have the skills and the desire to continue learning and to serve others throughout their lives.

Mr. Speaker, I believe that these two institutions are two excellent examples of the type of academic institutions that H. Res. 300 recognizes and I join my colleagues in support of the resolution.

Mr. HOEKSTRA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and agree to the resolution, H. Res. 300, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON H. CON. RES. 262, EXPRESSING SENSE OF CONGRESS IN SUPPORT OF NATIONAL ANTHEM "SING-AMERICA" PROJECT

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and adopt H. Con. Res. 262 to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 262.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON CRISIS IN RECRUITING AND RETAINING DIRECT SUPPORT PROFESSIONALS

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 94) expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other development disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce, as amended.

The Clerk read as follows:

H. CON. RES. 94

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities, including mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have substantial limitations on their functional capacities, including limitations in two or more of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and economic self-sufficiency, as well as the continuous need for individually planned and coordinated services;

Whereas for the past two decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed their desire to live and work in their communities, joining the mainstream of American life;

Whereas the Supreme Court, in its Olmstead decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with the Olmstead decision and continue to move more individuals from institutions into the community;

Whereas the demand will also continue to grow as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand;

Whereas outside of families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment, transportation, recreation, and housekeeping and other home management-related supports and services so that these individuals can live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work, and higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the Olmstead decision and undermines the expansion of community integration as called for by President Bush's New Freedom Initiative, placing the community support infrastructure at risk: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the ``Direct Support Professional Recognition Resolution''.

SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

It is the sense of the Congress that the Federal Government and the States should make it a priority to promote a stable, quality direct support workforce for individuals with mental retardation or other developmental disabilities that advances our Nation's commitment to community integration for such individuals and to personal security for them and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 94.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 94, which expresses the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis of recruiting and retaining direct support professionals.

I want to congratulate and thank my friend, the gentleman from Texas (Mr. SESSIONS), for introducing this resolution to highlight a very serious problem facing this country and the disability community.

As the resolution states, it is vitally important that our Nation increase its attention on recruiting and retaining these support personnel who work directly with individuals with disabilities and help them to become a contributing member of society.

From developing the skills of existing personnel to preparing new leaders and researchers to replace those who are leaving or retiring from the field, we must expand our capacity to recruit new and retain existing personnel.

Last month, the Department of Health and Human Services announced five new demonstration grants aimed at helping recruit, train, and retain direct service workers to aid those who need help with eating, bathing, dressing, and other activities of daily living. These grants will also test offering health insurance benefits to workers to determine if that helps keep workers on the job.

These grants were offered through the President's New Freedom Initiative which promotes the goal of removing barriers to community living for people with disabilities. Under this initiative, 10 Federal agencies have collaborated to remove barriers to community living for people with disabilities. Secretary Thompson and others who have championed the New Freedom Initiative should be commended for their hard work to improving the lives of individuals with special needs.

But we all know that much more needs to be done. As a Nation, we have a commitment to improve the opportunities available for all of our citizens, especially individuals with disabilities.

Over the past 30 years, we have made important strides in enhancing the lives of individuals with disabilities. The Workforce Investment Act, the Vocational Rehabilitation Act, and the Assistive Technology Act are a short list of the important laws that the Congress has passed since 1998 to better the lives of our fellow citizens with disabilities.

We know that those individuals with mental retardation or other developmental disabilities face significant challenges and obstacles in participating in their community and in the workforce. But every day, every week, and every year we continue to make more progress.

I am particularly pleased with the improvements we have made to support individuals with disabilities through the Workforce Reinvestment and Adult Education Act of 2003 which passed the House in May. In this legislation, State workforce investment boards and local workforce investment areas must develop strategies to address the employment needs of individuals with disabilities consistent with the goal of community integration. In addition, by increasing the coordination among employment and training programs in the one-stop centers created under the Workforce Investment Act, this reauthorization legislation seeks to ensure appropriate services are available to all job seekers, including those with disabilities. Through this legislation, we will give individuals with disabilities the opportunity to participate more fully in the workforce by enhancing their ability to receive training, and we have increased the emphasis on serving individuals with disabilities.

Next year, I hope to work with my colleagues to improve the Assistive Technology Act so that we can provide greater access to technology that improves the quality of life for individuals with disabilities. We will work to ensure that the program is focused on the needs of individuals to secure technology for them so that they can participate in their community and at work.

I am pleased to support this important resolution to improve the opportunity for individuals with mental retardation and developmental disabilities to participate more fully in society, and I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 94. This resolution expresses our concern that there should be an adequate supply of direct care providers to provide services to individuals with disabilities in community-based settings.

Individuals with disabilities, including those with mental retardation or other developmental disabilities, have long sought to work and live in their communities. This allows them to join with the rest of society in being productive and contributing citizens.

Access to services in the community, rather than institutional-based services, is critical to many individuals with disabilities. The U.S. Supreme Court, as part of the Olmstead decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care. Unfortunately, there is a shortage of direct care providers.

Low pay and other factors are leading to a high turnover and a struggle by service providers to maintain a full complement of support staff and quality supports. High turnover rates can result in major negative implications, including heightened stress levels, injury, and the inability to live in the community.

With the advancements we have seen to date as a result of the Olmstead decision, many individuals with mental retardation and related developmental disabilities live in community-based residences. Nevertheless, many more are listed on waiting lists for community-based services.

I believe this resolution is the first step in Congress recognizing the significance of the problem in this area.

Our colleagues, the gentleman from Texas (Mr. SESSIONS) and the gentlewoman from California (Mrs. CAPPS) should be recognized for bringing this issue to our attention.

Mr. Speaker, in closing, I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Texas (Mr. SESSIONS), the author of this bill and one who speaks about this subject from the heart.

Mr. SESSIONS. Mr. Speaker, I also would like to thank the gentleman from California, who has had personal relationships in his life where he dealt with people who might well be impacted very directly by this bill, and his kindness and his insight is not only appreciated, but also respected.

Mr. Speaker, I am pleased that the majority leader, the gentleman from Texas (Mr. DELAY), has given us time to recognize H. Con. Res. 94, the Direct Support Professional Recognition Resolution which highlights a growing national crisis affecting community integration for individuals with mental retardation and other developmental disabilities.

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Mr. Speaker, I will include for the RECORD one piece of supportive data.

Mr. Speaker, in one of his first acts as President of the United States on February 1, 2001, our great President, George W. Bush, announced his groundbreaking New Freedom Initiative, a nationwide effort to remove barriers to community living for people with disabilities.

This New Freedom Initiative represents an important step in working to ensure that all Americans have the opportunity to learn and develop skills, engage in productive work, and choose to work and live in a participatory and a productive community life.

The goals of this initiative include increasing access to newly developed assistive technologies, expanding educational opportunities, promoting home ownership, integrating Americans with disabilities into the workforce, expanding transportation options, and promoting full access to community living.

If the President's New Freedom Initiative is to be successful over the long term, it is critical for there to be an adequate qualified, skilled workforce in place to help people with mental retardation and other developmental disabilities to help them live a self-directed life within their community. Indeed, in September of 2002, in a speech to private providers of community supporters and supports of services, the United States Labor Secretary, Elaine Chao, observed the following: "The paraprofessional long-term care workforce is the cornerstone of America's long-term care system. Direct support workers are critical to the success of the New Freedom Initiative."

In recognition of this reality, H. Con. Res. 94 calls on the Federal Government and States to make it a priority to promote a stable quality direct support workforce for individuals with mental retardation and other developmental disabilities that advances this Nation's commitment to community integration for such individuals and to personal security for them and their families. Direct support professionals are critical to fulfilling the national promises of community living made to people with mental retardation as articulated in the President's administration policy as outlined in the New Freedom Initiative.

These valuable front line workers provide a wide range of supportive services on a day-to-day basis to people with disabilities, including habitation, health needs, personal care, hygiene, employment, transportation, recreation, housekeeping, and other home management-related assistance. Without them, these people with mental retardation would not be able to live their lives in communities where they could enjoy the mainstream of the American life.

Unfortunately, today there is a national crisis in securing an adequate supply of qualified direct support professionals. Severe staffing shortages and turnover rates in the direct support workforce is now threatening the quality and continuity of community-based supports and services for these people who they serve, all this at a time when demand for community support and services is growing rapidly as States move more and more individuals from institutions into a community-based setting and aging parents find it necessary to seek outside support for the care of the children whom they love.

Tough work, increased demand for services, and aging population, all of this is threatening the quality and continuation of community support for services for people with mental retardation and leaving parents extremely fearful that there will be no one there for their children.

It is my hope that each of our colleagues will join me in expressing sincere appreciation for the very important work performed by our Nation's direct support workers, and let us vow to put our heads together to develop a national strategy to address the recruitment and retention of this crisis that is affecting community support for people with developmental disabilities.

Mr. Speaker, I hope that each of my colleagues will join in not only the vote that they make here today, but by going back home and giving a pat on the back to those health care professionals and others who are engaged in the services for each of these people who are important to each and every one of us.

TONYA SIMMONS' REMARKS TO THE AMERICAN ASSOCIATION OF THE MENTALLY RETARDED (AAMR) REGION 9 SERVICE AWARD FOR CONTRIBUTIONS FOR IMPROVING SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES LIVING IN A COMMUNITY SETTING

I am very grateful and thankful for this award. It is an honor. I was new to the human services field 2 years after graduating from the Baltimore County Community College and the AmeriCorps Program. I began working at Spectrum Support without the knowledge of what it was and without the required training: but it was okay because of the training I received and the knowledge that would come from hands-on experience. I was ready and excited about a new challenge. I was successful because I was committed, passionate, strong, and caring. I have a heart. I have feelings, I am concerned, but most of all, this job made me realize that I am a leader. My only brother died this year and what I found from the individuals that I support was that they were now supporting me. Many people do not believe or understand that when you love people they will love back. I received phone calls, they had the staff bring them to visit and they were at the services. I will always remember an individual saying to me, "If you need anything, Tonya, I'll be here for you. It's going to be all right." At that moment I realized that my job was appreciated, that I was appreciated, respected and loved. This is all because this is what they receive from me.

I am working in an underpaid position, working 140 hours bi-weekly between jobs that support adults with disabilities, attending Coppin State College all to support my family. It's okay. I enjoy what I do and look forward to going to work each and every day. Why? Disabilities do not mean inability and I believe in what we do where I work. The individuals that I support and the program are not just my friends but family as well. It's because of them that recently I have learned so much more about myself. I am afraid of public speaking but because of being able to work in the wage campaign, I am overcoming that fear. Thank you for giving me an opportunity to advocate for Direct Support Staff in the Campaign for Increased Wages. At Spectrum Support I am in training everyday where I am encouraged and allowed to grow. I am learning from the best because we are the best. We believe that people can achieve their life goals. We recognize, respect and celebrate each person's contribution to his or her community and believe that each person has unexplored talents that when discovered lead to amazing outcomes. Co-workers we are growing, changing all while moving forward. We will continue to do our best.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H. Con. Res. 94, which expresses the sense of the Congress that community inclusion and enhanced lives for the 8 million Americans who have mental retardation or other developmental disabilities is at serious risk due to a professional shortage of direct support professionals.

I was proud to join Mr. SESSIONS and Ms. CAPPS in introducing the Direct Support Professional Recognition Resolution earlier this year, because I know the impact that the work of direct support professionals has on the families of people with developmental disabilities. America has come a long way from the days when warehousing of people with mental retardation and other disabilities was painfully routine. Today, seasoned professionals and families alike are deeply grateful for the advances of self-determination that many Americans with developmental disabilities enjoy through living and working within their communities.

Unfortunately, this progress is jeopardized by a real and immediate workforce shortage. As the demand for community supports and services has grown, so has the demand for Direct Support Professionals, people who devote their lives and careers to providing the day-to-day supports necessary for individuals with mental retardation or developmental disabilities to live and work in their communities. This support is crucial for people with disabilities to enjoy the daily freedoms and rights the rest of us take for granted. The current workforce shortage, reflected in high turnover and vacancies, will only worsen with an increased demand for long-term supports as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand.

Mr. Speaker, we must make it a national priority to ensure a quality, stable direct support workforce that advances this Nation's commitment to community integration and personal security for people with mental retardation and other developmental disabilities, and their families. The recruitment and retention of quality, trained direct support workers is essential to providing quality supports and services to people with disabilities. I hear far too often from parents in Rhode Island who fear there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities as they grow older—and I know their situations represent so many more across the country. While this resolution takes a small step in recognizing a professional shortage in the field, it is my sincere hope that it represents a commitment on the part of every Member of the House of Representatives to take bigger steps toward realizing the goal of community inclusion. We must do all we can to support the quiet heroes that choose this noble line of work.

Mrs. CAPPS. Mr. Speaker, I rise in support of H. Con. Res. 94, the Direct Support Professional Recognition Resolution. I was pleased to join Representative SESSIONS and Representative LANGEVIN in introducing this resolution. They have been tireless in their efforts to pass it and deserve credit for their leadership on this issue.

Right now more than 8 million Americans have mental retardation or other developmental disabilities. Though they need some degree of assistance, they deserve to live the fullest, most complete lives possible. And they can, with the help of America's direct support professionals.

But it is harder and harder for community-based homes and other institutions to find and keep men and women who want to do this kind of work. There are not enough new people taking up this calling and too many are leaving the field. Though this line of work can be very rewarding, it is also very challenging. Those in the field now are overworked and often underappreciated by our society. Those who commit themselves to it should be recognized and honored for their dedication.

But we need to do more to ensure that our support network for the developmentally disabled does not collapse in the face of this problem. That is what this resolution is about.

Demand for these services, and for direct support professionals will also continue to grow in the coming years. But right now our Nation's long-term care system relies on a variety of public and private funding sources that may not be reliable in the long run.

Medicaid supports many of these programs, but the amount of their support varies from State to State. And now some critics of Medicaid are trying to make sweeping reforms that may jeopardize the support this system has now.

Congress needs to take a serious look at this problem and begin developing solutions. We cannot afford to have a shortage of direct support personnel. I urge my colleagues to give these men and women the support they deserve. I urge my colleagues to dedicate themselves to helping avoid a shortage. And I urge my colleagues to support this resolution.

Mr. BOEHNER. Mr. Speaker, over the past few decades, our Nation has made tremendous progress in improving the opportunities of individuals with disabilities I am proud to say that Congress has significantly improved the ability of individuals with disabilities to become more involved in their communities.

We have passed historic legislation securing the rights of individuals with disabilities, including the Individuals with Disabilities Education Act and the Americans with Disabilities Act. We have clearly demonstrated our support for individuals with disabilities, and continue to be committed to improving opportunities for all individuals with disabilities.

However, we know that there are millions of individuals with disabilities that face significant challenges in their daily lives. Those individuals with mental retardation and developmental disabilities who want to maximize their ability to live independently, find meaningful employment, and join the mainstream of American life continue to need our support and commitment.

As a Congress, as a Nation, we must strive to help these individuals explore new and challenging opportunities. We must encourage people to pursue careers working with individuals with disabilities. We must provide opportunities to individuals with disabilities to make meaningful decisions about the jobs they pursue, the places they live, and the education they receive.

We have made important reforms to key pieces of legislation this past year. In the Improving Results for Children with Disabilities Act, we have provided greater coordination of services for students as they transition away from school to postsecondary education, the workforce, or community living. We have made it easier for States to provide quality services, and enhanced the ability of individuals with disabilities, and their families, to choose what services they receive.

In the Workforce Reinvestment and Adult Education Act, we have given individuals with disabilities the opportunity to participate more meaningfully in the workforce by enhancing their ability to receive training, and we have increased the emphasis on serving individuals with disabilities.

I strongly support this important resolution, and I encourage my colleagues to support it as well.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the

House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LATE RICK LUPE, BUREAU OF INDIAN AFFAIRS FORT APACHE AGENCY

Mr. RENZI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 237) honoring the late Rick Lupe, lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency, for his dedication and service to the United States and for his essential service in fighting wildfires and protecting the environment and communities of Arizona.

The Clerk read as follows:

H. CON. RES. 237

Whereas Rick Lupe served as lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency and was a long-time firefighter whose legendary intellect and skills made him a hero in 2002 when he saved the town of Show Low, Arizona, from the Rodeo-Chediski fire;

Whereas Rick Lupe and his crew of firefighters dug the fire line at Hop Canyon and created a back burn that stopped the fire from crossing U.S. 60;

Whereas Rick Lupe died on Thursday, June 19, 2003, as a result of severe burns sustained in a prescribed fire conducted in May;

Whereas throughout his career, Rick Lupe was a strong advocate of the prescribed burn program and supported and knew the value of fuels treatment programs;

Whereas Rick Lupe was extremely dedicated to his work and performed his job at the highest level;

Whereas friends and colleague describe Rick Lupe as ". . . a shining example of a firefighter . . . super safety-conscious, and his family is his love and pride"; and

Whereas Rick Lupe is survived by his wife of 21 years, Evelyn, and their three sons, Sean, 19, who is studying forestry at Northern Arizona University, Daniel, 16, who is in high school, and Brent, 9, who is in grade school: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the late Rick Lupe for his dedication and service to the United States, for his long and essential service in fighting wildfires and caring for the environment, and for ultimately sacrificing his life for the people of Arizona.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier this year I introduced legislation that honored the lifetime of work and service of a firefighter in Arizona's first congressional district. My legislation, H. Con. Res. 237, will allow the House of Representatives to honor Mr. Rick Lupe for his contributions to the people and the lands of the surrounding communities of rural Arizona.

Mr. Lupe was a forestry technician who worked for the Bureau of Indian Affairs for many years. His work with the BIA's Fort Apache Agency was both impressive and memorable for all those who came in contact with him. Moreover, he was able to touch the lives of many more who never had the chance to meet or thank this individual for his efforts.

Those living in my district know Mr. Lupe from his work in saving communities like Show Low, Pinetop-Lakeside, McNary, as well as Hondah Homesites from the destruction of the Rodeo-Chediski fire. Under Mr. Lupe's great leadership, firefighters created a back-burn that stopped the fire line at Hop Canyon so that the fire did not cross a major interstate, protecting numerous homes and valuable lives.

Our country tragically lost Rick Lupe on Thursday June 19, 2003, after he survived for 5 weeks in a burn unit from wounds sustained in a prescribed fire in May of this year. Mr. Lupe is remembered as a man who was a shining example of a firefighter. He took pride in his work and even more pride in his family. Mr. Lupe left behind a wonderful wife of 21 years, Evelyn, and three sons, Sean, Daniel, and Brent.

This resolution states that we in Congress should recognize and honor Rick Lupe for his immense contributions on behalf of thousands living in Arizona. Given the fires that recently raged across Southern California and the over 11,000 firefighters that battle the blazes, we should never forget how many men and women are putting their lives on the line in the same manner that Mr. Lupe did for decades.

I urge my colleagues to support this resolution honoring Rick Lupe. I look forward to the support of Members of both sides of the aisle with regard to H. Con. Res. 237 and its consideration today.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor Rick Lupe, White Mountain Apache, expert firefighter, loving husband, devoted father and true hero. Lately, we hear the word "hero" tossed around often, too often; but I am here to tell you that Mr. Lupe deserves this term being used alongside his name forever.

In his capacity as lead forestry technician and firefighter for the Bureau of Indian Affairs, he saved lives and even towns from death and destruction. Sadly, he paid the ultimate price, but not before leaving a legacy we should all admire.

Richard Glenn Lupe worked his way up the BIA forestry organization through hard work, dependability, and by earning the respect of his coworkers and bosses alike. In June of 2000, two wildfires which began on the Fort Apache Indian Reservation in Arizona merged into one massive fire which destroyed more than 450 homes and burned over 460,000 acres of forestlands.

This fire was the largest wildfire ever in the history of the Southwest. However, even more homes and property would have been lost had it not been for the tenacity and courage of Rick Lupe and his firefighting team. Rick's team set a dozer line strategically placed to foil the coming flames, and it worked. His actions saved the towns of Show Low, Pinetop-Lakeside, Hondah Homesites, and McNary from certain destruction.

To Evelyn, Rick's wife and life companion of 21 years, and to their sons Sean, Daniel, and Brent, I extend my heartfelt sympathies. I hope that in some small way the knowledge that we honor the life and work of your husband and father here today will comfort you in the months and years to come.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 237.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ARAPAHO AND ROOSEVELT NATIONAL FORESTS LAND EXCHANGE ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2766) to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado, as amended.

The Clerk read as follows:

H.R. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arapaho and Roosevelt National Forests Land Exchange Act of 2003".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain National Forest System lands near Empire, Colorado, are needed by the city of Golden, Colorado, to facilitate the construction of a water pipeline to transport domestic water supplies into storage for the city and its residents.

(2) Such National Forest System lands, comprising approximately 9.84 acres in total, are of limited utility for public administration or recreation and other use by virtue of their largely steep terrain, irregular boundary, and lack of easy public access.

(3) The city of Golden owns, or has an option to purchase, several parcels of non-Federal land comprising a total of approximately 141 acres near Evergreen and Argentine Pass, Colorado, which it is willing to convey to the United States for addition to the Arapaho and Roosevelt National Forests.

(4) The non-Federal lands owned or optioned by the city of Golden, if conveyed to the United States, will eliminate inholdings in the National Forest System, result in administrative cost savings to the United States by reducing costs of forest boundary administration, and provide the United States with environmental and public recreational use benefits (including enhanced Federal land ownership along the Continental Divide National Scenic Trail) that greatly exceed the benefits of the Federal land the United States will convey in exchange.

(5) It is in the public interest to authorize, direct, expedite, and facilitate completion of a land exchange involving these Federal and non-Federal lands to assist the city of Golden in providing additional water to its residents and to acquire valuable non-Federal lands for permanent public use and enjoyment.

SEC. 3. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NATIONAL FORESTS, COLORADO.

(a) CONVEYANCE BY THE CITY OF GOLDEN.—

(1) LANDS DESCRIBED.—The land exchange directed by this section shall proceed if, within 30 days after the date of the enactment of this Act, the city of Golden, Colorado (in the section referred to as the "City"), offers to convey title acceptable to the United States to the following non-Federal lands:

(A) Certain lands located near the community of Evergreen in Park County, Colorado, comprising approximately 80 acres, as generally depicted on a map entitled "Non-Federal Lands—Cub Creek Parcel", dated June, 2003.

(B) Certain lands located near Argentine Pass in Clear Creek and Summit Counties, Colorado, comprising approximately 55.909 acres in 14 patented mining claims, as generally depicted on a map entitled "Argentine Pass/Continental Divide Trail Lands", dated September 2003.

(2) CONDITIONS OF CONVEYANCE.—The conveyance of lands under paragraph (1) to the United States shall be subject to the absolute right of the City to permanently enter upon, utilize, and occupy so much of the surface and subsurface of the lands as may be reasonably necessary to access, maintain, repair, modify, make improvements in, or otherwise utilize the Vidler Tunnel to the same extent that the City would have had such right if the lands had not been conveyed to the United States and remained in City ownership. The exercise of such right shall not require the City to secure any permit or other advance approval from the United States. Upon acquisition by the United States, such lands are hereby permanently withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws, and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) CONVEYANCE BY UNITED STATES.—Upon receipt of acceptable title to the non-Federal lands identified in subsection (a), the Secretary of Agriculture shall simultaneously convey to the City all right, title and interest of the United States in and to certain Federal lands, comprising approximately 9.84 acres, as generally depicted on a map entitled "Empire Federal Lands—Parcel 12", dated June 2003.

(c) EQUAL VALUE EXCHANGE.—

(1) APPRAISAL.—The values of the Federal lands identified in subsection (b) and the non-Federal lands identified in subsection (a)(1)(A) shall be determined by the Secretary through appraisals performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (December 20, 2000) and the Uniform Standards of Professional Appraisal Practice. Except as provided in paragraph (3), the conveyance of the non-Federal lands identified in subsection (a)(1)(B) shall be considered a donation for all purposes of law.

(2) SURPLUS OF NON-FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A) exceeds the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b), the values may be equalized—

(A) by reducing the acreage of the non-Federal lands identified in subsection (a) to be conveyed, as determined appropriate and acceptable by the Secretary and the City;

(B) the making of a cash equalization payment to the City, including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(C) a combination of acreage reduction and cash equalization.

(3) SURPLUS OF FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b) exceeds the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A), the Secretary shall prepare a statement of value for the non-Federal lands identified in subsection (a)(1)(B) and utilize such value to the extent necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b). If the Secretary declines to accept the non-Federal lands identified in subsection (a)(1)(B) for any reason, the City shall make a cash equalization payment to the Secretary as necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b).

(d) EXCHANGE COSTS.—To expedite the land exchange under this section and save administrative costs to the United States, the City shall be required to pay for—

(1) any necessary land surveys; and

(2) the costs of the appraisals, which shall be performed in accordance with Forest Service policy on approval of the appraiser and the issuance of appraisal instructions.

(e) TIMING AND INTERIM AUTHORIZATION.—It is the intent of Congress that the land exchange directed by this Act should be completed no later than 120 days after the date of the enactment of this Act. Pending completion of the land exchange, the City is authorized, effective on the date of the enactment of this Act, to construct a water pipeline on or near the existing course of the Lindstrom ditch through the Federal land identified in subsection (b) without further action or authorization by the Secretary, except that, prior to initiating any such construction, the City shall execute and convey to the Secretary a legal document that permanently holds the United States harmless for any and all liability arising from the construction of such water pipeline and indemnifies the United States against all costs arising from the United States' ownership of the Federal land, and any actions, operations or other acts of the City or its licensees, employees, or agents in constructing such water pipeline or engaging in other acts on the Federal land prior to its transfer to the City. Such encumbrance on the Federal land prior to conveyance shall not be considered for purposes of the appraisal.

(f) ALTERNATIVE SALE AUTHORITY.—If the land exchange is not completed for any reason, the Secretary is hereby authorized and directed to sell the Federal land identified in subsection (b) to the City at its final appraised value, as approved by the Secretary. Any money received by the United States in such sale shall be considered money received and deposited pursuant to Public Law 90–171 (16 U.S.C. 484(a); commonly known as the "Sisk Act", and may be used, without further appropriation, for the acquisition of lands for addition to the National Forest System in the State of Colorado.

(g) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LANDS.—Land acquired by the United States under the land exchange shall become part of the Arapaho and Roosevelt National Forests, and the exterior boundary of such forest is hereby modified, without further action by the Secretary, as necessary to incorporate the non-Federal lands identified in subsection (a) and an additional 40 acres as depicted on a map entitled "Arapaho and Roosevelt National Forest Boundary Adjustment—Cub Creek", dated June 2003. Upon their acquisition, lands or interests in land acquired under the authority of this Act shall be administered in accordance with the laws, rules and regulations generally applicable to the National Forest System. For purposes of Section 7 of the of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Arapaho and Roosevelt National Forests, as adjusted by this subsection shall be deemed to be the boundaries of such forest as of January 1, 1965.

(h) TECHNICAL CORRECTIONS.—The Secretary, with the agreement of the City, may make technical corrections or correct clerical errors in the maps referred to in this section or adjust the boundaries of the Federal lands to leave the United States with a manageable post-exchange or sale boundary. In the event of any discrepancy between a map, acreage estimate, or legal description, the map shall prevail unless the Secretary and the City agree otherwise.

(i) REVOCATION OF ORDERS AND WITHDRAWAL.—Any public orders withdrawing any of the Federal lands identified in subsection (b) from appropriation or disposal under the public land laws are hereby revoked to the extent necessary to permit disposal of the Federal lands. Upon the enactment of this Act, if not already withdrawn or segregated from the entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal lands are hereby withdrawn until the date of their conveyance to the City.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2766, introduced by the gentleman from Colorado (Mr. BEAUPREZ), would direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

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This exchange would facilitated the construction of a pipeline leading in a reservoir near Empire, Colorado, to the city of Golden, Colorado. In exchange, the Forest Service will benefit by acquiring nearly 80 acres of inholdings near Evergreen, Colorado, as well as receiving a donation of 61 acres of private land along the Continental Divide National Scenic Trail.

Mr. Speaker, I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2766 would authorize the Secretary of Agriculture to consummate a land exchange in Colorado. The values of the lands would be appraised in accordance with the Federal appraisal standards.

The city of Golden, Colorado would benefit from the transaction. This bill is not controversial. I congratulate the sponsor of this legislation and the gentleman from Colorado (Mr. UDALL) for their hard bipartisan work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield 5 minutes to the gentleman from the Rocky Mountain State of Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of H.R. 2677, which I introduced on July 17 of this year in order to help my constituents in Golden, Colorado with their efforts to increase their water supply system. I would also like to extend my thanks to the gentleman from Colorado (Mr. UDALL), who joins me in the Chamber, and the gentleman from Colorado (Mr. TANCREDO) for cosponsoring this important legislation with me.

Mr. Speaker, as many Members of this House are aware, the State of Colorado has recently suffered through what many scientists believe is the worst drought cycle to hit our State in the past 300 to 500 years. As a result, many communities' usage ran up against or exceeded their ability to store water. While the drought has abated in northern and central Colorado, it is still severe in parts of central and eastern Colorado, and both State and local government entities are urgently searching for ways to prepare for future drought and emergency situations.

To that end, the city of Golden, which I represent, is currently completing a new water storage facility, called the Guanella Reservoir near Empire, Colorado. When the construction is finished later this year, Guanella Reservoir will increase Golden's water storage capability by about 400 percent, which should be adequate to guard against any water shortage problems for the near future.

While the new Guanella Reservoir and the headgate to withdraw water from the nearby West Fork of Clear Creek are located entirely on private land, a small portion of the water pipeline needed to connect the reservoir with the water withdrawal site must cross a narrow finger of National Forest land. In addition, the city needs to begin filling this reservoir this coming winter, so they need authorization to construct the water pipeline across the National Forest land this fall.

To achieve the above mentioned goals, H.R. 2766 does two things. First, it authorizes and directs a small land exchange between the Forest Service and the city of Golden to give the city the Forest Service land it needs to complete the pipeline construction. If the land exchange cannot be completed for any reason, the Forest Service is directed to sell the land to the city.

Second, H.R. 2766 authorizes the city to complete the water pipeline across the National Forest land as soon as this bill is enacted into law. That provision is critical to the city's plans, as the pipeline is already completed up to the National Forest boundary, and the remaining small stretch of the pipeline must be completed as soon as possible in order for the city to begin filling the reservoir this coming winter. Unfortunately, there is not adequate time for the city to obtain an administrative permit from the Forest Service to meet the schedule, and thus, this Congressional action is required.

Mr. Speaker, in preparing this legislation, I have worked closely with my colleagues, the gentleman from Colorado (Mr. UDALL) and the gentleman from Colorado (Mr. TANCREDO), as this land exchange directly involves lands in their congressional districts. In particular, while the proposed exchange will assist the city of Golden, it will also bring two valuable particles of land into Forest Service ownership.

The first parcel is located in the Cub Creek drainage near Evergreen, Colorado. It is sought for acquisition by the Forest Service to eliminate a private land inholding in an area that is becoming increasingly popular for public recreation.

The second parcel is a 55-acre parcel which straddles the Continental Divide near Argentine Pass and is traversed by the route of the Continental Divide National Scenic Trail. It will be donated to the Forest Service by the city as part of the exchange transaction.

I want to commend the city of Golden for making the donation of the Argentine Pass lands to the Forest Service. Donating the land to the Forest Service will mean that scarce trail acquisition dollars can be used on other parts of the Trail. So that is a real win-win for all concerned.

In closing, Mr. Speaker, allow me to note that H.R. 2766 has been endorsed by all three counties where the exchange lands are located, that is Clear Creek, Park and Summit Counties, the nonprofit Continental Divide Trail Association, the city of Black Hawk Public Works Department, the Georgetown Loop Railroad, and the U.S. Forest service. This bill is truly a bipartisan consensus proposal in every respect. I hope it will be passed by our body today and by our colleagues in the Senate shortly and signed into law by the President at the earliest possible date.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL), a hardworking member of the House Committee on Resources.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this bill. And as I begin to make some comments about it, I want to thank the gentleman from New Mexico (Mr. UDALL) for yielding me time.

Mr. Speaker, as my colleague and friend, the gentleman from Colorado (Mr. BEAUPREZ) explained, this bill would expedite an exchange of lands between the city of Golden and the Federal Government. I join the gentleman from Colorado (Mr. BEAUPREZ) in introducing the legislation. I want to extend my thanks for his initiative and for his great cooperation and hard work on this important piece of legislation, particularly the people of Golden and of this particular area.

I also want to join the gentleman in extending my appreciation to the subcommittee chairman, the gentleman from Colorado (Mr. MCINNIS), and the ranking member, the gentleman from Washington (Mr. INSLEE), as well as our chairman, the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for making it possible for us to move the bill quickly to the floor of the House.

Finally, I would like to acknowledge our colleague, the gentleman from Colorado (Mr. TANCREDO) whose district abuts our district and without whose help we could not have moved this legislation.

The gentleman from Colorado (Mr. BEAUPREZ) exhaustively and with great detail explained what this measure does. And I wanted to just emphasize that not only does the legislation meet the needs and interest of the city of Golden, but it also benefits the public interest as well. The gentleman explained that this land that would be exchanged helps the Continental Divide Trail so that it can move ahead with the important work that it is doing on a noncash basis. This transfer does not involve resources so they can put them towards completing the trail and maintaining the trail.

It also gives the city of Golden certainty that it can proceed with this project, and if for some reason the exchange cannot be completed, the city will buy the lands. It has made a good faith commitment toward doing this.

In conclusion this is a win-win-win across the board. It will help us respond to what has been an unprecedented drought in our State. It is an example of how, if we work together in Colorado and in this Congress, we can meet the increasing needs for water in the west.

This is a bill that on its surface may appear to be modest, but it is very important for the city of Golden, for our Colorado residents, and for all the Americans who will take advantage of the Continental Divide Trail. I would urge its support and its adoption. It is bipartisan and noncontroversial. I would like to thank, again, the gentleman from Colorado (Mr. BEAUPREZ) for his hard work.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2766, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BLACK CANYON OF THE GUNNISON BOUNDARY REVISION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

The Clerk read as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Canyon of the Gunnison Boundary Revision Act of 2003".

SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated April 2, 2003.".

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as "Tract C" on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–3(a)(1)) is amended by striking "Map" and inserting "Map or the map described in section 4(a)(2)".

SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff–5(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications', and dated April 2, 2003.".

SEC. 4. GRAZING PRIVILEGES.

(a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(1)) is amended by adding at the end the following:

"(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.".

(b) PRIVILEGES OF CERTAIN PARTNERSHIPS.—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff–2(e)(3)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

"(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

"(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and"; and

(4) in subparagraph (D) (as redesignated by paragraph (2))—

(A) by striking "partnership, corporation, or" each place it appears and inserting "corporation or"; and

(B) by striking "subparagraph (A)" and inserting "subparagraph (A), (B), or (C)".

SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area,including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications", and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 677.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 677 introduced by Senator BEN NIGHTHORSE CAMPBELL of Colorado would authorize the Secretary of the Interior to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area through various exchanges and purchases with willing sellers.

In addition, S. 677 would authorize the Secretary to transfer lands under the jurisdiction of the Bureau of Land Management and ensure that any grazing rights involved in the land transfer would be continued. Finally, Section 5 on the bill clarifies that the Commissioner of the Bureau of Reclamation shall have access to and retain jurisdiction over certain roads and areas in the park in addition to roads and facilities in the East portal and Crystal Dam areas.

Mr. Speaker, S. 677 is supported by the administration and the majority and minority of the committee. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 677 authorizes several additions to the Black Canyon of the

Gunnison National Park and the Gunnison Gorge National Conservation Area through a combination of exchanges and acquisitions of both land and conservation easements.

If enacted, the legislation would add more than 2,700 acres of land to the boundary of the National Park and more than 7,000 acres to the boundary of the National Conservation Area while making other technical changes to the management of these areas.

The changes being made in this legislation are supported by the administration, and I am unaware of any controversy regarding this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I want to thank the gentleman for yielding me time. I want to thank the gentleman from Arizona (Mr. RENZI) for his work on behalf of this legislation today.

As a Coloradan but also as an American, I rise to tell the body what a beautiful and unique place the Black Canyon is. This bill which has already passed the Senate, would revise the boundary of the Black Canyon of the Gunnison National Park and the Gunnison Gorge National Conservation Area in Colorado. It was introduced by our senior Senator, Senator BEN NIGHTHORSE CAMPBELL. A similar bill was introduced by our colleague here in the House and the chairman of our Subcommittee on Forest and Forest Health of the Committee on Resources, the gentleman from Colorado (Mr. MCINNIS).

They took the initial lead back in 1999 and 2000 in securing the enactment of the legislation that established the National Conservation Area and redesignated the Black Canyon of the Gunnison National Monument as a national park. They deserve our special thanks today for their leadership and then also for making it possible for this bill to be on the House floor today.

The bill today authorizes additions to both the park and the National Conservation Area, the NCA. And according to the Interior Department, these transactions should meet the present and future land requirements for the park.

The present land owners are willing sellers and the legislation is also supported by the Montrose County Commissioners, the Montrose Chamber of Commerce, and the local and national land trusts involved in the project. So you can see it has widespread support.

The bill also provides for the expansion of the conservation area which is managed by the Bureau of Land Management, by the addition of about approximately 5,759 acres that were acquired by the Federal Government in February of 2000 from a willing seller through a land exchange. This acquisition was not completed in time to include the lands within the original conservation area boundaries, so we have come back to the Congress now to make that the law.

The parcel includes approximately five miles of the Gunnison River and provides important resource values and recreational opportunities.

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Finally, there are an additional 1,439 acres of adjacent BLM-managed public lands that are in the public estate, but would now be transferred over to the conservation area.

So, in conclusion, Mr. Speaker, this is a bipartisan, noncontroversial bill. It will add important lands to both the park and the conservation area, help the economy in that area, and also make sure that Americans of all stripes and backgrounds can enjoy an even greater section of this beautiful part of Colorado. So I would urge its adoption by the full House today.

Mr. MCINNIS. Mr. Speaker, In 1999, I introduced legislation that established this Park and National Conservation Area, so my love of this place and belief in its continued protection is obvious. As you know, Mr. Speaker, I am a strong believer in local consensus and the preservation of western values. The Park and NCA were established on those ideals, and I am pleased that the bill I bring before you today continues on that path.

The legislation was originally scheduled for a hearing in the Resources Committee last June, after. Senator CAMPBELL successfully saw it through the Senate. It took a few additional months, however, because I wanted to ensure that the water rights involved with these land transactions would remain protected for the people of Colorado. After working with the landowners and The Conservation Fund, I am now comfortable with the commitment that the landowners have made and am eager to see this bill move forward.

As you know, Mr. Speaker, water rights in the West are vital to our livelihood and even the murmur of losing control of them is enough to start a stampede. That is why language has been included in this bill to guarantee that the Bureau of Reclamation retains jurisdiction and access to water delivery facilities. For nearly 100 years, the Uncompahgre Valley Water User's Association has done a great job providing water to the valley; I want to make sure they can continue to do so. My 1999 bill establishing the Park did not intend to affect the Bureau's jurisdiction in any way, and neither does this boundary modification.

The Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area is a national treasure to be enjoyed by all. The park's combination of geological wonders and diverse wildlife make it one of the most unique natural areas in North America. I am proud to represent the area and believe that this legislation will greatly benefit those who live in the area and all who visit the Park.

I want to thank Senator CAMPBELL and the Resources Committee for their work on this bill. I close by urging all members to support this legislation, so it can move promptly to the President's desk and be signed into law.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back all remaining time.

Mr. RENZI. Mr. Speaker, I yield back all my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 677.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING EXCHANGE OF LANDS BETWEEN AN ALASKA NATIVE VILLAGE CORPORATION AND DEPARTMENT OF THE INTERIOR

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 924) to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

The Clerk read as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this Act, the term:

(1) "ANCSA" means the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface estates) designated as "Proposed Village Site" on a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States;

(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on the map; and

(8) "Secretary" means the Secretary of the Interior.

SEC. 2. LANDS TO BE EXCHANGED.

(a) LANDS EXCHANGED TO THE UNITED STATES.—If, within 180 days after the date of enactment of this Act. Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok.

(b) LANDS EXCHANGED TO NEWTOK.—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estates of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act.

SEC. 3. CONVEYANCE.

(a) TIMING.—The Secretary shall issue interim conveyances pursuant to subsection 2(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 2(a).

(b) RELATIONSHIP TO ANCSA.—Lands conveyed to Newtok under this Act shall be treated as having been conveyed under the provisions of ANCSA, except that the provisions of 14(c) and 22g of ANCSA shall not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be included as a portion of the Yukon Delta National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) EFFECT ON ENTITLEMENT.—Except as otherwise provided, nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

(d) EFFECT ON NEWTOK LANDS.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those Newtok lands as guaranteed under section 811 of ANILCA (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with section 803 of ANILCA (16 U.S.C. 3113).

(e) ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 2(a) of this Act. This equivalent entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage from lands within the region but outside any conservation system unit.

(f) ADJUSTMENT TO EXCHANGE.—If requested by Newtok, the Secretary may consider and make adjustments to the exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 924 is sponsored by Senator LISA MURKOWSKI of the State of Alaska. This legislation provides for a land exchange between the Newtok Native Corporation and the United States.

Newtok is a village in western Alaska located on a river that is rapidly eroding. Within several years, experts believe the river will eventually wash away key areas of the village. Newtok is inhabited by the Yupik Eskimo people who still live a natural subsistence lifestyle and they exist below the poverty line.

In order to avoid the problems the eroding river is going to cause, local leaders have chosen to relocate Newtok to another site. This is by no means an easy process, and there are many steps to get this done. The first step is in the hands of the Congress.

Because the 19 million-acre Yukon National Wildlife Refuge surrounds the existing village and the site identified for the relocation, a land exchange is necessary. After much work and negotiations between the villagers, the corporation, the Fish and Wildlife Service, and the environmental community an agreement was worked out.

The land exchange described in S. 924 is the product of that compromise. It will enable Newtok to relocate once it has secured the funds necessary to do so, and the United States will acquire lands of high value for waterfowl habitat. More importantly, this legislation helps people who wish to continue living in the environment their ancestors have inhabited for thousands of years.

All sides involved should be commended for fashioning a good agreement that is noncontroversial. I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of S. 924. This legislation would ratify a land exchange negotiated between the U.S. Fish and Wildlife Service and the Newtok Native Corporation.

The negotiation and resulting land exchange agreement was motivated by the current state of the Newtok village site. The village is rapidly eroding and is threatened by flooding. The 300 residents of the Yupik Eskimo village of Newtok live a largely subsistence lifestyle, which is heavily dependent upon fish and wildlife resources of the Yukon delta area of western Alaska.

Under S. 924, the Fish and Wildlife Service would convey about 11,000 acres to the Newtok Native Corporation, which would allow the village to relocate to safer ground. It is my understanding that the Newtok Native Corporation intends to donate the lands received under the exchange to the community.

In return, the Fish and Wildlife Service will receive over 12,000 acres of corporation lands which will be managed in the future as part of the Yukon Delta National Wildlife Refuge. In addition to the clear public interest in allowing the village to move to a safer location, the Fish and Wildlife Service will acquire high-priority lands for the refuge and, overall, considers this to be a fair exchange.

Mr. Speaker, on behalf of my colleagues on this side of the aisle, we thank the Alaska delegation for this worthy legislation.

Mr. Speaker, having no additional speakers, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no other speakers, and I also yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 924.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GALISTEO BASIN ARCHAEOLOGICAL SITES PROTECTION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 506) to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes, as amended.

The Clerk read as follows:

H.R. 506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Galisteo Basin Archaeological Sites Protection Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological

resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) Purpose.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

SEC. 3. GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) In General.—Except as provided in subsection (d), the following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	***Acres***
Arroyo Hondo Pueblo	*21*
Burnt Corn Pueblo	*110*
Chamisa Locita Pueblo	*16*
Comanche Gap Petroglyphs	*764*
Espinoso Ridge Site	*160*
La Cienega Pueblo & Petroglyphs	*126*
La Cienega Pithouse Village	*179*
La Cieneguilla Petroglyphs/Camino Real Site.	*531*
La Cieneguilla Pueblo	*11*
Lamy Pueblo	*30*
Lamy Junction Site	*80*
Las Huertas	*44*
Pa'ako Pueblo	*29*
Petroglyph Hill	*130*
Pueblo Blanco	*878*
Pueblo Colorado	*120*
Pueblo Galisteo/Las Madres	*133*
Pueblo Largo	*60*
Pueblo She	*120*
Rote Chert Quarry	*5*
San Cristobal Pueblo	*520*
San Lazaro Pueblo	*360*
San Marcos Pueblo	*152*
Upper Arroyo Hondo Pueblo	*12*
Total Acreage	*4,591*

(b) Availability of Maps.—The archaeological protection sites listed in subsection (a) are generally depicted on a series of 19 maps entitled "Galisteo Basin Archaeological Protection Sites" and dated July, 2002. The Secretary of the Interior (hereinafter referred to as the "Secretary") shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) Boundary Adjustments.—The Secretary may make minor boundary adjustments to the archaeological protection sites by publishing notice thereof in the Federal Register.

(d) Withdrawal of Private Property.—Upon the written request of an owner of private property included within the boundary of an archaeological site protected under this Act, the Secretary shall immediately remove that private property from within that boundary.

SEC. 4. ADDITIONAL SITES.

(a) In General.—The Secretary shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this Act.

(b) Additions Only by Statute.—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

SEC. 5. ADMINISTRATION.

(a) In General.—

(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this Act shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

(b) Management Plan.—

(1) In general.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

(A) the archaeological protection sites located on Federal land; and

(B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 6 of this Act.

(2) Consultation.—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

SEC. 7. ACQUISITIONS.

(a) In General.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) Consent of Owner Required.—The Secretary may only acquire lands or interests therein with the consent of the owner thereof.

(c) State Lands.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

SEC. 8. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands;

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from New Mexico (Mr. UDALL) for introducing H.R. 506, as amended, by the committee, which would establish 24 archaeological-protected sites in the Galisteo Basin in New Mexico to provide for the preservation, protection, and interpretation of nationally significant resources located in the basin. These sites contain the ruins of Indian pueblos dating back almost 900 years and are the largest pueblo ruin ever discovered.

In addition, the agreement that was agreed to by the committee assures landowners within the Galisteo Basin that their private property rights will not be compromised under this bill.

Mr. Speaker, H.R. 506, as amended, is supported by the majority and the minority of the committee, and I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House has the opportunity today to consider this important legislation. H.R. 506 is a companion bill to S. 210 introduced by Senator JEFF BINGAMAN. S. 210 passed in March of this year and a similar version passed in the Senate in the 107th Congress.

Although I also introduced a similar version of this bill in the 106th and 107th Congresses, it has never been discharged by the House Committee on Resources or been taken up by the full House.

The Galisteo Basin, located in northern New Mexico, possesses a rich cultural heritage and is considered one of the Nation's most beautiful natural settings. The area is comprised of 24 archaeological sites containing artifacts and ruins of 17th century Spanish missions and impressive examples of Native American rock art and pueblo architecture.

H.R. 506 authorizes the Secretary of the Interior to enter into cooperative agreements with willing private and State landowners who are interested in protecting, preserving, and maintaining these important archaeological sites. It also authorizes the Secretary to purchase such lands from willing sellers.

Each cooperative agreement or land acquisition would be strictly voluntary and would be negotiated by each landowner to contain only the terms and conditions that are agreed to by both parties.

H.R. 506 has been carefully crafted to protect private landowners. Numerous safeguards prevent the Secretary from forcing cooperative agreements on the private property owner or forcing a landowner to sell the rights to the land to the Federal Government. Under H.R. 506, any action affecting the disposition of a private landowner's rights is purely in the discretion of that private party.

H.R. 506 strikes an exacting balance between protecting and preserving these delicate archaeological sites in the Galisteo Basin and protecting the rights of the State and private landowners with property interests in these sites.

Considering this, I urge my colleagues from both sides of the aisle to support the preservation of the natural beauty and cultural significance of the Galisteo Basin.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I have no other speakers at this time, and I continue to reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield as much time as he may consume to the gentleman from Colorado (Mr. UDALL), a fellow member of the House Committee on Resources.

Mr. UDALL of Colorado. Mr. Speaker, I want to also thank the gentleman for yielding me the time, and I will be brief; but I did want to thank the gentleman from Arizona (Mr. RENZI) for his work on behalf of this important piece of legislation and commend my cousin, the gentleman from New Mexico (Mr. UDALL), for bringing this bill forward.

Those of us who live in the greater Southwest know that these archaeological sites are not only great attractions but they add to our quality of life and our sense of history in the greater Southwest. We also understand that these sites have much to teach us about what the people who lived in the Southwest experienced 1,000 and more years in the past, and I think they successfully lived on the land; but they also, in the long run, did not survive, it appears, or they moved to other parts of North America, and the lessons that are hidden in these ruins and these archaeological sites I think can help us be better stewards and live on the land lightly in the Southwest.

I want to thank the gentleman from Arizona (Mr. RENZI), as well, because we understand this is a great example of a public-private cooperative effort where landowners' rights are acknowledged and respected but also the interests of the public, and the public good are acknowledged in this important legislation.

So I rise in support and urge the House to adopt this significant piece of legislation for all of us who live in the Southwest.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself as much time as I may consume.

Let me congratulate the gentleman from Arizona (Mr. RENZI) and the other Members of the House Committee on Resources and the staff for their hard work on this bill.

Mr. Speaker, having no additional speakers, I yield back all remaining time.

Mr. RENZI. Mr. Speaker, I also yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 506, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLARIFICATION OF TAX TREATMENT OF BONDS AND OTHER OBLIGATIONS ISSUED BY GOVERNMENT OF AMERICAN SAMOA

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 982) to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

The Clerk read as follows:

H.R. 982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TAX TREATMENT OF BONDS AND OTHER OBLIGATIONS ISSUED BY GOVERNMENT OF AMERICAN SAMOA.

(a) EXEMPTION OF ALL BONDS FROM INCOME TAXATION BY STATE AND LOCAL GOVERNMENTS.—Subsection (b) of section 202 of Public Law 98-454 (48 U.S.C. 1670) is amended to read as follows:

"(b) EXEMPTION OF ALL BONDS FROM INCOME TAXATION BY STATE AND LOCAL GOVERNMENTS.—

"(1) IN GENERAL.—The interest on any bond or other obligation issued by or on behalf of the Government of American Samoa shall be exempt from taxation by the Government of American Samoa and the governments of any of the several States, the District of Columbia, any territory or possession of the United States, and any subdivision thereof.

"(2) EXEMPTION APPLICABLE ONLY TO INCOME TAXES.—The exemption provided by paragraph (1) shall not apply to gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.".

SEC. 2. EFFECTIVE DATE.

This Act shall apply to obligations issued after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 982, a bill to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa. This bill, introduced by the gentleman from American Samoa (Mr. FALEOMAVAEGA), will permit the interest earned on bonds issued by the American Samoa Government to be exempt from both State and local taxation. Passage of H.R. 982 will provide parity in the tax treatment of their bonds with other territories in the United States.

It is my hope that this legislation would help to provide more funding to the American Samoa Government as well as putting this territory on the same playing field with others when investors look to the islands for economic development.

At this time, the House Committee on the Judiciary has also passed this legislation with strong bipartisan support by their Members. In the 107th Congress, we also passed this bill under suspension of the rules near the end of that Congress.

I thank the gentleman from West Virginia (Mr. RAHALL) for his work with us to move this bill more quickly during this session, and I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his cooperation in bringing this bill to the floor today. I ask Members to adopt H.R. 982.

Mr. Speaker, I reserve the balance of my time.

□ 1730

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 982, sponsored by our distinguished colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), is intended to remove a barrier to economic development in the U.S. Territory of American Samoa.

In essence, H.R. 982 provides American Samoa parity with other U.S. Territories whose bonds are not taxed by the State or local governments. I congratulate the gentleman from American Samoa for his work on this legislation, and I urge my colleagues to support this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to express my sense of appreciation to the gentleman from Arizona (Mr. RENZI) and the gentleman from New Mexico (Mr. UDALL) who are both managing several pieces of legislation this afternoon. I thank them for their assistance and leadership in doing so.

Mr. Speaker, I would also like to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Mr. RAHALL), the ranking member, for the Committee on Resources; and the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), the ranking member from the Committee on the Judiciary, for their continued support regarding the needs of the territory of American Samoa and for their efforts to bring H.R. 982 to the floor this afternoon.

H.R. 982 would amend the U.S. Code to allow interest earned from American Samoa bonds to be exempt from both State and local taxation.

Mr. Speaker, under current Federal law, Congress has expressly provided for the exemption of State and local taxes for bonds issued for or by the territories of Guam, the Virgin Islands and the Commonwealths of Puerto Rico and the Northern Mariana Islands. While American Samoa can issue bonds similar to the other territories, the interest earned from American Samoa bonds is subject to taxation by several States, Washington, D.C. and other territories. This proposed legislation would simply provide equity and parity to the territory of American Samoa.

It has been a slight oversight over the years, that is the reason I am having to propose this legislation. H.R. 982 would also make American Samoa bonds more attractive to investors and will save the local government between $20.000 to $50.000 in interest alone on municipal bonds it may issue. This legislation will lower the interest costs of the prospective sales and will also enable the government to address deficiencies in its current infrastructure.

Mr. Speaker, this legislation is identical to H.R. 1448, which I introduced in the 107th Congress, which was adopted by both the Committee on the Judiciary and the Committee on Resources, and finally agreed to by voice vote on September 24, 2002. Unfortunately, the other body was unable to consider this legislation before the 107th Congress adjourned.

However, the Committee on Resources and the Committee on the Judiciary have unanimously passed H.R. 982, and I urge my colleagues to support this legislation. In doing so, I want to thank committee staff, Tony Babauta, and my office staff, Judy Leilani and Lisa Williams, for their efforts in making the proper preparations and assisting tremendously in bringing this legislation to the floor for consideration.

Mr. RENZI. Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to congratulate the gentleman from American Samoa (Mr. FALEOMAVAEGA) on all his hard work in the Committee on Resources, his tenacity, and his persistence. I know he has worked hard and long on this very important issue to American Samoa. I just want to recognize that here today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 982.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1829, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108-348) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 1829) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108-349) on the resolution (H. Res. 429) waiving points of order against the conference report to accompany the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 76, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2004

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108-350) on the resolution (H. Res. 430), providing for consideration of the joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 176, by the yeas and nays; and

House Concurrent Resolution 94, by the yeas and nays. Both electronic votes will be conducted as 15-minute votes.

H.R. 2620 will be voted on tomorrow.

RECOGNIZING AND SUPPORTING FINANCIAL PLANNING WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 176.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 176, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 53, as follows:

[Roll No. 602]

YEAS—381

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—53

Ackerman
Andrews
Bonner
Bono
Brady (PA)
Calvert
Carson (IN)
Conyers
Culberson
Davis (CA)
Davis, Tom
Doyle
Duncan
English
Fattah
Filner
Flake
Fletcher
Fossella
Gephardt
Harman
Hoeffel
Hunter
Israel
Issa
Jackson-Lee (TX)
Jenkins
Kucinich
LaTourette
Lipinski
Lowey
McNulty
Meek (FL)
Mollohan
Murtha
Nethercutt
Northup
Norwood
Oxley
Pallone
Pickering
Pomeroy
Reynolds
Rogers (KY)
Sanchez, Loretta
Serrano
Shays
Stark
Sullivan
Tancredo
Tanner
Taylor (NC)
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1853

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, I missed rollcall vote No. 602, because I was touring the wildfire damage in my district with the President of the United States. Had I been present, I would have voted "yea."

DIRECT SUPPORT PROFESSIONAL RECOGNITION RESOLUTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 94, as amended.

The Clerk read the title of the concurrent resolution.

The Speaker pro tempore. The question is on the motion offered by the gentleman from California. (Mr. McKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 603]

YEAS—382

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel

Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Ackerman
Andrews
Bonner
Bono
Brady (PA)
Calvert
Carson (IN)
Culberson
Davis, Tom
Doyle
Duncan
English
Evans
Fattah
Flake
Fletcher
Fossella
Gephardt
Gerlach
Harman
Herger
Hoeffel
Israel
Jackson-Lee (TX)
Jenkins
Kucinich
LaTourette
Lipinski
Lowey
McNulty
Meek (FL)
Mollohan
Murtha
Nethercutt
Northup
Norwood
Oxley
Pallone
Paul
Pickering
Pomeroy
Reynolds
Rogers (KY)
Sanchez, Loretta
Serrano
Shays
Stark
Sullivan
Tancredo
Tanner
Taylor (NC)
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that 2 minutes remain in this vote.

☐ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STUPAK. Madam Speaker, last week I could not be present for votes on October 28, 29, or 30 due to the death of my mother. As a result, I missed a number of rollcall votes. Had I been present, I would have voted as follows:

On Octoer 28, I would have voted "yes" on rollcall 569, "no" on rollcall 570, and "yes" on rollcalls 571; 572, and 573.

On October 29, I would have voted "no" on rollcalls 574 and 575, and "yes" on rollcalls 576, 577, 578, and 579.

On October 30, I would have voted "no" on rollcalls 580 and 581, "yes" on rollcalls 582 and 583, "no" on rollcall 584, 585, 586, 587, 588, 589, and 590, "yes" on rollcall 591, "no" on rollcall 592, "yes" on rollcall 593 and 594 and "no" on rollcall 595. I would have voted "yes" on rollcall 596, "no" on rollcall 597, "yes" on rollcall 598, 599 and 600, and "no" on rollcall 601.

PERSONAL EXPLANATION

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, due to a death in the family, I was unavoidably absent and missed rollcall votes on October 30, 2003.

Had I been present, I would have voted "aye" on rollcall vote Nos. 580–585; "no" on rollcall votes 586 and 587; "aye" on rollcall votes 588–591. Furthermore, I would have voted "no" on rollcall vote No. 592 because the FAA Reauthorization Act, H.R. 2115, still privatizes our air traffic control system, does not mandate terrorist training for flight attendants, and jeopardizes our air space when greater security is needed.

Had I been present I would have voted "aye" on rollcall votes 593 and 594; "no" on rollcall vote 595; "aye" on rollcall vote 596; "no" on rollcall vote 597; and "aye" on rollcall vote Nos. 598–600. I would have voted "no" on rollcall vote No. 601 because although I support our troops, the Iraq Supplemental Appropriations bill diverts billions of dollars to reconstructing Iraq, while working families in America are struggling to pay their bills.

Finally, I would have voted "no" on the voice vote to H. Res. 424.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Ms. DELAURO Madam Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2660, Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2004.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2660, be instructed to insist on the Senate level for part B of the Individuals with Disabilities Education Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BECERRA. Madam Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill.

The form of the motion is as follows:

Madam Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

□ 1915

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mrs. CAPPS. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act.

The form of this motion is as follows:

Mrs. CAPPS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two House on the Senate amendment to the bill, H.R. 1, be instructed as follows:

Number one, to reject the provisions of subtitle C of title II of the House bill.

Number two, to reject the provisions of section 231 of the Senate amendment.

Number three, within the scope of the conference, to increase payments for physician services by an amount equal to the amount of savings attributable to the rejection of the aforementioned provisions.

Number four, to insist upon section 601 of the House bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

KEEPING OUR PROMISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, I rise today to remind my colleagues that next Tuesday we will honor our veterans and the sacrifices that they made for our great country.

On Veterans' Day, we will each be back in our districts attending memorial events and letting our constituents know of our admiration for our veterans and our support for American troops currently in battle in Iraq and Afghanistan.

What we will not be telling our constituents, however, is that Congress has a history of breaking its promises to these men and women who have fought bravely to defend the values and ideals that this country was founded upon.

When the men and women of our Armed Forces signed up for military duty, the local military recruiting officer told them that, for their service, they would get health care at VA hospitals. What they did not tell them was that they may have to wait up to 6 months for an appointment.

We civilians find it tough enough to get a doctor's appointment through our HMOs. Yet 60,000 veterans have had to wait 6 months or more to get in at a VA hospital. Even worse, 14,000 of America's veterans who are entitled to expedited claims have waited more than 15 months to be seen. To me, there is nothing expedited about a 15-month wait.

This is not the deal we struck with our veterans. They deserve better. We promised members of the military that we will take care of them if they sustained a service-connected disability. We also promised them retirement if they served their country for 20 years. Yet for those veterans who are both retired and disabled, we deduct their disability pay, dollar for dollar, from their retirement pay. What it amounts to is a disability tax on our veterans' pensions.

Can my colleagues imagine a private sector corporation treating its employees this way? Can my colleagues imagine a retiree pension being reduced by the amount of workman's compensation an employee receives? We all know that would never fly in the private sector, but this is how the U.S. Government treats its veterans who have risked their lives and safety defending our country.

Currently, 560,000 disabled military retirees across the Nation are affected by this disability tax; 65,200 of them are from Texas and 264 reside in the district I represent. These military retirees in my own district lose an average of $5,310 each in much-needed veterans benefits each year. They fought bravely for our country and earned every penny of these benefits, and we should not be wasting time on half-a-loaf compromises or deals that make veterans wait years for these benefits.

No, our action on concurrent receipt should be driven by the commitment that we made to our veterans who have, without a doubt, upheld their end of the bargain. The sad fact is, this country is not treating our future veterans, the men and women currently serving in Iraq and Afghanistan, any better.

I have no doubt they all appreciate the opportunity to come home for 2 weeks for much deserved rest and relaxation, but I find it unconscionable that we give them a free ride back to a port of entry in the U.S. and then leave them there to pay their own way home. Do we really think an enlisted Army private has the financial resources to pay for a short-notice flight from BWI, Baltimore Airport, to his home or her home? I can guarantee my colleagues we did not ask our men and women in uniform to pay their own way for any leg of their trip to Iraq. We should not be forcing them to pay for any of their trip back home.

This past weekend, the harsh realties of war hit us in Houston particularly hard as we learned that one of our own was aboard the Chinook helicopter bringing 16 of our servicemembers home. Sergeant Keelan Moss graduated only 5 years ago from Eisenhower High School in the Aldine Independent School District. A young man of only 23 years old, he made the ultimate sacrifice for his country and will be forever remembered as an American hero. The loss of his life is a grim reminder of the constant dangers faced by our men and women in uniform.

And while we may often think of our military as a symbol of American strength and pride, we must also remember that it is comprised of individual Americans who are consistently putting their lives on the line, day in and day out, to defend our great Nation.

For their selfless patriotism, we owe it to our military members, both past and present, to keep the promises we made to them. As we send them in harm's way to defend us, that is the least we can do.

TRIBUTE TO RONALD REAGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, it was my pleasure to serve in the Congress of the United States for 6 years when Ronald Reagan was the President of the United States. When Ronald Reagan became President, the economy was heading in the wrong direction. Early in his administration, we went into a recession which was caused by his predecessor, and he pushed through the Congress very large tax cuts which led to the economic recovery that started the last part of his administration and went on for well over a decade, 14, 15 years.

Ronald Reagan was a very affable man, is a very affable man, was a very kind and generous man, a very understanding man, one who had a big heart and who really cared about America.

Many people in his administration took issue with him when he decided to take on the Soviet Union. When he was about to make his speech talking about the Soviet Union being an evil empire, many people in the State Department cringed and said, my God, Mr. President, you cannot say that. Nevertheless, he did, because the Soviet Union held so many millions of people under bondage, and the captive nations of

Eastern Europe applauded what he said.

When he stood before the Berlin Wall and said, "Mr. Gorbachev, tear down this wall," I remember listening to that and thinking that is a great thing to say, Mr. President; but it will not happen in my lifetime. Yet I was in Namibia when they had the special elections over there, and I went into a German beer garden, and everybody was celebrating. They were raising their steins and dancing, and I said what in the world is going on, and they said do you not know, the Berlin Wall is coming down. The hair on my head and the back of my neck started to rise because I knew that Ronald Reagan got that job done. He raised the stakes against the Soviet Union, with the Soviet Union.

They had 50,000 T-55 tanks that started rusting away because he built up the American defenses so high that they could not keep pace, and their economy could not deal with the problem. So their whole economy started to collapse; and as a result, the Soviet Union collapsed. So Ronald Reagan, when he was President, brought this economy back from the ashes of disaster to where it went on for years and years and years in the right direction. He destroyed, I believe personally, the Soviet Union, along with Lech Walesa and the Pope, by putting pressure on the Soviet Union and Mr. Gorbachev and his predecessors until they just fell apart.

So I was very, very disappointed when I saw that CBS was going to do a miniseries denigrating this great President, this great man, especially at a time when he cannot defend himself. He is suffering from Alzheimers; and his beautiful wife, Nancy Reagan, whom I had a chance to get to know a little bit when she was in the White House, has to live with these horrible things that are being said about her husband, and she cannot do anything about it.

Well, we in the Congress that served with President Ronald Reagan know better. He was a great President. He was a great man. He was a humanitarian. He was a visionary, and he was a man who when he said something he meant it and everybody knew he meant it, and for them to try to destroy his memory is something I do not think we should tolerate.

I would like to just say that Peggy Noonan, who worked in the White House with Ronald Reagan, was one of his speech writers. She wrote a book that was called "When Character Was King," and I wish all of the people who criticized Ronald Reagan and participated in this CBS miniseries will read that book because, if they read that book, they are going to see what the man was really like. He was a great man. He is a great man, and his legacy and his memory should not be tarnished by a bunch of trash being put out by CBS.

I understand they have pulled that miniseries, and it is not going to be on the network now; but they said that they are going to sell it, I guess, or use it in one of their other areas like "Showtime," and it will be shown as, I guess, a made-for-television movie. I want all my friends to know that I watch "Showtime," and I pay for "Showtime," but I want to say to my friends, if they put that trash on "Showtime," and they have a right to do it under the first amendment, but if they put that trash on "Showtime," I will tell all of my friends and people across this Nation they ought to drop it because that is not the kind of thing you do to a great man like Ronald Reagan who served his country so well and did so much, not only for America but for the whole world.

LETTERS FROM CONSTITUENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, I have always believed in free speech in this institution, and I have always thought that we should have free speech throughout the country. I have for the last 4 months come to the House floor and read letters from constituents who often do not have a voice in this body, especially when the conservative leaders of this body so often shut down debate. They shut down debate on the $87 billion for Iraq. They shut down debate on discussing whether the President told the truth about Iraq. They shut down debate on the Halliburton scandals and ineptness of the Bush administration in Iraq.

Those same people apparently want to shut down the debate in our country by browbeating CBS and threatening CBS to say we cannot run a documentary on a former President. I do not fully understand that; but Madam Speaker, I would like to share these letters about the concerns my constituents have, similar to what John Quincy Adams had done when the conservative leadership 160 years ago shut down debate in this House on slavery.

□ 1930

Madam Speaker, Amanda Harland from Brecksville, Ohio, writes: Congress has allowed too many cuts in America's education, housing, arts funding, jobs training, and other programs that are vital for working families in America. She says: Because of the tax cuts that President Bush and this Congress have given to the wealthiest Americans, every millionaire gets a $93,000 tax cut. Half of my constituents got exactly zero tax cut.

She writes: An $87 billion bill is nothing more than an excuse for the opportunity of infinite military occupation and corporate connections. Amanda from Brecksville is obviously referring to the Halliburton scandal, the fact that Halliburton has gotten well over a billion dollars in unbid contracts, Halliburton is a major contributor to the President of the United States, Vice President CHENEY is still receiving $13,000 a month from the Halliburton corporation while taxpayers are funneling money to that corporation to the tune of hundreds of millions of dollars a month.

Wesley from Strongsville writes: This administration's go-it-alone policy will not accomplish a long-term secure Iraq, and will only result in a bankrupt American economy and government. If there are sacrifices to be paid, they should be paid now and not by my children when they must pay off the growing deficits from too much spending and not enough revenue.

Madam Speaker, I get letters talking about shared sacrifice. The only people that are sacrificing in this war are the soldiers and the sailors, the young men and women in Iraq, and their families, and people who have lost jobs under the Bush economy, while the administration is not sacrificing at all because they have politically gained from giving these huge tax cuts to their friends who have turned around and given major campaign contributions to the Bush administration.

Wesley writes: I urge you to work to change the administration's unilateral policy on Iraq and to seek a more equitable manner of funding the transition to include more contributions from other countries, from future Iraq oil revenues, and from tax cut rollbacks for the most privileged people of our society.

Jeannie of Akron writes that $87 billion could be spent here for families, for senior citizens, and for college loans that people cannot repay. She says, by the way, we read the people in Washington got a raise. How nice. My husband has not had one in 3 years.

What Jeannie is also talking about is that almost 200 Republican Members of Congress voted for a raise for themselves, yet voted against a raise for our troops. A $3,000 raise for themselves, and against a $1,500 raise for our men and women in harm's way.

Richard of Valley City writes: They have created a real mess in Iraq and Afghanistan, now they want to take money from the taxpayers to help the people in Iraq and Afghanistan, who will never pay us back. There are so many things we need money for in our country. What about Medicare, Social Security, the space program, and cities and schools who are running a deficit.

Madam Speaker, there is a theme in these letters that people are sickened by the ineptness of the Bush administration in Iraq, they are sickened by the corruption of Halliburton and Vice

President CHENEY and all that is happening in Iraq. They are saddened by the fact that while the administration is so focused on helping Halliburton and Bechtel get richer, they have lost their focus on supplying and providing for the troops. The fact that one-fourth of our troops still do not have enough antibiotics, they do not have safe drinking water, all of the things that the President and Vice President have forgotten to supply and protect our troops, while at the same time they are giving hundreds of millions of unbid dollars in contracts to these largest corporations who are major contributors to the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Members are reminded they should refrain from improper references to the Vice President.

CONGRESS NEEDS TO PUT TEETH IN PRESCRIPTION DRUG LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, outside the House Chamber, in fact it is the only statue in Statuary Hall which faces the House Chamber, there is a statue of Will Rogers. Will Rogers was an amazing person. One of my favorite quotes from Will Rogers was: All I know is what I read in the newspapers. Sometimes I feel like Will Rogers because all I know is what I read in the newspapers.

Let me read some things that were in a recent column in the Congressional Quarterly, the November 1 www.cq.com edition, talking about the prescription drug bill and what may happen to Medicare. "Some observers speculate that Medicare conferees will include language in their final report that will express support for importation, but will also make certain it never happens." Here is a quote from one of the lobbyists, "You can tell them, the lawmakers, that this will only kick in after FDA has appropriated $100 million for border safety or FDA has to have counterfeit, tamperproof packaging devices in place," said one health care lobbyist who asked not to be named, "Whatever that trigger is, just say it will never be met."

In other words, pretend like we are going to do something and make sure it never happens. Talking about other things we read in the newspapers, here is a quote from Mark McClellan, the head of FDA, who says, "These Members are out of touch with the realities of keeping our drug supply safe, and the clear and present dangers to America's supply of drugs that their bill would create."

Madam Speaker, let me ask Mr. McClellan a rhetorical question: How many Canadians are dying, how many Europeans are dying, and then tell me who is out of touch.

The problem is that if we do not put some real teeth into whatever we do, the drug companies will figure out how to get around it. They say later in the article that even if lawmakers turn to Canada to soothe concerns about safety, the drugs Americans want to buy may not be available. Several drug companies, and they include Eli Lily and Co. and Wyeth, have decided to curtail sales to Canada anticipating that Congress could enact importation legislation.

Madam Speaker, that is called antitrust and that is why 22 Members of this House sent a letter last week to Attorney General Ashcroft, and I would like to read the letter. It says, "Six major pharmaceutical manufacturers have moved to restrict supply of prescription drugs to Canadian pharmacies and wholesalers. It is obvious that these actions are an attempt to prevent American consumers from accessing affordable prescription drugs. This action is putting lives at risk in the United States and Canada.

"Americans should not have to wait for States' attorneys general to enforce antitrust laws. Therefore, we request a thorough investigation by your office. If any pharmaceutical companies are found in violation of antitrust laws, the Department of Justice must take all available steps to correct this injustice.

"We must not allow pharmaceutical companies to abuse American consumers, and place lives at risk, by illegally manipulating supply."

Madam Speaker, this was signed by 22 mostly senior Members, including some of the highest ranking members of the Committee on the Judiciary. The American public now knows the dirty little secret, and that is American consumers pay the world's highest prices even though they are world's best customers for prescription drugs. If this Congress produces a bill that is filled with obfuscation, manipulation and pretending that we deal with the issue of affordability, well, as we say out in rural America, that dog will not hunt.

HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Madam Speaker, I rise today to pay tribute and honor the courageous men and women that have served our country. It has been over 2 years since our great Nation was attacked on September 11, 2001. That day, and every day since, we are reminded that our freedoms are protected by the men and women in the United States Armed Forces. These individuals have given their sweat, blood and sometimes their lives to protect our freedoms.

Today, American servicemen and women from the mountains of Tora Bora to the deserts of Iraq are, once again, in harm's way protecting and defending our freedoms all over the globe. I am standing before Members today with a deeply felt sense of gratitude and pride that these men and women in uniform are defending our Nation. In 2002, there were 25.6 million living veterans, and over the course of this country's history, more than 12 million servicemen have sacrificed their lives to defend our freedoms.

I want to take a moment to highlight the Latinos and other minorities that have contributed to the peace we have enjoyed for so many years in our country. According to the latest U.S. Census figures, there are 1.3 million living Latino veterans, with more than half residing in California, Texas and Puerto Rico. Many have fought and defended the United States during World War I, World War II, the Korean War, the first Gulf War, and now in Iraq. There are 41 Latinos that have received the highest Congressional Medal of Honor award, 11 were awarded for their bravery during World War II, a war in which as many as 500,000 Latino soldiers fought bravely for the U.S.

We honor our Nation's veterans, we must honor our brave men and women who are currently serving in Iraq, and as of today, 382 members of our U.S. troops have lost their lives.

In particular, two of my constituents have lost their lives. One is Lance Corporal Francisco Martinez Flores, and I display his photo, and Private First Class Jose Casanova, Jr., and I want to tell my colleagues about these fine young men. Lance Corporal Francisco Martinez Flores was not just a brave and self-sacrificing Marine, but he was a loving son, a brother, a friend, and someone who lived in my district who was outgoing and was the eldest of his four siblings who immigrated to this country at a young age. He was not even a U.S. citizen. He was one of the first soldiers killed in Iraq. He was granted citizenship posthumously. That is great that we can do that, but we have so many other soldiers like him who are serving our country who are not being granted the opportunity to become citizens. They are not asking for U.S. citizenship when they sign up, they are asking to be there to support us and defend our country.

I am asking Members of Congress to help appeal to the Senate and to this administration to grant the opportunity for over 37,000 U.S. soldiers just like this young man here who died and gave his life, and many others that are currently there in the line of battle protecting us, asking you to support them to have citizenship within a 2-

year process. Instead of 3, 2 years, to grant them the opportunity if they have siblings or a wife or spouse, to also have an opportunity to become fully-fledged participants in our society. We do not ask our own kids to go to war, but we ask folks who represent us in our districts. We should do something for them as well, especially as Veterans Day nears, that we pay are tribute and honor to these young men and women, who all they want to do is look for a better life in our country, who look for a future, to become law enforcement officers, custodians, teachers, and government officials, but their lives are cut short defending us in the line of duty, something that they took as an oath of office to serve and defend our country. Let us remind ourselves of those many soldiers serving us now. I urge the Senate and other Members of Congress to support legislation to give citizenship to legal permanent residents.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again this week as part of Washington Waste Watchers, a Republican effort dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. We are here to show the American people how Federal agencies need to be held accountable, for they routinely lose huge portions of taxpayer-funded budgets to waste, fraud and abuse.

This week, let us talk about the Department of Education. Today America's schools face a number of challenges. The Democrats have said time and time again that the answer is simply more Federal money, more Federal spending. Unfortunately, that is simply not true. Congress has already dramatically increased Federal spending for education. According to the Office of Management and Budget, from 1994 to 2002, funding for the Department of Education grew by a greater percentage than any other cabinet-level agency, number one. Yet test scores have either stagnated or actually declined. The problem is not how much money the government spends, the problem is how government spends the money. Unfortunately, much of the money that we spend on education is not going to the children. Enormous sums of the American people's hard-earned tax dollars intended to help teach our children are lost in waste, fraud and abuse.

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Mr. Speaker, let me just give you a few examples. Over a 3-year period, just one executive director of a Head Start program received over $814,000 in salary and bonuses. One of those years he received over $343,000, more than the Secretary of Education, more than a four-star general, more than the Vice President of the United States. This same Head Start program leased this government employee a Mercedes-Benz SUV for $600 a month, in part with Federal funds. And Democrats want to raise our taxes to pay for more of this?

This compensation is being paid with Federal funds that are intended to help 3- to 5-year-old school children. While this administrator's salary could pay for the education of 50 Head Start kids, the program he administered was over $1 million in debt. And Democrats want to raise our taxes to pay for more of this?

Mr. BERRY. Mr. Speaker, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Arkansas.

Mr. BERRY. I would just remind the gentleman from Texas that all these facts he is throwing out happened to have taken place at a time when the President of the United States and the entire United States Congress was controlled by Republicans.

Mr. HENSARLING. Reclaiming my time, actually during 1999, I believe President Clinton, a Democrat, was President of the United States. That brings up a greater problem. Frankly, there is a Federal bureaucracy that is out of control, and Republicans are trying to do something about it.

To continue, in 1999, the Department of Education made a number of improper payments, during the Clinton administration, I might add, including about $125 million in duplicate payments to 45 different grantees, $664,000 in duplicate payments to 51 different schools, and a $6 million double payment to a single school. What accountability. And Democrats want to raise our taxes to pay for more of this?

In fact, Mr. Speaker, over a 3-year period, from 1999 to 2001, during the Clinton administration, the Department of Education wasted almost one-half billion dollars, enough to pay for 194,000 extra Pell grants, increase the charter school program by 80 percent, or double the amount given to States to keep schools free and clear of drugs. $450 million wasted. And Democrats want to raise our taxes to pay for more of this?

Mr. Speaker, these are just a few examples of the types of waste the American people are paying for. When you look at the reports, it is easy to see that many other Federal programs routinely waste 10, 20, even 30 percent of their taxpayer-funded budgets, and have for years. In the real world when people lose this much money, they are either fired or they go to jail. But in Washington, it is simply an excuse to ask for even more money next year.

If we care about our children, we will begin to measure success by focusing on the outputs of education, test scores and the realization of students' potential, and quit measuring success by merely focusing on the inputs, money thrown at the problem. There are a thousand ways that we can save money in Washington without cutting needed services and without raising taxes on hardworking families as the Democrats propose. Because when it comes to Federal spending, it is not how much money the government spends, it is how the government spends the money.

MEDICARE REFORM

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, people from around the world come to America for their medical care. Yet Americans are forced to go and travel around the world to get their medications. Right now the Medicare conferees are trying to devise a drug benefit for seniors and for Medicare. Just yesterday, the Newark Star-Ledger reported a $400 billion benefit would barely make a dent in the $2 trillion that seniors are expected to pay for prescription drugs over the next decade. Last week, Boston University came out with a study showing that, as constructed, the pharmaceutical companies would make $139 billion in additional profit under this prescription drug bill.

I know some very smart people wonder why the public gets cynical. Why would you be cynical about the fact that you would barely get a dent in the drug benefit for senior citizens, yet the pharmaceutical companies would walk out with $140 billion more money? I do not think the public is cynical at all. I think they are quite sophisticated. They do not think we are doing our work around here, and they have a good reason to think we are not doing our work around here. They are suffering under staggering increases in drug costs that are going up for seniors on average about 30 to 40 percent a year for the most important drugs that they need for their blood pressure, their heart, rheumatism, arthritis; yet we have a benefit that would accrue a greater benefit to the pharmaceutical companies than to the seniors.

Some are now talking about capping, cutting the cost of Medicare growth, but refuse to take on the subject of making medications more affordable. Anybody who has been around there knows that the number one issue affecting our seniors is the affordability of prescription drugs. We are talking about cutting Medicare, we are talking about increasing the profits of pharmaceutical companies, we are talking about barely making a dent in the cost to seniors; yet we will not address the issue on the table that seniors are asking us to address, which is the issue of affordability where they one month to the next month see their drug prices go up 18, $19 for the same medication, and nothing different has happened.

Pharmaceutical companies do a good thing. They come up with lifesaving drugs. I took some of those medications when I was in the hospital for 8 weeks. They do good work. They get rewarded handsomely. They get a tax credit on the front end for research and development. They have control over the patent laws affecting the pharmaceutical products. They have the taxpayers' funding, the National Institutes of Health, $10 billion a year on drugs and medications. I think the taxpayers have been unbelievably generous to a good industry, and I want them to develop new medications; but I want it at competitive prices. If we are about to expand Medicare to the tune of $400 billion, we owe the taxpayers the decency and the common courtesy to get them the best prices we can. Not the most expensive prices, the best prices.

We have a proposal, 88 Republicans, 153 Democrats joined in a bipartisan fashion. Governors of both parties, mayors of both parties are looking at it, which is to open up the market, bring competition to the pricing of medications and bring that choice and availability to consumers. People today, 2 million Americans are going over the border, grandparents and grandfathers, to get the medications they need that are lifesaving medications. The system we have here where Americans now subsidize all the research and development of these lifesaving medications, we have the distinct honor to do what? To pay the most expensive prices in the world. As my great aunt used to say, Such a deal.

We ask our elderly to pay premium prices when the poor starving French and Germans and Italians and Canadians and Dutch and British are paying 30 to 40 to 50 percent cheaper for cancer drugs, blood thinning drugs, heart drugs, rheumatism, arthritis, diabetic drugs. We funded the research to give them these lifesaving medications, and their government stood up for them and got them decent prices.

What are we asking for? We are asking that our American consumers get the same competitive prices so you do not see the disparity when it comes to a pharmaceutical product for blood pressure. Americans are paying 50 percent more than the people in France or in Germany. And it is based on the free market. I have never seen so many protectionists on the Republican side in my life who refuse to accept the notion of the free market and the principle of the free market.

In Illinois, my Governor did a study showing that of the $340 million we spend in the State of Illinois for pharmaceutical products for employees and retirees, the State of Illinois could save the consumers and the taxpayers $91 million. The New York Times noted of the study, not only could you save $91 million, they noted that the Canadian system is far safer than the system we have here to guarantee the safety of the products sold. The issue is safety. When somebody tells you that it is about safety, it is not about money, folks, when they tell you it ain't about money, it is usually about money. That is the case. That is what we are dealing with. We are dealing with a product about money.

The other day Eli Lilly, now that we have demystified the notion about safety, Eli Lilly's CEO said that the whole issue related to here is about having the research and development dollars. The taxpayers have been funding the research and development for the last 20 years. They have been quite generous.

I would ask my colleagues and those who are meeting now in the conference to give the taxpayers and our grandparents a break, give them the medications they can afford rather than going into hock to try to do it and become drug runners and coyotes going over the border to get the medications they need to save their lives.

GAME PLAN FOR WINNING THE WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, in 1983, the United States embassy in Beirut was bombed. Sixty-three were killed; 120 were wounded. In 1983, the U.S. Marine barracks were bombed in Beirut. Three hundred troops, nearly all United States troops, were killed. In 1988, Pan Am 103 was bombed; 259 were killed. In 1993, the World Trade Center was bombed. Six killed, 1,000 injured. In 1996, the Khobar Towers was bombed. Nineteen U.S. soldiers killed, 240 injured. In 1998, the U.S. embassy in Kenya was bombed; 361 were killed, 5,000 injured. And in 2000, the USS Cole was bombed in Yemen. Seventeen sailors were killed and 39 were injured.

In those seven attacks, more than 1,000 people were killed. This was double our losses in Afghanistan and Iraq at the present time which total roughly 435. Yet during those seven attacks and after those seven attacks, there was very little response from the United States. As a result of those attacks, we withdrew from Lebanon in 1983 and from Somalia in 1993. I believe that this conveyed a very clear message to those who believe in terrorism. The message was this, that when attacked consistently over time, the United States will back down, will lose its will, and, of course, these attacks then led up to 9/11.

Following the loss of more than 3,000 Americans on September 11, 2001, we finally took a stand. The overwhelming majority of us in this body gave the President the authority to move aggressively against terrorism. We knew that this was hazardous. Sometimes we get the impression that we did not really know what we were doing. Yet I for one, and I think many people here, assumed that there might be some biological and chemical attacks against our troops, that taking Iraq was going to cost at least thousands if not tens of thousands of lives. Yet the results were remarkable. We gained control of Afghanistan and Iraq in a few months, and we lost less than 500 troops. I would say that a military accomplishment of this kind is pretty much unprecedented in military annals.

We also knew that securing the peace is always difficult. After World War I, after World War II, Kosovo, it was not easy at all; and it took a long time, and there was loss of life. Yet statements emanating from the Congress that we should pull out, that we should bring the troops home, that this war was created to boost the President's numbers, reading letters from those who have suffered loss or are discouraged, stating there is no plan for reconstruction, all encourage terrorists to believe that if they persist that we will fold, that we will lack the will and the resolve to win the war.

To not see this through is to dishonor the memory of every soldier lost and to render meaningless their families' suffering. To not see this through will leave Iraq open to Saddam's return and a betrayal of Iraqis who have helped. I am sure this is one thing that they all fear. It happened after the Gulf War. Many Iraqis who extended themselves to help the United States and allied forces suffered retribution. I think in the back of their minds is the idea that maybe this will happen again. The only satisfactory solution is to win. To lose will invite ever-increasing terrorism, and I think most people in this Chamber understand that.

To achieve victory in the swiftest possible manner with the least loss of life, this country and this Congress needs to stand united. We did so for a period of time after 9/11. This was the most encouraging period of my short tenure here in Congress. Because what I saw was that party loyalties and personal ambitions were put aside. I think the overwhelming motivation for everyone in this body was to simply serve their country the best that we could. Unity of purpose and a collective will to win will prevail. Division and second-guessing and finger-pointing and politicization will only serve to prolong the struggle and cause further loss of life and suffering.

From my perspective, failure is not an option. I hope the Congress can pull together. The threat is as real today as it was on 9/11.

HONORING NOVATO FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise this evening to honor the memory of firefighter Steve Rucker, a resident of Novato, California, and to wish the speedy recovery of three other Novato firefighters: Captain Doug McDonald, Shawn Kreps, and Barrett Smith.

These four men were among the dozens of firefighters from my district who sped to Southern California to fight the recent fires that burned hundreds of thousands of acres. Yesterday I stood alongside Officer Rucker's colleagues, firefighters and police officers, and watched the mile-long procession that carried his casket down Highway 101 from the airport in Santa Rosa to his beloved city of Novato. My heart was filled with emotion as I watched the great sadness this community felt, the sadness and grief that comes with the death of a family member. But lingering in this grief, there was also pride, pride in recalling the life and heroism of one of their own.

☐ 2000

These four firefighters served the Novato fire protection district. Novato is a prosperous place, a family town that touches San Francisco and reaches into the golden coastal hills. But the warm sun of Indian summer never lulls Novato firefighters. They know that the days before the rains come are the most dangerous time of the year throughout all of California. They also know that firefighters throughout the State are members of one large community, and when help is needed anywhere, they respond. So it was that without any contractual obligation, but out of compassion and comradeship that Shawn Kreps drove Novato fire engine 6162 all night a week ago Monday to join the fire lines at the Cedar fire more than 400 miles away. And so it was that Steve Rucker, Doug McDonald, Shawn Kreps, and Barrett Smith found themselves Wednesday on a back road 5 miles from the rural village of Julian, fighting to protect a scattering of homes.

Fire can be a fierce and swift enemy, and when flames suddenly threatened to engulf the men, all they could do was run for their lives. Steve Rucker did not make it. Apparently the intense heat of the fire seared his lungs, and when Captain McDonald went out to look for his friend, he too was critically burned.

Fortunately, Kreps and Smith suffered minor injuries, and I expect they will have many fires to fight in the future. Captain McDonald, however, remains hospitalized with serious burns, the wounds of a hero. My prayers go out to him and to his family.

It was too soon for 38-year-old Steve Rucker to leave this earth. He left behind a loving wife, Cathy; a 7-year-old daughter, Kirsten, a 3-year-old son, Wesley, and a home he had just built. His friends in the department knew Steve as "the Ruckster," a cheerful, enthusiastic man ready to joke and laugh, a man they could count on to be a calm and competent firefighter and paramedic, a man who loved his job. He was, according to his friend and colleague Tom Gaulke, "a firefighter's firefighter." And yesterday when I stood with Steve's firefighting companions, they told me that Steve was the go-to person when they needed somebody in times like this. They needed his counsel yesterday and his support during their sorrow, but he was gone, and that is why they have such sorrow.

Twelve thousand firefighters battled the armies of flames that once threatened to burn from Southern California's mountains to the Pacific ocean. Steve Rucker was the only firefighter to die in this historical battle. In this he receives a measure of immortality. He stands for all of the brave men and women who unselfishly risk their lives to save others, whether facing a wall of flames on a rural back road or the billowing smoke of the World Trade Center.

Mr. Speaker, Steve Rucker was an irreplaceable man, but his family must go on with life without him. I wish them consolation in knowing that this man, son, husband, and father, died giving the gift of himself.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, as a member of the Washington Waste Watchers and of this body, I feel it is my duty to bring to the public's attention instances of fraud, waste, and abuse. Such actions of fraud, waste, and abuse not only steal from the taxpayers, but also from the beneficiaries very much in need of the benefits. A perfect example of fraud, waste, and abuse is actually occurring right now in my district. In July, after 10 years of service, the Department of Labor decided not to award the contract for senior employment to the group called Experience Works. It is a not-for-profit organization that has been working extremely well with seniors. The Department instead decided to award the contract to the American Association of Retired Persons or AARP. One might think this might be okay.

The transition that I have seen for my seniors going from Experience Works to AARP has been deplorable. At least ten of my constituents call my offices every day with complaints of verbal abuse. Imagine that. AARP abusing seniors. Some have left meetings with AARP in tears. I can only imagine how any Member in here would feel if they received calls from senior constituents claiming that AARP is abusing them. What happened is AARP has instituted new policies that seniors in my area are simply not used to. They have decided that they are going to shuffle these senior employees, who, by the way, are earning $5.15 an hour, from job to job every 6 months, without exception, and many times without any warning. Today they are working for agency X; Monday they may be working for agency Y. It seems to me as if we did not learn from the shuffle game that we played with foster children. Nobody is nourished and nobody grows when we have a shuffling process where there is no continuity.

And, by the way, it is not just the seniors that I am hearing from. Many host agencies in the district are having problems as well. One of the agencies recently said that they have "had it with AARP." A gerontologist contacted me who has been working with seniors, and he said that he actually witnessed this verbal abuse of seniors by an AARP staff member. AARP is "looking into it." I am sorry, but that is not enough. There is not any reason why anyone should tolerate any employee who verbally abuses seniors.

I have also been working with the Department of Labor. AARP is not doing this out of the kindness of their heart. They receive $75 million for operation of the SCSEP employment program in 27 States and in Puerto Rico. By the way, that is up from the $52 million they received last year.

In the 10 years that I served as a Florida Senator and worked with Experience Works seniors, I never had one single complaint from my constituents, nor did I ever hear of any complaints from the time that I was elected. If AARP cannot spend taxpayer dollars that they receive helping seniors and working with the host agencies, I can think of a number of groups that certainly can accomplish this goal.

In addition to this case I cited in my district, I was also dismayed to learn that there was another Medicaid scandal happening in South Florida. Between 1999 and 2000, Medicaid actually paid roughly $2 million to dead beneficiaries. Most of these funds were distributed despite the fact that the department's database had the dates of the deaths already logged in. Simple fact, we have some fraudulent providers out there who are trying to bilk the system.

Another example of the waste, obviously, is the $600,000 that we are spending this year to have a blimp fly at sporting events to promote Medicare. I do not know of one senior out there who is not very familiar with Medicare.

When we look at all these expenditures, I know of lots of veterans back home who could suggest a lot better way to spend that taxpayer money.

Waste, fraud, and abuse throughout the Federal agencies is, obviously, decades old, and Republicans led by the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, and President Bush are working to eliminate the culture of waste that exists at the Federal Government. As a Republican, I will work to reduce wasteful spending in the government and to protect everyone's tax dollars.

IN SUPPORT OF A HEALTH-MONITORING PROGRAM FOR FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I would first like to thank all the firefighters and public servants who worked so hard this past week to help combat the devastating wildfires that occurred all over southern California and the Inland Empire. On behalf of myself and the people of the 43rd California Congressional District, I say "thank you."

In southern California and the Inland Empire, we have witnessed devastation like we have never seen before. Homes were destroyed, properties were damaged, lives were lost. More than 740,000 acres were burned. Nearly 3,600 homes were lost and 20 people lost their lives. At one point, nearly 16,000 firefighters were battling the blazes at the peak of devastation.

When the highway patrol, my son Joe Baca Jr. and I toured the fires in my district 1½ weeks ago, we went into the ruins where residents had been evacuated. We saw the devastation of the homes and felt an overwhelming heat and breathed in the thick smoke of the fire. It was hard for us to be there simply for a few hours, but our firefighters did this for weeks, round the clock, with very little rest. They battled the blazes, inhaled the fumes, while the entire time reaching out to the communities. When I was there with the firefighters, we would come out of the fires and people would instantly stop us. They would beg us to check if their homes were still standing. And do my colleagues know what the highway patrol, Joe Baca Jr. and I did? We charged back to where the flames were to see if the homes were still there. Often, as many know, we simply found an address on a curb and no home.

But who was still there, fighting the fires and trying to save the homes? The firefighters. We owe a great deal of gratitude to the brave men and women who fought these devastating fires, our American heroes.

That is why I believe that we should make sure that they have access to health care that they need so they can go home to their families safe and healthy. We do not know what the long-term effects of exposure to the smoke and fumes will be to the firefighters who fought the blazes in California. But with early evaluation, monitoring, and analyzing, we can offer them better treatment, the treatment they deserve for putting their lives on the line.

That is why I have introduced a bill that will require the Department of Health and Human Services to work with local health experts to conduct long-term health monitoring on firefighters who have responded to the California wildfires. This bill will create a health-monitoring program for the firefighters who respond to catastrophic Federal emergencies like we recently experienced in California.

I want the firefighters to have constant monitoring about their health. I want them to be able to have access to health care that they deserve. That is what my bill will do.

At least 15 studies have shown statistical links between brain cancer and firefighting. According to the Center to Protect Workers' Rights, firefighters often jeopardize their health when they respond to disaster. Often these disasters are so severe that their equipment cannot even protect them. The health consequences for these firefighters can be as great as cancer or heart disease.

In nearly all of these instances where firefighters have responded to Federal disaster, they have often been provided with very little or no health monitoring. This is wrong, and we must change it to make sure that there is monitoring.

Firefighters risk their lives protecting our property, our families, our way of life. They deserve better. We must have more resources devoted to monitoring firefighters after they respond to Federal emergencies when there is prolonged exposure to dangerous smoke, fumes, and chemicals.

A program like this was developed after the collapse of the World Trade Center. It has been very successful in identifying the health problems of those first responders.

□ 2015

Many of these firefighters at the World Trade Center suffered serious coughing illness after dealing with the wreckage of the towers. Thanks to monitoring programs, we can evaluate the health of these fire responders and get them the care that they need.

I want early detection for the men and women who responded to fires in California. I want them to be able to go back to their families safe and healthy. We must make sure that our firefighters are safe and healthy after they respond to a Federal disaster. We must make sure that we decrease such possible risk.

We owe a great gratitude to these brave men and women who fought the recent fires in California and the Inland Empire. Providing them adequate health care is the least we can do to say thanks to these American heroes.

ROOTING OUT WASTE, FRAUD AND ABUSE IN GOVERNMENT

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, my Washington Waste Watcher colleagues and I, Republican members of the freshman class, have come to the floor tonight to devise new and innovative ways for trimming the fat out of government. I believe we owe it to the American taxpayer to hold Washington bureaucrats accountable for wasteful spending and to discover new ways for reducing fraud in government at all levels. A great American from Ellijay, Georgia, Mr. Joe McCutchen, reminds me of this at least once a month.

Mr. Speaker, after spending 28 years as an OB–GYN doctor, it should be no surprise that part of my legislative agenda is to reorganize and revamp this Medicare program, which is currently responsible for billions of dollars of waste, fraud and abuse. The General Accounting Office has estimated that one of every 10 dollars is wasted because our current Medicare system is open to poor management and fraud. Dishonest individuals find new and more creative ways to cheat our Medicare system every day, burdening Americans with higher taxes, higher premiums, and higher copays.

For example, according to the Bureau of National Affairs in an April 25, 2003, article of "Health Care Daily," a Florida woman was sentenced for her role in a scheme that allegedly billed Medicare and Medicaid more than $25 million worth of false claims for, get this, wheelchairs, alternating pressure mattresses, and other durable medical equipment; $25 million of taxpayer money that is lost and unrefundable, money that could have been used to improve our schools or aid our soldiers in Iraq or provide health care for the uninsured.

Another example comes from the Health and Human Services Inspector General report to Congress, April 2000. It was reported that Medicare paid an estimated $20.6 million for services that started after the posted death dates of certain recipients. My good friend and colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), just a few minutes earlier mentioned the same thing. Of this amount, $8 million was paid, despite the fact the Department had already noted their deaths in the main database.

These are just examples of the mismanagement of time and resources that are costing Americans billions of dollars every year. In these times of war and emphasis on homeland security, we cannot afford to spend another dollar on wasteful programs, and we must save money by eradicating fraud against and within the Federal Government.

Mr. Speaker, it is time to restore responsibility and accountability to government programs by rooting out this waste, fraud and abuse in our government. I urge my colleagues to help pass needed Medicare reform.

REPUBLICAN EFFORT TO PRIVATIZE GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to discuss something I believe goes virtually unsaid in this institution every day, not merely the ramifications of what Congress does on a daily basis, but rather the underlying intentions of those in the majority. And that is how this majority, in concert with the administration, is acting to remake how our Nation governs and thinks of itself. Indeed, it is remaking the very role of government itself.

I think it is particularly appropriate that we discuss this matter at a time when Congress is heading toward its annual appropriations endgame, when many of the most important budgetary decisions affecting millions of citizens are being made behind closed doors by a handful in this Republican majority. So this week I am going to be talking about Republican efforts to privatize functions that are currently the responsibility of government and specifically how that relates to our failure to meet public commitments.

Let me be clear: the goal is not more government. Far from it. In most cases, we want our business enterprises and the market to flourish. But there are some very important areas where we want community values, not the market, to prevail or to set limits on behavior. There is a reason we have public schools, environmental regulation, and retirement programs, because there are things we want to ensure for all individuals, whatever their station in life or wherever they live in the country.

For nearly 75 years, our approach to government has reflected the idea that our society can act with a shared sense of purpose and responsibility to address tasks before our country. But it is no secret that this leadership has some very different ideas about the role of the Federal Government and helping us meet those challenges. Accordingly, the budget Republicans put forward earlier this year was designed simply and efficiently to destroy the capacity and obligation of the government to provide key social support. Their plans are to debase the quality of public services so much that citizens will give up and turn, out of necessity, to the private market.

The examples are many, and they are far-reaching. The twin pillars of our retirement security safety net, Social Security and Medicare, environmental protection, transportation safety, education, all public commitments historically the responsibility of the Federal Government, all undermined by this administration and majority.

Republicans pass legislation to create new tests and higher standards for public schools, then support a budget that cuts the funding to enforce those standards by $8 billion, in effect guaranteeing failure and providing a justification for the shift to vouchers and private education.

Their Medicare plans offer prescription drug coverage for seniors, but moves seniors into the private insurance market and into HMOs for their Medicare coverage. The budget cuts coverage for Medicare at the same time the administration reduces hospital reimbursements, denies beneficiaries information on coverage and limits rights of appeal on denial of coverage. All are part of a concerted effort to turn Medicare into essentially a Third World health program for seniors. They want to privatize Medicare.

The story with Medicaid, child care, Head Start, and job training is little different. They propose to turn these programs into block grants for States, offering less and less funding. They say they are offering Governors flexibility; but considering the fiscal crises our States are experiencing, this becomes flexibility only in deciding how to cut services, the flexibility to decide which recipients to jettison.

As a Member of the Committee on the Budget, I was privy earlier this year to witness Republicans on the committee taking the breathtaking step of instructing other congressional committees to cut Federal mandatory programs by $98 billion, in effect an instruction to reduce benefits and to limit eligibility. If it had been successful, it would have forced the government to cut funding, but not to end the commitment that we have in each of these areas.

So although America has committed itself to helping disabled veterans, to providing loans for college education, to offering school lunches to children and providing school assistance, housing and health care to families, the government would have been forced to breach those commitments and those contracts.

Now as we near the appropriations end game, we are seeing the impact of these budgetary sleights of hand. For example, last week we saw the imminent privatization of 69 air traffic control towers. This despite the fact we have the most productive and safest air traffic control system in the world.

Or "worker efficiency studies" at Department of the Interior designed to justify the shift of public jobs to private corporations, the results of which studies have been dubious, to say the least. We have spent $16 million in outsourcing studies at the Bureau of Land Management that have generated $600,000 in savings; $18.6 million in outsourcing studies at the Forest Service that found that 47 out of 1,000 jobs studied should be handed over to private contractors. The only waste of public funds found in these studies was their own price tags.

And these are but two examples of Republicans seeking to establish that citizens cannot depend on public commitments—even ones that embody America's shared values about service to country, opportunity and help for those most in need.

The time has come to call them out on this bait-and-switch maneuver—to fight this initiative and promote the capacity of our country to act together on our shared values. And so I look forward to further special orders in the coming days and weeks on this subject, and invite colleagues on both sides of the aisle to join me in this discussion. I think it will be a very enlightening one, indeed.

Mr. Speaker, I will continue over the next several days and several weeks to talk about how this administration and this majority is not about cutting one program after another, but, in fact, starving the Federal Government of the resources it needs in order to meet its public commitments.

CUTTING BENEFITS FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, soon we will be observing Veterans' Day in our Nation; and there will be parades, pictures will be taken, and flowery speeches will be made. But I want to just point out to my colleagues here in the House and to those who may be watching what the record is in terms of veterans and veterans funding and veterans health care.

In 2002, the Veterans Administration decided that they were going to raise the cost of a prescription drug that a veteran would have to pay from $2 to $7 a prescription. At the time I thought that was outrageous, because many of the veterans that I represent take 10 or more prescriptions a month; and I felt like that was an unnecessary burden, financial burden, to place upon our veterans.

But there is a pattern of actions that have been taken by this administration that I think I would call shameful as far as the treatment of veterans is concerned, because following this increase in the cost of a prescription drug, the VA issued a gag order. They literally changed VA policy. They sent out a memo that went out to all the health care providers across our country, the doctors and nurses and social workers who work in our VA clinics, and they forbade them to continue to proactively inform veterans of what benefits they were legally entitled to receive. The memo was very specific. It told these health care providers that they could no longer participate in a community health fair, they could no longer send out newsletters informing veterans of the benefits that they were entitled to, they could no longer make public service announcements.

Now, think of that. Here is this agency of the Federal Government, under this President, an agency that is supposed to be looking out for the welfare of veterans, literally forbidding the health care providers in our VA facilities from informing veterans in a proactive manner of the benefits they were entitled to receive under the law.

Well, not long after they issued this gag order, the VA made a decision that they were going to exclude an entire group of veterans from VA health care. They called this new category of veterans Priority 8. You can be a Priority 8 veteran and be a combat-decorated veteran; but if you have an illness that is not service-connected and if your income is deemed to be too much, and in this case it can be as little as $24,000 a year, you are told by the VA, you are out of here. We do not want you coming to us for medical care. You are excluded. You are a Priority 8 veteran. Pretty pathetic. All of this is happening, by the way, under the Presidency of George W. Bush.

Then in January the President sent his budget to the Congress, and in his budget he asked that the cost of a prescription drug be increased from $7 to $15 a prescription. Think of that. At a time when we were getting ready to send our young men and women into war, the President wants to increase the copayment for a prescription from $7 to $15. His budget also asked that a new first-time enrollment fee be imposed upon veterans, Priority 7 and 8 veterans, an enrollment fee of $250.

You can see the pattern. It is a pattern of neglect and, I believe, abuse of veterans.

Then we could talk about the disabled veterans tax. The country is becoming aware that if a veteran has served 20 years, he or she is entitled to a retirement benefit; and if they are injured as a result of their military service, they are entitled to disability benefits, but they cannot receive both.

□ 2030

But they cannot receive both. Now, if they were in any other part of the Federal Government, they would get both. But if you are a veteran, for every dollar in disability benefit you get, you lose a dollar in pension. In other words, veterans are being required to fund their own disability compensation. We tried to correct that in the House and Senate, but the President put out a veto threat that if this was in the bill, if this correction was in the bill, he would veto it.

Then there is a matter of VA funding for this year. It is $1.8 billion short of what this House promised. We need $1.8 billion additional dollars in VA funding simply to maintain the current level of VA health care services, but the Republican leadership and the President say no. So the Senate, just last week, passed an amendment to increase VA funding, not by the full $1.8 billion, but by $1.3 billion, and they wanted to take it out of that $87 billion that is being provided for Iraq. The same day, the White House put out a statement saying they oppose this.

I think the veterans of this country are coming to understand that they are being treated in a shabby and a shameless manner.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas (Mr. EDWARDS).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

BUSH ADMINISTRATION SHOULD REEVALUATE SPENDING PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight, several Members on the Republican side of the aisle gave 5-minute Special Orders on government waste, while today's New York Times talks about the war in Iraq and the difficulty that the Bush administration is facing in managing that war and in restoring Iraq's economy. Now, I do not think most Americans thought when we went into Iraq that we were supposed to restore the economy, but there has been a great deal of mission creep, obviously, and with no stability there and, with no security, investment does not happen. Of course, it is not a free-enterprise economy, and a lot of their former businesses and State-owned companies are in trouble.

This particular article talks about a shoe company that would fashion leather and finish shoes. Thousands of people there are without work as a result of the war and the bad conditions. So the Bush administration is taking cash and paying over 2,000 workers in just that company; imagine how many companies there are in Iraq, just to kind of "buy the peace" so that there is not more unrest.

Meanwhile, here in Congress, about a week ago, we tried to get a bill passed that would give $1,500 to each of our soldiers' families who are in combat in Iraq and Afghanistan. Guess what? The very same Republican party that is handing out $100 bills in Iraq forced the defeat of that measure offered by the gentleman from Michigan (Mr. STUPAK) here in the House. Very interesting priorities, in my opinion, and absolutely wrong.

Now, last Friday, President Bush came to Ohio, our State, and I thought he might be coming to stop the loss of jobs, because that particular day there had been an announcement of another 525 jobs, this time Federal jobs, that had to do with the Department of Defense that were being taken out of Cleveland, Ohio. The President did not say anything about those jobs when he came. He probably did not want to because his own Department of Defense made a big mistake. They took these Federal jobs that had been with the Defense Finance Accounting Service at the Department of Defense through the Cleveland office, and they decided they were going to move them to Texas. They said, we are going to contract these jobs out. Now, did they provide the workers in Cleveland with the same kind of money they are providing to the workers in Iraq? No.

What they did was they moved the jobs to Dallas, Texas because they contracted out the jobs to a company, and I want to get the name of the private company correctly here; oh, Dallas-based Affiliated Computer Services. The President said he was going to save money by contracting out these Federal jobs. But do my colleagues know what? They made a big mistake, because the government workers actually saved the taxpayers $20 million. The subcontractors that the President hired in Texas and, gee, is that a coincidence, is going to cost the taxpayers of our country 20 million more dollars, not less dollars. It is funny that it was in Texas. While the President was in Ohio, while our jobs were leaving for Texas and costing the taxpayers of our country $20 million more, the President took down a cool $1.2 billion in Columbus, Ohio for his campaign. He bagged a cool million in Ohio, a little bit over $1 million. Then he went to Texas and took $1.4 million down there in a big fund-raiser. Very interesting.

Now, he was in California, I think it was yesterday, and he stood in front of people's homes that have had their properties burned to the ground. Unlike Iraq, he did not hand out any money; he just sympathized, empathized with the people and said they would get FEMA loans. Give them loans in California. And then he proceeded, while these people have just lost everything and they are getting loans from FEMA, to talk about Iraq and the $87 billion that he is going to spend in Iraq.

What I really want to know from President Bush is, how are we going to know, as the American people, when we have won in Iraq?

Now, back in May, I think the President got on a ship and it said, "mission accomplished." So the American people thought things were winding down. Well, they were just beginning. We have now lost more troops in Iraq than before the President stood in front of the sign that said "mission accomplished," and I want to know how will we know when we have won? When we have trained 200,000 Iraqi police to keep the security in the country? At what level will we have to have their force in order to know that we have to leave? Will we have won when we finally find Saddam Hussein? Will we have won when Iraq holds their own elections next year? Will we have won when we assure ourselves that there are no weapons of mass destruction? The President already said when Hurricane Isabel hit the East Coast here and captured all the headlines, there was a story that was buried in the paper where he said: Well, there were not any weapons of mass destruction. But that is why we went in.

So I would like to ask the President, please, tell us what the exit strategy is. How will we know when we win in Iraq, and how much is it going to cost us?

$87 BILLION BETTER SPENT IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the Senate on a voice vote yesterday, kind of pathetic, voted to borrow $87 billion from the American people for the conflict in Iraq. A substantial portion of that is to go to rebuild, or build, not rebuild, build the infrastructure of Iraq. As the gentlewoman from Ohio said, some of it is going to pay Iraqis for make-work or no-show jobs when we cannot get unemployment benefits for Americans here. If we took that money and we divided it up, there are 435 of us here in the House of Representatives, and we divided it up among our congressional districts, that would be $220 million per congressional district.

Now, my district has just about the highest rate of unemployment in the United States. My State has the highest rate of unemployment, my district and the gentleman from Oregon's (Mr. WALDEN) are unfortunately right up there in the State. Mr. Speaker, $22 million could mean a lot for us. It could put a lot of people to work.

Albany, Oregon, under Federal mandate, is going to borrow money to build a new water system. Of course, we are going to give $50 million to Iraq to build a new water system for one city. Sweet Home, Oregon, same thing. Federal mandate. They can borrow some money, but we are going to give money to Iraq to build them new water systems.

My port of Port Orifice sewage system, fell into the ocean after a big storm. Problem. The Federal Government says this depressed little coastal community, they will lend them some money to help them do that project; lend them some money. But, in Iraq, we are going to give them new sewer systems. The American people are borrowing money to build these projects in Iraq with no prospect of being repaid under the leadership of President Bush.

We could also, with the same $220 million, guarantee my coastal ports, which were zeroed out in the President's budget for continued dredging maintenance, we could dredge those ports for 5 years. We still have not spent $220 million yet. We are working on it. This is just one district. Just imagine what this would mean across the United States of America if every Member of Congress got to take that $220 million home instead of sending it over to this deep pit in Iraq.

We could give 1,000 students full tuition, room and board at the University of Oregon or Oregon State in my district; 10,000 community college scholarships. Instead of them having to borrow money from the Federal Government, we could have given them scholarships. This is just one congressional district. We could give thousands, more than 10,000 students full tuition, a free ride for the year. We could put thousands to work on infrastructure projects meeting Federal mandates. That is just one congressional district. Imagine if that were repeated across the United States of America. If only the President would borrow money to invest here, or even spend money like the unemployment trust fund.

Now, since this $87 billion that was borrowed or authorized yesterday by the Senate, the President will probably sign the bill soon, following the $79 billion that we borrowed last April which is not yet spent, we have to wonder, what is the plan? The plan was to vote on borrowing another $87 billion before they spent the $79 billion. And so what are we going to do to bring stability? Well, now they say what they are going to do is train Iraqis. Now, on September 5, Donald Rumsfeld said there were 55,000 Iraqis all told, including security guards, et cetera, trained. Since then the estimates of the Iraqi forces have grown at the rate that would mean they have trained 1,000 people a day. Wow. Must be some program. Unfortunately, they have not yet begun the $1.2 billion program to train Iraqis in Jordan to become police and security. Yes, that is right. We are going to pay $1.2 billion. The French and the Germans offered to do it for free, and they are good at training people do to that, but God forbid that we should save the American taxpayers $1.2 billion and take something from the French and Germans that they are good at. So the Jordanians and, of course, we know they are really good at this, are going to be training the Iraqis to become police. But somehow, magically the numbers keep going on up. It is like zip, zip, zip.

Then last week Deputy Defense Secretary Paul Wolfowitz speaking in Georgetown raised that figure to 90,000. Three days later Rumsfeld said 100,000.

Now, how is this happening? Do we think this is really happening? Do we think we can believe these folks? Now remember, these are the same people who told us, this is a country that can afford to rebuild itself and pay for its own reconstruction, and soon. That is what we were told. That is what the American people were told. They would be waving little flags, welcoming us as victors. Our kids do not have the flak jackets they need because Rummy said there would only be 30,000 Americans there by now, and we have more than 30,000 flak jackets. They have planned miserably.

I would recommend to my colleagues and everybody, Blueprint for a Mess from the New York Times on Sunday, November 2, New York Times magazine, the best compilation of the total abysmal failure to plan and, in fact, to reject planning for the postwar Iraq by this administration.

ECONOMY SUFFERS UNDER BUSH ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, last week, the Commerce Department released the growth rate for the third quarter. It was good news, welcome news, the kind of news we can all cheer. According to the Commerce Department, the economy grew at a rate of 7.2 percent in the third quarter this year.

Now, we all doubt, the President and all the rest of us, that this pace can be sustained, but we all hope that it signals the start of a strong recovery because, Mr. Speaker, it has been a long time coming.

Most Americans will be surprised to hear it, but this economy officially moved out of recession 2 years ago, November 2001.

□ 2045

And yet for 3 solid years, ever since even the recovery from the recession, the official recovery, the economy has continued to creep along, to scrape bottom.

All together, we have had a net job loss in the private sector since 2001 of 3.2 million jobs; 3.2 million jobs have been lost; 2.6 to 2.7 million of those jobs have been lost in manufacturing, some of the best jobs we have got. And I am afraid some of those jobs are not coming back, even if the economy recovers.

So before anybody hangs out a "mission accomplished" banner over this economy, I think it is important we recognize tonight and henceforth that there is a lot left to be done.

Here in a nutshell is what this administration has been able to accomplish, or not accomplish, on its watch with respect to the budget and the economy since January of 2001, things that still cry out for correction, notwithstanding the growth rate that we are experiencing right now.

This chart shows that the private sector has shed 3.2 million jobs. That is the worst job record since the Hoover administration, the Great Depression. Long-term unemployment, that is, people who are unemployed for 6 months or more, has tripled. That is when it really begins to get tough. The growth in the economy over the last 3 years, it has grown, it has not been all recession, but the growth has been 2.1 percent on average for 3 straight years. There is only one administration in history who has a worse record than that, that is George Walker Herbert Bush in the 1990s, early 1990s.

Real business investment, that is investment in productive assets, business assets that generate jobs and generate profits, has fallen 6.6 percent a year, the worst rate for real business investment since the Second World War.

And our other deficit, the so-called balance-the-payments deficit, the trade gap, has also increased by $100 billion over the last 3 years.

Let me just show you in further detail more about what has happened to the economy. Growth during this administration, 2.1 percent for the last 3 years. As I said, to find an administration with a worse record since the beginning of the Truman administration, the end of the Second World War, you only go back to the Bush administration. Every other administration has experienced better growth than that.

The unemployment rate has increased from 6 million people to 8 million people. You can see from this chart what has happened to unemployment. It has gone from 4 percent to as high as 6.5 percent and now rests at around 6.1 percent, persistent unemployment, even though we pulled out of the recession.

Let me make that point more clearly. As I said earlier, the economy pulled out of recession in November of 2001. Now, in all of the postwar recessions since the end of the Second World War, if you measure them in jobs lost and jobs recovered, from peak to peak the length of the business cycle downturn has been about 26, 27 months. And here you see that average recession plotted on this chart. You also see across the bottom the red line which indicates the path of this recession. Typically, in every other recession of nine that have occurred since the end of the Second World War at about the 13th, 14th month, you begin to see the job recovery. We begin to regain the jobs that we have lost in the first 13 months. And by the 25th or 26th month we are back to where we were a couple of years before, the jobs have been restored.

But look what has happened here. In the 13th, 14th, 15th month of this recession, this red line keeps going down. It does not turn up. And this is where we are right now today in November of 2003, barely holding our own, hardly improving at all over the dismal loss of 3.2 million jobs over the last 3 years. That is what is happening to jobs in our economy. That is why this is a jobless recovery. That is not just a turn of phrase, that is not just some rhetorical creation. This is a jobless and a joyless recovery. That is why the people in this country have not felt the recovery even now officially when we did recover in November of 2001.

Now, one of the concerns that we all have when you look at this 7.2 percent growth rate is that it represents one quarter. You have to ask yourself what does the future hold? We hope that this means that the economy as a whole is beginning to pick up. But we have, I think, reason to be worried about the long-run future, not the next several months, not the next quarter, not the next year, but 3 years from now, 10 years from now, 15 years from now when we look at what it has cost to turn this economy around and in terms of tax cuts.

The Bush administration is sure to credit what has happened to the tax cuts that it has implemented, three different series of tax cuts over the last 3 years, totalling about $3 trillion in all in revenue reduction. And they say that this has been the key factor in turning the economy around. Of course, it has played a significant part, I am sure. But we argued all along that this same level of stimulus could be achieved with a lot less damage to the long-term budget, that you could have short-term stimulus with the right tax cuts and still have long-term balance. And that is where the Bush administration comes up short.

Because you will see that in running the budget, running this economy, in trying to deal with the recession, in putting through ahead of everything else preemptively its series of three tax cuts we have seen here this red line here the most precipitous decline, the most drastic reversal in the fiscal fortunes of the United States since at least the Second World War, maybe since Woodrow Wilson. It has just been a tremendous decrease.

Here in a nutshell is what has happened. In the year 2000, fiscal year 2000, the Government of the United States booked a surplus of $236 billion. That was 4 years ago. Hard to believe, but we had a surplus 4 years ago of $236 billion. Three years ago the Bush administration came to office with an advantage that few administrations in history, none in this country, have enjoyed and that is a budget surplus, bigtime surplus. And they had some major decisions to make, but they went first and foremost with their tax cuts.

Their economists looked out over the next 10 years, and they foresaw surpluses totalling $5.6 trillion between 2002 and 2011. In 3 years they have changed that picture from a cumulative surplus of $5.6 trillion to a cumulative deficit of nearly $4 trillion, 3.5 to $4 trillion if you simply assume that what we know to be on the Bush agenda is implemented and carried out over that period of time with respect to prescription drugs, with respect to the war in Iraq, with respect to other tax cuts which it is still calling for.

And when you factor that all in, we see not a surplus of $5.6 trillion but a deficit of 3.5 to $4 trillion. And that is the question we would like to address tonight.

We are pleased, we are excited, we are hopeful to see the 7.8 percent growth rate that the economy racked up in the last quarter. But we have to stand back and ask ourselves at what cost have we come, what long-term damage have we done to the budget in getting here.

Let me show you one little piece of math that everybody can understand. If you take the tax cuts that have been implemented to date and look just at the cumulative cost in terms of revenues lost to date, which is about $860 billion, and you divide that by the jobs that the Treasury Department, the Commerce Department claims have been created during this period of time so that we would have had, they say, 5.2 million jobs lost but for the tax cuts, instead of 3.2 million jobs lost we would have 5 million but for the fact that these tax cuts have actually generated a total of 2 million jobs, divide the cost of the tax cuts through this year by the jobs created, it comes to $3,420,000 per job in terms of revenues lost to the Treasury. That is the situation we want to talk to you about tonight.

Where are we going? The budgets that have been produced here, the deficits that have been generated over the last 3 years have been generated with an attitude almost of indifference to the bottom line as if the deficits being run were not consequential, as if they will be wiped out, which we know they will not. All the forecasts of the deficits we will talk about tonight assume that the economy will be growing at 3 percent and we are still accumulating deficits of 3 to $4 trillion despite that rate of growth. But they, nevertheless, have been incurred without any kind of sense of urgency or consequential effects.

It seems to be that those who are overseeing this budget believe that these numbers are not consequential. We believe, those of us here in this Chamber, those on this side of the aisle, and many in this House, we believe those numbers are consequential and they will affect our future and that once we get this economy up and running and on its feet again, it is going to hit hurdle after hurdle as it has to deal with the fact that these huge deficits are there, record deficits, 3, 4, $500 billion a year.

They will have several different effects on our economy. One is the government itself will have to pay more interest every year, bigger and bigger sums in interest, so eventually we will have to raise taxes to pay just interest. That creates cynicism in the American public because they are paying taxes to their government and seeing nothing in return for it, just interest payments.

And, secondly, when the government goes into the open markets to finance its 4 or $500 billion deficits every year, it crowds out private borrowers and runs up the costs of capital.

What are the consequences in the long run of the policies we have been pursuing for the last 3 years? That is the question we pose tonight.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN) to respond to the issues we have just raised.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for leading this Special Order tonight to call attention to the misrepresentations and the consequences that follow on this country as a result of the disastrous economic policies pursued by this administration.

One good quarter of economic growth is something to celebrate because we have had so many bad quarters, but it is not an answer to what has gone before. The truth is that the administration of George W. Bush has done more damage to this country in a shorter period of time than any administration in my lifetime, largely because it has pursued economic policies that are reckless and irrational.

Let me call up one chart here that I think will be helpful. The line at the bottom of this chart shows the total surplus or deficit without Social Security or Medicare over the last several administrations. What you can see is how the deficit, the non-Social Security deficit exploded during the Reagan and Bush years. And then as President Clinton came to office and instilled a greater sense of fiscal discipline, we drove that deficit down every year until finally we had a surplus.

But no sooner had President Bush taken office than he immediately enacted very large tax cuts and drove us back into deficit again. That kind of record, that kind of policy has a consequence for jobs, because this President has racked up the worst private sector job growth record since World War II. Only in the second administration of Dwight D. Eisenhower has there ever been negative job growth during a Presidential term. But today, 1 year from completion of President Bush's term, we are down 3.2 million jobs in this country. And that is the worst record for any President since the Great Depression.

What we need in this country is to get back to a sense of fiscal discipline so that we are not having the Federal Government suck up all the revenues that need to go to the private sector, that need to go to investment in this particular country.

□ 2100

We had Members down here earlier from the other side of the aisle, and those Members were saying that there is waste, fraud and abuse in the Federal Government; and surely there is. But Medicare remains the most efficient deliverer of health care services in this country. Medicare does not pay multimillion dollar salaries to its executives, and Medicare is able to hold down the price of those health care services that are so important to people here.

What we have in this country today is a neglect of basic principles of the management of the Federal budget, and it seems to me that there is a lot more going on here than simply the inability to pay attention. It seems clear that this third tax cut passed in 2003 can only be explained as an effort to drive down Federal revenues to a point where we are not able, as a country, to preserve Medicare as we know it and to preserve Social Security as we know it.

In conclusion, I would call to mind on that point what the chairman, the Republican chairman of the Committee on Ways and Means said the other day when asked on television. Someone said to him in a television interview: Will not this Medicare bill that you are working on destroy Medicare? And he said, I certainly hope so because fee-for-service Medicare is outmoded and not good for the American people.

It is the only program we have. What is going on here is, in my opinion, a systematic effort to undermine the Federal budget so that these programs that are in many ways the great achievement of the last half of the 20th century will be not able to be continued in their current form.

We need to return to fiscal discipline. We need a concentration on jobs for ordinary Americans instead of tax cuts for the wealthiest Americans, and then maybe we can get this country back on track.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank the distinguished gentleman from South Carolina (Mr. SPRATT) for the wonderful work he does as our ranking member on the Committee on the Budget. I will be followed in just a few minutes by the distinguished gentleman from Texas (Mr. STENHOLM), who has served on the Committee on the Budget. He has been a deficit hawk and a debt hawk and a very responsible person with this country's money for a long, long time, and I want to publicly acknowledge the great work that both these gentlemen have done and tell them how much the rest of us appreciate it.

I can state that to be here this evening talking about this very issue is a heartbreaking thing for me, Mr. Speaker. I came here in 1993, shortly after the historic vote when they changed the course of the economy in this country with only Democratic votes to pass the economic recovery plan of then-President Bill Clinton. I was part of the Clinton administration. I know how hard it was to reduce spending, and we did reduce spending. And we continued to reduce spending until we had the budget in balance with the help of both of these gentlemen. I know how difficult it was to achieve that.

We reduced the number of Federal employees by 20 percent. And it was a hard thing to do. And yet, the President now says, this current President, he comes in, he squanders the surplus, and he says: We are going to stay the course. We are going to keep doing what we have already done that has been such a disaster. I guess what he means is, as near as I can tell, he is going to cut taxes on the wealthiest people in this country some more.

There is nothing in the minority we can do about it. The Republicans have the White House. They have the House. They have the Senate. They can pass whatever they want to pass. But I can tell you where I come from, Mr. Speaker, it seems to me that some people they just do not know a good deal from a bad one, and we have obviously been given a bad deal.

Let us look at the record, and it will be talked about over and over and over. We are not able to fund education. We cannot fund veterans benefits; we have to cut them. There are 3.2 million lost jobs, and we are losing more every day. There is a $5.6 trillion surplus that was inherited by this administration that has just, simply, been squandered. Two million people that do not have health insurance. This is the plan that we are going to stay with. And it is a heartbreaking thing because we did have a surplus when this President came into office.

Now, I find the other gentlemen from across the aisle this evening, they were talking about we had wasteful spending, and they had found places where the government had not spent the taxpayers' dollars very wisely, and I do not think we ought to do that either. I agree with that. But the sad part of this story is if we did away with the whole department that they were talking about, we could not balance the budget. If we did away with an entire Department of Defense, Department of Transportation, Department of Education, and the list goes on and on, we could not balance the budget.

The budget is so far out of whack that we would not salvage anything but about 15 or 20 percent of the discretionary spending. If we tried to balance the budget, that is all we would have.

The wasteful spending they talk about is shameful, but at the same time it does not even come close to addressing the problem. We need to understand the magnitude of this problem.

The Concord Coalition says that if we were to balance a budget within the next 10 years, we would have to cut Social Security benefits by 60 percent, we would have to cut the Department of Defense by 73 percent, and those massive Draconian cuts go on and on and on. And this is what the President says that he is going to stay with, the plan. He is committed to his economic plan.

At some point, Mr. Speaker, you have got to recognize a bad deal when you have one and deal with it in an appropriate fashion. We simply cannot afford to continue to do this as a Nation. I am sure our Founding Fathers would be horrified at this. I am horrified by it. But the most heartbreaking thing that I find, and that I feel when I see this happen, is the fact that we are passing it on to our children and grandchildren.

Why would any responsible adult do this to their children and grandchildren? We are putting a tax on our children and grandchildren that they will not have a choice about. They will have to pay exorbitant taxes just to pay the interest on the debt, not to pay the debt off. And also I cannot forget the fact that our troops are on the battlefield losing their lives, making enormous sacrifices, in some cases the greatest sacrifice; and those that are lucky enough to return will have to go to work to help pay the interest on the debt where we borrowed the money while they were in battle. And they will have to help pay off the interest and the debt that we have incurred in such an irresponsible way. I think that is a heartbreaking set of facts.

I think that it is absolutely unacceptable that we would allow this to happen to the next generations. I thank the gentleman from South Carolina (Mr. SPRATT) for his leadership in this matter.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my colleague for his leadership, and I wanted to just expand on what was said.

President Bush in the State of the Union address, and then later on, made a comment that I strongly agree with, in principle, but not in the way he has put it into practice. The President said, "See, I ran for office to solve problems, not to pass them onto future Presidents and future generations."

That is with merit to say that. But what has he, in fact, done?

This is the budget outlook under the current Republican policies. And I want to call your attention to a couple of things, and I know it is something that the gentleman from South Carolina (Mr. SPRATT) raised before.

Virtually every Member of this body voted to put Social Security and Medicare in a lockbox. The President said he would put it in a lockbox. But what he did not say is he would keep the key to that lockbox in his back pocket and if budget numbers look bad, he would open up to lockbox and borrow from it to make his deficit projections look smaller.

The gentleman from Arkansas (Mr. BERRY) pointed out that the deficit is so great under this administration that we could completely eliminate the Department of Education, the National Institute of Health, the National Park Service, transportation funding at the Federal level and a host of other programs, lock up the National Parks, shut down all the research at the National Institute of Health, and we are still not out of deficit.

When the President and the leadership of the Republican party say we have a $400 billion deficit, what they are not telling you is we are borrowing hundreds of billions more from Social Security and Medicare. That debt is going to come due at precisely the time that the tax breaks these folks have passed expand.

Our friends would have you believe that Democrats want to raise taxes. That is not true. In fact, this party offered a number of constructive and responsible tax breaks. But what we do believe is we should not pass debt onto our kids.

Let us look at the debt we are putting on. You hear about all of $400 billion debt or $400 billion deficit or a $500 billion deficit, and the Republicans would have you believe, well, it is not so much. It is a percentage of gross domestic product. But the American people have more sense than that. The American people understand that even in Washington, D.C., $400 billion is a lot of money. And they also know that it adds up year after year after year.

Look at this chart. This chart shows the cumulative effects of the Bush deficit and the Republican Congress deficit, because make no mistake about it, the fiscal policies in play in this country right now are solely, solely the responsibility of the Republican majority because they control the House of Representatives, the Senate of the United States, and the Presidency. And their deficit adds up to $7 trillion more debt over the next 10 years. They will double, effectively double the debt in just 10 years. And that is a debt our children are going to have to pay. I would submit to you that this is not an economic policy. It is a Ponzi scheme. Ponzi schemes are outlawed because they do not work, because you promise people things that they cannot deliver, and that is what this budget does. They would have you believe it is going to recover magically. The growth fairy will come save us.

I will state that in April I gave a speech, and I said we should be aware, and we should hope that the economy is going to recover because, quite frankly, if you give me 2 percent interest rates or any President 2 percent interest rates for a period of a couple of years, and if you pump in a trillion dollars of deficit spending, just like if Disney dads whip out the credit cards and buy their kids all kinds of treats, you will think the economy has gotten better. But the long-term cost of that short-term celebration will be paid by our children and that is not responsible. That is not conservative and that is not compassionate.

The American people deserve to know the truth. I applaud the gentleman from South Carolina (Mr. SPRATT) for being able to tell them the truth and my good friend, the gentleman from Texas (Mr. STENHOLM) who has been a leader on this.

Mr. SPRATT. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. BISHOP of Utah). The gentleman has approximately 30 minutes.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me. I think it is particularly important to point out that the gentleman here is from South Carolina.

A few weeks ago we had a hurricane called Isabel that was heading in on the East Coast, and the folks from South Carolina, North Carolina and Virginia began to plan for that hurricane because through modern technology, we can see it coming through, and we followed it. And there were a lot of homes that were boarded up. There were a lot of preparations made, a lot of batteries were bought and other supplies were bought preparing for what we could see coming.

It is amazing to me that the majority party in this House refused to acknowledge the coming perfect storm. The perfect storm of fiscal deficit, now as far as the eye can see, of 400, $500 billion, trade deficits as far as the eye can see, $500 billion this year and growing, and these are the jobs that we are losing, the exporting of the jobs that are occurring.

□ 2115

That is happening under current policy and then the third component of this perfect storm, the upcoming baby boom generation that will begin retiring in 2011. We know that is going to hit all 50 States. It is not going to pick out Virginia or North Carolina. It is going to hit all 50 States, and what are we doing in this body to prepare for it today? Zero. In fact, worse than nothing we are doing. We are digging the hole deeper.

Fiscal deficits now do not matter anymore, and it is amazing to me, someone who has been around here and used to vote with my friends on the other side for attempting to bring fiscal responsibility to this body, we are now told deficits do not matter anymore. Oh, they are tried to be explained away as a percent of gross domestic product. The last one we come in with was $374 billion deficit last year; and folks say, hey, good news, it is less than the 450 we projected last July. And we are supposed to rejoice? The 374 happens to be the biggest deficit in this history of our country. Amazing.

Another little perspective perhaps that people might begin to pay attention in this body is who I am talking to. It took this country 204 years to borrow the first $1 trillion. In the first 2½ years of this administration, we borrowed another $1 trillion. In the next year and a half, we are going to borrow another $1 trillion. I would hope with $1 trillion we could get one quarter of 7.2 percent gross domestic product increase. I would hope that because as we saw on my colleague's chart a moment ago, the math on this does not add up to being good business practices.

Oh, when we start down this line, how many times have we heard somebody say, well, if only Congress would control spending. There are still a lot of folks out there, particularly on the talk radio shows, still blaming it on Democrats. Well, we have been in the minority for 8 years in this body, and let me give my colleagues the record of the last 8 years of Republicans in the Congress.

Spending went up 6.5 percent per year compared to an average 1.6 percent in the previous 8 years. Now, I happen to agree that we have got to constrain spending. I have promised on this floor, and again, tonight, I will, to the best of my ability and knowledge, not vote for one penny more spending than President Bush asked us to spend, period; but let us stop blaming spending unless my colleagues are willing to control spending, and that means all spending. We cannot just pick out that which we like, because in the economy it is all spending.

I happen to be personally of the opinion that it is worse policy to borrow and spend than it is to tax and spend; and I say that because when we tax and spend, the voters take it out on us; but when we borrow and spend, the voters are still in diapers, and they cannot take it out on us. Therefore, it is easy to borrow and spend to get through the next election; but then somebody's got to pay the piper, and boy, the hole we are digging is getting deeper and deeper.

My friends and colleagues on both sides of the aisle and Mr. President and this administration, the perfect storm is gathering. The idea that we can borrow at the rate we are borrowing and spend at the rate we are spending and not have somebody pay the piper is redefining basic economics.

The trade deficit is the second leg of that perfect storm, and the baby boomers are going to begin retiring in 2011, guaranteed. What are we doing? Tax cut a week. Tax cut a month. New economics. Dig the hole deeper. Well, I do not know whether it was Confucius or Garfield that first uttered the words, When you find yourselves in a hole, the first rule is to quit digging.

The second observation I make in closing tonight, in listening to my colleagues on this side earlier tonight, 5-minute speeches talking about waste, fraud and abuse, it is on my colleagues' watch. If we are spending too much, Mr. President, veto some bills because they do not spend or they spend too much.

Also, I am reminded of the words of the late Will Rogers, "It ain't ignorance that bothers me so much. It's them knowing so much that ain't so is the problem."

We listened to the debate tonight, we listened to some of the statements that were made earlier, and we look at charts that the gentleman from South Carolina (Mr. SPRATT) is showing. These are facts. What I have just said about the deficit are facts. They are not made up. They are not made up. But what are we doing about it? Not one cotton-picking thing except digging the hole deeper, until somebody starts paying attention.

I thank the gentleman tonight for attempting to cause some of us, hopefully to get 218 of us, to start paying attention again and do something about the deficit and the approaching perfect storm before it is too late. I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Texas. I yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from South Carolina for his leadership as ranking member of the House Committee on the Budget, and I am here tonight joining my friend from South Carolina and the gentleman from Texas and others because I am concerned about our country and its future.

Let me preface my remarks by saying that I am one of 37 members of the fiscally conservative Democratic Blue Dog coalition. I am as sick and tired of all the partisan bickering as anyone else. I do not look at an idea and look at whether it is just a Democratic idea or Republican idea. I look at it, is it a commonsense idea? If it is, then I support it. But when it comes to the budget and when it comes to the tax cut that was passed earlier this year, the Republican leadership and this administration are dead wrong. Do not take my word for it; look at the numbers.

Under this administration, 3.2 million people have lost their jobs. We now have 9 million people out of work, unable to provide for their families. People have lost $.6 trillion in the stock market, and much of that is retirement savings for so many working families. There are 43.6 million people in America without health insurance. Ten million of them are children. Most of the rest of them work for a living. They are working the jobs with no benefits.

Trade deficits have increased nearly $100 billion. We had a $5.6 trillion projected surplus when President Bush took office. That has become a $3.5 trillion projected deficit over the same period of time. In fact, we have the largest deficit ever in our Nation's history; 374 billion is what they want my colleagues to believe it is, but when we take Social Security out of it and not count Social Security, it is really a $535 billion deficit. Does it matter? Either way we cut it, it is the largest deficit ever in our Nation's history.

The Republicans like to say the Democrats are the ones who spend the money. This is the first time in 50 years that the Republicans have controlled the White House, the House and the Senate; and they have given us the largest deficit ever in our Nation's history.

The first bill I wrote as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. The Republican leadership refused to give us a hearing or a vote on that bill, and now we know why. Because they were borrowing $374 billion from the Social Security trust fund to help fund this budget, the largest deficit ever in our Nation's history.

Let us think back a moment from 1997 to 2001. We had a balanced budget. We were beginning to pay the debt down. Now we have a $7 trillion debt. This country is spending $1 billion a day, $1 billion a day simply paying interest on the national debt. How much is $1 billion? I put that number to a calculator and get a little E at the end.

I will tell my colleagues how much $1 billion is. We could build 200 brand-new elementary schools every single day in America just for the interest we are paying on the national debt. Better yet, we could provide 1 million senior citizens on Medicare prescription drug coverage for a year just with the interest that we are paying in 1 day on the national debt, $1 billion a day in interest payments on this $7 trillion debt. We are not talking about principal payment; we are talking simply interest payments.

What are we seeing from this administration? We are seeing cuts in education. It was President Bush who said his top priority was education reform in this No Child Left Behind business, and he is the one who told us how much it would take to implement this program. My colleagues know how it works in this body. If it had been my program and he was cutting it, that makes sense. We are talking about he cut his own program. Arkansas's cut, $87 million for next year. What does that say about our commitment to our children and their future?

Veterans benefits are being cut left and right. What kind of message are we sending to the men and women in uniform serving us today in Iraq and Afghanistan and around the world when we are cutting the benefits for the veterans who came and served before them?

These may be Republican priorities, but they are not American priorities. These may be Republican values, but these are not America's values. I believe it is time for us to get our fiscal house back in order, to restore common sense and fiscal discipline to our Nation's government.

Finally, let me say that I raise these issues because I believe our priorities and values should be centered around our children ensuring they get the very best education possible, Head Start, after-school programs, providing our veterans with the help that they so desperately need. We need to be investing in infrastructure. That is how President Roosevelt got us out of the Depression, with the WPA program. I drove over bridges yesterday that were built as part of the WPA program. We are there folks. We are there. All 50 States collectively are faced with the largest shortfall they have seen since the Great Depression. We should be investing in our infrastructure, and we need to be investing in jobs.

I raise these issues because my grandparents left this country better off than they found it for my parents, and my parents left this country better off than they found it for our generation, and I think we have got a duty and an obligation to leave this country a little better off than we found it for our children and grandchildren.

I thank the gentleman from South Carolina for yielding.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend from South Carolina (Mr. SPRATT) for leading this Special Order. It is timely and so important, and it is really about the failure of the Republican regime here in Washington on the budget, at a time when the other side in the budget debate is engaging in, I think, deception and misinformation and sometimes down right dishonest figures.

The gentleman from South Carolina (Mr. SPRATT) is not only an expert on the Federal budget, but he is engaging as a lone voice of truth and really what the facts are and I thank him for that. The American people need to know that.

The truth of the matter is that the Republican economic record is in shambles and is leading this country in the wrong direction. This failed economic record has three main features: huge budget deficits, massive job losses, and festering domestic problems. The Bush administration and the congressional Republicans have sought to deny their budget calamity of the blown surplus and the return to huge deficits, and they are going to be there as far as the eye can see; but the Congressional Budget Office has determined that the budget would be balanced, as we have already heard, by 2006 if it were not for the administration's tax policies.

☐ 2130

As bad as the budget situation is, as has been shared by my colleagues, the administration and the leadership in this Congress will not stop digging. The first thing to do, as our colleague from Texas said when you get in a hole, the first thing to do is stop digging. Well, they are going to bring more programs out that will dig the hole deeper.

The economy has lost roughly 3.2 million private sector jobs, the worst record of any administration since Herbert Hoover and the Great Depression. My home State of North Carolina has seen devastating job losses. We are the second largest State with manufacturing job losses in the country. The national unemployment rate has gone from 4.1 percent to 6.1 percent. North Carolina Statewide unemployment is roughly 6.6 percent, and I have counties in my congressional district where the unemployment rate is approaching 15 percent.

For all their talk about appealing to the investor class, as we have heard this evening, Republicans have presided over the loss of $4.6 trillion in stock market wealth, and a lot of that is income of retirees.

The problem is made worse by the record deficits and massive national debt that is going to make it impossible for us to make the investments that we need to make in America's long-term economic prosperity. As has been shared this evening, we need to be investing right now, for example, just in education, the administration is proposing to shortchange its Leave No Child Behind by roughly $20 billion over 3 years. I met on Monday with international business officers of this country, they know already because they are seeing the cuts, what this is going to be about is it is going to be unfunded mandates to local governments at a time when they are hurting. Critical needs at the local level are going unmet in a whole lot of areas, and problems are festering because the national debt crisis is getting worst.

Just last week, WRAL-TV, the largest television station in the Raleigh market, talked about a school in North Carolina that is bursting at the seams with overcrowding; specifically, New Hope Elementary School in Wilson, where 135 students are going to classes in closets, literally in closets. That is wrong at a time when we could be doing better if we were doing the right thing about our budget.

The Democrats had a plan to do it. We could get the economy going without massive debts. We have sponsored legislation to fund school construction, but my colleagues on the other side of the aisle will not let it happen. The administration and the Republican leadership in Congress refused to act because they have blown the budget surplus, so there is no money left.

In conclusion, Mr. Speaker, Democrats have a better idea to return to a balanced budget and return sanity and honesty to the Federal budget. I thank the gentleman from South Carolina (Mr. SPRATT) for leading this Special Order.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for his leadership in this budget issue. We have seen a lot of charts, and I would like to remind the public of this chart right here which shows the deficit from the Johnson administration, Nixon, Ford, Carter, the deficit created during the Reagan and Bush years. And then when President Clinton came in, as noted, we passed a budget without a single Republican vote that created the momentum carrying up towards an actual surplus. We got ourselves out of the ditch into a surplus.

Some have suggested that since the Republicans used this vote and took over the House and the Senate, that they ought to get some credit for this improvement. Unfortunately, they should not get the credit because as soon as they took over, they passed trillions of dollars in tax cuts, and

President Clinton vetoed those tax cuts. They threatened to shut the government down, he vetoed them again. They shut the government down, President Clinton stuck to his guns, vetoed it again, and as a result, this line continued up.

Unfortunately, when President Bush came in, he signed those trillion dollar tax cuts, and we see what would have happened a long time ago had President Clinton not vetoed those budgets.

Now, this goes down to an on-budget deficit of almost $700 billion. We have to put that into perspective and the fact of the line item individual income tax, how much revenue we get from individual income tax in the United States, less than $800 billion. In a couple of years, we are going to be almost $700 billion in on-budget deficit, spending almost $150-$200 billion in Social Security and Medicare, and then almost $700 billion in on-budget deficit.

We cannot sustain this for very long. Let us see what this next chart shows, the height of fiscal irresponsibility, because this shows how much of their budget was paid for with borrowed money. Back in the depression in World War II, obviously, a substantial amount was paid for with borrowed money, but we are getting to numbers now, and this goes to 2010, we are getting to numbers now that we have not seen on a sustained basis since World War II. This year we are breaking the record. Since World War II, we have not seen almost a third of the budget being paid for with borrowed money. Of course, during the Clinton years, the amount paid for with borrowed money went down due to the fact that it was actually a surplus. And as soon as President Bush came in, we started paying for the budget with borrowed money, and we are up in a couple of years with almost a third of the budget being paid off in borrowed money, and it looks like it is not going to get any better in the future.

How did we get there, we got there with tax cuts. And who got the tax cuts, the top 20 percent got most of the tax cuts. In fact, half of the tax cuts went to the upper 1 percent. Most people do not know how big the tax cut was because most people did not get very much. As we can see from the chart, the middle 20 percent did not get very much, and on down. By income, if the taxpayer made more than a million dollars, they would be off the chart, a $90,000 tax cut in 1 year. If all they made was $500,000 to $1 million, you got $13,000 in 2003. $200,000 to $500,000 on average got $2,000. And as we get down to $50,000 to $75,000 on average, the taxpayer hardly noticed what they got. Going down, we do not even need any red ink to show what they got. Most Americans do not know how big this tax cut was.

But we were told we had to cut taxes to create jobs, and the gentleman from South Carolina (Mr. SPRATT) told us how many jobs have been created. We, in fact, lost jobs. On a 4-year basis back to Truman, everybody is gaining jobs. Eisenhower in his two terms, almost two million jobs. Everybody is creating jobs until we get to this administration. We have lost 3.1, 3.2 million jobs already lost in this administration.

We cannot blame this on 9/11 because going back to the Truman administration, and that includes the Korean War, coming forward it includes the Vietnam War, the hostages in Iran, Somalia, Grenada, the Cold War, everybody is still creating jobs, until we get to this administration.

This is a complicated chart, but it shows what the Republican-led Joint Committee on Taxation thought about the tax cuts. Since they are done with borrowed money, there might be a short-term spike in jobs that we should expect, but depending on which model we use, we will be losing jobs, at best, and end up where we started in the fullness of time. So the Joint Committee on Taxation told us this was a job killer.

When we run up deficits, we run up debt and interest on the national debt. This shows the interest on the national debt that has to be paid in cash. More actually has to be paid, because we have to pay interest on trust funds, but that is internal. This is what we need to come up with every year in terms of cash. By 2010, $300 billion every year just to pay interest on the national debt. This line here shows what we would have been paying had we not messed up the budget in 2001. The projection was that we would be paying no interest on the national debt by 2008, but instead because we messed up the budget, $300 billion a year.

This is happening at a time when the Social Security trust fund becomes a challenge. We see in this chart the Social Security trust fund. The blue is the surplus that we are running now. We are bringing in more in Social Security than we are paying out. We ought to keep it in the lockbox which has been referenced because, obviously, we are going to need it shortly. But unfortunately, we are spending it all. This shows the deficit. By 2030, it is almost $900 billion a year in shortfall that we are going to have to come up with every year to pay Social Security as promised.

Members may look at this chart and conclude maybe it was a lost cause, maybe we just could not pay Social Security, maybe it was just a matter of time before the thing went broke, but there is one little interesting fact. When we go back to this tax cut in 2001, this tax cut was so large that if we had taken what the top 1 percent got and instead of giving a tax cut to the upper 1 percent, if we put that money into the Social Security trust fund, just what the top 1 percent got, everybody else gets what they got, just the top 1 percent, put that into the Social Security trust fund, we would have built up the surplus enough to have paid benefits under Social Security without reducing benefits for 75 years. For 75 years, Social Security would have been secure, or tax cut for the upper 1 percent. Those are the kinds of choices we have been making and the reason we have been fighting for fiscal sanity. If we do not get this straight, we are going to lose Social Security.

We cannot pay increasing interest on the national debt and this increasing deficit in Social Security without something having to go. By all likelihood, it is going to be the Social Security program unless we get things under control.

So I would hope we can get the budget under control and people will follow the leadership of the gentleman from South Carolina (Mr. SPRATT) in maintaining fiscal discipline so we can have Social Security in the future for us and the next generation.

This is a very challenging chart, but as I said, if we had allocated the same amount of money as we had for the upper 1 percent in tax cuts, just 2001, we could have had a secure Social Security program for 75 years. Those are not the kinds of decisions we ought to be making. We have to reverse that direction, and that is why I am delighted to participate with the gentleman from South Carolina (Mr. SPRATT) in this Special Order.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his contribution.

RULING CLASS HAS COMPLETELY PACIFIED SWINDLED CLASS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, it is near the end of the session, and I have listened closely to the comments of my colleagues just leaving the floor, and I think they were all appropriate at this time for us to take a hard look at money matters most. I would like to discuss a number of issues which relate to resources and money.

I have chosen to sort of use a theme of class warfare. There is no class warfare in America. When we raise that issue, people get excited. I agree with everybody who says there is no class warfare. The problem is the ruling class has completely pacified the swindled classes. The swindled class includes more than the working class, I assure you. The simple-minded notion of the communist, that there is a war of working-class folks against the rich, et cetera, that is very simple-minded. It is much more complicated than that. There are swindled classes in our democracy, and they are not fighting back so there is no war. One of the duties of the Congress should be to make certain that we stir our people up and start a war, an overt war. That is what democracy ought to be all about, a war of ideas and a war of confrontations with policies and principles that guide the way we live.

□ 2145

The whole system of checks and balances built into our Constitution and our government in a very formal way is very important. Those checks and balances have kept the Nation going in some critical times. They have stopped the hysterical from overriding and overruling the logical and the reasonable. They have done a number of things, the formal checks and balances. But beyond the formal checks and balances, democracy has to have a whole lot of informal checks and balances. The labor unions, the town meeting maverick who gets up and challenges the school board. There is a whole set of people who are a part of a checks and balances system. The newspapers, the magazines, the media. All that is part of the checks and balances.

When some part of that checks and balances system goes silent or becomes dormant, then we are in trouble. I think that we have large numbers of people in classes who are silent and dormant, pacified at this point, and that is the problem.

This is my prevailing and my overwhelming thought as we near the end of the first session of the 108th Congress, that we are a Nation that has no class warfare because the ruling class has completely pacified the swindled classes. I think it is important to note that today is election day. In a democracy we should not ever minimize or trivialize any election day. But the Republican majority that runs this House has chosen to bring us back to Washington here on election day when every public official ought to be close to his constituency. If we think voting is important, then any election, whether it is a local election, a State election, it is important. It is ridiculous that we are here today. It is symptomatic of what is wrong in terms of a handful of people making stupid decisions. I think that the leadership of this House has done that in bringing us back here to deal with two ceremonial bills. We did not have to come back because the Nation needed some basic decision to govern, some decision related to the budget or some decision related to the war. We came back for two ceremonial bills. That is part of the problem, the way this House has been run.

As we approach the end of this session, we should reflect on that. In this session, Democrats have been shut out of any kind of meaningful participation. It is amazing how the Constitution is one thing, but the rules of the House are another. There is no check and balance built into the rules. In other words, the rules of the House are established, and there is nowhere you can go to appeal the way the rules are established or the way they are executed. In our checks and balances, we have a problem because the legislative body, the executive body and the Supreme Court, the judicial, are three separate bodies. There are checks on the executive body. There are definitely checks. Both the legislative body and the judicial body can check the executive section of our government. But there is no check on the rules of the House. There is nowhere to go. So we have had totalitarian rule in this House during this session. We have had the least amount of participation and the least productivity and the most totalitarian set of rules here in this first session of the 108th Congress.

As we come to the end, part of the process of swindling all the classes is certainly carried out by the ruling class of the majority Republicans here in this House. It is not a pleasant thing to stand here and say this and admit that we are the greatest and most powerful legislative body anywhere in the world at this point, but the Members of this body are treated in a very trivial manner. We are like ants. Certainly if you are a Democratic Member here, you are like an ant shoved aside.

Recent outrage was expressed by the gentleman from New York (Mr. RANGEL), who stormed into a meeting, a conference meeting. He felt he belonged there. The school books and the textbooks still say that legislation is made in a certain way. Both Houses of Congress vote separately, the House votes, the Senate votes, and they come together in a conference committee to iron out the differences. That is what the civic book says. That is the way the Founding Fathers meant for it to happen. But with Republicans in charge of both the House and the Senate, they have chosen to just shut out the Democrats in the conference process, as they have chosen in many cases to bring legislation to the floor on very short notice, with no participation, and on and on it goes.

I am not going to waste anybody's time with a litany of the things that have gone wrong here. But I think the American people, and our colleagues, I am addressing the House, my colleagues, wake up. We are part of the process of allowing the ruling class to continue to overwhelm, pacify, and exploit the swindled classes.

I think it is important to look at the end of this session in terms of unfinished business, and some of that was discussed by my colleagues who preceded me. It all fits together. What is happening and not happening in one area flows into another, just as all the elections that are taking place at the various levels, State and municipal today, are interwoven with what we do and what we can accomplish here. Local governments are very important. They have an impact on people, probably greater than any other level of government.

I have served in every level of government. I served as a commissioner in New York City government. I served as a State senator in the State legislature, and I am a Member of Congress. Having served at all three levels, nothing is more important than the people who are on the front lines, who are the most important in the dialogue and delivery of policies and services and programs to ordinary citizens. They are on the front lines. It is the hardest job level in terms of governing that we have, the local level. Therefore, we should not trivialize city council elections, local county legislature elections. We should not tear our Congresspeople away from that and bring them to Congress and have them do nothing and not have them participate in the process of the citizens dealing with that level of government in an appropriate way. We are making people suffer a great deal at the local level. We are setting our legislators up in counties and cities for very difficult jobs in terms of the way in which we are managing the resources of the Nation.

One of the unfinished agenda items is the appropriations process. The appropriations process is far from finished, including a very important area, Health and Human Services. The Health and Human Services appropriation has the appropriation for education. At the local level, nothing is more important than education. I want to salute my city's mayor. He is a Republican, but I will engage in some nonpartisan or crosspartisan praise here.

The Republican mayor certainly has kept his word in terms of making education a priority. I have watched skeptically as things have developed in his administration; and the issuance today of a $13.5 billion proposed capital budget for schools, building, renovation, restructuring, equipping with modern equipment, I think, was a step to show that for this mayor, education remains a high priority. I am not so naive as to believe that the development of the budget and the announcement of the capital budget of $13.5 billion means it is going to be achieved, that the funds will be there to carry it out; but he has made it a priority.

From some sources, some of that money will be found. It ought to be found, some of it, for school construction at the Federal level. Tip O'Neill said, "All politics is local." All taxes are local. The only retreat to this whole business of the Federal Government has no role in education when it is convenient for us, it ought to be well established now that the Federal Government has a major role in education and has played a role throughout our history from the time Thomas Jefferson established the University of Virginia. If we had not had a major role in later on taking that University of Virginia model and expanding it into the land grant colleges, the education level of the American people at the time of World War I and World War II would have been inadequate for the challenges that it faced.

Not enough credit is ever given to the fact that there was a very educated population that made the productive capacity of America overwhelm Hitler. There was a very educated population even that hit the beaches of Normandy, engineers and a whole set of people who probably would not have been there with the same competence if there had been no land grant colleges spread throughout a whole Nation where we were teaching more than Latin and classics and English composition, but also teaching engineering and agriculture, et cetera. Education has always played a role.

We finally, under Lyndon Johnson, began to give aid to elementary and secondary education. This President as he came in made a statement and took action which showed that he considered education a great priority. No Child Left Behind is a law which was the outgrowth of the President mobilizing, marshaling all of the Members of Congress behind a bill that passed overwhelmingly. It certainly makes a great commitment to continue the role of the Federal Government in elementary and secondary education.

The problem is that before the ink was dry on the President's signature for the bill, he moved away from his commitment to provide funding at a level that would make the bill work, make the law work. The $6 billion that was promised is not there. That is part of our problem. The appropriations process for Health and Human Services is stalled, partially because there are some people who are trying very hard to regain that committed $6 billion or some portion of it. The appropriations process is stalled for Health and Human Services, I think, primarily because the majority party knows that it cannot go to America, it cannot go back home and admit that we have neglected certain basic needs in education.

We have maybe complicated the problem by adding mandates, requirements through No Child Left Behind that we are not willing to fund and made life miserable and more difficult for teachers and students, and school reform is suffering instead of being benefited. So the appropriations process with respect to Health and Human Services should go forward. I hope it will go forward with a break in the logjam that creates the funding stream that is necessary to make No Child Left Behind live up to its promise.

Another unfinished business here, I hesitate to even bring it up because it has not been discussed at all anywhere in any meaningful way, that is, the increase in the minimum wage. It is still stuck where we were more than 3 years ago at a $5.15 minimum wage. There is nothing on the floor, nothing at the committee level that deals with the increase in the minimum wage. It is just tossed aside as being inconsequential.

What does this have to do with swindling people? The working class, the working people at the very bottom are the ones who make the minimum wage. There are many more than you would imagine, more than 10 million in this country still at that level. $5.15 an hour. Those people are being swindled. Those people should be protected more by the government, if that is the only way we can get the wages up, deal with the realities of the 21st century and make certain that employers pay a minimum wage. It is not a living wage. Some States have passed what they call a living wage. They have calculated how much the cost of living is, and they have come up with a living wage. New York has one which they passed, but they are not implementing. It is 2 years away before they fully implement it. But they recognize that families cannot make it on $5.15 an hour, even when two members are working in a family of four. $5.15 an hour will not produce enough to take care of a family. So minimum wage is very important, if you care about working families, if you care about people at the very bottom.

Ninety-five percent of the troops in Iraq come from working families. Ninety-five percent of the troops in our military come from working families. They happen to be on the front lines now, but they are a class. They are mothers and fathers and brothers and sisters and they are children trapped in a situation where they cannot realize a decent wage. I will talk more about that later.

In health care, the same thing is true. They cannot depend on the government to help guarantee that their families back here have decent health care. Health care bankrupts the average middle class family. We are not talking about the poor. The very poor, thanks to Lyndon Johnson and the Great Society programs, Medicaid, for which not a single member of the Republican Party voted, Medicaid, Medicare, a fundamental safety net for health care for the poor.

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But there are many who fall outside that net, and some of the people who fall outside that net are not working families in the usual sense. They are middle-income families who, for various reasons, do not have insurance, and when they have to start paying for medical care, some have gone bankrupt as a result of trying to pay for health care costs, a burden that no family should be asked to bear in certain cases. So we have the unfinished business of health care. Prescription drug benefits is on the table somewhere. That is just for senior citizens. We just started. The need for universal health care, the need for a single-payer plan, that is like minimum wage. Nobody will discuss that around here. All the industrialized nations of the world have something close to universal health care, but in our great American democracy, the richest Nation that ever existed on the face of earth, we will not even discuss a universal health care plan. This 108th Congress is no different. A discussion of the prescription drug benefit is frightening because there is an attempt to try to make that a means-tested program with overtones of welfare that would drive a wedge and set up divisiveness among our senior citizens and the families who have to support senior citizens.

Transportation, I understand, is stagnated. We will not have any major action on that. Home security and terrorism, two things that are high on the agenda of this administration, have made no great breakthroughs where they are needed most. I still have police stations in my district which have telephone systems that can only take three calls at a time. The police precinct serves something like 200,000 or 300,000 people in a New York police precinct, but the phone systems are so old that they can only take three or four calls at a time. We do not need a 9/11-type emergency to show us that we have got a problem. Everyday citizens are complaining about the fact that that system does not work. We do have 911, a number of ways to deal with that, but why such antiquated systems?

The firemen who lost lives in great amounts, more than 300 firemen died in the September 11 World Trade terrorism attack. They still do not have equipment that is up to par in terms of communication. Many of them died because the communication equipment was inadequate, and they could not be warned properly about what was happening outside as they went up the steps to rescue people. A simple matter of radios that were not tuned in to the frequency of police radios and things that we have known for some time were a problem. Those problems are not being corrected. In the House and the Senate, many Members have talked about security in our ports and how vulnerable our ports are, and I heard on some television station today about a new program that is being launched by the Secretary for Homeland Security, and that is welcomed, but it is just beginning to creep off the ground, slowly, because we have our priorities diverted into other areas. Each one of these items would be getting far more attention and could be dealt with in a more realistic way if we did not have the war in Iraq. The war in Iraq is a blunder, a quagmire that sucks down dollars. It sucks up the energy and the attention of the highest policymakers in our government. It destroys lives unnecessarily. So the great evil that hangs over this 108th Congress at this time is the great blunder of the war in Iraq.

Accountability for the war in Iraq is unfinished business. We do not, as a Congress, have the accountability that we should be able to expect. As part of a system of checks and balances, certainly we should get more information, we should have more dialogue, we should be told more about what the gentlewoman from Ohio (Ms. KAPTUR) had called an exit strategy. She talked about a plan to train people, the Iraqi police force, the army. When are we going to declare that we have sufficiently done that and say we can go home. There are a number of questions that she asked earlier tonight that go to the heart of the accountability question. Beyond the Permanent Select Committee on Intelligence, and they complain that they do not have respect and they are not given the kind of accountability that they deserve, but there ought to be more general accountability to the Congress and the American people about just how we spent the money. Seventy-nine billion dollars was appropriated earlier. Now, another $87 billion, and yet the question with respect to the helicopter explosion, and it is pretty much conceded now that it was a Stinger-missile-type, shoulder missile which we call our Stingers. We perfected that in the war against the Soviets in Afghanistan. We taught the Taliban how to do that. We gave them those modern weapons which helped drive the Soviets out, but we learned they are very skilled. The terrorists who came out of the Taliban in Afghanistan are very skilled in the use of shoulder missiles; plus I understand that they are so well-designed that they are fairly easy to use. The helicopter was probably hit by that kind of surface-to-air missile fired by one or two people. One question being raised is did the helicopter have a device that has been designed to protect aircraft from heat-seeking missiles? Was it equipped with it or was it not? And the very fact that the question is being raised and there is no immediate answer tells me that it was not. If it was equipped and it failed, we would have known. We would have been told that by now: It was equipped properly, but it failed.

There are some other questions about how the troops inside the helicopter were protected. And these kinds of micromanagement questions are being raised all the time. The bulletproof vests, there are two types, they say. One just protects them from flak and shrapnel. Another protects them from flak, shrapnel, and bullets. And many of our troops only have the old one. And on and on it goes. My colleagues who have visited Iraq, Republicans as well as Democrats, this is not a partisan matter, are very upset by the shabby way in which some things have been done. We should have a chance to talk more openly about what is going to be done to correct all of this or what exactly is happening. If Rumsfeld is the kind of person who just does not want to talk to Members of Congress, it is one more reason to call for Rumsfeld's resignation. Several people have called for his resignation. I would like to add my voice to that. I think in a situation like this, he should have been asked to resign long time ago. The President is elected. The buck stops with the President. But we ought to say to the President that if he wants to show that he is trying to deal with this problem, then he has got to get rid of the chief planner, the chief policymaker, the person who made the mess. It does not make sense to keep Rumsfeld on as the Secretary of Defense if he wants to convince us that he is trying to solve this problem. We would like to have a dialogue with the President about why he insists on keeping Rumsfeld there when such a mess has been made on so many different levels. The failure to plan for postwar, what happened after the war, is totally unacceptable. It is an outrage because we have been in these situations before. There was so much experience and so much knowledge available, so much history, that we cannot comprehend how basically intelligent men and women could have done such a bad job of anticipating what happened. These are not basically intelligent people; these are brilliant people. Intellect was not a problem. The problem is mindsets and old men indulging in juvenile fantasies about war. All that is part of what has happened, and I make these charges and statements, and I would love to have a dialogue with somebody to tell me they are not true.

The punishment of corporate crime is part of an economic swindle, probably the biggest swindle that the swindled classes suffer from, and I repeat, what I am talking about tonight is there is no class warfare in America. There is a ruling class which has completely pacified the swindled classes, and the present administration here, along with its Republican rule in both Houses, have demonstrated how the ruling class can be very efficient and very effective in executing its policies, even when the policies are wrong. Tax cuts to make the ruling class stronger and more powerful at a time when the economy is in trouble.

Yes, the economy suddenly surged forward, more than 7 percent growth in the last quarter, but that is more disturbing than if the economy was just dragging along. When we look at the surge forward that took place, and we look at the number of jobs that still were lost in the last quarter, 47,000 jobs to make up the total of 3.2 million jobs that have been lost since the Bush Administration came into power, we are having a terrible economic situation develop where the economy can improve, profits can go up, wealth can increase, but there are no jobs for the working families. There are no jobs for college graduates soon because our jobs are being exported. The ruling class has decided they can get computer specialists, they can get Ph.D.s, they can get all kinds of people by traveling around the world, and they can get them for less than one-quarter of the price that they pay here. Computer specialists, now the best school for training for computers is not MIT, computer and related matters, not MIT and some of the first-rate American universities. At the very top is the University of India, and everybody is clamoring for their graduates from our corporations. Beyond that, at lower levels, people who can do computer work are the beneficiaries from India, Pakistan, a few other places. They just merely have to learn English. They can be beneficiaries of lower-level jobs related to computer services.

And, also, simple matters like telemarketing, telemarketing now is being outsourced at a very rapid rate. Listen carefully, if my colleagues have the occasion when somebody calls them about an item, especially something related to a big corporation, a utility, listen carefully and sometimes we do not have to listen carefully. They have been trained to disguise their voices, and those who call Brooklyn from India, some of them have got a Brooklyn accent, but I picked up phone the other day and there was a person talking from AT&T who had a bit of an accent. So I said, "Where are you calling from?" And she said, "Why are you asking that?" I said, "Are you calling from India or Pakistan? Where are you calling from?" So she got a bit ruffled and she fell into her real accent. So I knew very well she was not an American, and she was calling from some foreign place, having learned to speak English very well.

Telemarketing is not a great job. That is one of the jobs where we might call it an entry-level job. A lot of college graduates have got out of college and drifted around, cannot find anything else. Telemarketing is one of the places they go to get a start. A lot of people who have not been to college can find a lot of jobs in telemarketing. Telemarketing jobs are going rapidly, and it will go right up the ladder. Anybody who thinks they are exempt because they have a Ph.D. or a master's degree are going to find that the master's degrees of India and Pakistan, even Russia, China, those master's degrees and Ph.D.s will be competing at much lower wage levels if we do not do something about policy.

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What we do in our government has to deal with the fact that we have got a standard of living that is being steadily eroded by this kind of exporting of jobs. But corporations are doing that, and there is no countervailing force. We waste our time here on ceremonial bills and do not even tackle the problem.

Finally, the failure to punish corporate crime is one of the greatest swindles of all that has taken place in the last few years, one of the derelictions of duty that has taken place, the worse dereliction of duty that has taken place in the last few years.

The failure to deal with corporate crime, to have the appropriate investigations, to have the appropriate follow-up and to punish people who have been stealing from the investing class, the middle class, the investing class, people who are well off enough to have invested some portion of their income, they are the worst victims; not the working class, but the middle class, upper-middle class in particular, who had extra income to invest.

I do not know what the figure is, but my colleague who just left the floor from North Carolina said it is $4.6 trillion; $4.6 trillion has been lost in investment income. It is an astounding figure.

People have lost that kind of money, many of them. Of course, pensioners, people whose pensions got caught up in this. But $4.6 trillion has been swindled away. These people have been swindled, and they are not really fighting back, and nobody is fighting for them. The ruling class has prevailed, and they do not even call hearings in Congress to really deal with it in a forceful way.

Enron, the criminals at Enron are still at large. There are a few that they put in handcuffs and paraded before the cameras, but it was a massive, massive swindle. WorldCom was even larger. Then every day there is some new revelation about the way in which the banks are in collusion with these swindles. Even the stock market has finally been exposed to be riddled with conflicts of interest and all kinds of questionable dealings that resulted in income being lost by this class of people that had enough money to invest.

Investors have lost a tremendous amount of money. The ruling class has completely prevailed over these investors, and the investors, the middle class, upper middle class, educated people, they are now part of the swindled class. They join the ranks at the very bottom who cannot even get an increase in the minimum wage.

If there is anything that stands out, it is the way we have failed as a Congress to protect our people from the ruling class swindles that have taken place. The greatest economic swindle on jobs is the worst. Corporate swindles against small investors is probably the most far-reaching and the most devastating in terms of the volume of stealing that is taking place.

We have got a surge with our jobs lost which shows we are going to have more of a swindling taking place at another level of what used to be the middle class. We have lost manufacturing jobs. We have given up on that.

We joined in the great argument in many cases. The great argument was that we are America, we are ahead of everybody in the area of high-tech production. We will be the high-tech gurus of the world. We will provide high-tech services. And we still do lead everybody else in terms of nations. But the assumption that this is automatic, that, as we surrender manufacturing jobs, that automatically we will benefit from the new world order, where global trade will mean trading services as well as trading goods; and we will trade our services, we will provide the innovations, we will provide the science, all of those assumptions might have made sense 10 years ago; but you would have to be blind not to see that China is not waiting to develop its high-tech class, its high-tech workers. Russia certainly always has had high-tech workers; they have just been out of the world markets, and many other nations have, as a matter of national policy, set out to take over certain sectors of the high-tech economy.

It is not by accident that China sent a man up in space. They have been sending up satellites for some time. The man in space in China is just one more piece of evidence that shows you how hard they are working at this high-tech development of high-tech personnel brain power.

The brain power is the question, not military power. Military power is backed by brain power. That is why we won the war in Iraq so rapidly. It was by a tremendous amount of brain power that went into developing the weapons system. But that is not the way of the future. We have done it probably for the last time, made the mistake of believing we can really gain a greater foothold for democracy or for our economy or anything by military action against a nation as large as Iraq. It is a pitfall, a bottomless pit that we have fallen into, and we must get out of it and get out of it with honor. But we cannot do that unless we make some radical changes in the way we do things, the swindle I will come to later, because lives are being swindled away from American citizens.

The refusal to consider the minimum wage, I want to come back to that. The refusal to consider the minimum wage increase is the most hard-hearted, cold-blooded piece of mindset that we are faced with. It originates from Democrats and Republicans, unfortunately.

We have an economic guru, a person who has been guiding our economic policy in this country for some time now, Alan Greenspan. Alan Greenspan does not believe in the minimum wage. Alan Greenspan thinks we should not have a minimum wage. He is a disciple of Ayn Rand, the individualist, great fascist, rugged individualist, in my opinion.

Ayn Rand said the government should never be involved in the lives of people, it should never interfere with business; we do not need government until we have a war. Ayn Rand said we need government only for wars. So the government should use its power to send soldiers off to die to protect the rugged individuals, the capitalists, the Greenspans, the Rands. People should go off to die to protect them, but it should ignore their health care, ignore laws which establish minimum wages and allows them to earn a decent living. All that should be ignored. It is all unnecessary.

I marvel at how long they have gotten away with this and how revered Mr. Greenspan is in this Capitol still by Democrats and Republicans. He has been reappointed twice by a Democratic President, and nobody wants to touch Mr. Greenspan.

I think we should dwell for a moment on the fact that all the surveys show that the soldiers fighting in Iraq, like the soldiers who died in Vietnam, like the soldiers who died in Korea, mostly come from working families, people who would benefit from government actions such as an increase in the minimum wage.

We have a situation where basic questions need to be asked, about whether or not an individual should have the right to refuse to go to war. We had a draft in the case of Korea; we had a draft in the case of Vietnam. If this administration is reelected, and I say this standing here on this 4th of November, 2003, if this administration is reelected, there will be a draft, because there is only one way to solve their problems, and that is more manpower.

I would like to see them put more manpower in Iraq right away, because I think part of the solution to the problem in Iraq is you have to secure the place and you need bodies to secure the place. You need soldiers to secure the place. For political reasons they want to keep the number of soldiers involved in Iraq down low, but by that political decision we are going to lose more lives. Every life lost in any war is unfortunate, but a life lost in the war in Iraq, a war which never should have been, a blunder, a disgrace, that life is much worse, the tragedy is much worse, because it is needless. We are going to lose more people because of the politics of not putting enough troops in place to secure Iraq.

While I am on the subject, I would like to mention there is a conference being scheduled by my colleague, the gentleman from Illinois (Mr. DAVIS), sometime next week, I think it is the 14th of November, a conference on the black male and the problems faced by black males in America. Of course that conference will have to deal with the first and greatest problem, the tremendous unemployment problem faced by black males, by young people in general; and our society as a whole better take note that things that happen to blacks always get multiplied and transferred into the larger society.

There was a time when drug addictions and problems related to drugs started out in the African American community. The hustlers and the criminals and organized crime took advantage of the weaknesses in the African American community. They got a base there. They capitalized and expanded and got such a tremendous base until there is nowhere in America right now, small towns, large towns, nowhere, where the menace of drugs, particularly for young people, is not there.

So the menace of unemployment on a mass scale, unemployment of a group of people, will not stay just with the black males. But right now it is very high, 25 percent. Before you get into the figures of how many unemployed there are, look at the figures that relate to the lack of jobs and the lack of any stabilizing factors in their lives, like the figures, the numbers in prison, on probation and on parole. Staggering numbers of young black males are in prison, on parole or on probation.

Even Secretary Rumsfeld brought up the subject of education in one of his interviews, where he talked about the dilemma that we face as we fight terrorism in the world. The dilemma is that the terrorists are always training more people. They have sort of an unlimited supply of potential terrorists; and they are even training them formally, openly, in the madrassas, madrassas, particularly he mentioned madrassas of Pakistan.

Well, that is an appropriate observation, because the Taliban came out of the madrassas of Pakistan. The Taliban did not organize themselves by themselves, but the cannon fodder, the personnel of the Taliban, are graduates from the madrassas of Pakistan. These are schools that were set up by the fundamentalists, Islamic fundamentalists. They taught them reading, writing, science, and hatred. They still are going.

I visited Pakistan. Because I have a large Pakistan community in the lower part of my district in Brooklyn, they kept inviting me to come visit. Three years ago I visited Pakistan. Because I was most interested in education, I was taken around to various places, three cities, and talked to people, visited schools, et cetera. It became apparent to me after one day that they had no respect for their education system.

Public education was a very low priority in Pakistan. So the public education was receiving pennies, while they were spending money heavily, of course, on the military and in a number of other places. But public education was still being treated as though it was trivial, inconsequential. So the madrassas, the religious private schools, step in and fill the vacuum by providing reading, writing, science, math, food. You get a meal. A mother who sends a child, they are mostly males, sends her son to a madrassas, knows he is going to get a decent meal, be taken care of all day, and get basic education.

If you have no public school system, then who can blame a mother or father for sending their child to what does exist? The madrassas of Pakistan and a number of other places, these madrassas, by the way, are able to do what they do because they get funding from Saudi Arabia and some other rich oil countries, but mostly Saudi Arabia, because they are based on the Wahhabi sect. I am not well versed enough to know whether it is a sect or not, but there is a group that pushes what they call Islamic fundamentalism. It is based in Saudi Arabia, and they have financed these madrassas in Pakistan and other places. So they will keep going. Our ally, Saudi Arabia, has not indicated they will stop funding it.

But for a parent, it is an alternative that makes sense, if you do not have a public education system. The public education system in this country in areas where the black males are concentrated has been treated as a low priority, trivialized.

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Obvious problems have not been dealt with. You can look at the physical facilities and the lack of equipment and supplies and books and before you get to the quality of construction and see that there is a great difference, it is almost as if you had de jour, de jour segregation in our big cities. When you look at the contrast between the way our big cities look in one section versus in another, or the way our big city schools look in the cities, the inner city versus the suburbs, you can see the great difference, as if somebody had consummated a decision to give inferior education to the African American students and to not deal with their needs.

The greatest need, of course, is outside of school, and that is income. Families need income in order to support children in school. School children's families are struggling to survive and are inevitably going to suffer. They are going to suffer. I do not see that it is inevitable that they will not succeed, because I came from a very poor family. My father never earned more than the minimum wage, and he had eight children. So you cannot get much poorer than we were and, yet, just about every member of my family has to some degree achieved some degree of success.

We have those stories of very strong families and people who overcome. The African American community would have withered away a long time ago if we did not have these people who overcome: the super people. But that is not human nature. Most human beings faced with tremendous adversity do not overcome, they succumb. They succumb to drugs, they succumb to the easy money on the streets selling drugs or other kinds of crime, and our dilemma with the black male conference is that we do not know how we are going to get out of this without the help of government. It is such a monumental problem, such a huge problem, we do not know how to get out of it.

Of course, the prejudices in our policymaking do not help at all. The fact that our prisons are already full of people who really should not be there and that many of the black males who go back on the street after serving time in prison, never should have been put in prison because they had drug problems, drug addiction problems. And all intelligent people agree that the first avenue of attack for a drug addiction problem ought to be treatment. But these people have never been in treatment in large numbers, and it is generally considered a luxury to provide treatment for a drug addict.

Of course, if a drug addict happens to be Rush Limbaugh, not only does he get the best treatment in the world because he can afford it, but he also does not admit that he is an addict. I do not know whether what he did was criminal or not, but I do take exception, and I resent the way in which the information about Rush Limbaugh's situation is being handled. I know of many young people who have been put in prison and served terms for the kinds of things that are implied in Rush Limbaugh's behavior. Definitely, he was an addict seeking drugs that were not prescribed, or seeking amounts of drugs that were not prescribed.

I have been told that it is intemperate, it is bad manners, it maybe is uncivilized to criticize Rush when he is down, but if there is anybody who ought to be criticized when he is down, it is Rush Limbaugh. Heartless, merciless, he specialized in ridiculing people. He is the kind of person who calls for drug addicts to be put in jail. So why not comment on the fact that there is one standard for the black males and females who happen to get caught up in drug use, drug users, and another standard for another set of people. The swindled set of people. There are large numbers of blacks, but the number of whites is increasing all the time. The number of other groups is increasing. The number of females is steadily increasing who are caught up in using drugs, and they get into the criminal system that refuses to provide adequate treatment, but will spend $15,000 or $20,000 a year to keep them in prison, and $15,000 is a low figure. Some prisons in New York and a few other places, it is $30,000 a year to keep a person in prison. Half the people in prison are there for nonviolent crimes relating to drugs. But Rush Limbaugh can go to a private place and people are afraid to say he has committed a crime.

I would like to read a bit from an article that appeared in the Miami Herald on October 12 related to Rush Limbaugh's situation. The article was written by two reporters, and I will not submit the entire piece for the RECORD, but I want to read some sections. Lisa Anderson and Raoul Mowatt wrote this article and I quote from certain sections of it. One quote: "Limbaugh did not specify if the medicines he abused had been prescribed. And he did not address allegations by his former maid, Wilma Cline, that she had procured OxyContin, Lorcet and other painkillers for him."

"At the present time, the authorities are conducting an investigation," Mowatt said, "and I have been asked to limit my public comments until this investigation is complete."

Quoting again, from the article, "I do wonder if it is going to cause any softening in the way he perceives personal failings and weaknesses in others," said Rendall, who coauthored the book "The Way Things Aren't: Rush Limbaugh's Reign of Error." A critic of him said, "I wonder if this is going to cause any softening in the way he perceives personal failings and weaknesses in others."

Maybe we should all pray for Rush Limbaugh. Why not pray for him as we pray for other addicts. But I think somewhere there ought to be an acknowledgment of the fact that he is an addict and some request for forgiveness.

To continue from the article, "He has been incredibly uncharitable. He has relentlessly exploited the personal weaknesses and failings of others. He has not extended the same understanding one suspects he would like to be getting right now," said Rendall. "Some of his listeners are bound to be shaken by the fact that Rush has feet of clay."

"While humility has never been the style of the bombastic Limbaugh, a dose of it might not hurt his image," said Harrison, another person who was asked to comment. "Well, I guess he has to now join the rest of humanity and fess up to the fact that some of us are not as strong as others. If he is a hypocrite, well then so be it. He is not the only one."

"Indeed, Limbaugh hardly is the first prominent conservative figure to tumble from the realm of sanctimony to shame. Once wildly popular television evangelists Jim Bakker and Jimmy Swaggert famously fell from their pulpits in the late 1980s, undone by missions of adultery and addiction to pornography, respectively. And just 5 months ago, former Reagan administration education Secretary William Bennett, best-selling author of such moralistic tomes as "The Book of Virtues" was revealed to have a major gambling habit. In Limbaugh's case, many thought his conservative listeners would be compassionate. This is a beloved man to his listeners. It would only draw them closer like a family gets closer in a time of crisis. The worst thing Limbaugh could do is to return to the air in too chastened a form," said one commentator. "The only thing that can destroy Rush Limbaugh's career is Rush Limbaugh suddenly becoming a boring person, and it doesn't seem that he is about to become that," implying that to be compassionate is to be boring. To be tolerant is to be boring.

The excitement of Rush Limbaugh is that he has no mercy on people in trouble. It is another way in which the ruling class dominates the swindled classes. Rush Limbaugh is a jester. He is a joker. The kings had jesters, you know, and jokers. Sometimes they were very well paid. He stands for the ruling class and provides laughs for them by denigrating the poorest people who are being swindled at the bottom.

The great education reform swindle takes place because we do not recognize the problem that I just cited in Pakistan. If we do not educate people, we run the risk of them falling into the hands of a Taliban. I am not going to make any extreme projections, but Islam is the fastest growing religion in America today, and the people who are converting to Islam are black males. If you want to know what is relevant, how to relate one thing to another, black males are the people converting to Islam faster than anybody else. I am not saying that they are ready to rush out and become terrorists and join the Taliban, but it is an interesting development. They see something there that I do not quite understand, but it ought to be watched and understood.

People who are treated like dirt, if they are drug addicts, of course, they are even below that level, they are going to respond, the whole class is going to respond in ways which are not healthy for America. The great health care swindle goes on, the people who are going bankrupt, and a lot of them are middle class and upper middle class. I mentioned them before.

But the biggest swindle, of course, is the war on Iraq swindle. The war on Iraq swindle is the most outrageous of all. Dollars and lives are going down the drain, and the people who are running the operation refuse to be accountable to the Congress of the United States, and the leadership of the Congress of the United States refuses to make them accountable. They do not demand. The leadership is the Republican majority. They do not demand that the people come here and tell us what they are doing, how they intend to proceed with the spending of $87 billion, and when we can expect an exit.

The gentleman from Oregon (Mr. DEFAZIO), who was on the floor earlier, cited the fact that if you took the $87 billion and divided it among the Members of Congress, it will be above $200 million for each congressional district in America; that $87 billion would be more than $200 million. And he talked about all of the things we could do with that in terms of building schools, supporting better health care, et cetera. But those dollars are swindled away from the American people who are going to have to pay the bill with interest later on.

We have the swindle that refuses to spend dollars on targeted revenue-sharing back to our localities that are in trouble who are cutting the budgets of schools and services, so those localities can get through this recession, which they say is almost over; that kind of cooperation is needed. As I said before, disdain for the municipal elections, the local elections that are taking place today, that disdain is reflected in the way we appropriate money. We have not come to their aid. The Federal Government is the one place that does not have to balance the budget. New York City, New York State, 42 of the States were in such budget trouble that they had to cut the school budgets and, in some cases, the school year was cut. But the Federal Government has not come to their aid.

So as we end this session, as we are nearing the end of the session, I would like for my colleagues to reflect on the fact that there is no class warfare in America. The ruling class has completely pacified the swindled classes.

I want to end it with a little piece that summarizes that. It is a rap poem I put in the CONGRESSIONAL RECORD on Wednesday, July 16 called "Let the Rich Go First." This is as a result of my anger when on July 10, there was a vote to stop the expenditure of funds which were being allocated for the study of the Wage an Hour Act to cut overtime and that vote was defeated by the Republican majority. At a time when we were voting to stop paying overtime to working families, shortly after that, it was announced that the soldiers in Iraq would have to be kept there longer than expected. Instead of 6 months, they may be kept there for a year. Reservists would be in for a year instead of 6 months. So overtime for the people dying and fighting in Iraq, we are fighting overtime for payment of working families.

"Let The Rich Go First."

"Working families keep your soldiers at home, for overtime in Iraq no cash, no comp time, not even gratitude, Republicans intrude to exempt all heroes, no combat rotation, life on indefinite probation, scrooges running the Nation. To the front lines let the rich go first, for blood they got a thirst, let the superstars drink it in the glorious trenches; leave the disadvantaged on the benches. Welfare moms have a message for the masters: Tell Uncle Sam his welfare pennies he can keep for food stamps we refuse to leap through your hoops like beasts; just promise to leave our sons alone and we will find our own feasts. To Uncle Sam we offer a bargain: don't throw us dirty crumbs, don't treat us like bums and then demand the full measure of devotion; our minds are now in motion, class warfare is not such a bad notion.

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Your swindle will not last. Recruiters we will not let pass. Finally we opened our eyes, each family is a private enterprise. Each child a precious prize. We got American property rights, before our children die in war. This time we will choose the fights. Let the rich go first: They worry about the overtime we abuse; the battlefields they always choose. Their estates have the most to lose. Let the rich go first.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today and November 5 on account of official business.

Mr. MCNULTY (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. POMEROY (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. WAMP (at the request of Mr. DELAY) for today on account of attending funeral services for former Congressman Jimmy Quillen.

Mr. LATOURETTE (at the request of Mr. DELAY) for today and November 5 until 5:00 p.m. on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today and November 5.

Mr. HENSARLING, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, November 5 and 6.

Mr. GINGREY, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1210. An act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; to the Committee on Resources

S. 1400. An act to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes; to the Committee on Resources in addition to the Committees on Science, Armed Services, and Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the commitee concerned.

S. Con. Res. 58. Concurrent resolution raising awareness and encouraging prevention of stalking by urging the establishment of January 2004 as National Stalking Awareness Month; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2691. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

H.R. 3289. An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 30, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 52. Recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

H.J. Res. 75. Making further continuing appropriations for the fiscal year 2004, and for other purposes.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration.

Jeff Trandahl, Clerk of the House reports that on November 3, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 1610. To redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building".

H.R. 1882. To designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office".

H.R. 1883. To designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office".

H.R. 2075. To designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building".

H.R. 2254. To designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building".

H.R. 2309. To designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building".

H.R. 2328. To designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

H.R. 2396. To designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office".

H.R. 2452. To designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

H.R. 2533. To designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".

H.R. 2746. To designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

H.R. 3011. To designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 5, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5017. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets (RIN: 3064-AC74); Department of the Treasury, Office of the Comptroller of the Currecy [Docket No. 03-21] (RIN: 1557-AC76); Federal Reserve System [Regulations H and Y; Docket No. R-1156]; Department of the Treasury, Office of Thrift Supervision [No. 2003-48] (RIN: 1550-AB79) received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5018. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-209, "Debarnment Procedures Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5019. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-200, "Kivie Kaplan Way Designation Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5020. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-198, "Draft Master Plan for Public Reservation 13 Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5021. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-197, "Voluntary Transfer of Leave Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5022. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-196, "Identity Theft Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5023. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-185, "Public School Enrollment Integrity Clarification Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5024. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-184, "Expansion of the Golden Triangle Business Improvement District Temporary Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5025. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-183, "Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Temporary Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5026. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-182, "Self Storage Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5027. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-181, "Standard Valuation and Nonforfeiture Amendment Act of 2003," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5028. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2004 through 2009, pursuant to Public Law 103—62; to the Committee on Government Reform.

5029. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5030. A letter from the Chairman, National Endowment for the Humanities, transmitting the Endowment's Strategic Plans for Fiscal Years 2004 through 2009, as required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5031. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Corporation's Five-Year Strategic/Operational Plan, for the period FY 2003-FY 2008, pursuant to The Government Performance and Results Act of 1993; to the Committee on Government Reform.

5032. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's strategic plan for fiscal years 2003 through 2008, pursuant to Public Law 103—62; to the Committee on Government Reform.

5033. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office of Federal Housing Enterprise Oversight's (OFHEO's) Strategic Plan for FY 2003-2008, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5034. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the FY 2003 report pursuant to the Federal Managers' Financial Integrity Act of 1982 and the 1988 Amendments to the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5035. A letter from the Director, Center for Employee and Family Support Policy, Office of Personal Management, transmitting the Office's final rule — Federal Employees Health Benefits Children's Equity (RIN: 3206-AJ34) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5036. A letter from the Deputy General Counsel, Department of Homeland Security, transmitting the Department's "Major" final rule — Regulations Implementing the Support of Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) [USCG-2003-15425] (RIN: 1601-AA15) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5037. A letter from the Deputy Assistant General Counsel, Regulations, U.S. Citizen & Immigration Services, Department of Homeland Security, transmitting the Department's final rule — Adding and Removing Institutions to and from the List of Recognized American Institutions of Research [CIS No. 2131-03] (RIN: 1615-AA72) received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5038. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Implementation of Methamphetamine Anti-Proliferation Act; Thresholds for Retailers and for Distributors Required To Submit Mail Order Reports; Changes to Mail Order Reporting Requirements [Docket No. DEA-210F] (RIN: 1117-AA69) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5039. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Implementation of National Maritime Security Initiatives [USCG-2003-14792] (RIN:1625-AA69) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5040. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model STEMME S10-VT Sailplanes [Docket No. 2003-CE-36-AD; Amendment 39-13327; AD 2003-20-09] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5041. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. 2003-CE-41-AD; Amendment 39-13339; AD 2003-21-04] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5042. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2003-CE-42-AD; Amendment 39-13333; AD 2003-20-15] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5043. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 2003-CE-43-AD; Amendment 39-13328; AD 2003-20-10] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5044. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Interagency Acquisition Approvals (RIN: 2700-

AC78) received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5045. A letter from the Deputy General Counsel, Office of Disaster Assistance, Small Business Administration, transmitting the Administration's final rule — Disaster Loan Program-Disaster Mitigation Act of 2000 (RIN: 3245-AE97) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5046. A letter from the Deputy General Counsel, Office of New Market Venture Capital, Small Business Administration, transmitting the Administration's final rule — New Markets Venture Capital Program (RIN: 3245-AE91) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5047. A letter from the Deputy General Counsel, HUBZone Program, Small Business Administration, transmitting the Administration's final rule — HUBZone Program; received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5048. A letter from the Deputy General Counsel, HUBZone Program, Small Business Administration, transmitting the Administration's final rule — HUBZone Program; received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5049. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Elimination of Statistical Classes Large Cigars (2000R-410P) [T.D. TTB-4; ATF Notice No. 962] (RIN: 1513-AA18) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5050. A letter from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Electronic Signatures; Electronic Submission of Forms (2000R-458P) [T.D. TTB-5; Notice No. 5] (RIN: 1513-AA61) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5051. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-114) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5052. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Rules for Certain Foreign Business Entities [TD 9093] (RIN: 1545-AX39) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5053. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Validity and Priority Against Certain Persons (Rev. Rul. 2003-108) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5054. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxation of DISC Income to Shareholders (Rev. Rul. 2003-111) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5055. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-61] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5056. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Stock that is considered readily tradable on an established securities market in the United States for purposes [Notice 2003-71; I.R.B. 2003-43] received Ocotber 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5057. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Availibility of Information and Records to the Public [Regulations No. 2] (RIN: 0960-AF91) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5058. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2004 Payment Rates [CMS-1471-FC] (RIN: 0938-AL91) received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5059. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2004 [CMS-1476-FC] (RIN: 0938-AL96) received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5060. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2004 Payment Rates [CMS-1471-FC] (RIN: 0938-AL19) received November 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 3145. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes; with an amendment (Rept. 108–339). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3181. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes (Rept. 108–340). Referred to the Committee on the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1274. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; with amendment (Rept. 108–341). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee of Conference. Conference report on H.R. 2559. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–342). Ordered to be printed.

Mr. POMBO: Committee on Resources. House Concurrent Resolution 237. Resolution honoring the late Rick Lupe, lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency, for his dedication and service to the United States and for his essential service in fighting wildfires and protecting the environment and communities of Arizona (Rept. 108–343). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. S. 677. An act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes (Rept. 108–344). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 924. An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes (Rept. 108–345). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 506. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; with an amendment (Rept. 108–346). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1204. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes; with an amendment (Rept. 108–347). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 428. Resolution providing for the consideration of the bill (H.R. 1829) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes (Rept. 108–348). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 429. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–349). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 430. Resolution providing for consideration of the joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2004, and for other purposes (Rept. 108–350). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 2420. A bill to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds; with an amendment (Rept. 108–351). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on October 31, 2003]

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 135 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on October 31, 2003]

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than November 7, 2003.

H.R. 1081. Referral to the Committees on Transportation and Infrastructure, Resources, and House Administration for a period ending not later than November 7, 2003.

H.R. 1856. Referral to the Committee on Resources extended for a period ending not later than November 7, 2003.

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than November 7, 2003.

H.R. 2571. Referral to the Committee on Ways and Means extended for a period ending not later than November 7, 2003.

H.R. 2802. Referral to the Committee on Government Reform extended for a period ending not later than November 7, 2003.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than November 7, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. SENSENBRENNER, Mr. COBLE, Mr. SCHROCK, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, Mr. CANTOR, Mr. FORBES, Mr. BOUCHER, Mr. GOODE, and Mr. SCOTT of Virginia):

H.R. 3428. A bill to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building"; to the Committee on Transportation and Infrastructure.

By Mr. SHIMKUS (for himself and Mr. RUSH):

H.R. 3429. A bill to improve the funding mechanism for the Department of Energy Civilian Radioactive Waste Management Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself, Mr. LoBIONDO, and Mr. SAXTON):

H.R. 3430. A bill to amend title 28, United States Code, to divide New Jersey in 2 judicial districts; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. WAMP, Mr. OSBORNE, Mrs. BONO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Mr. BECERRA, Ms. SOLIS, Mr. GRIJALVA, Mr. GONZALEZ, Ms. WOOLSEY, Mr. RAHALL, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. KIND, Mr. KILDEE, Mr. HINOJOSA, Ms. ESHOO, Mr. ROSS, Mrs, DAVIS of California, Mr. SCHIFF, Mr. UDALL of Colorado, Mr. ALEXANDER, Mr. ALLEN, Mr. BISHOP of New York, Mr. BELL, Mr. CARSON of Oklahoma, Mr. CARDOZA, Mr. CLYBURN, Mr. CROWLEY, Mr. DAVIS of Florida, Mr. DOYLE, Mr. EMANUEL, Mr. ETHERIDGE, Mr. EVANS, Mr. FROST, Mr. GREEN of Texas, Mr. HILL, Mr. HONDA, Mr. INSLEE, Ms. LEE, Mr. McINNIS, Ms. LOFGREN, Mr. TOWNS, Ms. HARMAN, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. REYES, Mrs. MALONEY, Mr. LANTOS, Mr. SMITH of Washington, Mr. MATSUI, Mr. FILNER, Mrs. NAPOLITANO, Ms. NORTON, Ms. MILLENDER-McDONALD, Ms. WATERS, Ms. CARSON of Indiana, Ms. LORETTA SANCHEZ of California, Mr. PASCRELL, Ms. VELÁZQUEZ, Ms. SCHAKOWSKY, Mrs. CAPPS, Ms. PELOSI, Mr. SHERMAN, Mrs. TAUSCHER, Mr. PAYNE, Ms. BERKLEY, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. HOYER, Ms. DeGETTE, Ms. LINDA T. SÁNCHEZ of California, Mr. EDWARDS, Ms. DeLAURO, Mr. DICKS, Mr. HASTINGS of Florida, Mr. CALVERT, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mrs. JONES of Ohio, Mr. LARSEN of Washington, Mr. LEWIS of California, Mr. LYNCH, Mr. MATHESON, Mr. MARSHALL, Mr. MENENDEZ, Mr. MURTHA, Mr. OSE, Mr. PALLONE, Mr. RENZI, Mr. ROTHMAN, Mr. SANDLIN, Mr. SERRANO, Mr. TANNER, Mr. THOMPSON of California, Mr. WEINER, Ms. WATSON, Mr. OLVER, Ms. BORDALLO, Mr. OWENS, Mr. BERMAN, Mr. ACEVEDO-VILÁ, Mr. GUTIERREZ, Mr. CONYERS, Mr. UDALL of New Mexico, Mr. DOOLEY of California, Ms. JACKSON-LEE of Texas, Mr. ISSA, and Ms. KILPATRICK):

H.R. 3431. A bill to require the National Institute for Occupational Safety and Health to monitor the long-term health of firefighters involved in fighting fires within Federal disaster areas; to the Committee on Education and the Workforce.

By Mr. BLUMENAUER (for himself, Mr. MANZULLO, Mr. MORAN of Virginia, Mr. SIMMONS, Mr. FARR, Mr. GREENWOOD, Mr. BEREUTER, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. INSLEE, Mr. MOLLOHAN, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. BROWN of Ohio, Mr. KANJORSKI, Ms. WOOLSEY, Mr. HOEFFEL, Mr. HILL, Mrs. KELLY, Mr. ALLEN, Mrs. CHRISTENSEN, Mr. MURTHA, Mr. HOLT, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. WYNN, Mrs. McCARTHY of New York, Mr. RODRIGUEZ, Mr. MARKEY, Mr. EVANS, Mr. RAHALL, Mr. OWENS, Mr. STARK, Mr. McNULTY, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. THOMPSON of California, Mr. BAIRD, Mr. CLAY, Mr. ENGLISH, Mrs. EMERSON, Ms. KILPATRICK, Mr. ACKERMAN, Mr. FROST, Mrs. LOWEY, Mr. KUCINICH, Mr. DOOLEY of California, Mr. BOEHLERT, Ms. DeLAURO, Mr. POMEROY, Mr. OSBORNE, Ms. CARSON of Indiana, Mr. SHAYS, Ms. ESHOO, Ms. BALDWIN, and Mr. COOPER):

H.R. 3432. A bill to amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes; to the Committee on Government Reform.

By Mrs. EMERSON:

H.R. 3433. A bill to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3434. A bill to amend title XVIII of the Social Security Act to limit the deduction of Medicare part B premiums from Social Security benefits payments only for months in which Medicare coverage is provided; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 3435. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and the Workforce.

By Mr. ISRAEL:

H.R. 3436. A bill to amend title 38, United States Code, to provide for the Government to pay for the cost of premiums for Servicemembers Group Life Insurance for the first $100,000 of coverage; to the Committee on Veterans' Affairs.

By Mr. LANGEVIN (for himself, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, and Mr. McGOVERN):

H.R. 3437. A bill to direct the Consumer Product Safety Commission to issue standards addressing open flame ignition of consumer products containing polyurethane; to the Committee on Energy and Commerce.

By Mr. LEVIN (for himself, Ms. GRANGER, Ms. DeLAURO, Mrs. WILSON of New Mexico, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BACHUS, Mr. BELL, Mr. BISHOP of New York, Mr. BURGESS, Mr. CUMMINGS, Mr. DEUTSCH, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Mr. FROST, Ms. HART, Mr. HONDA, Mr. ISRAEL, Mr. KILDEE, Mr. LaTOURETTE, Ms. LOFGREN, Mrs. MALONEY, Mr. MATSUI, Mrs. McCARTHY of New York, Ms. McCOLLUM, Mr. McDERMOTT, Mr. McHUGH, Mr. McNULTY, Mr. MENENDEZ, Mr. MORAN of Virginia, Mr. NADLER, Mr. OWENS, Ms. SLAUGHTER, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WAXMAN, Mr. WEXLER, and Mr. WYNN):

H.R. 3438. A bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself and Mr. FROST):

H.R. 3439. A bill to promote the sharing of personnel between Federal law enforcement agencies and other public law enforcement agencies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.J. Res. 76. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes; to the Committee on Appropriations.

By Mr. FEENEY (for himself and Mr. BOYD):

H. Con. Res. 320. Concurrent resolution expressing the sense of the Congress regarding the importance of motorsports; to the Committee on Government Reform.

By Ms. BERKLEY (for herself and Mr. PORTER):

H. Res. 431. A resolution honoring the achievements of Siegfried and Roy, recognizing the impact of their efforts on the conservation of endangered species both domestically and worldwide, and wishing Roy Horn a full and speedy recovery; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Res. 432. A resolution expressing the sense of the House of Representatives that the United States should take action to meet its obligations, and to ensure that all other member states of the United Nations meet their obligations, to women as agreed to in United Nations Security Council Resolution 1325 relating to women, peace, and security, and the United States should fully assume the implementation of international law relating to human rights that protects the rights of women and girls during and after conflicts, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

211. The SPEAKER presented a memorial of the Senate of the State of Texas, relative to Senate Resolution No. 373 memorializing the Congress of the United States to prohibit federal courts from ordering or instructing any state or political subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

212. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to adequately fund the programs of the Veterans Administration; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. LEWIS of Georgia, Mr. MEEKS of New York, and Mrs. JONES of Ohio.

H.R. 218: Mr. GERLACH and Mr. MORAN of Virginia.

H.R. 318: Mr. KING of Iowa.

H.R. 333: Mr. LANTOS.

H.R. 353: Mr. CANNON.

H.R. 369: Mr. CUMMINGS.

H.R. 375: Mr. BURR, Mr. BURTON of Indiana, Mr. TURNER of Texas, and Mr. BOSWELL.

H.R. 401: Mrs. MUSGRAVE and Ms. BORDALLO.

H.R. 440: Mr. CROWLEY, Mr. DEUTSCH, Mr. MEEK of Florida, and Mr. KUCINICH.

H.R. 623: Mr. LAMPSON.

H.R. 677: Mr. JACKSON of Illinois.

H.R. 685: Mr. BELL.

H.R. 713: Mr. BROWN of Ohio.

H.R. 737: Mr. BOYD and Mr. JACKSON of Illinois.

H.R. 752: Mrs. CAPPS.

H.R. 776: Mr. FRANK of Massachusetts.

H.R. 811: Mrs. NAPOLITANO.

H.R. 833: Mr. MANZULLO.

H.R. 857: Mr. WAMP, Mr. WU, and Mr. PALLONE.

H.R. 890: Mr. DELAHUNT.

H.R. 936: Mr. WATT.

H.R. 962: Ms. MAJETTE, Mr. KIND, Mr. WALSH, and Mr. JACKSON of Illinois.

H.R. 980: Mr. GEORGE MILLER of California.

H.R. 1070: Mr. FROST.

H.R. 1105: Mr. LEVIN.

H.R. 1116: Ms. McCOLLUM.

H.R. 1173: Mr. ISAKSON.

H.R. 1267: Mr. BISHOP of Georgia.

H.R. 1285: Mr. BELL.

H.R. 1435: Mr. BELL.

H.R. 1464: Mr. DOGGETT.

H.R. 1532: Mr. DAVIS of Illinois, Mr. JONES of North Carolina, Mr. MICHAUD, and Mr. DOOLEY of California.

H.R. 1563: Mr. OLVER.

H.R. 1657: Ms. SLAUGHTER and Mr. RANGEL.

H.R. 1680: Mr. CONYERS.

H.R. 1708: Mr. JENKINS, Mr. ENGEL, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, and Mr. BURGESS.

H.R. 1818: Mr. SESSIONS.

H.R. 1858: Mr. WAXMAN.

H.R. 1906: Mr. KUCINICH.

H.R. 1929: Mr. KUCINICH.

H.R. 2107: Mr. BALLANCE.

H.R. 2173: Ms. KAPTUR, Mr. REYES, Mr. ACKERMAN, Mr. LIPINSKI, and Ms. MILLENDER-McDONALD.

H.R. 2181: Mr. GREEN of Wisconsin.

H.R. 2203: Mr. ACKERMAN and Mr. LANTOS.

H.R. 2216: Mr. SOUDER and Mr. BACHUS.

H.R. 2327: Mr. WELDON of Pennsylvania.

H.R. 2420: Mr. OXLEY, Mr. FRANK of Massachusetts, Mr. CASTLE, Ms. WATERS, Mrs. MALONEY, Ms. HOOLEY of Oregon, Mr. MOORE, Mr. FORD, Mr. JONES of North Carolina, Mr. GONZALEZ, Mr. EMANUEL, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. HINOJOSA, Mr. HENSARLING, Mrs. CAPITO, Mr. GARRETT of New Jersey, and Mrs. BIGGERT.

H.R. 2426: Mr. VAN HOLLEN.

H.R. 2490: Mr. McDERMOTT, Ms. SLAUGHTER, Ms. McCOLLUM, Mr. KUCINICH, and Mr. DELAHUNT.

H.R. 2511: Ms. WATERS.

H.R. 2536: Ms. LOFGREN and Mr. ANDREWS.

H.R. 2558: Mr. MEEK of Florida.

H.R. 2569: Ms. NORTON, Ms. WATSON, Mr. BALLANCE, Mr. FRANK of Massachusetts, Mr. STUPAK, and Ms. McCOLLUM.

H.R. 2579: Mr. JONES of North Carolina, Mr. DOOLITTLE, and Mr. SANDLIN.

H.R. 2585: Ms. SCHAKOWSKY, Ms. LOFGREN, and Ms. SOLIS.

H.R. 2592: Mr. OWENS and Ms. MAJETTE.

H.R. 2594: Mr. DOGGETT.

H.R. 2683: Mr. WHITFIELD.

H.R. 2700: Mr. TERRY, Mr. FRANK of Massachusetts, and Mr. KIND.

H.R. 2705: Ms. McCOLLUM, Mr. CUMMINGS, Mr. KUCINICH, and Mr. JACKSON of Illinois.

H.R. 2720: Mr. CROWLEY, Mr. TOWNS, Mr. SERRANO, and Mr. GERLACH.

H.R. 2732: Mr. STEARNS.

H.R. 2762: Mr. PETERSON of Pennsylvania.

H.R. 2763: Mr. PETERSON of Pennsylvania.

H.R. 2768: Mr. SERRANO, Mr. POMEROY, Mr. BISHOP of New York, Mr. TAYLOR of Mississippi, Mr. DAVIS of Alabama, Mr. MENENDEZ, Mr. PASTOR, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. HOLT, Mr. BROWN of Ohio, Mr. DOOLEY of California, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. RYAN of Ohio, Ms. McCOLLUM, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Mr. DINGELL, and Mr. ANDREWS.

H.R. 2771: Mr. McHUGH and Mr. SERRANO.

H.R. 2809: Mr. KUCINICH.

H.R. 2810: Mr. KUCINICH.

H.R. 2816: Mr. BLUMENAUER and Mr. GRIJALVA.

H.R. 2823: Mr. SHIMKUS, Mr. GOODE, and Mr. FILNER.

H.R. 2849: Mr. SHAW.

H.R. 2866: Ms. MAJETTE.

H.R. 2868: Mr. HYDE.

H.R. 2871: Mr. SANDLIN and Mr. WYNN.

H.R. 2888: Ms. SLAUGHTER.

H.R. 2908: Mr. RYAN of Ohio.

H.R. 2934: Mr. GALLEGLY and Mr. McHUGH.

H.R. 2945: Mr. CONYERS, Mr. KUCINICH, Mr. FROST, Mr. BROWN of Ohio, Mr. OLVER, Mr. RUSH, and Mr. GUTIERREZ.

H.R. 2952: Ms. SLAUGHTER.

H.R. 2978: Mr. MARSHALL, Mr. CANNON, Mr. OTTER, Mr. PEARCE, and Mr. TOWNS.

H.R. 3002: Mr. WAMP and Mr. BRADLEY of New Hampshire.

H.R. 3004: Mr. MICHAUD.

H.R. 3008: Mr. KUCINICH.

H.R. 3079: Mr. PUTNAM, Ms. ROS-LEHTINEN, and Mr. BAKER.

H.R. 3120: Mr. KUCINICH.

H.R. 3125: Mr. WILSON of South Carolina.

H.R. 3129: Mr. FILNER.

H.R. 3139: Mr. KUCINICH.

H.R. 3142: Ms. HARRIS.

H.R. 3153: Ms. LEE and Mr. CUMMINGS.

H.R. 3184: Ms. McCOLLUM and Mr. WAMP.

H.R. 3227: Ms. DeLAURO.

H.R. 3237: Ms. DeGETTE and Mr. KUCINICH.

H.R. 3263: Mr. ADERHOLT, Mr. BRADY of Texas, Mr. CHOCOLA, Mr. DEAL of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, Mr. GERLACH, Mr. GREENWOOD, Ms. HART, Mr. HENSARLING, Mr. HERGER, Mr. ISSA, Mr. JANKLOW, Mrs. KELLY, Mr. KIRK, Mr. LEWIS of California, Mr. McKEON, Mr. SHADEGG, Mr. SHUSTER, Mr. WALDEN of Oregon, and Mr. REYES.

H.R. 3275: Mr. WEXLER, Mr. OWENS, and Ms. CORRINE BROWN of Florida.

H.R. 3277: Mr. LEWIS of California, Mr. FOLEY, Mrs. JONES of Ohio, Mr. WHITFIELD, Mr. QUINN, Ms. DUNN, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. EHLERS, Mrs. JOHNSON of Connecticut, Mr. RAMSTAD, Mr. BRADY of Texas, Mr. McNULTY, Mrs. BIGGERT, Mr. LEVIN, Mr. KIRK, Ms. MILLENDER-McDONALD, Mr. PLATTS, Mr. YOUNG of Florida, Mr. FALEOMAVAEGA, Mr. PORTMAN, Mr. CROWLEY, Mr. SKELTON, Mr. GILLMORE, Mr. UPTON, Mr. LANTOS, Mr. MATSUI, Mr. SIMMONS, Mr. HOBSON, Mr. BALLENGER, Mr. AKIN, Mr. SESSIONS, and Mr. BEREUTER.

H.R. 3284: Mr. DOGGETT.

H.R. 3304: Mr. HINOJOSA.

H.R. 3323: Mr. FILNER.

H.R. 3344: Mr. CUMMINGS, Ms. MILLENDER-McDONALD, and Mr. NEAL of Massachusetts.

H.R. 3348: Mr. CONYERS.

H.R. 3350: Mr. McNULTY and Mr. COSTELLO.

H.R. 3352: Ms. LEE, Ms. SLAUGHTER, Ms. DeGETTE, and Mr. TOWNS.

H.R. 3355: Mr. CONYERS and Mr. GUTIERREZ.

H.R. 3358: Mr. TURNER of Ohio and Mrs. MUSGRAVE.

H.R. 3362: Mr. GRIJALVA.

H.R. 3387: Mr. GUTIERREZ.

H.R. 3388: Mr. GREEN of Wisconsin, Mr. LEACH, and Mr. SHIMKUS.

H.R. 3400: Mr. HERGER, Mr. DOOLITTLE, and Mr. GIBBONS.

H.R. 3402: Mr. ETHERIDGE and Mr. SCOTT of Georgia.

H.R. 3416: Mr. LANTOS, Mr. MCGOVERN, Mr. FRANK of Massachusetts, and Ms. JACKSON-LEE of Texas.

H.R. 3424: Ms. MCCOLLUM, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. SANDERS, and Mrs. NAPOLITANO.

H.R. 3425: Mr. CROWLEY, Mr. CUMMINGS, Ms. MAJETTE, Ms. SCHAKOWSKY, Mr. SANDERS, and Mrs. NAPOLITANO.

H.J. Res. 65: Mr. BARTLETT of Maryland.

H. Con. Res. 69: Mr. FALEOMAVAEGA.

H. Con. Res. 82: Mr. WILSON of South Carolina.

H. Con. Res. 87: Mr. WAXMAN.

H. Con. Res. 137: Mr. ENGEL.

H. Con. Res. 194: Mr. CLAY, Mr. QUINN, Mr. CLYBURN, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. BALLANCE, Ms. CARSON of Indiana, Mr. LEWIS of Georgia, Mr. WATT, Mr. RUSH, Mr. DAVIS of Alabama, and Ms. WATERS.

H. Con. Res. 213: Mr. CLAY.

H. Con. Res. 247: Mr. JENKINS.

H. Con. Res. 265: Mr. REYNOLDS.

H. Con. Res. 280: Mr. NADLER and Mr. PORTER.

H. Con. Res. 281: Ms. LEE and Ms. NORTON.

H. Con. Res. 285: Mr. WATT and Ms. BORDALLO.

H. Con. Res. 297: Ms. NORTON and Mr. MCDERMOTT.

H. Con. Res. 298: Mr. MCINTYRE, Mr. BARRETT of South Carolina, and Mr. SMITH of New Jersey.

H. Con. Res. 309: Mr. SOUDER, Mr. ALLEN, Mr. MCHUGH, Mr. KIRK, Mr. DOYLE, and Mr. LEWIS of Georgia.

H. Con. Res. 310: Mr. BACHUS.

H. Con. Res. 314: Mr. BISHOP of Georgia and Mr. WYNN.

H. Con. Res. 316: Mr. LEVIN, Mr. REGULA, and Mr. WEINER.

H. Res. 136: Mr. CUNNINGHAM.

H. Res. 300: Mr. CALVERT and Mr. VITTER.

H. Res. 320: Mr. KUCINICH.

H. Res. 393: Mrs. KELLY and Mr. KUCINICH.

H. Res. 394: Mr. PORTER and Ms. BERKLEY.

H. Res. 402: Ms. MCCOLLUM.

H. Res. 419: Mr. CLAY, Mr. GEORGE MILLER of California, and Mr. BERMAN.

H. Res. 425: Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Mr. COX, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GOODLATTE, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. ISSA, Mr. KOLBE, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCINNIS, Mr. MCKEON, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Mr. OSE, Mr. PASCRELL, Ms. PELOSI, Mr. POMBO, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr, THOMAS, Mr. THOMPSON of California, Mrs. JONES of Ohio, Mr. WALDEN of Oregon, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WOLF, and Ms. WOOLSEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1829

OFFERED BY: MR. TOOMEY

AMENDMENT NO. 1: Page 7, line 17, strike the period and insert the following: ", unless the contract opportunity has been reserved for competition exclusively among small business concerns pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) and its implementing regulations.".

H.R. 1829

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 2: Page 24, after line 10, insert the following new subparagraph (and redesignate succeeding subparagraphs accordingly):

"(C) The Board of Directors of Federal Prison Industries shall—

"(i) not later than September 30, 2004, increase the maximum wage rate for inmates performing work for or through Federal Prison Industries to an amount equal to 50 percent of the minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

"(ii) not later than September 30, 2009, increase such maximum wage rate to an amount equal to such minimum wage; and

"(iii) request the Secretary of Labor to establish, not later than October 1, 2004, an 'inmate training wage' pursuant to that Act.

H.R. 1829

OFFERED BY: MS. WATERS

AMENDMENT NO. 3: Page 24, line 7, insert after the period the following: "In the case of an inmate whose term of imprisonment is to expire in not more than 2 years, wages shall be earned at an hourly rate of not less than $2.50, but paid at the same rate and in the same manner as to any other inmate, and any amount earned but not paid shall be held in trust and paid only upon the actual expiration of the term of imprisonment.".

H.R. 1829

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT NO. 4: Page 17, strike line 16 and all that follows through page 18, line 19.

Page 18, line 20, strike "(2)" and insert "(b)" (and align the margin with subsection (a) and redesignate subsequent subsections accordingly).

Page 19, lines 7 and 8, strike "subsection (b) and subsection (c) of".

Page 19, lines 15 and 16, and lines 21 and 22, strike "subsections (b) and (c)" and insert "this section".

Page 20, line 7, strike "preferential".

Page 20, line 8, strike "subsection (b)" and insert "this section".

H.R. 1829

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT NO. 5: Page 25, strike section 7 (line 11 and all that follows through page 26, line 12).

H.R. 1829

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT NO. 6: Page 29, insert after line 5 the following new subsection (and redesignate subsequent subsections accordingly):

(b) ADDITIONAL INMATE WORK OPPORTUNITIES THROUGH PUBLIC SERVICE ACTIVITIES.—

(1) IN GENERAL.—Chapter 307 of title 18, United States Code, is further amended by inserting after section 4124 the following new section:

"§4124a. Additional inmate work opportunities through public service activities

"(a) IN GENERAL.—Inmates with work assignments within Federal Prison Industries may perform work for an eligible entity pursuant to an agreement between such entity and the Inmate Work Training Administrator in accordance with the requirements of this section.

"(b) DEFINITION OF ELIGIBLE ENTITIES.—For the purposes of this section, the term 'eligible entity' means an entity—

"(1) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and that has been such an organization for a period of not less than 36 months prior to inclusion in an agreement under this section;

"(2) that is a religious organization described in section 501(d) of such Code and exempt from taxation under section 501(a) of such Code; or

"(3) that is a unit of local government, a school district, or another special purpose district.

"(c) INMATE WORK TRAINING ADMINISTRATOR.—

"(1) The Federal Prison Industries Board of Directors shall designate an entity as the Inmate Work Training Administrator to administer the work-based training program authorized by this section.

"(2) In selecting the Inmate Work Training Administrator, the Board of Directors shall select an entity—

"(A) that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

"(B) that has demonstrated, for a period of not less than 5 years, expertise in the theory and practice of fostering inmate rehabilitation through work-based programs in cooperation with private sector firms.

"(3) With respect to the formation and performance of an agreement authorized by this section, the Director of the Bureau of Prisons and the Chief Operating Officer of Federal Prison Industries shall be responsible only for—

"(A) maintaining appropriate institutional and inmate security; and

"(B) matters relating to the selection and payment of participating inmates.

"(d) PROPOSED AGREEMENTS.—An eligible entity seeking to enter into an agreement pursuant to subsection (a) shall submit a detailed proposal to the Inmate Work Training Administrator. Each such agreement shall specify—

"(1) types of work to be performed;

"(2) the proposed duration of the agreement, specified in terms of a base year and number of option years;

"(3) the number of inmate workers expected to be employed in the specified types of work during the various phases of the agreement;

"(4) the wage rates proposed to be paid to various classes of inmate workers; and

"(5) the facilities, services and personnel (other than correctional personnel dedicated to the security of the inmate workers) to be furnished by Federal Prison Industries or the Bureau of Prisons and the rates of reimbursement, if any, for such facilities, services, and personnel.

"(e) REPRESENTATIONS.—

"(1) ELEEMOSYNARY WORK ACTIVITIES.—Each proposed agreement shall be accompanied by a written certification by the chief executive officer of the eligible entity that—

"(A) the work to be performed by the inmate workers will be limited to the eleemosynary work of such entity in the case of an entity described in paragraph (1) or (2) of subsection (b);

"(B) the work would not be performed but for the —availability of the inmate workers;

"(C) the work performed by the inmate workers will not result, either directly or indirectly, in the production of a new product or the furnishing of a service that is to be offered for other than resale or donation by the eligible entity or any affiliate of the such entity.

"(2) PROTECTIONS FOR NON-INMATE WORKERS.—Each proposed agreement shall also be accompanied by a written certification by the chief executive officer of the eligible entity that—

"(A) no non-inmate employee or volunteer of the eligible entity (or any affiliate of the entity) will have his or her job abolished or work hours reduced as a result of the entity being authorized to utilize inmate workers; and

"(B) the work to be performed by the inmate workers will not supplant work currently being performed by a contractor of the eligible entity.

"(f) APPROVAL BY BOARD OF DIRECTORS.—

"(1) IN GENERAL.—Each such proposed agreement shall be presented to the Board of Directors, be subject to the same opportunities for public comment, and be publicly considered and acted upon by the Board in a manner comparable to that required by paragraphs (6) and (7) of section 4122(b).

"(2) MATTERS TO BE CONSIDERED.—In determining whether to approve a proposed agreement, the Board shall—

"(A) give priority to an agreement that provides inmate work opportunities that will provide participating inmates with the best prospects of obtaining employment paying a livable wage upon release;

"(B) give priority to an agreement that provides for maximum reimbursement for inmate wages and for the costs of supplies and equipment needed to perform the types of work to be performed;

"(C) not approve an agreement that will result in the displacement of non-inmate workers or volunteers contrary to the representations required by subsection (e)(2) as determined by the Board or by the Attorney General (pursuant to subsection (i)); and

"(D) not approve an agreement that will result, either directly or indirectly, in the production of a new product or the furnishing of a service for other than resale or donation.

"(g) WAGE RATES AND DEDUCTIONS FROM INMATE WAGES.—

"(1) IN GENERAL.—Inmate workers shall be paid wages for work under the agreement at a basic hourly rate to be negotiated between the eligible entity and Federal Prison Industries and specified in the agreement. The wage rates set by the Director of the Federal Bureau of Prisons to be paid inmates for various institutional work assignments are specifically authorized.

"(2) PAYMENT TO INMATE WORKER AND AUTHORIZED DEDUCTIONS.—Wages shall be paid and deductions taken pursuant to section 4122(b)(11)(C).

"(3) VOLUNTARY PARTICIPATION BY INMATE.—Each inmate worker to be utilized by an eligible entity shall indicate in writing that such person—

"(A) is participating voluntarily; and

"(B) understands and agrees to the wages to be paid and deductions to be taken from such wages.

"(h) ASSIGNMENT TO WORK OPPORTUNITIES.—Assignment of inmates to work under an approved agreement with an eligible entity shall be subject to the Bureau of Prisons Program Statement Number 1040.10 (Non-Discrimination Toward Inmates), as contained in section 551.90 of title 28 of the Code of Federal Regulations (or any successor document).

"(i) ENFORCEMENT OF PROTECTIONS FOR NON-INMATE WORKERS.—

"(1) CONSULTATION WITH SECRETARY OF LABOR.—The Attorney General shall carry out this subsection in consultation with the Secretary of Labor.

"(2) PRIOR TO BOARD CONSIDERATION.—Upon request of any interested person, the Attorney General may promptly verify a certification made pursuant subsection (e)(2) with respect to the displacement of non-inmate workers so as to make the results of such inquiry available to the Board of Directors prior to the Board's consideration of the proposed agreement. The Attorney General and the person requesting the inquiry may make recommendations to the Board regarding modifications to the proposed agreement.

"(3) DURING PERFORMANCE.—

"(A) IN GENERAL.—Whenever the Attorney General deems appropriate, upon request or otherwise, the Attorney General may verify whether the actual performance of the agreement is resulting in the displacement of non-inmate workers or the use of inmate workers in a work activity not authorized under the approved agreement.

"(B) SANCTIONS.—Whenever the Attorney General determines that performance of the agreement has resulted in the displacement of non-inmate workers or employment of an inmate worker in an unauthorized work activity, the Attorney General may—

"(i) direct the Inmate Work Training Administrator to terminate the agreement for default, subject to the processes and appeals available to a Federal contractor whose procurement contract has been terminated for default; and

"(ii) initiate proceedings to impose upon the person furnishing the certification regarding non-displacement of non-inmate workers required by subsection (d)(2)(B) any administrative, civil, and criminal sanctions as may be available.".

(2) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2004 through 2008 for the purposes of paying the wages of inmates and otherwise undertaking the maximum number of agreements with eligible entities pursuant to section 4124a of title 18, United States Code, as added by paragraph (1).

(3) CLERICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by inserting after the item relating to section 4124 the following new item:

"4124a. Additional inmate work opportunities through public service activities.".

Page 36, insert after line 5 the following (and redesignate subsequent subsections and clerical amendments accordingly):

SEC. 11. ADDITIONAL PILOT AUTHORITIES FOR INMATE WORK OPPORTUNITIES.

(a) IN GENERAL.—Chapter 307 of title 18, United States Code, as amended by section 9, is further amended by adding at the end the following new section:

"§4131. Additional pilot authorities for inmate work opportunities

"(a) PILOT AUTHORITIES.—Federal Prison Industries may contract with private or public sector entities for Federal inmates to produce products or perform services for those entities. Under these pilot authorities, and pursuant to the terms and conditions specified in section 4122, Federal inmates may, under the direct supervision of Federal Prison Industries staff—

"(1) produce products or perform services for commercial companies which have been otherwise produced or performed for the companies by foreign labor outside the United States for at least 3 years before the proposed effective date of the business agreement;

"(2) produce products or perform services for commercial companies which would otherwise be performed for the companies by domestic labor, if available; or

"(3) produce products or perform services for not-for-profit agencies in support of the charitable activities of those agencies.

"(b) LIMITATIONS ON USE OF AUTHORITIES.—(1) Federal Prison Industries is prohibited from directly offering for commercial sale products produced or services furnished by Federal inmates, including through any form of electronic commerce.

"(2) The number of Federal inmates working under the pilot authority provided in subsection (a)(1) shall not exceed—

"(A) 4,000 during fiscal year 2005;

"(B) 8,000 during fiscal year 2006;

"(C) 12,000 during fiscal year 2007;

"(D) 16,000 during fiscal year 2008;

"(E) 20,000 during fiscal year 2009; or

"(F) 25 percent of the work-eligible Federal inmate population in any fiscal year beginning after September 30, 2008.

"(3) The number of Federal inmates working under the pilot authority provided in subsection (a)(3) shall not exceed—

"(A) 2,000 during fiscal year 2005;

"(B) 4,000 during fiscal year 2006;

"(C) 6,000 during fiscal year 2007;

"(D) 8,000 during fiscal year 2008;

"(E) 10,000 during fiscal year 2009; or

"(F) 10 percent of the work eligible Federal inmate population in any fiscal year beginning after September 30, 2009.

"(c) INMATE WAGES.—

"(1) IN GENERAL.—Each Federal inmate worker participating in industrial operations authorized by the Corporation shall be paid at a wage rate prescribed by the Board of Directors. The Director of the Federal Bureau of Prisons shall prescribe the wage rates for other Federal inmate work assignments within the various Federal correctional institutions. The Board shall give priority to approving Federal inmate work opportunities which maximize inmate earnings. Inmate wage rates shall be reviewed by the Board at least biannually.

"(2) WORK PURSUANT TO SUBSECTION (a)(1).—For Federal inmate work performed for commercial companies pursuant to subsection (a)(1), the wage rate paid to Federal inmates must be the Federal Prison Industries wage rate in effect on the date of the enactment of this section or twice the rate paid for work of a similar nature in the foreign locality in which the work would otherwise be performed, whichever is higher.

"(3) WORK PURSUANT TO SUBSECTION (a)(2).—For work performed by Federal inmates pursuant to subsection (a)(2), the wage rate paid to inmates shall be not less than the rate paid for work of a similar nature in the locality in which the work is to be performed, but in no event less than the minimum wage required pursuant to the Fair Labor Standards Act (29 U.S.C. 201 et seq). The determination of this wage rate shall be approved by the Secretary of Labor or by the State or local government entity with authority to approve such determinations.

“(d) Deductions From Inmate Wages.—Inmate wages paid by commercial companies shall be paid to the Corporation in the name and for the benefit of the Federal inmate. Except as specified in subsection (e), the Corporation may deduct, withhold, and disburse from the gross wages paid to inmates, aggregate amounts of not less than 50 percent and not more than 80 percent of gross wages for—

“(1) applicable taxes (Federal, State, and local);

“(2) payment of fines, special assessments, and any other restitution owed by the inmate worker pursuant to court order;

“(3) payment of additional restitution for victims of the inmate's crimes (at a rate not less than 10 percent of gross wages);

“(4) allocations for support of the inmate's family pursuant to statute, court order, or agreement with the inmate;

“(5) allocations to a fund in the inmate's name to facilitate such inmate's assimilation back into society, payable at the conclusion of incarceration;

“(6) such other deductions as may be specified by the Board of Directors.

“(e) Exception for Higher Deductions.—The aggregate deduction authorized in subsection (d) may, with the written consent of an inmate, exceed the maximum limitation, if the amounts in excess of such limitation are for the purposes described in paragraphs (4) or (5) of that subsection.

“(f) Conversions.—Commercial market services authorized by the Federal Prison Industries Board of Directors and being provided by Federal Prison Industries on the date of enactment of this section may be continued until converted to a private sector contract pursuant to the authority in this Act. The Board of Directors of Federal Prison Industries shall ensure these conversions occur at the earliest practicable date.

“(g) Proposals From Private Companies.—Federal Prison Industries may solicit, receive and approve proposals from private companies for Federal inmate work opportunities. Federal Prison Industries shall establish and publish for comment criteria to be used in evaluating and approving such proposals. In developing criteria, priority shall be given to those proposals which offer Federal inmates the highest wages, the most marketable skills, and the greatest prospects for post-release reintegration.

“(h) Approval of Proposals.—The Board must approve all proposals in advance of their implementation.

“(i) Content of Proposals.—Any business or eligible not-for-profit entity seeking to contract with Federal Prison Industries for Federal inmate workforce participation shall submit a detailed proposal to the Chief Operating Officer of Federal Prison Industries. Each such proposal shall specify—

“(1) the product or service to be produced or furnished;

“(2) the proposed duration of the business agreement, specified in terms of a base period and number of option period;

“(3) the number of Federal inmate workers expected to be employed during the various phases of the agreement;

“(4) the number of foreign workers, if any, outside the United States currently performing for the proposing entity the work proposed for performance by Federal inmate workers, and the wage rates paid to those workers;

“(5) the wage rates proposed to be paid to various classes of Federal inmate workers, at not less than the rates required by subsection (c); and

“(6) the facilities, services and personnel (other than correctional personnel dedicated to the security of the inmate workers) to be furnished by the Federal Prison Industries or the Bureau of Prisons and the rates of reimbursement for such facilities, services, and personnel, if any.

“(j) Written Certification for Proposed Commercial Business Agreement.—Each proposed commercial business agreement shall be accompanied by a written certification by the chief executive officer of the business entity proposing the agreement that—

“(1) no noninmate employee of the business (or any affiliate) working within the United States will have their job abolished or their work hours reduced as a direct result of the agreement;

“(2) inmate workers will be paid wages at rates in accordance with subsection (c); and

“(3) any domestic workforce reductions carried out by the business entity affecting employees performing work comparable to the work being performed by inmates pursuant to the agreement shall first apply to inmate workers employed pursuant to the agreement.

“(k) Written Certification for Proposed Agreement with Not-for-Profit Entity.—Each proposed agreement with an eligible not-for-profit entity shall be accompanied by a written certification by the chief executive officer of the eligible entity that—

“(1) the work to be performed by the inmate workers will be limited to the eleemosynary work of such entity;

“(2) the work would not be performed on a compensated basis but for the availability of the inmate workers;

“(3) the work performed by the inmate workers will not result, either directly or indirectly, in the production of a product or the furnishing of a service that is to be offered for commercial sale by the eligible entity or any affiliate of such entity;

“(4) no noninmate employees of the eligible entity (or any affiliate of the entity) will have their job abolished or their work hours reduced as a result of the entity entering into an agreement to utilize inmate workers; and

“(5) the work to be performed by the inmate workers will not supplant work currently being performed by a contractor of the eligible entity.

“(l) Public Notice and Comment.—

“(1) In general.—The Board shall make reasonable attempts to provide opportunities for notice and comment to the widest audience of potentially interested parties as practicable. At a minimum, the Board shall—

“(A) give notice of a proposed business agreement on the Corporation's web site and in a publication designed to most effectively provide notice to private businesses and labor unions representing private sector workers who could reasonably be expected to be affected by approval of the proposed agreement, which notice shall offer to furnish copies of the proposal (excluding any proprietary information) and chief executive certifications and shall solicit comments on same;

“(B) solicit comments on the business proposal from trade associations representing businesses and labor unions representing workers who could reasonably be expected to be affected by approval of the proposal; and

“(C) afford an opportunity, on request, for a representative of an established trade association, labor union, or other representatives of private industry to present comments on the proposal directly to the Board of Directors.

“(2) Copies.—The Board of Directors shall be provided copies of all comments received on the proposal.

“(3) Revised proposal.—Based on the comments received on the initial business proposal, the business or nonprofit entity or Federal Prison Industries Chief Operating Officer may provide the Board of Directors a revised proposal. If the revised proposal presents new issues or potential effects on the private sector which were not addressed in the original proposal and comments received thereon, the Board shall provide another public notice and comment opportunity pursuant to paragraph (1).

“(4) Open meeting.—The Board of Directors shall consider all inmate work opportunity proposals submitted and take any action with respect to such proposals, during a meeting that is open to the public, unless closed pursuant to section 552(b) of title 5.

“(m) Board approval.—(1) In determining whether to approve a proposed business agreement for Federal inmate work opportunities, the Board shall—

“(A) not approve any agreement that would result in the displacement of noninmate workers contrary to the certifications required in subsections (j) and(k) or pay less than the wages required by subsection (c).

“(B) not approve an agreement which the Board determines contains terms and conditions which would subject domestic noninmate workers to unfair competition;

“(C) request a determination from the International Trade Commission, the Department of Commerce or such other Executive Branch entities as may be appropriate, whenever the Board questions the representations by a commercial company or a not-for-profit entity regarding whether a particular product or service has been produced by foreign labor outside the United States for the commercial company or not-for profit entity for at least 3 years before the proposed effective date of the business agreement;

“(D) not approve an agreement which would cause Federal Prison Industries sales revenue derived from any specific industry to exceed 50 percent of Federal Prison Industries total revenue.

“(E) not approve any agreement which provides for direct supervision of Federal inmate workers by non-Federal Prison Industries employees; and

“(H) not approve any agreement which would provide for products or services produced by Federal inmates to be sold to agencies of State government without the written consent of the Governor or designee.

“(n) Review and Enforcement.—(1) The Attorney General shall carry out this subsection in consultation with the Secretary of Labor.

“(2) Upon request of any interested person, the Attorney General may promptly verify a certification pursuant to subsection (j)(1) with respect to the displacement of noninmate workers or a certification with respect to the wages proposed to be paid Federal inmate workers pursuant to subsection (j)(2) so as to make the results of such inquiry available to the Board of Directors prior to the Board's consideration of the proposed agreement. The Attorney General and the person requesting the inquiry may make recommendations to the Board regarding modifications to the proposed agreement.

“(3) Whenever the Attorney General deems appropriate, the Attorney General may verify whether the actual performance of the agreement is resulting in the displacement of noninmate workers and whether the wages being paid the Federal inmate workers meet the standards of subsection (c).

"(4) Whenever the Attorney General determines that performance of the agreement has resulted in the displacement of noninmate workers or the payment of Federal inmate workers at less than the required wage rates, the Attorney General may—

"(A) direct the Chief Operating Officer of the Corporation to terminate the agreement for default, subject to the processes and appeals available to a Federal contractor whose procurement contract has been terminated for default;

"(B) direct that the Federal inmate workers be retroactively paid the wages that were due; and

"(C) initiate proceedings to impose upon the person furnishing the certifications made pursuant to subsection (j), any administrative, civil, and criminal sanctions as may be available.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 307 of title 18, United States Code, is amended by adding at the end the following new item:

"4131. Additional pilot authorities for inmate work opportunities.".

H.R. 2443

OFFERED BY: MS. BALDWIN

AMENDMENT NO. 13: At the end of title VI (page 43, after line 2), add the following:

SEC. . LIMITATION ON USE OF FUNDS TO ACQUIRE ENGINES FOR INTEGRATED DEEP WATER SYSTEM.

None of the funds authorized in this Act may be used to acquire any main propulsion diesel engine for the Coast Guard's Integrated Deep Water System unless the engine is manufactured in the United States.

H.R. 2443

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 14: At the end of title VI (page 43, after line 2) add the following:

SEC. . COAST GUARD EDUCATION LOAN REPAYMENT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 13 of title 14, United States Code, is amended by inserting after section 471 the following:

"§ 472. Education loan repayment program

"(a)(1) Subject to the provisions of this section, the Secretary may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or

"(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of title 10, United States Code (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid under this section a portion of such loans determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary.

"(f) The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the baeginning of chapter 13 of title 14, United States Code, is amended by inserting after the item relating to seciton 471 the following:

"472. Education loan repayment program.".

EXTENSIONS OF REMARKS

IN HONOR OF MADAME CHIANG KAI-SHEK

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HYDE. Mr. Speaker, I rise today to commemorate the recent passing of the former First Lady of China and Taiwan, Madame Chiang Kai-shek, also known to history as Soong Mei-ling. Madame Chiang was a steadfast ally of the United States and an old friend of the Congress.

Madame Chiang came from an illustrious family whose members played prominent roles in the history of 20th century China. One of her sisters married Dr. Sun Yat-sen, the father of modern China, while Madame Chiang herself wed a rising young military officer named Chiang Kai-shek.

She was one of the last living links to our alliance with China during World War II, in which she played a central role as adviser to her husband, President Chiang Kai-shek. Her death at age 106 represents the passing of an era.

Madame Chiang's ties to the United States were strong and long-standing. She was educated at Wesleyan College in Macon, Georgia and at Wellesley College in Massachusetts, where she graduated with honors in 1917, attending college at a time when most American women, not to mention Chinese women, had little opportunity to pursue higher education.

Her bicultural and bilingual skills allowed Madame Chiang to serve as a cultural bridge between East and West. She entered the American consciousness in the dark days of 1943 when the Chinese government, fighting for its life against the Japanese invaders, sent her on a goodwill mission to the United States. Madame Chiang crisscrossed the nation, and in eloquent speeches delivered in flawless English, she won the hearts of millions of Americans and graced the cover of Time Magazine. Her efforts culminated here on Capitol Hill where she became the first Asian woman to address a joint session of the Congress. Her appearance was instrumental in securing billions of dollars in military aid by the United States to China, thereby enabling a free Chinese government to survive and continue to fight. Madame Chiang returned to Capitol Hill a half century later when, in 1995, she was invited to assist with commemorative events marking the fiftieth anniversary of the end of World War II.

Mr. Speaker, I would like to note that, in addition to her death being mourned here and in Taiwan, even Madame Chiang's former opponents in Beijing offered kind words for her upon her passing. The Chairman of the Chinese People's Political Consultive Conference offered "deep condolences" to the family of Madame Chiang. The Chairman paid tribute to her by noting that she had "been dedicated to the Chinese people's war of resistance" during World War II. The People's Daily noted that "she walked with China through turbulent times."

Today, we remember Madame Chiang fondly as an old friend who devoted herself to understanding, friendship, and cooperation between the peoples of the United States and China. She leaves a lasting legacy, and we are greatly indebted to her for her life's work.

HONORING ARMANDO OLIVERA FOR HIS OUTSTANDING CONTRIBUTION TO THE SOUTH FLORIDA COMMUNITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Armando Olivera for his outstanding contribution to our South Florida community. Armando has been selected to serve as president of Florida Power & Light Company which, with annual revenues of over $8 billion, is widely recognized as one of the country's premier power companies.

During his 32-year tenure with FPL, Armando has demonstrated a proven track record of excellent organizational ability, as well as a profound commitment to our community.

On November 5, 2003, Armando will be honored by the Miami Dade College Foundation and Dr. Eduardo J. Padron, President of Miami Dade College, for his continuing achievements.

As we conclude the celebrations of Hispanic Heritage Month, and reflect upon the contributions of countless Hispanics across the Nation, it is important to recognize people like Armando. His resilience and hard work have enabled him to become not only a successful businessman, but also a proud member of the community who gives hope to fellow Cuban political refugees.

HOMILY OF CARDINAL AVERY DULLES AT THE 50TH ANNUAL RED MASS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HYDE. Mr. Speaker, I would like to call attention to the remarks given by Cardinal Avery Dulles during his homily for the 50th Annual Red Mass at St. Matthews Cathedral in Washington, D.C. The Red Mass—named for the red vestments worn by the celebrants and the color of fire, symbolizing the Holy Spirit—is celebrated annually in Washington the Sunday before the new U.S. Supreme Court session begins. This liturgy invokes guidance and wisdom on judges, attorneys, government officials and Supreme Court justices in their administration of justice. The Red Mass is sponsored by the John Carroll Society, a Washington area organization of lay professionals. This year marks the 50th Anniversary of the Red Mass.

Cardinal Dulles is an internationally-recognized theologian and is one of the leading thinkers of the American Catholic Church. He was born in New York in 1918 to John Foster Dulles, Secretary of State under President Dwight Eisenhower, and Janet Pomeroy Avery Dulles, and was ordained a Jesuit priest in 1956. Cardinal Dulles has written over 700 articles and 22 books on Catholic theology and has served on the faculty of Woodstock College and the Catholic University of America. Currently, he is the Laurence J. McGinley Professor of Religion and Society at Fordham University. He was elevated to the College of Cardinals in February 2001.

During his homily, Cardinal Dulles spoke on the subject of law and spirit. He said that law and spirit are "inextricably conjoined" and that laws are unsustainable without a moral and spiritual foundation. He also talked about our overly litigious society and the dangers of an obsessive legalism in the absence of virtue and grace. To sustain law and to enhance the relationship between spirit and law, Cardinal Dulles emphasized families, schools and churches as the primary agents for transmitting moral values and principles. He stated that "the family, as the nucleus where life is born and where coming generations are formed, is today under severe pressure", and that it needs to be protected.

Mr. Speaker, I would like to submit the remarks of Cardinal Dulles for the RECORD:

LAW AND SPIRIT 50TH ANNUAL RED MASS, AVERY CARDINAL DULLES, S.J., CATHEDRAL OF ST. MATTHEW, WASHINGTON, DC, OCTOBER 5, 2003

(Readings: Jer 31:31–34; 2 Cor 3:1–6; Jn 14:15–17)

All three of the readings for this Mass deal with the same two themes: law and spirit. Ezekiel prophesies a time when the law will be inscribed by the Spirit on the hearts of the people. Paul says that the Christians of Corinth have in their hearts a law written by the Spirit of the living God. And in the Gospel reading from John, Jesus speaks of the indwelling Spirit who will prompt his disciples to keep his commandments.

Many of you who are present for this Mass are in one way or another connected with the law, whether as legislators, as advocates, as administrators, or as judges. You therefore have to face the question, how is the law related to things of the spirit? In biblical history the two are neither separable nor

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

antithetical but are inextricably conjoined. The Spirit of God inspires those who make the laws and gives the people the capacity to observe those same laws. Is the same true, at least analogously, for civil society? Do the making of laws, their interpretation, and their observance require spiritual qualifications?

The French political philosopher Montesquieu, in a work that profoundly influenced the framers of the United States Constitution, held that each major form of polity is animated by a distinct spirit, which he called, in the title of his classic work, "The Spirit of the Laws." In a monarchy, he said, the dominant spirit is honor; in a despotism, it is fear, and in a republic the spirit must be virtue.

The founding fathers of our nation agreed. Our first three presidents, Washington, Jefferson, and John Adams, spoke eloquently of the necessity for civic virtue to undergird the health of our republic. Our fourth president, James Madison, wrote to the same effect: "To suppose any form of government will secure liberty or happiness without any virtue in the people is a chimerical idea."

Civic virtue, of course, is not a substitute for law. In a complex society such as ours, many laws are needed to coordinate social relationships. We justly pride ourselves in having a government of laws that prevents tyranny and capriciousness. But it is possible, in the absence of virtue, to put too much stock on law. Alexis de Tocqueville, a keen observer of the American scene, said that the Europeans of his day gave too much emphasis to laws and too little to mores. In the United States, he contended, customs and religious beliefs pervaded social life so thoroughly that the laws could be less onerous.

Where virtue prevails, laws will be framed with a view to the common good, not private self-interest. The laws, perceived as agreeing with the norms of justice, will carry moral authority. A virtuous people will feel obliged in conscience to obey them. But if laws are framed to satisfy the interests of particular groups, they will lose their moral authority, and the citizens will feel entitled to disobey, provided they do not get caught. Vice and criminality will proliferate.

Civilization depends on habits of the heart. It requires citizens who can trust one another to be honest, considerate, and truthful. When trust evaporates, the law has to assume a coercive function, compelling people to obey against their will. Elaborate mechanisms of surveillance, prosecution, and punishment must be erected. An army of auditors, detectives, police, attorneys, trial judges, and prison guards strives in vain to secure the order that responsible freedom would achieve. Free society gradually transforms itself into a police state.

In our litigious society, thirst for gain almost eclipses the passion for justice. Friends and family members readily take each other to court. Malpractice suits and the cost of insurance are forcing doctors and other professionals to abandon their practice. The courts are congested with heavy backlogs. We build more and larger prisons, which prove only to be schools of crime.

As men and women of the law, you know well that virtue cannot be legislated. But your concern for the law itself must give you a sense of the importance of moral convictions and moral training for the health of our society.

In our American tradition, great reliance has been placed on private institutions that directly inculcate virtue. Families, schools, and churches are among the primary agents for transmitting sound moral values.

The family, as the nucleus where life is born and where coming generations are formed, is today under severe pressure. It needs to be protected so that children can be raised in a stable and healthy environment. Broken homes and dysfunctional families are breeding-grounds of crime.

Schools extend the pedagogical functions of the family. To the degree that public education fails to instill moral convictions and behavior, this task will fall more heavily on private institutions, especially those conducted under religious auspices. Schools of this character fill the void left by value-free institutions that limit themselves to factual information and technical skills.

Religious institutions are of inestimable importance for transmitting moral probity. Perceiving this, John Adams declared: "Our Constitution was made only for a moral and religious people. It is wholly inadequate for the government of any other." George Washington said much the same: "Reason and experience both forbid us to expect that national morality can prevail to the exclusion of religious principle." The government cannot establish in this country any given religion, but it can protect and support religion as an aid to civic virtue.

Law and spirit belong together. They are as inseparable as body and soul. Law, at least civil law, is a human achievement, but the spirit, if it is to be upright, depends chiefly upon the grace of God, who can transform our hearts and fill them with his love. May God forgive us for having so often tried to do without him! In prayer and worship we beseech him to impart a generous measure of his Spirit on our nation, its governors, and those who frame, interpret, and apply its laws.

HONORING REVEREND ROGER TOBIN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Reverend Roger Tobin of St. Thomas Episcopal Church, in my Congressional District, on the 25th Anniversary of his ordination.

Reverend Tobin is an outstanding member of the South Florida community who enlightens and inspires all who are blessed to know him. Through his dynamic leadership during the last 17 years at St. Thomas, Reverend Tobin has seen both the church and the school double in size, a true testament to his unwavering dedication to his church community. Not only is Reverend Tobin striving to improve the physical plant at St. Thomas through a major reconstruction project, but he is also striving to deepen his own intellectual and spiritual life through a personal retreat.

I ask my colleagues to join me in congratulating Reverend Tobin on 25 years of tireless service to the Episcopal Church. Thank you Reverend, and may God continue to bless you, your lovely wife, Janice, and your sons, Jonathan and Nathaniel as you continue your mission.

H.R. 3407 AND SUPPLEMENTAL APPROPRIATIONS BILL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. LEE. Mr. Speaker, my deepest sympathies go out to the Californians who are suffering in the devastating wake of the fires currently raging in the Southern part of my home state. I want to be clear: I unequivocally support the federal disaster assistance that California and Californians will require to rebuild in the aftermath of the tragic fires. That is why I am an original cosponsor of H.R. 3407, the California Funding for Immediate Relief of Wildfire Emergencies Act, which provides an emergency appropriation to FEMA of $500 million for disaster relief associated with the fires.

What I am opposed to, however, is the shameful, politically motivated decision to include the $500 million in FEMA funding in a bill that deals with the most serious question of war. Mr. Speaker, I cannot, and will not vote for almost $87 billion to fund the Bush Administration's continuing war in Iraq, and just as I voted against the original Supplemental Appropriations bill, I will vote against this conference report.

HONORING ROCHESTER GENERAL HOSPITAL

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the Rochester General Hospital located in Rochester, New York, a 526-bed Center of Excellence within the boundaries of the 28th Congressional District of New York. The hospital, which is home to the Rochester Heart Institute, is New York's fourth largest cardiac center, providing complete diagnostic services, medical, invasive, and non-invasive treatment, three progressive levels of cardiac rehabilitation and state-of-the-art cardiothoracic surgery.

This year, the century-old teaching hospital has been named a 2003 Solucient 100 Top Cardiovascular Hospital. Although the hospital has received this designation three previous times, the 2003 distinction is especially meaningful, as it is one of only two hospitals in New York State so distinguished.

The fifth annual study, Solucient 100 Top Hospitals Cardiovascular Benchmarks for Success—2003, used publicly available data, statistically adjusted for illness levels, to track performance in seven key cardiology/cardiac surgery areas. Specifically, hospitals that cared for at least 20 cases in each of the four categories of acute myocardial infarction (heart attack), congestive heart failure, angioplasty (PTCA) and coronary artery bypass graft surgery (CABG) were rated by the seven following indicators: procedure volume, risk-adjusted medical mortality, risk-adjusted surgical mortality, risk-adjusted complications index, percentage of CABG patients with internal mammary artery use, severity-adjusted average length of stay, and wage and severity-adjusted average cost.

Rochester General Hospital's designation as one of America's Top 100 Cardiovascular Hospitals is particularly important to health care consumers. The aforementioned study concluded that facilities found worthy of this distinction consistently outperform their peers, especially in terms of mortality and complication rates. This specific achievement is evidence that the skilled performance and excellent outcomes in cardiovascular services at Rochester General Hospital of Rochester, New York have propelled the hospital to the top one per cent of acute-care hospitals in the United States of America.

It is indeed my great privilege, as the elected Representative of the 28th Congressional District of New York, to formally honor Rochester General Hospital of Rochester, New York, for having achieved excellence in the area of heart care, as an integrated source for patient cardiovascular needs, from prevention and education to diagnosis, treatment and recovery.

IN RECOGNITION OF THE HOUSTON AREA NETWORK ONLINE COMMUNITY (HAN-NET)

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BELL. Mr. Speaker, I rise to honor The Houston Area Network Online Community (HAN–NET), a forum for gay, lesbian, bisexual, and transgender activists and others committed to the cause of equality and civil rights for all. HAN–NET has been in operation since November 1998 and is ceasing operations on November 1, 2003.

Throughout its existence and operation, HAN–NET has informed, challenged and inspired the Houston GLBT community and has been extremely successful in accomplishing its mission to simplify and accelerate communication within the Houston GLBT community.

HAN–NET, a Yahoo groups "listserv," has enhanced GLBT community communication through its online announcements, news, and dialogue. HAN–NET has made pertinent information immediately accessible to its members. Information reached members directly and was packaged for quick redistribution.

The HAN–NET online community participated in several collaborative efforts including establishing community priorities and activist goals for the Houston GLBT community. I strongly support these goals which include: focusing on local and state political issues impacting the GLBT community; finding a new home and permanent funding for the Houston Lesbian and Gay Community Center; finding permanent funding for the operation and growth of the Gulf Coast Archives and Museum; building a strong corporate network group; supporting HIV education and prevention; and establishing an educational outreach program for the transgender community.

It is my sincere hope that the success of HAN–NET will inspire other community leaders to continue and grow the mission of its founders.

I know my colleagues join me in congratulating HAN–NET moderator Brandon J. Wolf and the HAN–NET online community for a job well done for Houston's GLBT community. Mr. Wolf's commitment to improved communication and outreach for the past five years has been inspiring and extremely worthwhile. I wish him great success in his continued work for the GLBT community.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on October 29, 2003. I would like the record to show that had I been present in this Chamber, I would have voted "nay" on rollcall votes 574 and 575. I also would have voted "yea" on rollcall votes 576, 577, 578 and 579.

VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

SPEECH OF

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. HEFLEY. Mr. Speaker, I rise today in support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act, a two-year authorization bill that will authorize the Secretary of Veterans Affairs to carry out major medical facility construction projects to improve, renovate, replace, update or establish patient care facilities of the Department of Veterans Affairs.

In addition to authorizing $168 million for fiscal year 2004 and $600 million for fiscal year 2005 for construction of undesignated major projects, H.R. 1720 also authorizes the Secretary of Veterans Affairs to carry out a major medical facility project at the former Fitzsimons Army Medical Center site in Aurora, Colorado. H.R. 1720 would authorize this project to be carried out using a total appropriation of $300 million.

Mr. Speaker, since the end of World War II, the Veterans Medical Center in Denver and the University of Colorado hospitals have shared expensive and specialized medical equipment and facilities, such as surgical suites and imaging equipment. This partnership has also included the sharing of expensive specialty diagnostics and medical treatments.

Due to the lack of space, inability to renovate or construct newer facilities and the cost associated with continuing to use the site, the University of Colorado Hospital moved its campus in 1995 to the former Fitzsimons Army Medical Center. This site is four and one half times the size of the existing campus and provides the school with a new medical complex for the 21st century.

As the University completes its move to Fitzsimons, a state of the art medical campus will be developed and many of the very best services in the United States will be available. For example, the Anschutz Cancer Pavilion, which is already open, is among the best institutions in the nation for all types of cancer treatment and research. In addition, the University of Colorado Health Sciences Center is well known throughout the country for its organ transplant programs.

While the move to the Fitzsimons site solved existing problems and provided future advantages for the University of Colorado Hospital, it unfortunately separated the Denver Veterans Medical Center from both the University of Colorado Health Sciences Center and the University of Colorado Hospital by eight miles. While the University of Colorado Hospital and the Veterans Medical Center continue to share medical resources, this eight mile separation creates a very real and significant barrier to quality care for veterans who receive their care at the Denver Veterans Medical Center.

Compounding this problem, a recent study commissioned by the Veterans Integrated Service Network (VISN) 19 indicated that high demand for medical services by veterans at the Denver Veterans Medical Center will continue unabated for the next 20 years. The cost of maintaining the current Denver Veterans Medical Center to satisfy minimal accreditation levels until 2020 has been estimated to be $233 million, and estimates to rebuild the facility in 2020 are $377 million in today's dollars.

Planning studies have shown that a move of the Denver Veterans Medical Center to the Fitzsimons campus is the most cost effective of the reasonably acceptable alternatives. Passage of H.R. 1720 will allow the Denver Veterans Medical Center to relocate to the Fitzsimons site and enjoy many of the same opportunities as the University of Colorado Health Sciences Center enjoys now. This will include, but is not limited to, solving aging facilities issues, capping new facilities cost, enhancing quality of medical care, increasing flexibility and reducing operational costs.

Veterans who have highly specialized medical needs must have easy access to the best diagnostic and treatment programs that America provides. In a medical school environment doctors tend to be better informed of the latest treatment procedures and protocols. They are closer to the "cutting edge" of modern medicine. Quality of medical care for veterans is enhanced in a medical school teaching hospital.

University physicians in specialty residency programs provide a significant amount of care in the Denver Veterans Medical Center. To date some 90 percent of the physicians that work at the VA Medical Center also work at University of Colorado Health Sciences Center and most VA doctors have faculty appointments in the Medical School. Co-locating the University of Colorado Hospital with the Denver Veterans Medical Center will allow University doctors to continue their close relationship in treating veterans. Not allowing the Denver Veterans Medical Center to move to the Fitzsimons campus is simply unacceptable and it would not be in the best interest of high quality patient care veterans deserve to abandon this partnership of over fifty years.

The new VA Medical Center at Fitzsimons site will be veteran-friendly and will provide a practicable alternative to the Denver Veterans Medical Center remaining at its current, outdated facility. The new Veterans Medical Center at Fitzsimons will be a free-standing ambulatory and inpatient care federal tower building for veterans, clearly identified as the Veterans Administration Medical Center with its own nearby parking. New veterans research facilities will be constructed and there will be a new veterans long-term care unit located next to the new 180-bed State veterans nursing home currently being constructed at the site.

This project has another group of potential beneficiaries, as well. The Department of Defense will likely construct a military treatment facility to meet the needs of Buckley Air Force Base. One attractive solution will be to meet the Buckley Air Force Base's military treatment facility requirements by participating in joint construction of a joint Denver Veterans Medical Center and a Department of Defense facility at Fitzsimons. The Air Force, as well as the Department of Defense, find this partnership to be in its long term interest. For this reason, the House-passed Fiscal Year 2004 National Defense Authorization Act (NDAA) included $4 million for the Department of Defense's portion of the design and planning phase of its military treatment facility.

Additionally, recognizing the importance of cost savings and other efficiencies, the FY04 NDAA included report language directing that the Department of Defense and the Department of Veterans Affairs make every effort to share health care facilities. I have included this report language below:

> TITLE XXIV: DEPARTMENTS OF DEFENSE AND VETERANS AFFAIRS HEALTHCARE SHARING
>
> The committee continues to believe that significant efficiencies are possible if the Department of Defense and the Department of Veterans Affairs (VA) share health care facilities. However, the Department and VA operate only 7 joint ventures, even though the 2 departments operate approximately 240 hospitals. Such incremental progress is representative of the significant bureaucratic challenges facing the health care sharing effort. Nevertheless, the committee believes that the Department and VA should take advantage of health care sharing opportunities whenever possible.
>
> The committee understands that the Colorado University School of Medicine has begun relocation to the site of the closed Fitzsimons Army Hospital. The Department of Veterans Affairs is currently considering replacement of the Denver VA Medical Center, a 50–year-old structure now co-located with the Colorado medical school, as a part of that relocation. The committee understands that the Department is also considering participation in the VA Medical Center's new facility. As such, the committee believes that the Department of Defense should participate in design and construction of this facility, which would provide ambulatory and acute care medical services to military personnel attached to Buckley Air Force Base. Such an approach would allow the Department to leverage construction, operations, and maintenance costs of a joint facility with VA, and eliminate the Department's need to construct an additional medical treatment facility at Buckley Air Force Base. In this particular case, a joint facility would further benefit by sharing significant assets with the Colorado University School of Medicine Facility, resulting in further savings.
>
> With the expectation that the Departments of Defense and Veterans Affairs will reach an agreement on sharing design and construction costs at levels representative of their medical requirements, the committee recommends authorization of $4,000,000 for planning and design of a DOD–VA medical treatment facility at the site of the closed Fitzsimons Army Hospital.

The funds included in the House-passed FY04 NDAA are a critical step toward ensuring that the VA and the DOD leverage their resources through joint projects that meet both of their requirements. Constructing a VA–DOD facility at Fitzsimons will serve as a model for future efforts to serve the medical needs of America's service members and veterans alike. And, I would like to point out that inpatient care for the veterans and the DOD will be located in the same federal tower as the veterans ambulatory care, but will be connected to the University of Colorado Hospital to share expensive facilities such as operating rooms and medical imaging.

Mr. Speaker, given the rising demand for veterans' health care, and the significant challenges of an aging and increasingly less-efficient Denver Veterans Medical Center facility, my interest and my efforts are aimed at continuing the collaboration between the Denver Veterans Medical Center, University of Colorado Health Sciences Center and University of Colorado Hospital. I believe that the opportunity to locate the Denver Veterans Medical Center with the University of Colorado Health Sciences Center and the University of Colorado Hospital at the Fitzsimons campus will meet the demand for veteran care in the VISN 19 area through 2020 and beyond; provide significant savings in both capital and operational costs for the Department of Veterans Affairs and the taxpayer; continue to meet the Denver Veterans Medical Center commitment to education and research; and potentially create a national model for the future of veterans' care dealing with both a new concept for facilities and collaboration with long-established partners. More importantly, this move will retain veteran "identity" while also providing optimum patient care:

To date, over 45 local, state and national Veterans' Service Organizations and the American Federation of Government Employees, Local 2241, have expressed their support for this proposal. We stand committed in the goal of providing the utmost modern, comprehensive and cost-efficient medical care that we as a nation owe our veterans. And I believe that co-locating the Denver Veterans' Medical Center with the University of Colorado Hospital will achieve these goals.

Mr. Speaker, Congress has a duty to provide the best medical care it can to our nation's veterans and we must always strive for the very best health care services it can by utilizing the most cost-effective measures available. The fact is, aging facilities, lack of funds, and the growing demands on the veterans health system are proving to be daunting obstacles in meeting Congress' responsibilities to our nation's veterans. However, the possibility for the Denver Veterans Medical Center to move to Fitzsimons and co-locate with University of Colorado Health Sciences Center and University of Colorado Hospital is a unique opportunity to provide solid and constructive solutions to these challenges.

WISCONSIN CITIZEN ACTION 20TH ANNIVERSARY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Wisconsin Citizen Action's 20th Anniversary as the state's leading public interest organization. I am honored to share with you today the accomplishments of this powerful Wisconsin organization.

I applaud Wisconsin Citizen Action's twenty year commitment to political activism for progressive change that benefits all of us in Wisconsin. They have helped pass twenty laws, trained and developed hundreds of citizen leaders, and organized tens of thousands of residents to work for social, economic and environmental justice. Just a few of their recent victories include SeniorCare, a vitally important program to provide seniors with prescription drug coverage, a mining moratorium protecting Wisconsin's precious northwoods against unsafe mining, a tough ordinance for lead poisoning prevention in Milwaukee, and they also obtained a five-fold increase in the funding for the SAGE program, which reduces classroom size for our Wisconsin school children.

As a former Wisconsin Citizen Action board member, I had the privilege of seeing firsthand the truly remarkable impact Wisconsin Citizen Action has had on our great state. Wisconsin Citizen Action has given Wisconsin residents the power to improve their communities. It is through people working together and sharing ideas that social change is achieved, and as these recent accomplishments demonstrate, Wisconsin Citizen Action does just this. I commend this group for their insight and their tireless action in joining the political power of a few with the voices and ideas of many.

Mr. Speaker, I join my fellow Wisconsinites in congratulating Wisconsin Citizen Action on their 20th Anniversary and for their many great achievements. I wish them continued success for another 20 years and beyond.

RECOGNIZING AUBREY DALE BELL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. ROGERS of Alabama. Mr. Speaker, Sgt. Aubrey Dale Bell, 33, of Tuskegee, Alabama, died this past Monday in Baghdad. Sgt. Bell was a member of the 214th Military Police Company based in Alexander City, Alabama, and was killed in an attack on the Iraqi police station he was helping guard.

Aubrey Bell was a quiet and unassuming person, Mr. Speaker, but he took pride in working hard for his country. When not serving in the National Guard, he worked in Alexander City at Russell Corporation. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Sgt. Bell died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

RECOGNIZING ANOKA, MINNESOTA, AS THE HALLOWEEN CAPITAL OF THE WORLD

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. KENNEDY of Minnesota. Mr. Speaker, I would like to recognize the city of Anoka, Minnesota, as the "Halloween Capital of the World." Anoka has been holding Halloween festivities since 1920, when a group of business and civic leaders suggested the idea of a celebration to deter old-time Halloween pranks. The community planned a night parade that featured children in costume marching along with members of the fire department, Kiwanis Club, Commercial Club and the National Guard.

Anoka first called itself the "Halloween Capital of the World" in 1937, with a proclamation carried to Washington, D.C. by 12 year-old Anoka resident, Harold Blair. Since the first celebration, the festivities have expanded to include card parties, bingo, a 5K Grey Ghost Run and a parade that is the second largest in the state. This year's celebration marks the 81st annual festival and was bigger and better than ever.

I would like to congratulate and thank the city of Anoka, the more than 30 volunteers and all who work to make the Anoka Halloween celebration a yearly success and a family event for everyone to enjoy.

RON PICKERING: DEDICATED TO THE CAUSE OF LABOR

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SANDERS. Mr. Speaker, it is an honor to recognize the contributions of Ron Pickering, an individual of great importance to the working people of America, and particularly my state of Vermont. For the past ten years he served with distinction as the President of the Vermont AFL–CIO. Ron was a remarkably effective and dedicated leader of Vermont's most important labor council.

He has also served most capably as the international representative for PACE [the Paper, Allied-Industrial, Chemical and Energy Workers International Union], in which capacity he serviced many contracts in New England.

I have known Ron for many years, both as a personal friend and as colleague in the struggle for workers' rights. It is with a sense of deep respect that I say that Ron Pickering reinvigorated the trade union movement in the state of Vermont and laid the groundwork for some of the most important labor victories in the state's history.

Ron has been one of the best and most influential advocates for working people the state of Vermont has ever seen. His effectiveness in the State House in Montpelier has meant that working men and woman have had a voice, and a most eloquent voice, in the deliberations of state government.

Together with his wife Gloria, who has time and again been at his side while he traveled throughout the state of Vermont, Ron Pickering has stood up for the labor movement, for the needs of working Americans, and for the rights of those who put in a hard day's work—every day—to see that America remains productive and strong.

TRIBUTE TO THE JAMES G. SHAWGER SCHOOL NO. 4

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the James G. Shawger School No. 4 in Belleville, New Jersey, which celebrated its centennial on Sunday, November 2, 2003.

Over the past one hundred years, the James G. Shawger School has grown from a quaint four room school house into a modern twenty-five room school with well over 300 students. Built on the tradition of camaraderie, hard work, and dedication to quality education, the Shawger School has become a paradigm of learning, promoting personal integrity, excellence, and service in its students. It is thus only fitting that the James G. Shawger School No. 4 be honored, in this, the permanent RECORD of the greatest freely elected body on earth.

Founded in 1903 in the Silver Lake District of Belleville, the James G. Shawger School was not unlike other turn-of-the-century schools. Brothers, sisters, and cousins attended classes that intermingled all of its students regardless of age and educational background. While at school, students were encouraged to better themselves through strict discipline and a commitment to learning the three R's (Reading, Writing, and Arithmetic). Early teachers and principals who set out with the goal of attaining the "betterment of all concerned," succeeded in creating a spirited school community of which all could be proud.

The emphasis that these "pioneer" teachers placed on fostering the academic, moral and social education of Belleville's young men and women was closely paralleled by the spirit of solidarity that permeated the early community in Belleville as a whole. This spirit was evident in the aftermath of the tragic fire that swept through the four-room school in the early 1900s. In the days following the fire, neighborhood fathers worked side by side with carpenters, volunteering their time to rebuild and renovate the school.

Over the years, parents gradually increased their role in the school community. The 1950's and 1960's saw parents begin to assume an integral role in their children's education with the formation of the Parent-Teacher Association and, later, the Home and School Association. Members of these organizations dedicated themselves to staying abreast of new legislation affecting education, preparing bylaws and coordinating activities for the students and their families. By the 1970's and 1980's, these activities broadened to encompass assembly programs, family events, and scholarship programs. The hard work, dedication, and countless fundraising activities on the part of the students and their parents through these organizations have made the Shawger School a model of excellence among its surrounding communities.

Mr. Speaker, it has often been said that the true goals of education should be to build character and intelligence. The dedicated teachers and principals of the James G. Shawger School who have left an indelible mark on the lives of thousands of Belleville's young men and women are perhaps the greatest testimony to this. Their commitment to inspiring leadership, education, and service in the children of Belleville has long been a beacon of excellence—one that will shine well into the future.

Mr. Speaker, I ask that you join our colleagues, the residents of the Township of Belleville, and me in paying tribute to the James G. Shawger School as it celebrates one hundred years devoted to molding the children of Belleville, New Jersey, into the leaders of tomorrow.

HONORING ELIZABETH SCHROEDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. PORTER. Mr. Speaker, I rise today to recognize Elizabeth Schroeder, the executive director of the Mesquite Chamber of Commerce. In her seven years as executive director she has helped transform Mesquite into one of the premier resort and gaming communities in the United States. Her dedication to showcasing the community nationally, attracting new services, and creating a welcoming business climate will serve Mesquite well for decades to come. I want to thank Elizabeth Schroeder for everything she has done and wish her well in her future endeavors.

HONORING CONGRESSMAN BILL CRAMER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today with a heavy heart to honor Congressman Bill Cramer, one of our former colleagues who recently passed away.

William Cramer, or Bill as he was known, lived a life of public service. He served 18 months as a Naval gunnery officer during World War II and was among the brave young men who invaded France and liberated Europe. He returned to the United States following the war, and after graduating from Harvard Law School, served as a city and county attorney in Pinellas County, Florida. He also actively involved himself with local volunteer and charitable organizations.

Bill Cramer was a revolutionary in Florida politics. He was, when he won his seat in 1954, the first Republican from Florida elected to Congress since the Civil War. Congressman Cramer opened the door, so to speak, for Republicans seeking office in the Sunshine State. Before his election, many used to joke that Republicans could not get elected to anything in Florida, let alone a congressional seat. Congressman Cramer changed that and quickly became our party's standard bearer in the state.

Congressman Cramer, in just his fifth term, became the ranking member on the House Public Works Committee. In 1964, he became Vice Chairman of the House Republican Conference, the second ranking House Republican behind Michigan Congressman and future President Gerald Ford. He vacated his House seat in 1970 for what ultimately was an unsuccessful bid for the U.S. Senate. One of Congressman Cramer's congressional aides, Appropriations Committee Chairman BILL YOUNG, replaced him as the representative of Florida's Tenth Congressional District.

Bill Cramer's public service did not end with his departure from Congress. He practiced law, held various positions with the Republican National Committee, and accepted several jobs in the Nixon and Ford Administrations. He then, as he later said, "decided he wanted to spend more time back home" where he grew up, so he returned to Florida where he continued to use his talent and influence to help Tampa Bay area residents.

Mr. Speaker, next year marks the fiftieth anniversary of Bill Cramer's election to Congress. I hope that, as we approach that milestone, our colleagues on both sides of the aisle will join the Florida delegation in remembering him and his dedicated work in this institution on behalf of his constituents and his country.

INTRODUCTION OF H.R. 3428

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, today, I am introducing a bill that would name a portion of the U.S. courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building." On August 31, 2003, Assistant United States Attorney Justin W. Williams, Chief of the Criminal Division in the Eastern District of Virginia, died tragically at the age of 61 from a heart attack as he jogged along the Potomac River in Old Town, Alexandria, Virginia. Mr. Williams's untimely death marked the end of a career of a truly remarkable public servant who was loved and respected by all of his colleagues and those who had the pleasure of knowing him.

Mr. Williams's distinguished career as a federal prosecutor began on May 11, 1970. During the ensuing 33 years he was either directly involved in or supervised every major federal prosecution in the Eastern District of Virginia, including the prosecutions of Aldrich Ames and Robert Hanssen, both of whom were convicted of spying for the Soviet Union. During his career, Mr. Williams was appointed Acting United States Attorney on two occasions, June 1979 to November 1981 and January 1986 to June 1986, during which time he served with distinction. He was also at various times First Assistant United States Attorney, Senior Litigation Counsel, and for most of his illustrious career Chief of the Criminal Division of the United States Attorney's Office for the Eastern District of Virginia. His many accomplishments and awards, far too numerous to list, included the Attorney General's Award for Excellence in Furthering the Interest of the United States National Security (2002), as well as three Director's Awards for Superior Performance as an Assistant United States Attorney.

Mr. Williams was a mentor and role model for all those who served in the U.S. Attorney's Office during his tenure, as well as those in law enforcement who worked with him. His illustrious career was a testimonial to courage, conviction, fairness, and decency. He is survived by his wife, Suzanne Williams, and their two children, Andrew Grant Williams and Caitlin Grey Williams. He is also survived by his mother, Edith Williams. I urge all of my colleagues to support this fitting tribute to a truly remarkable public servant.

CELEBRATING THE COLLABORATIVE EFFORTS OF THE CHINA ASSOCIATION FOR EXPEDITION (CAE) AND THE SINO AMERICAN AVIATION HERITAGE FOUNDATION (SAAHF) IN THE DISCOVERY AND RECOVERY OF A HISTORIC P-40 AIRCRAFT

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NUNES. Mr. Speaker, I stand before you today to recognize and celebrate the collaborative efforts of the China Association for Expedition (CAE) and the Sino American Aviation Heritage Foundation (SAAHF) in the discovery and recovery of a historic P–40 aircraft that will forever bind America to China.

At the end of 1941, the Japanese military occupied much of China. As the world was consumed by the spread of global war, a group of American pilots valiantly fought to free China from the grip of Imperial Japan. This volunteer group of young men was called the American Volunteer Group, or the AVG. The pilots in the AVG were some of the first Americans to experience combat against the Japanese in World War II. Their brave and fearless acts earned this group the respect of friends and foes alike. Their heroic deeds and dedication to the defense of the Chinese people would eventually fly them into the annals of history immortalized forever as the legendary "Flying Tigers".

On April 28, 1942, a Curtiss P–40 Tomahawk fighter plane piloted by John Blackburn of the AVG mysteriously crashed into Lake Dianchi in Yunan, China. The lake bottom would be its resting place where it was nearly forgotten for over 60 years in the cold waters—slowly rusting away. It was not until 1997, when a group of Chinese and American military veterans and aviation enthusiasts teamed together in an unprecedented demonstration of American-Chinese relations, to locate, recover and restore this plane. On November 15, 2003, Americans and Chinese will once again join forces to commemorate the recovery of John Blackburn's P–40 from its murky grave.

This priceless piece of aviation history is thought to be the only surviving P–40 fighter aircraft belonging to the Flying Tigers. This war bird once protected the skies of China from a ruthless and determined enemy, and flew in support of Chinese airmen, soldiers, guerrilla fighters and civilians. Piloted by young Americans ready to sacrifice their lives to protect the people of China at a moment's notice yet steadfast in its mission to conquer a common enemy. This P–40 fighter plane symbolizes not only the great spirit of cooperation and trust, but also the mutual respect that existed between the American and Chinese people during World War II.

Mr. Speaker, I would again like to recognize the efforts between our two countries in the recovery of this historically valuable aircraft. But even more importantly, this endeavor grants the opportunity for citizens in both our great countries to rekindle this legacy of goodwill, hope, inspiration and trust.

13TH DISTRICT'S CONGRESSIONAL CLASSROOM PROGRAM

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. HARRIS. Mr. Speaker, just three weeks ago, twenty-one exceptional students from Southwest Florida experienced an adventure of a lifetime.

As participants in the 13th District's Congressional Classroom program, these competitively and independently selected young men and women spent a full week in Washington engaging in a unique, up-close study of our federal government.

They learned from a bipartisan array of some of the most eminent and experienced leaders in Washington, including Speaker

HASTERT, Deputy Secretary of State Richard Armitage, and C–SPAN founder Brian Lamb. Then, they applied their newfound knowledge in a mock Congress session.

In conducting this mock session, the students were randomly assigned roles as Republicans and Democrats and as Legislators and District Representatives. I wish to congratulate Gary Shumard and Alex Clark, who tied for the award as the "Best Republican;" Peter Dobosz, who was recognized as the "Best Democrat," and Kelly Crawford and Cody John, who qualified for the honors of "Best Legislator" and "Best District Representative," respectively.

Mr. Speaker, the enthusiasm and zest for the values of good citizenship that these students displayed were truly inspiring. I thank them for their dedication, while looking forward to the outstanding contributions that they will make to our society.

HONORING DR. TIMOTHY P. RYAN

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. VITTER. Mr. Speaker, I rise today to honor Dr. Timothy P. Ryan, the new Chancellor of the University of New Orleans. On Saturday, November 1, Dr. Ryan accepted the appointment of the Louisiana State University System's Board of Supervisors to serve as the fifth Chancellor of the Lakefront campus.

Dr. Ryan received a Bachelor of Arts degree in Economics from the University of New Orleans in 1971 and a Ph.D. in Economics from the Ohio State University. He has been a member of the UNO faculty since 1976 and served as Dean of the College of Business Administration until accepting his new post as Chancellor. During his brief tenure as Interim Executive Vice Chancellor and Chief Operating Officer at UNO, Dr. Ryan controlled the University's budget and demonstrated positive change.

Dr. Ryan has received overwhelming support from the University community and I look forward to working closely with him on priorities for the University and New Orleans. I am confident that his experience and knowledge of Louisiana's higher education and its vital link to our economy will contribute to not only the University of New Orleans, but to our entire State.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following votes on October 30, 2003, I would have voted as follows:

Rollcall vote 594; I would have voted "yea" on a motion to recommit H.R. 2691, the Interior Appropriations Conference Report.

Rollcall vote 595; I would have voted "nay" on final passage of H.R. 2691, the Interior Appropriations Conference Report. While I appreciate the hard work of the Committee and the funding in this bill that went to important projects in Oregon, I am disappointed that the bill contained significant cuts in the Conservation Trust Fund. I am also opposed to the anti-environmental riders in the bill, especially limits of judicial review in the Tongass and Chugach National Forests in Alaska.

Rollcall vote 596; I would have voted "yea" on H. Con. Res. 302, expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003.

Rollcall vote 597; I would have voted "nay" on the martial law rule allowing for the same day consideration of the Iraq supplemental appropriations bill. House rules require a one day layover requirement so members have a minimum amount of time to review the final report before voting on it. It is a travesty that the Republican leadership put this Congress in a position to vote on a bill that spends $87 billion without adequate review.

Rollcall vote 598; I would have voted "yea" on this motion to instruct conferees on H.R. 6, the Energy Bill. The motion to instruct would call on the conferees to abandon a provision allowing the EPA to extend smog standard deadlines for cities beyond the extension already provided for under the Clean Air Act. This provision is outside of the scope of the Conference Report and will result in dirtier air for communities around the country.

Rollcall vote 599; I would have voted "yea" on this motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Benefit Bill, to reject premium support.

Rollcall vote 600; I would have voted "yea" on the motion to recommit H.R. 3289, the Conference Report for the Iraq and Afghanistan Supplemental Appropriations Act.

Rollcall vote 601; I would have voted "nay" on final passage of H.R. 3289, the Conference Report for the Iraq and Afghanistan Supplemental Appropriations Act. I voted against this legislation when it first came before the House and this final conference report still does too little for our troops, too little for Afghanistan, and does not address the problems we are facing in Iraq.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HASTINGS of Florida. Madam Speaker, Malaysia's Prime Minister Mahathir Mohamad made repugnant anti-Semitic statements when addressing the tenth Islamic Summit Conference.

Madam Speaker, I denounce and condemn this statement as dangerous, morally bankrupt and beyond the pale of civilized dialogue. His statement comes directly out of the Hitler playbook, and reflects centuries of anti-Semitism that have led to pogroms and genocide. Jewish, Muslim, or agnostic, black, white, yellow, or pink. We are all appalled by words and actions that spread hatred.

Prime Minister Mahathir has a long history of making unambiguous anti-Jewish utterances and actions and he has time and again identified himself as an implacable enemy of Jews.

Prime Minister Mahathir was an anti-Semite in 1970 when he wrote of the "hook-nosed" Jews. He was an anti-Semite in 1984, when he wouldn't let the New York Philharmonic play a composition by a Jewish musician, and in 1986, when he called Jews "monsters." He was an anti-Semite in 1994, when he banned "Schindler's List" and in 1997, when he attacked George Soros as a Jew robbing his country. And, indeed, he is an anti-Semite today.

In an interview with the Bangkok Post, Prime Minister Mahathir complained that his remarks had been taken out of context. "They picked up one sentence where I said that the Jews control the world," he protested, declaring that the reaction proved "they do control the world."

On the contrary, the reaction of most of the international community reflects the obvious: Prime Minister Mahathir is a bigot; an irresponsible and incendiary, nauseating prejudist.

Nevertheless, it got a standing ovation from the kings, presidents, sheiks and emirs—including key U.S. allies.

I am disillusioned that the moderate voices in the Arab world also remained silent. The Egyptian foreign minister, Ahmed Maher, called the speech "a very, very wise assessment." Asked by the AP whether he thought the speech was anti-Semitic, Afghan President Hamid Karzai said: "I don't think so."

In addition, I am especially outraged by the actions of French President Jacques Chirac and Greek Prime Minister Costas Simitis to block the inclusion of a condemnation of Mahathir's anti-Semitic speech in the official statement of an EU summit.

Mahathir is retiring Oct. 31 after 22 years in power. Good riddance!

RECOGNIZING THE YOUTH SERVICES OF THE TEENAIDS-PEERCORPS IN BOSTON, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. OLVER. Mr. Speaker, I rise today to recognize the valuable educational services TeenAIDS-PeerCorps has provided for youth around the world. Over 42 million people throughout the world are infected with AIDS, and more than 7,000 children contract AIDS each day. Reports estimate that some 3 million children around the world have HIV or AIDS with an estimated 4,400 infected young adults between 13 and 19 years of age in the United States. Increased efforts to educate teenagers about the methods of transmission and ways to reduce their risk of contracting AIDS have helped to decrease the infection rate.

TeenAIDS-PeerCorps, located in Boston, Massachusetts, was created in 1995 to educate teenagers around the world about HIV and AIDS. By sponsoring programs across the globe and utilizing the Internet, TeenAIDS-PeerCorps has influenced the lives of many youths. Since the inception of TeenAIDS-PeerCorps, almost 135,000 teenagers in 60 countries and 20 U.S. states have been counseled on the dangers of HIV and AIDS. Teenagers are encouraged to share their experiences and learn from their peers about how HIV and AIDS have changed their lives.

For the past 5 years, Dr. John B. Chittick, a resident of Fitchburg, Massachusetts and Executive Director of TeenAIDS-PeerCorps, has been traveling on an international humanitarian effort to increase HIV and AIDS awareness. Dr. Chittick uses open discussion, stop-action improvisation theater, and a comic book to communicate his message to teens. The TeenAIDS-PeerCorps and Dr. Chittick's efforts have positively impacted and educated many youth. I applaud their efforts and urge the TeenAIDS-PeerCorps and Dr. Chittick to continue their domestic and international role as HIV and AIDS educators.

REINTRODUCTION OF JTTF LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that will ensure that local law enforcement is represented on Joint Terrorism Task Forces. It would codify the number of JTTFs for full nationwide coverage. This legislation allows for increased representation of the Bureau of Citizenship and Immigration Services and provides for a sharing of federal and local law enforcement between agencies. No portion of our country is immune and no portion should be unprotected.

A PROCLAMATION RECOGNIZING DANIEL SOULES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Daniel Soules has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Daniel Soules has shared his time and talent with the community in which he resides; and

Whereas, Daniel Soules has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Daniel Soules must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Daniel Soules as he receives the Eagle Scout Award.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I had hoped to be able to vote for the final version of this supplemental appropriations bill, but I'm afraid the minor changes made in conference were not enough to overcome my grave reservations about the bill. So I cannot support this conference report.

I voted against the resolution that authorized the president to begin military actions in Iraq at a time and under conditions of his own choosing, regardless of the likely costs and sacrifices that would be required. I was concerned that the Bush Administration had a plan only for invasion, not for the subsequent "peace" and occupation, and was too ready to go it alone.

But Congress unwisely authorized the president to make Iraq the center of our war on terrorism, even without broad-based international support, and did so without a responsible debate that fully weighed the pros and cons of this strategic choice.

In short, I did not think Congress should give the president such a blank check—but we did, and the bills are coming due.

Now President Bush has asked Congress for an emergency appropriation of $87 billion—the largest supplemental appropriation in history. His request comes when our economy is weak, there are escalating needs for national defense, homeland security, and domestic programs—and he is still pressing for more tax cuts primarily benefiting the wealthy.

Of course, the Iraq bills must be paid. We must support our troops. And I support helping Iraq rebuild. It is in our national interest to have a stable Iraq, which will mean a safer environment for our troops and will be their ticket home. But I don't believe that our children should pay for the entire $87 billion. In the past, our wars have been paid for by the generations that fought them. That is a reasonable policy and I think it should be true for Iraq.

If none of this money is to be a loan—and that is what the conference report provides—we should roll back the president's tax cuts for the wealthiest taxpayers. But we are not being allowed to vote on that idea. The Republican leadership refuses to let the Congress debate who should pay, or debate about priorities—in the war on terrorism or here at home.

Rejecting this flawed bill will not immediately cut off funds for our troops. CRS has confirmed that they have enough money to continue operations well into next year. There is no reason we can't have the normal "pay-as-you-go" approach that provides funding in installments and only after certain benchmarks and milestones are met. And the Bush Administration showed its hand when it threatened to veto any bill that includes loans as part of the reconstruction of Iraq. If the debate were about supplying the troops, why would the president think of vetoing their money?

I will not vote to spend billions in Iraq unless the administration does what it should already have done—that is, to provide detailed plans for Iraq's reconstruction and security; make concerted efforts to secure increased international participation under a UN resolution; demonstrate greater flexibility and openness toward questions of control over reconstruction and democratization; and craft a fiscally responsible plan to provide for the billions of dollars necessary.

To merely rubber stamp administration requests, as this conference report essentially does, is a neglect of our congressional duties, and I cannot support it.

PENINSULA FIREFIGHTERS BATTLE SOUTHERN CALIFORNIA BLAZES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LANTOS. Mr. Speaker, I rise to commend the extraordinary efforts of our firefighters called to duty in Southern California during the recent wildfires.

We all watched closely the television coverage of the terrifying devastation of unimaginable proportions in widespread fires so large we learned the names of the Old Fire, the Cedar Fire, and the Grand Prix Fire.

The latest statistics reflect the enormous impact caused by these fires. Twenty-one lives have been lost, nearly 3500 homes destroyed, with nearly 650,000 acres of state, federal, and private land involved. The firefighting cost alone is already estimated at over $90 million. This only represents some of the measurable loss for no estimation can ever determine the human cost of lives, homes, and lands lost.

Firefighters from all over came to help their neighbors in this time of desperate need. An estimated 12,000 firefighters were on the fire line over last weekend. I am particularly proud of the firefighters from my Congressional district that responded to the alarm.

Fire Captain Charles Barringer of San Bruno, California, led a strike team of firefighters from Millbrae, San Mateo, Burlingame, Hillsborough, and San Bruno to help fight the blaze in Simi Valley in Ventura County. Captain Barringer said that he never had seen anything like it and that "it was like a volcano went off in the streets."

Another strike team led by Foster City Battalion Chief Stan Maupin was made up of firefighters from Woodside, Menlo Park, South County Fire, Redwood City, and Foster City. This team fought the fires in San Bernardino County.

Each of these two teams spent about a week fighting the fires and now have returned home. It is my understanding that a third team from San Mateo County consisting of firefighters from South San Francisco, Daly City, Colma, Half Moon Bay, and Hillsborough remains on duty in Southern California.

On behalf of the people of my district I wish to extend our heartfelt sympathies to those who have lost family members and friends. To those who are suffering from the devastation we hope you know that all your neighbors have stood with you and stand ready to help you rebuild and recover.

I am pleased to join my distinguished colleagues, Mrs. Davis and Mr. Hunter as a cosponsor of H. Res. 425 to recognize and honor the firefighters and other public servants who responded to the October 2003, historically devastating, outbreak of wildfires in Southern California.

I commend all those who have been engaged in this fight. Most particularly I commend those firefighters from San Francisco and San Mateo County who answered the call and risked their lives to help others. I have always been proud of our firefighters and am reminded once again of their dedicated and selfless service.

A PROCLAMATION RECOGNIZING RYAN LAHNA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Ryan Lahna has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Ryan Lahna has shared his time and talent with the community in which he resides; and

Whereas, Ryan Lahna has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Ryan Lahna must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Ryan Lahna as he receives the Eagle Scout Award.

TRIBUTE TO COLORADO REGIONAL TRANSPORTATION DISTRICT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Colorado's Regional Transportation District (RTD) for being named the best transit agency in the United States and Canada by the American Public Transportation Association (APTA).

The APTA represents 1,500 public transportation agencies nationwide. This award is given for large systems that provide more than 30 million passenger trips per year, and is based on the overall efficiency and effectiveness of the member agencies. The award measures performance over a 3-year period, and recognizes outstanding service and operations from 2000 to 2002.

Denver has been named the most congested city of its size in America and the third most congested city nationally. So, RTD's task is a big one. But it has performed admirably—keeping its operating costs competitive, increasing its ridership and delivering outstanding service to its customers. The District provided more than 81 million passenger miles last year within the seven county metropolitan Denver area, operating over 1,100 buses over 179 routes and 49 light rail vehicles. At the same time, through an aggressive accident prevention program, RTD has reduced accidents over the 3-year period by 54 percent. To date in 2003, accidents have been reduced an additional 32 percent below last year's levels, reaching another all-time record low. And, with an attentive response to Colorado's ever-growing population, RTD has continued to add rail and bus transit services and been able to reduce traffic congestion by 13 percent by providing mass transit options throughout the metropolitan area. Congestion costs have been reduced by $220 million annually, reducing air pollution, fuel consumption, and drive times.

With its sites on the future needs of the metropolitan region, new light rail systems are being planned and developed. A recent public-private partnership with the Colorado Department of Transportation, the Denver Regional Council of Governments, the City and County of Denver and local landowners, a development effort will renovate historic Union Station and the surrounding 19 acres to create an intermodal facility that will develop and expand transportation systems and commercial opportunities in central Denver.

RTD has been recognized for its quality, its sophisticated operations and its many safety improvements. Employees at the District benefit from General Manager, Cal Marsella's hands-on management style, and RTD has been recognized for its advancement of minority and female employees, and sensitivity to low-income and disabled customers through eco-passes and specially equipped buses. RTD's internal management has focused on strong marketing and community relations, policy development, financial management, and improved departmental and safety operations. With a concerted effort to provide innovative approaches to challenging transportation needs, Marsella has guided his 2,400 employees and 725 private service provider employees to achieving this outstanding award.

I think Mary Blue, the RTD Chairman of the Board, put it well when she commended the staff by saying "Winning APTA's highest award shows that our prudent policies and sensible fiscal approach have paid off. This is a win not only for our employees and board members, but also for our passengers and taxpayers."

The Denver metropolitan area and Colorado are fortunate to have the Regional Transportation District provide outstanding service to its residents. We applaud their performance and celebrate the well deserved recognition they have received from the American Public Transportation Association.

RECOGNIZING PRESIDENT CHEN SHUI-BIAN OF TAIWAN UPON HIS RECEPTION OF THE INTERNATIONAL HUMAN RIGHTS AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LANTOS. Mr. Speaker, the experts told us during the 1980's that freedom for South Africa was a lost cause, and sanctions would never work. South Africa is now free. They said that the Soviets would never release Nathan Sharansky. He is now a Member of the Israeli Cabinet. They said that freedom for East Timor was a lost cause. East Timor is now free. And they said democracy, free press and civil society would not thrive in Taiwan.

Mr. Speaker, the people of Taiwan are living proof that there are no "lost causes" when it comes to human rights, only battles yet to be won. Taiwan's democratic development is exemplary of Chinese people around the world who, regardless of where they live, seek the same basic human freedoms as everyone else.

Mr. Speaker, like South Africa, Soviet refusniks, and East Timor, the road to freedom in Taiwan was not easy, and there were many choices to be made along the way. After political activists in Taiwan were arrested in 1980, Chen Shui-bian could have stayed silent. But instead, he joined the team of attorneys defending them. In 1986, when the Taiwan Government locked Mr. Chen behind bars for "criminal libel"—otherwise known as telling the truth—it would have been easy to withdraw from politics upon his release. Instead, Mr Chen joined the Democratic Progressive Party, and ran successfully for the legislature in 1989.

In 1994, Mr. Chen ran for Mayor of Taipei even though the position of mayor had never been held by a member of the opposition party. He won. And during the 2000 Presidential elections in Taiwan, it seemed inconceivable that a member of the opposition would actually win the presidency for the first time in Taiwan's history. Not only did he prevail, but the peaceful transition of power demonstrated the strength and vitality of Taiwan's nascent democracy.

Mr. Speaker, it would have been easy upon Mr. Chen's election to focus solely on "bread and butter" issues—the economy, national security, education. He did all that, but Mr. Chen never forgot the battle he waged for freedom, and the moral imperative to constantly fight for internationally-recognized human rights, freedom and democracy.

Mr. Speaker, President Chen Shui-bian proceeded to enshrine human rights as part of Taiwan's laws. He established Taiwan's first-ever Human Rights Advisory Committee. He continues to fight for the Taiwanese people to receive the respect they deserve in the international community. And he has zealously guarded and promoted Taiwan's democratic system, serving as a beacon for democracy throughout the Asia-Pacific region.

Mr. Speaker, some great fighters for freedom and human rights have preceded President Chen Shui-bian in receiving the International Human Rights Award—Nelson Mandela, Elie Wiesel, Andrei Sakahrov, and George Mitchell, to name but a few. Given Mr. Chen's decades-long struggle for human rights and democracy in Taiwan, it is only fit and just that he has been invited to join this most-exclusive and noble club.

It is with great pleasure that I enter into the CONGRESSIONAL RECORD a copy of President Chen's speech upon accepting the International Human Rights Award.

(By President Chen Shui-bian, Republic of China)

President Horton, Congressman Lantos, Congressman Ackerman, Mr. Rabaut, Mr. Wu, Executive Director Dr. Kantrow, Board Member Dr. Chen, Distinguished Guests, Ladies and Gentlemen: Good evening!

On behalf of the government and people of Taiwan, I would like to pay special tribute to the International League for Human Rights (ILHR). Over the last 62 years since its establishment, the League has worked unrelentingly in carrying out its mission of defending human rights and rights advocates who have risked their lives to promote the ideals of a just and civil society.

The Human Rights Award conferred on me this evening is an honor bestowed upon the 23 million people of Taiwan. It signifies both affirmations and expectations. The award is representative of the international validation that the people of Taiwan have received for decades of effort in pursuit of democracy, freedom and human rights. It is also a reminder that we have assumed by destiny the duty of protecting human rights and of upholding international human rights principles.

The year 2000 marked Taiwan's first peaceful transfer of power and our country's first alternation of political parties, an accomplishment unprecedented in the history of all Chinese societies. In my inaugural speech, I proposed a goal of building our nation on the principles of human rights. We are committed to abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Program of Action. We also pledged to bring Taiwan on par with the international human rights system despite our authoritarian past.

Over the past three and a half years, concrete actions have been taken to fulfill our commitments. In step with the institutionalization of human rights protection mechanisms, comprehensive human rights policies and implementation measures have been carefully drafted, as outlined in our Human Rights Policy White Paper, and the Organic Law of the National Human Rights Commission is currently under review in our National Legislature.

My office has established a presidential Human Rights Advisory Committee and the Cabinet has also established an Inter-Ministerial Committee. Both have been collaborating with local and international human rights NGOs for the purpose of incorporating the International Bill of Rights into a "Taiwan Bill of Rights." Furthermore, the "National Human Rights Report" will soon be published—another first for Taiwan—and work is in progress for a National Human Rights Memorial Museum responsible for social education and raising public awareness.

My friends, although our journey has not been easy, Taiwan has not stood alone. Support from the international community, particularly the United States, has played a critical role. I will never forget the watershed event—the Kaohsiung Incident—in Taiwan's democratization process. On December 10, 1979, a group of Taiwan citizens defiantly held a rally to commemorate International Human Rights Day. Because such activity was forbidden by the ruling regime of the time, rally leaders were charged with illegal assembly and conspiracy for sedition.

As a defense attorney in the Kaohsiung Incident, I personally witnessed the efforts of ILHR, who sent Professor John Kaplan to Taiwan to observe the trail at the military tribunal. The rest of the international human rights community also rendered assistance—and inspiration—to Taiwan's democratic movement.

My wife and I were both victims of human rights violation. I was sentenced to prison for fighting for freedom of speech. My wife was seriously injured in what is believed to be a politically motivated accident and must spend the rest of her life in a wheelchair. However, like the brave sacrifices made by Taiwan's pioneers of democracy, our suffering only serves to strengthen the determination of the Taiwanese people in their pursuit of political and personal freedoms.

Today, there are no more black lists, no more political prisoners, no more religious persecution. Citizens in Taiwan now enjoy full civil rights—freedom of speech, freedom of expression, freedom of assembly, freedom of press and other categories of rights. Despite our exclusion from the United Nations, Taiwan has never slowed its pace to push for human rights reform.

At a time when the international community is caught up in debates on "clashes of civilization" with regard to human rights protection, Taiwan's experience is proof that human rights are a universal value and humanity's common asset. All countries and individuals should have access to these universal rights; none should be subjected to a double-standard. As stated in the Universal Declaration of Human Rights, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

I would like to take this opportunity to express appreciation to the government of the United States of American for its efforts to help promote human rights in Taiwan. Section II(C) of the "Taiwan Relations Act", which was passed by the U.S. Congress in 1979, stipulates that "the preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objective of the United States." We appreciate, and are always mindful of the concern and support a more established democracy has given to a fledging one.

Taiwan's achievement in human rights and democracy so far would not have been possible were it not for the generosity of those of the international community who have stood behind us. Likewise, we would not be able to receive the affirmation and commendation of the ILHR and other international human rights organizations.

Of course, a sound and solid institutionalized system is requisite for the effective protection of human rights. Taiwan has now established a fair electoral environment with an increasingly vigorous civil society. However, much remain to be further strengthened in terms of consolidating and deepening our democracy and human rights. Whether we succeed or not would rely on the collective and continuing efforts of the people, particularly on whether we can consolidate our democracy by rectifying the inadequacies in our constitutional framework.

More than two centuries ago, the founding fathers of the United States spurred in Constitutional debate, prompting a great New Yorker, Mr. Alexander Hamilton to criticize "the insufficiency of the present Confederation to preserve the Union." He argued in "The Federalist Papers" that the Articles of Confederation failed to address issues such as a checks-and-balances system of the government, separation of powers among agencies, fair representation of the states, and safeguarding freedom of the people. He concluded that the very design of the Articles of Confederation was insufficient to meet the needs of the American people.

As a result of extensive discussions and debates by America's founding fathers, the Constitution of the United States of America was created and has been honored to this day. The U.S. Constitution became the pulse of American society, and allowed for amendments, including Bill of Rights, to be incorporated, thereby guaranteeing freedom and laying a strong foundation for sustainable development of the American democracy.

Taiwan now faces a similar "insufficiency" of the constitutional framework. As my country's leader, it is imperative that I shoulder responsibility for Taiwan's national development and set a clear vision for the future. I believe that a sound and sustainable constitutional framework can be created through rational debate and engendered by civic consciousness. This is the rationale upon which I have proposed the concept of "hastening the birth of a new constitution for Taiwan."

The "hastening of a new Taiwan constitution" will determine whether or not our democracy can come into full bloom. This, strengthened and supplemented by the institutions of direct democracy, such as referendums, would be a necessary step in advancing Taiwan's human rights and the deepening of its democracy. One must not be misled by the contention that holding referendums or re-engineering our constitutional framework, bears any relevance to the "Four No's plus one" pledge presented in my inaugural speech. Neither should matters concerning Taiwan's constitutional development be simplistically interpreted as a political debate of "unification versus independence." I stand before you today, appealing to the collective conscience of the world community, asking that the voice of Taiwan be heard, for ours is the voice of democracy and progress. It is my job as President, to safeguard the security, democracy, freedom and human rights of the 23 million people of Taiwan, and, in so doing, build a solid foundation for the sustainable progress of Taiwan's continuing democratization.

The progression of democracy and human rights in Taiwan not only signifies a triumph of our people in the relentless pursuit for freedom, it is also a torch of democracy for all Chinese societies and has become an indispensable asset to the United Stats as well as the international society. I have great confidence that by advancing our democracy, we shall show where Taiwan stands in terms of values: a veritable part of the world's democratic community.

While furthering human rights in Taiwan, I call for a joint effort among Asian governments and regional NGOs for a regional framework for the advancement of human rights, including a state-sponsored regional charter, a regional commission, and a regional court of human rights. The newly founded Taiwan Foundation for Democracy can serve as one of the channels through which we shall endeavor to make our rightful contributions and share out experience in the protection and promotion of human rights. I want Taiwan to be a positive contributing force in the international human rights movement.

On the Green Island, situated off the south-east coast of Taiwan, there used to be a concentration camp and prison for the confinement and deprivation of countless human rights defenders. On this island, the Taiwanese equivalent to the infamous Robin Island of South Africa, there stands a monument on which names of victims of human rights abuse are inscribed. The epitaph reads: "In those times, how mothers wept through long nights for their imprisoned children."

I have kept that epitaph in my heart, and tonight, I would like to share it with you as a tribute to all who support, advocate, and have stood up in the name of human rights: Let there be no more fear, let there be no more tears. Let the world take Taiwan as an example. She is emerging from her democratic metamorphosis.

Thank you.

A PROCLAMATION RECOGNIZING JONATHAN ROBERT BROUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Jonathan Robert Brouse has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jonathan Robert Brouse has shared his time and talent with the community in which he resides; and

Whereas, Jonathan Robert Brouse has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jonathan Robert Brouse must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Jonathan Robert Brouse as he receives the Eagle Scout Award.

HONORING DR. PAUL F. HOM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MATSUI. Mr. Speaker, today I rise to honor the late Dr. Paul F. Hom, a man who made numerous invaluable contributions to the Sacramento Community. Due to strong public support, the Sacramento County Health and Human Services will memorialize Dr. Hom's important service to the community by naming the new County Primary Care Building after him. As his friends, family, and admirers gather to pay tribute to Dr. Hom's remarkable life and celebrate the opening of the Paul Hom Primary Care Building, I ask all my colleagues to join me in saluting this great humanitarian.

To say that Dr. Hom was a man of great intellect would only begin to skim the surface of his scholarly prowess. Dr. Hom graduated from the University of California, Berkeley, with a degree in History. In 1966, Dr. Hom completed his law degree from Hastings College of Law, University of California. During his brief, yet meaningful legal career, Dr. Hom exhibited his trademark commitment to social justice by serving as a VISTA volunteer in Texas and Mississippi in 1966 and 1967. In 1969, Dr. Hom volunteered for Attorney-Neighborhood Legal Services in Compton, California. Driven by a realization that the poor cared more about medical issues than voting and civil rights, Dr. Hom enrolled in medical school and earned his medical degree from the University of California, Davis in 1973. In 1978, Dr. Hom received a degree in Epidemiology from the University of California, Berkeley. Dr. Hom's impressive academic achievements are a testament to his intelligence and work ethic.

During his second year in medical school, Dr. Hom and Dr. Garrett Lee held a series of meetings with a group of concerned undergraduate students to discuss improving health care for Sacramento's elderly Asian residents. The students concluded that many of the elderly Asians as well as the newly arrived immigrant families were having difficulty in obtaining adequate health care due to socioeconomic and language barriers and decided to start a free clinic to target this problem.

In 1972, the Asian Clinic was established to become an elective course for medical and undergraduate students. Since 1972, the Asian Clinic continues to serve the Asian community in downtown Sacramento every Saturday. Today, the posthumously named Paul Hom Asian Clinic is the oldest existing Asian clinic in the United States and a vivid reminder of the positive vision and powerful legacy of Dr. Hom.

The many functions of the Paul F. Hom Primary Care Center will serve as the proper embodiment of the vision of its namesake. The Center, designed to handle 100 patient-visits a day for primary care and 150 walk-ins, provides a full range of services including a Chest clinic, Pharmacy, Public Health Laboratory, Radiology Department, Healthcare for the Homeless program and Refugee Health Clinic. It also serves the medically indigent of Sacramento County who are in need of medical assistance and ultimately improves access to care for residents of Sacramento County. All in all, the Paul F. Hom Primary Care Center will enhance the access to quality and effective health care for people without health care. In addition, the center will also enable health administrators to carry out their important responsibilities in a more efficient method.

Mr. Speaker, as Dr. Hom's friends, family, and colleagues gather to celebrate the opening of the Paul Hom Primary Care Building, I am honored to pay tribute to one of Sacramento's most giving and cherished citizens. Dr. Hom's legacy is a true testament to community service. If a template for leadership could be made, it would surely bear the resemblance of Dr. Paul Hom. Although he is no longer with us, his legacy of compassion and care for the disadvantaged will continue to live on. I ask all of my colleagues to join with me in thanking Dr. Paul F. Hom for his numerous contributions to the Sacramento community.

A PROCLAMATION RECOGNIZING GREG McCLEERY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. NEY. Mr. Speaker:

Whereas, Greg McCleery has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Greg McCleery has shared his time and talent with the community in which he resides; and

Whereas, Greg McCleery has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Greg McCleery must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 402, the residents of Coshocton, and the entire 18th Congressional District in congratulating Greg McCleery as he receives the Eagle Scout Award.

NEW YORK'S FINEST: THE MEN OF THE 75TH PRECINCT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Edward Vasquez, Dino Anselmo and Brian Latimore; detectives of the 75th Precinct in Brooklyn, for their recent heroic efforts.

While we are rightly reminded about the heroism of police officers, and other first responders after 9/11, police officers risk their lives to save others' lives every day of the year. As an example of one such heroic effort, I am submitting for the RECORD an article published on November 3, 2003, in the N.Y. Daily News about how three Brooklyn detectives who saved the life of a young girl trapped inside a burning building. For their efforts, all of us from New York City, especially those from Brooklyn, are proud and grateful.

[From the New York Daily News]

HERO OF THE MONTH: COPS DONNED FIRE HATS

(By Patrice O'Shaughnessy)

(Hero of the Month spotlights those men and women, civil servants and civilians, who go beyond the call of duty to make New York a better place.)

Edward Vasquez, Dino Anselmo and Brian Latimore are three longtime detectives in East New York, Brooklyn, used to confronting gunmen and tracking down murder suspects. Racing into a smoke-filled building recently to evacuate tenants proved to be equally tense.

"It's just a reaction," Latimore said. "You see a guy with a gun, you don't think about it while you're doing it. You just think about getting another gun off the street. We saw the smoke; we all knew we were going to go."

The result brought the same satisfaction. "Everybody got out safe; that's what it's all about," Latimore said.

For disregarding their own safety and rescuing a 4-year-old girl and several adults from a fire, the three are the Daily News Heroes of the Month.

"They could have just stood outside and called 911," said Mariano Alvarado, whose daughter, Taija, was carried out by the cops. "They cared about getting people out. They ran in themselves."

The detectives, all of whom have young daughters, were driving on Pitkin Ave. on their way to the 75th Precinct station at 9:45 a.m. on Sept. 23, after searching for a robbery suspect, when Anselmo spotted smoke.

Latimore turned their car down Ashford St., and they saw smoke pouring out from the top of a three-story building.

It was raining hard. "Not a soul was on the block," Vasquez said.

The building was run-down—the windows of the top floor boarded up, tenants on the second floor, squatters living on the first.

"I was pretty sure it was occupied, because I saw a Big Wheels on the second-floor fire escape," Vasquez said. "We got out of the car and ran right in."

They started banging on doors on the first floor. The smoke was coming down the stairs and filling the hallway, which was dimly lit to start with.

"The landing was all black smoke," Anselmo said. "Brian went to the car to get a flashlight. . . . I found three adults in the rear apartment on the first floor. We asked if anyone was upstairs, and they said a family and a little baby."

Vasquez went up. "I was holding onto the wall going up stairs. The plywood was hot. . . . I was afraid the stairs would fall."

He kicked an apartment door open and saw Alvarado waking up in an apartment full of smoke. Alvarado said he had not smelled any fire. "I heard someone trying to kick in the door. . . . My daughter was watching TV in the bedroom, my wife and baby daughter were at the hospital and a detective was in my kitchen," he said.

"He grabbed my daughter and another cop grabbed me. It was pretty smoky in the stairs." Vasquez put his jacket over Taija and Anselmo hustled Alvarado out. "I could hear crackling and crashing, and I started coughing, and then I saw a little beam of light," Anselmo said. "Brian got us out."

Taija was taken to a hospital and treated for smoke inhalation. Anselmo was given oxygen, then he and Vasquez went to the 102nd Precinct in Queens to interview some gun suspects. Latimore went back to the squad room and finished his shift.

"You reacted, did what you had to do and got back to work," Anselmo said. "Later, as people started to ask us about it, it felt good."

Alvarado and his family are in temporary housing; his youngest child has high levels of lead from substandard housing and requires medical treatment. "I don't know where we will go next," Alvarado said. They cannot return to 344 Ashford St. because the utilities have been shut off—the building was declared dangerous to live in—and the apartment has been looted of pipes and a new radiator, Alvarado said.

The three detectives were recognized by the police Honor Legion. Vasquez said his 10-year-old daughter, Rachel, was so excited that she kept trying on different dresses to wear to the dinner. "A lot of guys have done a lot of good things here," Vasquez said. "You feel great after the fact. And my family was very proud."

MOTION OF MR. FILNER TO INSTRUCT CONFEREES ON H.R. 6

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. COSTELLO. Mr. Speaker, I rise in support of the motion of Mr. FILNER to instruct the conferees on H.R. 6, the Energy Policy Act of 2003, and to reject the waiver of the Clean Water Act being considered currently in conference.

Mr. Speaker, the conferees on the Energy Conference are preparing to approve a permanent exemption from the Clean Water Act for all construction activities associated with oil and gas exploration and production. This is unprecedented and needs further review.

Polluted runoff from precipitation events is the greatest remaining impediment to the Nation meeting its stated goal of clean, fishable and swimmable waters. Yet, even as the Environmental Protection Agency and the states are implementing reasonable measures to reduce such pollution, the Energy Bill conferees are preparing to approve a permanent exemption for one particular industry.

This exemption is also quite unnecessary. EPA, after much pressure from the oil and gas industry, decided to grant the oil and gas industry a two-year moratorium from the new rule that became effective this past March. However, not content with having EPA take another look at the issue, the industry now seeks a permanent exemption. The exemption applies regardless of the size of the construction site, regardless of the water quality impacts, and regardless of the wishes of an affected state.

Mr. Speaker, blanket exemptions from the Clean Water Act should bear the highest burden of proof before this House ever grants its approval. This never happened.

This provision was a stealth addition to the energy bill when it was considered at the Commerce Committee. The Transportation and Infrastructure Committee was never given the opportunity to consider the provision. When the bill was on the House Floor, I joined with Ranking-Member OBERSTAR and Mr. MARKEY to strike the provision through amendment, but we were denied the opportunity. The entire process has been disappointing.

If the conferees approve the Clean Water Act exemption it will harm human health and the environment; it does not belong in the Energy bill; and I strongly urge support of Mr. FILNER's motion to instruct the conferees.

IN RECOGNITION OF CALLEGUAS MUNICIPAL WATER DISTRICT'S 50TH ANNIVERSARY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the outstanding service that Calleguas Municipal Water District has provided to a vast majority of my constituents in Ventura County, California, for the past 50 years.

Calleguas' mission "is to provide its service area with a reliable and adequate supply of quality supplemental water through the acquisition and distribution of both regional and locally developed water in an environmentally and economically responsible manner." It has been doing so since voters created the district in 1953.

As the county grew, so did Calleguas. The population of the district's service area boomed from 138,000 in 1964 to an estimated 520,000 in 1996, and annual deliveries increased from 9,000 acre feet to in excess of 95,000 acre feet over the same period.

In 1960, Calleguas joined with the Metropolitan Water District of Southern California to import water from the State Water Project. It supplies all or some of the water to about 75 percent of Ventura County's population, including residences and businesses in the cities of Simi Valley, Thousand Oaks, Camarillo, Moorpark, Oxnard, and Port Hueneme, through 20 local agencies and private customers.

This is a challenge under the best of conditions. But with a severe drought lingering over the area for 10 years and earthquakes wreaking havoc on infrastructure, it has been a gargantuan task.

Calleguas has risen to the challenge. It is in the process of developing a storage capacity of up to 300,000 acre-feet of potable water in the Lower Aquifer System of the Las Posas Groundwater Basin. This is in addition to the 12 reservoirs and 10,000 acre-feet lake it already maintains and operates.

It is reclaiming 14,000 acre feet per year of highly treated wastewater effluent from the Conejo Creek for agricultural irrigation, one of its many programs to treat, reuse, store, and conserve water.

At the same time, Calleguas has proven to be an exceptional environmental steward. It has assumed a leadership role in the development of the Calleguas Creek Watershed Management Plan, a public-private alliance formed to develop an integrated strategy for the protection and enhancement of the watershed and its resources. Mr. Speaker, Congress is a partner in this effort, as well.

Water is the lifeblood of any community. Calleguas has done an exceptional job of protecting this precious resource and enhancing its delivery, treatment, and storage.

I know, Mr. Speaker, that my colleagues will join me in congratulating Calleguas Municipal Water District for 50 years of outstanding service, and thank Calleguas for its efforts to provide a stable water supply for the residents and businesses of Ventura County, California.

TRIBUTE TO STEVE JORGENSEN, DIRECTOR, RIVERSIDE NATIONAL CEMETERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live. Steve Jorgensen is one of these individuals. Steve will be retiring as Director of the Riverside National Cemetery this year and his dedication and contributions will be missed.

Steve is a native of Oregon where he joined the United States Army and served honorably for three years. In 1976, he graduated from Mount Hood College and later attended College of the Ozarks in Clarksville, Arkansas.

Steve joined the National Cemetery System in June 1973, while still a student, as a cemetery caretaker at Willamette National Cemetery located in Portland, Oregon. In January of 1977, he was elected as a cemetery director trainee and remained at Willamette for the year long program. After completion of the program, he was named Director at Eagle Point, Oregon National Cemetery and remained there for a year and a half. He served as Director of the Fort Smith, Arkansas National Cemetery; Director of the San Francisco, California National Cemetery; Assistant Director of the Willamette National Cemetery; and Director of the Sam Houston National Cemetery in San Antonio, Texas.

Steve was appointed to Director of Riverside National Cemetery in October 1991 and has been responsible for all burial and maintenance operations at the cemetery. Riverside National Cemetery is one of our nation's largest cemeteries and is the most active. The 921-acre facility has 288 developed acres, performs 8,000 burials yearly, and has over 145,000 gravesites to maintain. The facility is revered for its high standards of maintenance and efficiency. Under Steve's excellent leadership the facility has achieved the highest awards possible within the U.S. Department of Veterans Affairs, the Robert W. Carey Organizational Excellence Award. The cemetery received this prestigious award in 1996, 2002 and 2003.

Steve's tireless passion for service has contributed immensely to the betterment of the community of Riverside California. His unwavering commitment to maintaining the dignity of the Riverside National Cemetery is a source of pride to his community and I am proud to call him a fellow community member, American and friend. I know that many community members, veterans and spouses of veterans are grateful for his service and salute him as he retires.

HONORING THE WORK OF UPPER CUMBERLAND CARDIOLOGY CONSULTANTS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding work being done at Upper Cumberland Cardiology Consultants. The Cookeville, Tennessee, medical office has been accredited a "Cardiovascular Center of Excellence" by the Consortium for Southeastern Hypertension Control, one of only four such centers in the state.

Through this association, the cardiology group will have access to an expansive network of cardiovascular knowledge and resources across the Southeast. Upper Cumberland Cardiology Consultants, a group of six local physicians, can use those resources to tailor a patient's treatment regimen depending on other successes and experiences.

Because heart disease is so prevalent across the Southeast and is the leading cause of death to Americans, it's important we have the resources and training necessary to combat this deadly disease. The Cookeville cardiology group strives to have not only cutting-edge knowledge to treat heart disease, but it also strives to have that kind of knowledge to educate and prevent heart disease. The Cardiovascular Center of Excellence designation helps accomplish both goals.

Led by Drs. R. Alex Case, J. Bunker Stout, Timothy S. Fournet, Michael B. Lenhart, Joel S. Tanedo and Brian Dockery, the Upper Cumberland Cardiology Consultants is a fine example of professionalism and compassion. This group of highly motivated and skilled physicians is an asset to the region. I commend them for their service to their patients and their profession.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on October 30, 2003. I would like the record to show that, had I been present in this Chamber, I would have voted "nay" on rollcall votes 580, 584, 585, 586, 587, 588, 589, 590, 592, 595, and 597. I also would have voted "yea" on rolecall votes 581, 582, 583, 591, 593, 594, 596, 598 and 599.

In addition, Mr. Speaker, I was unavoidably absent from this Chamber on October 31, 2003. I would like the record to reflect that, had I been present, I would have voted "yea" on rollcall vote 600 and "nay" on rollcall vote 601.

JOHANNA'S LAW

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LEVIN. Mr. Speaker, today I rise to introduce Johanna's Law: The Gynecologic Cancer Education and Awareness Act.

Every hour, approximately 10 women in the U.S. are diagnosed with a gynecologic cancer like ovarian, cervical, or uterine cancer. Every year, 26,000 women die of a gynecologic cancer.

This is a tragedy. What makes it still more tragic is that many of those deaths could be prevented if more women knew the risk factors and recognized the early symptoms of gynecologic cancers so that they could discuss them with their doctors. As we worked on this bill, we heard story after story of women who did not recognize their early symptoms or wasted precious months waiting for appointments with the wrong kind of specialists because they and their doctors did not recognize their symptoms as gynecologic.

For ovarian cancer, the most deadly of the gynecologic cancers, the five-year survival rate for women whose cancer is detected in Stage 1 is 90 percent. In Stage 2, the survival rate is still 80 percent. But if the cancer proceeds to Stage 3 or 4, the survival rate drops dramatically, to 20 percent or less.

Unfortunately, not all gynecologic cancers have a screening test accurate enough to be used routinely on asymptomatic women. That doesn't mean they can't be detected and diagnosed early in many cases. A recent study found that almost 90 percent of women with early stage ovarian cancer had symptoms before being diagnosed. That's why public education is key—if women and their doctors know the risk factors and early signs, a specialist can use diagnostic tools to rule out cancer or detect it in the early stages.

Johanna's Law would create a federal campaign to increase early detection of these deadly cancers, and, when possible, help women reduce their risk of ever contracting them. The legislation takes a two-pronged approach, combining a national Public Service Announcement directed at all women with targeted grants to local and national organizations.

We named the legislation "Johanna's Law" after Johanna Silver Gordon, who was a longtime public school teacher in my congressional district and who died of ovarian cancer after being diagnosed in a later stage. Unfortunately, Johanna's story is all too common. I owe a special thanks to Johanna's sister, Sheryl Silver, and her family for telling Johanna's story so eloquently and working so tirelessly to ensure a better outcome for other women and their families.

I look forward to working with my cosponsor, Representative KAY GRANGER, and all of my colleagues to enact this important legislation into law.

100TH ANNIVERSARY OF NATIONAL SAND, STONE AND GRAVEL ASSOCIATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to offer congratulations to the National Sand, Stone and Gravel Association on the occasion of their 100th Anniversary. For the last 100 years this Association and its many members have contributed to our Nation's economy and have greatly improved the quality of life of all Americans.

To put into perspective the vital role these elements play in each of our lives I would like to share some statistics with you. If we place usage on our population; incredibly each year, every man, woman and child would use about 10 tons of sand, stone and gravel. Many of us probably fail to realize that it takes 400 tons of crushed stone, sand and gravel to build the average home and 38,000 tons for each mile of interstate highway. Without these important elements our Nation would be without roads, streets, sidewalks and runways. Additionally, we often forget that pulverized minerals from rock touch our everyday lives in products such as plastics, paint, pharmaceuticals, toothpaste, glass and chewing gum.

The aggregate industry also has tremendous impact upon our Nation's economy. The industry directly employs more than 120,000 individuals. For every million dollars that this industry outputs 19.5 jobs are created. In 2001 the aggregate industry contributed just over 14.5 billion in direct output to our economy. If we were to take into consideration the indirect benefits combined with direct output, this industry contributes $37.6 billion to the GDP and supports over 284,000 jobs. That is an awfully impressive record.

Mr. Speaker, as you can see, the aggregate industry's impact upon each of our daily lives and our economy is immense. I wholeheartedly congratulate the National Sand, Stone and Gravel association and its members on a most impressive 100 years.

COMMEMORATING THE 15TH ANNIVERSARY OF THE ENACTMENT OF THE GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1987

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SCHIFF. Mr. Speaker, today marks the 15th anniversary of the United States taking a principled stand toward ensuring that the lessons of past genocides, such as Armenian Genocide, the Holocaust, and the genocides in Cambodia and Rwanda, will be used to prevent future genocides.

After the horrors of the Holocaust, the international community responded to Nazi Germany's methodically orchestrated acts of genocide by approving the Convention on the Prevention and Punishment of the Crime of Genocide in 1948. The Convention confirms that genocide is a crime under international law and defines genocide as actions committed with intent to destroy a national, ethnic, racial or religious group.

The United States, under President Harry Truman, was the first nation to sign the Convention, and it was ratified by the U.S. Senate in 1986. Following the Senate ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, Congress passed the Proxmire Act to implement the Convention and criminalize genocide under U.S. law.

Fifteen years ago today, President Ronald Reagan signed the Proxmire Act into law and put the United States on record as being strongly opposed to the heinous crime of genocide.

Mr. Speaker, I rise today to urge consideration of H. Res. 193, legislation that I introduced with my colleague, Mr. RADANOVICH, reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and commemorating the anniversary of the U.S. becoming a full party to this landmark international human rights legislation.

This important piece of legislation has tremendous bipartisan support among the 110 cosponsors, and the bill was passed unanimously by the House Judiciary Committee earlier this year.

Mr. Speaker, I urge the House Leadership to permit immediate consideration of this legislation on the floor of the House, and I urge my colleagues to reaffirm our national resolve to ensure that the lessons of the Armenian Genocide, the Holocaust, and the genocides in Cambodia and Rwanda, among others, will not be forgotten.

INTRODUCING THE NATIONAL COMMISSION ON EMPLOYMENT AND ECONOMIC SECURITY ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act.

More than 2.6 million Americans have lost their jobs since President Bush took office in January 2001. In fact, the Department of Labor's Bureau of Labor Statistics reported that in September 2003, 9 million Americans were officially jobless. Some experts, including the BLS, have suggested that the number of unemployed or underemployed is actually somewhere near 15.5 million. The BLS notes that approximately 6.5 million workers are underemployed or so frustrated at the current job market that they have given up looking for jobs.

During times of high unemployment, Americans experience increases in domestic abuse, alcoholism, crime, illness, and in many instances, suicides. All of these increases stem not only from the loss of one's job, but also from the depression that develops as a result of extended unemployment.

Realize, current U.S. public policy addresses the economic hardships that arise from unemployment through the unemployment insurance program. For a privileged few, the government even assists in providing health care to the unemployed. But what the U.S. government fails to do is provide assistance to the unemployed in dealing with the human dimension of unemployment.

Perhaps this is true because the human factor does not allow for a one size fits all formula solution. Or perhaps it's because Congress never thinks about the human factor, labeling the unemployed as lazy and unmotivated, rather than the victims of economic situations of the times that they are. But for whatever reason, Congress has never addressed this very important tool in understanding the effects of long-term unemployment. That, Mr. Speaker, is completely unacceptable.

The legislation I introduce today establishes the National Commission on Employment and Economic Security, a national commission to examine the psychological effects of extended unemployment. Specifically, the 15 member commission is instructed to examine increases in violence by employees and former employees in the workplace and in their private lives, the effects of well-paying jobs in the U.S., the psychological insecurity caused by the loss of a job, and make recommendations to the Legislative and Executive branches on actions to alleviate the psychological insecurity of the U.S. workforce.

I am confident that this commission will provide Congress and the President with an array of policy recommendations on how we might best address the human factor of unemployment. The livelihoods of more than fifteen million Americans are depending on it.

I ask for the support of my colleagues, and I urge the House Leadership to bring the bill to the floor expeditiously.

RECOGNIZING THE CONTRIBUTIONS OF THE HISTORIC SECOND BAPTIST CHURCH IN CELEBRATION OF ITS 155TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. NORTON. Mr. Speaker, I rise today to recognize Second Baptist Church, the second oldest African American Baptist congregation in the District of Columbia, as it prepares to celebrate its 155th anniversary on Sunday, November 16, 2003, and its designation as a historic landmark in the District of Columbia Inventory of Historic Sites by the Historic Preservation Review Board.

History has documented the critical role African American churches have played not only as places of spiritual fortification, but also as centers of political activism, and neighborhood preservation. Second Baptist Church is a shining example of these functions.

Second Baptist Church, located at 816 3rd Street, NW., is a longstanding anchor of a changing neighborhood north of H Street and west of North Capitol Street. Founded in 1848, Second Baptist Church was started 14 years before slaves in the District of Columbia were freed.

The church was erected in 1894 and designed by prominent Washington architect, Appleton P. Clark, Jr. Second Baptist Church represents a revival of the early phase of Gothic church architecture, but rendered in late Victorian fashion. The beautiful rose window, square towers and rusticated limestone on a granite base are suggestive of Romanesque.

Second Baptist Church began when seven members of the First Colored Baptist Church, now Nineteenth Baptist Church, left to organize the Second Colored Baptist Church of Washington City, District of Columbia.

Second Baptist Church served as a station on the Underground Railroad during the Civil War and the preceding years. It was one of the few Negro churches in Washington, D.C. that had a black minister prior to President Lincoln's Inauguration.

Second Baptist Church is considered the "Mother Church" for the Baptist community because from it Mt. Carmel Baptist Church in NW; Mt. Olive Baptist Church in NW; Rehoboth Baptist Church in SW; Central Baptist Church (later disbanded); St. Paul Baptist Church in Bladensburg, MD; Ebenezer and First Baptist in Takoma Park, MD were formed.

During the course of its 155 years, Second Baptist Church has had only 15 pastors: Licentiate H.H. Butler—1848; Rev. Jeremiah Asher—1849; Rev. Gustavus Brown—1850; Rev. Henry Butler—1853; Rev. Sandy Alexander—1856; Rev. Caleb Woodward—1861; Rev. John Mays (Maze)—1864; Rev. Sandy Alexander—1865; Rev. Chauncey Leonard—1868; Rev. John Gaines—1869; Rev. Madison Gaskins—1871; Rev. William Bishop Johnson—1883; Rev. Dr. J.L.S. Hollowman—1917; Rev. Smalls Bartley—1971; and Rev. Dr. James E. Terrell—1997 to the present.

Mr. Speaker, I ask the House to join me in saluting Rev. James E. Terrell, and the congregation of Second Baptist Church in the District of Columbia on the occasion of its 155th anniversary, November 16, 2003.

FREEDOM FOR HÉCTOR FERNANDO MASEDA GUTIERREZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Héctor Fernando Maseda Gutierrez, a prisoner of conscience in totalitarian Cuba.

Mr. Maseda, age 60, is an engineer and physicist by profession. He studied the logic and reason behind how machines work, how nature operates. He also realized that Castro's repressive regime constitutes a nightmare for the Cuban people.

Mr. Maseda joined pro-democracy groups that work to obtain basic human rights for the people of Cuba. He eventually became a member of the Liberal Democratic Cuban Party and the director of the Liberal Studies Center. As Mr. Maseda became more active within the movement, he began to chronicle the savage practices of the regime for independent newspapers and websites. Unfortunately, not all of these articles reached the outside world, among the articles confiscated by the political police were: "The forced workers of Cuba" and "Havana: the capital of sexual tourism."

On March 18, 2003, Mr. Maseda was arrested and his typewriter, a fax machine, books, and his journalistic writings were confiscated. In a sham trial, he was subsequently sentenced to 20 years in the Cuban gulag for writing articles "which twist the society and reality of Cuba" and for "maintaining relations with Florida International University."

Mr. Maseda currently languishes in the Cuban totalitarian gulag. He has been muted and gagged for writing about the systematic abuses of human rights that occur under Castro's totalitarian rule. Mr. Speaker, the reality of Castro's repressive regime continues to be that men and women who write the truth are locked in the Cuban gulag while their oppressor remains in power.

My colleagues, we must fight for freedom whenever and wherever human beings are shackled by totalitarian dictators. We must demand the immediate release of Héctor Fernando Maseda Gutierrez.

TRIBUTE TO JEANNE POWER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Jeanne Power, and thank her for the extraordinary contributions she has made to the community of Steamboat Springs and the State of Colorado. Jeanne has spent her life assisting others, and her dedication and selflessness is a shining example to all Americans.

After graduating from the University of Wyoming, Jeanne returned to her home in Steamboat Springs, where she became a member of the Routt County Search and Rescue team. Later, she joined Steamboat Springs Ambulance as an Emergency Medical Technician. Five years ago, Jeanne found her true calling when she became the city's only female firefighter.

Jeanne now serves the City of Steamboat Springs as a paramedic and firefighter. In such a high-pressure career, she has managed to achieve a delicate balance between her fun-loving attitude and intense dedication to serving others.

Mr. Speaker, it is with great pride that I bring the life and spirit of an incredible woman to the attention of this body of Congress. Jeanne Power has dedicated her life to the betterment of others, and she is truly a tremendous asset to her city, state and country. Jeanne, I thank you for your service.

IN HONOR OF THE AILEYCAMP AND KANSAS CITY FRIENDS OF ALVIN AILEY RECEIVING THE 2003 COMING UP TALLER AWARD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to congratulate the AileyCamp of the Kansas City Friends of Alvin Ailey as recipients of the 2003 Coming Up Taller Award. The President's Committee on the Arts and the Humanities, the Institute of Museum and Library Services, the National Endowment for the Arts, and the National Endowment for the Humanities presents this annual recognition to groups who encourage underserved youth to participate in the arts and humanities. The AileyCamp in Kansas City is one of 18 organizations to receive this prestigious distinction and $10,000 to continue their philanthropic efforts to bring the art of dance to our community's urban youth.

I applaud the AileyCamp's undertakings to nurture a love for the arts and humanities in the next generation. The AileyCamp uses dance in varying techniques to develop skilled performers in ballet, jazz, tap, African dance, and other dance styles. This unique organization follows in the tradition of the accomplished dancer and choreographer, Alvin Ailey, who maintained an internationally acclaimed dance company and created 79 renowned ballets over his lifetime. His contribution to dance drew upon history, the blues and the gospel. Ailey envisioned an institution to instill appreciation for dance and culture especially for all young people.

Our community's children in the AileyCamp are immersed in a six week program offering training by top dance instructors, visual artists, and social workers for 11–14 year olds. These middle school students come from disadvantaged families and at-risk situations throughout Kansas City. AileyCamp provides a safe haven for creative activity where students develop their imagination through storytelling, writing, music, photography, and sculpture. These multi-discipline activities enhance and build upon their ability to express creatively, to analyze critically, and to foster academic excellence. Additionally, the campers take part in field trips and attend classes on conflict resolution, self-esteem, and goal setting.

Mr. Speaker, please join me in honoring the AileyCamp of Kansas City for this award. The AileyCamp is a tremendous organization performing in the spirit of the celebrated Alvin Ailey to broaden the horizons of our youth so that their artistic talents may bloom. I salute Ms. Cynthia Rider, Executive Director of Kansas City's AileyCamp and the Kansas City Friends of Alvin Ailey for their 2003 Coming Up Taller award.

TRIBUTE TO ROBERT D. KESSELRING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of Robert "Kess" Kesselring of Aspen, Colorado. Kess passed away recently after a courageous 10-year battle with prostate cancer. He was widely loved for his willingness to teach and help others. Because of his positive impact on the Aspen community, it is my privilege to honor the life and memory of Robert Kesselring.

Kess was born in Oakland, California in November of 1937. He graduated with a degree in finance from San Jose State University in 1959, where he was a member of the alpine ski team. Throughout his life, Kess was an avid outdoorsman, traveler and adventurer. He was an excellent sailor, and represented the United States in the 1973 Fireball World Sailing Championships.

Kess held many jobs and had many interests. Each related to his intense passion for serving others. Kess was a teacher, ski patrolman, ski instructor and fishing guide. In light of his love for flyfishing, Kess eventually moved to Aspen, the trout capital of Colorado. While in Aspen, Kess was a fishing guide on numerous rivers and lakes in Garfield and Pitkin Counties.

Mr. Speaker, Robert Kesselring was a friend to many, and a teacher who enhanced countless lives. He will long be remembered for his willingness to share his knowledge of the outdoors with others. To this day, one can find fly fishermen throughout the Roaring Fork Valley who owe their love of fly-fishing to Kess. He was a remarkable Coloradan who will truly be missed. It is my honor to pay tribute to him here today, and my thoughts go out to his family during this time of bereavement.

REPORT OF NATIONAL COMMISSION ON U.S.-INDONESIAN RELATIONS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BLUMENAUER. Mr. Speaker, recently, the National Commission on U.S.-Indonesian Relations released a report that focuses on how to create a long-term, strong relationship between the two nations, and why that is important for the United States.

The report, which was the work of a combined group of academics, former diplomats, and business people took a year to research and write. Indonesia is an important country for the United States due to its strategic location in Asia and because much of the world's sea borne commerce passes through or next to Indonesian territory. It is active in forums, such as Asia-Pacific Economic Cooperation, where other key nations such as China, Japan and Korea are active. Finally, it is the world's fourth most populous nation and the world's largest Muslim nation.

Indonesia is also important for the United States because it is a democracy striving to strengthen itself in the face of growing Islamic fundamentalism. If the United States cannot help Indonesia move further down the path toward democracy, we stand little chance of helping other Muslim nations do the same, a goal that is so crucial in our global fight against terrorism.

The key finding of the Commission is a simple one—the United States and Indonesia can best help each other by creating a new partnership, one that the Commission calls a "Partnership for Human Resource Development." From the U.S. perspective, this means investing in Indonesian education, democracy building, economic growth and security.

I also believe the United States can play a critical role in helping Indonesia handle its massive urbanization trend and the infrastructure, health, and environmental challenges that result. There are now 50 cities in Indonesia with a population of at least 100,000, with eight of these cities in excess of a million residents.

Our relationship with Indonesia will continue to play a critical role in Southeast Asia and the world. The National Commission's report is worthy of our review and action. I commend the work of the Commission and I urge my colleagues to read the report. I ask that the Executive Summary of it be included with my remarks.

EXECUTIVE SUMMARY

Indonesia, the world's fourth most populous nation and third largest democracy, is the pivotal state in Southeast Asia. It has exercised major influence in the region and plays an active and constructive international role. It has vast natural resources and is strategically located astride major lines of communication between the Pacific and Indian Oceans. Half of the world's merchant fleet capacity passes through straits with Indonesian territory on one or both shores. Including its oil and mineral sectors, Indonesia is home to about $25 billion in U.S. investment, with more than 300 major U.S. firms represented there.

Two additional factors are of particular importance today:

Indonesia has the world's largest Muslim population—more than all the Middle Eastern Arab states combined. The vast majority of Indonesia's Muslims have historically been noted for their moderation. Theirs is one of the few Muslim majority nations in which Islam is not the state religion.

Given its size and importance, Indonesia is critical to stability in Southeast Asia. It has been the anchor of the Association of Southeast Asian Nations (ASEAN) and a key player in the ASEAN Regional Forum, the only organization in the Asia-Pacific region that brings the United States together with Japan, China, ASEAN and others to discuss security issues.

Today Indonesia faces major problems: a difficult transition from authoritarian rule to democracy; slow economic growth combined with inadequate job creation; capital outflow; endemic corruption; ethnic and sectarian violence; a weak judiciary; and a serious threat from domestic and international terrorists. The October 12, 2002 bombings in Bali were the most grievous instance of terrorism since the September 2001 attacks on the United States. The carnage in Bali was a wake-up call for Indonesians and their government, and Indonesia joined the fight against terrorism. Local police arrested more than 90 suspected terrorists, but more are still at large as shown by the August 5, 2003 attack on the J. W. Marriott Hotel in the heart of the capital city Jakarta. Fourteen people (all but one were Indonesians) died as a result of that attack and 150 were injured.

There are continuing problems, but the news from Indonesia has not by any means been all bad. Since 1999 the country has had a free and fair national election and two peaceful presidential successions. Its media are among the most free in Southeast Asia. Civil society is flourishing, and more than 5,000 non-governmental organizations are active across a broad range of sectors. Constitutional reform and decentralization have made the government less top-down. For the first time, beginning in 2004, the president and vice president will be directly elected. In this process of reform, the leaders of major Muslim organizations have played a constructive role in defining relations between religion and the state. The ceasefire agreement in Aceh has failed, but those between hostile ethno-religious groups in the eastern islands are holding. And the Indonesian economy, despite its vulnerabilities, has stabilized in important respects.

The country is now at a critical juncture in its democratic transition and economic recovery. This is therefore an opportune time for the United States to rethink its approach to Indonesia. A failure of democracy there would hurt not only Indonesians. It would reinforce the stereotype that a Muslim-majority nation cannot manage a democratic system. Given the size and importance of Indonesia, we believe that success of that nation's democracy would not only provide a better life for its people but also reduce vulnerabilities to radicalism and have an impact beyond Indonesia's borders.

For these multiple reasons, the National Commission on U.S.-Indonesian Relations recommends that the United States and Indonesia enter into a "Partnership for Human Resource Development" in which the two nations pledge to work together on joint programs to promote in Indonesia an effective democracy, sustainable development, and the rule of law. The idea of a formal partnership is new to this important bilateral relationship. We believe this concept is essential to increase the prospects for success and to ensure that both nations buy into these programs and are committed to make them succeed. In other words, that both accept ownership.

Events in the coming five years, including national elections in 2004 and their consequences, will determine the fate of Indonesia's democracy and the nature of the new leadership generation expected to emerge before the following elections in 2009. Accordingly, we recommend that the United States pledge $200 million annually in additional assistance funds to this partnership during this five-year period. The Commission believes that Indonesia would be a good candidate for funding under the Millennium Challenge Account. Whatever the source, it is important that these be add-on funds that do not disrupt important ongoing assistance programs.

These additional funds would be used to strengthen existing programs and initiate new programs in four critical fields:

1. Education—work with Indonesian officials to strengthen the nation's educational system at all levels, including Islamic schools, and rebuild ties with U.S. educational institutions. Before the fall of

Suharto, Indonesia's experience with democratic systems and practices was limited to a few years in the 1950s, so that most Indonesians living today have had no direct experience with democracy. As a result, Indonesia's democracy must be built from the ground up. A key prerequisite for success is an informed electorate. Education is the key to success and is also essential to give greater depth to the management level in virtually all sectors. We therefore attach special importance to education and urge prompt, large-scale U.S. support.

2. Democratization—improve governance, speed and deepen legal reform, strengthen parliament and the electoral system, and help ensure the effectiveness of decentralization.

3. Economic Growth—improve the investment climate, strengthen Indonesia's private sector, expand trade, facilitate the resumption of full debt servicing.

4. Security—strengthen the police and, when practicable, resume carefully crafted military education programs that will strengthen those elements willing to promote reform.

In addition to these funding priorities, ongoing U.S. assistance for emergency relief and improved health should be continued. Bolstering the ethical rationale for such support is the contribution it can make to reducing hardship and thus limiting the grievances that can be used to incite cycles of violence and repression.

Indonesia today offers a unique but temporary window of opportunity for the United States to help this nation of 230 million people build an effective democracy based on a civil society and a market economy under the rule of law. The time to rise to the occasion is now.

TRIBUTE TO LYNN WELDON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Lynn Weldon, who passed away recently at the age of 73. Lynn was a pillar of the Alamosa, Colorado community. As his family mourns their loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

After graduating from high school, Lynn attended Central Missouri State University. Upon receiving his bachelor's degree, Lynn went on to complete his master's degree at the University of Kansas. Lynn then served in the U.S. Army from 1953 to 1955 during the Korean conflict. His service to the United States during a time of war is illustrative of his character. He was a man wholly devoted to his country, family, and friends. After returning from Korea, Lynn received his Doctorate of Education from the University of Kansas in 1957 and, in June of the same year, married Arvilla Pement.

In 1958, Lynn was offered a teaching job at Adams State College; it was there that he began a 40-year teaching career. Throughout his tenure at Adams State, Lynn taught a variety of subjects ranging from philosophy to the paranormal. He was also known for his extraordinary dedication to community service. Lynn served on the Alamosa City Council for nearly 20 years, ministered with the Community Church of Christ, and performed with the San Luis Valley Mellow Tones. He was also instrumental in the movement to build a cultural center in Alamosa.

Mr. Speaker, Lynn's dedication and selflessness certainly deserve the recognition of this body of Congress. It is my privilege to pay tribute to him for his contributions to the Alamosa and Colorado communities. I would like to extend my thoughts and deepest sympathies to Lynn's family, friends, and former students during this difficult time.

NATIONAL FAMILY WEEK

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BISHOP of Georgia. Mr. Speaker, today I would like to recognize National Family Week and the importance of strong families to the future of our communities and our country.

The purpose of National Family Week, November 23–29, 2003, is to recognize that Connections Count when it comes to strengthening families and communities. Strong families are at the center of strong communities. Everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofits, policymakers, and of course families themselves.

Families thrive when they are connected to the opportunities, networks, support, and services that enable them to succeed. This includes everyday access to high-quality transportation, technology, education, and child care; opportunities to build a solid financial foundation; and positive social relationships within and among families, as well as quality support from community networks and institutions.

National Family Week is a great time to honor the connections that support and strengthen families year-round. These connections can be as simple as the grandmother or the neighbor who watches the kids while parents work; the network of friends or the placement center that connects parents to a new job; the place of worship or neighborhood organization that connects the family to others in the community, the community leader or policymaker who rethinks, revamps, or redirects policies, practices, and resources to better benefit families, and the parents who listen to their children and always have time for a big hug.

For 33 years, the Alliance for Children and Families and its more than 350 nonprofit members have promoted National Family Week throughout the nation. Every day these child- and family- serving organizations make a difference for families of all shapes and sizes. This holiday season, for example, One Columbus, Inc. in Columbus, Georgia, is sponsoring a series of events to recognize families. Several of these events include a community breakfast, the awarding of family friendly business awards, a community family walk, and community-wide non-denominational church services.

National Family Week is a great time for all of us to recommit to enhancing and extending all families' connections. As we gather with our families this Thanksgiving, let us remember the special connections that help our families thrive and encourage one another, our neighbors, our businesses, and our organizations to reach out to families in new ways and honor the special gifts each can bring to our communities and to one another.

TRIBUTE TO REVEREND DOCTOR WALLACE S. HARTSFIELD ON HIS 37TH ANNIVERSARY AS PASTOR OF METROPOLITAN MISSIONARY BAPTIST CHURCH

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, it is with great pride and respect that I rise today to bring to your attention, and to the attention of the House, the outstanding work and commitment of Rev. Dr. Wallace Hartsfield for more than 50 years of preaching to church congregations, serving the last 37 years as pastor of the Metropolitan Missionary Baptist Church in Kansas City, Missouri.

Reverend Hartsfield was born in Atlanta, Georgia, November 13, 1929. He was an only child, raised by his mother, Ruby Morrissatte. After a 3-year tour of duty in the United States Army, he attended Clark College in Atlanta and in 1954 he received a Bachelor of Arts degree from Clark College. He received a Master of Divinity degree from Gammon Theological Seminary in Atlanta in 1957. His first pastorate was at a Baptist church in Pickens, South Carolina.

Reverend Hartsfield is a former chairman of the Congress of National Black Churches, which represents 65,000 churches and 20 million members. Reverend Hartsfield is also the former chairman of the Economic Development Commission of the National Baptist Convention of America, Inc.; second vice president of the National Baptist Convention of America, Inc.; president of the Greater Kansas City Chapter of Operation PUSH; and an adjunct professor of the Central Baptist Theological Seminary in Kansas City, Kansas. Reverend Hartsfield is married to Matilda Hopkins and on August 28 of this year they celebrated their 46th wedding anniversary. Reverend and Mrs. Hartsfield are the proud parents of four wonderful children: Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield II.

I have known Reverend Hartsfield over the years through his extensive involvement in the community. He has been a leader in many worthwhile causes and a wonderful role model for our city's youth and young adults.

His leadership was invaluable in redeveloping a blighted part of Kansas City when he led the Baptist Ministers' Union of Kansas City in their efforts to demolish the old St. Joseph's Hospital and replace it with a much needed new shopping center, the Linwood Shopping Center. Residents of the city's central core had to travel some distances to buy groceries, drop off dry cleaning, or to have a prescription filled before the new development became a reality. Reverend Hartsfield successfully led the charge to secure sufficient investment capital for the project when resources for new development in that area of the city were scarce. He also was instrumental in the construction of a low income 60 unit housing development known as Metropolitan Homes, in that same geographical area. He was involved in faith based initiatives long before it was on the national agenda.

Reverend Hartsfield recently chaired the capital fund campaign to expand and update Kansas City's Swope Parkway Health Center, which provides invaluable assistance to many people who could not otherwise afford or have access to quality, state of the art health care. Millions of dollars were raised and the new health center stands as a testament to the untiring efforts of committed and dedicated people like Reverend Hartsfield.

Reverend Hartsfield has received numerous awards, among them the One Hundred Most Influential Award from the Kansas City Globe newspaper; the Greater Kansas City Image Award presented by the Urban League; the Minister of the Year Award from the Baptist Ministers Union of Kansas City; a Public Service Award from the Ad Hoc Group Against Crime; the Role Model for Youth Award from Penn Valley Community College and the Community Service Award from Kansas City, Missouri.

Additionally, he was named "One of the Top 50 Ministers in America;' by Upscale magazine of Atlanta, GA and he received an honorary Doctor of Divinity degree from both Western Baptist Bible College in Kansas City and also from the Virginia Seminary and College of Lyncher, VA. Further, Reverend Hartsfield is a member of the board of directors for the national organization of Operation PUSH, and the Morehouse School of Religion in Atlanta, GA, among others.

This weekend in Kansas City, we are celebrating Reverend Hartsfield's 37th anniversary as pastor at the Metropolitan Missionary Baptist Church, and recognizing all of his critically important work and the leadership he has provided in the community for nearly four decades. Reverend Hartsfield loves people and he loves helping people. He has made a difference in the city he calls home, Kansas City, and we are proud to honor him as one of our outstanding citizens.

Mr. Speaker, please join me, the congregation of the Metropolitan Missionary Baptist Church, the family of Reverend Hartsfield, and the citizens of Kansas City, Missouri in congratulating Reverend Hartsfield on his 37 years of service to his church and many more years of service to his community.

TRIBUTE TO DUSTY SCHULZE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I pay tribute today to Corporal Dusty Schulze of Craig, Colorado. Dusty is a police officer with the Craig Police Department, whose recent selflessness and courage in coming to the aid of his fellow Coloradans demonstrated tremendous heroism. I, along with the citizens of Colorado, am proud of Dusty's extraordinary valor. It is appropriate to pay tribute to his actions before this body of Congress and this Nation.

On September 17th of this year, Dusty responded to a fire in a Craig apartment building. Risking his own safety, Dusty entered the building directly below the fire to search for people stuck inside. When all of the tenants were out of the building, Dusty assisted the paramedics and firemen in administering medical care to the injured.

Dusty's courageous and altruistic acts were no surprise to those who know him well. Dusty is a natural born leader and a brave and caring police officer. His genuine concern for the citizens of Craig is unwavering, and his remarkable actions that September day did not go unnoticed. The Craig City Council recently awarded Dusty a Meritorious Commendation, one of the highest honors a Craig Police Officer can receive.

Mr. Speaker, I am honored today to rise and pay tribute to Dusty Schulze, a man whose actions are the very essence of all that makes this country great. It is in times of tragedy that true heroes emerge, and I am proud to say that Dusty Schulze is a hero, not only to those he saved, but also to his community, state and nation. It is with a great deal of pride that I stand to honor him today.

INTRODUCTION OF THE POST OFFICE COMMUNITY PARTNERSHIP ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. BLUMENAUER. Mr. Speaker, one reason I came to Congress is to make the federal government be a better partner to communities. One of the simplest ways to achieve that objective does not require new rules or regulations for local or state governments, and it does not require massive outlays of our budget driving us even deeper into deficit. The simplest answer is for the federal government to follow the same rules that all others must follow.

To this end, I am reintroducing the Post Office Community Partnership Act. This bill outlines minimum community contact procedures that the United States Postal Service must pursue for any proposed closing, consolidation, relocation, or construction of a post office. Simply put, the bill requires the Postal Service to comply with local zoning, planning, or other land use laws.

This legislation has had the bipartisan support of the majority of the House of Representatives. Once, it even passed the Senate only to become the victim of the politics of postal reform. In recent sessions there have been efforts at more comprehensive legislation that all include some variation of this bill as an enticement for passage. The pressure from our legislation has in fact encouraged some within the Postal Service to make significant progress. I've met with members of the Board of Governors of the U.S. Postal Service, the Postal Rate Commissioners, and the National League of Postmasters, and they have made progress. There are outstanding examples of where they have worked with the local community to make the post office an integral part of a downtown or main street.

It is time, however, to make this relationship something that every community can count on. It is time to make this relationship part of the Postal Service's regular activities. It should not be an exception, it should not require luck or extraordinary political action, and there should be no variation in the commitment to providing the finest examples of being a part of each and every community.

There has been a recent report from the President's Commission on the United States Postal Service that is going to prompt more discussion and analysis of postal operations. Now is the time to act on this key element that is the most important single item that this Congress can do to guarantee the Postal Service is a better partner. Congress has the opportunity to set the tone for the Postal Service and federal government to become a full partner in the livability of our communities, leading by example so our families are safer, healthier, and more economically secure.

TRIBUTE TO JIM DIEHL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with a great deal of pride that I pay tribute today to Jim Diehl of Craig, Colorado. Jim recently risked his life in order to assist members of the Craig police department in the evacuation of a burning apartment complex. It was in this time of dire emergency that Jim's gallantry shone through and he proved himself a true hero. I am proud to call Jim's extraordinary acts to the attention of this body of Congress.

On September 17, Jim found himself outside the flame-engulfed Alpine Apartment complex in Craig. Realizing lives were in danger, Jim ran into the burning building to search for people trapped inside. Throughout the fire, Jim ran from room to room removing tenants from harm's path. For his brave and selfless act, the Craig City Council awarded Jim a Citizen Commendation.

Mr. Speaker, I am honored today to rise and pay tribute to a man whose actions are the very essence of all that makes this country great. Jim Diehl risked death in order to save the lives of fellow Americans. His acts are the embodiment of heroism and it is with a great deal of pride that I stand to honor him today.

FOAM FIRE SAFETY ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LANGEVIN. Mr. Speaker, today I am joined by three of my colleagues in introducing the "Foam Fire Safety Act" to reduce the injuries, deaths, and property damage that result from polyurethane foam fires. This sensible legislation directs the Consumer Product Safety Commission (CPSC) to implement a rule within one year that ensures that polyurethane foam products meet a new open flame standard. The new level of protection will decrease the destructiveness of fires in homes and buildings around the country and prevent unnecessary tragedies.

Polyurethane foam is found in mattresses, upholstered furniture, carpet padding, soundproofing insulation, and many other common objects. It is also one of the most flammable consumer products, and firefighters refer to polyurethane foam as "solid gasoline." Between 1980 and 1998, mattress, bedding, and upholstered furniture fires killed almost 30,000 people in the United States. During the same period, these fires injured more than 95,000 people.

The Consumer Product Safety Commission (CPSC) first began looking into creating stricter flame retardancy standards for foam in 1993. Ten years later, the process continues without results, and Americans are left without common sense standards similar to those already in place in California and Great Britain. My legislation requires foam to meet a new "open flame" test, which is equivalent to having a candle right next to the foam. Currently mattresses and furniture must only be able to withstand the equivalent of a lit cigarette.

Polyurethane foam serves as kindling for fires, and a stricter standard would prevent deaths and property damage. In my district, polyurethane soundproofing foam contributed to the deaths of 100 people at the Station nightclub fire in West Warwick, Rhode Island, on February 20, 2003. Because of the abundance of foam, the building was engulfed in flames within 3 minutes, and firefighters who were located just down the street could not arrive in time to save everyone.

I urge my colleagues to join me and the other co-sponsors of this bill to reduce the risk of polyurethane foam fires. Please co-sponsor this responsible measure, and help make American homes and workplaces safer.

NEW TOOLS NEEDED TO SUPPORT UROLOGIC HEALTH

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. LEACH. Mr. Speaker, each fall, the American Foundation for Urologic Diseases sponsors Prostate Health Month to remind people about the importance of maintaining good urologic health.

Prostate Cancer Awareness Week was held September 14–21 and urologists around the country offered free screenings for prostate cancer, the second leading cause of cancer deaths in men. Encouraging reports indicate these cancers are being found at an earlier and more curable stage, resulting in a decline in prostate cancer death rates. Sadly, we also know that prostate cancer screening tests are not perfect and that the causes of other prostatic diseases, like prostatitis, still elude our full understanding.

This problem is not limited to prostate diseases. Many other urologic conditions, such as painful bladder disease and interstitial cystitis, require further research. No gender, age or ethnic group is immune to these diseases.

The key to addressing these and other challenges to good urologic health is more and better research. Of particular importance is research supported by the National Institutes of Health (NIH). Congress has doubled the NIH budget over the last five years, providing our best scientists new resources for attacking these problems. Given the widespread impact of urologic diseases, however, the basic science research effort continues to lag.

H.R. 1002, the Training and Research in Urology Act, was introduced to provide urologic scientists the tools they need to find new cures. It will create a Division of Urology at the National Institute of Diabetes and Digestive and Kidney Diseases, the home of the urology basic science program, and expand existing research mechanisms, like the successful George O'Brien Urology Research Centers. This will give NIH new opportunities for investment in efforts to combat and vanquish these diseases.

Millions of men and women are afflicted by these diseases. I urge my colleagues to join me as cosponsors of H.R. 1002.

TRIBUTE TO MANUAL HERNANDEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I pay tribute to Manual Hernandez of Grand Junction, Colorado. Manual's selfless and courageous acts demonstrated tremendous heroism when he came to the aid of a fellow Coloradan. I am proud of Manual's extraordinary valor, and believe it appropriate to pay tribute to his actions before this body of Congress and this nation.

While eating breakfast in a Grand Junction restaurant, Manual heard a cry for help. Without hesitation, he rose to his feet and went to the rescue. Outside, Manual found an eight-year-old girl trapped beneath the tire of a car. He quickly recruited two additional men to help lift the vehicle. The men, fueled by a desire to save the young girl, raised the vehicle with Herculean strength and pulled her to safety. She is now recovering in a Grand Junction hospital.

Mr. Speaker, it is my great honor to rise before this body of Congress and this country, to pay tribute to Manual Hernandez, a humble and remarkable human being who risked his own life to save another. I join my colleagues in thanking Manual for his tremendous act of heroism.

TRIBUTE TO PERKINS T. SHELTON

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Perkins T. Shelton, a relentless fighter for equal rights and equal representation.

Perkins Shelton came to St. Petersburg thirty years ago and was a driving force in our community ever since. A leader in the St. Petersburg branch of the NAACP, he was elected secretary of the branch at the age of 88. Mr. Shelton was a mentor to numerous black leaders in the community and was a constant voice encouraging blacks to become active in the political process.

Most notably, Perkins Shelton left an indelible mark on our voting system. After successfully fighting to replace Florida's multi-member legislative districts with single-member districts, Mr. Shelton worked to obtain equal representation in Pinellas County. A driving force for fair representation for all voters, Mr. Shelton was a leader in securing four single-member district representatives on the Pinellas County Commission.

An advocate of continuing education, Mr. Shelton went back to school to become a paralegal, specializing in elder law. Working for Gulf Coast Legal Services, he fought discrimination against the elderly. Mr. Shelton never gave up the fight—he was even writing letters on behalf of the St. Petersburg Commission on Aging at age 91.

Mr. Shelton was a Walter Mondale delegate to the 1984 Democratic National Convention. He served on the Environmental Development Commission, Housing Authority and Fair Housing Board and was a chairman of the legislative committee of the St. Petersburg Council on Human Relations. In 1988, the City of St. Petersburg gave Mr. Shelton a Senior Hall of Fame Award in honor of all his contributions to our community.

St. Petersburg is undoubtably a better place to live thanks to Perkins Shelton. On behalf of our community, I would like to extend my deepest sympathies to Mr. Shelton's family. His impact will not be forgotten.

TRIBUTE TO COMMAND MASTER CHIEF ROBERT CONKLIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, it is with a great deal of pride that I rise before this body of Congress and this nation today to pay tribute to an American hero. Command Master Chief Robert Conklin stands as a fine example of our fighting men and women of the Armed Services who have dedicated their lives to protecting their nation and their fellow citizens. Master Chief Conklin has given thirty-four years of service to his country, and I am honored to pay tribute to his accomplishments here today.

Robert Conklin enlisted in the Navy in 1969, and has accomplished a long and distinguished career. He has served as Command

Master Chief, the highest rank for an enlisted man, on the USS *Conolly*, the USS *Dwight D. Eisenhower*, and the USS *Bataan*, and currently serves aboard the USS *Ronald Reagan*. Through his service, Master Chief Conklin has earned numerous awards, including the Meritorious Service Medal, the Navy Good Conduct Medal, and the Navy and Marine Corps Achievement Medal.

Mr. Speaker, Command Master Chief Robert Conklin is the kind of dedicated and devoted serviceman who young recruits look to for guidance and encouragement. He has enjoyed a stellar career, and has earned the admiration of his fellow shipmates, as well as the respect of the citizens of the country he has committed his life to serving. I am deeply honored to join with my colleagues in recognizing the tireless work and dedicated service of Master Chief Robert Conklin here today.

VERNON CHAPEL A.M.E. CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the members of Vernon Chapel A.M.E. Church of Flint, Michigan, to congratulate them on their successful completion of a $2 million expansion/renovation project. The church will hold a dedication ceremony to celebrate this blessed achievement on Sunday, November 9, 2003. Bishop Philip R. Cousin, the Presiding Bishop of the Fourth District of the African Methodist Episcopal Church, will be the guest preacher and will preside over the dedication.

The expansion of Vernon Chapel A.M.E. Church started with a vision 10 years ago and now that vision has come to life. Proverbs 29:18 states that "Where there is no vision, the people perish." Vernon Chapel A.M.E church is definitely alive, and growing by leaps and bounds. One proof of that growth is their newly constructed 8,700 square-foot family life center. The church and community will utilize the facility for wedding receptions, recreation events and banquets. Inside the church, seven new classrooms were added along with four offices, an elevator, and six restrooms. They have also added a day care and health care site. The church's purpose in starting this project was to give back to the community. They saw a need and they fulfilled it. With the newly expanded facility, the church will be able to spread the Gospel to more people in different ways. Reverend Darryl Williams, Pastor of Vernon Chapel for 13 years, stated to me that completion of this project is a testament to their faith, their progressive attitude and their desire to serve the people of Flint and Genesee County in a greater capacity. The members of Vernon Chapel A.M.E. Church are beyond doubt dedicated to the work of the Lord.

Mr. Speaker many people in Genesee County have greatly benefited from Vernon Chapel A.M.E. Church outreach. This church consistently thrives to make the community a better place to live and worship. I ask my colleagues in the 108th Congress to please join me in congratulating this fine Christian community on a job well done.

TRIBUTE TO WILLIAM "SARGE" BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. William "Sarge" Brown of Grand Junction, Colorado is an active member of the skiing community and a great citizen. For his years of hard work and many contributions to Colorado's ski industry and his local community, I am honored to pay tribute to Sarge here today.

Like many of his generation, Sarge heeded his country's call, serving in the Army during World War II and the Korean War. At the end of the Korean War, Sarge directed a mountain and winter warfare program for Dartmouth College's Reserve Officer Training Corps. He retired from the military in 1966 as a Sergeant Major, and began work at Vail Mountain where he worked his way up the ranks to become Mountain Manager. While at Vail, Sarge worked to help make the resort the world-class destination that it is today. Sarge retired from Vail in 1989, and was inducted into the National Ski Hall of Fame in 1990. Today, Sarge remains active in the skiing community by serving on the board of the Powderhorn Recreation and Development Company.

Mr. Speaker, William "Sarge" Brown has dedicated many years to serving his country and his community, first in the Army, and then as Mountain Manager at one of Colorado's most beloved ski resorts. His hard work and contributions to his community are an inspiration, and I am honored to join with my colleagues in recognizing the work of William "Sarge" Brown here today.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. ETHERIDGE. Mr. Chairman, I will reluctantly support this Iraq Supplemental Appropriations bill conference report for our troops and their families.

I will support this bill because we must support our troops and we must continue to engage the effort in Iraq to its successful conclusion. I have the honor of representing the Army's Fort Bragg, Pope Air Force Base and many Guard and Reserve units in North Carolina. Many of them are serving in Iraq while their families here at home pray for their safety and speedy return. This bill increases funds to purchase body armor for our troops and to contract for the clearing of unexploded ordnance. The bill provides funding for the contracting of security guards to replace reservists currently performing these duties. The Army has indicated this provision would permit the demobilization of 7,000 to 10,000 reserve component soldiers. The bill also includes a provision to continue the increased monthly rate of hazardous duty pay and Family Separation Allowances through September 30, 2004. These provisions are very important to the military families in my district because they have a very real impact in relieving some of their financial burden. I am proud my Democratic colleagues in the House and I have successfully led the fight to secure these needed funds.

I have serious reservations about this vote because despite the brilliant and valiant action of our soldiers to defeat the evil regime of Saddam Hussein, this administration has failed to implement an adequate plan to win the peace. This Administration has failed to level with the American people and the Congress about the true costs and duration of the ongoing war in Iraq. The American people and their Representatives in Congress deserve true and honest presentation of the facts, especially on such weighty matters of war and peace. Before the Administration comes back to Congress with another request for more funds, I want to see an honest assessment of the duration and costs of the operations in Iraq and a realistic plan for a lasting peace in that troubled region of the world.

In conclusion, Mr. Chairman, I would prefer that the House could act on amendments to address this conference report's shortcomings, but we were not given that option. Despite my reservations, I will support this bill because it is the best option we have before us to win the peace in Iraq. I will support this bill on behalf of the people of North Carolina's Second Congressional District and the men and women in our armed forces.

TRIBUTE TO FIRE CAPTAIN FRANK NEMICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. Fire Captain Frank Nemick recently announced his retirement from the Pueblo Fire Department. For his selfless dedication and many years of service, I am honored to pay tribute to Frank here today.

From the time he was a young boy, Frank always wanted to be a firefighter. He joined the Pueblo fire department in 1964 and served at Station 4 in Bessemer. Over the years, he worked hard and quickly advanced up the ranks. Frank has dedicated his life to helping the citizens of the Pueblo community. Whenever someone was in trouble or in need of assistance, Frank was always ready to come to their rescue. His enthusiasm and dedication are infectious, and he has influenced several members of his family to follow him into a career as a firefighter.

Mr. Speaker, for thirty-nine years Frank Nemick selflessly served his community and his neighbors, and he will retire as a Captain from Station 10 at Pueblo Memorial Airport. His hard work and dedication are truly an inspiration. As he prepares for his retirement, I am honored to join with my colleagues in thanking Frank for all his hard work and in wishing him all the best in the years to come.

IN HONOR OF THE 2003 DALLAS VETERANS DAY PARADE AND PARADE GRAND MARSHALL HON. SAM JOHNSON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 2003 Dallas Veterans Day Parade and the Parade Grand Marshall, our friend and colleague Congressman SAM JOHNSON (Texas-3rd). We are honored to be here alongside our proud veterans and their caring supportive families who have made their country proud time and time again. It is important to recognize our veterans today. However, veterans should be honored everyday for their selfless sacrifices, not just simply only on Veterans Day.

The 2003 parade will pay special tribute to the 30th Anniversary of the return of Prisoners of War from Vietnam. Dallas CAN! Academy has prepared a special float in honor of these Vietnam POWs. In addition to the return of the Vietnam POWs, the 100th Year of Flight and the 50th Anniversary of the end of the Korean War are also given special recognition in the parade.

The 2003 Dallas Veterans Day Parade is also proud to welcome home and honor our nation's latest veterans. Today we pay tribute to many of the fine men and women that served in combat during military Operations Enduring Freedom in Afghanistan and Iraqi Freedom in Iraq and that have safely returned home. During this critical and turbulent time for our world, we continue to pray and ask for the blessings of our servicemen and woman who are currently serving in Afghanistan, Iraq, and throughout the rest of the world in service to our beloved nation.

We would like to congratulate our colleague Congressman SAM JOHNSON for serving as the Parade Grand Marshall for this outstanding annual Dallas tradition. Honoring a great American hero like Congressman SAM JOHNSON is especially appropriate with the Parade's special tribute to the 30th Anniversary of the return of our POWs from Vietnam. Congressman JOHNSON, after graduating from Southern Methodist University, began his 29 year career with the United States Air Force. Our colleague flew 62 combat missions during the war in Korea and was shot down on his 25th sortie during Vietnam. Sam was captured and held as a prisoner of war for over 7 years, with half of this time being spent in solitary confinement. His courage and strength serves as an inspiration to our veterans and current servicemen and woman, and we are proud to serve with him today in the House.

The Parade's military keynote speaker, Lieutenant General Thomas P. Stafford is a veteran astronaut and we are delighted to hear his remarks. General Stafford went into space on two Gemini missions and later commanded Apollo Ten. General Stafford served as the U.S. Commander for the Apollo-Soyuz rendezvous in 1975.

We would like to thank one of our favorite native sons for being with us here today for the Parade, General T. Michael "Buzz" Moseley, Vice Chief of Staff for the United States Air Force. General Moseley is a loyal Aggie alum, having served in the Corps of Cadets at Texas A&M. He is a distinguished officer and aviator, and is a true leader for the Air Force.

We appreciate the assistance of current military units that will be participating in the parade all of the local business and community leaders for their financial support. Thank you Congressman JOHNSON for your service to America, and God Bless our current men and women in uniform and all those that have preceded them in service to the country.

NATIONAL CEMETERY EXPANSION ACT OF 2003

SPEECH OF

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. CRENSHAW. Mr. Speaker, I rise today in support of H.R. 1516—because it keeps a commitment, a sacred commitment to the men and women of our military.

As a country we honor our veterans for their service, their commitment, their sacrifice.

Our veterans did not serve to become heroes. They did not fight because they enjoyed battle. They went to war because this country asked them to go to war. They served to defend our freedom.

This supreme dedication deserves supreme recognition.

Mr. Speaker, Florida has almost 2 million veterans and only four veterans cemeteries. One is full. One only accepts cremated remains. The other two are at least half a state away from my district. This leaves no option for Northeast Floridians who served without question.

Veterans want this cemetery. Veterans need this cemetery. Veterans deserve this cemetery.

Mr. Speaker, I am pleased this House is acting.

TRIBUTE TO HUGH THACKABERRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 2003

Mr. MCINNIS. Mr. Speaker, it is my great honor to rise and pay tribute today to a remarkable man from my district. Hugh Thackaberry of Fruita, Colorado, a fine man and devoted citizen, was wounded many years ago in service to our nation. I am proud today to bring his valor, courage, and patriotism to the attention of my colleagues here today.

Hugh was a squad leader in the Army's 2nd Infantry Division during the Korean War. In May of 1953, Hugh was injured in battle in North Korea's Chorwon Valley. After being removed from the battlefield, Hugh was transported to a mobile field hospital. At one point during Hugh's recovery, the hospital was overcome with American casualties. Although injured, Hugh selflessly climbed from his bed to render aid to his fallen countrymen. This action epitomizes the integrity and self-sacrifice that defined Hugh's service to his country. For his bravery, Hugh was awarded the "Wharang Distinguished Military Service Medal" by the government of South Korea.

Recently, the United States awarded Hugh the Purple Heart, recognizing his many sacrifices for his country. I am proud to have the privilege of presenting him that medal for his honorable service.

Mr. Speaker, I am honored to rise and pay tribute to the heroism of Hugh Thackaberry. His personal sacrifice and patriotism are an illustration of the spirit of a great American. I am extremely proud and honored to recognize a national Hero. Thanks Hugh for your service.

REAUTHORIZING CERTAIN SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS FOR FY 2004

SPEECH OF

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PUTNAM. Mr. Speaker, as the House takes action to extend authorization of School Lunch and Child Nutrition Programs, I wish to take this opportunity to raise an important issue relating to achieving greater nutritional benefits for the children of this nation.

Today we face a continuing challenge in improving the quality of the American diet, particularly among our nation's children as we see an alarming increase in obesity that leads to coronary heart disease, cancer, stroke and diabetes. As Congress considers comprehensive reform of School Lunch and Child Nutrition Programs in the near future, it is imperative that federal nutrition services provide the fundamental tools to promote lasting health through sound nutritional choices.

The U.S. Surgeon General reports that fruit, juice and vegetable consumption are a central part of a commitment toward better health and provide protective effects from most cancers, heart disease and obesity. Unfortunately, most children and adults do not meet the recommended guidelines of five servings a day of fruit and vegetables, with only 15 percent of elementary students and a quarter of adults consuming the recommended requirement. Unbelievably, one of our major nutrition programs, the Women's, Infants and Children's (WIC) program, does not even allow participants access to fresh fruits and vegetables.

The Healthy America Act (H.R. 2592), bipartisan nutrition legislation that I have sponsored, is aimed at promoting better health and the prevention of chronic diseases by expanding and enhancing policies that encourage the consumption of fruits, vegetables and juices in schools and in the WIC program. Particularly among needy Americans, school feeding and other nutrition programs often provide the primary opportunities for consumption of nutritionally valuable foods. This legislation would provide students and WIC participant's greater access to fruits, vegetables, and juices in federal feeding programs and expand the extremely successful Fruit and Vegetable Pilot Program nationwide.

Current federal nutrition guidelines also must be revised so that they are consistent with current dietary and nutritional science for some of the neediest Americans, including expectant and nursing mothers, infants and children. The WIC program is nearly 30 years old and has changed little during that time. The Healthy America Act would require that dietary guidelines be revised regularly in keeping with modern dietary science and allow WIC participants access to fresh fruits and vegetables currently prohibited under the program.

As Congress continues to consider long-term reauthorization of Child Nutrition and School Lunch Programs in the coming year, I urge adoption of these critical provisions in the Healthy America Act to give the children of this nation the access to nutritional benefits they deserve.